

FIRST DRAFT

# University, penitentiary were prizes in Colorado Territory

In November 1861, the first Colorado Territorial Legislature began debating where to locate key facilities — including a university and a penitentiary.

For a brief time, Cañon City appeared to have an inside track to be named the site of the University of Colorado. But during the same session, Boulder came out on top, although that town would have to fight for more than a decade to ensure the university was actually established in the city by the Flatirons.



BOB SILBERNAGEL

Concurrently, a bill to establish a penitentiary was moved forward without any location chosen. It wasn't until 1868 that the Territorial Legislature finally selected Cañon City as the penitentiary site, and then only after a lengthy, often fractious battle with towns including Pueblo, Golden and Central City.

Both the fight for the university and the one for the penitentiary were entangled in a battle over which community should be Colorado's capital city. One long-repeated story is that there was a battle between Boulder and Cañon City for the university, and that Cañon City ultimately chose the penitentiary over the educational institution.

But newspaper accounts from the time offer a more complicated narrative. In late 1861, 10 months after Colorado Territory was established by Congress, lawmakers attempted to choose a site for the university by preference voting.

In the initial preference ballot, Golden received two votes and so did Pueblo. Other towns, some of which later disappeared, received only one vote: Denver, Boulder, Georgia Gulch, Silver City, Mill City, Bradford, Platte City and McNulty.

However, because no community had a majority, a second vote was held. This time Cañon City and Golden each received three, while Boulder and Mill City got two votes. Denver and Julesburg each received one.

So a third vote was taken. The Rocky Mountain News, which reported the ballot casting, didn't record how much horse trading occurred, but the outcome was clear: Golden and Cañon City — one vote each.

Denver — three votes. Boulder — eight votes. Boulder's clear majority meant that HB 150, "An Act to Establish the University of Colorado," listed Boulder as the university's location.

But from that autumn of 1861 until August of 1876, there was considerable doubt about whether the university would actually remain in Boulder.

In 1869, the Boulder County Pioneer noted that though Boulder had already been selected, "it is a fact patent to all who are well-acquainted with the last Legislature" that the university "has been promised to Golden City as a partial compensation to that town for its loss of the Capital."

The following year, the Boulder County News expressed similar anxiety. Southern Colorado



COURTESY OF THE UNIVERSITY OF COLORADO

Old Main, the first building at the University of Colorado in Boulder, as it appeared in the 1880s.



JEFFREY BEALL/Wikimedia Commons

The house of the deputy warden at the Colorado Territorial Penitentiary, now on the National Register of Historic Places.

counties, the paper said, "are trying to rob us of it (the university) thereby trying to build up their wealth on what rightly belongs to Boulder."

By 1874, the Denver Mirror said there was a bidding war among Colorado communities "for the boon of a university." Bidders included Colorado Springs, Boulder, Pueblo and others.

Boulder businessmen, in early 1874, secured pledges for \$15,000 to begin construction of a university building. They demanded the territorial auditor release an equal amount in territorial funds (which came from the federal government) to aid in the construction.

However, Auditor L.C. Charles declined to release the money, citing a half-dozen problems. First, he said, "I have no evidence that the university was ever organized as required by law."

Additionally, Charles and others began to raise questions about whether funds had been embezzled from the fund established for the university.

Meanwhile, other Colorado communities were apparently engaged in backroom efforts to have both the university and the state capital moved.

In February of 1874, the Denver Mirror reported on a "nice thimble game" by which Golden would receive money for a university, while politicians in Gilpin County would vote for the removal of the capital from Denver to Pueblo.

The Pueblo Chief-tain called the Boulder request for territorial funds "highfalutin." It suggested "an ordinary academy" rather than a university "would answer the purpose just now, and perhaps not be such a drain on the territorial

finances."

But Boulder persevered. By late 1875, masons in that community had laid the cornerstone for the first university building, now known as "Old Main." The city continued to push for territorial funding, while other localities, Denver and Pueblo among them, opposed the funds.

To add to the confusion, an effort arose to consolidate several institutions — the University of Colorado, the state agricultural college that was to go to Fort Collins, a School of Mines that had been promised to Golden, and a state school for the deaf and blind — all on one campus. The facility was variously suggested for Boulder or Denver.

By the time Colorado officially became a state on Aug. 1, 1876, there was little debate about the university. It would go to Boulder. Classes began on Sept. 5, 1877, with 50 students, half of them female, according to the Colorado Springs Gazette.

The penitentiary was also clearly established by that time — in Cañon City. But that, too, had been a political struggle.

The Legislature in 1864 approved a measure to find suitable lands. It said those lands could be along the Platte, Arkansas or the Rio Grande River. Cañon City is on the Arkansas.

In early 1867, the location still hadn't been selected and the Rocky Mountain News declared, "The location of the penitentiary promises to give rise to as great a struggle as the location of the capital."

Leading contenders were Central City and a southern Colorado community, either Pueblo or Cañon City.

In December 1867, an unidentified Cañon City resident pleaded through the News to have the penitentiary located in that town, rather than Pueblo. Legislation to do that was also introduced in the Territorial Legislature.

It wasn't until January, 1868, that a bill was approved for the prison in Cañon City. But even that didn't occur easily. A last-minute amendment attempted to move the penitentiary from Cañon City to Golden. The amendment won preliminary approval, but was ultimately rejected.

Construction of the penitentiary was to begin in late 1868. But funding delays pushed completion to June, 1871. Problems were almost immediate.

The \$40,000 building had no place to house a warden or to cook meals for the 42 prisoners it was to hold. There was no wall around the exterior and iron bars in the windows were set too far apart, "giving an excellent opportunity to hand in a crow-bar," complained the Central City Register.

Additionally, the prison was soon over capacity.

"The penitentiary at Cañon City is full, and one of the first acts of Congress should be an appropriation for the enlargement of this building," the Denver Times reported in late 1872.

The penitentiary was doubled in size in 1876, and a wall was constructed around it.

Sources: [www.coloradohistoricnewspapers.org](http://www.coloradohistoricnewspapers.org). "A Brief History of CU Boulder," <https://about-boulder.com/blog/a-brief-history-of-cu-boulder>.

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DENVER — The Colorado Legislature received its final revenue forecast last week that next year's spending plan is based on, meaning the Joint Budget Committee now can begin to finalize its budget for the 2022-23 fiscal year, which begins July 1.

**Today:** The House Finance Committee is to consider House Bill 1121 aimed at helping support local newspapers. The measure cleared the House Business Affairs and Labor Committee earlier this month on an 8-2 vote.

**Tuesday:** The House Judiciary Committee is to hear HB1240, which would create a special task force to review laws that require certain people to report incidents of child abuse or neglect.

**Wednesday:** The Senate Judiciary Committee is to discuss HB1237 — a measure introduced by Reps. Dylan Roberts, D-Eagle, and Perry Will, R-New Castle, and Sens. Bob Rankin, R-Carbondale, and Kerry Donovan, D-Vail — that would

alter residency requirements for county court judges in Garfield and Rio Blanco counties.

**Thursday:** The Senate Agriculture and Natural Resources Committee is to debate HB1072 — introduced by Will, Roberts and Donovan — aimed at helping reduce human conflicts with wildlife.

**Next week:** A Senate committee is to hear a bill also aimed at wildlife. This one, SB151, is designed to help limit the number of vehicle-wildlife accidents on state highways by creating more overpasses, underpasses and fencing.

All floor action and committees can be watched or heard on the Colorado Legislature's website at [leg.colorado.gov](http://leg.colorado.gov). Check that website to see which measures are available for remote testimony, and how to register to speak.

Local lawmakers can be contacted at: [janice.rich.house@state.co.us](mailto:janice.rich.house@state.co.us), [ray.scott.senate@state.co.us](mailto:ray.scott.senate@state.co.us) and [matthew.soper.house@state.co.us](mailto:matthew.soper.house@state.co.us).

— Charles Ashby

## Pedestrian hit, killed by semitruck

A pedestrian was struck and killed Sunday by a semi-trailer in Delta County, according to a news release from the Delta Police Department.

At 9:05 a.m., a dispatch call was made for the Police Department to respond to an accident scene at the area of U.S. Highway 50 near 1600 Road.

Once law enforcement arrived, it was determined that the pedestrian was dead at the scene. No other injuries were reported from other parties involved.

Identification of the victim has not been released, pending notification of next of kin. The investigation is ongoing. Northbound traffic on Highway 50 was briefly stopped and re-routed during the investigation. The highway was reopened at 11:23 a.m. — *Sentinel staff*

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