

## HISTORICAL BACKGROUND

The mostly collapsed jacal building at the site is a rare survival from the initial settlement of Montrose and the surrounding Uncompahgre Valley. Removal of the Ute Indians from the Uncompahgre Valley in September 1881 resulted in an immediate rush of settlers into the area. Although it was not possible to file claims on lands previously occupied by the Utes until Congress declared them open in June 1882, settlers set themselves up on what they perceived to be the best agricultural lands upon arrival. Part of this was erecting some sort of dwelling in order to provide protection from the elements and to establish a presence on the land in advance of being able to formally acquire it. Consequently, the initial dwellings constructed in the valley were quite crude and utilized what building materials were readily available: logs, earth, and stone. In April 1882, William Eckerly, one of the founders of the town of Montrose, established a sawmill on Happy Canyon Creek along what became known as Dave Wood Road. This provided the first lumber for construction of buildings in Montrose and the Uncompahgre Valley. Although the Denver & Rio Grande Railroad had graded their route from Gunnison to Montrose by early April 1888 (*Colorado Daily Chieftain* [Pueblo], April 11, 1882:4), it was not until early September 1882 that service to Montrose began and construction continued northward through Delta and toward Grand Junction (*Mountain Mail* [Salida], September 23, 1882:1).

It was in this early stage of development of Montrose and the Uncompahgre Valley that Henry Wilson<sup>1</sup> arrived and began planning which land he would acquire when it became possible to do so. As an early arrival, Wilson was able to set himself up on what appeared to be choice land along the Uncompahgre River on the southern edge of the emerging town of Montrose. In order to have done so, he had to have been one of the very early arrivals in the valley. It was at this time that he erected the jacal building on what he planned to be his claim. Because it contained a few milled boards in its construction, the building had to have been erected after Eckerly established his sawmill and had lumber for sale, and perhaps prior to the arrival of the Denver & Rio Grande Railroad in Montrose in September of that year, when building supplies from outside the area were more easily obtained. However, the quantity of cut nails used in the construction may suggest that the construction could have been in late 1882, after the arrival of the railroad.

Jone J. Kallstrom evidently arrived in the later part of 1882 and probably found most of the choice land in Montrose already taken up. With the survey of the land in Township 49 North, Range 9 West in late 1883, survey markers for Sections within the Township were placed by the General Land Office surveyors, making it possible for the early arriving settlers to more firmly establish which lands they would file upon. The plat for the township was received by the General Land Office in Gunnison on July 2, 1884 resulting in immediate formal filings on land in the Montrose area. It was probably at this time that Wilson adjusted his plans and decided that he would settle entirely on the eastern side of the Uncompahgre River<sup>2</sup>, making the 80-acre parcel on which he had built the jacal building available for someone else.

Kallstrom filed an 80-acre Pre-Emption claim for the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> and the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 33, T49N R9W, New Mexico P.M., at the Gunnison Land Office on August 4, 1884. At that time, he claimed he had settled on the land on July 22, 1884. The General Land Office plat for the township had been surveyed in late 1883, was approved by the Commissioner of the General Land Office on May 31, 1884, and received by the Gunnison Land Office on July 2, 1884; this made

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<sup>1</sup> Henry (Harry) Bryant Wilson was born in Iowa on October 5, 1864. The 1880 census shows him living with his family in Osage Township, Vernon County, Missouri. He married Winnie Walters in Montrose on June 24, 1888, and they had several children. In 1900, the family was enumerated in Norwood, where he was a blacksmith. The family returned to Montrose by the time of the 1910 census with Henry still working as a blacksmith. He died in Montrose on March 24, 1919.

<sup>2</sup> Wilson was granted a 160-acre Cash Entry Patent for 160 acres in the SE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 33 and NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and Lot 4 (SW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>) of Section 34, T49N, R9W, New Mexico P.M. on December 8, 1888. This adjoined the eastern side of Kallstrom's claim.

formal applications for land acquisition from the public domain possible. Kallstrom made his application about a month after the plat for the township was available and completed the proof for his claim on March 31, 1886 in front of Judge R. B. Amsbury in Montrose; Nicholas L. Quist and Josiah Osborn were his witnesses. In order to be eligible to acquire the land, Kallstrom became a naturalized citizen, declaring that he no longer held an allegiance to the king of Sweden and Norway, and filled out his naturalization papers in front of Judge Amsbury the same day as his proof.

According to his testimony at the time of his proof, Kallstrom was a 55-year-old widower who had arrived in the Montrose area in about late 1882. He appears in the Montrose County portion of the 1885 Colorado census as a 55-year-old widower from Sweden, living alone, with an occupation of jeweler. When he first settled on the land on July 2, 1884, there was already an unfinished cabin on the property that he purchased from Henry Wilson. This was likely the jacal structure, of which a single wall remains standing today. Wilson was evidently the first settler on the land, but decided to homestead a 160-acre parcel adjacent to the east. Kallstrom's first activity on the property was to build a log house. This is likely the remnant of a log building abutting the southern side of the jacal wall. He then built a stable, hen house, corral, stable, and cellar, dug out a spring, cleared 5 acres of land for cultivation, and erected 200 rods (3,300 ft.) of fence. By 1886, he had 4-5 acres in wheat, oats, potatoes, corn, and a garden. Up to the time of his proof, he had only spent three nights away from his claim. After completing the proof for his claim, he paid \$1.25 per acre (\$100) for the 80-acre Cash Entry claim on April 2, 1886 (National Archives, Washington DC, Record Group 49, Land Entry Files, Gunnison 1883-1907, Ute Series No. 394, Cash Entry, patented December 6, 1889).

After being on the land for less than two years and making necessary improvements to satisfy the requirements of being a land claimant, he and his two witnesses, Josiah Osborn and Nicholas L. Quist, provided testimony before a judge in Montrose so that his claim could go forward on March 31, 1886. Having passed that test and becoming a naturalized citizen the same day, he returned to the Gunnison Land Office on April 2, 1866, where he paid the required \$1.25 per acre for the 80 acres of his claim (\$100; the equivalent of \$2,492 in 2017 dollars) as a Cash Entry to the Receiver of the General Land Office.

With his Receiver's Receipt in hand, Kallstrom began work on a ditch and took out a mortgage on the property to facilitate making improvements. On April 1, 1886, he began work on a ditch to provide domestic and irrigation water. The headgate for the Kallstrom Ditch was near the southeastern corner of his claim on the western side of a bend of the Uncompahgre River. The headgate was 3 ft. wide and 1½ ft. deep and diverted water into an earthen ditch that was 3 ft. wide at the top, 2 ft. wide at the bottom, and 1½ ft. deep of unspecified length that had a grade of 3 in. per 100 ft. A plat for the headgate of the ditch was prepared on March 27, 1888 and filed in the Montrose County Courthouse on April 4, 1888 (Montrose County Courthouse, County Clerk's Office, Ditch Plat Book 2, Page 83; Deed Book 33, Page 158). In order to facilitate making improvements on his claim, Kallstrom took a \$250 loan from Andrew G. Olson on April 8, 1886, which was satisfied on May 4, 1888 (Montrose County Courthouse, County Clerk's Office, Deed Book 3, Page 85). He then took out a loan from Perry Terpenning on May 10, 1888 (Montrose County Courthouse, County Clerk's Office, Deed Book 3, Page 166). He also probably began looking for a purchaser of the property. Being choice land along the river with improvements for agricultural production, he was able to sell the land on October 23, 1888 to John Richards for \$950 (the equivalent of \$23,674 in 2017 dollars), which was a fine return on his investment (Montrose County Courthouse, County Clerk's Office, Deed Book 27, Page 391). In the transaction is a notation that a lease of the property to Gid Sutton was to be considered valid until it expired on March 1, 1889. As frequently happened, Kallstrom sold the land prior to obtaining the patent for the property, which took place on December 6, 1889. Where Kallstrom went after selling the property is not known.

Richards evidently moved to Texas and sold the property to Daniel Nyswonger on January 7, 1890 for \$2,500 (Montrose County Courthouse, County Clerk's Office, Deed Book 39, Page 366). It is not known if the Nyswonger family resided on the property. Nyswonger was born in Pennsylvania in November 1828 and was listed as a stock raiser in the 1885 Colorado Census for Montrose County and as a farmer in Montrose in the 1900 census. He had initially settled in the Paradox Valley in 1883; it is not known when he moved to Montrose. Nyswonger sold one acre of the land along the Uncompahgre River to the Town of Montrose for \$100 on April 15, 1898; an additional 18 acres were sold to the Town of Montrose on November 4, 1903 for \$180 (Montrose County Courthouse, County Clerk's Office, Deed Book 68, Page 383 and Deed Book 84, Page 381). These sales to the Town of Montrose seem to have been for a failed attempt to develop a water source that was free from alkali (*Montrose Daily Press*, April 4, 1913:1). On April 5, 1904, another 5 acres was sold by Nyswonger to H. J. Benson (Montrose County Courthouse, County Clerk's Office, Deed Book 260, Page 441). Nyswonger subscribed for water from the anticipated Uncompahgre Project from the newly formed Uncompahgre Valley Water Users Association on June 5, 1903. It was subsequently realized that the property was in a setting that could not be irrigated by project water and the subscription was released on February 15, 1932 (Montrose County Courthouse, County Clerk's Office, Deed Book 84, Page 447).

Nyswonger died May 15, 1904 (his wife Rebecca had died in 1899), and the property was sold by his children to Samuel Krebs on December 16, 1905 (Montrose County Courthouse, County Clerk's Office, Deed Book 85, Page 63). Krebs occupied the site and evidently grew vegetables for sale. He sold the property to H. W. Harrison on December 2, 1916 (Montrose County Courthouse, County Clerk's Office, Deed Book 157, Page 263). Rather than including the Kallstrom Ditch, the sale included 18 shares of the Val Verde Ditch<sup>3</sup> for 1.5 cubic feet per second (cfs) of water. Harrison took loans on the property from Krebs. By 1932, it appears that Harrison may have had some difficulty in repaying the loans or the taxes on the property and it reverted back to the Krebs family. In the course of having the property revert to the Krebs, the patent for the property from 1889 was finally filed in the courthouse records on May 15, 1934 (Montrose County Courthouse, County Clerk's Office, Deed Book 268, Page 376). On December 26, 1946, S. Stuart Krebs sold the property and the water rights to Gean B. Cerise (Montrose County Courthouse, County Clerk's Office, Deed Book 323, Page 73). Members of the Cerise family sold the land to the City of Montrose on March 36, 1994 and it was subsequently made into Cerise Park (Montrose County Courthouse, County Clerk's Office, Reception Nos. 80136, 80137, and 80138).

Subsequent owners of the property continued to farm the land and make improvements around the original jacal building and log cabin probably into the 1960s or 1970s, using both for an undetermined period of time. The jacal building seems to have seen improvements that allowed it to be used for residential purposes in the 1890s and probably early 1900s; how it was used after that time is not known. The continued occupation of the site resulted in additional buildings being added, root cellars being constructed for the storage of agricultural produce, and outbuildings and fenced enclosures being erected for the keeping of a variety of farm animals. Still the jacal building persisted on the property, resulting in it being the last remaining building from the initial rush of settlement known to exist in the Montrose area of the Uncompahgre Valley.

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<sup>3</sup> The Val Verde Ditch takes water from the western side of the Uncompahgre River, but perhaps just slightly downstream of the supposed location of the Kallstrom Ditch headgate. The Val Verde Ditch appropriated water from the river on February 20, 1883 and the ditch was completed on June 19, 1883. It had reportedly been initially located by Bradford and Jackson in the winter of 1882 and sold by them to Josiah and Eli E. Osborn in April 1883. When its water rights were adjudicated on June 30, 1890, it was allocated 5.0 cfs of water from the Uncompahgre River for its February 20, 1883 appropriation. Water through the ditch was measured on January 24, 1888 by E. B. Sawyer, a civil engineer and the Montrose County Surveyor, who determined that the ditch had a carrying capacity of 10.0 cfs, so an additional 5.0 cfs of water was adjudicated for the ditch with an appropriation date of November 14, 1888, for a total of 10.0 cfs. The Kallstrom Ditch was evidently abandoned and was not included in the 1890 adjudication of water from the Uncompahgre River.

