An Inventory of the Records of the

CHERRY CREEK SETTLEMENTS
(1858-1860)

Collection Number 190

a holding of the Stephen H. Hart Library

Processed by Lloyd Gundy

Colorado Historical Society
1300 Broadway
Denver, Colorado 80203

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The production of this finding aid consisted of over 1,400 entries to produce a virtual census of the Cherry Creek settlements. The Colorado Historical Society gratefully acknowledges the help of two of its volunteers who prepared this guide for publication, Joyce Powell and Jon Gilbertson.
Introduction to the Collection

The Cherry Creek Settlements Collection at the Colorado Historical Society represents an important era in the early development of Denver and the Front Range. Consisting of approximately 7000 pieces, the documents and scraps of legal paper found within are attest to the early settlers need to record legal transactions and claims during the years 1858 through 1860.

Hundreds of these quasi-legal papers were filed with the courts from the approximate year of white settlement in the Cherry Creek area (1858) through the year of Colorado becoming a territory (1861). Claims to land in the area were illegal so far as the Native American Indian tribes were concerned until the Treaty of Fort Wise, 18 February, 1861, took away their land except for an area generally in the southeastern quadrant of Colorado Territory. As a provision of the treaty, the City of Denver and adjacent towns were to pay the Arapahoes and Cheyennes $1.25 per acre.

An exact statement of the collection's contents is difficult without a folder by folder description. Approximately eighty-five percent of the contents are quitclaim deeds to various lots in the municipalities of Auraria, Highland, St. Charles, and Denver City (later to be merged into the City of Denver). Other town names included in the file folders are Colorado City, Independence City, Golden City, and Montana City. These quitclaim deeds are classified alphabetically by the surname of the seller. The name of the buyer, or the names of other interested parties, are contained in the Cross-Reference Index to the Collection (see page 15).

About eight percent of the contents of the collection are land and farm claims. These are filed alphabetically by the surname of the claimant. They may also be found by browsing the collection listing for those surnames. These papers—scraps in many cases—simply state that the owner claims 160 acres by virtue of having staked it out and give a general location. The claims are located up and down the South Platte River, on Cherry Creek, Dry Creek, Plum Creek, Clear Creek, and other places but usually with a reference to Denver or Auraria or the confluence of two streams. One claim was made for 320 acres for a town site of the "Rocky Mountain City and Colonization Company," the site being located "at the foot of the mountains 1/2 mile East from Samuel Leonard's North East timber Corner."

The balance of the collection is best termed "miscellaneous." It includes bills-of-sale (household goods, pharmacy and surgical products, tools), acts of incorporation, bonds, mortgages and
indentures, powers-of-attorney, injunctions, Arapahoe County warrants, marriage certificates (3), original minutes of some St. Charles Town Company meetings, notary public appointments and buy-and-sell agreements.

The historical value of this collection is many-sided. First, by cursory examination there was seemingly no rampant land speculation taking place in the early settlements. One of the highest dollar figures on a quitclaim deed is $650.00 (Fisher, Morton C., 10 June 1860). However, the title included 20 full city lots, 20 half lots and 20 thirds of lots; also three ranches of 160 acres each and a few miscellaneous lots in Denver. There may have been improvements on the property but it is not stated.

Henderson's "Island" was located downstream from Denver in the South Platte River. It consisted of 320 acres and sold for $1500 on 23 August 1860 (Goodrich, Henry). A portion of lot 3 block 36 in Auraria "with improvements" was sold for $40.00 on 10 July 1860. Six weeks later the owner resold the property for $155.00 (Reed, William W.). Rebecca Rooker, in July of 1859, received a lot for $1.00 from the Auraria Town Company. She resold it for $150.00 a year later. In December of 1859 a lot sold for $500.00 "together with the appurtenances thereto belonging" (Gibson, James W.). Whether the prices were inflated depends on the location and what the "appurtenances" were.

Many cases of what seem to be reasonable prices are revealed in these records. For example, $10.00 purchased half of two lots in December of 1860 (Brown Brothers Company), while 1/2 interest in 60 lots went for $300.00 (Amor, John). John F. Payne sold to J.S. Lowery one house and five lots on Larimer Street for $300.00 in July of 1859. If speculation in real estate was going on in the early years, it seems to have been on a scale of tens of dollars or hundreds of dollars rather than in the thousands of dollars. For the sake of comparison with a later decade, lots between California Street and Capitol Hill were selling for $150.00 to $200.00 in 1870, and one lot on the corner of Lincoln and 17th sold for $50.00 in 1879.

Nevertheless, dealing in property was lucrative enough for several real estate companies to form. By 1860 their names were imprinted on various legal form blanks for use by customers.

Legal descriptions in these records, however, are not terribly precise. Many of the land claims filed in the early years of
settlement were based on very informal legal descriptions, as witnessed by this land claim:

John Beheng claims one hundred & sixty acres of land on the Platte River being situated on this side of said Platte and about twenty to twenty one miles from the City of Denver down said river. Said claim was taken by said Beheng and improved by erecting a house on it twelve feet by fourteen it is the intention of the said Beheng to still further improve said claims a homestead and for his own use and benefit only.

Denver City Kansas (signed) John Beheng
October 24, 1859

Interestingly, these land claims of 160 acres of land took place even before the Homestead Act of 1862 formalized the activity.

Some of the individuals associated with the settlements were permanent residents. Names like E.P. Stout, Richard E. Whitsitt, Sam Curtis, E.W. Wynkoop, N.G. Wyatt, and Andrew Sagendorf appear in these papers as well as in the later history of Denver. Other people were evidently transients. For example, one W.G. Preston gave his address as "the Rocky Mountains." A more accurate view on permanency versus transiency can be obtained by comparing the approximately 700 names contained in this collection with subsequent census records and city directories.

A few locations of certain early buildings can be established from these documents. Three or four copies of construction contract agreements are in the collection. At least two agreements between parties preparing to embark for the Kansas Territory gold field found their way into the records.

One corrective footnote to history has come to light. Jerome C. Smiley wrote "Our researches in the preparation of this work revealed no instance of a local transaction in real estate in which the property involved was described as having been situated in 'Jefferson Territory' ..." (History of Denver, page 320). In fact, there were some transactions where that was the case. On 17 February 1860, for example, property belonging to A.I. Allison was described as located in Denver City, Jefferson Territory; on 31 January 1860, C.A. Cook & Company quitclaimed some lots in Denver City to Joseph B. Riggs. John C. Nelson, Notary Public on the document, listed his commission from Arapahoe County, Jefferson
Territory on 27 May 1860; and finally N.G. Wyatt sold lot 12, block 47 to the Denver City Town Company, located in Arapahoe County, Jefferson Territory. There may have been yet others registered with the court in this fashion.

This collection holds much significance regarding other historical factors as well. Confirmation of signatures for signed quitclaim deeds are also now available. In addition, a scholar researching the subject of cemeteries will find the original Act of Incorporation for the Mount Prospect Cemetery Association. Finally, genealogists have an easily available list of about 700 surnames from the early years of Denver history. The collection—about 2.5 cubic feet of material— -- is now accessible for these and other uses which may suggest themselves in the future.

Researchers can also access Colorado Historical Society Manuscript Collection Number 23, Auraria Town Company, for additional documents.

Most of the items within this collection were donated by Edward B. Morgan, President of the Colorado Historical Society, 1903-1914.
A Brief Chronology of Events
Surrounding the Early History
of the Cherry Creek Settlements
1858-1861

In the following descriptions, present day street names, in
the interest of clarity, are used for purposes of
identification. Some general dates are given for events, such
as a month or season, when the historical literature either
doesn't offer a specific day or offers conflicting dates.

1858
May
U.S. troops, Captain R.B. Marcy commanding, camp tem­
porarily at the confluence of South Platte River and
Cherry Creek. A small amount of gold is washed out by
the soldiers.

1858
24 June
The Russell party from Georgia, prospecting for gold,
camps on the west side of Cherry Creek, later to be known
as Auraria.

1858
July
Members of Russell party find some gold in the bed of Dry
Creek near its confluence with the South Platte River
(about 5 blocks south present day Vassar Avenue).

1858
26 August
Gold dust samples arrive in Kansas City and ignite
emigration from the Missouri Valley to the "Pike's Peak
Gold Regions."

1858
30 August
Mrs. S.M. (Rebecca) Rooker and daughter are said to be
the first white women among prospectors at the Cherry
Creek-South Platte River area.

1858
September
Montana City is organized by a group from Lawrence,
Kansas. Some dwellings are erected (located in area
approximately at West Evans and the South Platte River).
The Lawrence party consists of, among others, Frank M.
Cobb, John A. Churchill, Adnah French, William Hartley,
Charles Nichols, William M. Smith. A short time later
they move downstream to Auraria area.

1858
24 September
The St. Charles Town Association constitution is adopted
by 9 men. The town consists of one square mile of land
with the southwest corner of the town plat approximately
near present day Larimer and Sixteenth Street.
1858 October
A double cabin is erected for John Smith and Dr. L.J. Russell near 11th Street and Wewatta.

1858 10 October
A party of settlers from Iowa led by D.C. Oakes arrives (said to be permanent settlers).

1858 24 October
A large group of 56 men and one woman arrives from Missouri, eastern Kansas, and eastern Nebraska.

1858 28 October
E.P. Stout and two others arrive from Omaha.

1858 29 October
A general store is opened by Blake and Williams, both from Crescent City, Iowa.

1858 6 November
The Auraria Town Company constitution is adopted by 100 original stockholders.

1858 16 November

1858 22 November
The constitution for the Denver City Town Company is adopted. The area, about 2 miles square, includes the former St. Charles claim.

1858 1 December
The region's population stands at about 250-300.

1858 December
Christopher "Kit" Carson takes up residence in Auraria until sometime in 1862.

1858 24 December
Richens Lacy ("Uncle Dick") Wootton arrives in Auraria.

1859 Nearly 300 Indian dwellings exist in and around Denver and Auraria.
1859 February
A ferry is established across the South Platte River by the mouth of Cherry Creek.

1859 28 March
The first election is held for officers of Arapahoe County (county boundaries from Continental Divide to present day Kansas border, and from 37th to 40th parallels).

1859 April 7
The first murder is recorded in the new settlements. Execution of alleged perpetrator is conducted on April 9.

1859 15 April
30 delegates from 6 communities meet in convention in Auraria at Wooton's store to pass resolutions to organize "State of Jefferson." The movement is defeated, however, in the election of 5 September.

1859 23 April
The first edition of the Rocky Mountain News is published.

1859 6 May
Gold is discovered on the north fork of Clear Creek at the Gregory lode by John H. Gregory, J.M. Cotton, and William Cotton.

1859 7 May
Passenger service from the east begins with the arrival of the first stagecoach on the Leavenworth and Pike's Peak Express. Fare from Leavenworth to Denver, $100.00.

1859 Summer
Thomas Warren begins the manufacture of building bricks.

1859 June
Auraria, Kansas Territory, is officially made a post office town.

1859 6 June
Horace Greeley arrives by stagecoach in Denver to investigate the surrounding gold fields.

1859 5 September
Movement for forming "State of Jefferson" is defeated in a regional general election.
Fall
An early brick structure, a powder magazine, erected on south side of Blake Street between 14th and 15th. In Auraria, a brick warehouse erected by Majors and Waddell on the west side of 11th between Larimer and Market.

3 October
O.J. Goldrick opens a school in an Auraria log cabin.

19 October
A duel is fought between Richard E. Whitsitt and W.P. McClure. Nobody killed.

24 October
Constitution for "Territory of Jefferson" ratified by general election. In January of 1860 the first general assembly met. The organization and influence of this body gradually died out. Its independently voted authority conflicted with officially recognized Kansas Territory.

24 October
Theatrical performances commenced in Apollo Hall.

exact date unknown
Mountain man Jim Beckwourth settles in business in Auraria.

April
Mail service into Denver connects up with Pony Express line at Julesburg. Stagecoach carries on into Denver.

3 April
Auraria votes to become part of Denver City. Henceforth referred to in documents as "Denver City, West Division."

Spring
Printer's union organized.

1 May
First issue of the Rocky Mountain Herald newspaper.

May
1,000 Indians peacefully encamped in northern environs of Denver under Chief Little Raven.

27 August
Rocky Mountain News becomes a daily newspaper.
1860  
September  
Census ordered by the city of Denver results in a count of 4,749.

1861  
January  
A duel "two miles out of town," under watch by 2,000 onlookers, averted when "the matter was satisfactorily arranged" between the two parties.

1861  
18 February  
Squatting of town sites upon Indian land is legitimatized by treaty. Indians paid $1.25 per acre.

1861  
28 February  
Colorado Territory created by U.S. Congress.

1861  
March 18  
A serious fire erupts in Auraria at a large livery stable on 12th between Market and Wazee streets.

1861  
24 April  
A confederate flag is raised over a Denver store and later torn down by Unionists. A mass meeting of Unionists the next day results in patriotic resolutions adopted by the city.

1861  
May  
Pig iron manufactured by the Denver Foundry.

1861  
27 May  
William Gilpin, first Colorado Territorial governor, arrives.

1861  
Summer  
Ten companies of First Colorado Volunteers formed. Camp Weld established two miles south of center of Denver on east bank of South Platte River.

1861  
9 September  
First Legislative Assembly for newly designated Colorado Territory meets in Denver in buildings around the area of 14th and Larimer.
## Collection Contents

### Towns, Associations, and Companies

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