

Site 4: Mines, Mining and Lawsuits

Prospectors scoured the hillsides looking for promising outcrops of ore. After digging long enough to get an idea of the value of the ore body, they staked their claim by using stacks of rocks, wooden markers or slashes on tree trunks, whatever was readily available. They would define and name the claim, then take the necessary paperwork down to the courthouse (or the old mining district clerk in the days before there was a county). This documentation established their rights, but things tended to get complicated from there on out. If the vein proved valuable, title would be sought from the federal government, thereby giving the owner the right to the ground (“surface”) as well as the subsurface mineral rights, however, there was no guarantee that someone else didn’t believe they owned the same vein.

The earliest claims were 50 feet wide and anywhere from 1500 to 2500 feet long. Certainly Mother Nature did not know the “rules” when the mineral veins were created along with the mountains. Claims wandered in and out of the line of the boundaries as staked, and there could be multiple outcroppings of ore along the same vein. Attorneys, geologists, surveyors and other experts soon became as important to mining as the product itself.

You are standing in the middle of the area which would quickly develop into one of the best-known mining feuds in the American West. The Dives and Pelican mines were both discovered in the late 1860s, and quickly became embroiled in lawsuits with both sides claiming that the other group was mining their ore, and that they had the superior right. Liston Leyendecker wrote an excellent monograph which provides details on the feud: “The Pelican-Dives Feud; A Study in Frustration and Terror,” published by the Colorado Historical Society as Number 1 in the series “Essays and Monographs in Colorado History,” 1985.



Armed miners at the Dives mine property. Denver Public Library Western History collection f5163

In summary, two groups of investors—owners of the Pelican and the Dives groups—established claims that criss-crossed on their way up Cherokee Gulch (the area to the west of where you are standing) and the sides of Republican Mountain (directly above you) and Sherman Mountain (to the west). The owners of the Pelican included investors mostly out of Central City, and the owners of the Dives who were mostly out of Georgetown along with investors out of Indiana and Chicago. As both sides started to work their way into the hillside, it became apparent that they were mining the same veins, and each believed they had the superior (or first) claim. Each side had excellent attorneys and judges who believed them to be correct. They were fighting over high-grade ore—the stakes were high.

After several years of sparring in court, the issues were settled through consolidation. Over the next 50 years, the claims on this hillside, the gulch and the area to the west would continue to be merged into two large companies. The holdings related to the Dives, Pelican and Seven-Thirty would become one large company, while the holdings of the Terrible, Dunderberg, Mendota and Frostberg (mostly centered around Brown Gulch, the next major drainage to the west), would form the second company. After nearly a decade of fighting, it became apparent that the costs of the lawsuits were greater than the profit from the mines. Furthermore, while miners kept burrowing into the mountain, they soon realized that the major veins were inter-mingled, which would have made it nearly impossible to figure out which claim belonged to which company.