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The Colorado Constitution

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Colorado's admission to the Union is not alone significant because it occurred 100 years after the Declaration of Independence, but also because the efforts for governmental independence were accompanied by heroic and almost revolutionary (though peaceful) acts.

The early settlers and gold seekers of 1858 found themselves in a country which the various explorers had reported as a barren desert and worthless for human habitation; though nominally a part of the Territory of Kansas, yet it was so remote, because of the slow means of transportation and communication, that it was outside the pale of governmental consideration or interest, and the pioneers were forced by existing conditions to establish some sort of a government, provide courts and make laws for themselves.

So on the plains we find them quickly creating the *People's Courts* by the methods of pure democracies, assemblies of the people hurriedly called together and accused persons brought before them and tried before a judge selected from the people, the people themselves acting as a jury;[1] in the mountains a civil, rather than a criminal, court was the need of the hour and the *Miners' Court* was created, having, however, both civil and criminal jurisdiction. The *Miners' Court* was also established by the mass meeting methods used in the ancient, pure democracies, for representative or republican form of government is always a matter of growth and later development.

The custom was to issue a call to all the miners living in a given mining district and, upon assembling, those present decided the boundaries of the mining district, adopted a *Miners' Code,* provided for the necessary officers of the mining district and defined their duties. These officers were a president, judge, sheriff, surveyor and recorder (who also acted as ex-officio treasurer and secretary of the district), and a collector, and they comprised the officers of the *Miners' Court* and were all responsible to the supreme authority and tribunal, the Miners' Meeting. One dissatisfied with the decision of the Miners' Court might take his case to

[1] Young, *The Civil Government of Colorado,* 14.

the Miners' Meeting, but that was final. These courts and their decisions were respected and obeyed and served a most useful purpose in this then isolated territory. That the absence of other laws made necessary these communal tribunals is further evidenced by this phrase from a judge's address to a People's Court as it convened to try one accused of murder, when he said: "Denver, where no law of the great American Union claims jurisdiction."[2]

The code of Mining Laws adopted by these Miners' Meetings found its way later into the formal legislation of the Territory and State and even of Congress and was recognized by the Territorial, State, and Federal Courts. As of a nation, so of a state, its history is largely the history of its politics and a brief summary of the beginnings of government in Colorado is necessary to really understand the Constitution which later became its supreme law.

All the early attempts at Government were started by mass meetings.

On April 11, 1859, at a mass meeting held at Auraria a convention of fifty delegates was decided upon which met four days later and resolved upon "the formation of a new and independent state of the Union." That Convention met in the following June and eight committees were appointed to draft a Constitution and present it to another and larger convention in August. The Constitution so prepared was adopted by the August Convention of 167 delegates and submitted to popular vote on September 4, 1859, but was defeated by a large majority, 2,007 against and only 649 for adoption. But our pioneers were bound to have a state and under our form of government there can be no state without a Constitution; so in October, 1859, there was an election pursuant to the vote of a mass meeting previously held at Auraria and another convention of 86 delegates instructed to form a provisional government. That convention drew and adopted another Constitution called the "Organic Act of the Territory of Jefferson."

A full set of officers were elected, at the head of which was Robert W. Steele as Governor. The legislature met promptly, received the Governor's message and proceeded to and did enact a complete civil and criminal code, organized nine counties, in each of which Governor Steele appointed a probate judge; thus as Judge Stone says, in his "History of Colorado," "*An imperium in imperio* was now fully established. Right in the midst of the Kansas government stood the Provisional Government . . . the authority of the Kansas officials was never fairly recognized, and they soon ceased to have even a nominal existence."[3]

Of course, this so-called "Constitution," as its predecessor of

[2] Stone, *History of Colorado,* Vol. I: 172.
[3] Ibid., 171.

1859, was in no true sense a Constitution, for it was without national authority or recognition. The U. S. Senate had the question of this territorial organization before it, the name "Jefferson" was promptly rejected, and after many names were proposed, the name "Colorado" was substituted therefor, but the slavery controversy was then on and Congress adjourned without taking final action. The situation thus presented, however, required Congress to take some notice of what was going on here, and on February 26, 1861, Congress passed an act creating the Territory of Colorado and President Lincoln appointed William Gilpin as Governor, and on his arrival on May 27, 1861, with the new officials, the so-called "Territory of Jefferson" with its laws and officials passed out of existence and Colorado became one of the Territories of the United States.

The new Colorado Territorial Legislature met that fall and enacted a full civil and criminal code, recognizing therein the laws of the Miners' Meetings and the legality of the Miners' Courts, confirming their decisions and providing for the transfer of cases to the newly created Territorial Courts.

The urge for statehood was now temporarily quiescent until in 1864, when the Territorial Legislature petitioned Congress to pass an Enabling Act for Colorado's admission as a State, and Congress on March 21, 1864, did so, and another Constitution was framed, but on submission to the people was rejected.

The advocates of statehood, however, seemed unwilling to accept this defeat and without again petitioning Congress to pass another Enabling Act, but assuming that the Enabling Act of March 21, 1864, was still in force, had another convention called, which met the following summer on August 8, 1865, and drafted another Constitution in the short space of four days, which, on August 12, 1865, was ready for submission to the people, and at the election held on September 5, 1865, it was adopted by the small majority of 155 votes. Two United States Senators, John Evans and Jerome B. Chaffee, were elected, either under the assumption that by the adoption of this Constitution Colorado thereby became a State and was entitled to two senators, or that Congress or the President would recognize it as such; but Andrew Johnson, then President (though transmitting to Congress the "communication" of Evans and Chaffee "with the accompanying documents") "declined to issue the proclamation" of admission of Colorado, inasmuch as the proceedings "differed in time and mode from those specified in the Act of March 21, 1864,"[4] which was the Act under which the previous Constitution had been framed, but which Con-

[4] J. D. Richardson, *The Messages and Papers of the Presidents,* Vol. VI: 375.

stitution had been rejected at the polls. Then the battle was transferred to the Congress. Serious differences had now arisen between the President and the Congress and the latter needed in its proposed impeachment of the President the votes of two more senators and one more representative, so, on May 3, 1866, Congress passed another Enabling Act for Colorado's admission, but President Johnson promptly vetoed it.[5] Congress, however, in a few months made another attempt by bill "to admit the State of Colorado into the Union," which President Johnson quickly repulsed on January 28, 1867, by sending to the Senate another long veto message.[6] For eight years our state forefathers ceased their labors at Constitution drafting, always, however, keeping statehood in mind, and on March 3, 1875, after a long political fight, Jerome B. Chaffee, Colorado's delegate, won and the final Enabling Act was passed[7] and approved by President Grant.

The time was now opportune, a favorable Congress had acted and the President had approved the Act and the long struggle of seventeen years was now to have its reward.

Four so-called Constitutions had been framed previously, two of which had been adopted and two rejected by popular vote. Two were drafted without any semblance of national authority, viz., the one framed in August, 1859, rejected at the polls in September, and the Constitution of Jefferson Territory of October, 1859; and the other two were the 1864 Constitution framed under the authority of the Enabling Act of that year but rejected at the polls, and the other, the 1865 Constitution under which two U. S. Senators were attempted to be elected, was not recognized, either by the President as before stated, or by Congress, that body adjourning before the bill therefor was put upon its final passage. Only one of these four Constitutions therefore was really authorized by Congress and that one met defeat at the hands of our people at the polls.

The enabling Act of March 3, 1875, under which the fifth and existing Constitution (except amendments since) was framed and adopted, demands more than passing notice, for it imposed upon the Colorado Constitutional Convention, and so then and still upon the people of Colorado, two requirements that are "irrevocable without the consent of the United States *and* the people of said state," and thereby limit and restrict in those respects the power of legislation by Colorado without the joint consent of the National Government *and* the people of this state. These two requirements are:

[5] Ibid., Vol. VI: 413-416.
[6] Ibid., Vol. VI: 483-492.
[7] Stone, *History of Colorado,* Vol. I: 422-427.

"*First,* that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property, on account of his or her mode of religious worship;

"*Secondly,* that the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by the United States."

Such an ordinance was prepared and introduced early in the Constitutional Convention on January 14, 1876, and finally adopted on February 3, 1876.[8] The fact of such declaration and evidence was noticed in President Grant's Proclamation of August 1, 1876.

By the terms of the Enabling Act our people were informed exactly what the conditions of statehood were and what Congress required them to do in order to be admitted as a State of the Union.

On Monday, October 25, 1875, an election of delegates to a Convention to frame a State Constitution was held and 39 delegates were elected from 24 districts in the state, the 9th District, which comprised the then County of Arapahoe, in which Denver was situated, having 6, the largest number awarded any district. The 18th District, comprising Las Animas, had the next largest number, three, of whom two were of Spanish or Mexican birth, eight districts had two delegates each and fourteen districts one delegate each.

The Constitutional Convention was called to order on Monday, December 20, 1875, in Odd Fellows Hall, on the third floor of the First National Bank Building, at the corner of 16th and Blake Streets, Denver, and adjourned on Wednesday, March 15, 1876, after a session of 86 days, of which 72 were actual working days. The Convention assembled at a time of serious business depression; the great financial panic of 1873 had reached Colorado in 1874 and was almost at its peak at the time the Convention was in session, and besides that, during the same period, Colorado farmers had suffered total destruction of their crops from the ravages of myriads of locusts coming over the mountains in flocks which were

[8] *Proceedings of the Constitutional Convention* (Pub. 1907), 118, 233, 661, 712.

many miles wide. Their days of deliberation were days which tried men's metal to maintain themselves, and it was a remarkable body of men that could so forget their personal troubles and give themselves unreservedly to the welfare of the long hoped for state.

They were leading men of the state in business and professional life, they were inured to hardships and no obstacle deterred them from reaching their goal. The Denver Republican, nearly 30 years afterward, in an editorial said that they were "the ablest body of men that ever assembled in Colorado."

There had been considerable partisan strife between the two great political parties, each trying to elect a majority of the delegates; the result was that fifteen were Democrats and twenty-four were Republicans, but to their credit be it said that partisanship showed itself no further than in the appointment of the employees of the Convention; all worked together harmoniously and honestly for the welfare of the future state. More of the delegates were membrs of the legal profssion than of any other profession or business; bankers, merchants, stockraisers, farmers, one newspaper man and miscellaneous business men made up the rest of the delegates.

While the Convention spent 85 days (the 86th day being used for routine matters, such as action on the report of the Enrollment Committee as to the two ordinances required by the Enabling Act and the report of the Committee on Accounts and Expenditures), it was a remarkably short time for the debates, preparation and final adoption of such an important state document, for Illinois and Pennsylvania, states which had been long settled and developed by the slow growth of many generations, had not long before spent 125 and 257 days respectively in framing their new Constitutions. However, Colorado had the benefit of the labors of the Conventions of those and other states and could therefore accept what was good in them and modify or add to them what was specially needed under the peculiar conditions of climate, soil, mineral lands, etc.

Many of Colorado's citizens had come from Illinois and fifteen of the delegates to the Convention were natives of Pennsylvania, and undoubtedly the Constitution and laws of both of these states had great influence upon the delegates.

Hon. H. P. H. Bromwell, one of the ablest and most influential members of our Constitutional Convention, had served as a member of the Illinois Constitutional Convention of 1869-1870 and was one of the signers of the Illinois Constitution of 1870.

The first five days of the Convention were used in necessary routine matters of organization, such as the election of officers, appointment of employees, presentation of numerous resolutions

relating to the constitution, etc., and the appointment of the standing committees, to whom were assigned the duty of drafting the various articles of the proposed Constitution, and on December 24, 1875, the Convention adjourned for ten days to January 4, 1876, to give the various "Committees an opportunity for preparing the various reports." The first standing committee to make a report as to proposed Articles of the Constitution was that on the Executive Department, which made its first report on January 7, 1876. The second committee to report was on the Bill of Rights,[9] which reported on January 8th, and from time to time the other committees reported on various articles of the Constitution and interesting debates were had upon each and all before any were finally adopted.

The debates are to be found only in the newspapers of the time, to which great credit should be given for their extended and apparently accurate reports, because by that means our people were kept constantly in touch with the proceedings, and public opinion, the great motive force in popular government, was made known to the delegates, especially through the medium of petitions to the Convention asking that this or that provision be embodied in the Constitution. The "right of petition" was so frequently exercised that some of the delegates after a while began to object and had to be reminded that it was a valuable and coveted right of a free people and that "it is about the only avenue of communication which the people have with deliberative bodies."[10] This right of petition was expressly guaranteed by Section 24 of the Bill of Rights as finally adopted. Perhaps the most numerous of such petitions were for the recognition in the Constitution of the "existence and providence of Almighty God."

These petitions had some effect, for the Preamble begins, "We, the People of Colorado, with profound reverence for the Supreme Ruler of the Universe, etc."

There were petitions from citizens for the removal and impeachment of state and county officials; for and against Sunday observance; for woman suffrage; for exemption from taxation of all property exclusively devoted to education, religious worship, public libraries, charitable and benevolent purposes; for the question of dividing the school fund to be left to the legislature; for an article which would render capital invested in railroads secure from interference, etc.

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9 Mention is made here of the first and second Committee Reports because one writer has stated the Bill of Rights was first in order of time, but the official publication of the *Proceedings of the Constitutional Convention* at pages 73 and 88 show it was the second report.

10 W. M. Beck on July 21st, see Bromwell's *Scrap Book of Newspaper Clippings* in the State Historical Society's library, Denver.

On Saturday evening, January 8th, the city government and citizens of Denver gave a banquet to the delegates, at which Judge H. P. Bennet was toastmaster. The toasts he prepared and proposed show the quality of the men of the time. Here are only three:

"*The President of the United States*—Ruler of forty millions of sovereign people by the 'divine right' contained in the vote of the majority, subject himself to his subjects, and all subject to law."

"*The Constitutional Convention*—May the instrument it will form contain all the good that is to be found in the organic laws of the thirty-eight sister states, and none of the defects."

"*The Press*—An engine of almost boundless power—may it be animated by a spirit which shall love justice and uphold it; which shall hate iniquity and scourge it."

The responses to the toasts were of as high character as the toasts.

The Constitution as finally adopted contained 19 written articles and the "Schedule." Its Preamble followed closely the Preamble of the Constitution of the United States. The subjects covered in the body of the Constitution are, of course, the usual subjects, namely: a Bill of Rights; the separation of the three functions of government into three distinct departments, Legislative, Executive and Judicial, with separate articles defining the forms and duties of each department; other articles covering "Suffrage and Elections," "State Institutions," "Education," "Revenue," "Public Indebtedness," "Officers," "Impeachment," "Counties," "Corporations," "Mining and Irrigation," "Militia," and "Miscellaneous," and there were also provisions for homestead and exemption laws, arbitration by agreement of the parties, protection of the forests, definition of a felony, prohibition of lotteries, and a unique provision prohibiting the importation for sale of spurious, poisonous, drugged or adulterated liquors, prohibiting the compounding or manufacturing, except for chemical or mechanical purposes, of any of said liquors and prohibiting their sale as beverage, and then the article relating to "Amendments."

Being an arid state, it was of vital importance that the Constitution should declare "the water of every natural stream, not heretofore appropriated,—to be the property of the public" and dedicate the same "to the use of the people of the state, subject to appropriation as hereafter provided."

Being a state with inexhaustible supplies of minerals, it was necessary to make provision for mining laws, and the legislature was expressly required to enact laws covering this subject and to

establish the office of the Commissioner of Mines and provide for his duties and salary.

The subject of corporations was of increasing importance and the new state must be guarded and protected against special and exclusive privileges granted or which might be granted to organized capital, and so the Constitution "provided for the wiping out of all dormant and sham corporations claiming special and exclusive privileges; denied the General Assembly the power to create corporations, or to extend or enlarge their chartered rights by special legislation, or to make such rights and privileges irrevocable.

"It forbade the consolidation of parallel or competing railroad lines, and of all unjust and unreasonable discriminations between individuals in their business with such corporations. . . Corporations and corporate property, real and personal, were required to share the burden of taxation, and the power to take the same was never to be relinquished or suspended."[11]

Careful to protect the rights of the people against possible monopolies and possible undue increase of corporate power, the Constitutional Convention, in Section 11 of the Bill of Rights, prohibited the General Assembly from passing any law "making any irrevocable grant of special privileges, franchises or immunities."

Provision was made for the establishment and maintenance of free public schools throughout the State, and that no religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as a teacher or student, and that no teacher or student of any such institution shall ever be required to attend or participate in any religious service; that no sectarian doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

The Militia Article provided that "the organization equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States," thus anticipating what the experience of the great World War has shown to be an absolute necessity and what has been the policy recommended by the National Government and strongly urged upon all State Legislatures, especially since the last war.

The article on Suffrage and Elections took an advanced step and provided that "the General Assembly shall at the first session thereof and may at any subsequent session enact laws to extend the right of suffrage to women."

The Bill of Rights, as commonly found in the Constitutions of

[11] Stone, *History of Colorado*, Vol. I: 187. See also Article XV of the Colorado Constitution.

other states had to be modified to suit conditions here, for an exception had to be made to the usual prohibition against taking private property for private use without the consent of the owner—"*except* for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling domestic or sanitary purposes."

When the time came to sign the Constitution as enrolled and engrossed a motion was made that the members sign it in alphabetical order, which was carried, but there were 8 votes against it, as to which the newspaper account humorously reports, "only those whose names begin with letters near the end of the alphabet voting no."

The Constitution was then read and finally adopted without a dissenting vote on Tuesday, March 14, 1876.

The "Address to the People" which was prepared by a special committee is an able and instructive address and undoubtedly did much to secure the adoption of the Constitution at the election held on July 1, 1876, by a decisive vote of nearly 3 to 1 in its favor.

The Convention seems perhaps to have used too many words, for it was one of the longest State Constitutions up to that time, it erred on the side of prolixity and partakes too much of the character of statute law making, which properly embodies details, rather than of constitution making, which should preferably include only statements of principles.

However, considering the time and the necessities of our new state, the Constitution was worthy of the really great men who framed it and its merit has been demonstrated by 50 years of progress, from a scattered one hundred thousand inhabitants we have grown to over a million happy and prosperous people, our metalliferous mines have produced over $1,200,000,000.00 in gold and silver alone and the desert has become a garden producing, according to the last crop returns (to say nothing of the millions produced in the other years), nearly $150,000,000.00 harvested from the 25,000,000 acres of 60,000 farms.

On August 1, 1876, President Grant issued his Proclamation "that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete."

Success had thus crowned eighteen years of untiring efforts for Statehood.

It seems desirable to say a word as to the Amendments which have been proposed to the original State Constitution.

Our people seemed to have followed very willingly the suggestion of the Convention in its "Address" that the Constitution could be readily amended, for in the past fifty years some 44 amendments have been proposed and adopted, and at least 26 others have been proposed but rejected at the polls. Six of the amendments adopted were under the amendment of 1910, known as the Initiative and Referendum provision, and three of them were initiated and adopted at the next state election after that provision permitting such had been adopted.

Amendments are not over, for at the next election in November, 1926, there will be eight amendments proposed and submitted, three of which come from the General Assembly and five from the people by initiation and petition.

Of the amendments heretofore adopted, eight have amended Article V, the Legislative Department; twelve amended Article VI, the Judicial Department; two amended Article VII, Suffrage and Elections; two amended Article VIII, State Institutions; one amended Article IX, Education; six amended Article X, Revenue; three amended Article XI, Public Indebtedness; one added a new section (13) to Article XII, Civil Service; three amended Article XIV, Counties; one amended Article XIX, Amendments; and four were entirely new and distinct Articles, viz., Article XX, Denver or Home Rule; Article XXI, Recall; Article XXII, Prohibition, and Article XXIII, Legal Advertising, and one amended Article XX. Of all the amendments the most significant are the amendments of Section 1 of Article V and Section 1 of Article VI, and the additional amendments known as Articles XX, XXI and XXII.

The entirely new Article XX, relating at first especially to Denver and amended later to cover Home Rule for other cities, is an example of bad drafting of Constitutional Amendments, as it goes into too many details for a Constitutional provision and, as was prophesied by eminent lawyers at the time of its submission, has been the subject of continuous litigation, which has not yet ceased.

The new Article XXI relating to "Recall from Office" is open to similar objections, but the people have shown their dissatisfaction with it by voting against the Recall of public officials in cases where it has been tried. The Amendment to Section 1, Article VI, relating to the "Judicial Department," divested all courts, except the Supreme Court, of the duty and power to declare or adjudicate any State Statute or City Charter or amendment to a City Charter to be invalid as in violation of the State Constitution. And the amendment further provided that any decision of the courts that such law or charter was invalid should not be binding until after sixty days after the decision had been filed, and it further provided

that the question of the validity of such law or charter might within a specified time be submitted to popular vote by referendum and if the vote was in favor of the validity of such law or charter, then it "shall be and become the law of this state, notwithstanding the decision of the Supreme Court."

Those provisions were a most revolutionary wiping out of the constitutional safeguards and protection of individual rights to life, liberty and property and made possible by popular vote that a part of the Constitution be in force in one part of the state and not in force in another part of the state, a most anomolous situation.

This amendment is also an example of the dangers of so-called "direct legislation" by the people through the "Initiative and Referendum." The amendment was adopted in November, 1912, and it took nearly ten years for the questions to reach the Supreme Court. On April 4, 1921, that Court in two able opinions in two separate cases held that this Amendment was in violation of the U. S. Constitution, and so our Supreme Court protected every citizen in his Constitutional rights. These two opinions by the Supreme Court should be read by every one, as they are sound expositions of the Federal and State Constitutions. They may be found in Volume 70 of the Colorado Supreme Court Reports, at pages 90 and 100, in the library of the Supreme Court at the State Capitol, Denver, or in any other law library.

Fifty Years of Colorado's Development

By Former Governor Oliver H. Shoup

The forerunner of the airplane, the eagle, soared aloft into the blue skies of the morning air and, gazing on the wonderful panoramic view lying below him, saw the great ranges of the mighty mountains, fascinating and alluring, and yet almost forbidding, in their wild, rocky vastness, while sloping to the east from their base extended hundreds of miles of rolling plains, on which roamed and ranged great herds of buffalo, elk, deer, antelope and other wild animals. Many bands of Indians were also scattered throughout the scene hunting the game for food and battling each other for an occupation. A truly wonderful scene was this of a great undeveloped, unconquered empire—Colorado in its primitive naturalness was beautiful, awe-inspiring and wonderful.

Into this scene and primeval conditions came the sturdy pioneers of Colorado and they began the establishment of homes and development of resources of this great state. It is almost incomprehensible that there could have been such a startling epoch-making undertaking carried, in so few years, to such a complete condition as we witness today.

In the rush and roar of the intense activities of the present day, when world-startling events are taking place almost hourly, it is very difficult to comprehend the fact that there still live in Colorado many who had a part in the establishment of this, one of the richest states in natural resources of our Union.

What an experience that was—an experience gone for all time—to have a part in the building of a state of the United States, and to have lived to see it grow and develop as has Colorado in the past fifty years. It was a great privilege for which all our pioneers should be congratulated and the result of which must be of much pride to them as well as to those of us who came later to share in those results.

Fifty years ago, after a few brief years of preparation, our state came into being. Way out here in the wilds of the mighty mountains and vast plains men and women of supreme courage and inspiring vision took on the responsibility of establishing and helping to develop this mighty commonwealth.

And now to look back over so short a period of time, only a part of the span of life of many of our citizens and to contemplate what has been wrought here in Colorado during that time, is indeed an inspiration and a challenge—an inspiration to action and a challenge to take up the work thus handed to us and continue

the willing task of building an empire with its ever enlarging, ever increasing and ever inviting possibilities with their most satisfying results.

Our pioneers found this a wholly undeveloped land that first attracted their attention on account of the rich deposits of minerals—its gold and silver—to the development of which they devoted their efforts and energy and from which came vast fortunes; upon which the state's future greatness was mainly established.

Of all the pages of the fascinating history of our country, none is more attractive, more filled with exciting and compelling interest than is that of mining in Colorado during the early days of her history. It was so extraordinary, such an unusual experience for the people of that day to come out to this faraway, wild, rough country to seek and then to find and then to mine the precious metals from the treasure vaults of the Rockies.

That which one day was but an isolated gulch or mountain side, most likely never before seen by a white man, the next day became a bustling, hustling mining camp with its hundreds of people and the accompanying wild day and night life, the result of a "strike"—the discovery of the new mines of gold and silver by the prospector. This was duplicated in many places and sections throughout the hundreds of miles of the mountainous regions, until the state became one of the leading mineral producing sections of the world.

It was a rough, intense life, full of hardships and privations, with the determined contest for advantageous rights and locations, with the influence of freedom of the great outdoors—a condition to be successfully met by only the most courageous and hardy; and yet, strange as it may seem, out of that very rough and unusual experience, out of that contentious condition, there grew up the fine, happy, hearty, western cordiality that left its agreeable impression on our section and people even to this day, and let us hope, for all time.

"Out where the handclasp's a little stronger,
Out where the smile dwells a little longer,
That's where the West begins;
Out where the sun is a little brighter,
Where the snows that fall are a trifle whiter,
Where the bonds of home are a wee bit tighter,
That's where the West begins."

Such were the experiences and conditions through which our Empire Builders passed in the field of mining.

Other important developing factors which followed closely on the mining period were the railroad enterprises; those also demanded the highest courage and vision in their planning and construction. Our deep appreciation is due those really great men who made possible that line of development, especially throughout the mountain region, and thereby so materially aided the state's progress and made growth possible.

When our pioneers first came to this upland section, it was supposed that but little, if any, returns could be expected aside from the mining; but the stock, agriculture, and horticulture interests were begun, and, to the astonishment of all, have come to exceed mining in financial returns.

The stock raising came about the more naturally for the reason that the broad plains and beautiful inter-mountain valleys had been the habitat and rich pasture lands for the extensive herds of wild animals, and, quite naturally, attracted the stockmen with their herds.

It was found that cattle raised in the warmer sections could be brought onto these higher, cooler grounds and more rapidly and satisfactorily finished for the market than in any other way or place. At the same time, it was found that for the all-year-round this section was exceptionally advantageous for stock raising, so that this industry developed very rapidly and became one of the most important of the state.

So, with agriculture and horticulture, the raising of which were first believed to be next to impossible in this country of high altitude. The early attempts brought such good results that those industries were soon extended and enlarged in all directions until today they are at the head of our great industrial enterprises.

One of the important factors of that field that also called for much courage and foresight was that of irrigation, without which much of the favorable result could not have been attained. It took courage to construct great canals, ditches and reservoirs with which to furnish the water throughout the broad plains and valleys. With that the very rich soil produces abundantly the highest quality crops.

At the same time commercial manufacturing and other essential industries have kept pace with those briefly referred to. We come, therefore, to the fiftieth anniversary of our Statehood with the most inviting, satisfying and encouraging conditions; conditions and advantages, however, which bring their responsibilities. We would be most ungrateful and unworthy of our rich heritage if we fail to take up the work our pioneers handed to us in such splendid condition and carry it forward to far greater results of still more credit to our state and benefit to mankind. It is our responsibility, and at the same time it is our glorious privilege and opportunity. Let us grasp it!

JOHN L. ROUTT
First State Governor of Colorado

John L. Routt, First State Governor of Colorado

By Albert B. Sanford[1]

John L. Routt, the last Territorial and first State governor of Colorado, was born in Caldwell County, Kentucky, April 25, 1826. His father died when he was a small boy and after his mother remarried, the family moved to Illinois, where he attended public schools until old enough to begin the work of carpentering and the study of architecture. These occupied his time until the outbreak of the Civil War, when he raised a company of volunteers and was appointed its Captain.

This company was assigned to the 94th Illinois Regiment and at once entered active service. Routt served constantly until the close of the war, and when discharged had attained the rank of Colonel.

From an incident during the siege of Vicksburg, General Grant's attention was attracted to the young officer. It was the General's custom to personally inspect his forces every day, accompanied by his staff, and, on his rounds one afternoon, he discovered the 94th Illinois far short in its requisite supply of ammunition. Instantly Grant ordered a full amount from the base depot twenty miles away, to be on hand in twenty-four hours.

Colonel ——— began an explanation of the matter, but was cut short with the General's remark: "I expect you to carry out my order regardless of the circumstances you mention. I will be here tomorrow at this time." The Colonel called a council of his officers to devise ways and means to accomplish what appeared to be an impossibility, and when Captain Routt was asked for a suggestion, he replied, "Let me have full swing and I'll undertake the job."

His offer was accepted instantly and within an hour he had gathered every available mule and even the officers' horses, commandeered everything that had wheels under it and was on his way with a picked force of men.

Next day, and before the appointed time, Routt reported his arrival to his superior officer, with a little more than the requisite amount of ammunition.

Naturally, the Colonel was elated and when Grant rode up said, "General, I have the honor to report the arrival of a full supply of ammunition." "Who got it?" Grant asked, and the

[1] Mr. Sanford enjoyed a personal acquaintance with Governor Routt during the '90s and has written this story largely from his notes of personal interviews during that period. The incident at Vicksburg, the first meeting with President Grant in Washington, and subsequent events there, mining experiences, and the Grant-Routt trip through the Colorado mountains, are written substantially in Routt's own words.—Ed.

Colonel proceeded to relate details, but was interrupted by the general. "Never mind that, Colonel; what I want to know is, who got the ammunition?" "Captain Routt, sir." Grant made a pencil memorandum and rode away.

In the fall of 1872 Routt accompanied an Illinois delegation to Washington on a rather important state matter and all were received at the White House, where each was introduced to the President. When Routt's turn came Grant held his hand longer than usual and, after a moment of evident thought, said, "I remember you, Colonel; you were the captain who got Colonel ——— his ammunition. I want you to dine with me before your return." A few days later Routt's appointment as Second Assistant Postmaster General was announced.

The President frequently dropped into the Post Office Department and usually had a short chat with Routt, who showed no signs of dissatisfaction until early in 1875, when on one of Gran't visits he told him of his desire to go west and locate in Colorado, and asked to be relieved of his official duties as early as conditions would permit. Grant urged staying until the close of his administration, but after listening to some very good reasons for the resignation, requested that the matter be held in abeyance for a few days.

Later Routt was requested to come over to the White House and Grant spoke of the then stormy political situation in Colorado and how it presented a problem that he had so far been unable to solve. "I have concluded to accept your resignation here and let you go to Colorado, but with the condition you go out there as Governor."

Governor Routt arrived in Denver with his family on March 23, 1875, and at a public reception given him reached the hearts of the people at once by saying, "I was getting ready to come and make my home in Colorado anyway." On the 29th Judge Hallett administered the oath of office and Routt commenced his executive duties in the Territorial headquarters that had been furnished on the second floor of the Wells Fargo Express Company's building at the corner of 15th and Market streets.

With all her factional strife, Colorado at that time was undergoing an industrial, rather than a political change. The riches of the great San Juan country were beginning to be known and prospectors were blazing trails over the Continental divide to Silverton and Lake City. Other mountain districts were being surveyed for railroad extensions; large smelters were planned for the reduction of refractory ores; irrigation canals were being projected onto the high lands; and agriculture and stock raising was approaching

first place in the state's industries. Carloads of exhibits representing the resources of Colorado were being collected for the Centennial Exposition and our wonderful scenic attractions were heralded by picture, song, and story.

Routt seemed to grasp it all in a remarkably short time, but his chief characteristic was the ease in which he became acquainted with the people, his appreciation of their needs, and his disposition to improve conditions.

He "took" with the farmer and the miner, the merchant and the artisan, as well as with financiers and professional men.

In October, 1875, President Grant visited Colorado and was not long in discovering that he had made a most excellent choice, for a governor had been found satisfactory to Washington and Colorado alike.

With the adoption of our present constitution on July 1, 1876, Colorado's enthusiasm on the Centennial Fourth simply "blew off the lid," for practically it was then a State. With the exception of three towns that had voted almost solidly against the Constitution, every place in the territory planned extensive celebrations. Denver multitudes marched to a beautiful grove on the west side of the Platte river and just north of the present Colfax viaduct, where the official celebration was scheduled. Governor Routt was master of ceremonies, and from the grounds sent the following telegram to Stephen Decatur, our representative at the Exposition in Philadelphia:

> "The Centennial State and twenty thousand people here assembled send joyful greetings to the sister states of the American Union represented in Philadelphia on this ever glorious fourth."

As the fall elections approached there was but one candidate for the Republican nomination for Governor. From every part of the state demands were heard for Routt, and he was elected over the Democratic nominee, Bela M. Hughes, by a majority of 1,038 votes.

The following year news of the great silver-lead deposits at the head of the Arkansas was broadcasted to the world and among the first to get in on a location at Leadville was Governor Routt. In relating that experience he said: "I went up to the new camp and was offered a claim called the Morning Star for ten thousand dollars, and closed the bargain before coming off the hill. The purchase money and the demands for sinking got me down to real bed rock, and for a time, with my personal credit nearly exhausted, things looked as steaked as a corn basket, but I had faith in the ground from the start and never gave up. At first I made as

frequent trips to the mine as my official duties permitted, but after my term ended I camped with my men and worked shifts with them. You know a miner will never quit until he has put in 'a last shot' and I followed that rule. One day we broke into the 'blanket' of ore and my troubles were over." After a brief period of high production the mine was sold for a million dollars and Routt's share was something over six hundred thousand. In later years when Creede was discovered, he acquired an interest in the famous "Commodore," which added greatly to his wealth.

In the spring of 1883 Routt was nominated and elected Mayor of Denver and served the two-year term. His interest as Governor and as a member of the Board of Capitol Managers had much to do with the construction and subsequent successful management of what is a personal pride to every citizen of Colorado, our State Capitol.

The year of 1890 found the Republican party torn by factional differences. Routt's general popularity seemed to offer grounds for a satisfactory compromise and again he was elected Governor. It was during this term that the silver camp of Creede was discovered and the only available site for a town was on state school lands. In the mad rush for building locations any and every method of "squatting" was followed, with the result that very serious trouble was threatened. Intense bitterness was voiced against all State Land Board officials and threats made to hang any one of them who might appear.

The Governor was appealed to for troops to take charge of the situation and his reply, though not entirely elegant, was blunt and effective: "To hell with the troops; I'll go down myself." He reached the town in a snow storm, went directly to the hall where a large crowd had assembled, shook the snow from his coat and opened his remarks by saying, "Dam fine day, boys."

This may have been taken as an indication of defiance, for some of the disgruntled ones began to yell, "Lynch him, lynch him." Routt assured them that this was not his first experience in facing trouble and continued, "Guess you fellows could hang me all right, but you would be committing murder and would not get your lots after all. What do you really want; to kill me, or, after process of law, get titles to the ground?" That brought cheers and turned the tide. Before he left, arrangements were tentatively made for a settlement that met general approval. This act of personal bravery and his wise and prompt handling of the matter only added to his reputation of fearlessness in doing what he considered his duty.

In the summer of 1880 General Grant arrived at San Francisco from his trip around the world and wired Routt of his intention to stop in Colorado and expressed his desire to make a trip with him through the mountains by team and wagon. Routt attended to the details and a few days after the former President's arrival in Denver they started from Salida in a spring wagon drawn by a team of mountain ponies. Their course was over the Poncha Pass, into the upper San Luis Valley, Saguache, Cochetopa Pass to Gunnison, up the Gunnison to Almont, and on to Crested Butte. The return was made by Leadville to Denver. They were out two weeks, camping along the way or stopping at some ranch house over night, just as circumstances for their convenience and comfort suggested. Routt's story of this trip was full of interesting anecdotes and he said Grant declared he had never crowded more real enjoyment into the same length of time.

We may picture the General of the armies of the United States and a company captain, of other days, around the camp fire, taking turns in frying bacon and trout, or watching the coffee pot come to a boil, and stretching themselves under the same blankets at night in the open or under a pine or spruce tree. They were regular old pals in the wilds of the Rocky Mountains. Asked as to how they addressed each other, Routt replied, "Well, I said 'General' just as I had always done and sometimes he called me 'Governor' and about as often 'Routt', depending on how quick he wanted to call my attention to something." We remember how the Governor's eyes twinkled as he closed his narrative by saying, "We had some pretty good stories to tell on each other when we got back."

When they reached Denver, according to the *Tribune* of August 17, 1880, an immense crowd was waiting at the Denver and Rio Grande depot at the foot of 11th Street for the train from Leadville, and we read, "A magnificent saddle horse was ready for General Grant, who mounted with easy grace and rode through West Denver streets to the Glenarm Hotel on the East Side." Later, in response to the request from the crowd, Grant appeared on the veranda, leading Routt and said, "I just want to introduce your Governor. He likes nothing better than talking to a large crowd," and the large crowd laughed and cheered. Routt said both were very tired and promised a speech from the General next day and added, "He has been having a good time all over the state telling yarns about me."

Routt could hardly be called diplomatic, for he had the habit of presenting a matter bluntly and squarely on its merits as being right or wrong. An evasive answer or a disposition to parry was apt to bring a rebuke, yet he had profound respect for the views of any one whose sincerity he did not question. He was a hard

worker himself, and when laxity of service was discovered in any State department, the offender was advised that he "must fish, cut bait, or go ashore."

No public man in our history was more dependable in emergencies. If force threatened constituted authority, he prepared to meet it with organized force. During what was called the "Colorado Central Railroad War" public sentiment in Boulder County was so against Judge Stone by reason of his attitude in the matter of a Receiver that he was forcibly taken from a railroad train by masked men and carried into the mountains. The sheriff called on Routt for assistance and he responded by going to Boulder with forty picked men under General Dave Cook, and on meeting the sheriff said, "Here is a posse; I command you to do your duty and secure the release of Judge Stone. If this force is not enough, you can have a thousand by calling on me." The next day a closed carriage drew up in front of the Alvord House in Denver and Judge Stone stepped out, uninjured. His captors, heavily masked, drove rapidly away.

Governor Routt died on the 13th day of August, 1907, at his home in Denver. For thirty years he had proven faithful to every public and private trust. A large share of his fortune had been invested in cattle and ranches, farms and irrigation projects and a considerable amount in mining development. He loved the state and its people and was beloved by them, and around his name will always cluster much of the glory of Colorado's achievements during its first quarter century of statehood.

Views on the Admission of Colorado in 1876

By Theo. F. Van Wagenen

Just as the purchase of the Mississippi Valley from France by President Jefferson, the acquisition of the Rocky Mountain and Pacific Coast regions from Mexico in 1848, and the purchase of Alaska from Russia were condemned as follies by a few short-sighted patriots, so, when Colorado applied for admission to the Union, there were some in the large cities of the East who were unable to see any future for it, and were strongly opposed to its elevation to the dignity of statehood.

After the enabling act was passed and Colorado admitted, a banquet was held in Denver to celebrate the event, at which nearly all the notable Coloradoans of the time were in attendance, and many good speeches were made. I have preserved two extracts from the remarks of the late highly respected lawyer, Caldwell Yeaman, who responded to the toast of "Our State." From a

Philadelphia paper of the period when the question of the admission of Colorado was under discussion in Congress, he read the following paragraph:

"Colorado is one of the most intelligent manifestations of the spirit of territorial enterprise we have had. The discovery of gold, and the profligate scenery of the state is its entire fortune. General Denver, in whose honor the capital is named, is now a prosaic claim agent in Washington. Colorado consists of Denver, the Kansas Pacific Railway and scenery. The mineral resources of Colorado exist in the imagination. The agricultural resources do not exist at all."

From a New York publication of high standing he quoted thus:

> "There is not a single good reason for the admission of Colorado. Indeed, if it were not for the mines in that mountainous and forbidding region there would be no population there at all. The population, such as it is, is made up of a roving and unsettled horde of adventurers, who have no settled homes there or elsewhere, and are there solely because the state of semi-barbarism prevalent in that wild country suits their vagrant habits. There is something repulsive in the idea that a few handfulls of miners and reckless bushwhackers should have the same representation in the Senate as Pennsylvania, Ohio and New York."

We need not lay it up against the writers of these amusing effusions, because we have fooled them so badly, for really we are more than at quits. It is a well-known failing of elderly and sedate communities, as well as of individuals past a certain age, to underestimate the possibilities of youth; and it may be up to us to watch ourselves closely when other parts of our national domain such as Alaska, Hawaii, Porto Rico and the Virgin Isles show consciousness of maturity, and give them the kindly encouragement we asked—and in the main received—when our great state was still an unorganized part of the Public Domain.

At the same time we can fairly point with satisfaction to what Colorado has accomplished in the half century of its life. With a population which the census of 1920 placed at over a million, and which is now believed to be 1,250,000, our production of raw material in 1925 from the mines, the farms, the forests and the waters of the state is conservatively placed at a value of $250,000,000, while that from the metal mines alone has amounted during the fifty years, according to government statistics, to more than $1,500,000,000 in new wealth of a permanent nature. Finally, this "mountainous and forbidding region" has become one of the great

summer playgrounds of the continent; a region to which, in a few hours, our fellow citizens of the lowlands to the east, by ever-increasing thousands each year come in summer and enjoy the rest and relief that our altitude and "profligate scenery" provides.

The Miracle of a Half-Century

By Edward D. Foster

(Commissioner, Colorado State Board of Immigration)

It is not easy to appreciate the fact that when we speak of the early history of Colorado—the time when the buffalo and the Indian had the prairies to themselves and the white population of what is now a great state was only a negligible factor—we are speaking of an era which is easily within the memory of men and women who are living today. We are accustomed to think of early history as something only available in the written records of an age which was gone before existing generations came upon the scene, but it may be said without exaggeration that the first invasion of Colorado by the white man in any considerable numbers is not yet three score years and ten in the background and that all of the marvels which have made a busy, prosperous and cultured commonwealth out of territory once believed to be barren beyond hope of reclamation and settlement have taken place within the short space of six decades.

Passing the eras of prehistoric races and the Spanish occupancy, the history of Colorado properly begins with the daring expeditions of Zebulon Pike in 1806, Stephen H. Long in 1820 and the several expeditions of John C. Fremont from 1842 to 1853. From their reports the older settlements of the East received their first news of the great domain which lay to the west—a vast territory which explorers agreed offered nothing more encouraging than the utter hopelessness of eternal desolation. The bitter, caustic verdicts of some early adventurers, written within the lifespan of many people still living, are so well known that they need no repetition here. They are mentioned only to emphasize the tremendous changes which a little more than a half-century has wrought.

With the explorers and during the first half of the nineteenth century came the traders and trappers, the hunters and adventurers—Kit Carson, Jim Bridger, Vasquez, St. Vrain, Lupton, the Bent brothers and many others whose names are now woven into the fabric of Colorado's history. Their trading posts, which of necessity were forts staunch enough to repel the attacks of marauding Indians, were the only white communities in the great expanse

of mountain and plain, and to the experience and fearlessness of those adventurous characters thousands who came later, when the lure of gold inaugurated the actual settlement of Colorado, owed their lives. Theirs was a distinct epoch in the romance of the white man's irresistible hunger for new lands.

But counting all the explorers, hunters, traders, adventurers and other transients and nomads of that period, it is probable that the white population of the entire area now included in Colorado could not have totaled more than a few hundred souls up to the time when, in 1858, William Green Russell, a Georgian, made the first discovery of gold in encouraging quantities not far from the present site of Denver. News of that discovery started a rush of miners and prospectors to Colorado in numbers rivaling the hordes that had made the long journey to California a decade earlier. In the following year John Gregory's historic discovery of gold in Gilpin county added to the excitement—and the actual settlement and development of Colorado was well under way.

So much for the preliminaries—the incidents which led up to and caused the great period of development which set in following the discovery of gold. What has happened since has been a series of results—the natural effect of a population demanding food, clothing, shelter and transportation. Gold was the magnet which brought the first permanent population to the territory, and upon the heels of increased population followed agricultural and industrial development, bringing in turn still greater population increases and greater demand in an ever-increasing upward spiral. Probably if gold had not been discovered the lure would have been agriculture—the American's insatiable desire for newer and cheaper lands—but as it happened, it was gold that marked the turning point, agricultural development coming more slowly and as a result, rather than a cause.

The second epoch in the actual development of the district was marked by the establishment of the livestock industry. Farming of a sort began to get under way in limited areas almost with the beginning of the mining industry, for the population of the mining districts offered splendid markets, but little was known of agriculture as it is practiced today and the discouraging reports of earlier explorers had led the public to believe that farming could never be a profitable industry in this barren land, so development of agriculture on a large scale did not fairly begin until many years later. Stock ranches in that day were of baronial proportions and the industry was conducted on a lavish scale, with no thought for the economies which competition and high costs have made necessary today. Pasture was free and great herds ranged almost at will over the prairies and in the foothill regions,

the ranchers' chief problems being those of losses due to severe winters, dry summers and Indian depredations. The system, however, although it gave to the West a romantic touch which persists to this day, was not economically sound and was destined to pass out as population increased and the demand for farm land grew more imperative.

In 1860, when the gold rush was well under way, the population of what is now Colorado—then a part of Kansas Territory—was slightly over 34,000. In the succeeding decade the tide ebbed and flowed as gold discoveries increased or decreased, and in 1870 Colorado Territory, which had been created in 1861 in response to a demand for a government nearer at hand, reported a population of nearly 40,000, composed mostly of stockmen and miners, about 12 per cent of the total being credited to Denver, then a thriving frontier city.

Agriculture, which had occupied an unimportant position in the district since the influx of miners and stockmen, began to assert itself as the years passed, but it was many years before it gave any sign of the tremendous possibilities which it has developed in the last two decades. To David K. Wall, a pioneer in the Clear Creek district near the present site of Golden, is awarded the honor of having been the first to attempt agriculture as a serious industry, although the reports of explorers in the earlier days contained meager references to minor farming ventures by Mexicans along the river bottoms in the '40s. Wall's irrigation ditch, used in 1859, was possibly the first practical attempt at intensive farming, and though irrigation development followed rapidly thereafter, it was not until many years later that farm crops assumed an aggregate value entitling them to representation in state statistics.

Soon after 1870 what may be termed the "colony" period opened—a period of settlement by distinct communities. The first, a German colony which located in what is now Custer county, was short lived and soon disintegrated. The Union Colony of Greeley proved more substantial, however, and has occupied for years a dominant part in agricultural development, its original location including a large area in one of the richest farm regions in the West. The Chicago colony at Longmont, the St. Louis colony at Evans and several others proved eminently successful and have exercised no little influence in agricultural progress for more than a half-century. This period is of particular importance in any historical sketch of Colorado because of the sterling character of those who made up the several colonies and because their intelligence and perseverance are largely responsible for the development which has come in the industry since their arrival.

With farming a permanent, prosperous industry, the population and wealth of the state began increasing amazingly. From about 40,000 in 1870, the population jumped to 194,000 in 1880, 413,000 in 1890 and upward by leaps with every decennial count thereafter until in 1925 it was considerably over 1,000,000. In 1870, six years before Colorado was admitted to the Union, there were 1,738 farms counted by the census bureau—including the stock ranches which produced no crops save grass and livestock. In 1890, due to the wide advertising which the colonies had given to Colorado's agricultural possibilities, the number of farms was 16,389, and since that time it has increased nearly 50 per cent with each decennial period, the total in 1925 being 58,025. In the same period, from 1870 to 1925, the acreage in farms has increased from 320,346 to 24,168,388; the improved land has jumped from less than 100,000 acres to nearly 7,000,000, and the combined value of farm lands and buildings has grown from $2,700,000 to $592,000,000. These comparisons serve to show what has taken place in Colorado in the last 56 years, and by far the greater part of the growth has occurred within a half-century or less.

Today the annual value of the crops actually produced upon the farm lands of Colorado constitutes it the greatest of the state's industries. Exclusive of livestock and the dairy and poultry products—the inclusion of which necessarily means a host of duplications because they are in a sense the markets through which the farmers sell much of the crop—the crops produced each year in Colorado are worth in excess of $130,000,000. Including livestock and other products and deducting for the feed consumed, it is probable that the total output of the farms is in the region of $200,000,000, although accurate data to substantiate the total can not be gathered. In any event, farming is today the state's chief industry, and in its further development and the development of manufacturing industries using raw farm products lies the chief hope of future growth and development.

Coincident with and inevitably dependent upon agriculture are a large number of manufacturing industries which have grown to important proportions within the past few decades. The census for 1923 (the latest figure available) shows that there are within the state 16 beet sugar factories. In 1924, an average year, these factories ground over 2,400,000 tons of beets, harvested from 225,000 acres, and from that crop produced 364,000 tons of refined sugar. This single industry has developed from nothing to its present tremendous proportions within the past 25 years, and Colorado easily leads the Union in the production of beets and beet sugar.

Likewise the slaughtering and packing industry, the manufacture of dairy products and the production of flour and grist-mill

products have added hundreds of millions to Colorado's output of new wealth as agriculture has progressed and new crops have been introduced. Vegetable canning, milk condensing, the production of seed crops under the most intensive cultivation—all of these avenues of industry have been opened by reason of the fertility of Colorado's soils and the exceptionally favorable attributes of its climate. Varying altitudes and soil and climatic conditions have made possible a wealth of diversification in farming which no other state can boast—and this upon land of which Dr. Edwin James of Long's expedition said, in 1820:

> "We have little apprehension of giving too unfavorable an account of this portion of the country. Though the soil is in some places fertile, the want of timber, of navigable streams and water for the necessities of life, render it an unfit residence for any but a nomad population. The traveler who shall at any time have traversed its desolate sands will, we think, join us in the wish that this region may forever remain the unmolested haunt of the native hunter, the bison and the jackal."

The perfection of systems by which the waters of the streams might be diverted for use upon the lands was augmented within a short time by the construction of storage reservoirs, some of which date back to 1869, with an aggregate capacity of not less than 2,000,000 acre-feet. With these auxiliary supplies to assure water in seasons of shortage and particularly during the latter part of the summer season, when the normal flow of the streams is easily exhausted, additional millions of acres of excellent land have been made available for development.

Not all of the farm progress, however, has come through irrigation development. Non-irrigated farming—"dry farming," as it was called in an age when the "dry farmer" was considered foreordained to a miserable failure—has benefited tremendously by a better knowledge of moisture conservation and by the development of drought-resisting crops to such a degree that it is now a formidable contender with irrigated farming for first honors, its larger area making up for its lower production per acre. While there are some sections of the state in which non-irrigated farming is not advisable because of the lack of sufficient precipitation, there are literally millions of acres which are producing each year and which, with sound farming methods and the utilization of feed crops which make dairying, hog-raising and poultry possible, offer a secure livelihood with an extremely moderate investment.

So much for the direct and immediate effects of the increasing population which followed the mining boom. There are other in-

dustries by the score which have followed in the general course of the development. Timbering and quarrying have assumed large proportions. Railroad development was steady in the years following the arrival of the first railhead in Denver in 1870, a southern branch from the Union Pacific at Cheyenne. That, with other railroad lines which were constructed within the next few years, opened new parts of Colorado to the pioneers and made new eastern markets available for their products.

Something of the extent of Colorado's coal deposits has been known since 1864, when shallow mining was introduced for local uses in Jefferson and Boulder counties, but development did not reach a commercial scale until railroads opened new markets. In 1873, the first year for which the record of commercial production is available, the production was about 70,000 tons, and after that time it increased steadily until a maximum of over 12,000,000 tons was reached in 1910. From 1910 to the present time the annual total has varied with market demands, averaging more than 10,000,000 tons. The supply still available for future uses is almost inexhaustible, competent authorities placing it at not less than 371 billion tons.

Oil, second only to gold if to any mineral in the magic of its appeal to popular fancy, has been produced in Colorado since 1862, when it was discovered in what is known as the Florence field, in Fremont county. Production was low during the ensuing years, due to the lack of demand, the highest point until recent discoveries being in 1891, when the total was 666,000 barrels. The industry took no decided step forward until 1923, most of the production prior to that time coming from the Florence field, with relatively small amounts from the Boulder, Rangely and DeBeque fields. In that year, however, important discoveries were made in Larimer county, followed a few months later by equally important discoveries in Moffat county. The rapid development of these fields followed, and it is freely predicted now that before many years the output of a single year will approach, if it does not pass the total production of over 12,000,000 barrels recorded for the entire state from 1862 to 1924.

In addition, the persistent demand for petroleum products, due to the use of internal combustion engines, has attracted wide attention to the oil shale fields of western Colorado, which are destined for immediate development and which conservative estimates credit with an aggregate oil content of not less than 67 billion barrels of crude oil, or six times as much oil as was produced in the world to the end of 1923. This possible future production, added to the production from wells, already reaching totals undreamed of a few years ago, gives some idea of the possi-

bilities of the future as to this one of the many minerals which determined search has discovered.

It is impossible to give a complete recapitulation of the wealth which Colorado has produced since that eventful day when Russell's gold pan showed "color" in encouraging quantities. In gold, silver, copper, lead and zinc alone it has produced more than a billion and a half dollars, and to that total must be added the values of tungsten, the radium group, manganese and a dozen other metals which are produced annually but not reported separately in official sources. At the present rate of production, which is being increased almost daily by the addition of new wells, it is producing $5,000,000 yearly in crude oil. Its annual coal production is worth probably $30,000,000, although reliable figures are impossible because of varying grades and fluctuating market prices. Its manufacturing establishments have an annual output, exclusive of the cost of raw materials, of from $50,000,000 to $70,000,000.

Agriculture and allied pursuits lead the list at present, but so many profound theories have been overturned and so many surprises have come to pass in the span of a single generation that no one can predict what the future will hold. So vast are the state's known resources and so cursory has been the search for resources up to this time that it is entirely possible to witness in the next generation events of development even more amazing than those which have transformed a desert into a garden, and a barren, unpopulated domain into a rich, industrious commonwealth, giving homes and a living to more than a million people.

Progress in the past half-century has been amazingly fast. Changes have come so swiftly that men who visited the hopeless waste of barren territory in their young manhood have returned in their old age to stand aghast at the transformation, but so vast are the undeveloped resources of the region that it is possible, if not probable, that the present generation will witness and participate in an era of development and growth and progress that will dwarf by comparison the astounding things which have taken place since the magnet of hidden gold first focused the eyes of America upon Colorado.

The Statehood Celebration of 1876

When the State constitution was adopted by popular vote on July 1, 1876, the admission of Colorado to the Union was assured. Although the process was not formally completed until President Grant issued his proclamation on August 1st, the people of Colorado had made their important decision a month before, and

MRS. MAY BUTLER BROWN
(The first "Miss Colorado," after fifty years)

accordingly, combined in fitting manner the celebration of the birthday of the nation and of the State on July 4, 1876.

There are those who can look back a half-century and recall their participation in that first glorious celebration of Colorado's statehood. Most happy are we in being able to honor the lady who on that first occasion represented the new-born commonwealth. For the role of "Miss Colorado" a person was to be chosen who, to the requirement of native birth, added the attributes of grace and beauty. In Miss May Butler these qualifications were charmingly combined. She personified, in the blush of youth, the new State, and since, with the passing years, has grown to graceful maturity in the land of her birth. Well may we return with Mrs. May Butler Brown to the day when she wore the crown of the State of Colorado.

The features of the "Glorious Fourth" in 1876 were a colorful parade through the business streets of the capital and a patriotic program in a cottonwood grove on the banks of the Platte (just north of the present Colfax viaduct). Four large divisions, composed of bands, militia units, Colorado pioneers, patriotic and fraternal orders, city and territorial officials, and citizens made up the units in the line of march. Decorated floats and waving flags and banners brightened the display.

The center of attraction was a gorgeous float placed in the second division of the parade. A contemporary newspaper records: "An involuntary cheer burst from the crowd that densely lined the streets as the 'Grand Car of the Union' took its place in the procession. It consisted of two large wagons lashed together and drawn by six horses, the latter as well as the former profusely and tastefully decorated. Under a canopy composed of the national colors sat well-known ladies representing the original thirteen states. . . . Immediately behind these, but on the rear car, sat young ladies representing the thirty-eight states. This was undoubtedly the feature of the procession."

Mrs. May Butler Brown looks back five decades and says of that joyous day: "Proudly I sat upon the white wagon, decorated in bunting and flags of the United States. Teams of white horses drew the wagon up Larimer Street to Denver Grove, then a clump of trees on the bank of the Platte and the only thing in the city that resembled a public park. On all sides of me were other girls, each representing one of the states and all doing homage to their new sister Colorado. I wore a robe of bunting, high crown of gold and carried a golden wand in my hand. As the wagon proceeded through the streets cheer after cheer rose from the people of Denver and Colorado. It was the greatest Fourth of July of my life."

At the Denver Grove the day's patriotic program was presented. The address of welcome by Governor Routt was followed by the reading of the Declaration of Independence by Mayor R. G. Buckingham. O. J. Goldrick, the first school teacher of the region, he who had come attired in a broadcloth suit, kid gloves, and a plug hat as he drove his ox team into the pioneer settlement on Cherry Creek, next read a long historical sketch of the city and region. The orator of the day was the Reverend Doctor Ellis, whose eloquent phrases and majestic periods brought applause from the assembled citizens. Then followed the reading of an extended poem, written for the occasion by L. N. Greenleaf. Honorable H. P. Bennet, long Delegate of the Territory in Congress, proposed a number of toasts and to these appropriate responses were made.

It was a great day for Colorado. Good fellowship and optimism were everywhere in evidence. Pioneers and newcomers alike honored the achievements of Territorial days and with enthusiasm looked toward the future. Colorado had reached her majority; she would now take and make an honored place in the sisterhood of States.

Steps to Statehood in Colorado

By L. R. Hafen

The autumn of 1858 saw the grouping of two hundred gold-seekers about the present site of Denver.[1] Discoveries during the previous summer, meager though they were, gave promise of large deposits of gold yet unrevealed, and these pioneers being typical Westerners, were buoyant with hope, confident of the future.

On November 1, 1858, they organized the Auraria Town Company[2] (West Denver is the successor of this pioneer town). Not content alone with laying the foundations of a great city, they concerned themselves also with territorial matters. When town officers were elected on November 6th, a delegate was chosen to represent them at the national capital. Not that these pioneers were beyond the jurisdiction of established Territorial authority; but they felt themselves far removed from the seats of such authority, and were convinced that their peculiar mining interests could best be served by a separate Territorial establishment.

Hiram J. Graham, who had resided less than a month at Cherry Creek, was chosen to represent his compatriots at Washington. Two days after his undisputed election (35 votes cast and no opposing candidate) he set out across the plains equipped with the meager credentials available in the infant settlement. On a similar mission went A. J. Smith, who was delegated to represent the settlers in the Kansas legislature.

Arrived at the national capital, Graham found others already planning a new Territory for the Pike's Peak country. Schuyler Colfax, awake to the possibilities of the reputed gold region, had introduced in the House, on January 6, 1859, a bill for the creation of "Colona Territory,"[3] but the bill died at birth.

Mr. Graham, though accorded no standing as a Territorial delegate, had some influence among the national lawmakers. On January 27th the Chairman of the Senate Committee on Terri-

[1] W. H. H. Larimer, who came to Denver in November, 1858, writes in his *Reminiscences*, 121, that the population did not exceed 200. J. C. Smiley also places the number at this figure in his *History of Denver*, 296. Arthur Chapman's figure of 2,000 in his *Story of Colorado*, 90, is a ten fold increase over the proper number.

[2] The constitution and by-laws of the Auraria Town Company are preserved in the library of the State Historical and Natural History Society of Colorado.

[3] U. S. *Congressional Globe*, 35th Cong., 2d session, 244.

tories, Senator Green of Missouri, presented the "petition of Hiram J. Graham, praying the organization of a new Territory to be composed of [the western part of] Kansas, the southwestern part of Nebraska and the eastern part of Utah."[4] However, an unfavorable report on the petition came from the Committee on February 8th, and was accepted by the Senate.

In the meantime Graham had been active in the House. Alexander H. Stephens, soon to become vice-president of the Confederacy, was Chairman of the House Committee on Territories. On January 28th he reported from his committee "a bill to provide a temporary government for the Territory of Jefferson,"[5] to be erected in the Pike's Peak country. Who first suggested this name for our territory is not definitely known, but it is altogether probable that the Democratic statesman, Stephens, did so, and planned thus to honor a former President and the founder of his own party. "Jefferson," however, did not appeal to the good Republican Representative from Pennsylvania, Mr. Grow, who immediately proposed to substitute the name "Osage." Repeated efforts were made by Stephens to further his territorial proposition, but the session ended without action being taken. Graham, who had personally borne the expense of his trip to Washington and his stay there, now retired without having achieved his purpose.

Meanwhile, the government nearer home was giving some attention to the Pike's Peak region. As early as August, 1855, all of the western part of Kansas had been constituted Arapahoe County, but this great region reaching to the continental divide had not been organized prior to the gold discoveries of 1858.[6] Among the '58ers hurrying westward were some goldseeker-politicians who carried with them county appointments from Governor Denver of Kansas and authorization to establish county jurisdiction.[7] But the small number of pioneers in the new gold region during the winter of 1858-9 made unnecessary the organization of

[4] Ibid., 625.
[5] Ibid., 657.
[6] An election is purported to have been held on October 6, 1856, at which 13 votes were cast. No county officers were elected, but B. F. Simmons was elected Representative to the Territorial legislature, and served his term as such. See Kansas legislature, *House Journal*, second session. Also, J. C. Smiley, *History of Denver*, 528. No other election was held until 1859.
[7] Governor Denver (for whom the city of Denver was named) appointed the following emigrants to offices in the revived county of Arapahoe: H. P. A. Smith, county judge; Hickory Rogers, chairman of the board of county commissioners; Edward W. Wynkoop, sheriff; General William Larimer, treasurer—*Larimer Reminiscences*, 78, 91.
The law of 1855, creating Arapahoe County, did not give the governor authority to appoint a set of County officers, but named certain officers who were to hold office until the next general election. The officers named in 1855 did not take office and none were elected at the ensuing general election. The governor's action is therefore of doubtful legality, though he justified his procedure under his power to fill vacancies. Another matter affecting the situation is the fact that all this territory was as yet Indian land, on which the Indian title had not been quieted by treaty.

political government; while the activity of the following spring was built more on expectations than on existing realities.

Before Governor Denver's appointees to office in Arapahoe County had entered upon their duties, the legislature of Kansas, anticipating a great and rapid development in the western portion of her territory, replaced Arapahoe County by creating on February 7th, five new counties in the same region—Montana, Oro, El Paso, Fremont, and Broderick.[8] For each county, boards of Commissioners were named who were to select the respective county seats and be paid for their services from the "proceeds of the sale of the first lots of each county seat."[9] None of the counties were organized, nor did Governor Denver's appointees, previously named, assume office. Instead, there was held in Denver on March 28, 1859, an election for officers of Arapahoe County, Kansas. Whether the managers of this election were unadvised of the abolition of Arapahoe County by the legislature more than a month previously, or were ignoring that action is not clear. A complement of officers was elected and at least some of these performed the duties of their offices during succeeding months.[10]

With the flood of immigrants in the spring of 1859 there arose a demand for the creation of a new state or territory in the Pike's Peak region. When it became clear that no action would be taken by Congress toward the political organization of the region, impetus was given to the movement for a spontaneous government.

The first definite proposal for a new state came from Fountain City (forerunner of present Pueblo). On April 7th the citizens, "without distinction of party, unanimously declared in favor of a new state" to be formed from a "portion of Kansas, Nebraska, Utah, and New Mexico."[11] A similar meeting was held in Auraria on April 11th, and a call issued for a convention to meet at the same place on the 15th. On the appointed day the convention assembled in the upper story of Dick Wootton's store. Delegates were seated from Fountain City, Eldorado and El Paso, Arapahoe, Auraria, and Denver City (purported precincts of Arapahoe County, Kansas). Here the delegates, impressed with "the power and benefits and duty of self-government," resolved that "owing to the absolute and pressing necessity for an immediate and adequate government for the large population now here and soon to be among us, . . . and believing that a territorial government

[8] See O. B. Gunn's *Map of Kansas* (1859), which shows these new counties.
[9] Act approved February 7, 1859.
[10] The list of officers elected appears in the first issue of the *Rocky Mountain News*, April 23, 1859. The number of votes reported was 774. Various legal notices pertaining to property and referring to Arapahoe County, Kansas Territory, appeared in this newspaper during 1859. See the issues of May 28, July 23, October 6, October 20, December 21, 1859.
[11] A report of the meeting is in the *News* of April 23, 1859.

is not such as our large and peculiarly situated population demands," proposed the creation of the "State of Jefferson" and issued a call for elections in May to select delegates to a constitutional convention to meet in Denver in June, 1859. Twenty-three precincts were authorized to send delegates to this convention.

In this call were set forth the reasons for the necessity of a separate State in the region: "Government of some kind we must have, and the question narrows itself down to this point: Shall it be the government of the knife and revolver, or shall we unite in forming here in our golden country, among the ravines and gulches of the Rocky Mountains, and the fertile valleys of the Arkansas and Plattes, a new and independent State? . . . Let us then all unite as one in so great an object; . . . we may indeed feel free as the mountain air which brings us health and vigor. . . . It is a glorious cause, and a feeling of pride as well as of duty should lead us to act in it."[12]

This move for self-government was but a natural result of conditions, and is neither new nor unique in the history of Anglo-Americans in the New World. It was but the re-expression of the principles embodied in the Mayflower Compact (1620), and in the organic acts of the "State of Franklin" (1784), "Oregon Territory" (1843), the "State of Deseret" (1850), and various other spontaneous governments that arose on the frontier.

The spring of 1859 saw an emigrant rush to the Colorado region. Meager indeed were the gold discoveries that set on foot this stampede, and as the eager gold-seekers who had responded to exaggerated reports reached the anticipated Eldorado they found little to sustain their hopes. Disappointment turned to bitterness, and with strong epithets they condemned the country and its early enthusiasts. The covered wagons faced about and turned back over the prairie trails, while embittered gold-seekers sent forth the cry of a "Pike's Peak Humbug." The "go-backs" were carrying all before them when important discoveries of lode gold were made in the mountain gulches of Clear Creek. The outlook for the country was considerably brightened, but when the constitutional convention met in Denver on June 6th, the future of the prospective State was still rather dubious.[13]

Horace Greeley, who arrived by Concord stagecoach on the day the convention met, addressed the citizens in public meeting that first evening and advocated the formation of a State government. Two days later, at a mass meeting on the Gregory Diggings,

[12] Ibid., May 7, 1859.

[13] Delegates to this convention had been elected on May 9th, and at subsequent dates. There were thirteen precincts represented with thirty-two delegates presenting credentials.

he repeated the recommendation.[14] But with the uncertain state of affairs existing, the convention decided to appoint committees to draft the constitution and adjourn until the first of August to await developments.

With the return eastward of many immigrants and a prospect for but few new arrivals before another season, the feeling that the pioneers had politically over-stepped themselves began to grow. Would not a Territorial organization be adequate to the needs of the people, and at the same time dispense with the financial burden involved in statehood? The Constitutional Convention in its August sessions was troubled by this question. The delegates (more than a hundred) after much debate decided to prepare both a state constitution and a memorial to Congress begging the establishment of a Territorial organization, and to submit the two propositions to the vote of the people. This was done accordingly, and in the polling on September 5th, the State proposition was defeated.[15]

Steps were presently taken toward the organization of a "Provisional Territorial Government." Pursuant to a call issued by a Denver mass meeting on September 24th, an election was held on October 3d for selection of delegates to the proposed Territorial convention.

On this same day two other elections were held. One of these resulted in the election of B. D. Williams from a field of seven candidates, as Delegate of Jefferson Territory in the national Congress.[16] The other was the election of a quota of officers for Arapahoe County, Kansas.[17] One fails to find much logic or consistency in these political maneuvers. Laws and principles that suited the purposes of certain individuals were complied with, while others which were often more authentic or consistent were ignored in suiting the whims or plans of office seekers and would-be statesmen.

The Convention to form a Provisional Government for Jefferson Territory met at Denver on October 10th, and in a three-day session formed and adopted a constitution for Jefferson Territory, and nominated a set of officers for this political entity. These nominees for office, on the day following adjournment of the con-

[14] See Greeley's *An Overland Journey*. Also the *Rocky Mountain News* of June 11 and 18, 1859.

[15] A very small vote was polled. The *News* of September 17th reports 2,007 for the Territory and 1649 for the State, and asserts that no vote was taken in several precincts, while in others but one fourth of the miners voted. F. L. Paxson has written of Jefferson Territory in the *University of Colorado Studies*, vols. III: 15-18; IV: 63-76.

[16] The election of Delegate for Jefferson Territory was held more than a week before "Jefferson Territory" was formed. No one seemed to object on that score, however. H. J. Graham, who had represented the pioneers at Washington during the previous session of Congress, was an unsuccessful candidate for re-election on this occasion. G. W. Willing claimed to have been elected, and also proceeded to Washington.

[17] *Rocky Mountain News*, October 6, 1859.

vention, issued a public address in which they justify the provisional government and assert that "in the inherent right which every community of people have to govern themselves in the absence of regular Government, we find a good and sufficient reason for forming the Provisional Government."[18]

The constitution of the proposed Territory was adopted on October 24th, and at the same election a full quota of Territorial officers was voted upon, R. W. Steele, of Florence, Nebraska, being elected Governor.[19] The General Assembly of Jefferson Territory convened at Denver on November 7, 1859, and proceeded with the making of laws for the Territory, creating twelve counties, three judicial districts, incorporating Denver City, and enacting other needed legislation.[20]

The enactment of laws was easily accomplished, but their execution was quite another matter. Everyone was aware of the spontaneous nature of the government and of its lack of legal authority. The greater part of the better element of the population saw in it a good solution of their perplexing political problems, and for some months gave it their support. But even from the day of its inauguration there were many who refused to acknowledge its jurisdiction or to lend it support. On the day following the convening of the General Assembly some of those claiming to recognize Kansas authority held an election at which a representative was chosen to the Kansas legislature[21] and a complement of officers chosen for Arapahoe County. (This was the third election of the year for officers of defunct Arapahoe County—the county having been abolished by the legislature on February 7th, prior to all of the three elections.)[22] The most telling opposition to the Territory came when it attempted to raise revenue. People did not object to citizens holding offices of distinction so long as they did not employ those offices to interfere with the freedom or property of the individual. When a poll tax of one dollar was levied

[18] Ibid., October 20, 1859.

[19] The voting was small, 1,852 ballots being cast for the constitution and 280 against it. Governor Steele left Denver December 12th for his old home and returned the next spring (May 24th) with his family.

[20] *The Laws of the Territory of Jefferson* constitute a highly-prized volume in the library of the State Historical and Natural History Society of Colorado.

[21] Richard Sopris was chosen as representative. He was duly seated in that body and served throughout the session, securing the passage of a number of laws relating to the region he represented. See Richard Sopris, *Settlement of Denver* (Ms. in the library of the State Historical and Natural History Society of Colorado).

[22] The year 1859 saw nine elections at Denver (not counting actions by mass meetings nor elections of people's court officials to try special cases as they arose). The elections were held on the following dates for the objects indicated: March 28th, officers elected for Arapahoe County, Kansas; May 9th, delegates to constitutional convention for State of Jefferson; September 5th, vote on State Constitution; October 3d, election of a Delegate to Congress, a quota of Arapahoe County officials, and a set of delegates to the Territorial constitutional convention; October 24th, Constitution of Jefferson Territory adopted and election of another set of officers for Arapahoe County, Kansas; December 10th, city election for Denver City.

to defray the expense of the Territorial establishment the opposition crystallized. Six hundred miners from the mountain camps signed a "pledge to resist the collection of any tax imposed by the Provisional Government,"[23] and promised the collectors bullets instead of dollars.

They were financial rocks that rendered the sea rough for this new ship of state, but though the frail craft was unable to make a successful voyage, it did manage to remain afloat until Congress created a more seaworthy vessel.

Jefferson Territory was intended as a provisional government only, and its agents and influence were employed at the national capital in attempts to secure government recognition or the establishment of a Territorial government. Both B. D. Williams and George M. Willing claimed to be the duly elected Delegate of Jefferson Territory to the national Congress, and proceeded to Washington, where each urged government action in behalf of the Pike's Peak country. Joining them presently was S. W. Beall, who had been employed by the Denver City Town Company to represent its interests in the national capital.

On February 15, 1860, Representative Adams presented to the House a communication from Delegate Williams which included a petition from the Governor and legislature of "Jefferson Territory," praying for the recognition of the provisional government already established and its Territorial Delegate.[24] Five days later President Buchanan presented to Congress a memorial from residents of the "eastern slope of the Rocky Mountains" asking the creation of a Territorial government and the extinguishment of the Indian title to lands of the region.[25] A bill "to provide for a temporary government in the Territory of Colorado"[26] (Senate bill No. 366) was introduced in the Senate on April 3, 1860, by Senator

[23] *Rocky Mountain News*, December 21, 1859.

[24] *Congressional Globe*, 36th Cong., 1st session, 789. This memorial is printed in the *News* of January 4, 1860, and in *Senate Executive* Document No. 15, 36th Cong., 1st session (Serial 1027).

[25] J. D. Richardson, *Messages and Papers of the Presidents*, V: 580. This was the memorial brought to Washington by "Governor" Beall, formerly of Wisconsin.

[26] *Congressional Globe*, 36th Cong., 1st session, 1502. This was the first appearance of the name "Colorado" for the Territory. S. W. Beall wrote from Washington that the name "Jefferson" did not meet with favor at the Capital. It was contended that all the presidents could not have Territories named in their honor, and that Washington should be alone with this distinction. It is probable also that the young Republican party was not enamored with the name of Jefferson.

The *News* of April 18, 1860, says: "The Senate Committee have before them the following names: 'Yampa,' interpreted Bear; 'Idahoe,' meaning Gem of the Mountains; 'Nemara'; 'Colorado'; 'San Juan'; 'Lula,' interpreted Mountain Fairy; 'Weapollao'; 'Arapahoe,' the name of the Indian tribe inhabiting the Pike's Peak region. The House seems to have hit upon the very appropriate name of 'Tahosa,' which means Dwellers on the Mountain Tops. This or 'Idahoe' will probably be adopted. Among the anti-barbarian names suggested I have heard those of Lafayette, Columbus and Franklin, each entitled to the highest consideration."

Green of Missouri, but no further action was taken by the upper house during this session.

On May 10th Chairman Grow, of the Committee on Territories, reported a bill for the organization of the Pike's Peak region into the "Territory of Idaho."[27] Slavery debate absorbed the attention of Congress and two days thereafter the bill was laid on the table. Thus ended for the session, congressional action in behalf of Territorial organization. Congress did, however, on June 19th, make an appropriation to cover the expense of a treaty with the Indians, in pursuance of which most of the territory of eastern Colorado was ceded by the Indians to the United States government.

Jefferson Territory maintained a nominal existence through the summer of 1860, but was almost wholly impotent. Most of the functions of actual government were discharged by local, popular tribunals—miners' courts and people's courts. These bodies dispensed rude and speedy justice as occasion required. In the mining camps "Districts" were early organized by the miners, and laws were enacted regarding claims and other property rights,[28] while "claim clubs" adjusted property rights in the agricultural sections. The more serious criminal offenses were tried before improvised judges and juries and the sentences were straightway executed. Courts presumably organized under Kansas Territory handled most civil cases at Denver.[29]

As Jefferson Territory together with its county and city creations declined in prestige, the lack of recognized authority became more apparent. In Denver was the situation especially distressing. The mining camps had their local courts which administered effective justice, but at the metropolis so many agencies claimed authority that none were accorded full allegiance. Experience in this region proved the superiority of local governments as against those claiming more general jurisdiction, and Denver, heeding this lesson, decided to establish an "Independent City Government." The movement resulted in the establishment of such a government in the fall of 1860, and this remained in effective control until the Territory of Colorado was established the following year.[30]

With the decline of Jefferson Territory there were other organizations of assumed territorial dimensions which sprang from the virgin and fertile soil. A meeting at Golden on August 7,

[27] *Congressional Globe*, 36th Cong., 1st session, 2047.
[28] T. M. Marshall, *Early Records of Gilpin County*.
[29] The *News* of April 18, 1860, lists ten cases with decisions and counsels, disposed of at the April term of the District Court of Arapahoe County, Kansas.
[30] See *News* of August 8th, September 26, 1860. The issue of October 3d gives the results of the first city election.

1860, passed a resolution for the formation of a State Government (*News* of August 15th). In September, a "United Mining District" arose on the head waters of the South Platte, Arkansas and Blue rivers. This prodigy elected T. C. Wetmore to represent it in Congress and chose a Circuit Judge, a Marshal, a Recorder and a Legislative Committee, and resolved that the code of laws should take effect as soon as prepared.[31] The residents of Mount Vernon District met in their sovereign capacity, September 19th, and declared that they owed allegiance to no political organization except the United States Government, and proceeded to form a constitution to secure life, property, and the general welfare.[32] A noisy convention met at Golden, October 9th to 12th, considered the general situation but accomplished nothing. Later in the same month a convention at Central City established the paper government of "Idaho Territory"; elected a delegate to Congress; and at the same time chose a delegate to Kansas and one to Nebraska. An act was passed dividing the Territory into three judicial districts[33] and this judicial organization was the only Territorial machinery provided. None of these political creations succeeded.

Although admittedly weak, the Jefferson Territorial establishment had not been superseded by any general organization more effective. Therefore Governor Steele issued the call for the general election in conformity with the provisions of its constitution. He gave due warning that no salaries would be forthcoming to those elected to office, but this did not discourage sufficient candidates from coming forward. Executive officers and members to the General Assembly were elected on October 22d, and the legislature began its deliberations on the 12th of the following month. Some days later the assembly adjourned to Golden and continued the session there.[34] In order to prevent opposition it repealed the measures (of the first session) for raising revenue and for the payment of salaries.[35] This government continued in nominal existence until Colorado Territory was established by Act of Congress, but in its last months attempted no action.

When the 36th Congress met in its short session in December, 1860, the great secession movement was afoot, but territorial matters were not entirely sidetracked. Representative Grow presented a bill (H. R. No. 887) on December 18th to provide a gov-

[31] Ibid., September 26, 1860.
[32] This constitution was adopted September 24, 1860. It is printed in the *News* of October 10, 1860.
[33] Ibid., October 31st, November 7, 1860. Colonel C. L. Morgan was chosen by "Idaho Territory" to represent it in Congress. His credentials were presented in the House on February 5, 1861, but he was not recognized.
[34] Ibid., November 21, 28, 1860. The *News* comments on the move to Golden: "It is expected that a larger number will attend the session there, as board is offered them at $6 per week,—wood, lights and hall rent free."
[35] Ibid., December 26, 1860.

ernment for the "Territory of Idaho,"[36] but action was postponed until the following February. In the meantime the Senate had been considering the matter. The bill for creation of "Colorado Territory" introduced in the previous session (April 3, 1860) was brought up in the Senate January 30, 1861, and the name changed to "Idaho Territory."[37] The original bill had designated the Green and the Colorado rivers as the western boundary of the Territory, while the other boundaries were identical with those of the present state. This western boundary was first changed (in the bill) to the 33d meridian and finally to the 32d (from Washington). The bill was again considered February 4th and Senator Wilson "at the request of the delegate from that Territory"[38] proposed to substitute the name "Colorado" for "Idaho." The bill was so amended and immediately passed.

The bill now went to the House and was considered on the 18th. The Delegate from New Mexico objected to having Colorado include that portion of New Mexico north of the 37th parallel, but his objections were disregarded. The bill with minor changes was passed by the House and now returned to the Senate. The Senate concurred in the amendment on the 26th and the President approved the measure two days later.[39] President Buchanan left the appointment of the Territorial officials to his successor.

After some delay President Lincoln appointed Colonel William Gilpin as Governor of Colorado Territory, and the new executive reached Denver May 27, 1861. Members of the first Legislative Assembly were elected in August and convened September 9th. The census taken in the summer of 1861 gave a population for Colorado of but 25,331. Mining was the chief dependence of the people, and in this industry there was much discouragement because of the refractory nature of the ores. The Civil War was absorbing much attention and was drawing off many men to the ranks of the army. But despite these disconcerting conditions there were certain persons and factions in the Territory who were ambitious for statehood.

In the second legislative Assembly, convened at Colorado City, a bill was introduced "to frame a Constitution and State Government for the State of Colorado,"[40] but failed of passage. Statehood advocates turned to Congress as early as 1862. Enabling acts for Colorado, Nebraska, Nevada, and Utah were introduced by Representative Ashley on December 22d; and on the 5th of the following month Delegate Bennet, of Colorado, introduced a bill

[36] *Congressional Globe*, 36th Cong., 2d session, 120.
[37] Ibid., 639.
[38] Ibid., 729.
[39] Ibid., 1003, 1205, 1274.
[40] Colorado Legislative Assembly, 2d session, *House Journal*, 17, 111.

to provide statehood for Colorado.[41] Neither of these bills passed the House. The Senate passed a statehood bill for Colorado on March 3, 1863, but it failed of acceptance in the House the next day (last day of the session).[42] People of Colorado were not so much concerned about statehood as were politicians in Washington. The Republican party saw in the creation of new states an opportunity to replenish the ranks of its partisans in Congress. Accordingly the 38th Congress passed enabling acts for Colorado, Nevada, and Nebraska. The one relating to Colorado was approved by President Lincoln March 21, 1864.[43]

In conformity with the enabling act, members of a Constitutional Convention were elected on the first Monday in June, and during the early days of July they framed a state constitution. Confident that the instrument would be accepted by the electorate, the local politicians held a convention which nominated a set of state officers. A campaign was now waged which was one of the most bitter and acrimonious in the history of Colorado. Statehood advocates were confined almost entirely to Denver, and here the sentiment was nearly equally divided. At the election in September, 1864, the constitution was overwhelmingly defeated. The small vote recorded (6,192) indicated the meagerness of population in the Territory, and the people's decision was an indication of their unwillingness to assume the financial burden of statehood.

In the next session of Congress Senator Lane endeavored to secure the passage of another enabling act for Colorado, but did not succeed. On the other hand, local champions of statehood subordinated their partisan quarrels and made a concerted effort to secure statehood in 1865 with action presumably under the enabling act of the previous year. Members of another constitutional convention were elected and at a four-day session they adopted a constitution. This document was submitted to the voters September 5, 1865, and according to the reported returns (some questionable votes being counted) was carried by a majority of 155 votes. An election was held in conformity with this constitution on November 14th and a full quota of "State" officers elected. The "State" legislature met on December 18th and elected J. B. Chaffee and John Evans as United States Senators. Proceeding to Washington, these Senators-elect presented their credentials and asked President Johnson to proclaim Colorado a State of the Union. This he refused to do, explaining to Congress that the proceedings of 1865 had not been in conformity with the enabling

[41] *Congressional Globe*, 37th Cong., 3d session, 166, 194.
[42] Ibid., 1549.
[43] *Congressional Globe*, 38th Cong., 1st session, 1298. Colorado at this time did not have over one fifth the population of the Congressional ratio for Representative in Congress (this number was then 127,000).

act of March 21, 1864.[44] Senator Stewart of Nevada[45] immediately introduced a bill for the admission of Colorado to statehood and the recognition of the statehood proceedings in Colorado of the preceding months. The measure was passed by Congress on May 3d and went to the President.

During the summer of 1865 President Johnson had proceeded, in conformity with Lincoln's policy, with liberal measures of reconstruction in the South. When representatives from the southern States appeared for admission to Congress in December, they found the doors closed to them; for the plans of "reconstruction" of the President and of Congress were already at variance. Johnson felt that no new, sparsely-populated Territories should be "prematurely and unnecessarily admitted" to statehood while old states were refused re-admission. Accordingly he vetoed the measure for Colorado statehood and his veto was not overridden.[46]

The statehood forces, though repulsed, were not defeated. At the next session of Congress a bill was again introduced for admission of Colorado (December 10, 1866). In due time this measure was passed by Congress (January 16, 1867) and again the President stated his objections in a veto message.[47] The President was able to refer to a resolution of the lower house of Colorado's Territorial Legislature wherein the formation of a state was opposed. Colorado had experienced little or no growth of population in the preceding seven years and this fact was submitted as an argument against the statehood measure. Although a similar bill, admitting Nebraska to statehood, was passed over the President's veto at this time (March, 1867) the Colorado measure failed of enactment.

The fortieth Congress (1867-69) in both the first and second sessions received Colorado statehood bills, but paid little attention to them. Nor was any strong or effective effort to secure statehood made in the two succeeding Congresses (1869-73), although in the latter, Delegate Chaffee made some unsuccessful attempts in that direction. Conditions were changing for the better, however.

The first decade of Colorado's history following the Pike's Peak gold rush was one of instability and discouragement. Ores were refractory, agriculture was not firmly established, the future was uncertain. The second decade saw great improvement. The

[44] J. D. Richardson, *Messages and Papers of the Presidents*, VI: 375.

[45] Nevada had accepted statehood in 1864 when Colorado rejected it.

[46] The veto message is found in Richardson, op. cit., VI: 416. In this same month Congress passed the famous Civil Rights Bill over the President's veto; so it is evident that had Congress been sufficiently in sympathy with statehood for Colorado, she could have enacted the measure over the President's veto.

[47] Ibid., VI: 483. Prior to this time but three states had been admitted to the Union with populations fewer than the Congressional ratio for Representative to Congress (see Ibid., 489). These states were Florida, Oregon, and Nevada. Admission of states now became and continued to be, more a question of party expediency than of wisdom or justice.

railroad came in 1870 and the agricultural "colonies" were founded. The influx of population had a cheering effect and hope began to rise. These encouraging conditions were soon reflected in the rising favor accorded the movement for statehood. A majority of the citizens now came to advocate the discarding of Territorial status for full-fledged statehood.

In his message to Congress in December, 1873, President Grant recommended "the passage of an enabling act for the admission of Colorado as a State."[48] Delegate Chaffee early introduced such a measure and in January, 1874, presented petitions signed by thousands of Colorado citizens praying for the passage of an enabling act.[49] He was able on June 8th to get his bill passed by the House, but when sent to the Senate it received a less favorable reception. Republican Senators who for a decade had advocated statehood while they were sure that men of their own political faith would be sent to Washington, now doubted the advisability of granting statehood (the political situation in Colorado having become uncertain if not hostile). The measure was laid on the table in the august upper house.

In the following session the Senate again considered the pending bill (February, 1875). A Democrat, T. M. Patterson, had been elected as Delegate to Congress in the September preceding, and some of the majority party feared that the state if admitted would be a political thorn in their side. Others explained that the result of the election was but a reaction against the maladministration of Governor McCook, and demanded his dismissal. When the Territorial executive was replaced the opposition to statehood was reduced in the Senate, and the bill was finally passed by that body with minor amendments, on February 24th. Chaffee skilfully piloted the bill through the House and it became a law with the signature of President Grant on March 3, 1875.[50]

In conformity with the enabling act, members of a constitutional convention were elected October 25th, and these delegates assembled at Denver December 20, 1875. The work of the convention was completed on March 14th following, and the document was submitted for ratification July 1, 1876. The time was ripe for statehood. In the five years immediately preceding, the population of the Territory had doubled, and was now near the 100,000 mark. Indications pointed to a continued rapid growth.

The constitution was ratified by an overwhelming majority, and on August 1, 1876, President Grant proclaimed the State

[48] Richardson, op. cit., VII: 255.

[49] *Congressional Record*, 43d Cong., 1st session, 89, 431, 602, 630, 770, 938, 4691.

[50] Ibid., 43d Cong., 2d session, 1692, 2238, 2275.

admitted to the Union. For eighteen years—since the year of the discovery of gold—the ideal of statehood had been carried in the minds of pioneers of Colorado. Their dream was at last realized, and right heartily did they celebrate. It was the hundredth anniversary of American Independence, and by popular acclaim the new Commonwealth was appropriately designated the "Centennial State."