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## THE TOLL ROAD OVER RATON PASS

(Paper read before the Social Science Section, N. M. E.A.,  
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BESS MCKINNAN

One of the unique features of the old Santa Fe trail was a toll road maintained by "Uncle Dick" Wooton over the Raton Pass. The marvelous stories of the huge amounts of money taken in at the toll gate have been generally believed to be fabulous. Old timers love to recall "Uncle Dick's" business visits to Trinidad on the Colorado side of the Raton. They say he would hitch his mules and wagon outside the combination general store and bank and carry in a whiskey keg full of silver dollars to deposit. An old account book, recording the money taken in at the toll gate in a little over a year, gives proof that "Uncle Dick" could have taken his barrel to town with surprising frequency.

The Raton was considered the worst hazard on the Bent's Fort route of the Santa Fe Trail. The mountains were first called *Chuquirique* by the Indians because of the great numbers of small rodents found in them. The Spanish form *Raton* replaced the more difficult Indian word for Rat. Fremont is supposed to have given the principal crest the name of Fisher's Peak.<sup>1</sup> The first expedition made over the Santa Fe trail of which there is a known account was made in 1739, up the Missouri past the Pawnee villages to Santa Fe—according to Mr. Twitchell.<sup>2</sup> The first trip made strictly for trading purposes occurred before 1763. The mountain or Bent's Fort route of the old Santa Fe trail is the oldest. The first expedition following the Cimarron river over the plains, instead of following the

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1. Hall, *History of Colorado*. Vol. 4, p. 192.

2. Twitchell, *The Leading Facts of New Mexican History*. Vol. 2, pp. 92-3.

Arkansas to the mountains, was made in 1822.<sup>3</sup> The Bent's Fort route was in use almost a century before the Cimarron route. Even after the shorter trail was established many parties preferred the longer mountain trail to the plains trail which was continually menaced by the Indians.

There are many accounts of the crossing of the Raton. It was originally almost impossible for wagons to go over the pass.<sup>4</sup> The experiences of the Magoffin party which crossed in 1846 were generally shared. It took them five days to make the fifteen miles through the Raton Pass.<sup>5</sup> To quote from the diary of Susan Shelby Magoffin:

Worse and worse the road! They are taking the mules from the carriages this P. M. and a half a dozen men by bodily exertions are pulling them down the hills. And it takes a dozen men to steady a wagon with all its wheels locked—and for one who is some distance off to hear the crash it makes over the stones is truly alarming. Till I rode ahead and understood the business I supposed that every wagon had fallen over a precipice. We came to camp about half an hour after dusk, having accomplished the great travel of *six* or *eight* hundred yards during the day.<sup>6</sup>

A party of Col. Kearny's men under Capt. Moore had been dispatched ahead of the Magoffin party to repair the road.<sup>7</sup>

The Toll Road over Raton Pass was built by Richard Lacy Wooton, second only to Kit Carson as an Indian fighter, according to Col. Henry Inman.<sup>8</sup> It occurred to Wooton that he could turn the Pass into an average mountain road. He planned to make money out of the project by charging toll of every one that used his road. The Pass was the natural highway between New Mexico and Colorado

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3. *Ibid.*, p. 104.

4. Col. H. Inman, *The Old Santa Fe Trail*, (1898), p. 347; *The Diary of Susan Shelby Magoffin, Down the Santa Fe Trail into Mexico*, edited by Stella M. Drumm (1926), p. 67.

5. *Ibid.*, pp. 78-84.

6. *Ibid.*, p. 80.

7. *Ibid.*, p. 67.

8. Inman, *The Old Santa Fe Trail*, p. 341.

and would be used by the overland coaches as well as the caravans.<sup>9</sup> "Uncle Dick" secured charters from the New Mexico and Colorado legislatures allowing him to maintain such a toll road.<sup>10</sup>

There is no record of such a charter in the early Territorial laws of New Mexico. There was a law passed on February 1, 1873, "concerning the Trinidad and Raton mountain road," declaring,

that any charter which may be held or owned by Richard Wooten or any other person or persons under the general incorporation act of this territory over any portion of the Trinidad and Raton mountain road running from Red River in the Territory to the town of Trinidad in the territory of Colorado and passing by the house of said Richard Wooten, shall not be received as evidence of the existence nor as the charter of any corporation or company and the said charter or so called charter is hereby declared null and void.<sup>11</sup>

The toll gate dates from about 1866. In the spring of that year "Uncle Dick" built his home at the foot of the most severe grade on the Colorado side of the Raton Pass. To quote Colonel Inman:

The Old Trapper had imposed on himself anything but an easy task in constructing his toll road. There were great hill sides to cut out, immense ledges of rock to blast, bridges to be built by the dozen, and huge trees to fell, besides long lines of difficult grading to engineer.

To pay for his expenditure in building and keeping the road in repair Wooten charged toll. Uncle Dick thought his the only toll-road in the West. The early Territorial laws of New Mexico prove that at least two others existed for a time. The privilege to construct a toll road over Taos Mountain was granted by the New Mexico Legislature in

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9. *Ibid.*, pp. 347-8.

10. *Ibid.*, p. 348.

11. *Laws of New Mexico, 1871-1872*, ch. XXXIV, p. 52.

1863<sup>12</sup> to be withdrawn in 1865.<sup>13</sup> Another act allowed a company to build and maintain a road through Mora Cañon.<sup>14</sup>

The toll road had five classes of patrons: employees of the stage coach company, military detachments, American freighters, Mexicans, and Indians. The collection of a charge for the use of a road was beyond the Indian comprehension. They usually recognized Wooton's authority over the road and asked permission to go through the gate. Occasionally they left gifts but as a rule the old Indian fighter was too wise to care to argue with them about a few dollars toll. Uncle Dick claimed that the Mexicans gave him the most trouble.

There are many interesting stories told of the toll road. The Indian troubles of 1866-67 made military escorts necessary for the protection of the outfits. One large caravan of some one hundred and fifty wagons under the military protection of Captain Haley and a company of Californians and Mexicans passed through soon after the road was finished. The grave of Corporal Juan Torres stands witness to this visit. The corporal was murdered a short distance from the Wooton house by three soldiers whom he had ordered bound and gagged one night for creating a disturbance at a fandango in Las Vegas. "Uncle Dick" heard the death cry of the murdered man and very narrowly escaped the same fate. A man had been commissioned to kill him in case he interfered.<sup>15</sup>

The discovery of gold in the Moreno Valley of New Mexico greatly increased the travel over the Toll Road. It was estimated by the *Daily Colorado Tribune* of December 29, 1867, that "there are already 1000 Coloradoans in those mines and likely to be ten times that number in the Spring."<sup>16</sup> Travel became so heavy that a daily stage line

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12. *Laws of Territory of New Mexico*, 1863-64, p. 78.

13. *Ibid.*, 1865-66, p. 172.

14. *Ibid.*, 1865, Jan. 30.

15. *Ibid.*, pp. 350-51.

16. *Daily Colorado Tribune*, Dec. 29, 1867; *Our Southern Boundary*.

was established," but in the fall of '68 this daily stage was not arriving daily as scheduled. One newspaper comment reads, "The coaches run tolerably regularly and generally with passengers and mail bag but seldom a through mail oftener than tri-weekly. Why?-Indians, of *course*."<sup>17</sup>

Accounts from early newspapers of Indian troubles and of overland coach robberies often mention the toll road. The Pass afforded excellent opportunities for such lawless exploits, but outside of occasional mention in contemporary accounts there has been almost no information concerning the management of the toll gate. It is known that "Uncle Dick" did not keep accounts of the tolls received, but it is *not* generally known that there was an account kept for a time during the absence of "Uncle Dick" by Wooton's partner, George C. McBride,— a "List of Money Taken in at Raton Pass Toll Gate."<sup>18</sup> This yellowed and torn little account book includes a brief statement of the total amount of money taken in monthly for the year from April 1, 1869, to April 1, 1870, and a detailed account of the daily amounts received from December 1, 1869, to August 9, 1870. In a period of one year, three months and nine days, McBride took in \$9,193.64. The detailed daily account for eight months makes a total of \$3,378.28 for the toll gate partners.

It is interesting to note the items making up this amazing income from the toll gate business. Of all the charges made the toll on wagons brought in the most money. It is impossible to say exactly how many wagons passed over the Raton because many tolls, large ones, are briefly listed as "tolls," "tolls, etc.," "meals, etc." There are 779 wagons that are listed as such in the account. In all, there were probably over a thousand at a conservative estimate. The usual charge for each wagon was \$1.50. In the latter part of the account a few are admitted for a \$1.00 toll. These were probably light wagons. The largest single toll listed

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17. *Ibid.*, July 25, 1868.

18. *Ibid.*, Oct. 29, 1868—*Letter from Cimarron*.

19. Account of Money taken in by George C. McBride, p. 50.

in the book was taken in from a caravan of twenty-seven wagons.<sup>20</sup> Other vehicles mentioned in the account do not total much toll. There are thirteen "buggies"<sup>21</sup> and one cart.<sup>22</sup> A charge of \$1.50 was usually made for the buggies and the cart was required to pay \$1.00 toll. Horsemen were charged a twenty-five cent fee. The list includes 143 horsemen. The "burros" were given the same rating as horsemen, and there are nine in the account.<sup>23</sup> Loose stock, cattle and horses alike, were charged five cents a head. This gate fee was collected on 175 horses<sup>24</sup> and some 213 head of cattle and loose stock.<sup>25</sup> There is one toll charge made on "lumber" brought over the Pass.<sup>26</sup>

McBride included in his itemized account money received for food, lodging, feed, and a few articles purchased by travelers. Meals were given at the rate of seventy-five cents apiece.<sup>27</sup> Meat was occasionally needed.<sup>28</sup> Other food supplies included bread,<sup>29</sup> sugar,<sup>30</sup> and whiskey.<sup>31</sup> There appears to have been a slight need for tobacco.<sup>32</sup> Hay was needed for the animals particularly during the winter months of December, January and February.<sup>33</sup> There is a mention made of the sale of corn,<sup>34</sup> horsefeed,<sup>35</sup> and oats.<sup>36</sup>

There were few purchases made outside of food for man and beast. Some skins were sold including hides,<sup>37</sup> ram hides, and a bear skin. "Blankets for the Mexican" forms

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20. *Ibid.*, p. 67.

21. "Buggies," *Account Book*, pp. 57, 58, 61, 64, 65, 66, 67, 79, 80, 81.

22. "Cart," *ibid.*, p. 57.

23. "Burros," *ibid.*, pp. 56, 58, 65, 79, 81, 82.

24. *Ibid.*, pp. 54, 56, 59, 67, 73, 74, 76.

25. *Ibid.*, pp. 66, 67, 68.

26. *Ibid.*, p. 57.

27. *Ibid.*, p. 75.

28. *Mention made of Meals*, *ibid.*, p. 45.

29. *Ibid.*, 10 times.

30. *Ibid.*, 7 times.

31. *Ibid.*, p. 63.

32. *Ibid.*, pp. 51, 52.

33. *Ibid.*, pp. 54, 55, 56, 57, 59, 60, 62, 63.

34. *Ibid.*, pp. 51, 68.

35. *Ibid.*, pp. 51, 57.

36. *Ibid.*, p. 69.

37. *Ibid.*, pp. 53, 61, 69, 77.

one item.<sup>38</sup> Other enumerated articles are: a knife,<sup>39</sup> rope,<sup>40</sup> a candle,<sup>41</sup> and matches.<sup>42</sup>

A fifty-cent rent was usually made for the use of a bed. In December the toll-gate keeper took in an odd fee of \$2.50 "for hauling team up mountain."

Throughout the account, names of patrons appear. They are presumably friends of McBride.

Upon the return of "Uncle Dick" Wooton, the account was taken to a Trinidad lawyer for a division of the money taken in during the Indian fighter's absence. The partners had no further use for the "List of money taken in at Raton Pass Toll Gate." The book became the property of Mr. de Busk whose collection of unpublished manuscripts is invaluable. The original is now in the historical archives of the University of Colorado. This account book makes it possible to confirm with substantial proof, the stories of the immense sums of money taken in at Raton Pass Toll Gate on the old Santa Fe Trail. The year for which we have the account has many indications of having been an unusually slow one. Imagine what huge amounts the toll gate receipts must have reached during the gold rush. "Uncle Dick" Wooton must then have found his whiskey keg absolutely inadequate, acting as it did in the capacity of a wallet.

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38. Ibid., p. 78.

39. Ibid., p. 78.

40. Ibid., p. 56.

41. Ibid., p. 52.

42. Ibid., p. 54.