CHAPTER I
1858-1869

HISTORY OF THE DENVER WATER SYSTEM

By

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Professional Engineer
## INDEX

### CHAPTER I

**1859-1869**

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This is the story of the Denver Water Works System and Plant.

It begins with the Cherry Creek settlements of 1858 and ends in 1964, the year in which operation of the Blue River Diversion Project was begun.

Although numerous articles of interest have been published from time to time describing major units of the system as they came into being, this is the first attempt ever made to record the step by step growth of this utility over the full life span of its existence.

The narrative divides itself naturally into two parts, separated by the day, November 1, 1918 upon which ownership and control passed from private to public hands.

The search for authentic information has been an extensive and time consuming one. In addition to a systematic review of departmental records, it was found necessary, before an unbroken chain of events could be had, to scan contemporary newspapers over the entire period of private ownership, some sixty years in length.

Considerable corporate information not otherwise available, was obtained from legal briefs, arguments and court decisions handed down in connection with the extensive litigation carried on between the city and the various water companies serving it during the period of private operation.
The presentation consists of a series of related events assembled with care taken to maintain accuracy in reporting without undue regard for literary excellence.

It is dedicated to the memory of all those courageous and hard working men and women of vision, who for all the generations of the past 100 years have contributed so much to the well being and prosperity of the "Queen City of the Plains."
INTRODUCTION

Denver is one of the few consolidated city-county municipal corporations in the United States.

It is governed by a strong Mayor-Council type of organization, consisting of a Mayor elected at large and nine councilmen elected by Districts, the terms of all running concurrently for four years.

In 1960 it ranked twenty third among the cities of the country, with a population of approximately 494,000, or about 61 percent of the population of the urbanized area of which it is the core city. In that year some 612,000 people living in the metropolitan area depended upon its system for their potable water supply.

It lies on the South Platte River at 39 degrees, 45 minutes north latitude and 104 degrees, 59 minutes west longitude.

Economically, Denver is classified as a diversified city where the employment in retail trade is dominant with only about 20 percent of the aggregate employment engaged in manufacturing activities.

Numerous agencies of the Federal Government, military and otherwise, maintain headquarters in the area. Their presence here has much to do with the economic stability of the state of Colorado as well as of the City itself. To some extent at least, these take the place of large scale industrial and manufacturing enterprises which usually require substantial volumes of water for industrial use.
The Denver water system is managed by a Board of Water Commissioners consisting of five citizens, appointed by the Mayor for six year terms, arranged so that no more than two members are appointed at any one time.

This Board is an independent, non-political one, having authority in dealing with all matters pertaining to the operation of the water works system and plant owned by the City and County of Denver. The City Treasurer is custodian of water department funds and the City Auditor has accounting control of its financial transactions.

The Board fixes the rates at which water is sold, and provides the rules and regulations relative to its use and distribution.

Major improvements to the plant, including its original purchase, have always been financed by the issuance of general obligation bonds secured by the general credit of the City and County. These bonds are payable, as to interest and principal from general and valorem taxes. However, the City Charter provides that the Board may commit itself to pay from revenues of the water department, both interest and principal on bonds issued for its use. This optional arrangement, adopted by the original Board and continued without change throughout the entire period of public ownership, has resulted in no call ever having been made for financial assistance from general tax funds for this purpose.

The Denver system is supplied by surface waters collected at various points from numerous streams having their origin on both the west and east slopes of the continental divide lying to the west of the city.
The legal right to do this is based upon the doctrine of appropriation, as opposed to the common law doctrine of riparian rights. This doctrine grew out of the use of water for pioneer mining operations, first in California and then in the other arid and semi-arid states of the west.

In Colorado, the formal foundation for this particular doctrine was laid by the Territorial Legislative Assembly which approved on November 5, 1861, "An Act to protect and regulate the Irrigation of Land". When the State Constitution was adopted in 1876, the subject was covered by Article XVI, "Mining and Irrigation". Paragraphs 385 and 386 of that Article follow:

**Far. 385 Water, Public Property**

"The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided."

**Par. 386, Diverting Unappropriated Water-Priority.**

"The right to divert unappropriated waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall be given the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes".
Starting with a foundation of this character, it naturally follows that the development of procedures for the acquisition and administration of water and water rights, as established over the past 100 years, through the enactment of supplementary statutes and their interpretation by the Courts has been a major factor in the extraordinary economic and physical growth of Denver and the State of which it is the capitol city.

The climate of Denver is healthful and invigorating. It has characteristic features of low relative humidity, abundant sunshine, moderately high wind movement, a wide daily range in temperature and a 92 year average annual precipitation of 13.73 inches. Although about 10.46 inches of this total amount falls during the seven irrigating months, April through October, there remains during that period an average annual deficiency of at least 15 inches, if normal growth of vegetation is to be had.

Beginning with the year 1867, this deficiency in annual rainfall was more or less successfully made up by the use of water supplied from open ditches of which the City Ditch was the principal one. This water was run in the street gutters and taken by individual users and applied to their trees, lawns and gardens by the primitive flooding method.

After the introduction in 1872 of a pressure pipe system, originally designed for fire protection purposes and only incidentally for domestic use, the supplemental irrigation demand was gradually transferred to that system. However, it was not until about the year 1900 that the change over can be said to have been fully completed.

The impact of this irrigation demand upon filtered water production has for many years, past been a substantial one. For instance, in 1963, it accounted for nearly 47 percent of the total amount of filtered water produced.
production. In volume, this amounted to 75,358 acre feet.

The Table of Contents is composed of eleven chapters, each covering significant phases of plant development for a particular cycle of time. These follow in chronological order, hand in hand with the growth of the city itself, to which the water utility has contributed a major part in its advancement from a small pioneer settlement to the cosmopolitan city of today.

Addendum

The task of compiling the record of the Denver Water System for the period 1921 through 1965 indefinitely suspended by the Board of Water Commissioners when Supervising Engineer, Earl L. Mosley was retired, effective March 1, 1966.

When and if this work is resumed, it will be found that little or no outside research activities will be required, all of the necessary data being available from the excellent records kept by the Board over the entire period of its existence, beginning with November 1, 1918.
CHAPTER I

1858 - 1869


The age old, ceaseless quest for gold was responsible for the founding of Denver.

Although this precious metal was reported to have been found in Colorado as early as 1806 and in subsequent years by various mountain men and government exploring expeditions, very little attention was paid to that fact, until W. Green Russell, a miner from Georgia, left his home on February 7, 1858, in company with seven other men bound for the wilderness of the Rocky Mountains in search of gold. It appears that he was led to this undertaking by the circumstances of his having met, while in California in 1849, a Cherokee Indian named Beck, who informed Russell that he and a companion named Ralston in crossing the plains via the Arkansas route, had tarried a while on Cherry Creek and the Platte river and in prospecting there, had discovered gold. This led to an agreement between them that they would examine the eastern slope of the mountains in that general area at some future time.

In due course, both returned home, Russell to Georgia and Beck to the Cherokee Nation in Indian Territory.
Russell's company, consisting of himself, his two brothers, Louis Ralston and four others, arrived in Leavenworth, Kansas, early in May where they were joined by ten more adventurers. Travelling across country, using both the Santa Fe and Smoky Hill routes, they reached the mouth of Cherry Creek on June 24, 1858, going into camp in a grove of cottonwood trees on the west side of the Creek.

On the Pawnee Fork, a party of Cherokee Indians, Beck's presumably, had been overtaken and the two companies travelled together from that point on.

Unsettled as to future proceedings, the Indians remained at Cherry Creek while some of the other members of the company went north to Ralston creek, eight miles distant, where they hoped to find rich deposits of the precious metal. This venture, however, brought indifferent results; nevertheless evidences of gold sufficient to inspire further search were obtained. Upon returning to the Cherokee camp, they found the Indians greatly discouraged and bent upon returning east to their old homes.

Lacking industry, patience and hope, in less than 10 days they had become disillusioned and fearful of trouble from the Utes and Plains Indians, the Cherokees, with some discontented white men of the Russell Party left for the east.

According to James A. Fiére, in an interview published in the Rocky Mountain News of August 13, 1888, and a member of the original Russell party, Green Russell, his cousin, deeply grieved by the threatened desertion of all of his associates, with tearful eyes begged them to remain saying, "if but one man will stay with me, I will prospect those mountains".
But only twelve agreed to stay. Those were: his two brothers, Samuel Bates, Soloman Roe, R. J. and James A. Pierce of the Georgians and of those who had joined him at Leavenworth, W. E. McFadding, McKimmons, Masterson, Tierney, Herring and Young. Thus supported, Russell started up the Platte toward the mountains, prospecting along the stream. Most of the company passed ahead of the wagons, while Green Russell was somewhat behind them. When about four miles up the river, said Pierce, I saw a bank which looked as if it might contain gold. I stopped, got a pan of the dirt and gravel and began panning it out. I was about half through when Green Russell came up, took the pan and finished it. It contained ten cents. 'Run ahead, boy, said he, and call the others back, our fortune is made'. Being only twenty-one years old, I was the kid of the party, so I went and brought back the others and we at once went into camp. In prospecting around, we discovered placer dirt on Dry Creek, some three or four miles from the Platte, from which we took three ounces the first day. These diggings paid very well, and from all of them we secured some $600 to $700 during the summer."

While we were working on Dry Creek, a miner named Cantrell, who had made a trip from the Missouri river to Fort Laramie alone, came along on his way home and camped with us. He saw our dust and asked for a bushel or so of the dirt. We gave it to him, and when he reached home at Westport, he panned it out and published the results, with an affidavit setting forth the facts just recounted. This was late in the fall of 1858, and is what started the gold hunters in such crowds across the plains.
Smiley's History of Denver contains a map which shows the location of various early historical spots in the Denver area. The Russell camp, later known as "Placer Camp", was located at the mouth of Little Dry Creek on the east bank of the Platte river opposite West Dartmouth Avenue in Englewood. It was the first location in this area to receive a name.

In the spring of 1858, reports reached Lawrence, Kansas, through two Delaware Indians, "Fall Leaf" and "Little Beaver", that gold had been discovered by themselves near the base of Pikes Peak. "Fall Leaf" said he had been one of Fremont's guides through the mountains. Whether true or not, he exhibited considerable gold dust, much of it in nugget form, as material evidence of the existence of gold in the country named. Naturally, this Indian created a good deal of excitement in that quiet Kansas settlement. A number of young men to whom he had related his story met secretly at the old Commercial Hotel, the upshot of which was a resolution to undertake the long pilgrimage to Pikes Peak.

A man by the name of John Easter was the organizer of this company. Therefore, on the twenty second of May 1858, eleven wagons laden with provisions for six months, implements, etc. left Lawrence for the new Eldorado under command of J. H. Tierney who had been elected Captain. The train passed up to the Arkansas by the Santa Fe Trail, thence to the mouth of the Fountain qui Bouille and north 15 miles above the present city of Pueblo where they halted July 4th and formed "Camp Independence" in honor of the "day we celebrate". Some days later they found themselves in the "Garden of the Gods", where, owing to its vicinity to Pikes Peak, they expected to find rich diggings.
For three weeks they prospected the region about, but in vain. At this
time they cut their names in the sandstone inside the main gateway.

They voted to go south toward New Mexico and started in that
direction but got no farther than Fort Garland where they were overtaken
by a wandering trapper, who informed them that Green Russell's company had
found rich diggings on the Platte, whereupon they immediately packed up and
came north, arriving at Placer Camp on Dry Creek, September 9th, 1858.

Presently true to their American instincts, and in preparation for
winter, the Lawrence party resolved to form a company and build a town.
Thinking that the Placer Camp diggings would help build up a settlement,
they proceeded to lay out a town about one mile north of Placer Camp.
This townsite was bounded on the west by the Platte river, on the east by the
old trail running from Santa Fe to Fort Laramie, on the north by what later
became West Evans Avenue, and on the south by West Iliff Avenue. It was
christened Montana, the feminine for Mountain, and by the middle of September
some fifteen or twenty cabins had been built fronting on streets in dignified
town manner. With the exception of a few scattered trading and military
posts, this was the first settlement of white people in the Rocky Mountain
region.

A fall of snow the latter part of September caused Green Russell
and his brother, Dr. Levi J. Russell to move to the west side of the mouth
of Cherry Creek which appeared to be a better place for them to winter than
either Placer Camp or Montana City.

At about this same time, a minority group of the Lawrence company
by prearrangement stole away from Montana in the night with the object
of founding a town on the east side of Cherry Creek near its junction with the Platte River.

This group, together with John S. Smith and William McGaa, who claimed trapper's rights of possession to all the territory between Kansas and New Mexico, thereupon proceeded to organize a town site and lay out 640 acres for that purpose under the name of the "St. Charles Town Company". The articles of agreement were headed "Upper Waters of the South Platte River at the Mouth of Cherry Creek, Arapahoe County, Kansas Territory, September 24, 1858".

The closing sentence of this agreement reads "in case the country ever amounts to anything, John Smith and William McGaa shall separately claim the west side of Cherry Creek, and use all their influence to the end that it may eventually become a part of the company's property."

The town site thus established remained a brief statement on the pages of an old memorandum book, without improvement until further events transpired to enforce more substantial right of occupancy.

Winter was approaching and all but a few of the Lawrence Company left for their Kansas homes, intending to return in the spring to build their projected metropolis if it should be justified by intervening favorable prospects.

At a point about 100 miles down the Platte they met a considerable company enroute to the gold fields. Apprehending confiscation of their town site by the newcomers, they sent Charles Nichols back to protect it, with instructions to put up a building on the land as evidence of the company's right to it. Having neither the means nor the requisite tools for the purpose, he proceeded to cut four logs and lay them in a square which was all that was
needed in eastern Kansas in those days to establish priority of claim.

In 1858, James W. Denver of Ohio was governor of the Territory of Kansas. The reports coming in from the western end of his dominion soon aroused his attention and resulted in the commissioning of three county officers to go to the new country as representatives of Kansas government. These three officials fell in on the way with a company that had been organized at Leavenworth, Kansas. This company left Leavenworth on October 3, 1858 and arrived at Cherry Creek on November 16th. No time was lost in siging up the situation. The very next day its leaders took possession of the St. Charles townsite, which they claimed had been abandoned; the only improvement on the land being the four logs laid in a square by Charles Nichols.

Among the members of this party was General William Larimer, Jr. his son, W. H. H. Larimer, Richard E. Whitsitt, Folsom Dorset, M. M. Jewett and C. A. Lawrence.

Finding the west bank of Cherry Creek occupied, Whitsitt, Larimer and associates moved to the east side and by some means unexplained, secured the constitution and by-laws of the St. Charles Company; organized a new company, named it Denver and proceeded to sell lots under a new survey with definite boundaries. This "jumping" process was partially rectified in the spring of 1859 by giving some of the original St. Charles Town Company members an interest in the new organization. Thus arose and perished in infancy the city of St. Charles.

Earlier in the fall of 1858, the remaining inhabitants of Montana moved down to the west bank near its mouth and there in company with the Russells
and others, a meeting was held on October 30, 1858 with the object of
selecting a site for another town. On the next day, a committee appointed
for the purpose, selected a tract having Cherry Creek for the easterly line,
the South Platte for the northerly line and extending west and south sufficiently
to include not less than 640 acres, reserving and excepting for the benefit
of William McGaa and John S. Smith, the privilege of a ferry landing
(Platte River) within the river boundary of the town lands.

The preamble to the constitution recited, that "We, the citizens of
the South Platte, have assembled on this, the first day of November 1858,
and agreed to associate ourselves into a company to be known and distinguished
as the Auraria Town Company, by which name we hold ourselves liable
to sue and be sued, and to transact business as an individual and legal body".

Although a survey was at once authorized, it was not completed until
the next year. The only plat now existent was prepared by H. M. Fosdick
and Lewis Tappan and was dated December 1, 1859. This plat embraced the
sites of Auraria, Denver and Highlands.

After the Auraria and Denver City town companies had been organized,
the pioneers left at Montana lost faith in the prospects of their little hamlet.
Before the winter was over most of them had moved to Auraria, taking the
useful material of their cabins with them. By the spring of 1859, the Montana
town site was left to revert to a state of nature and after about seven months
or so it became a historical memory.

The politicians were busy even at that early day. An election was
held in Auraria on November 6, 1858. H. J. Graham was elected a delegate
to Congress and A. J. Smith was made representative to the Kansas legislature.
The instructions given Graham were to get the Pikes Peak region set apart as an independent Territory to be called "Jefferson". He was a man of ability and earnestly endeavored to accomplish the wishes of his constituents. But he found himself without influence at Washington. The country was so far away from civilization that Congress refused to consider the scheme of the proposed permanent settlement.

Smith was more successful in Kansas. Arapahoe County had been created in 1855 by the first legislature of Kansas, so he was recognized by the legislature of 1858-1859 and the region thereby became officially represented for at least one session of the Kansas Legislature.

Hall states that the Denver Town Company took formal possession of the St. Charles site on November 17, 1858 on which date the city may be said to have been founded.

The Denver men were great boosters. They claimed the advantages of the more eligible site, and did their best to interest the new arrivals in their city. The aggressiveness of these wide awake Denver people caused the Aurarians to lose their tempers. A bitter spirit of rivalry soon developed between the two towns and they put in much time during the winter of 1858, throwing hard words at each other across Cherry Creek, Auraria's partisans boasted of her antiquity, claiming that she was a city three or four weeks before Denver was even a town on paper.

It is possible that national political affairs had something to do with this bad feeling, since the settlers in Auraria were largely from the south while those composing the Denver groups were from abolitionist Kansas, and adjoining northern states.
Soon after the Auraria Town Company was organized, Green Russell and his brother, J. O. Russell, started on a trip to Georgia for the purpose of organizing a large company of gold seekers. They were convinced that rich deposits of gold existed somewhere in the region and were determined to find it.

In her book, "Colorado Pioneers in Picture and Story", Alice Polk Hill states that William Green Russell, the man who pushed the button and turned on the show, returned in May 1859, bringing with him one hundred and seventy men. He proceeded to Gregory Camp, going beyond it to a point south of Central City and on June 9, 1859, made the third rich discovery in Gilpin County, which was then given and still bears the name of Russell Gulch.

It may be stated in passing there were no valid rights to any part of the ground which these early town sites occupied. While it is true that title to it was obtained by the United States through the Louisiana purchase in April of 1803, the Arapahoe and Cheyenne Indians claimed ownership by right of possession and did not abandon their claims until the Treaty of Fort Wise, -Ft. Lyon- was signed on February 18, 1861. In that treaty, the Indians gave up all of eastern Colorado, except a triangular reservation generally bounded by the Arkansas River and Sand Creek on the southern and northeastern sides and on the west by a line running north and south from a point on the Arkansas River five miles east of the mouth of the Huerfano River. This treaty was made as a part of the procedures in organizing a new Territory here, but it did not give title to these town companies. Prior to this extinguishment of Indian title, and as a matter of fact, for some time afterward, possession and improvement of the town lots carried title of right that was
maintained with guns upon occasion. It was not until Congress enacted the law of May 28, 1864, known in local real estate annals as the "Congressional Grant", that these defective titles growing out of the irregular proceedings of the founders of Denver were confirmed and made good.

While financial depression still ruled the land, following the panic of 1857, and men were without money, credit or opportunity for business of any kind, fanciful fabrications of the discovery of gold at Pikes Peak caused a wild rush of immigrants to the new Eldorado. The seductive tales gathered volume as they flew. In the more conservative east they made little impression, but in the middle west, where the shock of the panic had fallen more heavily, because its people were less prepared for it, the stories were believed and the march began early in the year 1859. These immigrants came in endless processions by the Platte, Smoky Hill and Arkansas routes. According to King, this army of gold seekers was composed of capitalists and laborers, collegians and clerks, abolitionists and slave holders, men seeking economic justice and men fleeing from civil justice; from north and south, east and west; from every state in the Union, and from every grade of social and economic life, men of every kind and class, leaving wives and daughters behind, rushed across the plains for the wealth they fancied could be picked up from the bottom of a stream.

Each newcomer tried his luck at "panning out" the sands in the nearby creek bottoms only to find that the gold did not "pan out" in paying quantities. Discouragement grew apace. Then followed misrepresentations, incriminations, counter-incriminations and civil disorder. In chagrin, about mid April, sixty
or seventy men started homeward, spreading a doleful and disparaging tale of the "finds" as they went.

It is said that they turned back with them fifty thousand of the one-hundred and fifty thousand treasure seekers then on the plains bound for the gold fields. (Obviously a gross exaggeration).

In the meantime, the experienced and more prudent prospectors were beginning to work out through the foothills. There their efforts found reward.

On January 7, 1859, George W. Jackson discovered a rich placer shortly above the confluence of Chicago Creek with Clear Creek near Idaho Springs. About the first of May, Jackson and 22 companions returned to his find and started working it in earnest. The proceeds of the first seven days netted them nineteen hundred dollars.

The next discovery of values was made by John H. Gregory, a Georgian who, learning of the finding of gold on the South Platte, made his way up Clear Creek with two companions and taking the north fork arrived at what was later known as Gregory Gulch in Black Hawk on May 6, 1859.

Here they washed out forty pans of dirt and obtained forty dollars. This gold came from a quartz vein discovered at grass roots on the side of a hill.

About the first of June 1859, Green Russell's party consisting of one hundred and seventy men arrived at Gregory, but passed on to the district to above what later became Russell, south of Central City. As already noted, gold was discovered in the gulch which now bears his name. The first week's work here with five or six men netted about seventy-six ounces of gold. Thus we have the beginning of what later became known as the richest square mile on earth, the little kingdom of Gilpin County.
The year 1859 was, according to Hall's History of Colorado, in many respects the most interesting period in Colorado's early history.

Mention has already been made of the abortive attempt started in November 1858 to get Congress to create a new Territory to be known as Jefferson.

The following abstracts of political activity in the Pikes Peak region are taken from "Colorado and its People", by Hafen.

"With the arrival of immigrants in the spring of 1859, there arose a demand for the creation of a new state or territory in the Pikes Peak country. When it became clear that no action would be taken by Congress (Session of 1858-1859) toward political organization of the region, the movement for an independent government was given impetus. Perhaps the first definite proposal for a new state came from Fountain City, (forerunner of present Pueblo). On April 7, 1859 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". A similar meeting was held in Auraria on April 11. It called upon the citizens of Denver and Auraria to appoint delegates to meet in convention on April 14, "to take into consideration the propriety of organizing a new State or Territory". The meeting of the 14th selected delegates to the general convention set for the next day.

"The convention of the 15th Assembled in the upper story of "Uncle Dick" Wooton's store in Auraria with thirty delegates present.

A preamble and resolutions were adopted and a committee was
appointed to prepare an address to the citizens of the intended State of Jefferson. This was done and ended with the following paragraph:

"Let us then all unite as one in so great an object; forgotten be for the time all party creeds and political differences, and with an eye solely to so glorious a result, let us all push forward to the one point before us, the formation of the State of Jefferson...." It will thus be seen that we include within our limits all the material necessary to make not only a state but a nation. With our mountains teeming with minerals and metals of every kind; our valleys richer for agricultural purposes than any part of the Union, with a population hardy as the hills they traverse, and prairies to divide us from the rest of the world, 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".

"As already noted the immigrant rush to the Colorado region in the spring of 1859 was very large. But unfortunately, gold discoveries during the early months were not up to expectations. Many of the gold seekers, lured to the gold fields by greatly exaggerated reports, were gravely disappointed with the new country. They turned their covered wagons about and trudged over the plains with the embittered cry of a "Pikes Peak Humbug". Even the discovery on May 6, 1859 of the important Gregory Lode, the first important gold find in the region failed to hold all the gold hunters or to induce the "go-backs" to turn again to the mountains. Naturally, the disappointments in mining development were reflected in political events.

When the time arrived for the constitutional convention to meet in Denver - June 6 - the future of the prospective State was still rather doubtful".
Horace Greeley, famous editor of the New York Tribune, arrived in Denver by Concord Stagecoach on the day the convention met. Albert D. Richardson, staff correspondent of the Boston "Journal", and Henry Villard of the Cincinnati "Commercial" joined Greeley at Manhattan, Kansas and traveled with him to Denver.

In his book, "Beyond the Mississippi", published in 1867, Richardson had this to say:

June 6, 1859. "At last we struck the old trail from Santa Fe to Salt Lake, rode a mile along the dry bed of Cherry Creek, and at eight this eleventh morning reached Denver City."

"Making governments and building towns are the natural employments of the migratory Yankee. He takes to them as instinctively as a young duck to water. Congregate a hundred Americans anywhere beyond the settlements, and they immediately lay out a city, frame a State Constitution and apply for admission into the Union, while twenty five of them become candidates for the United States Senate".

"True to this instinct, the people of this unfledged community, nominally in Kansas but practically as far from government and civilization as Central Africa, were already making a State Constitution, and months before they had laid out Denver City.

"It was a most forlorn and desolate looking metropolis. If my memory is faithful, there were five women in the whole gold region; and the appearance of a bonnet in the street was the signal for the entire population to rush to the cabin doors and gaze upon its wearer as at any other natural curiosity."
"The men who gathered around our coach on its arrival were attired in slouched hats, tattered woolen shirts, buckskin pantaloons and moccasins; and had knives and revolvers suspended from their belts.

"We took lodgings at the Denver House. True to the national instinct, the occupants of this great drinking and gambling saloon demanded a speech. On one side of the tipplers at the bar silently sipped their grog; on the other the gamblers respectfully suspended the shuffling of cards and the counting of money from their huge piles of coin, while Mr. Greeley standing between them made a strong anti-drinking and anti-gambling address, which was received with perfect good humor.

"Thus far no gold had been discovered within sixty miles of Pikes Peak; but the first reports located the diggings near that mountain, and "Pikes Peak" one of those happy alliterations which stick like burrs in the public memory - was now the name for this whole region.

"The first extravagant statements had all been based upon supposition. Prospectors found the "color" - infinitesimal quantities of the shining dust - and nothing more, chiefly in the bed of the Platte. The mountains had not been searched to any extent.

"So little confidence was felt in the mines, that in Denver, picks commanded only ten or fifteen cents a piece, and town lots and log houses were bartered for revolvers, or sold for ten or twenty dollars. Of the few men engaged in mining, not half a dozen were realizing one dollar a day.

"But on the sixth of May (1859) - just one month before our arrival, John H. Gregory, an old Georgia miner, struck rich deposits of gold in the mountains among the head waters of Clear Creek; and from that discovery
dates the history of Pikes Peak as an ascertained gold region."

"The constitutional convention that met in Denver on June 6 and 7, 1859 was composed of fifty delegates. With the uncertain state of existing affairs the convention decided to appoint committees to draft a constitution and then to adjourn until the first of August to await developments." The feeling soon grew that the pioneers had politically overstepped themselves. 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? This question became the major issue in the convention that assembled on August 1, 1859. The session lasted for six days, with the question as to the adoption of a State or Territorial Government ending in a compromise. It was decided to draft both a State Constitution and a memorial to Congress praying for the establishment of a Territorial government. The people being given the opportunity to vote on both propositions at an election to be held on September 5, 1859. At that election, the State Constitution was defeated. The "News" reported that 2,007 ballots were cast for a Territory and 1,649 for a State, observing that not over one-fourth of the miners had voted.

"Steps were presently taken toward the organization of a 'Provisional Territorial Government.' Without going into detail it can be said that a convention to form such a government met in Denver on October 10 and in a 3 day session, formed and adopted a constitution for Jefferson Territory, and nominated officers for this political entity.

"An election was held on October 24 at which time the territorial government was adopted by a vote of 1,852 to 280. On that date, R. W. Steele..."
was elected Governor with the other necessary offices filled by prominent citizens of the day.

"The boundaries of Jefferson Territory were fixed at the 102nd and 110th meridians of west longitude, and the 37th and 43rd degrees of north latitude. Thus the Territory embraced sections of the existing territories of Kansas, Nebraska, New Mexico and Utah, an area much in excess of the Colorado of today.

"The General Assembly of Jefferson Territory convened at Denver on November 7, 1859. It was a bi-cameral body composed of eight members in the Council and twenty-one in the House.

At the opening session Governor Steele presented an able message.

"The session lasted thirty-one days, November 7 to December 7, 1859. In that time it established a judicial system and passed a number of general laws and Special Acts. The first special act was "To Charter and Consolidate the Towns of Denver, Auraria and Highland", which was approved on December 3, 1859. It appointed a joint committee to draft civil and criminal codes for presentation to an adjourned session. This extra session, held January 23, to 25, 1860, adopted extensive codes of civil and criminal law".

In accordance with the provisions of this Jefferson Territory, Charter for Denver, the first city election was held on December 19, 1859. At this election the charter was submitted for ratification and a full list of candidates was voted upon to become the officers of the city, should the charter be ratified. It was ratified by a vote of 377 to 302. The city officials began their work on January 21, 1860. The new Mayor was
John C. Moore, who served most acceptably. No sooner had the new officials assumed office than events arose that made the traditional municipal machinery impotent as a governing agency. In the very month that the council held its first meeting, the unruly element in the city became wantonly destructive. One party of men took armed possession of the Denver Town site, under pretense of securing title through the agricultural pre-emption law. Only after a show of force by the citizens of Denver, did they desist in their attempt. However, disorder continued in both towns throughout the succeeding months. To restore order, the vigilance committees and peoples courts were again called into being with the strong backing of the law abiding element and by summary action they restored order. From March to December of 1860 four murderers were convicted and hanged. As the influence of these committees and courts increased, the influence of the city officials decreased and by the end of the summer the Jefferson Charter Government had sunk into utter impotency.

The statutory name of "The City of Denver, Auraria and Highland" was alike cumbersome and indicative of divided interests. Consequently on December 26, 1859, a joint meeting of the citizens of Denver and Auraria-Highlands existed on paper only - was held and an agreement was reached to call the consolidated municipality by the name of Denver.

Here the matter rested until the last week of March 1860, when a mass meeting of the citizens of Auraria adopted a resolution declaring that "Whereas, the towns at and near the mouth of Cherry Creek are, and ought to be one; therefore be it Resolved, That, from this time, Auraria proper, shall be known as Denver City, West Division". The resolution
specifically provided, however, that the Aurarian town company should remain intact and that title to the town site should continue to rest, as before, with the town company.

The proposition was submitted to a vote on April 3 and carried by a vote of 146 to 39. Three days later, a public meeting of the citizens of both towns was held on the newly completed bridge across Cherry Creek to felicitate each other over the marriage. The meeting adjourned with three rousing cheers for Denver City, led by William Larimer, the founder of Denver and the prophetic orator of the evening. (King's History of the Government of Denver - 1911).

In the meantime, the Jefferson Territorial government continued to lose vitality. Although public opinion had ceased to give validity to the acts of the legislature as such, parts of its code were useful in guiding judicial procedure in the people's courts, only such parts being adopted, however, as each court deemed expedient. A second election for territorial officers and legislators was held on October 22, 1860. The vote cast was insignificant, revealing an entire want of public interest and respect for the provisional government.

The legislature met in the month after that election, but no attention was paid to its deliberations and the proceedings were never even published.

Most of the functions of actual government were discharged by the local, popular tribunals - miner's courts, people's courts and claim clubs.

As Jefferson Territory, together with its county and city creations, declined in prestige, the lack of recognized authority became more apparent.
In Denver the situation was especially distressing. The mining camps had their local courts which administered effective justice, but at the metropolis so many agencies claimed authority that none was accorded full allegiance.

Experience in this region proved the superiority of local governments as against those claiming more general jurisdiction, and the people of Denver heeding this lesson, decided to establish an independent city government.

The first meeting of Denver citizens to take steps toward organizing such a city government and one that would be constructive as well as protective, was held early in September 1860. A committee was appointed at that meeting to draw up a "constitution" for a new city government. This committee reported to a second citizen's meeting on September 21, 1860 and the constitution they recommended was, with slight amendments adopted and a resolution was passed submitting the constitution to the city electorate for approval at an election held on the first Monday of October. Nominations were likewise made for city officials to be elected at the same meeting, to take office in case the constitution was adopted.

At the election, 1,162 votes were polled, 1,122 of which were for the constitution. Thus the "Peoples Government of Denver", came into being. New city officers for a six months term only were elected to make certain the support of the majority in the city. A Mayor was not elected, Mayor Moore being left undisturbed in his office. He soon resigned, however, to go south to become an officer in the Confederate Army.
On October 8th, 1860, the new city officials took office. Before the next semi-annual election, held on April 6, 1861, the city was divided into three Wards or Divisions, Denver City became the "East Division", Auraria the "West Division", and Highlands the "North Division".

This government prevailed with more or less regularity and force until succeeded by the charter granted Denver by the first Territorial Legislature in 1861. It was the last of the city governments that based its validity on community support instead of on statute law.

The concern of the citizens in securing national recognition for the entire Pikes Peak region is evidenced by the fact, that as early as October 1, 1859, a special election was held for the purpose of electing a Delegate to represent the new Territory of Jefferson in the Congress, with Beverly D. Williams being selected for that position.

Soon thereafter on December 27, 1859, the Board of Directors of the Denver Town Company elected the Honorable S. W. Beall, an ex-governor of Wisconsin to represent Denver's "special interests" in Washington.

Even at this early date, Denver was interested industrially in the whole district. She wanted and needed capital and new enterprises and for such a legal government was an essential.

Help from Kansas, there was none, for the two quite sufficient reasons that Denver, with its large southern element, did not want it, and that Kansas did not care to grant it. Kansas had, by her own motion as early as 1859 fixed her western boundaries as they now are, not caring to
confer upon, "a tract of land that is not valuable to us, --- the benefits of government at our own expense" and not caring to include "a people not homogenous, whose wants will be very different and very little in common with ours".

Governor Beall took with him to Washington a petition setting forth the needs of the district. These consisted of a prayer for the extinguishment of the Indian title, a consequent survey and a sale of the public lands, the establishment of an assay office, and the erection of a new Territory from contiguous portions of New Mexico, Utah, Kansas and Nebraska.

The petition was sent to the President and on February 20, 1860, President Buchanan transmitted it to Congress with a favorable recommendation. Governor Beall and Delegate Williams joined forces to get favorable Congressional action. After much oratory, delay and difficulty in agreeing upon a name, a bill for organizing the Territory under the name of Idaho was taken up in the Senate on February 2, 1861. Two days later the name was changed to Colorado. The House passed the bill on February 18, the President signed it ten days later, and Colorado with its present boundaries embracing 103,478 square miles, came into legal existence.

On March 22, 1861, President Lincoln named the Territorial officials headed by Major William Gilpin as Governor, who arrived in Denver on May 20, 1861 to take up his new duties.

"During the summer, a Territorial Legislature was elected and began its first session on September 9th. One of its most important Acts was to grant Denver a Charter, which became effective November 7, 1861.

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At long last, Denver succeeded in getting what it had worked for, a legal local government for itself and a legal government for the Territory.

DITCH WATER

The first company to supply ditch water in Auraria was organized within four months of the formation of the Town itself.

In February 1859, a group of Auraria citizens, calling themselves "The Auraria and Cherry Creek Water Company", approached the City Fathers for a Charter to distribute water about the town. The plan was to tap Cherry Creek upstream by a supply ditch and run it into a reservoir built as high up as the ditch would permit. A net work of distributing ditches would then be constructed to conduct the reservoir water over the town site for public use.

That the proposal met with favor is shown by the following extract from the minutes of a meeting held by the Auraria City Directors on March 11, 1859: "Resolved, That there be and there is hereby donated to the "Auraria and Cherry Creek Water Company" one entire block in the City of Auraria for building a reservoir, and for other purposes of said company; and furthermore that the City of Auraria grant a Charter to said company for the purpose of supplying said city of Auraria with water". It does not appear that the reservoir was ever built, but a few short water ditches were constructed in Auraria in 1859.

Not to be outdone by its rival on the west side of Cherry Creek, the Denver City Directors at a meeting held on January 23, 1860, took the following action:" "The petition of Thomas F. Pim and others in reference to water works for the benefit of the City being read, resolved that a
committee of three be appointed to confer with Thomas F. Pim and others in relation to their petition. Carried." The conference between the Town committee and Thomas F. Pim must have been final, since nothing further was ever heard about the enterprise. Here again only a small irrigation system of open ditches was contemplated at the time.

On November 8, 1859, the day after the convening of the General Assembly for Jefferson Territory, some of those citizens claiming to recognize Kansas authority held an election at which Captain Richard Sopris, a resident of Auraria was chosen to represent Arapahoe County in the Kansas Legislature. He was duly seated in that body and served throughout the session of 1859-1860, securing the passage of a number of laws relating to the region he represented.

In reporting the approaching departure of Captain Sopris for Kansas on December 1, 1859, William N. Byers, Editor of the Rocky Mountain News said: - "Captain R. Sopris. This gentleman will leave in a few days to take his seat in the Kansas Legislature. We have always been opposed to this recognition of Kansas jurisdiction, yet if anything can be gained for us in the Kansas Legislature, we could not have selected a better man to represent us in that honorable body than Captain Sopris. Whatever can be done to promote the interests of this section of the country will be done, and well done by the Captain, and in that assurance our people may repose entire confidence".

That Captain Sopris was successful in at least one of his efforts, is shown by the terms of an Act incorporating the Capitol Hydraulic Company passed by the Kansas Legislature and approved by the Governor on February 21, 1860.
This company was organized on November 30, 1859, with a capital stock of one half a million dollars, for the purpose of bringing water from the Platte river, six miles above Auraria, by a ditch across the plains into Denver, Auraria and Highland in order to supply the city, farmers and miners along the ditch with water.

A. C. Hunt, later Territorial Governor, 1867-1869, was the first President and John M. Clark, its first Chief Engineer. Captain Richard Sopris was one of the 12 other men named in the Act as being associated with the company. (Note: See the Appendix for text of the Kansas Act referred to and for biographies of Governor Hunt, Captain Sopris and Chief Engineer Clark).

As the parent organization of a ditch unit in the present day of Denver Water System that has been in continuous summer operation since 1865, it seems desirable to here devote some space to its early history; if only for the purpose of correcting some long standing misconceptions concerning it.

Before describing the events surrounding its construction and operation as a private enterprise, there is recorded at this time a portion of an interview with Captain Sopris, dated October 20, 1884, which is to be found in manuscript form in the Library of the State Historical Society Office in Denver.

When asked what were some of the leading measures carried when he was a member of the Kansas Legislature, Captain Sopris said: "I obtained a charter for this city for a ditch to bring water from anywhere
between the mouth of Cherry Creek and the Platte Canyon; a perpetual charter for water for irrigating and domestic purposes for the City of Denver.

"We call that the Denver ditch. The City of Denver owns it. The Charter is worth to the City of Denver today $50,000. Nobody can take water out of the Platte River as long as the city wants it. I got Charters for roads in the mountains, Insurance Companies, Banking Companies, Telegraph Companies, and general legislation that was necessary at that time".

Also, in Volume I of Wilbur F. Stone's History of Colorado, beginning at page 497, we find the text of the Act Incorporating the Capitol Hydraulic Company of Arapahoe County, Kansas, followed by Judge Stone's comments under the heading: "Building of City Ditch."

"Under this Act, the present City Ditch was built and operated. The men named, realizing the necessities of the city then and its future necessities as well, secured the enactment of this law, which for years furnished water for the lawns, trees and gardens of the city. Residents of Denver, even as late as 1880, remember the streams of water which flowed down both sides of the streets leading to the river and that tree's lined the sidewalks casting their "grateful shade" on the gravel. The boys will remember how their bare feet burned and blistered and how the shade was so refreshing and remember how much fun it was to wade in these artificial brooks, build miniature canals and lakes and erect water wheels therein. This Act, properly enforced, should give to the city all the water it needs
for mercantile, agricultural, mining and city purposes, for without
doubt the intention was to secure a grant for the future needs of the city
and just as in the case of the City of Los Angeles, where the Pueblo of
Los Angeles had a similar grant, the city's rights would be confirmed
in any suit at law properly prosecuted.

In due time, it will be shown that the volume of water claimed for
this ditch by both Captain Sopris and Judge Stone was materially reduced
by court decree.

As one of the original incorporators of the company, William N.
Byers, Editor of the "News", took a personal interest in this project and
reported its early activities with considerable more detail than probably
would have otherwise been the case.

In the issue of February 15, 1860 of the "News" it was stated that
Mr. Clark, Engineer for the company had just completed a survey of the
line of the ditch, designed to supply the city with water. It left the river
two miles above Montana or a little over seven miles from the city-near
West Hampden Avenue- and followed the bench land, eventually gaining the
summit of the highlands between Cherry Creek and the river. It attained
an elevation of over one hundred feet above the improved portion of the town.
This news item went on to say that it would afford an abundant supply of
water for all demands besides good mill power, irrigating the farms and
gardens along the line and supply water for the mines in the vicinity which
only required a supply of water to make them very profitable. For reasons
unexplained, this survey was abandoned in favor of one taking its supply
about three miles higher upon the river, as noted in the following "Weekly
News" item of July 25, 1860, printed under the caption "Capitol Hydraulic Company".

"The above company now thoroughly organized, has commenced operations on the line of the ditch. Already fifty men are employed and all who apply are set to work. The company is also purchasing teams, plows and all necessary implements for the rapid and advantageous prosecution of the work. The ditch is taken out of the river about ten miles above the city. The proposed dam will be built on a solid bed of sandstone and the ditch taken out through a bed of the same. Its size is seven feet wide at the top and five feet at the bottom, to carry three feet of water."

"The company has levied an assessment of six thousand dollars which will be expended forthwith. It is also designed to issue mining water scrip at a rate which will enable miners to operate profitably; which will be applied as far as possible to the prosecution of the work.

"No work has ever before been undertaken of such vast importance to Denver. By this ditch a vast extent of mining country will be opened, and supplied with an abundance of water; gardens and farms can be irrigated along its course and in all the space between it and the river, and an unfailing supply of water for all emergencies will be furnished to the whole city. At the same time, the bed and low bottom of the Platte will be so far drained as to enable men to carry on mining operations therein. The mines alone, thereby opened, will afford employment for several thousand men, who will be concentrated in and immediately around the city".
Note: The point of diversion mentioned here was on the east bank of the Platte River about 2700 feet along the line of the ditch south of Bowes Avenue in Littleton. It later became known as the point of diversion of the Rough and Ready Mill ditch, and was given a priority dated December 31, 1860. The amount of water to which the ditch was entitled under its decree was later computed as 37 second feet by virtue of actual construction.

The next "News" item of interest was dated December 28, 1860 and read: "We understand that water will be turned into the Capitol Hydraulic Company's Ditch in a few days. Work is still being pushed rapidly forward and we hope before July next to see the water in its whole length, supplying the city and irrigating thousands of acres of the excellent farm lands lying between the ditch and the Platte".

In an editorial entitled "New Diggings", the "News" of January 10, 1861 said: "The Hydraulic Company have completed and turned the water into two or three miles of their ditch, and thereby opened up a new field for mining operations.

Two sluices were started yesterday and three more will commence work this week. It has not before been supposed that the bank diggings along the river above Dry Creek or Montana would pay, but those who have been recently prospecting, say, that the diggings will pay all along to the head of the ditch."

On February 20, 1861, Mr. Byers took a carriage ride up the river to where the Capitol Hydraulic Company ditch was being built and in company with Mr. R. S. Little, Engineer and Superintendent, was shown over the work. On the next two days, the News printed interesting descriptions of
what was being done in that area.

After describing the expensive excavation work that had been required on the upper end, he went on to say: "At the end of the first mile the ditchway gains a level of the second bench from the river, and diverges farther from its bank, passing over comparatively level ground for something over half a mile to where the principal work is now being done, in the construction of a heavy dyke across the bed of a wide deep dry creek channel. To its bank, is as far as the water has been let in, and from thence it flows off in lateral ditches to the river. The dyke at this place is some 600 feet in length and from the foundation on the bed rock about eight feet below the natural surface, at least 24 feet in height. In building it, a ditch is first dug to the bed rock, a frame work of timber is then erected and planked up closely for the entire height of 24 feet, when the earth is replaced and the dyke of earth raised evenly on both sides to the required height. The work is mainly done by oxen with plows and scrapers, but in finishing up, shovels and wheel barrows are brought into requisition. "Above this dyke an extensive reservoir will be formed, setting back up the wide dry channel, for a hundred rods or more.

"Arrangements have been made for furnishing water for mill power at the foot of the dyke, and the facilities for such will be almost unlimited. This work will be finished in a few weeks, and the water will then be admitted to another mile of the ditch, which is almost completed.

"We understand that over $30,000 has already been expended upon the entire improvement and not more than one-third of the length of the ditch is yet commenced, but that which is done, is by far the most expensive,
and its cost is probably greater than will be that of all of the remainder.

"In the bank of the river, near the present terminus of the ditch, we found a number of men mining. Two common sluices are running and one company has just commenced ground sluicing. Those whom we talked with gave the result of their work as about $2.50 per day to the man, and think with summer weather the yield will be fully double that amount. A day or two ago a nugget worth $1.84 was taken out. While we were looking on, we saw one of the riffles taken up in a sluice and upon panning down the risidium, full $3.00 of beautiful scale gold was obtained.

"The other riffle would probably yield half as much more, making $4.50 the result we learned of two hours sluicing by two men. The gold is very pure, and readily brings $20.00 per ounce. A number of claims are staked off, and other sluices will be started soon.

"We are indebted to Mr. Little for many favors, and much interesting information. He is the owner of a valuable farming claim at the head of the ditch, on which he contemplates extensive improvements the coming summer. He had the misfortune to have his house, a neat frame, recently erected on his claim burned down last week, by some malicious enemy, and when we passed, the workmen were just completing a new one on the same site."

Mr. Byers continued the story of his trip to the "diggings" near Dry Creek in the "News" of February 22, 1861 by saying--"Since writing our article upon the Hydraulic Ditch yesterday in which we gave some mining results, we have learned from Mr. Bigelow, who is engaged in mining in that neighborhood, more definite figures. He informs us that the results of the sluice
which we mentioned as being partially cleaned up, was for that day of two
hours run, $7.50 in which was one nugget of $1.54. For what we saw of the
method of working, we were well satisfied that not half the gold was being
saved. Too much water was being used and the sluice set with too much
fall. In fact, after the water was turned off, we could, with the naked eye,
detect gold to the extreme end of the sluice, far below the riffles.

Mr. Bigelow says that $4.00 per day can easily be made where they
are presently mining; and he is of the opinion that as soon as the water
in the ditch is brought this side of the big dike on which the ditch company
is now working, that a district will be opened up that will pay twice that
amount.

"The fact is well known to most of our readers that the general
opinion is that the Platte banks will not pay for mining above Dry Creek, which
comes in at Montana, five miles above this city, yet these $2.50 to $4.00
diggings are three miles beyond that point. It is doubtless true that the nearer
the mouth of Cherry Creek is approached, the richer the diggings will be found.
We wait with anxiety the completion of this ditch, which will open up a mining
country for several thousand men, right at our doors."

Sometime between September 26, 1860 and February 20, 1861, Mr.
Clark the Engineer who made the original surveys and supervised construction
during the summer and fall of 1860, was succeeded on the work by Mr. R. S.
Little, an engineer who came to Denver in the spring of 1860 and who later,
among other activities in the region, founded the Town of Littleton.
The circumstances surrounding this change in engineers may or may not be explained by the following statement to be found in a pamphlet prepared by the Denver Society of Civil Engineers, at the time the American Society of Civil Engineers held its annual convention in Denver in July 1886. Under the heading "The Principal Canals we find" - "The first attempt at the building of a large ditch was made in 1860 by a few enterprising citizens of Denver who, after spending $10,000 and any quantity of hope, found by demonstration that their engineer, a recent graduate from Troy had omitted to give any fall to his grade line. The discouraged promoters dropped the scheme, and the Engineer dropped his profession in disgust. Two years later, what is now the Platte Water Company's Ditch was built with better success, since it is still in operation and supplies Denver with its irrigating water."

Since the "News" reported water being delivered by the Clark ditch to the "diggings" in the "Big Dry" Creek area it is reasonable to assume that any error made had to do with the selection of the point of diversion itself and not with the grade of the ditch leading from it. In 1883, when evidence was taken preliminary to the awarding of a decree to the Rough and Ready Mill Ditch, the witnesses, R. S. Little, Edward Montgomery and E. S. Nettleton testified that the fall in the first one half mile of the ditch was 12 feet.

Note: See Appendix for biographies of Wm. N. Byers and R. S. Little; together with data on monument in Littleton erected in 1859 by the State Historical Society in honor of Richard S. Little.

On March 26, 1861 there was printed in the "Rocky Mountain News"
a legal notice stating that an assessment of two percent upon the capital stock of the Capitol Hydraulic Company had been levied, payable at the office of Dr. Joshua Hobbs, Treasurer, on that date. This was the sixth assessment for various amounts levied during the first 15 months of the life of the corporation.

Although the Capitol Hydraulic Company stopped work on this particular ditch early in 1861, when less than one-third of its projected length of ten miles had been completed, nevertheless the diversion of water continued for many years thereafter at least as far as the rocky wasteway, the point referred to by Mr. Byers in February 1861, as, "making a very pretty cascade, and a capital water power."

In 1867, Mr. R. S. Little and associates erected a "flouring" mill at this wasteway. The upper one half mile of the old ditch was enlarged to become the "Rough and Ready" ditch and used for many years thereafter to operate the Rough and Ready Mill in Littleton.

(Bulletin No. 2, page 5, Sons of Colorado-July 1928)

On December 11, 1867, the News described the mill and its operations
"We visited a day or two since the "Rough and Ready Mill", which has lately been completed, by Messrs. Cole, Little and Company, ten miles above Denver, on the Platte. The building is 30x40, four stories high, and was completed at a cost of about $25,000. Since its completion it has been running about 1,000 bushels of grain per week, but with three run of stone, it has a capacity of 3,000 bushels per week. The water power for the mill is as fine as any we have ever seen. A race 170 rods long, with a fall of ten feet, gives it power more than sufficient for all wants. The inside arrangements of the mill are most perfect and complete. The grain is received at the door on a small car, and carried to the receiver, whence it is taken to all parts of the mill by elevator. The machinery used is of the latest improved patterns. The bolts are 24 feet in length, and 42 feet in diameter. As to the work done by the mill, we can bear testimony that it has no superior in the territory. The flour bearing the stamp of "Rough and Ready", is already winning a reputation among dealers and bakers second to none in Colorado. The erection of this valuable improvement is destined to be of great convenience to the
farmers of the Platte Valley between Denver and the canyon.

Already largely cultivated, it will be in a few years one of the best grain producing sections, and will be able to furnish constant work, not only for this mill but for numerous others which the fine water power will invite, and the grain production demand. There is in the river at all seasons, not only sufficient water to irrigate the whole valley, but also to turn the countless wheels of the manufacturer.

Here is a rare opportunity for Capital, and we note the enterprise of Messrs. Cole, Little and Company, with no little pleasure, extending at the same time, an invitation to the world to come in and improve the unequaled resources of the Platte Valley."

The title to this property, officially known as The Littleton Milling and Water Power Company, passed to the Denver Union Water Company by purchase of its stock on December 29, 1903; and thence by sale of that corporation to the City and County of Denver on November 1, 1918.

(A Supplemental deed from The Littleton Milling and Water Power Company to The City and County of Denver, was recorded on November 2, 1918,
showing that the proportionate amount of the total purchase price paid to the Denver Union Water Company for this property was $43,618.48.) (See Engineering file 141, Document No. 56.)

(Additional information on the "Rough and Ready" Mill and ditch will be found in a later section of this story.)

Construction activities of the Capitol Hydraulic Company remained dormant from the summer of 1861 to the spring of 1864. The reason for this delay was, in the main, lack of funds resulting from the disturbed economic and political conditions of the Civil War period.

Quoting from Whitford's book - "Colorado Volunteers in the Civil War" published by the State Historical and Natural History Society of Colorado, conditions at the outbreak of our Civil War were comparable in many respects, to those existing at the same time in the States of Kentucky and Missouri. As in those states, a large number, though not a majority, of the people were in sympathy with the movement for a dissolution of the Union. The initial development of the gold diggings of the territory, some three years before, was the work of men from the South, and meanwhile the prospects for speedily acquiring
modest fortunes from its mountains and gulches had attracted thither
several thousands of other men from that section of our country. Among
these were many who became leading spirits in the mining camps and in the
primitive towns. But there, as elsewhere, all over the North, during the memorabl
winter of 1860-61, the more conservative of the people had hoped that the nation
would not be plunged into the horrors of civil war - that some means of peaceful
settlement of the difficulties would yet be found.

"The admission of Kansas as a state in January 1861, with its present
boundaries, left for several months the western part of the former territory
of Kansas, which had extended to the Continental Divide and embraced the
Pike's Peak gold region, without any form of organized lawful government -
a "No Man's Land".

The Territory of Colorado was created by an Act of Congress, which
became a law on February 28, 1861.

When the first governor of the Territory arrived in Denver, on May
20, 1861, he found conditions "badly unsettled with the loyal people in a trying
position, a situation calling for prompt and decisive action by courageous and
steadfast men.

"They were isolated by six hundred miles of rolling plains that lay between them and the borderland of the settled parts of the country to the East; menaced by Southern influences, which were conspiring and plotting to drag the territory and all the Southwest into the domain of the Confederacy; and surrounded by hordes of Indians, to whose nostrils the scent of civil war among the people they regarded as their worst enemies was as a sweet incense."

The outbreak of war on April 12, 1861 was discussed in an Editorial printed in the Rocky Mountain News of April 19, 1861. It was headed "The War Begun", with the first sentence reading - "The blow has come at last, and the Civil War is upon our once happy land."

The midwinter months of 1860-61 and 1861-62 were hard ones for Colorado Pioneers.

Some ideal of the condition of affairs can be had from the Editorial printed by Editor Byers of the "News" on August 23, 1861. In his comments on the close of the first volume of the Daily News he says: "When the Daily was started, one year ago, the prospects of this region indicated a much
greater improvement than has really been made. We confidentially antici-
ipated a large immigration the last spring, and made arrangements for
material enlargement of our Daily and Weekly, to supply the growing wants
of the new territory.

"All though the winter months, when the publication of a Daily and
Weekly in this city involved a loss of considerable money, and when other
journals suspended, the News maintained its regular issue, never missing a
number and never abating one whit in its efforts to supply a want which, having
once been supplied, could not be conveniently dispensed with.

"But the spring came and passed by, and there was no immigration.
The business hopes and anticipation of our merchants, traders and mechanics,
were not realized, and a general feeling of disappointment and depression
succeeded. Following upon all this, came the unwelcome acknowledgement from
nearly all the quartz millers in the mountains, that the mills could not save
gold, and that the effort to extract gold from quartz in paying quantities wasn't
there. People began to leave - some for the mythical and miserable San Juan
Mines; some for California and Oregon, while not a few took their last look at
the Rocky Mountains and hastened back to "America". The News office suffered not a little in consequence of this general depression. Thousands of dollars, which in a time of ordinary prosperity would have been paid us, were lost to us altogether, and instead of a profitable year's business, we found that our untiring efforts to supply the public with a readable Daily have been unrewarded. "Still we continued our paper hoping that an improvement would soon manifest itself, and that a portion of the large amounts owing to us would be paid.

"Our hopes are still strong - our confidence in the ultimate prosperity of this region unshaken. We shall persevere in our efforts - The Daily Rocky Mountain News will maintain its usual leading importance and influence, and the public, we doubt not, will still continue to give us their confidence and support."

In the early summer of 1861, Governor Gilpin decided to raise a regiment of Volunteer Infantry, feeling certain that the war situation was such as to require quick action by him if the territory was to survive as a member of the Union.
No money was available from the territorial treasury to finance such an undertaking, so, without written Federal permission, he issued drafts on the Federal Treasury to equip the regiment and pay other costs incidental to that decision. These drafts were readily accepted by the local merchants and others, but when presented to the War Department at Washington, payment was refused with well-nigh disastrous results to the region's economy. The resulting dissatisfaction caused President Lincoln to remove him, with Dr. John Evans of Illinois being appointed Governor in his stead on April 19, 1862.

This embarrassing situation is commented upon in Hall's History of Colorado, Vol. I, Page 272 in part as follows:

"The Government was under a heavy strain for ways and means to meet its own expenses. The Treasury was empty and a loan seemed impossible. But the merchants were in dire distress. They had exhausted their stocks, and must have new ones to meet current orders. When informed of the repudiation of the drafts, they were in despair. Trade languished, money grew scarcer and scarcer and the whole situation was deplorable in the extreme. They opened and poured out the vials of their wrath upon the governor. Public
indignation rose to a lofty pitch. Ruin stared many in the face. His Excellency was beset and bedeviled on all sides, but he was powerless to afford relief.

"The troops were in camp idle, many of them vicious, some mutinous.

"The holders of the drafts finally placed their claims, in the form of itemized vouchers, in the hands of Paymaster Fillmore, who took them to Washington, and the First Regiment having meanwhile rendered splendid service in New Mexico, they were audited, first by the War Department and next by the Treasury and at last, duly paid."

During these perilous war years, the people of Denver and vicinity were further aggravated by a series of unavoidable catastrophies in the shape of fire, flood, drouth and insect visitations.

Early in the morning of April 19, 1863, a fire broke out in the Cherokee House on the corner of Blake and F Streets, and by daylight the business heart of Denver was in ashes.

The District bounded by Cherry creek, G Street, Wazee and Holladay Streets, with the exception of two or three brick warehouses, was
swept clean, with a loss, mostly in merchandise, of about $250,000.

On April 24, 1863, the News took occasion to comment on the grasshopper infestation, saying "These intolerable pests, the great scourge to farmers in Colorado, are unusually abundant this spring. They came very early, having made their appearance in some localities in March. By the tenth of April they were in the height of their vigor, not much larger when they first appear than fleas, their power of destruction is absolutely incredible, and must be seen to be believed. They seem to live only to eat, and we doubt if they ever cease eating for a moment, except when disturbed or benumbed by the cold. Nothing comes amiss to them. They attack and devour alike, onions, potatoes, peas, beans and all kinds of grain and grass. Cabbage is a favorite luxury."

Facetiously, Mr. Byers remarks, "that he is reliably informed that grasshoppers seem especially fond of tomato plants sprinkled with cayenne pepper or Scotch snuff."

The unusual weather conditions of 1863 and 1864 were recorded by Hall,
in Volume I of his history of Colorado, page 306, from which the following quotations were taken:

"The summer of 1863 was marked by a protracted drought which dried up the streams, and prevented the growth of crops in the limited area then cultivated. On the plains and east of the Missouri River, it was even more destructive and disheartening, consequently, prices advanced beyond all reasonable bounds. Earlier than usual, about the middle of October, one of the severest winters ever known in this latitude set in, with frequent heavy snows and very cold weather.

"In the following spring, the great masses of snow melted, flooded the mines and expelled the miners. Rains succeeding, torrents poured down the mountain slopes upon the hapless residents, sweeping in some cases, their homes from their foundations, and filling others with mud and debris.

"On the 19th of May frequent extraordinary storms along the divide at the head of Cherry Creek filled the channel of that erratic and repulsive stream with a flood of waters laden with driftwood, the ruins of dwellings,
horses, cattle and sheep, swept in from the ranches. The raging torrent, plunging like the waves of the sea under the impulse of a powerful gale, swept down to the city, where, momentarily obstructed by several buildings erected in its bed, it left its banks and poured over into West Denver, submerging that quarter from a point above Arapahoe Street to the Platte River. Many houses were torn from their foundation, and all were inundated. The scene of desolation and ruin which ensued has never been equalled by like cause in Colorado.

Among the buildings which were wholly destroyed and carried in fragments down the Platte were the Methodist Church, the office of the Rocky Mountain News and the City Hall. Great billows of muddy water, ten to fifteen feet in height rolled in upon them, and they were crushed like egg shells. East Denver suffered but little above Blake Street, but at that point and below all the cellars and many of first floors were deluged. Several lost everything they possessed, even to the lots their houses stood upon. The Probate, City and Commissioners Court Records, old Dockets, and the City safe containing maps and papers of great value, disappeared and were seen no more. Portions of the heavy
machinery of the News office were carried down the river and never re-
covered. This destructive visitation obliterated the last remnant of sectional
jealousy and rivalry between the two settlements, leaving not a shadow of a
doubt as to which would in the future, reign supreme.

"It wiped out also for more than twenty years the real estate values on

the west side, for a large part of its population moved over to the higher
ground in the East Division."

According to the recently published book, "The First Hundred Years"

by Robert L. Perkin, Page 221 and 222, the News made arrangements to

continue publication while rebuilding its plant, destroyed during the night of

May 19-20, with the Daily Commonwealth the day after the flood. About

one month later, for the sum of $4,000, Byers and Dailey took over the

Commonwealth and resumed publication of the News on June 27, 1864.

Notwithstanding the crippling effect these many adverse factors had

upon the young City of Denver during the years 1861 to 1864 inclusive, we

find the News during that period of time plugging unceasingly for a water
supply to be used principally to fight fire and promote the irrigation of lands lying both within and without the city limits.

On May 26, 1862, the "News" in an editorial said: "One of the earliest enterprises in connection with the founding of the City of Denver, was that of diverting the waters of the Platte from a point some ten miles above the city, and bringing it in a canal to Denver. A company was formed, a fine dam was thrown across the river, and some two miles of the ditch was put in good running order. But the work was expensive, and for lack of means was abandoned over two years ago."

"It is time something was done by our citizens to secure the early completion of this most important improvement. The city of Denver is today almost destitute of water, beyong what is actually necessary for the daily use."
of its inhabitants. Should a fire break out, it would be left entirely to the control of circumstances, and if a high wind was blowing, there would be no such thing as saving property from destruction. We are unprovided with fire engines, and there is not even an organized fire department in Denver. How much longer are we to dwell in fancied security? Our escapes from terrible conflagration have heretofore been almost miraculous, but we cannot reasonably expect the same exemption through all time.

"Cannot something be done towards finishing the ditch before another winter?"

One year later on Monday, May 11, 1863, the News printed the following Editorial under the Caption --

"Water The City"

"Our business men do not seem to realize the immense importance of having immediate steps taken for bringing a supply of water into the city.

The cost of accomplishing this most desirable object will not amount to a tax of 2 percent on the loss sustained by the great fire, and with a little vigor the entire work could be done in sixty days. By all means let us go to work in this matter with a will, and provide an abundance of water for all the uses..."
of the city, before the season when the fires are generally needed throughout
the business portions of the city. Much as we deprecate using the credit
of the city for public works, we would gladly see the common Council issuing
bonds to the necessary amount to carry out this object, if it cannot be con-
sumated in any other way; Let us have water at any cost."

Obviously, the writer of this editorial was thinking about the completion
of the original ditch upon which work was commenced in 1860.

The News continued to push the ditch question, without success, as
will be seen from the following Editorial printed on September 26, 1863, and
headed, "Water for Denver."

"No other measure of public importance that can be so cheaply effected
as bringing water to the streets of Denver, has received more discussion or
less work. For three years past, some project or other to bring about that
desirable result, has been constantly on foot, but not one of them has ever
been consumated, or anything near it.

"The City Council has failed to do anything to encourage the enter-
prise, and no one feels like expending the amount of money necessary without
some assurance of a return.

"We are glad to announce now, however, that there is a pretty fair prospect of a ditch being brought in that will afford a supply of water whether the City Fathers want it or not."

The writer then goes on to discuss the prospects of securing water from either the Camp Weld and Denver Ditch and Water Company or the Union Ditch Company, both companies having indicated that they proposed early construction with intakes on the South Platte River located downstream from that of the Capitol Hydraulic Company.

The closing paragraph of this editorial says: "What we should most like would be for both to unite and put one enterprise through with a rush. The City Council can hardly refuse to take water when it is brought into the city limits, provided the price charged is not too extortionate. Its benefits can hardly be conceived. It will add to the security against fire, provide irrigation for gardens, yards and shade trees, and prove important as a sanitary measure. By all means let some way be devised for giving the city water. He who does it will be remembered as a public benefactor."
The welcome information that construction activities of the Capitol Hydraulic Company were to be resumed after a shut down of about three years, became known upon publication of a notice on July 23, 1864, to the effect that a stock assessment of one half of one percent had been levied by the Directors, payable within sixty days after June 23, 1864.

On September 19, 1864 an editorial was published in the News, stating in general what the new and revised plans were, as quoted below:

"The Capitol Hydraulic Ditch was sometime ago placed under contract to be finished by May 1865. It will leave the Platte at the mouth of Plum Creek and reach the city by a grade of about four feet to the mile. This will keep it well up on the high land, and not less than seventy-five feet above the level of most of Denver. It will reclaim a great deal of excellent farming land besides furnishing the city with all the water it can possibly want for any purpose.

"Excavating machines are enroute from the States to do the work. The canal will be of sufficient depth and width to admit the passage of small flat boats for the transportation of wood, coal, lumber, etc., from the upper
country to this market."

On November 23, 1864, the News keeps the subject before its readers by saying: "The excavators that are to work on the Capitol Hydraulic Ditch are daily expected to arrive. The ditch will be about twenty-five miles long to reach this city, and is under contract to be finished by the 31st of May next, (1865).

Again, on December 7, 1864, the News carried the following story entitled - "Something New".

"A mammoth four wheel outfit, partaking part of the appearance of a fire engine, an artillery wagon, a mowing machine, and a colossal steam plow, came into town last evening. At first sight we conjectured all sorts of ideas as to its use, from that of hauling babies about town by wholesale, to sinking shafts in Captain Scudder's coal bank over in Highland. Finally we found out its appropriate use, to wit: a machine to dig the Capitol Hydraulic Ditch, that is to be. This said machine has two mammoth hind wheels and two minature fore ones, with a lot of frame and iron mechanism between, that can be appreciated better by ocular description, than by any description we
should offer.

"Suffice it to say that it is J. W. Smith's great Rotary Canal Builder, (for as they call it elsewhere, a Railroad Excavator) with which the Capitol Ditch is soon to be made.

"It cost at the manufactory in Quincy, Illinois, $1,200, and the freight on it here cost $1,300 more. When worked, by eight or ten yoke of cattle, it will do the work of a hundred men per day. Another of these machines will shortly be received here by Mr. Smith, who has the contract for building that ditch aforesaid. Speaking of this water ditch, we understand that Smith has contracted to build it between the 1st of March and the middle of next May, for a half interest in the organized $15,000 charter, as organized in the charter granted by the Kansas Legislature in 1860.

"This raging "canawl" will commence running out the Platte near the mouth of Plum Creek, and empty into the reservoir up town, near Brown's pre-emption cabin on the hill. Its length will therefore be about 24 miles, breadth eight or ten feet, and its depth two or three feet. This reservoir being 135 feet above the Platte at the end of F. Street, it will allow the water
to play over our tallest buildings here with the aid of a hose and nozzle.

Should a line of packets be launched on this canal next summer, we shall negotiate for a first-class cabin ticket on the d.h. principle, sure!"

As already noted, the Capitol Hydraulic project, after Mr. Smith became financially interested in it, was carried forward on an entirely new location when construction was resumed in 1865. The intake was placed a little over four miles south and about two and one half miles west of the one chosen in 1860, or at a point 1.61 miles downstream from the present point of diversion as established in 1918.

Although none of the original construction records are now available, information obtained from various sources has been sufficient, when assembled in time sequence, to pin point this 1865 point of diversion with reasonable accuracy.

For instance, the field notes and plats of the original land surveys made in the vicinity of the mouth of Plum Creek during the years 1862 to 1865, not only show the location of Plum Creek and the South Platte River during those years, but also record the position of the "Smith Ditch" where it crosses
some section lines in that area.

Again later, from undated maps, on file in the office of the City Engineer and in the vaults of the Water Department, we find enough additional information to verify the location of City Ditch Intakes as constructed in 1865, 1870 and 1918.

During the summer of 1868, the South Platte River channel shifted to a new location, about one quarter mile west of the Smith Ditch headgate. This cut down the supply of water available at that point very materially.

Consequently, in the spring of 1870, the ditch was extended 1,122 feet upstream, heavy embankments were constructed to stabilize the channel, and a new intake structure was installed.

A profile of this 1870 ditch extension, dated June 30, 1890, is to be found in Section 15 of the City Engineer's vault. The associated plan is to be found on page 1 of the City Ditch book in the Engineering vault of the Water Department.

This second point of diversion is the one referred to in the decree awarded to the Platte Water Company in 1883 as being located in Section 12 Township 6 South Range 69 West of the 6th Principal Meridian.
Progress reports on ditch construction were made by the "News" during the year 1866 at frequent intervals as indicated below:

Rocky Mountain News, May 2, 1866:

"The Great Enterprise"

"Fred Z. Salomon, one of the directors of the company known as "The Capitol Hydraulic Company" yesterday inspected the work done and gives a good account of the progress. The water is now running for six miles in the ditch, and three miles further will be completed the present week. Should the weather continue good, the company will have the water running 15 miles in their ditch by the first day of June next, and the work will be completed to or near Denver by the first day of July. A boat to be used in keeping the ditch open and clear will be completed and launched today. - - - -

"It has been suggested to change the name of the company to that of "The Colorado Agricultural and Manufacturing Canal Company." We deem this suggestion a good one as the name proposed better indicates the nature of the work."
Rocky Mountain News, May 28, 1866

This is an account of a field trip taken by Mr. Byers on May 27.

"We noticed the Capitol Hydraulic Company's ditch, which is now running water for six or seven miles from its head. When some two or three miles more of this great work, now in course of construction, shall be completed, much of the heaviest labor necessary to bring the water to this city will be done. The advantages of this ditch can scarcely be estimated. The improvement and cultivation of the increased number of acres of land made arable by it, as well as a health, cleanliness, comfort and beauty of Denver depend upon its completion."

Rocky Mountain News - June 26, 1866 -- Business Notice

"The Capitol Hydraulic Company is now prepared to furnish water from their ditch from its head to Little Dry Creek". (Mile Post 13.25)

"Apply to Fred Z. Salomon, Director, or J. W. Smith, Agent of the Company."

Rocky Mountain News, October 18, 1866 -- News Item

"We have the pleasure of announcing to the citizens of Denver that the Capitol Hydraulic Company has finished the excavation for the ditch to
Denver may now be virtually considered under the ditch. As soon as the flume across Cherry Creek (M.P. 23) is completed, water can be run to any part of the city. Let the owners of property make preparation for beautifying and adorning the same with shrubbery and trees next spring."

Rocky Mountain News, November 2, 1866 -- Editorial

"Capitol Hydraulic Ditch"

This report followed an inspection trip by Mr. Byers on November 1, 1866.

"We took a short ride up the river yesterday, along the line of the above named great improvement, and found the work progressing finely. The ditch is being made a great deal larger than was originally intended. The portion we passed along is full 8 feet wide in the bottom, 12 feet at the top, and the lower bank will hold at least three feet of water. The upper bank has not, generally, been built up, so that when the water reaches a depth of more than two feet, it will spread out to a width of from 20 to 50 feet.

"Mr. Salomon, President of the Company, informed us that the ditch is being widened throughout its entire length. The flumes that were
swept away last summer are being replaced as rapidly as lumber can be secured, and in a much more substantial manner than they were first built.

Water will again be let into the ditch next week, and allowed to find its way down as rapidly as the repairs and the enlargement are completed. Several miles are now ready for it, and if the present fine weather continues, a month longer, the water will again be near Denver. There is an encouraging prospect and every assurance of the Company that next spring will see the ditch finished and in use to Denver at last. The country will at last, after the long delay, begin to reap the great benefits it is destined to bring to the farming interest, as well as to the City of Denver. Twenty or thirty thousand acres of good agricultural lands will thus be brought under irrigation and rendered productive."

At this point it is proper to refer to two Legislative Acts passed during 1866 and in the early part of 1867 both of which are directly related to the affairs of this corporation.

First, the Congress of the United States passed, and the President approved, on July 26, 1866, "An Act granting the Right-of-Way to Ditch and Canal Owners
Over the Public Lands, and for Other Purposes."

The provisions of Section Nine of this Act, defining the rights of
ditch companies and of settlers on the public lands, were claimed by the
company as giving it title to rights-of-way upon which this canal was located,
without further ado. The company's position in this matter was questioned by
the City of Denver at the time negotiations were under way for the sale of the
on
ditch to the city, as will appear later in this narrative.

Second, The Territorial Legislature passed, and the Governor approved on
January 10, 1867: - "An Act to change the name of the Capitol Hydraulic
Company."

"Be it enacted by the Council and House of Representatives of
Colorado Territory:

Section 1. The shareholders in the Capitol Hydraulic Company are
hereby authorized to change the name of said corporation, by a vote of the
majority of the shares of stock in said company. In case a majority of the
shares of stock in said company shall be voted to change the name of said
corporation, the said Capitol Hydraulic Company shall thenceforth be known
by the name of the Platte Water Company; and the said Platte Water Company shall be liable at law, and in equity, on all contracts, obligations, debts, claims, or demands of the Capitol Hydraulic Company, and the said Platte Water Company shall have the right to sue, and may be sued by that name, plead and be impleaded, and generally shall have authority to do such acts as like corporations are authorized to do by law."

There were very few references to this ditch during the early months of the year 1867.

In February, it was reported that a gold excitement was raging in Denver as a result of renewed activity in the locality of the old "Spanish Diggings" about three miles up the Platte. This was followed on April 15, 1867 by the "News" saying - "Some years ago parties took out gold in paying quantities from the dry gulches that open into Cherry Creek, six or eight miles above this city. The want of water and high cost of living that subsequently occurred, occasioned the abandonment of the mining. The gold is of the finest quality, selling $4.00 per ounce higher than that produced in the mountains. It was obtained by washing in a rocker. Now that the Capitol
Ditch will cover some of these gulches it seems to us that they might be made immensely remunerative to any party who would run a sluice in those mines. With the low prices for provisions that now prevail, even the old rocker would pay much better than it did before."

After an apparent shut down for the winter, we find the following reference to the Capitol ditch in the "News" of May 25, 1867.

"The ditch which is expected to furnish water for irrigating purposes is nearly completed. The flume across Cherry Creek, about two miles above town, is ready for the water. It is a very substantial looking structure; we judge about 500 feet long, 5 feet broad and 2 feet deep. - - - -""

"After viewing the flume we crossed it to the bluffs, following the old direct road home - - - -"

"The ditch winds around and reaches a point near the top of the bluffs not more than a mile from Larimer Street, that would supply a city much larger than ours, and at a very trifling expense, considering the benefits to be obtained. The ditch is intended for irrigating purposes alone, but a trifling enlargement would make it large enough for the purpose of supplying every house in town with soft water, for all purposes, and also, the still more
important and greater want of the city, a permanent protection or enemy to fire. We think that this matter is worthy the attention of our people."

Although the Cherry Creek flume had been completed and the entire ditch nearly so, by the last week in May of 1867, there was a delay of several weeks before water was actually made available to Denver citizens living on "F" Street north of Colfax Avenue.

In addition to the usual last minute construction items to be taken care of, the unusually heavy snow storm of May 26 distributed over a wide area, deposited from 15 to 18 inches of wet snow in Denver during the next few days. This also slowed down outdoor activities for a considerable period of time. Again, the South Platte in the vicinity of the ditch headgate was reported to be on a rampage early in June of that year. Undoubtedly, this also had considerable bearing on the situation. (See Rocky Mountain News of May 27, May 30 and June 8, 1867.)

In any event, it was not until July 18, 1867 that we find a formal notice printed in the "News" of that date saying - "Parties desiring to take water from the Platte Water Company's Canal, will please make application
to Fred Z. Salomon, President." (This notice was run for three con-
secutive days and then stopped.)

Very soon after water from the "Big Ditch" was made available to
"F" (15th Street) residents, it became evident that something would have to
be done about the nuisance created by licensed hogs running at large.

A series of letters written to the Editors of the local newspapers on
this subject began with one printed in the News on July 29, 1867. In part, it
read as follows:

"It appears that the "introduction of water into our city, while ex-
ceedingly agreeable, and perhaps healthy for the hogs, in affording them
convenience for their favorite habit of wallowing is neither agreeable to, nor
perhaps healthy, for our citizens, as may readily be seen and smelled on
"F" Street, where the clear waters of Cherry Creek flow offensively and
muddily into the Platte.

"It is plain to be seen that either the water or the hogs must be
suppressed to secure health and comfort to our city. Which shall be preserved?

"The writer prefers sparkling water and green trees to live pork, but
as we can't safely have both, it is to be hoped that the community will
make a speedy choice between the two."

The next letter on the subject was printed by the Tribune on July 30,
in which it was stated, in part - "It is fact that hogs and water on "F" Street
is one of the worst breeders of cholera that exists in any city in the United
States, and why it is allowed to be so, is, as near as I can learn, because
the authorities are afraid to tread on Mr. Hog's tail for fear of losing a few
votes. --

"Relative to the water on "F" Street, I ask in all candor, ought it to be
allowed, to the offense of our citizens, because one or two persons desire to
have some water running through their premises?"

As might have been expected, these letters drew fire, with a prompt
reply from another citizen. This one, printed in the Tribune of July 31,
1867 read in part as follows: - "In your last issue was an article under the
caption of "A Nuisance and a Growl," in which the writer classes the running
water on "F" Street as a nuisance, on the same footing as the filthy hogs
wallowing in their slime."
"Everybody, even our hogish "City Dads" must concede the fact that hogs running at large in the City are an intolerable nuisance, and if it were not that they are pecuniarily interested, being themselves mostly, the owners of said hogs, they would need no argument to convince them of the propriety of shutting them up. So far your correspondent will find everybody agrees with him, but when he condemns the running water, I am led to believe that he does not understand that which he is talking about.

"Running water an offense! I have never heard anything so supremely absurd - Water! - The very emblem and essence of purity an offense! I say confine the filthy hogs, but let the pure water run freely down every street, and let every industrious man use what he needs to irrigate his garden and nourish his young trees.

"Instead of suppressing the water, let the City Council foster the spirit which a few of our citizens manifest in their praiseworthy endeavors to convert our treeless barren lots into something more attractive and home-like.

"Instead of voting to shut off the running water, the council should
make an arrangement with the "Big Ditch" Company by which to supply the whole city with water, so that at a moderate charge everyone could be supplied with enough to irrigate a garden and yard. Instead of prohibiting the running of water on one side of "F" Street, we ought to have it from the City, not only on "F" Street, but on every street and on both sides of every street throughout the City.

"Let us make our town attractive by planting trees along the sidewalk, and make our homes beautiful by cultivating gardens and shrubbery and let our City Council do their duty, by first shutting up the filthy hogs, and then giving us plenty of water for our gardens, our yards, our sidewalks and our streets.

"Nothing our council can do, would aid more in the improvement and beautifying of our city, and at the same time act as a sanitary benefit than would an arrangement for the supply of water as above suggested." Signed - M.V.D.

When questioned as to who the writer of the above letter was, the Editor of the Tribune said: - "The public should know that no journal ever
publishes the real name of a correspondent, when they desire it kept secret, unless it is in response to a legal summons: The parties asking, however, only did so out of curiosity; they endorsed every word in the communication. M.V.B is not the initials of the writer. He is a prominent and favorably known citizen and alive to the interests of the City.

Finally this series of letters was ended, for the time being, with one to be found in the "Tribune" of August 2, 1867, and from which the following is quoted:

"The question is, what shall be done? Shall we declare war against every unfortunate grunter found at large, and thus compel their hoggish owners to keep their sweetness all to themselves, or shall we stop off the water, which, though especially for the accommodation of a few, is nevertheless a public benefaction and blessing, beautifying the city, and (but for the hogs) cleansing and purifying the gutters. Every tree that adorns our streets, not only enhances the value of the property on which it stands, but reflects beauty upon the whole neighborhood, and though but a few of our citizens have the enterprise and the public spirit to thus adorn their houses, let the
pure water run freely and our whole city will soon be changed in its aspect from a cheerless waste to a beautiful garden, with here and there a spot of verdure to cheer the eyes and gladden the hearts of all."

At a special Council Meeting held on August 5, 1867, an ordinance was passed repealing the power of the council to license hogs.

An editorial in the Tribune of August 11, 1867 commented on the hog nuisance in part as follows:

"The hog nuisance has been to some extent abated. The Council, at its last session, repealed the ordinance permitting them to run at large, -- -- --.

"The repeal of the ordinance was what was demanded and we think the action of the Council in this respect merits the approval of all our citizens. They might, however, go a step further and cancel all unexpired licenses. -- -- --

"It is useless to try to keep our streets, and particularly the alleys clean, so long as hogs are permitted to run at large. We hope the Council will consider this matter again," -- -- --.
Although the City Council had taken action early in August to abate the hog nuisance, brought into focus by the introduction of irrigating water along F Street, the job was not really completed until after the new city administration took over in April 1868.

In the meantime, we read in the "Tribune" of August 27, 1867, that "Water is running in the big ditch. We trust we shall not be considered impertinent if we again suggest the propriety of the City Council taking some action or making some investigations as to the feasibility of a reservoir on the heights back of town, with pipes leading to the heart of the city, to supply the town with water, and also to provide a powerful opposition against the ravages of fire."

Less than one month later, on September 17, 1867, the "Tribune" printed an Editorial headed: "The Supply of Water", which advocated, among other things, the experimental drilling of a deep well in the hope that a supply of flowing water might be obtained, which, would have the advantage of never freezing, with no attention required to keep it running.

The article closed with the following paragraph:
"Our city government are men who have interests in common with the whole people and we believe they are as anxious as anyone for the development of our city and territory. It will do no harm if they step off in this matter and ascertain the expense of following the plan. Then if deemed feasible, it would require no great amount of economy in some other respect, to save money enough to go ahead. The sinking of a well would be a pretty winter's job, and we would hope they may consider the subject, find it feasible, and bring it to a successful issue."

The last two items of interest printed in 1867 were - One - a news story in the "Tribune" dated November 28, reading as follows: "Water" - The Platte Water Ditch Company have elected the following officers:

President, Fred Z. Salomon, Vice-President, A. Jacobs, Secretary-
Treasurer, Amos Steck; Directors - Phil Trounstine, H. Z. Salomon, J. W. Smith, E. F. Hallack. The company decided to bring water into the city from their ditch, so as to supply every part of the town, provided the city government will render its assistance. This plan will commend itself to everybody as worthy of being carried out, as soon as spring sets in.: .73 -
Two - From the "Tribune" of December 18, 1867 - A statement included in
the first annual report of the Denver Board of Trade, of which Mr. J. W.
Smith was President - "To the Board of Trade of Denver" - Gentlemen:

"In compliance with an order from your body, I herewith transmit a statement
of the accumulated power of the South Platte River - if the water of said river
is delivered at the point where the Platte Water Company's Canal intersects
the east line of F Street (near the corner of East 12th Avenue and Pennsylvania
Street), and is discharged at the F Street bridge. (15th Street and the River).

"The fall from the place of delivery above mentioned, to the point of
discharge as above, I find to be 113, feet. The point of discharge is taken
at the highest water mark on the piles of F Street bridge. From a careful
measurement of the Platte River, at its present stage, I find the cross-section
to be 118 feet; and its velocity at the place of cross-section to be four and
one-sixth feet per second. Therefore, the number of cubic feet delivered
in one second would be 491.6, and in one minute, 29,496 cubic feet. The
weight of this quantity of water will be 1,843,500 pounds, which is equivalent
with the above fall of 113 feet to 6,312 horsepower. (Note: This figure assumes
"The above estimate is based on the quantity of water now running in the Platte River, which is, as is well known, the smallest quantity that will, in all probability, be running in said river during the entire year.

Respectfully yours, Redwood Fisher, City Engineer".

In submitting this report, the Secretary commented as follows:

"Apply this volume of water to mechanical purposes, and Denver will rival the great manufacturing cities of the east; conduct a portion of it through the streets and into our houses, and Denver will become the most beautiful city on the continent, as she now is the most healthy. Signed, Henry C. Leach, Secretary, Denver Board of Trade."

Seven years later, in writing about Denver as a "City of Shade, the Editor of the "News" said: "The turning point in our city's history was in 1867 when the Platte Ditch first placed water for irrigation within the reach of our citizens."

On December 26, 1867, the City Council instructed the City Attorney to prepare and present a bill to the legislature, extending the city
limits to such a point as to include within its limits sufficient ground to
enable the city to turn Cherry Creek into the Platte.

At that time, the southeast limit of the city, east of Broadway extending to Washington Avenue, was at Colfax Avenue with no part of the Platte Water Company's ditch located within the city.

In response to this request, the Territorial Legislature passed, and the governor approved on January 9, 1868, an Act extending the corporate limits to the south, east and north of the city, which did not satisfy the stated need for a change in the channel of Cherry Creek, but did bring into the city the quarter section of land lying immediately south of Colfax Avenue and east of Broadway.

This 1868 extension of the corporate limit to the southeast brought about three quarters of a mile of the "Big Ditch" within the city limits. It entered from the south about half way between 10th and 11th. Avenues at what was later the north-south alley between Grant and Logan Streets, and left the city, running in an easterly direction a short distance south of 14th Avenue at the north-south alley between Washington and Clarkson Streets.
The year 1868 saw much attention given to the water problem by the press of the city. This subject was one of the very few upon which the papers of that period were in accord.

A selected few of the news items for the year are quoted below for the purpose of showing in the light of later developments, how much weight they carried in the process of guiding public opinion on this very important civic problem.

Daily Tribune, January 23, 1868 ------- "Our Wants".

"What Denver needs as a city has often been referred to in these columns - and may be again with perfect propriety. It is conceded that an
efficient fire department is very much needed. We have, times without
number, urged the importance of some action being taken by the City Council
looking to a remedy. That which to us seems the most feasible and economical
plan, is to construct a reservoir south of town, to be supplied from the Platte
Water Company's Canal and from thence lay pipes through our principal
streets. This plan we believe to be practicable and at the same time, very
economical, considering the benefits that will accrue. Arrangements can
doubtless be made with the company for supplying the water for a term of
years, with the privilege of purchasing, if the city should desire to do so.
The fall is sufficient to throw water over the top of the highest building in
Denver. The expense of tending the construction of the reservoir and laying
the pipes, would be very small, considering the benefits to be derived from
its introduction.

Taking a sanitary view of the question, and considering it financially,
in that respect, it would pay. With pipes running through all the principal
streets and plugs at every corner, the gutters might be purified daily, and
the health of the city during the warm months very much improved. In case
of fire the value of such an enemy cannot be overestimated. As we are
now, we are at the mercy of the devouring element. Our hook and ladder
company is very efficient, but they have no means of using water even if
they had it. A steam fire engine would be equally as useless, so long as
we have no other water than that in the wells about town. One great con-
flagration has already visited Denver, and another may occur at any time;
and it would find us wholly unprepared to battle with the devouring element.

How long is such a state of affairs to continue? Is a question we often ask
ourselves.

"With no water works, no engines and but a poorly equipped depart-
ment, we are at the mercy of the first stray spark that may find lodgement in
any one of the many tinder boxes that are eyesores on our business streets.
The City Council lately passed an Ordinance, authorizing the Mayor to close
an agreement with the gas company for lighting the city with gas. That was
not half as much needed as is protection against fire. Of all the proposed
improvements, this we consider the most important. What say the City Fathers?
Will they inaugurate some plan looking to the accomplishment of this
great necessity?"

This editorial was followed the next day by another, in which it
was said - "We consider the subject an important one and trust that we shall
be excused if we appear to push the matter." - - - - "Some action ought
to be taken and that speedily."

Again on February 8, 1868, the Tribune printed an editorial
headed "Sanitary Affairs" which is here reproduced in full because it covered
many items closely related to a community water supply of concern to the
people of the young settlement.

"Although we have before urged the necessity of some action being
taken to secure the health of our people during the approaching summer, we
shall, from time to time, venture to urge the matter until something is done
towards the accomplishment of the reform. It is well known to many that one
case of cholera occurred here last season, and it is also admitted that with
the large immigration that is expected in Colorado during the coming year,
that we may reasonably expect that more or less disease will accompany it.
Cholera, and other contagious diseases may thus be introduced, and if it finds us without any means of purifying the streets and lanes, and mudholes of the city, no man can estimate the damage that will arise from its ravages.

"In time of peace prepare for war" or, "in time of health guard against disease."

This may be done by proper action on the part of our City Council. The first and best scheme for the accomplishment of this end, is the introduction of water, but if that is deemed too expensive and impracticable for the present, ordinances may be enacted, and a Board of Health established under them, and the whole matter placed in the hands of such Board. During last summer hogs were licensed to run at large, but the outcry raised against this nuisance caused the repeal of the ordinance, but it did not entirely wipe out the nuisance and further action should be taken in this matter.

"Someone should be authorized to inspect and pass upon the premises of every householder in the city. The backyards and cellars of every business house should be examined, and everything of a perishable nature, calculated to breed disease, should be removed at the expense of the party occupying or owning the premises whereon it may be found."
"More or less animals die, and generally are hauled out onto the open prairie, and there left to rot, or else are dumped into the river to float downstream, if perchance they do not lodge on some of the sand bars or against the shore. For the thorough and complete success of the measure, perhaps it may become necessary to invite the cooperation of the County Commissioners. Something ought to be done at an early date. It will take some little time to perfect a plan.

"Other town and county organizations throughout the territory should be invited to join in these measures. The cholera or other contagious diseases, breaking out in Denver, would soon be communicated to other sections. There is danger, although it may not be imminent, and it is always best to prepare in time.

"We trust the Council will take the matter under consideration at an early day."

From the "Tribune" of March 18, 1868, we learn that the City Council met on the evening of March 17 and among other items of business appointed a committee, "consisting of Messrs. Wilcox, Ford and Anderson,
to confer with the Platte River Ditch Company, relative to bringing streams of water through our streets."

On March 24, 1868 the Tribune again published an editorial headed-"Water the City" which is quoted verbatim as follows:

"Fred Z. Salomon, Esq., President of the Platte Water Ditch Company, informs us that workmen have been sent out to bring water from the Big Ditch into the city, for the benefit of such as have set out trees and wish to use. The rates will be put as low as possible, and we hope that those who have paid no attention to the subject will do so quickly and take advantage of the water privilege. We notice that while many trees are being set out in front of private residences, our business streets are entirely ignored.

"We would like to see a change in this respect, as they can be grown in front of stores as well as in front of one's home. A substantial tree box will protect them from damage, and in five years, our streets can be wonderfully improved. While upon this subject of trees we would like to know of someone acquainted with the subject, if mulberry trees would not thrive in the territory, and if our rich country may not have as fine a prospect for
the manufacture of silk, as California and Utah - in which latter territory
the people are just beginning to give attention to the subject."

The annual municipal election held on April 6, 1868 was, according
to the "Tribune" of April 8th, the "warmest" municipal contest ever ex­
perienced in Denver. For the first time in the history of the city, the
water problem was one of the issues debated between the candidates for
office.

The incumbent Mayor, M. M. DeLano running for a third one-year
term, in a letter dated April 1 to the Editor of the News, accused the "Citizens"
Businessmen's Ticket! headed by W. M. Clayton, of representing the interests
of the Platte Water Company, stating -"I have since learned that it is the
design of parties in the interest of said Ditch Company - many of whom, I
understand, are aspirants for aldermanic honors - if the so-called "Citizens
Businessmen's Ticket" should be elected, to levy an indiscriminate water
tax upon all lots in the city, thus compelling the rich and poor to contribute
to a sinking organization, by paying for water whether they have or have
not use for it." - - - - - -.

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"Now I wish it to be understood that, I am in favor of any and all measures for the beautifying and improving of our growing city, consistent with the general good, I am not in favor, at this time, of imposing upon the people any tax which will benefit a few at the expense of the masses."

The above letter, written by Mayor DeLano, brought a sharp reply in the form of a letter printed on April 3 to the Editor of the "Tribune", signed by "Stockholders, Platte Water Company", which read in part as follows:

"In the "News" of yesterday, Mr. DeLano says he understands certain aspirants for Aldermanic honors, whom he says are in the interest of the Platte Water Company, design to levy a tax on lots for water, etc.

"Mayor DeLano either knows this to be a falsehood or didn't take the trouble to ask parties what was the truth in that regard. He might have seen the parties whom he said are in the interest of the Platte Water Company, with much less trouble than it took him to write his hearsay slander, and found out the truth. We should be likely to know if any candidate for Aldermanic honors has any interest in the Platte Water Company, and we do
not know that any candidate has any interest whatever.

"The Platte Water Company would gladly sell water to the city for fire purposes, for irrigation or other purposes, but they are not thieves as Mr. DeLano and some scribbler in the "Gazette" appears to assume. Sooner or later the city will require water as everybody knows, but it is not designed by anyone that steps shall be taken for that purpose one moment sooner than the necessities of the public shall demand it. It is a matter entirely with the people themselves.

"This company would not enter into a contract with the city for a supply of water, against the protest or even the adverse opinion of the respected portion of our citizens, because they know that no company could profitably execute a contract against the will of the public. They have no idea whatever of getting any contract by buying either a Mayor or Alderman, which, in the opinion of our best people, in the light of recent events, is not thought to be beyond the limit of probability, unless a great change shall be made in our municipal functionaries in the future."

The Tribune also published, on April 1, 1868, a letter sent to it by
Fred Z. Salomon, President of the Platte Water Company as follows:

"Statements having been made that the "Citizens Independent Nominations" were made in the interest of the Platte Water Company, desire to say that such is not the case. There is not a dollars worth of the Company's stock represented on that ticket, and all statements and rumors to the contrary are false. During the present month, I had a conversation with Mayor DeLano on the project of introducing water into the city from our canal, telling him that the city could have it this year for a merely nominal sum, and could sell it on the best terms to itself and citizens. A committee was appointed two weeks ago by the Council to confer with the Company but it has had no official communication yet with me."

The outcome of the election was reported by the "News" and "Tribune" under dates of April 7 and 8 respectively.

The "News" said - "The voting of yesterday resulted in the election of Mr. Clayton for Mayor, on the Citizens Ticket, two candidates from each ticket for Aldermen, Mr. Billings on the Citizens Ticket for Assessor, and Messrs. Cook for Marshall and Fisher for Surveyor, by most overwhelming
majority. The election has no political significance in the least, although a majority of the names elected might be claimed as Republicans. The fight was entirely between men, and not between parties. One prediction of the News as to the closeness of the election is proven by the fact, most of the majorities were small. The contest is ended and we are glad of it.

The Tribune printed an Editorial severely criticising past councils, stating - "This city has seen as many years of misrule as she ought. There have most always been one or two men in the Council who did well, but as a general thing, its members have not been complimentary to this city. "Last year we remember the effort was commenced to break the spell which seemed to be upon the voters, to let themselves be represented by anybody, but it scarcely deserved the name of an effort, and made no talk even. The last year has given it head, and this election has seen it accumulate until the backbone of this indifference, this acquiescence in sending any sort of men to the council, has been broken, and this we predict to be the last fight of the kind which will occur, unless immigration should rush upon us in such numbers next fall and spring as to send us back a few years in civilization."
The old influence will grow weaker and weaker till it won't have the ghost of a chance and therefore won't try."

A check of city council proceedings for meetings held immediately before and after the municipal election of April 6, 1868 fails to show that the special committee appointed by Mayor DeLano to confer with the Platte Water Company ever reported its findings to the council as a whole.

Apparently, some sort of an informal understanding was had between the city fathers and the President of the Platte Water Company soon after the new Mayor took office, since the "Tribune", May 6, 1868 reported that the ditch above the town was full of water and two days later published the fact that water had been let into many of the side ditches, leading from the canal.

This was followed up by the publication, beginning on May 11, 1868, and running for two additional days thereafter, of a business notice to the effect that all persons desiring water out of the Platte Water Company's Ditch were requested to apply at their office at Hanauer, Salomon and Company.

Obviously, no overall system of distribution of ditches had been planned by the city and its citizens prior to the first delivery of water from...
the Platte Canal in the spring of 1867. It was therefore inevitable that a

certain amount of confusion and inconvenience would exist during the course

of the next two or three summers.

Hastily constructed ditches overflowed, creating mud holes in the

streets - much to the satisfaction of the hogs running at large - street culverts

were installed that were both too small and too short, and at least one

ambitious citizens was fined - later remitted - for constructing a ditch on

I Street (18th) and Curtis before first having obtained permission from the

Mayor to do so.

However, the "Tribune" was quite philosophical about the whole

matter, when, on Sunday, May 17, 1868, it said: "We believe in allowing

our citizens who desire to beautify their grounds, the largest liberty com-

patible with safety and health, in everything pertaining to improvements.

"Many of the ditch crossings are in a dangerous condition by reason

of being so narrow, but the world was not made in a minute, so we must put

up with inconveniences and be thankful to those for improving and beautifying

our City."
The "News" got into the picture on May 15, 1868 by printing an article commending the city's clean up program saying: "F Street is a beauty, and can only be equalled by the other streets running parallel with it, only to be further adorned by a continuation southward of the sidewalks, the planting of trees, already begun, and the introduction of fresh running water for the gutters from the great Platte acequia."

This was followed by the "Tribune" in an editorial published on May 29, 1868 which stated in part as follows: "The hog nuisance is about abated. The streets are being repaired and cleaned as fast as the city force can do the work, and many improvements, looking to beautify the city, are contemplated. Private enterprise has already inaugurated a system for supplying water for irrigation and purifying purposes, that is already acknowledged to be a great benefit. "We think it about time that some plan was determined upon looking to the introduction of water for household purposes, and also as a protection against fire. We think the last item a proper subject for investigation by our City Fathers. We hope they may take the matter under advisement."
On May 31 of that year, it was reported that "The Platte Water Company is supplying an abundance of water to the side ditches for purposes of irrigation", and a week later it was stated that, "about every street now has its side ditch, down which water courses till you can't repose."

On July 10, 1868, the Tribune reported that: "The Platte Water Company's canal "burstedit several days ago and failed to supply the city with the usual amount of water for irrigating purposes. It is being repaired."

Doubt as to the ability of the Platte Water Company to furnish an abundant and completely dependable supply of water to the city by means of the "Big Ditch" was first publicly expressed in an editorial printed in the Tribune of August 15, 1868 which is here quoted:

"Our citizens have paid considerable attention to the cultivation of ornamental trees on and about residence lots this season. The result is most gratifying, and will doubtless encourage many to follow the example next year, providing they can be assured of a supply of water. The supply of water this season has been sufficient, though not abundant, nor has it been considered at all certain." We hope to see the managers of the Platte
Water Company, make all necessary arrangements during the coming fall and winter, so that an abundant supply of water for irrigating purposes may be secured beyond a shadow of a doubt, and doubtless many will be induced to ornament their grounds by planting shade trees and also by other improvements that will add much to the beauty of our town."

The situation as the "Tribune" saw it was discussed in an editorial printed on November 6, 1868, which, in part, is herewith quoted.

"The summer just ended has seen a great improvement taking place in the appearance of some of our streets - adding much to the general beauty - caused by the growth of the trees set out last spring and years previous."

"This state of things has been brought about by the water introduced into our city by the Platte Water Company - enabling such as would, to have trees and flowers and vegetables, and entitling the company to be known as public benefactors."

"We know we have public spirit to a good degree. No city ever exhibited it greater than we during the past year, in building our railroad,
and we would have made more improvements had we not been so pushed

with that.

"Our taxes have been high and our officials have aimed to keep

expenses down, which is all good. But we are, we believe, coming to the
dawn of a better day, and whatever improvements can be inaugurated without
making a strain upon the people, should be now looked to.

"Among the first of these is the water question. The streets all

want a general and uniform system of irrigation and bridging or paving at
the crossings. Now, these are nuisances, and the water, which is all very
good so far as it is used, costs each consumer three times what it would to
the city under a uniform system. Then we need from this water a system of
reservoirs or hydrants for the means of extinguishing fires. We are ab-
solutely at the mercy of the elements as we now are, and we have too much
property at stake to remain so longer, if we can devise a means to help
ourselves. We think it is practicable through the water running above the

city, of which we shall have more to say soon and in the meantime we invite
general attention to the subject."
It was not until several years later, that we find an official reference to the difficulties met with by the owners of the Platte Water Company during the first few years of its canal operations.

The quotation that follows was taken from the Denver Daily Times of March 6, 1875 labeled, a "Card from the Platte Water Company."

"It is our experience that a canal constructed to carry a large amount of water for a long distance, is not effective for the first two or three years. The immense absorption of water upon a new soil, the unsettled earth on its banks and unavoidable errors in construction of aqueducts, culverts and other appliances, causes the supply to be uncertain for the first few years, and entails much expense for necessary repairs.

"For seven years the company have operated this canal, and while the supply has not been fully equal to the demands upon it, it has beautified the City, appreciated lands and lots wholly at the expense of the Company."

Again, an explanation for the inadequate supply of water in the latter part of 1868 is to be found in an article printed in the News on March 15, 1870, which is here quoted:

"The working party under charge of Superintendent Dean, have put
the Platte Ditch in repair as far down as Brown's bridge and will have it completed to Cherry Creek by the last of the week and the entire ditch in a week or ten days. The main cause of there not being a regular supply of water heretofore was owing to the channel of the river having changed two years ago, and leaving the head of the ditch about a quarter of a mile from the river, rendering it impossible to obtain a full supply of water during most of the season. (1868). The ditch has been extended to the present river bank and heavy embankments have been built to keep the river in its present channel. When the repairs are completed the ditch will carry twice the amount it did last year; an increase that is needed by the farmers who are preparing to cultivate a much larger area of ground than heretofore; by our citizens who need it for the thousands of trees now growing and to be set out; and by the Contractors who will need it for the work on the many buildings that will be erected during the coming season."

Early in the year 1869, the newspapers renewed the campaign for the continued planting of trees and the general beautification of residential grounds, it being assumed that the Platte Water Company would, as
At the annual mayoralty election held on April 5, 1869, Baxter B. Stiles, was elected Mayor over incumbent William N. Clayton on issues apparently other than those connected with water.

When sworn in on April 8, 1869, the Mayor-elect delivered a lengthy address to his colleagues of the council on municipal problems. That part of his remarks regarding water being quoted here: "One thing more I wish to call your attention to. Our citizens with commendable spirit are adorning their residences with trees and shrubberies. Without water to irrigate, their labor will be in vain. I would call your attention to Section 8, Article 5, of the City Charter, water into the city for irrigation purposes. I recommend, that at an early date, you pass an Ordinance with provisions securing the rights of any company who shall introduce water into the city, such as you have the legal right to bestow."

At the council meeting of April 16, 1869, an ordinance was submitted:
providing for the introduction of water into the City of Denver for
irrigating and other purposes.

It granted to the Platte Water Company the privilege and right of
way in all the streets in the City of Denver, to build ditches, flumes and
viaducts for the purpose of conveying water from the said company's main
ditch, through the City of Denver for irrigating and other purposes. The
irrigation season was designated as starting on March 15 and ending on
November 15 in each and every year. All persons were given the right to contract
with the company for the use of water, and a sliding scale of fines was set
up for use against any person for turning water out of ditches, without first
having obtained permission to do so from the Company.

This ordinance was, as far as can be determined, the first one passed
in connection with a water supply for Denver that could be considered a
franchise.

It was approved on April 16, 1869 and will be found in complete form
on pages 745 and 746 in the 1907 Volume of Franchises and Special Privileges
as granted by the City and County of Denver. (See Appendix for complete
ordinance.)
Editorial comment by the Tribune in its issue of April 18, 1869 explains why such an ordinance was considered necessary. The article read as follows:

"We are in favor of the Ordinance passed by the City Council at its meeting on Friday Evening. (April 16, 1869). The experience of the Platte Water Company has been such as to demonstrate that without some legislation at this time they could not furnish our citizens with the water necessary to make their endeavors in tree planting, worth anything. The great trouble heretofore has been the impossibility of the company being able to collect rents for use of their water. Anyone who wanted it has taken it, and paid for it if he pleased. The company has therefore been at all the expense and received but little of the revenue. The ordinance helps the matter, by providing for fair usage on both sides.

No one can take water without first contracting with the company, after which, if payment is refused, the same can be legally collected!"

Two weeks after the Platte Water Company franchise was passed
by the City Council, that body approved, on April 30, 1869, a contract
with the Platte Water Company for furnishing the city with a stream of
water on each side of all streets (running at right angles with Larimer
and Fifth Streets in said city) from and including Cheyenne Avenue (9th St.)
in West Denver to and including N Street (22nd. St.) in East Denver. The
points of delivery to the street ditches to be at or near the south line of the
"Congressional Grant." (West and East Colfax Avenue.)

Among other things, this contract established the irrigation season
as running from May 10 to October 1, 1869.

In consideration of the payment of $1,000 by the City, the Company
agreed to make no other charge to either the city or any person or individual
who used water for the irrigation of trees or shrubbery planted or set out
along the line of ditches, and between the sidewalk and carriage way of any
street in the city. (A copy of this contract will be found in the Appendix.)

On June 17, the Mayor approved an ordinance "Concerning Ditches,"
which required ditches to be made to run along an alley, or along a street
on the line between the street and sidewalk, with general regulations regarding
the construction of bridges at sidewalk crossings and the like. Also on
July 1, 1869, a resolution was passed by the council granting rights of
way along the streets and alleys to private parties who desired to use
underground pipes for delivery of water to their premises. The Mayor
was given the power to stop the laying of such pipes in case the privilege
was abused.

On June 16, 1869, we find a notice printed in the Tribune stating:

"Parties desiring water from the Platte Water Company will please pay before
using it. Persons using water without first having purchased it will be dealt
with under the ordinances." Signed - Fred Z. Salomon, President.

The Tribune printed a news item on July 9, 1869 which is of interest.

It read - "Half a dozen citizens united, sometime since and have had a log
aqueduct laid down to bring water from the Platte Water company ditch, for
the purpose of supplying fountains on their premises.

Everything being in readiness the water was turned in, two or three
days ago, but up to the present writing, the fountains have persistently re-
fused to squirt. Several bad leaks in the aqueduct have been discovered, and
when they are repaired, it is confidently hoped that the difficulties will have been overcome. Messrs. George Tritch and A. B. Daniels have had very neat fountains constructed on their premises. (The Daniels residence was on 16th Street between Curtis and Arapahoe). On pages 42-43, Vol IV of Hall's History of Colorado, we find: Tabor Opera House Site - "Residence of A. B. Daniels, a two story brick, surrounded by fine lawn, trees, shrubbery and flowers, built and first occupied by Sam Howe, first Sheriff of Arapahoe County, Colorado. In the rear on Curtis, was a two story frame, and next H. Z. Salomon's house."

Another news item - entitled "Fountains" was published on July 20, 1869. It read as follows: "We have once or twice mentioned the pipes for fountains being laid in Denver by several citizens, and we are pleased to notice that in several cases the labor of the originators has been crowned with success. The water is brought from the ditch of the Platte Water Company in logs bored for the purpose and laid in the ground. The expense we have not yet ascertained. Messrs. A. B. Daniels, R. A. Whitsitt,
I. P. VanWormer, George Tritch, John Armor, and Bishop Randall
are the owners of the line, and a portion have beautiful fountains now
playing in their gardens and the others soon will have. In addition to these,
several other citizens have fountains which have been in operation sometime.
Among them are Daniel Whitter, Charles Ruter, E. F. Hallack and Judge
Clements. "We hope the taste displayed by all of these gentlemen will be
copied extensively."

On August 4, 1869, the Tribune commented on "Smith's Lake" as follows: "The Lake, about two and a half miles from town, formed by
water from the Platte Water Company's canal is becoming quite a popular
place of resort for an evening drive. Many of our citizens avail themselves
of the opportunity thus afforded for an occasional swim. We understand that
Estabrook contemplates running an omnibus to the lake two evenings of each
week."

"Smith's Lake" about which there will be more later, is the
present North Lake in Washington Park.

On September 10, 1869, we read in the News that "The Platte
Water Company" has brought a suit for the collection of water rent, and we understand that numerous others will follow. A defense will be set up in this case that the water was not furnished."

A news item on November 1, 1869, records the fact that "Honorable James Archer of the Kansas Pacific was registered at the American." Much more will be written later about this gentlemen in connection with his promotion and construction of the first water system built in Denver for the purpose of distributing water by means of pipes for fire protection and domestic uses.

An Editorial in the News of November 23, 1869, commenting on a fire that occurred on the previous day, describes the lack of fire protection in the city in the following words: "Yesterday morning's fire showed the necessity of more efficient organization and better appliances for protection against the ravages of that element.

"The fire ordinance should be so amended that able-bodied citizens or spectators, whether citizens or not, can be compelled to work. If men are not willing to lend assistance, they have no business to be around in the
way at a fire. The hooks, of the Hook and Ladder Company, proved entirely inefficient. All broke at the first pull.

"There was also an insufficiency of buckets, but the great lack was water. The city, must before long, provide a supply. The private wells are comparatively inaccessible and very soon exhausted when reached. An engine would pump them dry in a very few minutes. We can see that what is wanted now is better organization of labor; tools that are good and reliable to work with, and a larger supply of leather buckets."

In retrospect, the question immediately arises how, with so many factors against it, did this forlorn pioneer settlement, located 600 miles from civilization, manage to survive and grow into today's great City and County of Denver? A short review of some of these adverse events will serve to bring into focus the picture of the infant Town and Territory sketched in this chapter.

First: The Cherry Creek settlements were orphans, as far as national recognition went, for over three years before the Territory of Colorado was authorized by Congress on February 28, 1861. The impending struggle between the North and the South absorbed the attention of Congress to the exclusion of most everything else during that critical period. The various attempts made to organize effective governmental control at the local level lacked public support with the result that civil disorder was, during those early formative years, the rule rather than the exception.

Second: The outbreak of the war between the States on April 12, 1861, which lasted for four years, had a terrific impact upon the political, social,
economic and industrial life of the Territory. With its limited resources of men, money and materials devoted to furthering the Union cause, nothing of consequence was left for normal development purposes.

The unauthorized issuance of about $375,000 in drafts upon the Federal Treasury by Governor Gilpin, to meet the expense of raising and equipping a regiment of volunteers, which were later repudiated by Secretary of the Treasury, Salmon P. Chase, left the merchants of Denver in dire distress, trade languished, money grew scarcer and scarcer until the entire situation became deplorable in the extreme. Largely as a result of this irregular action Governor Gilpin was removed from office and John Evans of Illinois was appointed by President Lincoln in his place on April 18, 1862.

Third: Although the treaty negotiated at Fort Lyons on February 18, 1861, with the Cheyenne and Arapahoe Indians procured the cession of Indian lands in Colorado preliminary to the formation of the Territory, it did not remove the threat of raids upon the lines of communications and settlements as originally intended. Intermittent Indian raids followed for the next eight years.

After the lamentable Sand Creek affair in November 1864, the fugitives from that massacre combined with other tribes on the plains and began early in the year 1865 plundering and killing in the vicinity of Julesburg, Colorado, attacking an Army camp later known as Fort Sedgwick as well as other stations and emigrate trains. This caused great excitement among Colorado settlers and resulted in Governor Elbert telegraphing Washington for help saying, "We must have five thousand troops to clean out these savages or
the people of this Territory will be compelled to leave it. Everything is already at starvation prices."

"The General Government must help us or give up the Territory to the Indians."

"Martial law was proclaimed in Colorado on February 8, 1865, and business houses were closed until 360 men were raised to open the road to Julesburg. These men repaired the telegraph lines and soon had the mail coaches running to Denver."

The last fight with plains Indians was the one at Summit Springs, about twelve miles south and five miles east of Sterling, Colorado, on July 11, 1869.

Fourth: The decision of the Union Pacific Directors made in November 1866, to build the main line along the Bridger Pass Route via Cheyenne, rather than the Berthoud Pass line through Denver, seemed little short of ruinous to the civic leaders of Denver. In fact, had it not been for the genius and pluck of its citizens, led by the former Governor Evans, that action alone might well have been the death knell of Denver as a western metropolis.

Thus it followed, that during most of the decade of the sixties, Colorado's development was slow and halting. With Indians on the war path, the Civil War interrupting immigration, the placer mines played out and the reduction of refractory ores hardly begun, the railroad being built, to the north of the Territory and Statehood denied, this was perhaps the gloomiest period of Colorado's history.