

(From Fred B. Agee, Salida, 1924.)

STATEMENT OF JOHN MUNDLEIN OF EARLY HAPPENINGS IN THE UPPER ARKANSAS VALLEY.

John Mundlein, serving four years as an artilleryman in the confederate army (Army of Virginia) following Lee's surrender, made the trip west by ox teams, arriving in Denver on February 26, 1866, where he worked about one year for Casey and Macksey as a blacksmith in their shop, which was located at that time at the corner of 15th. and Wazee streets. This was only a few years following the Chivington Indian Massacre and both the Kiowas and Northern Sioux were rather hostile. It was customary for the soldiers to hold up the immigrants until there was a sufficient number of them together before allowing them to pass through the territory of what is now western Nebraska and northeastern Colorado. If the immigrants were not properly armed, they were supplied with good muskets, which they were obliged to turn in at Fort Sedgwick after they had passed through the dangerous country. He stated that their party actually encountered no Indians, but passed by one or two settlements where the houses had been burned by them, and that the ruins were still smoking when they arrived.

In 1867 he located at Granite, Colorado, opening up a blacksmith shop there. In 1868 he bought out a party by the name of Ike Schriver, who had squatted on a piece of land on the Little Arkansas river near the present town of Salida. This is the ranch on which he is at present living. During the following 12 years, Mr. Mundlein would run his shop at Granite during the summer and when Mining let up for the winter, he would make the trip to his new ranch on the Little Arkansas.

He stated that at the time he bought out the Ike Schriver claim there were only a very few settlers in that part of the valley. He purchased a small bunch of cattle from Schriver at that time. They were milk cows which Schriver had driven across the plains with him a few years previous when he came here from Iowa. It was the custom of Schriver to drive these cows to the upper Arkansas during the summer and sell milk to the miners, returning them to his place on the Little Arkansas in the winter. Mr. Mundlein remarked about the difficulty which he had with these cattle; Immediately spring would come, they would all start for the upper Arkansas and his man on the ranch found it almost impossible to keep some of them from getting away. This established Mr. Mundlein as one of the first grazing users of what is now the Marshall Pass Division of the Cochetopa. He finally got his cattle broke so that he could graze them on that range during the summer. At that time Joe Hutchinson had taken up some land and was running a few head of cattle, furnishing beef to the Indian agency at Denver under Government contract. Probably the first cattle brought into that part of the Arkansas Valley in the vicinity of Salida were owned by an Italian named Tenassee. He stated that Tenassee's cattle were exceptionally good quality for that time and that his three or four year old steers quite often weighed as high as 1600 pounds. About 1868 Joe Hutchinson bought some of these cattle from Tenassee and started in the cattle business. He mentioned that Tenassee also built the first irrigation ditch in this locality. Hutchinson likewise grazed his cattle on what is now the Marshall division of the Cochetopa forest probably as early as 1870.

Mr. Mundlein, on being asked in regard to the Indians in the country at that time, stated that the Utes were quite numerous, but

that they were broken up into families and did not travel much in bands. He especially recalled one whom they called "Spooks", located on the Little Arkansas, who, he stated, would steal anything he could get his hands on.

On being asked as to whether there were any outlaws in this part of the country at that time, he stated that most of the people were outlaws, but that there was practically nothing to steal. Grown cattle were worth only about \$22.00 a head and there was little else in the country.

*Charles
MATER*

At the time he came to this country, a party by the name of Charles Meyer was running a store on Cache creek near Granite. He worked for Meyer a short time in this store. Later, aside from running a black smith shop, Mr. Mundlein was treasurer for one of the James Gaff Mining Companies in that locality.

He mentioned the killing of a Swede by the name of George Holgar by a German by the name of Fred Lotus in 1872. Following the killing of Holgar, a party of miners came down from the mining camp to lynch him. Mundlein secreted Lotus in his cabin and they were unable to find him. Later he turned Lotus over to the Sheriff and in October 1872 he had to make a trip back to Denver where Lotus was tried and sentenced to the penitentiary. Mundlein appeared as witness against him. He stated that Lotus afterwards turned out a generally undesirable citizen and he expressed his regret that he had prevented the miners from hanging him. In Lotus' later mining operations in the vicinity of Tin Cup he mentioned one instance where he had hired a man to work his mine and the party's wife to run the cook house. Later in the fall when the mining operation slowed up, he turned them out without any way to make the trip back across the range to the settlements. The man and wife had to make the trip out, carrying their blankets, encountered a severe snow, and had a great deal of difficulty in getting back to the Arkansas Valley. He stated that Lotus died some fifteen years ago. He was found in an old cabin near Ohio City in the spring, probably having taken sick and died there during the winter.

July 3-1875

He stated that he recalled very clearly a great many instances when the vigilantes were active in this part of the country in the 70's and mentioned the killing of George Harrington on Gas Creek in 1874, supposedly by a party named Gibbs. There was a dispute between Harrington and a party by the name of Lovell, brother-in-law of Gibbs, over a water right on Gas Creek, and Harrington was later killed. Gibbs was taken to Denver and tried for murder, but acquitted for lack of evidence. Upon his acquittal, he returned to his ranch on Gas Creek. He was waited upon by a committee of the vigilantes. He was in the cabin with his family at the time they called. They demanded that he come out but he refused to do so. The vigilantes gathered up some willow gagots with the intention of smoking him out. He opened fire on them, killing Sim and George *NO* Boone, Fin Caine, and wounded a man named Reese. He escaped unharmed himself.

There was a more or less general reign of lawlessness at that time, a great many dead men were found who could not be accounted for. The vigilantes took the law into their own hands and there were a number of hangings. Judge Dyer had warrants issued for a number of the vigilantes and their trial was in progress at Granite during the fall of 1877. A number of the other vigilantes rode into town. Dyer became alarmed and dismissed court. A little later in the day he was killed. Mundlein stated that he, John Dietrich (Soldier Jack) and another party were working in the blacksmith shop at the time, heard the shot, and ran out. He stated that he saw the

parties leaving, but to this day he does not have a definite idea as to who they were. The parties were never apprehended.

He also told the story of soldier Jack, who was with him at the time. He stated that a few years previous, a company of soldiers were passing through the country. They camped one night at Granite where all of them, including the lieutenant in charge, got hopelessly drunk. John Dietrich, one of them who, as he expressed it, "was a little cracked" got particularly troublesome and was placed under arrest. The detachment left granite next morning, still loaded to capacity, and with Dietrich under arrest, a soldier marching on either side of him and a sargeant directly behind. A few miles down the road, Dietrich grabbed a gun from one of the soldiers, shot both of them, and was in turn shot from behind by the Sargeant. However the bullet glanced off and did not kill him. For some reason, they turned Dietrich over to the civil authorities for trial and the party of soldiers continued on their way. Dietrich was returned to Granite and when he had recovered, was placed in irons. Mundlein mentioned making the foot irons for him and fitting them on. He was held about a year without trial and Mundlein was asked to fit him out with a second pair of irons. He did so, but overlooked clamping the rivets in them. Much to his surprise, Dietrich who was now referred to as "Soldier Jack" did not make his escape. He, Mundlein, finally approached him on the subject and asked him if he did not know that the rivets were not clamped. Soldier Jack replied that he was getting along all right where he was, was getting his board and lodging and that he had no desire to leave the country. Later he was brought to trial and, of course, the judge dismissed the case since he had no jurisdiction.

Mundlein stated that when he came to this country, deer, elk, antelope and mountain shepp were very plentiful in the vicinity of the present town of Salidan but there were no buffalo. He stated that at one time he saw more than a hundred head of deer congregated at the small flat on the present Davidson ranch. Fish were plentiful in the Arkansas river at that time and in the 70's he recalled a particularly large school of fish going up the Little Arkansas River during the latter part of the month of June after high water. He stated that a cockney from London named Watkins had rented a piece of land on what is now the Velotta ranch and was raising vegetables, selling them to the miners. Watkins and another party by the name of Wilson were along the stream at that time. He met them later with about a half bushel of fish in a sack. They showed him the fish and told him that if he would get a fork, he could throw as many out of the creek as he wanted. He stated that he got a fork, but that the biggest part of the fish had passed. He saw lots of fish. The statement was rather interesting, since the story was often told and he was supposed to have thrown out a great many fish with a fork. He stated that the fish were all rainbow in those days. When asked about the beaver, he said they were very abundant in the streams when he first reached this part of the country and mentiojed that the ditch on his place at the time he purchased it from Ike Schriver in 1868 was not taken from the river but had its intake in a large beaver dam. This fact also, was somewhat interesting, since it has been claimed that beaver did not exist or at least existed in no great numbers on the east side of the continental divide in the early days. He stated that they were very abundant here and at that time some difficulty was encountered by the ranchmen in keeping their ditches open.

He stated that hunting for the market commenced about

the time that the Leaville mining camp started or in 1879 . The freighters would make a trip from the nearest railroad point into Leadville with supplies and quite often load up with game for the return trip which was sold largely on the Colorado Springs market. He mentioned in particular a Robert Curry who used to haul loads of elk and deer meat to this market, and recalled once seeing him haul a wagon and trailer both loaded with elk and deer out of the country.

He stated that there was no very extensive traffic for furs in this vicinity, but that Joe Wilson, Louis Simpson, a man by the name of Tompkins, and another by the name of Marx used to make a trip to the White river country each spring, returning in the fall with their burrows loaded with beaver marten, cayotes and bear hides. These annual trips started about 1861 and continued for many years.

TOLL ROADS.

He stated that Boyd and Haynes built the toll road to Monarch in the 70's. The toll road up Poncha Creek was constructed by Charles Nathrop about the same time. He had a toll gate near the present siding at Otto on the D & R G W. railroad. There are also remains of an old Toll gate at Shirley on the Otto Mears toll road. Barlow and Sanderson built the Marshall Pass road.

LUMBERING OPERATIONS.

He stated the first saw mill in this part of the country was on Lake Creek near the present town of Leadville. It was installed there by Tom Camman in 1868, and later sold to a man by the name of "Ohio" Knox. Shortly afterwards another mill was set up in Iowa Gulch. A third in 1869 on Chalk Creek owned by Charles Nathrop. Lumber in those days sold for about \$60.00 per thousand feet B.M. In 1879 William White and Henry Newby operated a mill in Kings gulch near the present town of Salida. In 1882 Tom Starr started a mill on Poncha Creek above the present station of Mears. Henry Newby set up a mill in Weldon Gulch on Mt. Shavano. In 1882 and later Max Dickman on Little Cochetopa Creek. He stated that some lumber in his present residence on his ranch was sawn in 1879 by the White and Newby Mill in Kings Gulch. All of these mills were operated by water power. The one on Poncha Creek owned by Starr had one of the old style penstock wheels. An upright saw was used set in a frame 4x6. He stated that the demand ~~for lumber~~ was very good for lumber in those days and quite often when Nathrop was operating his mill on Chalk Creek it would be necessary for the wagons to wait several days for a load of lumber until the logs could be gotten out and sawed. The teamsters in such instances were the guests of the sawmill man until the lumber could be manufactured, and their wagons loaded.

The first tie camp in this part of the country was operated in 1877 on what is now the town site of Leadville. Green & Busch had a contract with the D. & B. G. railroad for 1,000,000 ties. They got out about 150,000 and went broke. Mundlein recalled that the stumps from this cutting were particularly thick on what is now Harrison avenue of the town of Leadville. Gus Meyers offered to sell Mundlein an entire block on this avenue for \$500.00 about the time the town started up. Mundlein refused the offer, stating that he would not grub the stumps on the block for \$500.00. A year or two later this block was sold for \$10,000.00.

CATTLE GRAZING.

Mundlein stated that he grazed cattle around Marshall Pass during the summers of 1870, 1871, 1872 and 1873. At that time there were not a great many cattle in the country. D. C. Travis had a place near the old town of San Isabel and grazed a few. Phillip Stahl and Suttle Brothers had a ranch further up the Arkansas and also had a few cattle. Hugh Boone had taken up the ranch at present owned by him. A swede by the name of Peterson had located on Peterson Creek near Villa Grove. Charles Neidhardt had located in the same region. Andy Heiss near Alder, Joe Hutchinson on the present Hutchinson ranch, and all were running a few cattle, in addition to those originally brought into the country by Tennessee.

He stated that he made a trip into the San Luis Valley in the fall of 1873 with Joe Hutchinson, Ed Clayton and J. B. Hall. Having heard some very extravagant stories as to the amount of feed in that part of the country, they decided to look up locations there. They went as far south as Ft. Garland and then returned to the Arkansas, having reached the conclusions that conditions were as favorable here as in the San Luis Valley. He mentioned that feed was especially good at that time in Missouri Park. He also mentioned that when he made this trip he stopped at what is now the town of Saguache and that Gotthelf and Mears had opened up a store there.

RAILROADS.

He stated that work was commenced on the Marshall Pass and Monarch Pass branches of the D. & R.G.W. railroad about 1880 and described in some detail the difficulty which he had with the railroad officials in regard to the right-of-way through his present ranch. The damage to all the places to be crossed by the railroad had been appraised at \$33.33. He and a few of his neighbors along the north fork of the Little Arkansas decided to hold out for more money. When the construction crew reached the first ranch, the owner protested, but the foreman ordered the fences torn down and work continued. Mundlein's ranch was further up the creek. His old friend, Soldier Jack, who had a kindly regard for him because of the foot irons with the unclinched rivets, had at one time informed him if ever he needed help to call on him. He sent word to Granite for Soldier Jack to come down. There was also a man in the country by the name of John Wilson, afterwards tried for the murder of Kid Vernon, who offered to help him. In due course of time the construction crew reached the Mundlein place. Mundlein, Soldier Jack and Wilson were waiting for them. They protested against their going upon the land. The foreman immediately ordered the fences torn down to make way for the construction work. As the men advanced to tear down the fences they were met at the point of rifles and desisted. There was considerable argument, but the foreman could not get anyone to tackle the fences. A few days later J. B. DeReamer, the superintendent of the D & R G made a trip to the Mundlein place and reopened the argument. He repeatedly ordered the men to tear down the fences. They hesitated, since Mundlein and his two aids were there with the rifles. Finally Mundlein informed DeReamer that he looked like a husky man and suggested that he get off his horse and try his luck tearing them down. He stated that it was purely a bluff, but that it worked and worked fine, and that he thought a bluff was as good as anything else so long as it worked. The railroad officials then tried a different tack. They got a hurry up injunction from County Judge Hughes, Mundlein was aware of the fact that the County Judge did not have jurisdiction in such cases. He employed a lawyer by the name of Hartenstein and managed to put them off. A little later they got a second injunction from District Judge Elliot. Upon reading it, Mundlein

noticed that the land was erroneously described. His ranch was located in Section 6 but the injunction described it as in section 9. The sheriff, a man by the name of Morris, served the injunction. Mundlein noticed the mistake, but did not mention it at the time. He informed Morris that he would like first to consult an attorney. They then proceeded to Maysville, a then flourishing town a few miles distant, where Mundlein immediately engaged the services of Attorney Chamberlain. Chamberlain was well acquainted with Morris and familiar with many of his previous attempts to make the country dry by drinking it dry. His advice to Mundlein was first to get Morris drunk. This task required most of the remainder of the day. Morris, when drunk, had a habit of getting directly in front of a person when talking to him. After the party had been in progress for a number of hours and Morris had become particularly chummy and was telling Mundlein a story, Mundlein surreptitiously took the injunction from the sheriff's inside pocket. That evening sheriff Morris returned to Salida and could not definitely remember as to whether he had properly served the injunction on Mundlein. Also, much to the chagrin of the D. & R.G. officials he could not locate the injunction and could not account for what had become of it. If alive, he does not to this day know how he lost the papers.

Finally Governor Hunt, who was president of the construction company that had the contract for the work grew weary of the controversies and delay involved. He accordingly called upon Mundlein and asked what he would accept for the right-of-way through his place. Mundlein informed him he would not take less than \$1500.00. Governor Hunt refused to pay it, but offered \$750.00 and a year's pass on the railroad, which Mundlein immediately accepted.

Mundlein stated that he practically won his point in the settlement, but that the \$750.00 was not sufficient to cover the costs and worry involved. He stated that he had to keep Soldier Jack and Wilson drunk to keep them with him, that his action in holding up the construction crew at the point of a gun was intended merely as a bluff, and that he did not want it to result in any killings, that Wilson and Soldier Jack were drunk at all times and he was afraid that they would start shooting on slight provocation. Neither of them had any property in the country, both had good horses and in case of a killing, he was well aware that they would immediately quit the country and leave him to do the explaining.

EARLY MINING.

He stated so far as he knew, the first prospecting in this country was in Weldon Gulch on Mt. Shavano in 1863. It was Nat Rich and a party of several others from Georgia, who had left that part of the country the latter part of 1862, it is presumed with the idea of avoiding the confederate draft. Mundlein, being an old confederate soldier who had served during the entire war often inquired of them as to just why they left Georgia at that particular time, and he stated that he could always get an argument out of them.

He mentioned that the present Madonna mine near Monarch, Colorado, was discovered by George L. Smith and a party by the name of Gray in 1880.

ISOLATED FACTS.

He stated that the first sheriff of Lake County was a man by the name of Bayles, who served as such during the years 1876 and 1877. At that time Chaffee County was still a part of

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Lake county. Mundlein himself was sheriff during 1877 and 1878. He was still located at Granite during the summer months. At that time there was a controversy between Leadville and Granite as to the location of the county seat. Finally some parties from Leadville made a trip to Granite, stole such of the county records as were at Granite and took them to Leadville. This ended the controversy.

Mundlein stated that a man by the name of McPherson was postmaster at Poncha Springs during the years 1867, 1876(?), and 1871.

He also gave an account of the killing of Kid Vernon which occurred directly in front of his house. It seems that Vernon, Perry, Radcliffe, Brierly and Williams were suspected of rustling cattle. There was some feeling against them in the country. One evening Vernon rode up to the gate at his ranch. Wilson was stopping there with the intention of jumping a claim which had been taken up by Jim Bailey, who was not at that time on it. Mundlein was eating supper, but was seated so that he could see out of the window. He did not notice any altercation, but unexpectedly heard a shot, and looked out saw that Wilson had shot Vernon. He knew there would be serious trouble over the matter so he immediately hitched up to a buggy and drove Wilson to Salida turning him over to deputy sheriff Mix. He had just turned over the prisoner and was stepping out of the building when he was met by the other parties mentioned who had hurriedly ridden up. They informed him that it was a mighty good thing he had acted quickly, that if they had overtaken Wilson on the road, a trial would have been unnecessary.

He stated that the Pass Creek fire which burned over considerable country was started by Champ and Tom Alway who were filing on the Lakes therein in 1880 and it was started in some way by the party making the survey and maps for the filing.