

The Big Horn Ditch and Politics

**A thorn in the side of
W. A. Richards when he was
running for governor of
Wyoming in 1894**

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Red Bank Press

WilliamARichards.com

THE BIG HORN DITCH TRACT that had financed Richards's homestead venture became a political football when he ran for governor in 1894. He had surveyed and overseen construction of the long irrigation ditch that would enable the 27 investors in the Big Horn Ditch Company (including himself) to claim about 600 acres each under the Desert Land Act. By 1892 nearly all members of the company had received patents (titles) to their parcels, a total of about 16,000 acres,¹ but they never did anything with them. Apart from Richards, they all lived in Colorado, and the Desert Land Act did not require them to live on the land. This tract, most of whose acres are north of Worland, is irrigated today by the Lower Hanover Canal. (See *To Wyoming for Good.pdf* and *Hanover Canals.pdf* on WilliamARichards.com for the background and further information.)

In 1894, the unused acres and ditch were seized upon by Wyoming Democrats as ammunition against the Republican candidate for governor and his party in general. The Democrats had Edward T. Payton to thank for presenting them with a fresh issue: alleged land-grabs by William A. Richards and other Republicans.

Payton learned of Richards's tract in the course of his travels around the state as subscription salesman and circulation manager for *The Cheyenne Daily Leader*, the capital's Democratic organ. Having a way with words, Payton also served the paper as a roving reporter. His dispatches were the first hard news published about the Johnson County invasion in April 1892. Not long after that he wrote an item in the *Leader's* September 7, 1892, issue about the few settlers in the Bighorn valley, where "there is no grass" and "scarcely any rain...." Despite that, "the speculator has found his way."

...a Colorado company has taken out a high water ditch, and under the desert law proved up on something like 10,000 acres of land. Your correspondent has been informed that the ditch, even during high water, has never carried water enough to irrigate forty acres. There is no one on the land now, and it lies there untouched waiting until the railroads and hardy settlers shall have developed the surrounding country, when it shall profit the owners. Such things are a curse to Wyoming.

Payton's articles are far too long to include here but may be read on Wyoming's online newspaper database, wyomingnewspapers.org. The following excerpt, lengthy in itself, gives an idea of his style, his charges against Richards, and the land as it was before the Hanover Land and Irrigation Company bought up parcels from the Colorado investors and made the district's stunning agricultural development possible. The excerpt is from the first of his articles, published in Laramie's *The Daily Boomerang* on October 22. The three subheads, along with subheads in the text, provide the 19th-century equivalent of sound bites. Payton had photographs taken to illustrate his points, but the engravings made from them for printing were not used until November 1. (Newspapers only went to the trouble and expense of having photo images hand-drawn onto printing plates by engravers when it was important or they had time.) To illustrate the story they are shown here.

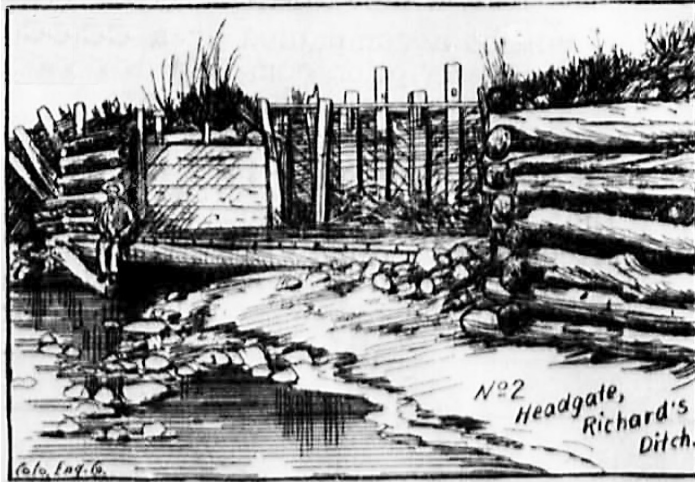
RICHARDS' BIG DITCH.

The Republican Candidate for Governor Was After Land.

AND HOW HE SECURED IT.

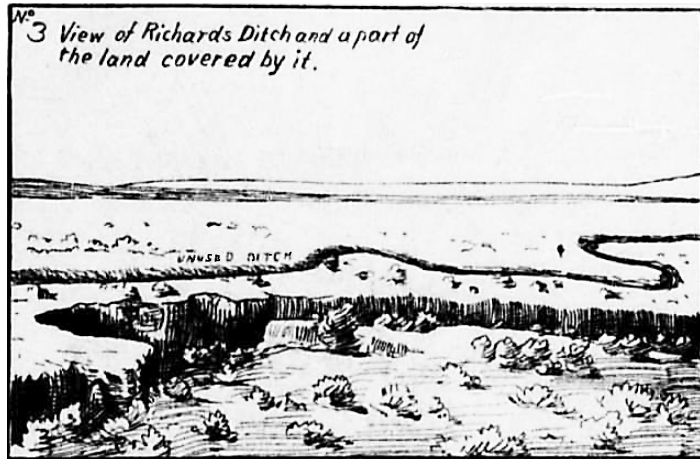
**Ditches Which Never Saw Water as They Are Higher Than the River
—Coloradoans Interested in These Big Horn Lands.**

Alamo, Wyo. Oct. 7, 1894. Two years ago when I was in the Basin, I heard of a large tract of land above here on the Big Horn River, which the people said had been secured through fraud by a party of Coloradoans headed by a prominent Wyoming official. This was mentioned at the time as the files of the *Cheyenne Leader* will show.



The headgate of the ditch. It was not intended for low-water use, and the photos would have been taken in fall, when water would have been at its lowest. Notice the figure sitting at left.

(all images from From Nov. 1 Boomerang)



Bighorn River and unused ditch, looking east

When a person gets within a hundred miles or so of the tract of land, he begins to hear about it and the nearer he gets, the more he hears of the fraud, as the people call it....Hearing so much of this matter, I concluded to thoroughly investigate it and meeting Joseph McGill, we together came down from the mouth of Owl Creek to the tract of land. [He must mean Joseph Magill.*]...

That the public may judge whether a fraud has been committed or not, I will relate actual facts, so far as I have learned them. The Wyoming man mixed up in the affair is W. A. Richards, candidate for governor on the Republican ticket.

Richards' High Water Ditch

By actual measurement made yesterday, the bottom of the headgate is exactly twenty-seven and three-fourths inches above the water in the river. In order that a single drop of water could flow into the ditch, the great Big Horn River would have to rise just 27 and 3/4 inches and that much of a rise would carry driftwood out into the sagebrush in some places. That water nine inches deep can flow through the ditch, the river must rise three feet above its present stage, which is said to be high for this time of year. The river

now is just about [wagon wheel?] hub deep at the fords and a rise of three feet would widen it so much that the volume of water would be, I should judge, at least three times what it now is.

A Snap In Ditch Building.

The ditch at the head is about nine feet deep and probably as wide. Half a mile from the head where it crosses Nowater (or did before the flume was washed out), it is little more than a foot deep and perhaps six feet wide. From there to where the ditch strikes the bluffs, about four miles distant, or six by the ditch, it will, or prob-

*Magill was a highly educated Irishman who was said to speak seven languages and who wrote in a florid, high-Victorian style. He and Payton lived near Thermopolis. Magill's employment record is spotty, but in 1890 he is mentioned in other newspapers as editor of Cheyenne's *Wyoming Tribune* and then Lander's *Wind River Mountaineer*. A cowboy as well, he left Jay L. Torrey's Embar

ranch in 1896 to work with Tom Gebhart on *The Basin City Herald*. His eloquence has been credited with the election of Basin as county seat of Big Horn County. As storyteller, poet, and promoter Magill would sing the song of the Bighorn Basin for the rest of his life. (More about Payton, Gebhart, and Magill is in W.A. Richards and the Pioneer Newsmen of the Bighorn Basin.pdf.)

ably did, when new, average nearly a foot deep, if not quite. [sic] There are places, and within four miles of the head, where the ditch never has been over three and a half feet wide. We followed the ditch for perhaps ten miles, and in that distance I did not notice over 200 yards of gravel, the rest being loose and soft sandy soil, the easiest in the world to plow or scrape.

In driving the length of the tract of land (which took three hours, the horse trotting all the way), I counted twenty-three laterals, or depressions in the earth which I took to be laterals. In a few of them the soft soil had been cut out by the water coming from either the ditch or bluffs; but three-fourths of them bore the appearance of never having carried any water. They were simply a single plow furrow, which the eye could trace a long way over the smooth ground, and the dirt thrown up by the plow had the appearance of having been thrown up only a year ago instead of five or six. Some of the laterals had been plowed only to within a few feet of the ditch and never had been cut through the lower embankment. I did not see a single lateral gate, but McGill said that he saw one. The ditch is 22 miles long, I am told, and there are three flumes. Including those and the headgate, possibly \$100 [about \$3,510 in 2022] worth of lumber was used in the construction. I am told by some that Mr. Richards received \$10,000 [about \$332,000 in 2022] for building the ditch and retained an interest in the land. By others, the amount is stated to be \$20,000 and by still others, \$40,000. [How would any of them know the financials? Richards's own letters of the time indicate even the lowest figure is far too high.]

A Beautiful Tract Of Land.

The tract of land, which consists of thirty sections, if I am correctly informed, is principally on the Johnson County side of the river and averages I should judge, about a mile and three fourths in width. Part of it has the appearance of being very poor, but the bulk seems to be excellent and one little patch on the river about right size for a homestead had grass on it a foot high. I have traveled some in Fremont, Johnson, Sheridan, Crook, Weston, Converse, Natrona, Sweetwater and Laramie counties, but have never in my life seen a prettier body of land for irrigation where there was plenty of water with which to irrigate it. It is one grand and beautiful stretch of valley as level as the Plains of Kansas, though sloping gently from the bluffs to the river where heavy cottonwood timber lines the banks.



Richards's own claim, showing "timber," which would have been cottonwoods and willows along the riverbank.

Yet it was only —

The Home Of Coyotes.

The Richards tract of land has not only never had a house or rod of fence on it, but today it is as much desert as it was eight years ago when filed upon. It is inhabited only by prairie dogs, antelope and coyotes. Some of it extends across the Big Horn River. [Odd bits of it, yes. What was Payton's point?]

A Different Picture.

How different it is just below Mr. Richards' howling desert. Gradually hewing their way up the river, the strong and lion-hearted pioneers have pushed until their civilizing influence is seen crowding hard upon the tract, which has been reserved



"Pfeiffer's homestead on the Big Horn River two miles below the Richards Tract of Land."

for their betters. On the very first section below a homesteader's notice is seen and soon stacks of grain come to view. To be sure, it has been hard for these frontiersmen to take out ditches from the river, but by threes and fours and sometimes single handed, they have worked until at last the natural reward of industry has been realized.

Among these were Charles Pfeiffer, whose 160-acre homestead and ditch were just down-river from the Colorado tract, and Joseph F. Ash, who had a homestead about a mile down-river from Pfeiffer. Payton continued,

At the ranch of J. F. Ash six miles below the Colorado tract, I saw today ears of dent corn eleven inches long thoroughly ripe. A potato measured eight and one half inches long and ten inches in circumference, and a head of wheat six and one-half inches long. Mr. Ash raised 264 bushels of oats and wheat on eleven acres.

Carey Law Not Wanted.

These small settlers, who have worked so hard for their little homesteads, are not asking for any change in the land laws, nor has the demand for a donation of arid lands to the state come from the homeseekers. To be sure, some of them may be inveigled and blinded by the arguments of smooth-tongued politicians into voting for it. But from whence comes the demand?

The Desire Of Greedy Land Grabbers.

Mr. Richards, in addition to his interest in the tract of land described has, I am informed, 1,800 acres at Red Bank. Senator J. M. Carey has two large tracts in Converse County and ex-senator F. E. Warren has half the country round about the Capitol city under fence, as everybody knows. These men and others like them, who have had all the land and much more than they are entitled to under the present laws, now want a change. They want the general government to donate a million acres to the state. After that, the land will no longer be governed by the United States land laws, but by a state law, and none of us know what kind of a law it will be. It will be through a law, which while enacted especially for the people, will give Warren, Carey, Richards et al. another grab.

Payton relied a good deal on hearsay ("I am informed..."). At his Red Bank ranch in the Nowood country east of the Bighorn River, Richards had only 840 acres¹ including land claimed for his brother Austin C. Richards (Aut), plus some leased acreage. After more discourse, Payton did list the names of the Colorado investors, mostly spelled correctly, and their claim numbers, which he says he got from a ranchman.

Just two days later, the *Boomerang* ran another article that featured a prominent map entitled "The Richards Tract and its 15,840 acres," along with maps of Carey's domain.² The article focused mostly on Carey, but under a subhead **Perpetrated by Richards** Payton repeated the main allegations of the Colorado "grab" and went into some others. Richards, he wrote, "belongs to the gang of land grabbers of the state and should he be elected governor, he will become a member of the Land Board of the State, which controls the leasing of all the land grants of the state"—including the million acres of federal land that states could receive via the recently passed Carey Act.

On the 27th was an item about a Republican rally in Evanston, from an unnamed "cor-

respondent.” The Republican “aggregation” or “menagerie” of Richards and other candidates spoke. William O. Owen, candidate for assessor, pointed to the great prosperity during thirty years of tariff protection under his party, but depression under one year of free trade under the Democrats. Frank W. Mondell, candidate for congressman, held forth for more than an hour and a half, mostly about the tariff. Nearby was an article about a local judge who had switched allegiance from the Republicans to the People’s Party over the issue of free coinage of silver. As for Richards, he

made a brief talk in which he dodged state affairs and took time to say he would never devote any more time to answering the charge of that land steal more than to deny it “in toto,” and turned it off that way, stating that the party papers were in hard straits [*sic*] if they had to publish such things.

On that same day the *Leader* published a letter from one of the directors of the Big Horn Ditch Company alleging that a representative of the *Boomerang* had gone to Colorado Springs to dig up dirt on Richards. By this time the *Leader* was no longer allied with the Democrats: its editor, John F. Carroll, had declared his paper’s political independence on September 26, partly because he favored acceptance of the Carey Act donation. His defection was a body blow to the Democratic cause, and the letter¹ would have helped validate his decision. The letter read in part,

A man was here yesterday, representing that he was connected with the *Boomerang*, published at Laramie. He approached some of our people who are interested in the Big Horn ditch, by stating that he could work up a sale of it, if the property was for sale. He inquired of me if Gen. Richards’ part in the construction of the ditch was entirely satisfactory. I told him that it was satisfactory in every particular, as did others. He finally let it out that he was getting up a sensational article to publish in Wyoming just before election, in which he intended to injure Gen. Richards’ chances of election. I told the man that he was engaged in a mean business, and that if he published an article such as he intended, he would be doing a great wrong, and would make himself out a political liar.

This kind of work ought not to be tolerated and ought to be thoroughly exposed. I told the man that Gen. Richards was nominated last August and that if there was any truth in the story which his paper proposed to publish it would have been made known long ago. This thing of springing false and malicious reports shortly before election is all wrong and there ought to be some way of correcting such abuses.

If you think best you can publish this, for I believe it to be every man’s duty to expose this kind of work, no matter what his politics may be.

Very truly yours, J. A. HIMEBAUGH, Proprietor Spaulding House.

Himebaugh may have written to the *Leader* because its purported independence lent credibility and because it may still have had many Democratic readers. *The Cheyenne Daily Sun*, the state’s principal Republican organ, only reprinted the letter four days later.* The *Leader* was also first to counter the *Boomerang*’s accusations by reprinting on October 30 an interview from the *Laramie Republican* in which Richards refuted the charges. (Its headline was **TORN TO PIECES. Fairy Fabric Laboriously Raised by Democratic Hands.**) Readers could get the main message from several more subheads and a bold-face short paragraph without having to read the interview. The first paragraph of text harrumphed that the “big staring maps branded “The Richards Tract of Desert Land on the Big Horn River’ ... covertly sought to strengthen the impression of wholesale land grabbing which the articles themselves did not in express terms charge.”

*On Oct. 31st. If Himebaugh had written them as well, they surely would have printed it right away.

In his lead editorial, Carroll fulminated:

There is neither honesty, decency nor political foresight in the campaign which the democratic press is now waging against Gen. Richards, the republican nominee for Governor. [After a basic description of the "Richards tract" he adds:] With this as a slender basis of fact the harum scarum political understudies have built up a tremendous story of rank fraud and land grabbing.

In another column is published an interview with Gen. Richards.... It is only necessary to read the straightforward statement of fact made by Gen. Richards and the unsubstantial fabric of cardboard, painted to represent brick and stone, crumbles into shapeless ruin.

In the interview Richards uttered no hot words nor angry countercharges, just calm and not exactly "straightforward" replies to the questions. The tone was lofty and somewhat stilted. Gubernatorial. He intoned:

I neither fear nor care how deeply my record in this or any other state is probed into provided the facts are given, but it is my disposition to resent promptly and fully any imputation, whether direct or implied, which is sought to be placed upon me even in the heat of a political campaign.

...The Big Horn ditch was constructed by a company, who employed me as engineer at \$100 a month to superintend its construction. All the work upon the ditch was done at day's wages by men living in the Big Horn basin, mostly new arrivals, needing employment. Many of them, now in comfortable circumstances, were, with the money paid them for their work on this ditch, enabled to tide over the first year, which is the hardest for the new settler. The ditch cost \$18,000 [about \$597,000 in 2022], all of which was paid to those who were actually engaged in the work of its construction. My connection to the ditch company entirely ceased in June, 1887, and since then I have had nothing to do with it.

Parts of thirty sections of land along the ditch were located under the desert law by Colorado parties. Final proof was made upon some of these entries in 1889 and upon some of the others in 1890.

Almost one-half of the entrymen abandoned the lands entered by them and anyone, who wanted it at any time since, could have located it under the land laws, but no one seems to want it. The lands upon which final proof was made have been regularly assessed at \$3 per acre [about \$105 in 2022¹] to the respective entrymen, and each one individually has remitted the taxes thereon from year to year to the treasurer of Johnson county, and no part of these taxes is now or ever has been delinquent....²

There is plenty of water to irrigate these lands, and, during the irrigating season the waters of the Big Horn river not only can run into the ditch, but it is with difficulty that they can be restrained and controlled at the headgate.

I entered 600 acres and made final proof in 1890, and since that time it has been patented and assessed to me. This is all the land that I now own or ever have owned in Wyoming. I have no interest whatever in any of the other entries, and will be glad to sell my 600 acres for what it cost me.

...None the of land is fenced in and it remains an open common for grazing purposes. The ditch had not lately been used and is now probably out of repair. I have seen it stated that only 100 feet of lumber was used in the construction of the headgates of the ditch. There was 10,000. This was necessary because the flow of water at that point is so great during the irrigation season.

There has never been anything dishonest, reprehensible or irregular in the entry or patenting of any of these lands.

Asked if he lived on the lands, Richards replied,

No, Red Bank, fifty miles distant, is my homestead entry of 160 acres, upon which final proof has not been made. My wife and children are living on it while I am out electioneering. At the same point my wife has proved up on 160 acres of desert land and owns 540 acres [520, actually], which she has acquired by purchase. The attempt to make snap judgments on me by publishing these yarns ten days before election will do me no harm in the Big Horn basin, where the facts are known, nor elsewhere in the state when these facts are learned.

The *Boomerang* pounced on only two of these statements, both in fact untrue:

In this report Mr. Richards says that, “almost one-half of the entry men abandoned the land entered by them and that anyone, who wanted it at any time since, could have located it under the land laws, but no one seems to want it.” The Land Office records show that out of twenty-five claims filed, twenty have been proved up on and patented to the claimants. One claim is still standing against the land and four claims have been cancelled.¹

Richards’s connection with the ditch company had not “entirely ceased in June 1887.” He may have turned supervision of the ditch construction over to Tom Gebhart, who had come from Colorado with Richards in 1885 to work on the ditch,² but Richards was still responsible for the men’s pay and board, as he wrote to one of the company members in August 1888,³ and he filed the ditch claim and map in May 1889. The *Boomerang* quoted an oath Richards had sworn on October 21, 1890, affirming his interest in the company. Payton apparently did not see the ditch claim and map. The initial capitalization was \$17,020;⁴ investors also had to pay assessments that must have raised the total investment well beyond \$18,000.

After Richards spoke in Laramie, Payton supplied the *Boomerang* with a story on October 30 that covered the meeting and also rehashed elements from his earlier accounts—in case someone had missed them. But some points—if quoted accurately—were correct.

Mr. Richards in explaining all his connections with land holdings for himself and others said that his brother, who seems to have been a convenient person in the land business, never had any land in the locality of Richards’ ranch in Johnson County. The records of the Land Office show that Austin C. Richards did file upon a desert land claim near W. A. Richards’ ranch, and that he proved up on it. This “locality” dodge, which Richards attempted to perpetrate on the audience last night, is too thin.

Another Dodge.

Mr. Richards, as he stood before the audience in his broadcloth, said that 600 acres was all the land he owned in the State of Wyoming. Now the fact is, that the title to his ranch on the Nowood, is in his wife’s name, for some reason *best known to himself*. [italics theirs]

Payton had somehow missed the 160-acre homestead claim at Red Bank in Richards’s own name that had not yet been patented—and which Richards disclosed in the interview, above, published the same day as the talk Payton covered in Laramie. Mrs. Richards’s 160-acre desert claim was indeed in her name, and Aut’s 520-acre desert claim in his. Neither had yet been patented either. The land Richards says she purchased was Aut’s claim, somehow acquired by her brother Charles A. Hunt and officially sold to Harriet in 1898.⁵

THE REPUBLICAN PRESS had hardly been silent during the campaign, of course, and the next day⁶ the *Sun* devoted its front page to a general counterattack that included Richards’s interview. Like the interview, the main story was slanted and not entirely truthful.

First, the *Sun* presented a list of a dozen Democratic officials allegedly guilty of grabbing up a total of nearly a million acres of land, far more than the water rights for 600,000 acres claimed by Republicans. The paper named the sinning Democrats and noted that the acreage they had claimed was for large irrigation companies. They did not mention that these would have been for water rights only, that the amount of land an individual could claim was severely limited, and that these acres would eventually be made available to farmers. The Republican claims were not backed up with specific examples.

The *Sun* then pointed out in rat-a-tat fashion that the Carey Act was passed by a Democratic House and Democratic Senate, signed by a Democratic President, recommended by a Democratic commissioner of the General Land Office, and approved by a Democratic secretary of the interior. Such a bill had been requested by every Democratic member in two Wyoming legislatures, and was supported by every Democratic congressman west of Missouri except Wyoming's own Henry A. Coffeen. (So there!)

Worse came from Payton in the *Boomerang* the following day, November 1.

FACTS VS. THEORIES.

Colorado Speculators Against Wyoming Homesteaders.

RICHARDS' ROCKY RECORD.

How He Swore and How He Secured Timbered and Hay Land Under the Desert Land Law.

Spotted throughout were the engravings based on photographs, shown above.

Payton sought to prove that Richards had lied under oath in his 1885 filings under the Desert Land Act. Among other things he had sworn that the land was untimbered, so a photo of a stand of trees off in the distance was included. It was not mentioned that these were riverbank cottonwoods and willows, not exactly prime timber. The other photos bore witness to the land indeed being mostly untimbered, with no real grass either, but few readers, mostly Democrats themselves, would have noticed.

Accompanying this article was another denunciation of Carey and his arid-land bill.

With the election close at hand, the *Leader* attempted to discredit Payton in an unusually brief item.¹

Out of the rich and ruddy depths of a new and stunning set of burnside whiskers Mr. E. T. Payton, through the columns of a local democratic campaign sheet [possibly the *Cheyenne Democrat* or the *Wyoming Bee*], takes occasion to express his pained surprise that as manager of THE LEADER's circulation he should not be permitted to use this paper's own columns in which to make campaigns against itself. ...In his own department of newspaper work Mr. Payton has been a valuable man; as a professional saviour of his country we have less confidence in his skill and ability. Everybody to his trade and this isn't Payton's.

The *Boomerang* begged to differ, since Payton might prove to be the savior of Democratic fortunes. Earlier in the campaign it had had little to say about candidate Richards except that he was a member of the Republican gang at the capital; it had no criticism of his surveyor generalship. After the first of Payton's attacks on Richards, the Republican *Natrona Tribune* pointed out in its page-one endorsement,²

With all the efforts put forth by the democracy to make it appear that he was truly a bad man, they have utterly failed to charge incompetency, or deny that he would make an excellent executive....Not a single charge has been made against his official transactions...

The *Tribune* claimed that "every objection thus far advanced against his election has been of a personal nature." That wasn't actually the case.

One Republican paper, *Bill Barlow's Budget*,¹ suggested that the Democrats were resurrecting the invasion because they had no other issue. That wasn't true: they favored restoring the coinage of silver, were opposed to the restoration of higher tariffs, and they had long been against state control of the arid lands. But these issues, along with the invasion, had been around a while. The Democrats needed a fresh whip for flogging the Republicans, and shortly before the election, Payton put one into their anxious hands.

The Republican papers retaliated on the eve of the election with charges of alleged land-grabbing by none other than the Democratic chairman. The *Sun* on the Saturday before the election, November 3, reprinted an article from the *Laramie Republican*. Some culls:

While land grabbers are being talked of it might not be amiss to turn the light upon the chairman of the Democratic State Committee, Mr. Nellis E. Corthell. He has been working in a poor, weak way, to be sure, but he has been able to acquire more land than the candidate for governor on the Republican ticket nevertheless.

He is connected with a company which owns six sections of land on Willow and Buffalo creeks, tributaries of the Big Horn river. [Describes beautiful land] Corthell's portion was one section. He went into the deal purely as a grabbing speculation, and by taking up the entire tract and getting a cast iron cinch on the entire water supply, with a fence above and below, small ranchmen in the vicinity could be nicely barred from the use of the streams or the adjoining grazing lands....

There is not a single citizen in the state who has [not] been made familiar with the attempt of the Democracy to make campaign capital out of the efforts of patriotic men to develop the state but who will repudiate the whole outfit at the polls. It was a campaign dodge, only that and nothing more, and it has been met and has fallen as flat as can be.

Payton started his own paper, *The Big Horn Basin Savior*, whose name was taken from Carroll's sarcastic swipe. On the day before the election he had 3,000 copies printed at the *Boomerang* office and distributed around Cheyenne.²

Payton's crusade against Richards failed to keep him from being swept into office in the Republican landslide. He carried every county except his own, Johnson County, a Democratic stronghold even before the cattlemen's invasion. The journalist may have drawn cold comfort from being praised as a "moral hero" by *The People's Voice* (at Buffalo, the Johnson County seat) in a tribute reprinted and seconded by the *Boomerang*.³ Shortly thereafter Payton tried to file on land at the hot springs in the Wind River Indian Reservation and took steps toward forming a company that would pipe hot water to a spot five miles away, near Embar, for bath houses and spas, according to the *Leader*.⁴ The venture led to Payton being needled as a land-grabber by the Republican press, including the *Leader* and the *Paint Rock Record*, which had been started by Gebhart in February 1892.⁵ Payton's plan fell through probably because he was legally unable to claim reservation land.⁶

Richards had been elected governor despite Payton's efforts, but Payton kept after him. Sometime in 1895 he and Magill filed a complaint with the General Land Office charging Richards with illegal entry of his acres on the Bighorn River (today's spelling). The charges were dismissed by the acting commissioner of the land office.⁷

In August 1895, Payton became violently insane, perhaps from the stress of homesteading and publishing a newspaper. Magill, justice of the peace, ordered him taken into custody, and he was committed to the state mental hospital at Evanston. After being released and readmitted a number of times, Payton would publish exposés about the cruelty of the hospital staff to inmates and the failure of the Board of Charities and Reform to deal with the charges when Richards was governor.⁸ When Magill suffered his own bout of mental illness, Payton helped him gain admittance to an Omaha institution that Payton felt

treated its inmates humanely. More about the newspaper careers of Payton and Magill, their episodes of insanity, and Payton as suspect in the murder of Richards's daughter and son-in-law, is in *W.A. Richards and the Pioneer Newsmen of the Bighorn Basin.pdf*.

IF WILLIAM A. RICHARDS was guilty of land-grabbing for himself or others, it was done under the laws of the time. His aim was not to get rich but to provide for his family. The amount of land "grabbed" was small compared to that of other people, and in any case the land in the Colorado tract, unlike that of Pfeiffer and Ash, was too far above the river to be irrigated by individual settlers.

Still, critics had a point when they charged Richards and the Colorado company with violating the intention of the Desert Land Act, which was to promote reclamation and provide homes for farmers. But unlike the Homestead Act, the Desert Land Act failed to require residency on claims, a yawning loophole. Richards seems to have thought that the other Colorado men would use their parcels, however, according to letters and other records. "Our land will be farming and hay land, and [is] especially well adapted to raising cattle, as they could be run in the country east of us in the Summer and fed upon our land in the Winter," he wrote to a member of the company, William L. Swift, in early 1888, "...I have no doubt that we will succeed in getting the title to our Big Horn land and that can be best utilized for a business of just this kind on a larger scale, and we that [have] already started here can take hold of that business greatly to [our] own advantage."¹

Richards must have imagined that his co-investors could run a cattle company or even a farm from Colorado. If they had truly intended to use the land as a winter feeding ground, they would have had to finance a herd and cowhands. Some of the investors had trouble paying their assessments, casting doubt on their ability to make further investments even with the depressed prices of cattle. And who could grow hay or crops without being down on the farm at least during the growing season? Enough of the company members would have had to take the plunge to keep the cost of using and maintaining such a long ditch from being prohibitive—especially for the owners of parcels located miles from the headgate.

When Richards was governor he received occasional letters from company members about improving the land, possibly drilling for oil, or selling out,² but those who hung on to their parcels did nothing with their land except mortgage it. Only Richards ended up using his tract—much later.

Some of them do seem to have made money. Records of two sales give their prices, which usually are not noted. Leonard Jackson sold about half of his 635 acres, which weren't even on the river, as early as 1890 for \$3,000 (\$99,500 in 2022). Loren C. Dana held out and sold most of his section in late 1908 to the Hanover Land and Irrigation Co. for \$12,615 (\$414,000 in 2022), about \$20 per acre.³ Investors who sold out in 1904 or 1905, before the Burlington railroad announced it would build into the area, may not have done as well. If they were indeed in it only for speculation, they did not make a killing. They had their initial investment in the company plus assessments, then the payment to the government of \$1.25 per acre upon receiving title, and they also had been paying taxes for about 15 years to retain ownership.

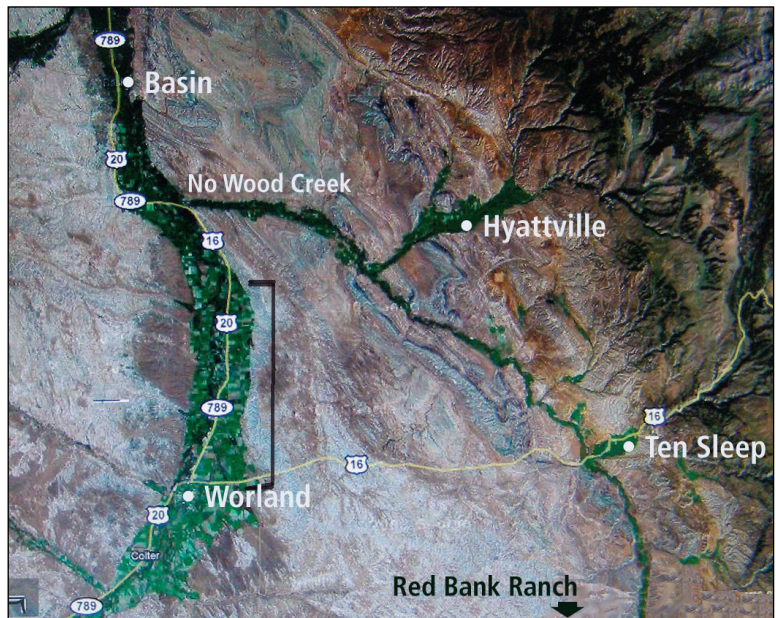
How much did that add up to? In 1895, Rowell wrote Governor Richards that his own investment worked out to \$4 per acre, or about \$2,550 (\$91,700 in 2022) for 638 acres.⁴ The others must have been about the same.*

*In 1897 Swift was willing to sell his section for \$2,500, though he thought it worth twice that.⁵ His estimate may have been based on Jackson's half-section going for \$3,000 in 1890. The buyer sold those parcels for \$2,800 on Feb. 17, 1896. This validates Swift's claim in 1897 that \$2,500 was less than half the value of his section.

Richards held onto his own parcel, but not having a water right eventually cost him dearly. In 1903 he and his ranch partner George B. McClellan had formed the Red Bank Cattle Co. (RBCC) with Malcolm L. Harris, a Chicago doctor.¹ Obtaining a perpetual water right from the Hanover company would cost them \$30 per acre (\$1,010 in 2022), wrote C. F. Robertson, its general manager, to McClellan in January 1906. He sternly added, “There would be no use for anyone to dicker for a lower price;...”² (By “anyone” did he mean Richards, then in Washington, D.C., as commissioner of the General Land Office?) Robertson also offered to buy their parcel for \$10 per acre—about half what the company paid Dana two years later. (The average sale price was \$35 per acre, according to the December 26, 1905, *Laramie Republican*.) The RBCC reportedly paid \$5,000 for the water right for 400 acres, according to a much later account that may be in error.³ *

POLITICAL RHETORIC is ever selective, and “grabbing” is in the eye of the beholder. In 1894, Payton seized upon the Colorado tract as a way to attack Richards, turning a blind eye to other land in the area that settlers might have claimed but had passed over. He pointed to Ash and Pfeiffer as examples of small settlers who had created irrigated farms through courage and toil. Ash must have been doing well at the time, judging from Payton’s description. He patented 160 acres in 1898 but at some point abandoned his ditch.⁴ Pfeiffer joined forces with other resolute Germans, but Ash illustrates the hard road of individuals who tried to keep a farm and ditch going on their own. Payton was a man with a political mission, and if other small settlers had had successful farms in the area in 1894, he likely would have trumpeted them as well.

At the time Richards was running for governor, the Colorado tract was obviously uninhabited and unused, but apparently nobody had tried to locate any of the owners to make an offer. Homeseekers went elsewhere for land to claim. Mormons, and entrepreneurs such as William F. “Buffalo Bill” Cody, chose more favorable tracts in the northern Bighorn Basin. There, the flatland extended farther than it did on the banks of the Bighorn River, and the Shoshone and Greybull rivers were easier to divert because their channels were much shallower than the Bighorn’s. In the southern part of the basin, near the Colorado tract, a few individuals took out priorities on the main stem of the Bighorn, and some of them succeeded. After 1900, large-scale projects began transforming the Bighorn valley.



Satellite image of Worland valley and Nowood country today. Bracket indicates farmland served by the Upper and Lower Hanover Canals.

Google satellite image, 2009

*If Robertson stuck to his guns, then \$5,000 (\$168,000 in 2022) would cover only 160 acres, about a quarter of the parcel. But the later account said the \$5,000 was for 400 acres, just \$12.50 per acre. A water right for 400 acres would have cost \$12,000 at \$30 per acre, an enormous sum probably beyond their means: Richards and McClellan had to borrow \$1,000 a few months later, possibly

to help pay for the water right.⁵ And 400 acres was a lot to cultivate; 160 acres was more reasonable. Richards produced a good deal on just sixty acres on his Nowood ranch. Efforts to locate the records of the Hanover Canal Company, said to be in the Washakie County Museum, have been unsuccessful. Hanover’s ads don’t say anything about installment plans.

TODAY, some 70,000 acres (109 square miles) of prime agricultural land along the Bighorn River are irrigated by canals and thousands more by pumps, pipes, and sprinklers—any means to get water to that fertile soil, much of it on benchland high above the river. The tract chosen by Richards, virtually the same acreage served by today's Lower Hanover Canal, is the most easily and efficiently irrigated. It is so flat and so wide that only 22 miles of ditch are needed to water its 13,685 acres, or 622 acres per mile of ditch. (That doesn't make those acres more valuable, however, according to a local realtor.¹) The next most efficient ditch serves 422 acres per mile. The smallest is the first: the Fritz (and Pfeiffer) Ditch in 2003 was 8.5 miles long and served 1,200 acres, or 141 acres per mile of ditch.²

Brewsky From the Bighorn

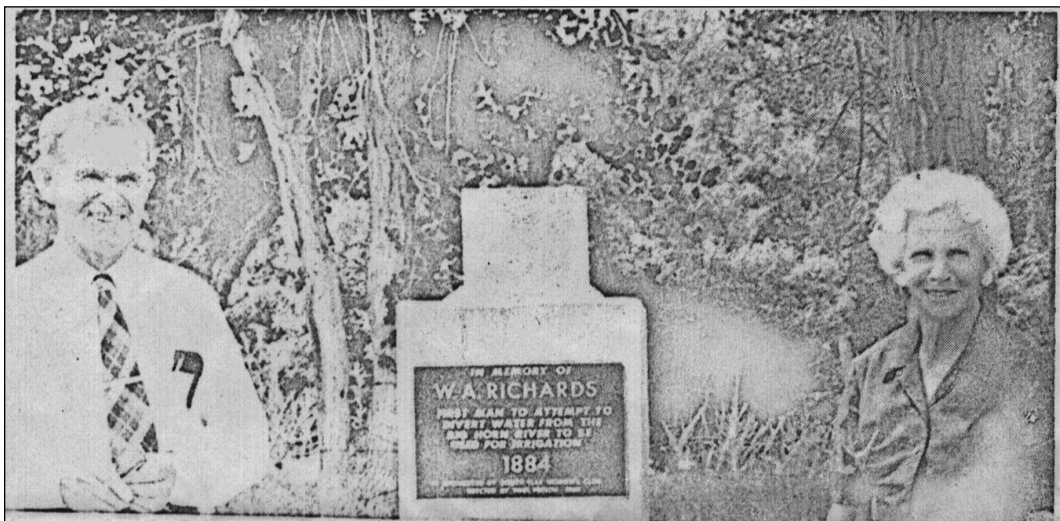
THE WORLAND VALLEY is one of the few places in the country with the right conditions for growing high-quality malting barley, the principal ingredient in beer. The dry summers keep rain from spoiling the barley heads, while irrigation makes growth possible. Malting barley and sugar beets are the most important crops, dry beans, corn, and others. Much of the barley goes into the premium brands of MillerCoors.

The Coors barley elevator, a valley landmark that towers over everything around it, happens to be located on a small lot next to the railroad tracks in Richards's old claim. From there, tons of grain are loaded onto cars destined for the company's breweries. Richards, ever the teetotaler, would not be pleased.

A Monumental Mystery Solved

IN 1969, a monument was erected to William A. Richards and his irrigation project near its original headgate, but by the end of the century only a few people were aware of its existence. Interested parties outside the immediate area knew about the monument from a photo in *Calendar of Change*,² Paul Frison's book about irrigation in the Bighorn Basin, and the unidentified photocopy, below.³

A similar article in the June 18, 1969, *Northern Wyoming Daily News* announced that the monument's dedication would be held the following Sunday at the Fritz Wolf ranch on the South Flat Road just beyond the No Water Creek bridge. But a later exploration of the area failed to locate it. Linda Abell of Worland finally tracked it down. The monument was later damaged by high water and was awaiting restoration at the time of this writing.



Paul Frison and Opal Agee at the monument. Mrs. Agee was president of the South Flat Women's Club, which sponsored the monument and its dedication. It may have been Frison's idea; the club must have raised the necessary funds, and he ordered the plaque and built the structure.⁴

Sources and notes

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1. The original size of the Big Horn Ditch tract seems to have exceeded 15,000 acres. All but two of the 26 investors obtained patents. The Bureau of Land Management's records website lists 23 of them (<https://gloreCORDS.blm.gov/search>, accessed on June 15, 2023), and another is listed in the Johnson County land sales abstracts, for a total of 14,335.69 acres. If the other two had originally claimed a section each (and many of the parcels were smaller), the total acreage would have been 15,615.69.

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1. measuringworth.com, purchasing power calculator.

Page 4

1. 840 acres: his own 160 acre homestead, his wife's 160 acres, and his brother A. C.'s 520 acres.
2. Oct. 24.

Page 5

1. Letter dated Oct. 23. Lawrence M. Woods, *Wyoming's Big Horn Basin to 1901*, (Spokane: The Arthur H. Clark Co., 1997), 162, has Himebaugh as one of the directors. The *Leader* on Oct. 30 has an editorial but date says Oct. 31. There's also a different page 2 for the 31st, so that may be their error.

Page 6

1. Tax records are not available to check today. Milo Rowell in a letter to Richards June 8, 1895, details expenses, \$4 per acre total. Paid 22 assessments @\$2.20, \$1.25 to government, .30 to visit the land, taxes .25 (\$150 for 600 acres, apparently the total for whole period, not annually). RG 0001.14, Governor William A. Richards Records, General Correspondence — Incoming, File R, S., Box 3, Wyoming State Archives (hereafter Incoming Correspondence, WSA).

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1. See citation for Page 1, above.
2. June 30, 1911, *Basin Republican*, says Gebhart was general manager and in charge of the work during the last three years of ditch construction. Gebhart, a resident of Basin in 1911, must have been consulted. The article contains errors, questionable statements, and outright falsehoods but this fact is confirmed by what Richards wrote (to Rowell, below). Woods, *loc. cit.*, says that rather than make a trip to the basin the group signed a contract to pay Owen Thomas Gebhart 10 cents per acre to perform enough irrigation to qualify the land for final proof. No date nor source given. Richards's family arrived in fall of 1887 and he may have wanted to focus on his ranch and own claim, not the ditch.
3. Richards to H. C. McCreery, Aug. 4, 1888, H-215/MSS 83, WSA.
4. Misc. Record "A", Book 3, Johnson Co. Tran., pp. 278 & 279, Johnson County Records.
5. Johnson County, Book of Deeds, June 7, 1898, Charles A. Hunt, for \$1.
6. *Cheyenne Daily Sun*, Oct. 31. (*Sun*)

Page 8

1. Nov. 3, *Cheyenne Daily Leader*.
2. Nov. 1, *Leader*.

Page 9

1. *Bill Barlow's Budget*, Douglas, Oct. 24.
2. Rick Ewig, "E. T. Payton: Savior or Madman?" *Annals of Wyoming*, Winter 2007, 18.
3. Nov. 6, 1894, *Boomerang*
4. Nov. 13 *Leader*.

5. Gebhart's "hypocrisy" in *Sun*, Dec. 1, 1894. Full story will be in "W.A. Richards and the Bighorn Basin Newsmen" article on WilliamARichards.com, as yet unfinished.
6. Aug. 26, 1895, *Sun*.

7. March 1, 1907, President T. Roosevelt to Secretary of the Interior E. A. Hitchcock. Papers of Theodore Roosevelt, microfilms. This happened to be written a week before Richards's departure from the Land Office.

8. Payton's self-published pamphlets, *Mad Men* and *Behind the Scenes at Evanston*, both in 1923.

Page 10

1. March 18, 1888. H-215/MSS 83, WSA.
2. Particulars of letters from ditch members: W. L. Swift, May 28, 1895, about boring for oil; Aug. 9, 1895, from M. M. Sinton, a majority of members seem to be in favor of improving their property; Sept. 18, 1897, Swift about selling out. Incoming Correspondence, WSA.
3. Johnson County land sales abstracts. Dana had sold some acres to the Burlington RR for their right of way. Dana sale to Hanover on December 15, 1908.
4. June 8, 95, Incoming Correspondence, WSA
5. Swift to Richards, Oct. 13, 1897. Incoming Correspondence, WSA.

Page 11

1. Johnson County records, Book 1, p. 225, No. 10766. Certificate of Incorporation of the Red Bank Cattle Company, July 31, 1903
2. January 8. George B. McClellan collection, American Heritage Center.
3. Woods, *op. cit.*, 229 (n), citing *Lula Pulliam Colwell, The Story of the Pulliam Company*, (n.p., 1970-71). The Rev. David Thomas Pulliam of Loveland, Colorado, was one of the principals in the Hanover Canal most responsible for its success. Lula was his daughter (ancestry.com).
4. Ash patent from BLM records. Abandonment from Woods, email to author, Jan. 6, 2014.
5. March 19, 1906, Stock Growers National Bank, Cheyenne, to George B. McClellan, enclosing a note for \$1,000 to be signed by him and Richards rather than go thru the red tape of a loan to the cattle company. George B. McClellan collection, AHC.

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1. Landis Benson, Hake Realty, Worland, interview with author, 2016.
2. "Irrigation Diversion Operation and Description Memoranda," prepared by BRS Engineering and published by Wyoming State Water Plan, Wyoming Water Development Office, Cheyenne, 2003. <https://waterplan.state.wy.us/plan/bighorn/techmemos/diversions/bighorn.html>, accessed June 15, 2023.
3. Scan of photocopy of the article without its caption, author's collection. A similar article appeared in the *North-ern Wyoming Daily News* on July 18, 1969. Photocopy was sent to Louis McCreery (grandson of W. A. Richards and Hardin McCreery, and the author's father) by a longtime family friend Mary Tully Fehlberg. Mary was the daughter of Red Bank Ranch foreman James Henry Tully and Fannie Washburn Tully, one of the young women who came to live with Bear George and Mary McClellan, who had no children of their own.
4. Paul Frison, *Calendar of Change*, (Worland: privately published, 1975), 103 (photo).