

## Railroad Conflicts in Colorado in the 'Eighties\*

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This year of 1945 marks the 75th anniversary of the coming of the first railroads to Denver and Colorado—the Denver Pacific and the Kansas Pacific—now both part of the Union Pacific system. It also marks the 75th anniversary of the founding of the Denver & Rio Grande Railway Company, which has been so interestingly celebrated this fall. References were made to the beginnings of the three railroad systems that located their lines in Colorado in the 'seventies and that have survived to this day: the Union Pacific, the Denver & Rio Grande, and the Atchison, Topeka & Santa Fe, in the order named.

The railroads in Colorado seem almost consciously to have written their two opening chapters by even decades. Their first conveniently began with a new calendar decade in 1870. And to celebrate the close of that first ten year period, the Denver & Rio Grande and the Santa Fe, after their lines had met at Pueblo, staged the famous battle for possession of the Royal Gorge which involved armed warfare as well as two years of bitter litigation in both federal and state courts. The story of this contest is a chapter in itself.<sup>1</sup> Its historical importance is in the fact that it deflected the Denver & Rio Grande from its southward course to Mexico City westward into the mountain country, and the Santa Fe in turn gave up its attempt to follow the Arkansas River above Canon City and turned its line southwestward. Those two railroads thereupon entered into their first tri-partite agreement with the Union Pacific, and the reader may be left with the impression

\*This is the address that was given by Justice Jackson of the Colorado Supreme Court at the Annual Meeting of the State Historical Society, December 11, 1945.—Ed.

<sup>1</sup>R. F. Weitbrec, in *The Trail* magazine of September, 1924, from an interview with Mr. Weitbrec by Mr. Albert E. Sanford for the State Historical Society.

that thereafter concord prevailed among the railroads. Nothing could be further from the truth.

This wrong impression may be partly explained by the fact that, in comparison with the decade of the 'seventies, the history of the 'eighties is more meager. And yet, the present conformation of the railroad map of Colorado is much more the result of what went on in the 'eighties than in the earlier decade. This statement applies not merely to the number of new railroads locating in Colorado and the increased mileage of all railroads within the state, but also to the bitter conflicts between the rival railroads out of which has come their present location. Few realize that two other major railroads entering Colorado across the eastern plains were, in addition to the Santa Fe, contenders for the mountain passes and the western slope of Colorado.

In place of the Royal Gorge war of the 'seventies, the decade of the 'eighties substituted: first, the battle for Leadville, and later, the struggle for Aspen and the control of the Grand or (as it is now called) the Colorado River.

It was all a part of the battle for control of the gold, silver and other mineral wealth which had been found to exist in the mountains of Colorado. Central City and Black Hawk were thus involved. Leadville was already a prosperous mining camp by 1880, and the Denver & Rio Grande was pushing its narrow gauge line up the valley of the Arkansas to Leadville and then a few miles over Tennessee Pass to the mines at Red Cliff. A little later another narrow gauge line—the Denver, South Park & Pacific, with Governor Evans as one of its leaders—was built from Denver up the South Platte and across the South Park country to Dillon and Leadville. This road reached Leadville in 1884 to compete for the mining business that the Denver & Rio Grande had been handling since its arrival, July 20, 1880. In the early 'eighties, the Denver & Rio Grande narrow gauge line to Grand Junction, via Salida, Gunnison, Montrose and Delta, was being built, and General Palmer had organized and built a separate narrow gauge road, known as the Rio Grande Western, from Grand Junction to Salt Lake and Ogden.

It was in 1883 that the first railroad conflict of the 'eighties occurred. This was an internal explosion within the Rio Grande family itself, resulting in first General Palmer leaving the presidency of the Denver & Rio Grande and later resigning his directorship. Three of the five directors had been placed on the board through the influence of Jay Gould. With Frederic Lovejoy as the new president of the Denver & Rio Grande, there soon occurred a rupture with the Rio Grande Western under Palmer. As a result of these quarrels, the Denver & Rio Grande refused

to meet its obligations under the lease and the interest on the Western Company's bonds went unpaid. Some efforts were apparently made by Palmer to lease the Rio Grande Western to the Union Pacific, and feelers were put out to the Burlington, but its president, C. E. Perkins, replied that the two Rio Grandes must settle their own difficulties.<sup>2</sup> The Union Pacific project fell through. The Rio Grande Western Company, forced to default on its bonds because the Denver Company failed to meet its contract, filed a petition for receivership against the Denver Company, alleging nonpayment of indebtedness. As soon as this petition had been filed, Lovejoy in fury ordered the tracks joining the two companies near the Utah border torn up and the telegraph wires connecting the two lines were also disconnected. The mere recital of this episode excites curiosity as to how such a suicidal thing could come about. There is not time to digress, except to mention one possible explanation that has been suggested, i. e., that one of the directors of the Denver & Rio Grande was in reality a Union Pacific man whose object was to promote internal strife in its rival's organization.<sup>3</sup> For the Union Pacific had by then acquired control of the Denver, South Park & Pacific. If such be true, then this director had the satisfaction of seeing both Rio Grande companies go into receivership on July 12, 1884.

The receiver of the Denver & Rio Grande Railway, appointed by Judge Moses Hallett of the Federal District Court for Colorado, was my father, William S. Jackson. He had been with the Denver & Rio Grande at its inception as treasurer, then later as secretary and executive vice-president until toward the end of the first decade he had resigned to give all of his time to banking in Colorado Springs. Two immediate steps taken by him as receiver were (1) to restore rail and telegraph service at Grand Junction with the Rio Grande Western, so that through train service could be resumed between Denver and Ogden; and (2) assure all employees that their wages would be paid in full.

In the same year that the Denver & Rio Grande went into the hands of a receiver, the finances of the Union Pacific had reached a precarious condition verging upon receivership, with creditors large and small—including the United States Government—threatening to throw it into bankruptcy. It was at this critical junction that Charles Francis Adams, Jr., great-grandson of the second president of the United States and grandson of the sixth president, and former State Railroad Commissioner of Massachusetts, was prevailed upon to take the presidency. Every trip of Adams into Colorado involved conferences with Jackson

<sup>2</sup>D. & R. G. W. Archives.

<sup>3</sup>William L. Scott was a member of both boards.

in regard to the Leadville business of the two roads.<sup>4</sup> Colonel D. C. Dodge, of the Rio Grande, had reported to his company in the year 1883, prior to the receivership, that the division was roughly 60 per cent to the Denver & Rio Grande and 40 per cent to the Denver, South Park & Pacific in spite of the fact that the haul to Denver was one hundred miles longer via the Denver & Rio Grande.<sup>5</sup> He ascribed this showing to the better equipment and handling facilities offered by the Denver & Rio Grande. The roads were energetic competitors and periodically engaged in cutting rates against each other. A passenger trip from Denver to Leadville for twenty-five cents seems to have been the cheapest fare that was reached.

By 1885 David H. Moffat had succeeded Frederic Lovejoy as president of the Denver & Rio Grande, although the property of course remained in the hands of the receiver. Lovejoy's withdrawal was signaled by an editorial in the *Colorado Springs Gazette* which bore the title "Goodbye Freddie."<sup>6</sup> W. S. Cheesman took Lovejoy's place on the board of directors, and the receiver Jackson was also elected a member of the board.

The Burlington railroad, which reached Denver in 1882, in the meantime had been running a system of surveys over the Continental Divide near James Peak and down the Grand River canon to Glenwood Springs and beyond. Engineer Arthur Ridgway, of the Rio Grande, states that some actual work of construction was performed along this proposed Burlington line, particularly in the canyon east of Glenwood Springs.<sup>7</sup>

This was the situation when, in 1885, the new mining developments began to make the mountain community of Aspen a place of importance.<sup>8</sup> Jackson early called the attention of the Rio Grande bondholders to the Aspen activity. The bondholders, a majority of whom were English and Dutch, were represented in New York by George Coppell, who served as chairman. Later the Scotch bondholders, hitherto part of the English group, appointed their own chairman, Mr. Fleming, who came to Colorado during the receivership and made an independent report to the Scotch bondholders on the condition of the railroad property. But the bondholders were slow to act, not merely because of distance and general lethargy, but also because the Fleming report to the Scotch bondholders had pointed out that it was the branch lines

<sup>4</sup>"Extracts, Diary of Charles Francis Adams, Jr., 1884-1886," in possession of the author.

<sup>5</sup>David C. Dodge to William J. Palmer, July 20, 1883. D. & R. G. W. Archives.

<sup>6</sup>D. & R. G. W. Archives.

<sup>7</sup>Arthur Ridgway, "Denver & Rio Grande, Development of Physical Property," p. 39.

<sup>8</sup>The materials quoted in this and in the following paragraphs are from the private correspondence and files of William S. Jackson, receiver and later president of the Rio Grande, in possession of the author.

of the Rio Grande that had been losing money and that the main lines had always more than paid their way.

The receiver sent to the committee in London maps of Colorado showing every mountain pass in the state, together with a letter discussing the value of each pass for the location of a railroad line. He noted that the Burlington had made locations in the valley of the Grand. He also reported on the activity of a new group, the Colorado Midland Railroad Company, with headquarters in Colorado Springs—a company that had originally been incorporated to build a road from Colorado Springs to Leadville, and whose charter was later amended to include the building of a line from Leadville to Aspen and also on down the Roaring Fork to Glenwood Springs and the Colorado state line. He took every occasion to urge upon the spokesman for the bondholders prompt action to protect the interests of the Denver & Rio Grande in the new Aspen fields.

On March 23, 1886, Jackson wrote Coppell:

Since my return from New York I have carefully watched the movements of the Midland Company and am fully persuaded they intend building the line from Leadville to Aspen, and that they will begin very soon. They have applied to some of our civil engineers to go to work for them; have been negotiating with Orman & Crook, large railway contractors, for grading their line; have bought depot grounds in Leadville; have secured an ordinance from the city of Leadville granting them the right of way through the city. I am still of the opinion if we could go to work at once forcefully, they would not build, though I have no advices to this effect. Whether they build or not, the Rio Grande interests should take possession of the valley of the Eagle and the Roaring Fork Creek at the earliest practicable moment.

On March 31st he wrote Coppell:

I met Mr. Moffat this evening and he outlined his talk with you in New York referring to building the line from Red Cliff to Aspen, and, based upon this talk, we joined in the following despatch to you:

"After consultation we think it wise to prepare and file at once amended organization papers for both Railway and Construction Companies to be ready for work as soon as funds are provided. Your Committee should announce publicly your purpose of building at once."

Mr. E. O. Wolcott, my counsel, is now on his way east to lay before you the exact situation. . . .

On April 7th he again wrote Coppell:

After talking with Mr. Moffat and receiving your favor of March 29th, enclosing copy of your prospectus for subscriptions for building the line from Red Cliff to Aspen, I called on Judge Hallett and obtained his permission to have made an accurate survey of the line from Red Cliff down the Eagle to where it reaches the Grand River and from there down the Grand to Glenwood Springs. \* \* \* He consented to my going on with the work [spending \$10,000 on surveys, etc.] with the understanding that any new company organized to build will pay the expense when they get into shape.

On April 10, 1886, Jackson wrote to Howard Gilliat, Chairman of the reorganization committee in London. After describing the route of the Midland and the proposed line of the Rio Grande, he writes:

The Burlington Co. announce their intention of making further surveys this season, so there may be a conflict through what is known as the Cottonwood Canon (about eighteen miles of difficult work). Since the question of immediate construction has so suddenly been forced upon you, as a matter of protection to your interests, so far as I could do so, I have put four surveying parties in the field to make an absolute location of the line from Red Cliff to Glenwood Springs. In the Cottonwood, being the canon next Glenwood Springs on the Grand River, we will be forced to take the opposite side of the River from the Burlington location or have a conflict which might be costly and delay us with costly and damaging litigation. I am led to believe we can secure as good a location as they have without interfering with what they claim is their acquired right in the least. . . .

An impulse has suddenly developed for building railways, and the Rio Grande Company may be—nay, will be—shorn of much of its tributary territory and traffic if it is not at once aggressive and forceful. I have several times been approached by outsiders wishing to make traffic contracts so that they could build from Montrose to Ouray.

This Burlington threat in the valley of the Grand was the first to worry the new receiver. The fact that the Burlington, shortly after the episode described by Jackson in the foregoing letter, did not continue its aggressive policy of expansion may be ascribed to the financial difficulties it subsequently encountered.

That the Burlington's intentions were serious up to that time may be inferred from the fact that its president, Charles E. Perkins, had a high opinion of the prospects of the Grand Valley in western Colorado—high enough, in fact, to join Jackson, of the Denver & Rio Grande, and Dr. G. F. Adams (apparently not related to Charles Francis Adams, Jr.) of Boston, in a joint land development in and around Grand Junction and eastern Utah. This was the occasion for fairly frequent correspondence between Perkins and Jackson until death intervened. The letters of Perkins, privately published by his children, indicate a continuing friendship paralleling the business enterprise. It was the children of this Perkins who, after his death, presented the Garden of the Gods to the city of Colorado Springs.

In the meantime the Midland situation was becoming more pressing. A rather long letter, dated May 15, 1886, from Coppel to Jackson contains the following pertinent passages:

In the past few days I have had two or three interviews with a Mr. Joseph R. Busk of this city . . . (formerly a merchant here in very high standing, but now retired altogether from active pursuits) who had a considerable interest for himself and his friends in the Midland Road. [He also was a brother-in-law of Lord Lidderdale of the Bank of England.] The interviews were brought about quite unsolicited on my part by Mr. Minturn (who, you will remember is somewhat in the nature of a representative on our Committee of the

English holders of the D. & R. G. Securities, and a warm personal friend of Mr. Busk). In the conversation I have had with Mr. Busk I have taken the ground that the D. & R. G. must in its own interest build from Red Cliff via Glenwood Springs to Aspen,—He as strongly maintaining that the Midland Road would have to be built between Aspen and Leadville, but whether it should be continued eastward to Colorado Springs depended altogether upon the attitude we took. If inimical the Midland would be continued eastward, if friendly, and we could come to terms with them, in all probability they would stop at Leadville. . . .

Mr. Busk suggested at our last interview, that it might be that an interest in the Midland Road from Aspen to Leadville could be assigned to the D. & R. G. Co., or parties in its interest, and a traffic contract made for a term of years, which would insure us the business from Leadville. . . .

Mr. Busk and his friends, with some ladies of their families, forming a party, leave on Monday morning in a special car, and I should be obliged if you would extend to them whatever facilities you think advisable in a journey over the D. & R. G. Road. Socially they are all of the highest standing, here and in London.

Jackson's letter of May 20th to Coppel further sets forth the Denver & Rio Grande position:

I have your valued favor of May 15 advising me of your interview with Mr. Joseph R. Busk and of his intended visit to Colorado. I shall be glad to meet him, and in compliance with your request, to extend to him such courtesies as I can. I had the pleasure of an introduction to him while in New York.

The Midland question is a very troublesome and annoying problem. Considered as an independent enterprise with its initial point at Colorado Springs, it was and is regarded by practical railroad men as a very weak scheme, because of the unavoidable heavy cost of construction and excessively high grades, taken in connection with the amount of business it can, under any ordinary circumstances, hope to command; but once built it would be there and would cut a very important figure, if in no other way than in making rates for the other roads to do business on. Its strength has been and is (1) the presence at Colorado Springs of a rich, ambitious and restless invalid (Hagerman), (2) the fact that Hagerman, Wheeler and Otis, and perhaps others who are subscribers to the Midland pool, are interested in Aspen mines, (3) the knowledge that the Rio Grande hasn't the money in hand to extend from Rock Creek to Aspen, (4) the belief that the Rio Grande is not governed by an aggressive policy, (5) the expectation that the prosecution of the Midland Co's. work with vigor will tend to discourage construction by the Rio Grande and perhaps prevent it absolutely, (6) that in the latter event, the Midland will have a monopoly of the Aspen and Glenwood Springs business, with a choice of connections at Leadville, and, (7) that in the event of the Rio Grande building the Midland can connect with the South Park at Leadville.

I fear that the unfortunate delay in raising the money for the extension from Rock Creek may prove very costly to the Rio Grande interests. The fact of there being no decisive action in that respect is well known and clearly understood by the Midland people, who are watching every movement we make. And what adds strength to the belief that they are banking on the advantage that a forced march will give is, that they let their contracts in advance of even a preliminary line over a considerable part of the route, and that they are now locating directly ahead of the graders in Frying Pan gulch. This is not the course for prudent men to follow except in pursuit of any object believed to be worth the extra cost it involves. I incline to the belief that if we could announce that we had the money in hand

and that construction would be begun forthwith, we could control and stop an antagonist. It might be necessary to reimburse him for all expenditures, but this we could well afford to do in view of the amount at stake.

It is difficult to convey to you the importance of this whole question, and perhaps impossible to impress those of the security holders who have never been in Colorado with the danger that threatens a considerable portion of our business. . . .

As to doing anything with Mr. Busk, my position is such that I cannot contract with the Midland people even if I deemed it wise to do so. So far, my position has been identical with the one you name—that the Rio Grande interest must occupy the valley of the Grand whether anybody else builds into the same district or not. This position is, in my judgment, a perfectly sound one. The Rio Grande system is large enough to compel such an aggressive policy in the defense of its extended interests. It cannot afford to endure even a thorn in its side without an effort to get rid of it, and certainly, it should be prepared to contest the ground with an enterprise that proposes to invade the territory from which its best income is derived.

While these negotiations were going on, it may be asked—what was the Midland actually doing? The first president's report to the Midland stockholders, dated April 4, 1887, signed by James J. Hagerman as President, contains the following statements:

The Colorado Midland Railway Company was organized . . . November 23, 1883, and by its charter was authorized to construct a railway of standard gauge beginning at Colorado Springs and running in a westerly direction through Manitou, South Park, Leadville (a branch to Aspen), Glenwood Springs, Elk Creek, and from thence by such route as might be chosen to the western state line of Colorado. . . . Early in 1886 a successful attempt was made to raise the money to build the road from Colorado Springs to Elk Creek and the branch to Aspen, a total distance of 250 miles. . . . On June 1, 1886, a contract was entered into with the Colorado Midland Construction Company by which it undertook to do all the grading and masonry on the whole line from Colorado Springs to Aspen and Glenwood. . . . The first work, under the preliminary contract with the Construction Company, was commenced May 17, 1886.<sup>9</sup>

This is apparently the only president's report Hagerman ever made, he being succeeded by John Scott as president the following year.

Under date of July 15, 1886, a first mortgage deed of trust was executed and recorded by the Midland to secure the payment of an authorized issue of \$6,250,000 of 6 per cent bonds. This is signed and acknowledged by Hagerman as president. There is a recital in this deed of trust that the bonds were issued pursuant to approval obtained at a stockholders' meeting in Colorado Springs under date of July 12, 1886, held for that purpose. Another recital is to the effect that the company had surveyed and located, and was then engaged in constructing so much of its line as lay between Colorado Springs and Leadville and between Leadville and Aspen.

<sup>9</sup>This annual report was obtained from the Baker Library, Harvard School of Business, Harvard University.

On July 12, 1886 (just two years to the day from the time the receiver had qualified), occurred the foreclosure sale under the mortgage of the Rio Grande bonds. The organization meeting of the new company, The Denver & Rio Grande Western Railroad Company, incorporated for the purpose of taking over the property of the former railway company at the foreclosure sale, was held in Denver on July 15, 1886, at which Jackson was elected president at a salary of \$20,000 and, among other officers, Edward O. Wolcott was elected general counsel at a salary of \$10,000, and David H. Moffat became a director of the new company. Jackson and Moffat were the only Colorado directors, just as in the old company.

It will be noted that the date of the foreclosure sale of the Rio Grande bonds, July 12, 1886, is the very day that the Midland stockholders held in Colorado Springs their meeting which authorized the bond issue to be used in payment for the construction of the new road. These dates and the current statements made by Hagerman in his official capacity support the words of Frank Hall in his *History of Colorado*,<sup>10</sup> that the Midland was organized "evidently upon the opportunity afforded by the prostrate condition of the Rio Grande." The Midland was trying to steal a march on the Rio Grande before it could come out of receivership, for it now appears that even before the Coppell-Busk conversations in New York City the Colorado Midland had entered into a contract with the Western Union Telegraph Co., dated May 7, 1886, for the construction of a telegraph line along the whole railroad from Colorado Springs west.<sup>11</sup> When Busk and his Midland associates had their complimentary trip on the D. & R. G., they had already signed the Western Union contract, they had raised the money for the construction of the railroad from Colorado Springs to Leadville as well as from Leadville to Aspen, and the execution of the Midland Construction Co. contract had been authorized. And, when Jackson became president of the reorganized Rio Grande company, construction work on the Midland had actually been in progress for approximately two months.<sup>12</sup>

After noting the foregoing facts, it is interesting to observe that this first Midland report contains a typewritten slip of paper, pasted into the first page of the report. This slip contains the following sentence: "This report is NOT intended for publication, and Stockholders will please consider the information contained herein CONFIDENTIAL." The typewritten advice may explain why it has been so difficult to locate a copy of this first Midland report, one being finally discovered in the Baker Library of the Harvard Business School.

<sup>10</sup>Frank Hall, *History of the State of Colorado*, III, 124.

<sup>11</sup>*Documents relating to A. T. & S. F. R. R. Co.*, III, 736.

<sup>12</sup>Loc. Cit.

Construction operations on the Midland continued during the rest of the summer of 1886, during which time the diary of President Adams of the Union Pacific discloses that he was elsewhere than in Colorado, which he did not visit until fall. Pertinent entries in his diary relating to his Colorado visit are as follows:

Sunday, September 19. Cheyenne. Got in at breakfast. Drove out to hospital with Calloway and Dr. Gordon. Met E. O. Wolcott at hotel. At 2 o'clock started special for Colorado Springs. Got there at 7 o'clock. Hotel full. Passed night at Mr. Jackson's.

Monday, September 20. Colorado Springs. With Calloway, breakfast with Jackson. To see Hagerman at 10:30. Lunched at Jackson's. Off to Canon City at 4 o'clock. Passed night at hotel.

On the same day, namely: September 20, 1886, Jackson wrote Coppel as follows:

The Union Pacific people and the Midland people have been together today and it now looks as if a formal meeting of all parties in interest would be called to meet in Kansas City on about next Monday night. I will telegraph you when the date of the meeting is determined upon. I wish you and Mr. Wilson and Mr. Welsh to come to Kansas City. . . .

The next day (September 21) he followed up with a subsequent letter in which he said, among other things:

The U. P. are growing bold and strong and Mr. Adams says boldly unless a trade is made with the Midland by which they stop building from Colorado Springs to Leadville, that he will at once begin constructing a line from Fort Steele on their main line 180 miles west of Cheyenne to Glenwood Springs and thence to Aspen.<sup>15</sup> This would damage us and the Midland as well. Should we decline to meet the conditions demanded by the Midland, my idea is Adams will deal with them without us, if conditions are at all within reason, then we are forced to build from Rock Creek to Aspen at once or be cooped up. Whatever the outcome we must attend the meeting and get a final settlement of the position of this Midland question. The reason of Adams and Hagerman agreeing upon Kansas City was that it was a half-way point for his people who are coming out, and yourselves. Mr. Adams is ready to act at once for the Union Pacific without consulting anyone.

On September 23 Jackson wrote Coppel:

. . . After the interview [with Hagerman] Mr. Adams told me it looked as though an agreement might be arrived at whereby the Midland would abandon so much of its line as lay between Colorado Springs and Leadville, and said he would put his ideas in writing in shape of a letter to Mr. Hagerman and send me a copy. On my return from Leadville tonight, I find his letter to Mr. Hagerman with a letter to me enclosing same; I send you herewith copies of both and also my reply. You will readily see that Mr. Adams' proposal boiled down means, 1st, the abandonment by the D. & R. G. R. Co. of construction to Aspen, and the incidental advantages of occupation of the valleys of the Eagle and Grand; 2, the extension of the Union Pacific line from Fort Steele to Dillon and thence via South Park to Leadville. They propose to make a practical partnership with the Mid-

<sup>15</sup>The record of these filings may be found in the National Archives, "Dept. of the Interior, General Land Office," Washington, D. C. The author has the official land office record showing the vacating of these filings in 1927.

land, proposing to give them an outlet to the west and north by the proposed line from Leadville via Dillon to Fort Steele, and ask the Rio Grande to give up its natural line and to give up its valuable coal and coke business to them without a struggle.

On the same day, Jackson wrote to Adams stating that if Adams' letter to Hagerman embodied his views or anything approximating them, it would be useless for any of the Rio Grande officials to come to Kansas City. On the 24th Jackson sums up the situation to date in a letter to Gilliat in London, England:

. . . A year ago, at the time I first wrote of the necessities of the case, the game was in our hands had we started construction. We were reasonably sure of winning had we started as late as last April, when the Midland first took the field, and there has not been a day lost since that has not been of great harm to us. From the beginning, the Burlington has been a factor in the problem; the Midland followed as a disturbing element, and now the Union Pacific having got rid of its floating debt, and the President feeling strong in his position, comes in to still further complicate matters. The jig is not up by any means, but all our antagonists are encouraged by the listless, do-nothing policy we have shown, and the people of Colorado are fast coming to the conclusion that the D. & R. G. will allow itself to be flanked out of the strong position it has earned through years of persistent effort.

Mr. Adams, President of the Union Pacific, never would have written such a letter unless he entertained views about the helplessness, weakness or sleepiness of the D. & R. G. equal to the coolness of his proposition.

A letter from Coppel to Jackson, dated October 2, 1886, reads:

Yours of the 20th, 21st and 23rd ult. and telegram of the 24th, on the subject of the Aspen branch came duly to hand, and I lost no time in calling a meeting of the Board of Directors to consider their contents. Your letter to Mr. Adams, of which you enclosed a copy, is dignified and proper, and his communication to Mr. Hagerman shows that we must depend upon our own resources and not look for any alliance beneficial to us there.

In the meantime, their letters apparently crossing, Jackson had written to Coppel, under date of September 29th, as follows:

Enclosed please find the last correspondence between Mr. Adams and myself.

There now is absolutely nothing for the Rio Grande Co. to do but to occupy the territory. If we agree to stay out the agreement would probably not be respected. After the other lines were thoroughly established some pretext would be found for violating it. Nothing is much respected in railway matters but the absolute power to enforce your claim. Some controllers and managers will doubtless be willing to keep the agreements they make, but controllers and managers change and the corporations continue.

By way of diversion, let us look at the entries in Adams' diary covering these final days of negotiations:

Wednesday, Sept. 22, Leadville: Left Gunnison at 7 sharp and ran over Alpine Pass to Leadville. Drove round town in afternoon. Dined on Choates car. In evening we all saw Leadville by gaslight—an awful spectacle of low vice.

Thursday, Sept. 23, Denver: Glad to leave Leadville at 8 o'clock. Ran over High-line and Breckenridge Pass to Denver, Jackson and

Ricker of D. R. G. following us on special. Got to Denver at 5 o'clock. Dined at club. Henry Emmons there.

Friday, Sept. 24, Colorado Central: Off at 7 o'clock and to Greyhound, met Richardson of Stockyards. Back to Denver at 6 o'clock. Drove round Idaho Springs—dreary hole! Dined at Club with Wolcotts. Jackson of D. & R. G. flew off the handle in evening.

Saturday, Sept. 25, Fort Collins & Stout: Sent Dr. Gordon off by D. & R. G. to Salt Lake. Started at 8 o'clock for Boulder. Henry Wolcott with me trying to sell his D. U. & P. road [Denver, Utah & Pacific]. To Stout and charming ride to Buckthorn quarries and Loveland. Back to Denver. Met employes and Hagerman.

The only references to Hagerman in Adams' diary are their two meetings of September 20th and 25th. The correspondence arising therefrom indicates that Adams and Hagerman had worked out a tentative deal for their respective roads which was to be further developed in a proposed subsequent meeting in Kansas City—a meeting which Jackson, with the approval of his board of directors of the Rio Grande, refused to attend.

So the race was on for Aspen—a race that in spite of the year's delay, so exasperating to Jackson and Moffat, still ended in the D. & R. G. actually reaching Aspen ahead of the Midland. Even in the following year there was doubt in some quarters concerning the completion of the Midland. Witness the following letter from Coppel to Jackson, dated February 27, 1887:

With reference to your letter of the 18th inst., enclosing copy of your correspondence with Mr. Clark [vice-president of Missouri Pacific], I think it worth while to mention to you that Mr. Gould told a friend of mine today (possibly intending it should reach me) that he would prefer to make an arrangement with the D. & R. G. than with the Midland, as he did not believe in the Midland's completion.

From this I presume he refers to Leadville business (as you write he has secured the D. & N. O. road) and it might be worth the money it will cost to put down a third rail from Pueblo to Leadville.

But I send you this in confidence to use for your information in dealing with Mr. Clark.

P. S. Russell Sage, who was present, said he did not think the Midland would be completed; they would get tired of spending money.

The Denver & Rio Grande reached Aspen on November 7, 1887. It was narrow gauge. The Colorado Midland reached there before the end of the year. It was the first broad gauge line to cross the Rockies in Colorado. First constructed over Hagerman Pass, its grades were later reduced by the building of the Busk-Ivanhoe Tunnel (more recently known as the Carlton Tunnel). Thereafter the profitable Aspen business was shared by the two roads, even as the Leadville business hitherto shared by two roads now had three competing roads.

But the Midland and the Rio Grande were not merely competing for the new Aspen trade. Near Basalt, where the Midland reached the Roaring Fork and turned southeast up that stream to Aspen, it also followed downstream to Glenwood Springs and

then still farther down to New Castle. The Rio Grande, in the meantime, also pushed on down the valley of the Grand to Rifle. Both roads were proposing to occupy the valley of the Grand to Grand Junction—the Midland's subsidiary company, that had filed on that portion of the Grand River, was known as the Colorado Railroad Company, of which Charles H. Toll was president. Toward the end of 1889, an agreement was worked out between the two roads by which they would surrender their rights and filings on the Grand River to a third company to be organized—the new company to be named the Rio Grande Junction Railway Company—in which each would own 50 per cent of the stock.<sup>14</sup> It was agreed that this company should build one single line of railroad from Rifle to Grand Junction which they would jointly use. The Junction Company then issued its fifty-year 5 per cent bonds, due in 1939, and it is interesting to note that the vice-president of this Society, Mr. Henry Swan, in his capacity as co-trustee of the D. & R. G. W., succeeded in 1943 in obtaining the approval of the Federal District Court for Colorado for the retirement of these bonds at par and accrued interest. The D. & R. G., during the intervening years, had acquired all of the stock of the Rio Grande Junction owned by the Midland.<sup>15</sup>

It will also be observed that the farthest point west of the Colorado Midland's line was New Castle, and that the Rio Grande Junction's farthest point east was Rifle. At the time of creation of the Rio Grande Junction Railway Company, therefore, it was necessary that the Midland should also obtain a lease allowing it to run over the some thirteen or fourteen miles of Rio Grande track extending between New Castle and Rifle, and this was done.<sup>16</sup>

Lest it be assumed that these two competing railroads, having reached an amicable settlement on those particular points of their conflicting interests, had been going along amicably in respect to all other phases of their railroad operations, it should be pointed out that in 1889, the very year the Rio Grande Junction's bond issue is dated, President Moffat's annual report to the stockholders of the D. & R. G. for that year, explains a decrease in earnings by ascribing it partially to a rate war with the Colorado Midland in the first three months of 1889. And in later years rate wars again broke out, and litigation occurred between the two roads.

An interesting sequel to the conflict between the D. & R. G. and the Colorado Midland Company is seen in an article from the *Investors' Review*, published in London, July, 1894, entitled "Re-

<sup>14</sup>See official contracts in D. & R. G. W. Archives.

<sup>15</sup>*Ibid.*

<sup>16</sup>These contracts and leases are in the D. & R. G. W. Archives.

organization: Reminiscence." It is written by one of the members of the London committee of the Denver & Rio Grande bondholders. The article appears in full in the forthcoming two volume work on William Blackmore by Herbert O. Brayer, the State Historical Society's Archivist,<sup>17</sup> to whom I am indebted for other data in this paper. Eight years after the event, this London bondholder writes in part as follows:

Meantime the inevitable change occurred in the Western States. Prosperity dawned again—grew and grew rapidly, as things do grow there. The tide had turned; had we been alive we had floated happily with it. But we were in the dead hands of a Receiver. He was a very capable man. He was on the spot and saw the signs of the times. He cabled that a great development had occurred in a certain section of the country near our road. It was essential that the line should be extended there at once; otherwise some one or more of our neighbors would build in there. The residents said a line they would have. We were deaf. He cabled again and again with more and more emphasis. Still we were deaf. Build an additional branch! It would stultify our experts and reproach our policy. Our business was with "the knife." Our 100,000 pounds of cost would have built that branch. That was past praying for. No one would, we said, find money to build a line like this at such a time. Recent events would deter them. All such questions must be for the consideration of the new board. The branch was built, and it was built quickly, but not by us. Before the new board entered on its office there was a line right into the heart of our system—an alien line—tapping the traffic that should have been ours, and lowering our rates forever. For when we ascertained who found the money for this, there was a look of dismay amongst us—at least, there was something akin to it, for we all had a good opinion of our handiwork. The money was found by gentlemen in London, from an office not a stone's throw from where we sat and deliberated.

The impulse to build railways in the territory tributary to the Rio Grande, referred to by its receiver as being prevalent, seems to have existed in the eastern plains of Colorado as well as in the mountain districts. We have already noted the fact that the Burlington reached Denver in 1882. The Santa Fe completed its extension from Pueblo to Denver in 1887. The Missouri Pacific, west bound from Kansas, keeping north of the Santa Fe line in the Arkansas Valley, reached Pueblo in 1887. And the Rock Island, on a course still farther north, reached Colorado Springs in 1888.

It has been claimed that the construction of the Midland was responsible for the Santa Fe building its line from Pueblo to Denver. This theory seems to be of doubtful validity. The Santa Fe, prior to the Royal Gorge fight in the late seventies, had planned to build from Pueblo to Denver, but that contest and the arrangements resulting from it obviated the immediate need. But the Santa Fe had always intended to tap the Denver, as well as the Pueblo, gateway. The following reference in Smiley's *History*

<sup>17</sup>Herbert O. Brayer, *Economic Exploitation in the Southwest: A case study. II. William Blackmore and the Founding of the Denver and Rio Grande Railway*, 237 et. seq.

of *Denver* would make it appear that the Santa Fe's plans for building to Denver had been completed even before the Midland had been started:

The Denver extension had been determined upon two or three years before it was built, but the Santa Fe Company had some difficulty in obtaining an entrance to the city.<sup>18</sup>

When one observes the present tortuous line of the Santa Fe from the interlocking switch at South Denver to the Union Station, it is safe to add that the D. & R. G. did nothing to remove the Santa Fe's difficulty.

On October 25, 1890, the directors of the Santa Fe approved the acquisition of the Midland railroad by purchasing all of the stock and guaranteeing the outstanding 4 per cent bonds. In Carl F. Graves' monograph on the Colorado Midland occurs this explanatory paragraph:

For quite some time prior to this event, the Midland had had an agreement with the Atchison to interchange traffic, and had agreed to give all the business it legally could to them to haul to Denver and to Kansas City. However, according to the Atchison, the Colorado Midland had, since the first of July, failed to live up to this agreement, and this fact, and the great desire on the part of the Atchison to regain the business thus lost, was advanced as the reason for the purchase.<sup>19</sup>

By this purchase of the Midland, the Santa Fe, ten years after the settlement of the Royal Gorge fight, had acquired a rival line to the D. & R. G. in the heart of the latter's territory.

Reference has already been made in some of the correspondence to the fact that the Missouri Pacific, controlled by Gould, preferred to make an operating arrangement with the D. & R. G. rather than with the Midland. The correspondence indicates that this feeling persisted and culminated in a final traffic agreement.

A letter dated February 17, 1887, from Jackson to S. H. H. Clark, vice-president of the Missouri Pacific, reads:

It may still come about that you will find it to your interest to connect with the Rio Grande line at Pueblo and share in the large business that it delivers to that point, gathered up in the various parts of the State of Colorado, and also in the through traffic to the Pacific Coast and Utah, if under the operation of the Inter-State Commerce Bill any of the through business is left to us.

In a letter dated April 4, 1887, Clark wrote Jackson as follows:

We have decided to construct the line to Pueblo in accordance with our previous conversation, relying upon fair, equitable contract with the D. & R. G., by which an interchange of business may be effected, mutually advantageous to both companies. Mr. Gould is in full accord in this movement. He is quite anxious to make your acquaintance, and suggests, if agreeable to you, he would like, at the proper

<sup>18</sup>Jerome C. Smiley, *History of Denver*, 615.

<sup>19</sup>*Bulletin No. 36*, The Railway & Locomotive Historical Society, Inc., p. 19. (Baker Library, Harvard Business School, February, 1935.)

time, to have you in the Missouri Pacific Directory. He intends to visit St. Louis in the next few days, when I hope he will have an opportunity of meeting you, as he expects, while in the West, to make a trip to Colorado, and while there shall endeavor to have him see you.

The preference to enter into traffic arrangements with the D. & R. G. expressed by Gould may partly have been dictated by self-interest because of his heavy personal holdings of securities covering the Leadville division of the D. & R. G.

In a little more than a month after Jackson had received from Clark the letter dated April 4, 1887, he resigned as president of the D. & R. G. and was succeeded by David H. Moffat. W. S. Cheesman took Jackson's place on the directorate. Before resigning Jackson had made a study of the new Interstate Commerce Law of 1887, which had created the Interstate Commerce Commission. This study had indicated that, on the traffic as it then existed, the road could probably do better as a local carrier on a short-haul basis than as a through carrier on a long-haul. Despite the indicated more favorable result from using local rates instead of through rates, the management had decided to try to do business on the through rates. Jackson had also vigorously and more than once protested the payment of a dividend to the preferred stockholders of the newly reorganized corporation, arguing that the road was still in its formative stages and needed to conserve its funds for further extensions to protect itself from its rivals. It is believed that Jackson also foresaw the increasing dominance of Gould in Rio Grande affairs.

In respect to the Rock Island, the claim has been made that it would never have been built to Colorado Springs had it not been for the existence of the Colorado Midland. The following facts tend to disprove this claim. It appears that President Cable, of the Rock Island, spent considerable time in the summer and fall of 1887 in Colorado to determine the best method of projecting the Rock Island Railroad west, and out of his investigations came a trackage agreement, dated February 15, 1888, over the D. & R. G. between Denver and Pueblo. Subsequently, a Colorado corporation was organized with the assistance of the D. & R. G.—the name of which was the Chicago, Rock Island & Colorado Railway—to build a line from Colorado Springs to the eastern boundary of Elbert County, near Limon. Apparently the D. & R. G.'s assistance to the Rock Island even went to the extent of supplying the incorporators for this new Colorado corporation. The original trackage contract into which President Cable had entered provided that this Colorado company build its line of railroad to Colorado Springs, and only by so doing could it avail itself of the trackage rights.<sup>20</sup> The conclusion seems inevitable that Colo-

<sup>20</sup>Memo. to author from Mr. A. O. Gibson, secretary's office of C. R. I. & P. Ry., October 6, 1945.

rado Springs as a terminal point was a mandate of the D. & R. G., rather than being the free choice of the Rock Island. It will be recalled that Rock Island trains until recent years were operated over D. & R. G. tracks, especially between Pueblo and Colorado Springs.

As to the Union Pacific, we can not leave that road without disposing of the question of whether its threat to build south from Fort Steele into the Valley of the Grand River in Colorado was serious. Recent investigation indicates that the Union Pacific made considerable expenditures in the following items, namely: (a) surveying and actual location of right-of-way; (b) making filings on that portion of the route that went through the public domain; (c) keeping these filings alive by appropriate renewals. These rights were finally abandoned in 1927.<sup>21</sup>

If the Union Pacific had serious intentions of building south from Fort Steele, why did it not carry those intentions out? A possible explanation lies in the fact that soon after the three-cornered contest between the Union Pacific (through the Denver, South Park & Pacific), the Midland and the Rio Grande had taken place, Jay Gould, being already in the driver's seat on the Rio Grande and being president of the Missouri Pacific, acquired control of the Union Pacific. From his standpoint, there was no need of one road which he controlled invading the territory of another which he also dominated. After having achieved control of the Union Pacific, he allowed Adams to remain as president until 1890 when he forced the removal of the man who, as the author of *A Chapter on Erie*, had in that monograph criticized his methods. It is appropriate to note at this point that Moffat, in the ensuing year of 1891, was replaced as president of the Rio Grande by an out and out Gould man, E. T. Jeffery. One reason suggested at the time for Moffat's having lost favor with the New York directors was that he had incurred an expense of \$200,000 for surveying a line running west from Denver, over the Continental Divide, in the neighborhood of James Peak.<sup>22</sup>

So far mention has been made of the railroads that entered Colorado from its eastern boundary in the 'eighties and the one road, the Rio Grande Western, which entered from its western boundary. It should be noted here that in 1881 the Denver & New Orleans Railroad had been organized by Governor Evans and his associates. By the end of the decade this line, whose first section ran from Denver to Pueblo, was later extended to Trinidad and

<sup>21</sup>Official land filings, Office of the Chief Counsel, Union Pacific Railroad, Omaha, Nebraska.

<sup>22</sup>Moffat, in 1884, had become one of the incorporators and supporters of the newly incorporated "Denver, Utah and Pacific Railroad." See articles of incorporation, consolidation and amendments, office of the Secretary of State, Denver. This was one of the forerunners of the "Moffat Road," the present Denver & Salt Lake Railroad Co.

another railroad, running southeast across the Cimarron Valley of northeast New Mexico to Texline, Texas, was also built—The Denver, Texas & Gulf. At the end of the decade in 1890, the Union Pacific acquired this north and south line into Texas which became known as the Gulf Division of the Union Pacific. This line was the forerunner of what is now the Colorado & Southern and the Denver, Texas & Fort Worth.

Thus the story of the Burlington, the Santa Fe and the Union Pacific—each of which was a serious threat or an actual contestant for the mountain area of Colorado—differs from the two other railroads entering Colorado from the east, i.e., the Missouri Pacific and the Rock Island. The latter two reached their western termini at the base of the Rockies with a peaceably arranged operating contract for exchange of traffic with the D. & R. G. Both roads have continued ever since to have friendly traffic arrangements with the latter road.

At the end of the decade the situation which had existed ten years earlier, in 1880, had materially changed. The present general physical conformation and pattern of the railroads had been made by 1890. This applies not only to the transcontinental railroads, but to the D. & R. G. which, while it constructed 337 narrow gauge miles in the 'seventies, built 1588 miles in the 'eighties, and by 1890 had completely broad-gauged the present main line via Pueblo, Leadville, Glenwood Springs and Grand Junction to Salt Lake and Ogden. In contrast, the new mileage in the 'nineties was only 317.

As the 'eighties saw the largest increase of railroad mileage of any decade in Colorado's history, those years also saw a large part of it come under the control of one man—Jay Gould. We have seen how Gould, through his control of the Missouri Pacific, the Denver & Rio Grande Railroad, and the Union Pacific, including its subsidiary the Denver, South Park & Pacific, had attained control of the Leadville-Aspen trade, thereby eliminating the need for the building of the Fort Steele extension by the Union Pacific. The Santa Fe, which had felt Gould's influence in the early contracts for supplies in the 'seventies when it was building west, was still, in spite of its purchase of the Midland, curbed by the Gould power through another tri-partite agreement with the Union Pacific and the D. & R. G. for the division of Colorado traffic. The Denver, Texas & Gulf was directly under Gould through his Union Pacific control, as well as the road north from Denver to Cheyenne—the former Denver Pacific. The Rock Island, otherwise independent of Gould, felt his influence through the traffic agreement with the D. & R. G. The Burlington, which had withdrawn from the mountain area without a real fight, alone of all

the major railroads in Colorado, apparently seems not to have felt the Gould touch.

This is the comparatively serene railroad picture as it existed in Colorado in 1890. Nevertheless it clearly disclosed a railroad structure depending largely upon the will of one man. When that man died in 1894, a new series of kaleidoscopic events soon overlaid the picture of the 'eighties.

## Acquisition of Old Fort Garland, the Healy House, and the Dexter Cabin

EDGAR C. McMECHEN

In furtherance of its policy to preserve some of the more significant historic buildings of Colorado the Board of Directors of the State Historical Society has voted to accept title to old Fort Garland in the San Luis Valley, and to the Healy House and Dexter Cabin in Leadville. This announcement was made at the annual meeting of the Society on December 11 by President John Evans.

A deed to old Fort Garland, together with forty acres of the old United States Military Reservation, has been received by the Society. The City Council of Leadville, which held title to the Healy House, has voted to transfer this property to the Society, while the Leadville Historical Society, which holds title to the Dexter Cabin, has taken action to transfer this property.

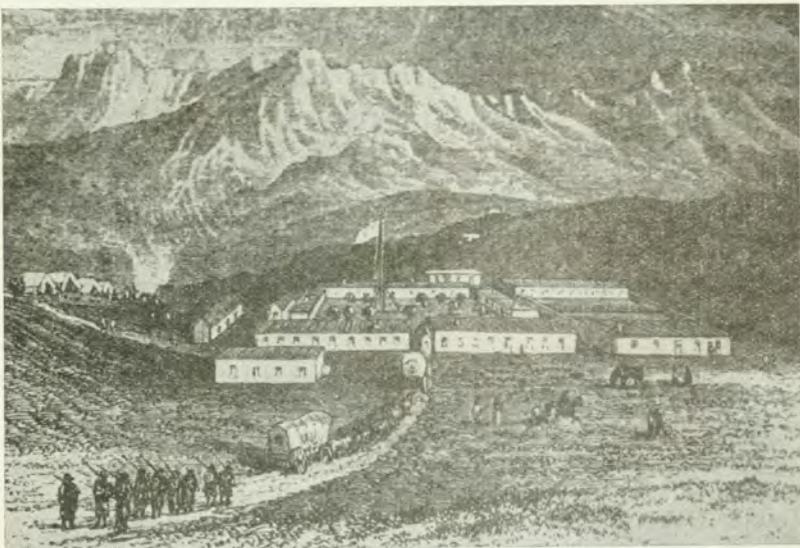
The State Historical Society plans to preserve these properties as historic house museums representative of the periods during which they reached their greatest degree of development. Last July, the Society also announced that it had taken over Chipeta Memorial Park near Montrose, Colorado, which will be developed as a memorial to Ouray, the great chieftain of the Utes, and his wife, Chipeta.

Old Fort Garland was built in 1858 of adobe. It was the successor of Fort Massachusetts, a log structure built in 1852 as a protection against Indian depredations. This fort stood near the source of Ute Creek and at the foot of Old Baldy Peak. However, it was located so close to surrounding hills that the Indians were able to shoot into the fort from these vantage points. Hence the adobe structure was built six miles below, on Ute Creek, and was named after Brigadier General John Garland, then commandant at Fort Union, New Mexico.

During 1866 and 1867 Brigadier General Kit Carson commanded here. During the period when Colonel Sam Tappen was

commandant the Espinosa bandits, estimated to have killed between 25 and 30 people, were located on Sangre de Cristo Pass. Tom Tobin, the famous fur trapper, was sent to locate them and killed two, decapitating both bodies and bringing the heads into the Fort.

It was at Fort Garland also that Col. Mackenzie, then commandant, assembled the troops that removed the Northern Utes from Colorado after the Meeker Massacre.



OLD FORT GARLAND

Sketch from *Harper's New Monthly Magazine*, May, 1876

Fort Garland was abandoned by the government in 1883. The property was purchased by William H. Meyer, formerly lieutenant governor of Colorado. In 1928 a group of public-spirited citizens formed the Fort Garland Historical Fair Association and purchased the property to preserve it. F. E. Grimwood was first president, Dr. Frank C. Spencer, first vice-president, and Luther E. Bean, first secretary. Other men who joined to save the fort were George Hoagland, Charles Shumate, E. L. Stoller and W. S. Parrish. A total of 605 people contributed to the cause. The following directors, representing the shareholders, transferred the property to the state: Don Shumate, George Hoagland, Luther E. Bean, Henry Escherman, W. S. Parrish, E. L. Brenneman, E. L. Stoller and Hubert Johns.

The State Historical Society proposes to maintain the military atmosphere of the Fort. The Cavalry Barracks will be used to

house a period museum, featuring Spanish conquest and settlement, the fur trade era, military exploration and Indian wars.

Of especial interest are the surrounding historical points: Pikes Stockade site, already owned by the state; San Luis, the oldest settlement in Colorado; and the old trappers' trail between Taos and Fort Laramie, which passed in the vicinity of the Fort and crossed the mountains at Sangre de Cristo Pass.

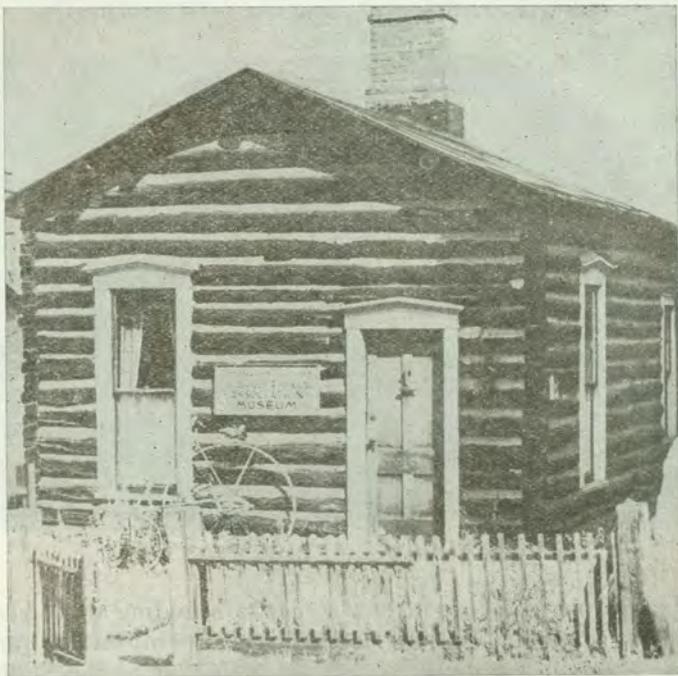
Work upon the restoration will commence as soon as conditions affecting labor and materials permit. However, work will be done next summer to prevent further deterioration.



THE HEALY HOUSE AS IT APPEARS TODAY

Healy House is a large frame structure standing at the head of Harrison Avenue in Leadville on the highest point in that famous mining camp. It was built by August R. Meyer of the St. Louis Smelting and Refining Company. In 1876, he erected for his company the first ore sampling works in Leadville. The Leadville Historical Society secured the property and installed in the house furniture and fixtures of the eighties from the homes of wealthy mining magnates. The original paper is on the walls and the original carpets on the floors. Even the old heating stoves, ornamental lamps, china, silverware and other relics were secured. Several years ago the Society deeded the property to the City of Leadville. The house at one time belonged to Dan Healy, a Leadville real estate man, and its present name was derived from that family. Dan Healy left the property to his cousin, Nellie Healy, who gave it to the Leadville Historical Society.

The Dexter Cabin, standing on West Third Street near Harrison Avenue, is the oldest cabin in Leadville, having been built in 1879 by James V. Dexter, Leadville banker and mining man. It is built of square-hewn logs. Dexter furnished it in the most luxurious fashion. The walls were covered with expensive leatherette, the floor was of matched walnut and white oak. A handsome brick fireplace stands in the center of the cabin. The original flooring and wall covering are still in place. Here the wealthiest men in Leadville gathered for convivial stag parties.



THE DEXTER CABIN, LEADVILLE

The State Historical Society proposes to continue Healy House as a historic House Museum reminiscent of the "Elegant Eighties," and hopes to move Dexter Cabin to the Healy House grounds in order to afford a more practical administration.

No city in Colorado has contributed more to the development of the state than Leadville. It gave stability to Colorado at a critical time. Its fame spread throughout the entire world. In glamour and romance it rivals the Mother Lode Country of the California Argonauts. The Healy House, therefore, will stand as a monument to Colorado mining history.

The purpose of the historic house museum plan is threefold. First, it will serve to preserve some of the most significant buildings in Colorado history. Only a handful of these remain. Secondly, these museums will serve as regional museums through which local history throughout the state may be gathered and preserved for posterity. Thirdly, they will serve to bring the state museum and its great resources of research material to the people of the state through traveling loan exhibits and educational extension work. They will be operated as branches of the Colorado State Museum under the Museum Committee of the Board of Directors and the Curator of the State Museum.

## A Pioneer Lawyer and Some Dramatic Incidents of Delta History

ULA KING FAIRFIELD\*

In looking over family documents which have come into my possession since the death of my mother, I have been deeply impressed by the letters written to my father by friends of the bench and bar of Delta County. My father received these while in the hospital in 1916. And I am proud of the tributes expressed by church, school and other organizations on his death in May of that year. By reading these over and over my father's personality and leadership is again brought to mind. By way of introduction, I must tell you something of my father and mother.

Upon his graduation from the Union College of Law in Chicago in 1882, my father, Alfred Rufus King, came to Colorado and opened an office for the practice of law in Gunnison, Colorado. However, on a business trip to Montrose, Colorado, father met Albert Amsbary and E. L. Kellogg. These young men had taken up claims in Delta County, a new settlement in a sunny valley of the Uncompahgre. They persuaded him to move there. He became deeply interested in the settlement and growth of the community, accepting and enjoying all the romantic and unusual conditions which confronted pioneer lawyers and judges of the early days.

The Ute Indians left the Delta country in September of 1881 and on October 1st of that year a town site was selected and agreed upon by M. C. Vandeventer, a Mr. Anderson, and George Crawford. A survey of the town was made by Samuel Wade of Lake City. This survey having been completed, Delta, formerly

\*Mrs. Fairfield, wife of former State Senator Golding Fairfield, lives in Denver today. She writes here an interesting account of some early events in Delta County history.—Ed.

known as Uncompahgre, was laid out by the Uncompahgre Town Company, on April 6, 1882. A patent was issued on June 9, 1886, to my father as mayor of the town, in trust for the occupants.<sup>1</sup>

In July of 1883 my father was appointed County Attorney, to serve the remainder of the year at a salary of \$75.00. In November of 1883 he was elected County Judge and from that time on he was always referred to as "Judge." When he brought my mother to Delta she was often called "Mrs. Judge." Their marriage took place in Cambridge, Illinois, on December 24, 1884.



MR. AND MRS. GEORGE STEPHAN (LEFT) AND MR. AND MRS. ALFRED R. KING, AT NIGHTS TEMPLAR CONVENTION, 1893

They had a honeymoon of a few days at the American House in Denver and then went to Delta on the "Baby Train of America," so named because the Denver and Rio Grande was then all narrow gauge from Denver to the Western Slope. Father and mother arrived in Delta on New Year's Eve. They settled in the little four-room house on Main Street, the only painted house in Delta.

On their first Sunday they attended church in a small frame building on the site of the present Methodist Church. The Rev.

<sup>1</sup>Frank Hall, *History of the State of Colorado*, IV, 113-115.

L. C. Aley preached the sermon, and according to mother's description, he wore no collar, had never known a haircut, and his bare toes showed through holes in his shoes. At that service the County Physician, Dr. Ulford L. Albers, played the organ, and W. O. Stephens, the County Coroner, took up the collection.

Father and mother were a distinguished looking couple as they went to church that day. Father dressed in a Prince Albert coat and striped trousers, was tall, erect and slender, with brown hair and a carefully brushed "handlebar" mustache. Mother, tall and graceful, dressed in her second-best silk dress, her brown hair beautifully braided and a smile in her gray eyes.

In a letter to mother before her marriage father described Delta as,

"a broad fertile valley at the confluence of the Uncompahgre and Gunnison rivers. The valley is surrounded on three sides by high mountains, and on the north by Grand Mesa, a huge table mountain rising 10,500 feet, its surrounding mesas covered with pinon, cedar and heavy forest; a sublime spectacle seen from the end of Main Street. I love the barren mesas, the cold rushing creeks and the everlasting sunshine."

When mother gazed, almost speechless, upon the town of Delta, lying on a crust of white alkali, with its tumble weeds and greasewood, she exclaimed, "Fred, this is the jumping-off place; and Fred, where are the cold rushing creeks?"

Important happenings seem less important in the telling, but I remember my father's ability to dramatize the simplest things, and my mother's joy in telling of the old days, and I am impelled to write and preserve a record of my father's achievements, as lawyer and judge, and to relate, as I remember them, a few of the dramatic events in Delta history.

No history of Delta County is complete without accounts of the Bank Robbery of 1893; the Grand Mesa Feud; the Double Slaying of Ben Lowe and Cash Sampson; and the story of Charley Fong, the Chinaman. I remember them very well, and the part my father played in two of them.

#### Heroes Sung and Unsung

In Memorial Terrace in Forest Lawn Cemetery, Glendale, California, is a crypt in the "Sanctuary of Refuge." This crypt is number 6205, and is just off to the right of the window depicting "The Last Supper." The only inscription on the crypt is

"William Ray Simpson, 1862-1940"

In Delta, this young Kentucky boy was known as Ray Simpson. His mother died, and was buried in Delta in 1887. Ray and his father decided to stay in Delta, and Ray went back to Kentucky

to claim the hand of Mary Ann Hays. They were forced to elope, as Judge Hays declared, "There is no family as good as ours."

In 1888, Ray and Mary Ann were married in Decatur, Texas, and made Delta their home. Ray told the story to his children and grandchildren of his first sight of Mary Ann Hays, as she jumped horses at the County Fair in Kentucky. She was just fourteen years old at that time, and Ray but eighteen, but Ray said, "there's a pair of thoroughbreds if I've ever seen one, and I'm going to marry that girl when she grows up."

He married her, and in Delta, they lived on the next corner from our family, and their three daughters were my playmates.

One stifling hot day in early September, my cousin, Ed Caldwell, who was living with us at that time, raced home on his bronco with a message for mother. He was out of breath and could hardly talk as he told mother to take us children over to Mrs. McGranahan's and stay till father came home. The bank had been robbed, he said, and Mr. Blachly, the cashier, shot and killed. Later on, father came home, walking with Ray Simpson, who was followed by a crowd of men and boys, all proud to be near him. Ray Simpson, the hero!

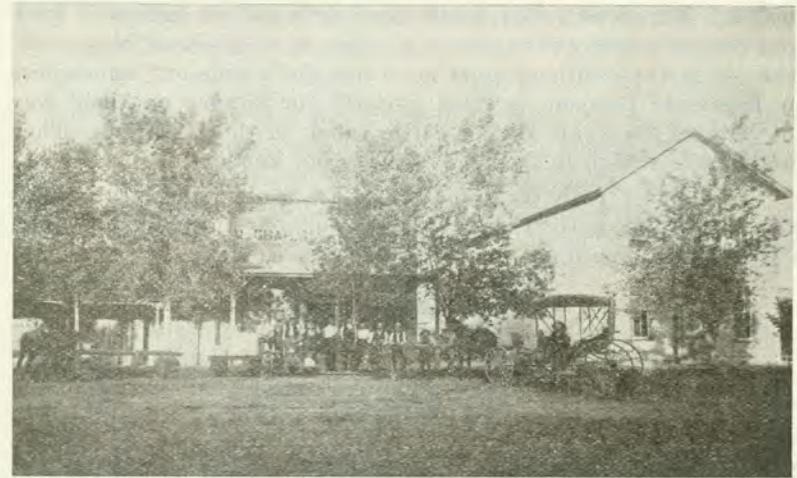
Ray had been cleaning and oiling his rifle in the back room of Simpson and Corbin's hardware store, when the alarm was given by men running and shouting, "the McCarthy gang have robbed the bank, and killed Blachly!" It took Ray but a second to load his gun, and just as he reached the door, the robbers swept up the alley from the bank on their horses. Ray fired, killing the first rider. He fired again, shooting the second McCarthy brother through the head. The next shot killed a horse, which sprawled in the alley against the door-sill of the store. The youngest brother escaped and was never captured.

As long as a McCarthy was alive, Ray Simpson was never easy, as he was constantly receiving threatening letters and he confessed that he was jumpy and carried a gun when he went out at night. His wife suffered a complete nervous breakdown, and died when Joel was a tiny baby. Joel, the youngest Simpson daughter, owns the two guns taken from the robbers, and Ray's grandson in La Jolla, California, is very proud to own the Sharp's rifle which killed the robbers.

I was five years old then; I remember how hot it was that day. I can remember seeing the dead horse in the alley. I remember the money scattered in the alley, and that Mr. Wolbert, the bookkeeper and assistant cashier, was sent out to tell Mrs. Mary Blachly that her husband had been killed.

In the Delta cemetery is a broken-down grave enclosed by a gray picket fence. A weather-beaten board marks the resting

place of A. T. Blachly, the cashier, who refused to "stick 'em up" as he was ordered, stood his ground, and protected the bookkeeper and the money bags as long as he could. On a poor, barren little ranch on Garnet Mesa, Mary Blachly, a cultured woman from Oberlin College in Ohio, lived on, rearing her nine boys, sending them all to school, teaching music, playing the organ at church, and taking her place among the unsung heroes of the world. Her sons have lived to become well-known scientists, writers, and students of authority on social problems in this and other countries.



DELTA, COLORADO, ABOUT 1885

I received this letter from Fred Blachly this summer of 1945:

July 27, 1945.

4323 Cathedral Ave., Washington, D. C.

Dear Ula:

It certainly has been a long time since those old Delta days. I remember very well how you used to skate on our pond, and that my mother liked to "have a girl around, as she had so many boys." I went back about five years ago for a few weeks and I felt like Rip Van Winkle. I knew no one under forty years of age. The highways and automobiles had so changed things that I no longer had my bearings. I remember it used to take us almost two days to reach the top of Grand Mesa; now less than an hour. It was unbelievable that there should be a road up the point of the Grand Mesa, where there was formerly only what we called a shirt tail trail so steep that in places horses and cattle had to jump up three feet to make the next step. We were lucky enough to be there on Deltarado Day, when they put up a really big pageant of the early days of the Western Slope. My oldest boy is in the Strategic Services somewhere for the moment in California. The second son a medical staff sergeant in the Pacific area. My oldest boy, when not in the army, is an associate editor of the *Readers Digest*, and is their specialist on labor problems. Both

boys are musical, Fred playing the 'cello and Howard the violin. My wife is with the Foreign Economics Administration. I have been with the Brookings Institution, a research agency, for the past twenty years, writing books on government and administration. I hope to teach in the near future somewhere on the western coast. If I do, I shall drive out there by way of Colorado and hope to look you up in Denver.

FRED BLACHLY.

Senator Charles Blaine from Delta told me last month that the gruesome pictures of the McCarthy brothers are tacked up in the sheriff's office in Delta. For many years these pictures were wrapped in a newspaper and lay in my father's bureau drawer. The dead robbers had been propped up against a barn and their pictures taken, one with the top of his head blown off! The McCarthy brothers must have had their hide-out somewhere in Escalante Canyon, as they stopped for supper on their way to Delta at the John Musser cattle ranch in the Escalante. They might have ridden in from Utah. I do not know.

In a letter from Taylor Geer of Delta, he tells me that his wife, Lillie Bailey Geer, saw both the robbers shot. She was then a young girl, standing in her own back yard.

#### The Grand Mesa Feud

In 1896, an English barrister, William Radcliffe, purchased from William Alexander and Richard Forrest, that portion of the Grand Mesa known as the Grand Mesa Lakes. Radcliffe was intensely interested in the propagation of fish, and bought the fish hatcheries, hotel, boat houses and cabins built by Forrest and Alexander. According to Colorado law, Radcliffe was permitted to propagate and sell fish at will and exclude the public.

This did not suit the old settlers of the mesa and surroundings, as they had been accustomed to fishing and hunting whenever they wished. In order to enforce his exclusive fishing and hunting privileges, Radcliffe employed a game warden, Frank Mehaney. When an old settler, W. O. Womack, insisted on fishing for trout in the lakes, he had a quarrel with Mehaney and was shot and killed by the warden.

That night, the settlers formed a mob, gathered at the Lakes, and burned Radcliffe's hotel and all buildings to the ground. Mehaney was arrested by the Delta sheriff and concealed in the Delta Court House. The mob stormed the building and wrecked it, but the sheriff had spirited Mehaney away and hidden him safely.

In Leroy Wood's full-page article on this feud in the *Denver Post* of September 9, 1928, he says: "A little later, when it was reported that Radcliffe was returning to the lakes, a mob gathered

again and lay in waiting for him, meantime destroying every vestige of improvements at the lodge, except the ice-house, which would not burn."

What Leroy Wood might like to know, and what the settlers did not know, was that my father had taken the train for Denver, had met Radcliffe in Montrose, and turned him back to England never to return. If the mob had learned this, they might have made it warm for the King family, living then on Garnet Mesa. While I am sure father did not condone the shooting of Mr. Womack, he was Radcliffe's friend and later did all he could to help him. The United States paid Radcliffe \$25,000 for the damages done to an English subject, and in 1911, a resort company took over Alexander Lakes.

Newspaper writers have described Radcliffe as an arrogant Englishman, an autocratic sportsman, and a shrewd lobbyist, but father was always loyal to him. An Englishman, accustomed to servants, was something of a novelty in our country, and at one time when he was an overnight guest in our house, he placed his shoes outside the bedroom door to be polished. Seeing them I ran to the kitchen to report. Father laughed and said, "Well, we can't do a thing about it. It takes a trained servant to polish an Englishman's boots."

Among the family keepsakes and in possession of Alfred Rufus King, father's grandson and namesake, is a silver and crystal vase, with the inscription, "To Alfred Rufus King, from William Radcliffe." Radcliffe and his wife were invited to my wedding, but he sent regrets as follows:

Beech Court,  
Upper Deal, Kent, England.  
October 11, 1913.

Dear Judge:

Many thanks to you and Mrs. King for kindly asking my wife and myself to the wedding of your daughter Ula, on September 30, and the reception on October 14.

Alas! The first is long past and the second only a few days hence. Even the "Imperator" could not get us there in time, were we free to sail. It was nice to have this remembrance of you and yours. Only to think of the little girl being married makes me decrepit with age! Will you wish her all the things good and all times pleasant from me. With kindest regards to Mrs. King.

Yours sincerely,

WILLIAM RADCLIFFE

A notice of William Radcliffe's death at his home in England appeared in a Denver paper some time ago.

### A Double Slaying

Cash Sampson was sheriff, and everyone knew that there was bad blood between him and Ben Lowe, a stockman living in the valley. In many accounts of this slaying of the two men, Cash has always been made a martyr and hero, Ben being accused of stock-rustling and also of firing the first shot. There were no witnesses to the shooting, and even the angels in heaven could scarcely have told who was putting his own brand on cattle belonging to some other person.

Father was Ben Lowe's good friend and attended to his business affairs. He became even more interested in Ben after he married Ruby Hutchinson, the daughter of another good friend down on the Gunnison. This girl was a wonderful horse-woman and a fine girl in every way. Ben Lowe's name was pleasant to my ears, because whenever I needed a riding horse, father would say, "Ben Lowe will be in the office this week. I'll talk to him about it." He provided me with good riding ponies two different times after we moved to Garnet Mesa, where we had a stable and corral.

After we had moved to Denver, a former law partner of my father's wrote: "Well, it's all over with Ben Lowe." He then told us of the tragedy. Ben and his son Bobby, had met Cash Sampson out on the mesa. The men had at once started to quarrel. Ben told his son to ride ahead and wait for him. The boy heard shots, and found the sheriff and his own father on the ground, dead, with bullet holes in their heads.

The blood shed that day must have been the last of the bad blood between the families, as later, Maxine Lowe, the daughter of Ben and Ruby Lowe, married a nephew of Cash Sampson.

### Story of Charley Fong, an Oriental

Judge King was known to be fearless, upright, a loyal friend, and a champion of the friendless. He assumed responsibilities and listened to the troubles of a great many people, from Methodist preachers and school teachers to widows who had been brought to Delta on false promises of wealth to be found in ranches which had no means of irrigation. Father found jobs for them and made it possible for them to make a living.

Having become acquainted with mobs and having been warned by the sheriff at different times, father nearly always slept with a loaded revolver under his pillow, and when he worked late at his office in the evening, he carried it. One summer evening in 1897 he slipped his gun into his pocket and said he had work to do at the office and for us not to expect him till very late.

He did not tell what was happening until afterwards, as it would worry mother too much. Later, we heard the story. That week Charley Fong, a young Chinaman, had been told that if he didn't get out of town by Saturday night they would ride him out. In those days "riding" didn't mean in a carriage or on horseback. A rail was used and when a crowd of half-drunk men and boys started, they became irresponsible devils. Like every western town, Delta had a Chinese laundry, run by a solitary Chinaman, always perfectly harmless, law abiding, and very lonely.

Mr. Fong's shop was on Main Street, and I remember that he had firecrackers to sell. He worked hard all day and into the nights, and for recreation, drove a little racing horse. On holidays, he would take this horse and sulky down to the fair grounds, and drive around the race track for practice. No one had anything against him except that he was a "Chink."

When he told father of the warning, father was furious, and told him not to leave; that he would see that he was not molested. There was not much to do except to spread the news that father meant business, and that any harm done to Charley Fong or his property would be considered a criminal offense and that anyone taking part in the proposed outrage would be punished as a criminal.

The town was filled with a Saturday night crowd. Father sat in his lighted office where everyone could see him. He took many trips across the street to the saloon and pool hall, telling occupants that he would be in his office all night, if necessary. As he sat there, he saw two men, whom he knew to be the chief instigators of the trouble, come out of the saloon and, followed by two other younger men, start in the direction of Charley Fong's little shop. Father met them half way across the street, and fingering his revolver, asked them where they were going. "Howdy, Judge," was all they said, as they separated and went their ways, grinning sheepishly. Father sat in the office until midnight watching the saloon empty slowly. That was the last we ever heard of the proposed ride out of town. The next Sunday, Mr. Fong called on mother and father, bringing gifts of Chinese lily bulbs which he called "sacred," and a bag of Chinese nuts. As soon as he was able to get a shipment of goods from China, he came again, and this time, he brought mother a white shawl of heavy cream silk, beautifully embroidered in birds and flowers. He brought wall decorations, silk table mats, and what I liked best, a pair of Chinese shoes, of silk embroidery and white wood. The shawl and shoes I have in my collection, which constitute my "room of antiquity."