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Kansas Territory and the Pike's Peak Gold Rush: Governing the Gold Region
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As early as the colonial period of American history, serious controversies developed because of the inability of colonial (and later of territorial or state) governments to provide effective rule in the far western reaches of the colonies. This situation was probably in part the result of disinterest, inexperience, or lack of understanding on the part of the colonial officials who were so far removed from the western portions. Also, the great distances between the eastern and western areas, combined with poor transportation and communication facilities, must have hampered efforts to rule properly. Finally, the rather uncooperative attitude of many of the western settlers undoubtedly undermined the endeavors of the officials sent to govern the area. In the middle of the 19th century, the relations between Kansas territory and the Pike's Peak gold fields furnished yet another illustration of the controversy between the centers of government and the raw frontier.

The Kansas-Nebraska Act of May, 1854, created the territory of Kansas, which extended from the western boundary of Missouri to the summit of the Rocky Mountains and from 37° to 40° latitude. The eastern portion of this large area offered several inducements to settlers, and movement into that portion was fairly rapid. On the other hand, the western section of the territory did not seem to be a favorable place to settle. Transportation problems furnished a barrier to emigration to the far western area, but even if good transportation facilities had existed, the forbidding reputation of that portion of Kansas territory would have discouraged movement there. For many years the belief had prevailed that the country included in

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1. United States Statutes at Large, v. 10, p. 283.

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far western Kansas was a part of the "Great American Desert." Consequently, for the first four years of Kansas territory's existence settlement was confined primarily to the eastern third of the territory and the western area was largely ignored.

Nevertheless, the Kansas legislature took steps to establish a county organization for the far western portion in 1855. In August of that year Acting Gov. Daniel Woodson signed a bill to provide for the organization of the county of Arapahoe. This county included all of Kansas territory west of a line running due north from the northeast corner of New Mexico to the boundary line between Nebraska and Kansas. This large section of country, which extended to the crest of the Rocky Mountains, encompassed most of the area which later made up the Pike's Peak gold region.

In this manner began five and one-half years of frustrating efforts to govern western Kansas territory. During that period some eastern Kansans attempted to establish a state which would not include the far western portions, and, in turn, a number of the gold seekers who entered western Kansas in 1858 and 1859 tried very quickly to create a new territory or state in their mountain domain. Until 1861 both these endeavors were futile, and formal rule for the gold region was provided by various county officials, who were quite often either ignored or defied.

The same act which established Arapahoe county named the officials of the county. Allen P. Tibbitts was appointed judge of the probate court of the county, and James Stringfellow was designated as clerk of the probate court. Tibbitts, Levi Mitchell, and Jonathan Atwood received posts as commissioners to locate the county seat. In September, 1855, Tibbitts as probate judge and Stringfellow as clerk of the probate court of Arapahoe county received commissions.

These officials took no steps to create a government for Arapahoe county, since the county was almost devoid of white men and separate county organization for the area may have seemed unnecessary. The same legislature which passed the act to organize the county passed another act which attached Arapahoe to the county of Marshall "for all business purposes, properly cognizable in the district court, arising under the laws of the United States or the laws of the territory of Kansas. . . ." Marshall, though several hun-
dred miles away, was the nearest county having an organized government.

Seemingly little notice was given to Arapahoe county for a year after this action. Then, in October, 1856, a Leavenworth newspaper printed the following item:

We are glad to learn that our friend Ben. F. Simmons, Esq., has been elected to the Legislature of Kansas, from Arapahoe county. The election was conducted under the order of the County Commissioners of Marshall county, to which Arapahoe is attached, as by the general law the elections for counties attached have to be ordered by the counties to which they are attached. Mr. Simmons has, by a residence of nearly two years in the Territory, become identified with the interests of Kansas, and will make a good representative.8

Neither the total number nor the identity of the people who voted for Simmons is clear, but in the same election J. H. Whitfield, running for another office, received only 13 votes in Arapahoe county, and Simmons may have received a similar number.9 The election was undoubtedly a fraud, since Arapahoe county apparently did not contain even 13 voters. Simmons was a Proslavery resident of Leavenworth.10 Free-State advocates took no part in the territorial election in 1856 and it was strictly a Proslavery affair.11 Without doubt the so-called Arapahoe county election was a sham event held to secure another Proslavery representative in the Kansas legislature. A later writer perhaps described the election accurately when he wrote: “This ‘election’ evidently was one of the many merely nominal ones held in Kansas in those times—a form with but little of the substance.”12

Although Simmons’ claim that he was a representative from Arapahoe county was tenuous, he took an active part in house proceedings. He introduced two bills calling for the designation of military roads from Fort Riley to Bent’s Fort and from Fort Riley northwest to the Nebraska line as territorial roads. He also moved to take up a bill incorporating the “Missouri River and Rocky Mountain Railroad Company.” This railroad was supposed to run from a point on the Missouri river between Delaware City and the mouth of the Kansas river to a point on the western boundary of Kansas territory, with a

8. Kansas Weekly Herald, Leavenworth, October 18, 1856.
9. Ibid., December 6, 1856. The newspaper did not say exactly where the election was held.
10. Simmons was a judge for a city election which Leavenworth held September 1, 1856. In addition, he was secretary of a committee selected by the Proslavery party of Kansas Territory to manage its affairs.—Kansas Weekly Herald, September 13, 1856; Kansas Herald of Freedom, Lawrence, December 13, 1856.
branch to the southern boundary of the territory. Of these bills only the railroad proposal became a law, but the railroad never came into existence.\footnote{13}

Other than in these bills, Arapahoe county received virtually no recognition from the Kansas legislature in 1857. In the establishment of council districts by the legislature, Arapahoe county was not included in any district. Part of the far western territory was attached to the fourth council district and part to the tenth, but Arapahoe county was not mentioned by name. In addition, the county was not included in any house of representative district. Inconsistently, however, the legislature included Arapahoe county with the northern tier of counties in the first judicial district.\footnote{14} Thus, Arapahoe county had very little attention in the 1857 legislature, and this inattention of Kansas to its far western county continued until the spring of 1858.

The area was still a wilderness at that time, but there were men both in eastern Kansas and elsewhere who were thinking seriously of going into that wild place. Stories of gold were the lures which attracted them. For years rumors had circulated about gold in that region. Some Spaniards hunted for gold there in the 1700's and in 1807 James Purcell told Maj. Zebulon Pike of finding the metal on the headwaters of the South Platte river. Many fur traders and trappers claimed to have found gold in that area, while some Cherokees who participated in the California gold rush reported finding the precious metal in Cherry and Ralston creeks.\footnote{15} In 1856 one author on Kansas discounted these gold tales: "Some of the streams [tributaries of the south fork of the Platte river] are said to be auriferous; but that story is the mirage of a gold-hunter, which, ever since the days of Ponce de Leon and Hernando de Soto, has bewildered the weak intellects. . . ."\footnote{16}

Despite such skepticism several prospecting groups left for the South Platte area of Kansas territory in the spring of 1858. One of the best known of these groups was that headed by W. Green Russell, a miner from Dahlonega, Ga. The Cherokees who reported finding gold in Cherry creek returned to Georgia in the early 1850's and tried to organize an expedition to the Rocky Mountains. Their stories reached Russell, an experienced prospector, and he, too, attempted to form a party of gold seekers to explore the Cherry
creek area. After several years of delay he organized an expeditionary force and set out for the Rocky Mountain country early in the spring of 1858. The party had little success and all returned to the East except Russell and a few other men.

Those who remained in the mountainous region finally found some fair “diggings” on the South Platte seven miles south of the mouth of Cherry creek. These gold discoveries which occurred early in July consisted of several hundred dollars worth of “flour gold.” They were the most valuable find in the area in the year 1858. A trader named Cantrell on a journey from Salt Lake to Westport, Mo., stopped at the site of Russell’s mining activities in July and obtained some of the gold-bearing silt. He took the soil back to Westport and had it washed by an experienced miner before witnesses. The miner found gold in the sample of dirt and news of the gold find spread rapidly. From this small beginning the Pike’s Peak gold rush developed.

Probably more important in Kansas history than the Russell party was the Lawrence party. The Lawrence Republican reported on this group in May, 1858: “Hol” FOR THE MOUNTAINS.—A company of gentlemen propose to leave this vicinity for the Rocky Mountains next Monday, prospecting for gold near what is known as Pike’s Peak.” A week later the same newspaper stated: “FOR THE MOUNTAINS.—Yesterday, a company of gold-hunters left this place for the vicinity of Pike’s Peak.” The party, which had six months’ provisions plus gold digging implements, consisted primarily of men from Lawrence.

William Parsons, one of the leaders of the Lawrence party, explained the purpose of the expedition and described the activities of the group in an article in The Kansas Magazine in 1872. Parsons declared that the “boys” in Lawrence needed excitement, something to fill the void left by the end of the Border Ruffian skirmishes. Thus, they listened eagerly to the stories of gold finds on the headwaters of the Arkansas told by an Indian named Fall-Leaf. Parsons said the group left Lawrence on May 21, 1858, without Fall-Leaf.

19. Percy Stanley Fritz, Colorado, The Centennial State (New York, 1941), p. 105. The modern spelling is Pikes Peak, but in order to achieve uniformity between quoted and unquoted material the writer will use the older spelling in all instances. Actually the name “Pike’s Peak gold rush” is misleading. The gold discoveries which set off the rush occurred at the mouth of Cherry creek which is about one hundred miles from the famous peak, and few people “rushed” to the immediate vicinity of the peak. However, “Pike’s Peak gold region” was the name given to the general area when the first notices of gold discoveries there appeared, and since the peak was undoubtedly a much more famous landmark than Cherry creek, the name, Pike’s Peak, continued to be used during the years of the rush and in subsequent years.
20. Lawrence Republican, May 20, 27, 1858.
who had received injuries in a drunken fight at a dance a few days before the scheduled departure. The 42 men left on the trip primarily to participate in some carefree fortune seeking, asserted Parsons, and the action involved no great courage or enterprise.21

As the Lawrence party proceeded through eastern Kansas eight more people joined the party, five men, two women, and a baby. According to Parson’s account, the group reached the base of Pike’s Peak about July 6. They prospected in that vicinity with no luck, but then met a Mexican who told them of fabulous gold fields 200 miles away beyond the mountains. A small group of men went with the Mexican to check on his story but returned after a fruitless exploration. The entire party decided to go to New Mexico and do some prospecting, but this endeavor also proved to be unprofitable. While the prospectors were in New Mexico, they heard optimistic reports from farther north which prompted them to hurry to Cherry creek. They arrived at the mouth of that stream on September 23, 1858. The group found gold there and began laying out town sites and securing claims, but Parsons and four others in the party decided to winter in eastern Kansas. They journeyed eastward through Nebraska and turned southward in the eastern part of that territory, reaching Lawrence November 1. In the eastern towns of both Nebraska and Kansas Parsons found gold fever raging, but claimed he did not know how the stories of gold discoveries had reached that area.22

The belief that gold fever would induce many people to travel to the Cherry creek vicinity prompted Gov. James W. Denver of Kansas territory to take steps to provide government for the region. On September 25, 1858, the Atchison Freedom’s Champion announced, “Gov. Denver, anticipating the rapid settlement of this county by the rush to the gold mines of Cherry creek and Pike’s Peak, has organized Arapahoe county. . . .” Denver issued commissions to the following officers: H. P. A. Smith, probate judge; Edward W. Wynkoop, sheriff; John W. St. Matthew, county attorney; John Lari-

mer, treasurer; Hickory Rodgers [or Rogers], Joseph McCubbin, and Lucillius J. [or L.] Winchester, supervisors (with Rodgers as chairman); and Hampton L. Boon, clerk of the county supervisors.

21. William B. Parsons, “Pike’s Peak Fourteen Years Ago,” The Kansas Magazine, Topeka, v. 1 (June, 1872), pp. 353, 353. The Lawrence Republican as quoted earlier, said that the party left May 26, 1858.

22. Ibid., 354, 357-356. The newspapers of the Missouri river towns began spreading the stories of gold finds in far western Kansas during the last week in August and the first week of September. According to a letter which Parsons wrote in October, 1858, he left the gold fields on September 20 and was back in Lawrence by at least October 19.—William B. Parsons to the editor of the Democrat, October 19, 1858, St. Louis Democrat, quoted in the Leavenworth Weekly Herald, November 6, 1858. The discrepancy between these dates and those in the 1872 article do not lessen its value.
St. Matthew and Smith were also designated as notary publics. Smith and Wynkoop were from Lecompton and St. Matthew was from Atchison, while the others were also apparently from eastern Kansas.

Shortly after Denver appointed and commissioned these officers, he resigned as governor of Kansas. Upon his resignation from office he suggested to the secretary of the interior that the land in the gold fields be placed on the same footing as the mining districts of California, open to all who wished to participate in working the mines. Since the land was claimed by several Indian tribes (so Denver believed), some competent person should be sent to examine the mining area and report the facts.

Meanwhile, the Arapahoe county officials proceeded to the gold region, traveling by way of the Santa Fe or southern route. William O'Donnall, special correspondent for the Lawrence Republican, traveled part of the distance with them. He claimed he was treated shabbily by several of them, especially H. P. A. Smith (known as Judge Smith), because they were Democrats and they learned he was a correspondent for an “abolition” paper. O'Donnall left the group behind at Pueblo on the Arkansas river, when they decided the trip north to Cherry creek would be too dangerous in the winter. A little later the “Larimer party,” another group from eastern Kansas, arrived at Pueblo and persuaded the officials to travel north immediately.

One of the first indications that all would not go smoothly for the Arapahoe county officials came in a letter from O'Donnall written in November, 1858, in the town of Montana, which the Lawrence

23. “Kansas territory, Executive Minutes, March 11, 1857, to January 30, 1861,” p. 318, Archives Div., K. S. H. S. John Larimer's identity is not clear. William Larimer, Jr., became Arapahoe county treasurer, but he was not one of these original officials.
24. Freedom's Champion, Atchison, September 25, 1858; Leavenworth Times, October 2, 1858. Several versions of this incident exist. The historian, Percy S. Fritz, declared H. P. A. Smith and Edward W. Wynkoop were paid $250 to go to the gold fields, lay out a town, and either bring back or send back information to Lecompton. Five other men provided the money for the venture and were supposed to try to secure a charter for the resulting town.—Fritz, Colorado, p. 113. Hubert Howe Bancroft stated that Governor Denver appointed as county officials some men who had determined to go to the gold region even before Denver's selection of them as officials. Denver acted without legislative approval, knowing that the legislature would not meet for several months. "There was no other organization than this informal one of Arapahoe county, Kansas."—Bancroft, Works, v. 25, p. 402.
26. Leavenworth Weekly Herald, October 9, 1858; Lawrence Herald of Freedom, October 9, 1858.
party had established on the Platte five miles above the mouth of Cherry creek. Wrote O'Donnall, who obviously disliked Smith and his associates, "The officers sent out by Gov. Denver, won't 'go down' with the people here. It appears that Gov. Denver furnished the man Smith with blank commissions, ready for him to fill out in case he found men of the right stamp. He had no reputation of his own, except that of being a lacquey [lackey] of His Excellency." O'Donnall asserted that Smith had persuaded William Larimer to become county treasurer, and "Larimer is already ashamed of what he has done. He told me that he was chairman of a Republican Convention a few days before he left Leavenworth." 28

The Arapahoe county officials went to the site of St. Charles, another "town" founded by members of the Lawrence party in the autumn of 1858, and established the town of Denver, named after the former Kansas governor. 29 They were successful in obtaining control of that townsite, but they had less success in gaining control of the government of the gold region. O'Donnall maintained that the people already there "universally repudiate[d]" the Arapahoe county officials and would not recognize their authority at all. He said the "squatters" placed their confidence instead in a couple of officials some of them had elected in November, 1858. 30 Of course H. P. A. Smith and the others had treated O'Donnall poorly on the way out (or at least he claimed they had) and thus he was probably prejudiced in his report of their failure, but other accounts from the gold fields seemed to substantiate at least part of his story. A correspondent writing from Auraria in December stated, "At first the people refused to receive them [the officials headed by H. P. A. Smith]; but out of respect for Gov. Denver, who appointed them, we did receive them; but there is still considerable dissatisfaction, and I fear that it will not work well. Men sent out among people like we are, to administer the laws, should be men of good character. I am sorry to say there is considerable drinking and humbugging going on; but it is confined to a certain class." 31 Another letter from the gold fields declared, "the squatters say they will not

28. William O'Donnall to the editor of the Republican, November 18, 1858, Lawrence Republican, December 30, 1858. The officials appointed by Denver were Democrats, as was Denver himself.

29. The manner in which the officials secured control over the site is unclear, with varying reports concerning the matter. Probably the officials took over the site by either default, bribery, or coercion. For more in this regard see: Frank M. Cobb to the editor of the Sons of Colorado, Denver, v. 1 (February, 1907), pp. 29, 80, and William McGee; "A Statement Regarding the Formation of the St. Charles and Denver Town Companies," The Colorado Magazine, Denver, v. 22 (May, 1945), pp. 123-128.

30. Lawrence Republican, January 13, 1859.

acknowledge his [Denver's] authority to send any such officers to govern them."32 Edward W. Wynkoop, sheriff of Arapahoe county, returned from the gold region and visited the office of the Freedom's Champion, Atchison, in January, 1859. He denied that the settlers in far western Kansas had refused to accept the Denver-appointed officials, although he admitted there had been some dissatisfaction because of a fear that the acceptance of the officials would impair the squatters' chances of obtaining an independent territorial government.33 In spite of Wynkoop's optimism, Arapahoe county was never completely accepted as a governmental unit and most of the time received no recognition except in the courts of the area. Shortly after Wynkoop's return from Arapahoe county, the Kansas legislature passed various laws concerning the gold region, one of which replaced the county with five smaller counties.

Gov. Samuel Medary's message to the Kansas legislature, presented on January 3, 1859, reminded the legislators that most of the gold region was in Kansas territory and that some legislation might be necessary to provide the region with adequate protection and benefits.34 The Kansas legislature proceeded to pass a large number of acts relating to the gold fields.

One of the first items which received the attention of the legislature was the establishment of roads to the gold region. One act provided for the development of two roads in eastern Kansas which would make traveling to the gold fields easier, one from Leavenworth to Fort Riley, via Grasshopper Falls (present Valley Falls) and Manhattan, and the other from Quindaro (part of present Kansas City) to Salina, via Lawrence and Topeka.35 The assembly passed a bill which provided for a territorial road from Fort Riley to some point at or near the 39th parallel near the base of the Rocky Mountains, but apparently the bill did not become a law.36 On the other hand, an act was passed incorporating the Cherry Creek Bridge and Ferry Company, whose object was to open a territorial road from Atchison to some point on or near Cherry creek. This company was to build the necessary bridges and ferries over the road.37

In addition to the provisions for these roads the legislature passed

32. 'Rulo (Nebr.) Western Guide, quoted in the Leavenworth Weekly Herald, February 12, 1859.
33. Atchison Freedom's Champion, January 22, 1859.
34. Journal of the House of Representatives of the Territory of Kansas . . . 1859, p. 11.
36. Journal of the House of Representatives of the Territory of Kansas 1859, pp. 118, 133, 330. Atchison Freedom's Champion, February 5, 1859. The bill did not appear among the statutes and so must have been left unassigned by the governor.
several other measures relating to transportation to the gold fields. The body incorporated a Pike's Peak Express Company and three railroads: the Atchison and Pike's Peak Railroad Company, the Kansas Central Railroad Company, and the Missouri River and Rocky Mountain Railroad Company; and provided for the construction of a public ferry across the South Platte river at the mouth of Cherry creek.  

The Kansas legislature of 1859 also incorporated the three town companies of Montana, El Paso, and St. Charles. Montana Town Company included William B. Parsons, Jason T. Younker, and other personnel of the Lawrence party. Some of the members of the El Paso Town Company were William O'Donnell, the correspondent of the Lawrence Republican; J. T. Younker, a member of the Lawrence party and of the Montana Town Company; and L. J. Winchester, one of the Arapahoe county officials. The third and most important of these town companies, St. Charles, had enrolled in its ranks three Lawrence party members, Theodore C. Dickson, Frank M. Cobb, and Charles Nichols, and two Arapahoe county officials, Edward W. Wynkoop and William Larimer, Jr.  

None of these towns survived with the names given them at this time, but their incorporation had significance because various eastern Kansans played an important role in their founding and the Kansas legislature incorporated them. They were in a wilderness about 600 miles from the Kansas capital, but they were in Kansas territory and so provision was made for them.

Besides these specific acts relating to various matters in Arapahoe county, the legislators passed acts concerning the county as a whole. They designated Arapahoe county as the 27th house of representative district of Kansas territory with the right to elect one representative. Also, they combined Arapahoe county with Marshall and Washington counties to form the sixth district to elect one delegate to a constitutional convention which was to meet in July, 1859. However, the same legislature which gave his recognition to Arapahoe county passed legislation to replace most of the county with five smaller counties and seemingly left only a strip of barren desert under the designation of Arapahoe county.

38. Ibid., pp. 46, 62, 63, 68, 117, 118.  
39. Ibid., 209, 210, 219, 220, 226, 227. Note that the town was still called St. Charles at this time (the act was approved February 11, 1859) by the legislature, although it already was called Denver City by some people as noted by Kansas newspapers in January and early February, 1859.—See Lawrence Herald of Freedom, January 8, 1859, and Lecompton Kansas National Democrat, quoted in the Lawrence Herald of Freedom, February 12, 1859.  
40. St. Charles became Denver; Montana was abandoned but the site is now a part of Denver; El Paso was abandoned but the site is part of present Colorado Springs.  
41. The General Laws of the Territory of Kansas . . . 1859, pp. 50, 292, 293.
The act establishing five new counties in the gold fields received approval on February 7, 1859. They were called Montana, Oro, Broderick, Fremont, and El Paso and occupied the area of Kansas territory west of 104° longitude. Montana county was in the northwestern corner, Oro in the northeastern, Broderick in the southeastern, Fremont in the southwestern, and El Paso was a small area in the center of the territory occupied by these counties. The only part of the old Arapahoe county not included in the five new counties was the barren space between a line drawn due north from the northeast corner of New Mexico (along the 108° longitude) and 104° longitude.

The act establishing the counties designated a board of commissioners for each county. They had instructions to select and locate a temporary seat for each county. Included among these commissioners were William O'Donnall and A. D. Richardson, two newspaper correspondents. After the county seats were located and surveyed, the commissioners were to sell 200 lots in each and to use the proceeds from this sale to pay off the expenses of the commission. Any money left over was to go into the treasury of the county involved. The commissioners were to call an election for all county officials as soon as possible. The act setting up the five counties was to go into force from and after March 1, 1859.42

Some of the commissioners for these five counties went out to the gold fields shortly after the passage of the act; most of them received their commissions in February, March, and April, 1859.43 However, these counties gained even less support in the gold region than had Arapahoe county, with the inadequate financial arrangements made for instituting the new units given as the principal reason for their failure. As noted above, the expenses of the commission were to be paid by using the proceeds from the sale of land in the county seats. The commissioners were to receive five dollars per day and expenses for their services, and this salary was to be computed from the time the commissioners left for the gold fields “until the expiration of their respective offices, which shall be in nine months from the date of the passage of this act.”44 A supplemental act stated that none of the expenses of the commissioners was to be paid by Kansas territory.45 One of the best histories of Kansas declared that this financing method and in particular the supplementary act killed the five

42. Ibid., pp. 357-360.
44. The General Laws of the Territory of Kansas . . . . 1859, p. 360.
45. Ibid.
new counties.\textsuperscript{46} Moreover, the fact that independent governmental measures were growing in strength in the gold region during this time undoubtedly had much to do with the failure of these counties.

Another reason the five counties movement made little headway was the confusion concerning Arapahoe county. For, even though the five new counties had supposedly supplanted Arapahoe, the voters of that governmental unit elected various county officials on March 28, 1859, almost two months after the passage of the act setting up the five counties and 28 days after it was supposed to have gone into effect.\textsuperscript{47} An illustration of the difficulty of being so far from the seat of the territorial government was a meeting convened in the gold fields on April 11, at which the delegates discussed the propriety of permitting the newly elected Arapahoe county officials to take up their duties without waiting to receive their commissions from the governor of Kansas territory.\textsuperscript{48} The governor finally authorized their elections on May 21, with those who received commissions including former eastern Kansas residents L. J. Winchester and Hickory Rogers, supervisors, and D. C. Collier, clerk of the board of supervisors. On the same day that these commissions were issued, H. P. A. Smith received a commission as a notary public for Arapahoe county.\textsuperscript{49}

Thus, by April and May of 1859 all was confusion concerning the government of the gold region. Was the area set up in five counties or was it still a part of Arapahoe county? Or, more significantly, was this area too far away from the center of government in Kansas to be adequately governed by Kansas?

In May, 1859, the Lawrence \textit{Herald of Freedom} stated that Denver was “the county seat of Arapahoe county, and has a court house in process of erection, 20 by 40 feet.”\textsuperscript{50} Nevertheless, a mass meeting in Gregory’s diggings on June 8 demonstrated the miners’ disapproval of both Arapahoe and the five counties established to replace it. H. P. A. Smith, who had originally gone to the gold fields as a Denver-appointed Arapahoe county official, protested against the sending of commissioners from eastern Kansas to the gold region to lay out the five new counties, especially since the money to pay

\textsuperscript{46} Andreas-Cutler, \textit{op. cit.}, p. 171.

\textsuperscript{47} \textit{Denver Rocky Mountain News}, April 23, 1859.

\textsuperscript{48} \textit{Ibid.}

\textsuperscript{49} “Kansas Territory, Executive Minutes, March 11, 1857, to January 30, 1861,” pp. 394, 395. Rogers and Winchester were supervisors in the group of Arapahoe county officials sent out by Governor Denver and were also in the group of Arapahoe county officials elected on March 28, 1859. D. C. Collier was a well known Leavenworth lawyer. H. P. A. Smith was the probate judge of the group of Arapahoe county officials sent out by Governor Denver.

\textsuperscript{50} Lawrence \textit{Herald of Freedom}, May 28, 1859.
them was to come from the people in the gold area. A. D. Richardson, one of the officials referred to by Smith, replied that he, like Smith, had not objected to coming to the gold fields with a “fat appointment.” Since he saw, however, that the people there wanted a state government, Richardson said he was willing to drop the attempt to establish “Montana county.”

Opposition to any county government instituted by the Kansas legislature continued during the next few months. William Walters, who had recently returned from the gold fields, furnished some information on this subject to an eastern Kansas newspaper in August, 1859. “He reports the miners and settlers as being unanimously opposed to a union with eastern Kansas, and says they will have nothing at all to do with the laws passed last winter organizing new counties in the gold region.” Walters should have been a good authority, because he was one of the commissioners named by the act to organize one of the five counties.

Nevertheless, on October 3, 1859, a county ticket of officials for Arapahoe county was elected, but only a small number of people took part in the election. One month later another Arapahoe county election took place. This election (in contrast to the one in October) apparently received the sanction of the Kansas territorial government, because election officials filed the official returns at the Kansas capital. The highest number of votes cast for any candidate was 285. In addition to the Arapahoe county officials elected at this time, voters cast ballots for a delegate from Kansas territory to Congress and for a representative from Arapahoe county to the Kansas legislature.

The vote for the delegate to congress was of some interest to eastern Kansans because of the rumors which developed during the campaign of a plan to attempt a fraud in the gold fields in this election. This story has some significance because it illustrates how much influence some eastern Kansans believed the gold region exerted in the political affairs of Kansas territory in the autumn of 1859. The affair started in February, 1859, with the following report in a Leavenworth newspaper: “Jack Henderson left St. Joseph a day or two ago for Pike’s Peak. He carries with him a deal of border

52. Lawrence Republican, August 8, 1859.
53. Denver Rocky Mountain News, October 6, 20, 1859. The News did not give a detailed account of the election returns but stated that only a few votes in two or three of the precincts participated.
55. Denver Rocky Mountain News, November 17, 1859.
ruffian knowledge and tactics, which will prove of invaluable service to the Democratic party in the Gold Region.” 56 John D. (Jack) Henderson was an important figure at the Lecompton constitutional convention in 1857. His political enemies charged him with fraud in the elections which were held to vote on acceptance of the constitution and to select officers to serve if statehood resulted. Accounts of the affair varied, but the principal charge against him was manipulation of the returns from Delaware crossing to increase the Proslavery vote. 57

Months after Henderson’s departure to the gold region gained attention, a Lawrence paper received a letter from Leavenworth stating, “There is a rumor on the street . . . that arrangements have already been made by the Democrats to have an enormous fraudulent vote returned from the Pike’s Peak regions, on the Delegate election. The papers for a bogus organization of some of the counties out there have already been despatched [sic]; Jack Henderson, who managed the Delaware crossing frauds, is already there, as well as Jim Murphy—one of the most bloody and notorious ruffians, gamblers, and murderers, that ever infested this city.” 58 The editor of the Times was certain in November, 1859, that Henderson and Murphy were going to send in “bogus returns.” 59 A. D. Richardson wrote to a Lawrence newspaper from Denver on November 11 that the Republicans knew of the proposed frauds and were taking steps to prevent the cheating. 60

The conspiracy, if one had actually existed, failed as both candidates for delegate combined received only 60 votes in all of Arapahoe county. 61 The Times maintained that the fraud had not occurred because the opponents of the plans had discovered and counteracted them. 62 A Democratic newspaper declared the Democrats had never planned the fraud, which was, on the contrary, originally the plan of the Republicans who had tried to hide their effort by accusing the Democrats of the same trick. 63 Whether or not either side had actually plotted to carry out any fraudulent measures is difficult to determine. The significance of the affair is in

56. Leavenworth Weekly Times, February 12, 1859.
57. “Kansas Scrap-Book, Biography, HE-HI,” v. 11, Kansas State Historical Society Library, Topeka, p. 50; Andreas-Cutter, op. cit., p. 167; Albert D. Richardson, Beyond the Mississippi . . . (Hartford, Conn., 1873), pp. 162, 163.
58. “Spectator” to the editor of the Republican, no date.—Lawrence Republican, November 3, 1859.
59. Leavenworth Daily Times, November 14, 1859.
60. A. D. Richardson to the editor of the Republican, November 3, 1859.—Lawrence Republican, November 17, 1859.
63. Leavenworth Weekly Herald, November 20, 1859.
the importance of Arapahoe county to some people in eastern Kansas in 1859. Just as significant was the manner in which the movement failed so completely (if it ever had been planned); the result illustrated how little most gold fielders cared about the affairs of eastern Kansas.

The Rocky Mountain News of Denver also had feared fraud in the November 8 election, but this newspaper had deception of a different nature in mind. The theory of the News was that Kansas had applied for statehood under the Wyandotte constitution and would probably soon secure a position as a state. Under that constitution if Kansas did become a state that portion west of 102° longitude (including the gold region) would remain as “Kansas territory” and would so remain until erected into a new territory. The delegate who won a victory on November 8 would serve a two-year term and thus retain his seat after Kansas had become a state. He would be the delegate for the area west of 102° longitude and would strive with all his might to prevent the organization of any new territory out there, so that he could retain his privileges of $8 a day and 40 cents a mile traveling expenses. This scheme, said the News, was the only reason a few people had made an attempt to have Pike’s Peakers vote in the election. Therefore, the News bitterly opposed the recognition of Arapahoe county and the participation of the mining population in the election.64

The official returns for this election in Arapahoe county demonstrated that only a small number of the people in the mountains did vote in the election. The most votes cast for any one candidate was 285 for county clerk.65 Nevertheless, a few had voted to send a man to the Kansas territorial legislature and his actions there were indicative of the attitude of many gold seekers.

Richard Sopris, a native of Indiana, was one of the original shareholders of the town of Auraria. In the fall of 1859 he was elected to represent Arapahoe county in the Kansas legislature.66 The editor of the Rocky Mountain News commented that while he had always opposed any recognition of Kansas jurisdiction, he believed if anything could be gained for the gold fielders in the Kansas legislature, sending Sopris was a good idea.67

In February, 1860, Sopris made a speech in the Kansas house of representatives condemning the attempt made in Washington to

64. Denver Rocky Mountain News, October 27, 1859.
67. Denver Rocky Mountain News, December 1, 1859.
annex the gold region to the state of Kansas and defeat the Wyandotte constitution. Sopris said that the space of three hundred miles which intervened between eastern and western Kansas territory was not fit for habitation by man. He threatened that if the lawmakers included the gold region in the state of Kansas, the mining area would soon have a larger vote than eastern Kansas and would strive mightily to outvote the easterners and move the capital of the state to its western section.68

Sopris did not want the gold region to remain a part of Kansas, but as long as it was, he worked to obtain benefits for the area from the Kansas legislature. On January 10, 1860, he gave notice in the house “of a large number of Bills, incorporating ferries, mining companies, etc., at Pike’s Peak.” Eleven days later he introduced seven bills relating to the gold fields concerning the incorporation of four mining companies, two wagon road companies, and one ferry. On January 31 Sopris put forth six more bills to incorporate various companies in the gold fields.69 Thus, Sopris desired the sanction of Kansas territory for the incorporation of companies in the gold region, but he did not want permanent control established over the area by Kansas.

One historian has estimated that about one-third of the laws passed by the Kansas legislature in 1859 and 1860 concerned the gold fields.70 About one-sixth of the private laws passed by the Kansas legislature in 1860 pertained directly to the gold fields. The subjects of this legislation included bridges, cemeteries, cities and towns, express companies, ferries, gas light companies, insurance companies, mining companies, railroad companies, telegraph companies, and wagon roads. Sixteen mining companies were incorporated.71 Besides these private laws, the assembly passed statutes providing for territorial, county, and township roads.72 Thus, Kansas had not neglected the gold fields. The establishment of county government by Kansas in the gold region had failed to a great extent in 1859, but Arapahoe county continued in existence in some ways throughout the following year. The laws passed in the Kansas legislature in 1859 and 1860 for the gold fields were passed on the theory that Arapahoe county was in existence and that the gold region was a part of Kansas territory. Throughout 1860

68. Lawrence Republicen, February 16, 1860; Topeka State Record, February 18, 1860.
69. Journal of the House of Representatives of the Territory of Kansas ... 1860, pp. 4, 49, 111, 135.
71. Private Laws of the Territory of Kansas ... 1860.
72. The General Laws ... of the Territory of Kansas ... 1860, pp. 177-196.
the governor of Kansas territory issued commissions to various people as notaries public in the county of Arapahoe, Kansas territory. In July the executive issued commissions to three men as officers in the “Jefferson Rangers, Company B, Denver City, Arapahoe County,” and to R. E. Whitsitt as register of deeds “in and for the County of Arapahoe.”

Several of the reports compiled from the United States census of 1860 recognized Arapahoe county. One listed the population in the gold fields under such headings as “Free Inhabitants in South Park in the County of Arapahoe State of Kansas. . . .” Another listed products of industry in Arapahoe county, Kansas territory. In another, which gave the manufactures of Kansas by county, Arapahoe county had the greatest number. Gold mining naturally led the list of manufacturing establishments in this county.

Regardless of the designation received by the gold region in the census reports, Arapahoe county received little support from either the gold fielders or most eastern Kansans outside of the legislature. Late in 1860 two situations arose which cast further doubt on the validity of Arapahoe county in the opinion of some of the people in the gold fields. The first of these developments was the “Gordon Case”; the other was the “Indian title question.”

The “Gordon Case” climaxed the confusion which prevailed in the courts in the gold fields in 1859 and 1860. Residents of the gold fields had recourse to several courts, including the Arapahoe county courts under Kansas territory, the miners’ courts in the miners’ districts, and the courts established by the legislature of Jefferson territory.

The prospectors established miners’ courts because of the belief that Kansas territory would not be able to govern the area properly. Nonetheless, these courts utilized the Kansas laws for examples and also used, in some cases, the sheriff of Arapahoe county as a law enforcer. An act passed to govern Gregory district read, “the Sherriff [sic] of Arapahoe County shall be Exofficio Sherriff [sic] of this district and shall have the same powers he has by virtue of his office.

76. Manufactures of the United States in 1860; Compiled From the Original Returns of the Eighth Census . . . (Washington, 1865), pp. 164-167.
77. Hafen, ed., Colorado and Its People, v. 2, pp. 370, 371. The miners’ districts were informal governing units established in the mining areas. Jefferson territory was the stillborn result of the move by some Pike’s Peakers to establish a new territory without formal authorization.
under the Laws of Kansas." Also, the rules of the courts in Gregory's district read in part, "in all cases of Attachment and Replevin the practice recognized by the Laws of Kansas shall be observed. . . ." In addition, "all special proceedings in the Miners Court shall be conducted according to the forms prescribed in the Statutes of Kansas for the year A D 1859, as far as consistent [sic] with the Laws and local affairs of this District. . . ." Other mining districts had similar provisions in their codes in regard to Kansas laws and the sheriff of Arapahoe county.78

The courts of Arapahoe county, Kansas territory, apparently received a large share of the gold seekers' cases. One historian wrote, "the superiority of the Kansas jurisdiction, however dubious it might prove to be, was accepted by the great majority of the people when the more direct of their affairs were involved; such, for example, as titles to real estate, in transfers of which the property was considered to be in Kansas Territory."79 Proof of this statement appeared in the various notices which the Rocky Mountain News carried in 1859. In September, two notices of application to the probate court of Arapahoe county appeared in the News. They were both applications by administrators for orders to sell a part or all of the real property of an estate.80 Attachment notices and a complaint in equity to enforce the specific performance of contract were handled by the probate court of Arapahoe county in October and November.81

In 1860 in the gold fields, vigilance committees or "People's Courts" handled the more serious criminal cases, while courts supposedly organized under Kansas territory conducted most civil cases at Denver.82 The Rocky Mountain Herald stated May 12, 1860, "By an advertisement in another column, it will be seen that S. W. Wagoner Esq., Judge of the Probate Court of Arrapahoe County Kansas, will hold a regular term on the first Monday of June. The jurisdiction of the Court, has been extended by a special act to all sums not exceeding two thousand dollars." On April 18, 1860, the Rocky Mountain News listed the cases tried at the April term of "the District Court of Arrapahoe County." Thus, the gold region depended upon Kansas territory for some legal recourse, despite

81. Ibid., October 6, 13, November 17, 1859.
the great distances involved and despite the lackadaisical support
given to Arapahoe county by the mining population. However,
the “Gordon Case” weakened the support given to Kansas legal insti-
tutions by the gold fielders.

Late in July, 1860, in Denver a young man named James Gordon
killed John Gantz, a German who had come to the gold region from
Leavenworth. Gordon apparently stunned the German by striking
him several times and then placed a gun to Gantz’ head, pulled the
trigger four times without it going off, and then killed Gantz with
the fifth try. Gordon fled Denver the next morning.83 Within a
month Gordon was in the custody of authorities. His arrest had
occurred in southeastern Kansas, and he was taken to Leavenworth
where he awaited a preliminary examination before Judge John
Pettit.84 Pettit set the hearing for September so that the prisoner
and the government would have time to obtain witnesses.85

William H. Middaugh, the sheriff of Arapahoe county, had cap-
tured Gordon at Humboldt, after a long journey from far western
Kansas.86 Since he could not obtain permission to take Gordon back
to the gold region for trial, Middaugh had to return to Denver to
secure witnesses. The Rocky Mountain News argued that Gordon’s
trial should be held in Denver. The newspaper declared that “if
Kansas U. S. officials claim that we are under the jurisdiction of
Kansas laws, they should come here and hold their courts.”87 In the
first week of September, 1860, Middaugh left for Leavenworth with
seven witnesses.88

About this same time A. C. Ford, believed to be on his way to
testify on Gordon’s behalf, was kidnapped not far from Denver.
Foul play probably occurred, and the Daily Times asserted, “The
whole matter speaks for itself, and fully proves that the moun-
taineers will not stop at anything which will have the effect of de-
piring the unfortunate young man of a fair trial before the only
legalized court having jurisdiction in the matter.”89

The date for the preliminary hearing of Gordon arrived. John
Pettit, the chief justice of the territory of Kansas conducted the
hearing, because he had received the assignment to the first judicial
district of Kansas. This district included Leavenworth county, to

84. Leavenworth Daily Times, August 21, 1860.
85. Leavenworth Weekly Herald, quoted in the Kansas City Western Journal of
Commercies, August 23, 1860.
88. Ibid., September 8, 1860.
89. Leavenworth Daily Times, September 13, 1860.
which the Kansas legislature of 1860 had attached Arapahoe county for judicial purposes. Pettit announced he "would proceed to hear it [the Gordon Case] as an examining Magistrate before trying any matters." The result was surprising and unpopular.

Pettit declared the first question he had to answer was: did he have any jurisdiction over the place where the offense occurred? It was important, thus, to discover exactly where the crime was committed. All the witnesses for both sides, except a man named Frederick Haun, asserted that the crime had occurred in Denver, Arapahoe county, Kansas territory. If such were the circumstances, then Judge Pettit had jurisdiction to try the case because of his assignment to the first judicial district of Kansas. Haun who had assisted in surveying the far western part of the boundary line between Kansas and Nebraska stated that Denver, where the crime occurred, was in Mountaria [he meant Montana apparently] county, according to the boundary lines established in February, 1859, by the Kansas legislature. Pettit agreed with Haun and said he had no jurisdiction in Montana county. Pettit admitted that the 1860 legislature which placed Arapahoe county in the first judicial district of Kansas had created confusion by not making clear that no organization of Montana county had ever occurred and that, therefore, the previously established Arapahoe county had superseded Montana county. However, he maintained he could not act without the law. He stated, "... I have no jurisdiction over the place where this crime was committed, and I am also clear that, by the law, the town of Denver is not in Arapahoe county, but in Mountaria [Montana], all the deeds and papers to the contrary notwithstanding." Pettit had hidden behind a technicality; he added insult to injury by concluding that as far as he could determine by the laws the offense was not committed in any jurisdiction and so the man must be discharged.

A riot ensued. A mob assembled outside the courtroom and tried to seize Gordon. They failed, but only after the authorities put Gordon in jail for his safety. The mob was still dissatisfied, so the mayor of Leavenworth agreed to turn Gordon over to Sheriff Middle of Denver. While the crowd was still in an angry mood (it should be remembered that Gantz, the man Gordon killed, had come to the gold fields from Leavenworth), Gordon was brought

90. The General Laws . . . of the Territory of Kansas . . . 1860, p. 133.
91. Leavenworth Daily Times, September 18, 1860.
92. Ibid. The 1859 Kansas legislature created the five counties, including Montana in which Denver was located. The 1860 Kansas legislature ignored these counties, as everyone else did, and attached Arapahoe county to the first judicial district of Kansas. Pettit upheld the action of the 1859 legislature and in that manner avoided handling the Gordon case.
out of the jail and delivered over to Middaugh. The mob rushed forward to seize Gordon and a desperate struggle occurred between Middaugh, assisted by several other officers, and the mob. The turbulence went on for some time. A rope was thrown around Gordon’s neck several times, but an officer cut it each time. The noise and confusion was terrible and the prisoner wound up with all his clothing torn off and nothing on his body but his chains. Finally the mayor organized a fresh group of citizens and put Gordon back in jail. Gordon was badly bruised, cut, and lacerated, and Sheriff Middaugh was injured slightly.93

Within a few days Middaugh left for Denver with Gordon in custody.94 A “People’s Court” tried Gordon in Denver and declared him guilty; he was sentenced to be hanged on October 6, 1860.95 Before the execution took place, petitions circulated asking for a reprieve for Gordon, but they achieved no success. He was hanged on the day set for the execution.96

Pettit’s ruling in the Gordon case caused immediate repercussions in the gold fields. The Rocky Mountain News, on September 25, asserted that eastern Kansas “must allow them [criminals] to be returned to us and not interpose their bogus authority to take them from our officials, detain them for a time and then turn them loose upon the world.”97 The conclusion which one resident of the gold region reached was that Judge Pettit’s ruling showed the laws of Kansas did not extend over the mining area.98 Another gold hunter declared, “The recent decision of Judge Pettit in the Gordon case, has materially tendered [sic] to strengthen the Provisional Government proclivities of this locality, and the determination to avoid if possible fraternizing in any way with Eastern Kansas.”99 The Gordon case made cooperation between eastern and far western Kansas even more difficult.

Another reason that some people in the gold region refused to support Kansas territory was because of the “Indian title question.” In 1851 the United States government ceded most of the area which later became the Pike’s Peak gold region to the Cheyenne and the

93. Ibid.
94. Ibid., September 24, 1860.
95. Denver Daily Rocky Mountain News, September 29, October 1, 1860. An assemblage of the citizens of Denver chose the three judges who sat together to hear the case, while the sheriff selected the jury members. The News stressed several times that the “court” carried out the trial in a most respectable and fair manner.
96. Ibid., October 5, 6, 1860.
97. Ibid., September 25, 1860.
98. “Denver No. 2” to the editors of the News, no date.—Denver Daily Rocky Mountain News, September 27, 1860.
99. “Missouri City” to the editor of the Herald, September 27, 1860.—Denver Rocky Mountain Herald, October 6, 1860.
Arapahoe Indians by the treaty of Fort Laramie. This treaty was probably never completed because the government added certain amendments which required the assent of all of the tribes involved. While the government never did obtain such assent, it gave the annuities promised under the treaty to the Indians and so probably considered valid the portion of the treaty concerning the lands of the Arapahoes and Cheyennes. In 1854 the Kansas-Nebraska act contained the following clause concerning the Indians in Kansas:

... Provided further, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas. ...

These provisions later provided the argument for those people who claimed that Kansas territory had no authority over the gold fields because they belonged to the Indians and not to Kansas.

An item in the Rocky Mountain News in October, 1859, stated that the Indian title to the gold region had not been extinguished; no Kansas law, therefore, extended over the area. A letter from A. H. Townsends to the News several weeks later denied this statement. Townsends, who opposed the provisional government of Jefferson territory, said that the gold fields should rely on Kansas laws. Concerning the Indian title question, he maintained that the United States had the chief title in the land and could organize it into a territory whenever it wished. He noted that the Kansas-Nebraska act “authorizes the organization of counties throughout the territory when ever the wants of the people demand it. ...” Townsends made a particularly effective point when he stated, “If we cannot avail ourselves of Kansas laws on Indian soil, much less can we, of laws of our own making.”

The Rocky Mountain News, which supported the provisional government, answered Townsends with a quotation from the section on

101. United States Statutes at Large, v. 11, p. 749.
102. Ibid., v. 10, p. 284.
103. Denver Rocky Mountain News, October 20, 1859.
Indians in the Kansas-Nebraska act. The News contended that the Indians had not yet assented to be included in Kansas territory and so the Kansas territorial legislature could not extend its laws over the area. The national government controlled the Indian land, the News, claimed.\textsuperscript{105} What the newspaper overlooked was that if Kansas laws could not be extended over the area how could the laws of a provisional government instituted by trespassers upon Indian land?\textsuperscript{2}

Regardless of which position a person took on this question, negotiations which would extinguish the Indian titles as soon as possible seemed advisable, and in June, 1860, congress provided $35,000 to defray expenses incurred in such an endeavor.\textsuperscript{106} In September Commissioner of Indian Affairs, A. B. Greenwood, held a council with those Arapahoes and Cheyennes who held title to the land in question.\textsuperscript{107} The negotiators did not complete the treaty at this time, but another meeting was arranged in a few months.\textsuperscript{108} This second council resulted in the Treaty of Fort Wise which provided for the cession of all the lands involved except for a tract along the Arkansas river.\textsuperscript{109} This treaty cleared the way for the organization of the territory of Colorado. The controversy over the jurisdiction of Kansas territory in the gold fields came to an end with the organization of the state of Kansas and later the territory of Colorado.

Statehood for Kansas and territorial status for Colorado were not achieved until 1861. Before this, another Arapahoe county election took place in the gold region. The election was held on November 6, 1860. E. M. McCook won the race for the representative of Arapahoe county to the Kansas legislature. In addition, the electorates chose a full slate of county officials, although not very many people participated in the election.\textsuperscript{110}

McCook journeyed to eastern Kansas to attend the session of the legislature.\textsuperscript{111} There he heard Acting Gov. G. M. Beebe say in his message to the legislature that forty thousand people had congregated in the gold region and, “In justice, then, to them, some thorough system should be devised for the formation of this country into appropriate county, township and municipal organizations, with

\begin{itemize}
\item \textsuperscript{105} Denver Rocky Mountain News, January 4, 1860.
\item \textsuperscript{106} United States Statutes at Large, v. 12, p. 50.
\item \textsuperscript{107} Denver Daily Rocky Mountain News, September 27, 1860.
\item \textsuperscript{108} St. Louis Republican, quoted in the Kansas City Western Journal of Commerce, January 3, 1861.
\item \textsuperscript{109} United States Statutes at Large, v. 12, p. 1163.
\item \textsuperscript{110} “Abstract of Election Returns, November 6, 1860, County and Territorial Officers, Arapahoe county.”—Kansas State Historical Society Archives, Topeka.
\item \textsuperscript{111} Leavenworth Daily Times, December 24, 1860.
\end{itemize}
governmental and judicial provisions adequate to their necessities.”

The legislature did little for the gold region except for three acts concerning mining companies, although a bill was introduced in the house (but apparently went no farther) to “restore the county of Arapahoe to its original limits and boundaries.”

On January 29, 1861, Kansas became a state. Its western boundary was the 25th meridian of longitude west of Washington (102°). This action excluded the gold region from the state of Kansas and left it without any formal government, and some people in Kansas believed an opportunity existed for them there. As early as December 21, 1860, G. M. Beebe, secretary of Kansas territory (later, acting governor), had written to President Buchanan asking to be assigned to the Pike’s Peak region as secretary if it were organized into a territory. On February 5, 1861, he wrote again to the President asking for a leave of absence so that he could visit Washington and present the needs of the Pike’s Peak area. He claimed that various residents of the Pike’s Peak area had urged such a move on him. A week or so later the Rocky Mountain News received a letter from William H. Middaugh (former sheriff of Arapahoe county) from Leavenworth. Middaugh said that Beebe was planning to go to Denver and organize a territorial government in the gold region under the Kansas territorial organic act. The plan was simply to transfer the governmental apparatus and officials of the former territory of Kansas to the gold region, which was all that remained of that territory. The News expressed the opinion that the people in the gold region would not approve such a move.

The plan fell through within a few weeks when the Pike’s Peak region finally achieved territorial status of its own as the territory of Colorado. After two years of controversy and confusion the governmental link between Kansas and the Pike’s Peak gold region had ended and the area had a legal government of its own. A territorial government replaced the chaos in the political affairs of the gold fields. The control exercised by Kansas territory over its far western section had never been popular or effective.

112. Kansas territorial governors, Messages, Addresses, etc. (n. d.), p. 6.
113. The Statutes of the Territory of Kansas . . . 1861, pp. 40, 41, 45.
115. United States Statutes at Large, v. 12, pp. 126, 127.
117. G. M. Beebe to President James Buchanan, February 5, 1861.—Ibid.
118. William H. Middaugh to the editors of the News, February 1, 1861.—Denver Daily Rocky Mountain News, February 16, 1861.
119. Hafen, Colorado, p. 139.
this situation resulted in part because of the great distance between the two areas, and also because neither section ever seemed to have much desire to cooperate and institute effective government. These events in Kansas territory in the mid-1800's furnished yet another example in American history of Western settlers going beyond the area of effective control of the formally constituted government, with confusion and controversy resulting.