

NEVADA HISTORICAL SOCIETY QUARTERLY



WILLIAM MORRIS STEWART
1827-1909

CENTENNIAL OF STATEHOOD

VOL. VII, No. 1 - 2

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The Society believes that it can best serve the state by arousing in the people an historical consciousness which it hopes will be carried to succeeding generations. Thus, through its Director, the Society sponsors an educational program which carries the history of Nevada to the schools and organizations throughout the State.

The Society maintains a library and museum where historical materials of many kinds are on display to the public and are available to students and scholars.

The Society publishes the **NEVADA HISTORICAL SOCIETY'S QUARTERLY** which publishes articles of interest to readers in the social, cultural, economic, and political history of the Great Basin area: Nevada, eastern California, eastern and southern Oregon, Idaho, and Utah.

The Society's membership is open to the public; application for membership should be made to the Secretary of the Society, State Building, Reno, Nevada.

NEVADA HISTORICAL SOCIETY QUARTERLY
Centennial of Statehood
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by
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THIS BOOK IS DEDICATED
to
THE CENTENNIAL OF NEVADA
and to
WILLIAM MORRIS STEWART
1827-1909



In the House west wing

"WESTWARD THE COURSE OF EMPIRE TAKES ITS WAY"
WILLIAM MORRIS STEWART, A FOREMOST WESTERN PIONEER, WAS SKETCHED FOR THE TOPMOST FIGURE IN THIS PAINTING, 1863

William Morris Stewart 1827-1909

by

Effie Mona Mack



WILLIAM MORRIS STEWART, VIRGINIA CITY, 1863

FOREWORD

In this Centennial year, 1964, of the Admission of the State of Nevada, it is meet, right and proper that the Nevada Historical Society Quarterly be dedicated to the life of William Morris Stewart, statesman, lawyer and first United States Senator from Nevada. From the time he arrived on the Pacific Coast, 1850, to the year of his death, 1909, his life was devoted to public service for the people of Nevada, California and the United States.

This biography briefly describes the fullness of the achievements of William Morris Stewart in helping to establish political and social institutions among the lawless, the excited and the restless mass of people who came to California in the Gold Rush of 1849, and to Nevada in the silver rush to Washoe, 1859. In these areas he gained an enviable reputation of physical prowess and intelligent leadership. Resolving successfully the disputes among the original locators of the Comstock Lode, he went on to help mould a territory and a state. When the Illiad of the Comstock Lode is written, Stewart will have the leading role.

Stewart had had ten years of political experience in California when he came to Nevada to become a member of the Territorial Legislature, 1861, and the First Constitutional Convention, 1863. Elected the first United States Senator from Nevada, 1864, he was elected for four more terms. The legislation he successfully sponsored in the Congress of the United States are enduring monuments to his efforts: Being author of the National Mining Laws and writer of the FIFTEENTH AMENDMENT, has given him a place of honor in the hall of fame. His accomplishments have been noted in other ways:

On January 24, 1964, the Trustees for Nevada, the Honorable Grant Sawyer, Governor of Nevada, Chairman, the Honorable Judge Clark J. Guild, Director, Nevada State Museum, and the Honorable Fred Dressler, Douglas County Nevada, nominated William Morris Stewart to the National Cowboy Hall of Fame, and Western Heritage Association. Nomination by a State Committee means selection for this honor.

On March 7, 1964, the William Bull Meek-William Morris Stewart Chapter No. 10 E Clampus Vitus, Nevada City, Nevada County, California, and the Nevada State Centennial Commission dedicated a monument and a plaque at the Stewart Mansion, Zion Street, Piety Hill, in this City. He was one of the oldest members of E Clampus Vitus on the Pacific Coast.

Stewart Mansion was built by Mr. Stewart for his bride, Annie Elizabeth Foote Stewart, 1855; it was the first of several handsome homes

he built during his lifetime. The home is now restored to the elegance of the era in which it was built by Victor A. and his wife, Ruth Johnson Hermann, Hillsborough, California.

Many of the illustrations and cartoons used in this book have never before been reproduced; they have been collected from all over the United States and parts of Europe. The personal information and the public record of Senator Stewart have come to the writer from members of his family, from his colleagues and from his professional associates. They are discussed in the Bibliographic Essay accompanying this biography.

Reno, Nevada

EFFIE MONA MACK

PARENTAGE — EDUCATION

The state of affairs in 1859 in the western part of the Territory of Utah (Nevada), is well known to all students of the history of Nevada. The silver rush to Washoe brought in a motley horde of adventurers, gamblers, swindlers, professional men, and miners. Upon these men, found in every age, whose lives embody a quality of completeness, rested the responsibility of whipping this restless, lawless, excited mass of humanity into some form of government. Predominant among the leaders who exerted a profound influence on the institutional beginnings of Nevada and the Pacific Coast was William Morris Stewart. The record of such a man reveals the courage, perseverance and hardihood with which the foundations of state and nation are laid. To study the history of his life is to watch a state in its makings and a nation in its evolvement.

Stewart was descended from sturdy Scotch ancestry who migrated to Massachusetts in pre-Revolutionary days. His maternal grandfather was a soldier in the American Revolution. In 1789 he settled on a tract of land near Lake Champlain. His father, Frederick Augustus Stewart, was born near Shoreham, Vermont. He served in the War of 1812.¹

A few years later Frederick Augustus Stewart moved to Wayne County, New York, where he acquired a tract of land about four miles from the present town of Lyons, Galen Township. Soon after he settled in western New York state, he married Miranda Morris, a descendant of a signer of the Declaration of Independence. Miranda and Frederick Augustus Stewart² had seven children—three boys and four girls. William Morris Stewart, the oldest, was born August 9, 1827; he was named for his maternal grandfather. The Stewart family lived on the Lyons farm until he was six years old. Through a defective title to the land, their savings were lost. But here in this frontier country, the Stewart family learned of the hardships of pioneering, and here William Morris had his first schooling and made his first friends.

In August, 1835, the Stewart family moved to Mesopotamia Township, Trumbull County, Ohio, to which area Miranda Stewart's father had gone. There, a small farm was acquired on the banks of the Grand River. Because this part of Ohio at this time was almost virgin country, the young Stewart boys and girls grew up in a school of hard knocks, spending nine months of the year fishing and hunting for food for the family, and in clearing timber land for crops. They were fortunate in being able to attend the district school three months of the year.

When William Morris Stewart was thirteen years old, his father told him that he had sufficient education and that he must now take the part of a man on the farm. He told his father he wanted more

¹ OFFICIAL RECORD, Shoreham, Vermont, 1789. Letter to writer from Town Clerk, 28 December 1928.

² Frederick Augustus Stewart lived to be 102 years old.

education and if he could not get it at home, he would run away.³ He did leave home, and went west to the little town of Farmington to attend the Academy. In later years he wrote to a friend at Farmington that here ". . . I commenced my struggle to obtain an education . . . You remember I was a poor boy, that all I got I was compelled to earn during vacations and nights and mornings while attending school." In Farmington Academy he excelled in mathematics, so much so, he taught some of the students in the lower grades. And it was in Farmington that he first associated with professional and business men who encouraged him to go on and further his education.

After he had had three years at Farmington Academy he learned that a free public high school had been started at his old home in Lyons, New York. So he decided to go there and to prepare himself for college. His advanced knowledge in mathematics made it possible for him to teach that subject and thereby earn his living, and, at the same time, prepare himself in the classics. In those days a boy became a man at sixteen years. Young Stewart was a giant even at that age and was able not only to handle the pedagogic side of teaching but also the more difficult problem of keeping order in a frontier school. He continued to teach and attend school until the fall of 1848, when he thought he was prepared sufficiently to take the college entrance examination to Yale University. The examination in mathematics showed such remarkable ability, the examination in the classics was a mere formality.

A young member of the Lyons School Board of Trustees, Mr. James C. Smith, a lawyer and later Superior Judge of New York, in whose office Stewart had read some law, loaned him the money with which to enter college. (After he went to California and made his first fortune in placer mining, he returned this money with interest, and the additional money he borrowed to go to California.)

Stewart entered Yale University in the fall of 1848. After commencement in 1849, he returned to Lyons to earn money during the summer for the fall semester. That freshman college students know today what studies were required, the courses he took are here included:

"The studies of the Freshman and Sophomore Classes in 1848-1849 and 1849-1850, the years William Morris Stewart was in college, were as follows:

FRESHMAN YEAR,

Lincoln's Livy, (Latin)

Roman Antiquities

Day's Algebra

³ He never returned home until years later when he had become rich and distinguished. At this time he purchased a home for his parents and made them comfortable for the rest of their lives.

Homer's *Odyssey* (continued through six books)

Playfair's *Euclid* (four books)

Horace

Herodotus

SOPHOMORE YEAR,

Horace

Herodotus

Xenophon's *Memorabilia* (two books)

Day's *Nature and Use of Logarithms*

Plane Trigonometry

Mensuration of Superficies and Solids

Cicero de *Amicitia* and de *Senectute*

The *Alcestis* of Euripides

Days' *Mathematics* — Isoperimetry, Mensuration of Heights and Distances, and Navigation

Cicero de *Oratore*

The *Prometheus* of Aeschylus

Day's *Mathematics* — Surveying

Bridge's *Conic Sections*

Stanley's *Spherical Geometry and Trigonometry*

Whately's *Rhetoric*

In addition to the above studies, there were private exercises on the elementary principles of elocution, preparations for public declamation, exhibitions of specimens of English composition, and instruction in Latin composition."⁴

While he was at Yale he belonged to the Delta Epsilon (English) fraternity, and the Alpha Sigma Phi (social) fraternity, and he received a prize for the solution of mathematical problems and for English composition. The year and a half he spent at Yale made a deep impression on him, and laid the foundations for his later achievements. Of the ninety-five members of his class many of them distinguished themselves. When Yale University celebrated its Bi-Centennial, he wrote to the secretary of his class and said:

"... The assemblage at New Haven at the Bi-Centennial celebration gave evidence of the wonderful progress of our Alma Mater. She has more than kept pace with the marvelous growth of the United States. May the future of Yale continue as bright as her glorious past! With greetings to the survivors of our class, I am fraternally, William M. Stewart."⁵

⁴ MEMORANDUM from Secretary's Office, Yale University, to writer, December 28, 1928.

⁵ In July 1865, the members of the class of 1852, Yale University, met and requested that Stewart be awarded the honorary degree of Master of Arts and enrolled him with the class of 1852. MEMORANDUM, Yale University to writer, December 28, 1928.

CALIFORNIA — MINING

The summer of 1849 was one of great importance to many young men in the United States. Glowing accounts and intriguing advertisements appeared in many eastern newspapers, telling of the great gold discoveries in California. A number of Stewart's friends from Ohio and New York were planning to go to this land of golden opportunities for a quick fortune and, then, to return to their eastern homes to finish their education or live in ease the rest of their lives. Stewart, too, was seized with this thrill of adventure. Unable to get passage from New York for three months, and it being too late to cross the plains and mountains before the fall rains and snows came, he decided to return to Yale for the fall semester.

However, early in January, 1850, with a loan of five hundred dollars from his former benefactor, Mr. James C. Smith, Stewart obtained passage from New York to Panama on the Steamer *Philadelphia*. The trip was filled with the same experiences and delays that all the gold-seekers had on the crowded and inadequate boats in that mad rush to get "there." After landing at Chagres the passengers had to bargain for canoes to Gorgona or Cruces. "Two to six black muscular niggers poled the boats up stream, making a mile an hour. In places they had to step ashore and tow the boat." Going north on the Pacific Ocean, a severe storm struck the ship and all passengers had to help the crew.

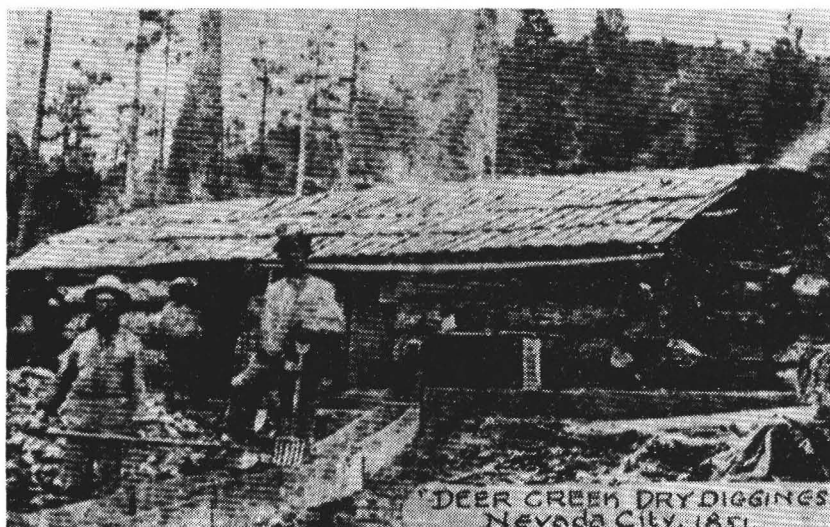
He landed in San Francisco, April 7, 1850, and at once joined the rush, then at its height, to Nevada City, California. However, when he crossed the Isthmus he had been inoculated with fever and soon came down with a severe attack of it. From San Francisco he took a river boat to Marysville, thence by ox-cart forty miles east to Deer Creek Dry Diggings (Nevada City) Nevada County, which was then reported to be good prospects. He was so ill the men made him a bed in the bottom of the cart and finally dumped him out at Roger Williams' Spring, which flowed into Deer Creek near Nevada City. With some bread and a dipper, fashioned by putting a tin cup in a forked stick, he lay there for ten days. Well does he remember passers-by taking a look at him and saying:

"Not dead yet!"

(These springs are today at the head of Spring Street, Nevada City).

With copious draughts of cool spring water, he broke the fever and was able to crawl to the little town, where he bought some milk. When he was able to go about by himself, he had only five dollars left.

It wasn't long before Stewart learned of the diggings and what tools were necessary to start placer mining. He worked first on Buckeye Hill near the middle fork of the American River, Nevada County, in the



WILLIAM MORRIS STEWART IS THE MINER IN THE LEFT FOREGROUND Coyote Diggings. The yield of this old river bed was immense — the first fortune William Morris Stewart ever made. While he was prospecting with a pick and shovel in the fall of 1850, he discovered the rich Eureka Diggings, which have been worked ever since.

The first placer mining was done by the pan method, which soon gave way to the "rocker" and then to the "Long Tom," a machine called "the grizzly," a sort of huge rocker. Later the sluice box gave a great impetus to mining. But this device required an extensive water system, for the water had to be brought to the sluice boxes.

To work the river bars to the best advantage, Stewart projected a long water system. In November, 1851, he joined Charles Marsh and George Pettibone in constructing the Grizzly Ditch to carry the waters of Bloody Run and Grizzly Canon at a great expense, to North San Juan. The ditch, built with the help of sixty brawny Irishmen, had a capacity of seven hundred and fifty inches and was forty-five miles long. Finished in 1852, it had cost \$50,000.00; it was used for more than thirty years. In surveying the course of the ditch, he set up crude surveying instruments, using the knowledge he had obtained in his course on this subject at Yale.

The broad gravel belts in this vast gold-bearing area promoted a large water system. In 1856 there were over one hundred ditches, aggregating eight hundred miles in length, and one of sixteen miles to cost \$350,000.00. Many enterprising men in ditch companies became rich by selling water to the miners — Stewart and his associates among them. This was the first time he dared to plunge so deeply into debt, but good business soon paid off. The water was sold out at the rate of an ounce of

gold a day to the first user; to the next below, a half an ounce; and to those lower down, a further reduction was made, until at last the water flowed its way back into the natural channel of Deer Creek. As this project became profitable, Stewart and others built a sawmill on Cherokee Creek, and ran it in connection with the ditch.

When Stewart and associates attempted to build their ditch to another mining camp, the ditch owners below brought suit against them, and the court denied them the right. Later Stewart brought the question before the Supreme Court of California and obtained the decision that a natural water course could be used into which to turn the surplus water for use further down the stream. Briefly stated, the water taken out from a stream above an area and run through a ditch, could be turned into a natural water-course and returned to the stream; however, this water still belonged to the original owners. From these operations and from the application of clear thinking about the problems of these mining operations, Stewart was to take a leading part in solving them.

When the first miners came to settle in a region, (it was said there were ten thousand around Nevada City), they made their own rules and regulations to govern their operations and enforce them. After the placer miners learned of the origin of the gravel beds in the quartz ledges above their claims, they wished to work them also, but this kind of mining had never been carried on in the United States. Therefore, there were no local or National rules to govern it.

The gold miners in California were trespassers on the Public Domain. There were no laws governing the mineral deposits so the prospectors were forced to make their own laws to govern their mining communities. It became the custom of the first miners in a locality to hold a meeting and to organize a given area, known as a mining district, and a name was always given to the district.

At these primitive conventions a code of rules was adopted, regulating the mode of taking up and holding mineral ground. The rules usually limited the extent of ground each miner could hold and prescribed the amount of work that must be done to prevent a forfeiture of the right. The rules were recorded, a Recorder was elected, and every miner who obtained ground had to record his claim with the Recorder. Later, when regular judicial courts were set up, the judges treated these rules in their decisions of mining cases as part of the law of the land.

Nevada City, Nevada County, California, became the foremost mining center for some 10,000 miners and also became the county seat. Late in 1852 miners assembled from every district in the county to frame laws for quartz mining. William Morris Stewart was chosen Chairman of the meeting to write the rules. On December 20, 1852, the rules were adopted. The phrasing of *ARTICLE II* is of interest:

Each proprietor of a quartz claim shall hereafter be entitled to one hundred feet on a quartz ledge or vein; and the discoverer shall be allowed one hundred feet additional. Each claim shall include all the *dips, angles and variations of the vein*.⁶

In some of the rules and regulations were some variations, but by and large, they were the same. The "*dips, spurs, angles and variations*" were always included in the customs of the district. This situation was also true of the use of sufficient surface ground for shafts, mill sites, and waste ore dumps.

⁶ Gregory Yale, *Legal Titles to Mining Claims and Water Rights*, 155.

CALIFORNIA POLITICAL ACTIVITIES

After more than twelve years, 1850-1862, of placer mining, water-company-ditch building and operating a sawmill. Stewart sold out at a considerable profit. He had made his first fortune in California and was now ready to take up his earnest desire to become a lawyer. Entering the law office of John R. McConnell, District Attorney, Nevada City, Nevada County, he spent three months in concentrated study of the law, especially that which pertained to mining. It was to the rigorous training under McConnell that Stewart owed his dialectic skill, ingenuity and eloquence.

After a searching and exacting examination, he was declared qualified to practice law and was granted a license forthwith. Some of the most brilliant lawyers in California were practicing in Nevada City at this time: Stephen J. Field, who became a Justice of the Supreme Court of the United States, Lorenzo Sawyer and Niles Searles became Justices of the Supreme Court of California, and Aaron A. Sargent became a member of Congress from California. (It is interesting to note here that 1852 was the year Stewart would have been graduated from Yale University.)

On the day that William Morris Stewart obtained his license to practice law, McConnell was elected Attorney General of California, and Stewart was appointed to take his place as District Attorney of Nevada County. Although this office was the first one for Stewart to hold, he had sought the election of Sheriff of Nevada County in 1851, but had been badly defeated for it.

To the District Attorneys of the California mining counties fell the difficult task of prosecuting the many crimes of unorganized communities. But this experience was a good test of their ability as well as obtaining valuable experience for them. After Stewart had served out the unexpired term of McConnell, he ran for, and was elected, for another term. This political contest was an exciting one and engendered a great deal of bitter feelings. When he was called upon to try his first case, one of his political opponents, an old and experienced lawyer, appeared for the defense. A great deal of vigor was put into the case in which the defense wished to expose Stewart's incapacity as a lawyer.

Finally the two lawyers began to spar and to argue some points of law with which Mr. Stewart was not able to cope without some more study, so he was anxious to secure a delay in the suit. At one point in the argument Stewart contradicted his opponent, who countered by calling Stewart a liar. The new district attorney drew back his fist and struck his opponent between the eyes, putting him to "sleep." The unconscious lawyer was removed from the court room, Stewart was sent to jail, and the judge adjourned the Court.

While District Attorney Stewart was in jail (he was not incarcerated, but was held in the Sheriff's office) he sent for his law books. He sat up all night studying over this point of law so that when he appeared in court the next morning, he was master of the subject and the Judge sustained his legal argument. From that day forward, no one questioned his ability as a lawyer. There were many other rough and tumble experiences that Stewart had in the California mining camps which required both brains and brawn.

As District Attorney, Stewart gave so much satisfaction he was respected by his colleagues. In 1853 he formed a partnership with Niles Searles, who became District Judge, 1855-1861, and later State Senator and Justice of the Supreme Court of California.

By family tradition, Stewart was a Federalist, but McConnell, in whose office Stewart studied law, was a Kentucky Democrat. This office was a rendezvous for the Southern boys in the community; consequently he fell heir to the Democratic support in the county. The Whigs and Democrats had almost equal power, but the Whigs had a newspaper called the *Nevada Journal*, edited by Aaron A. Sargent, while the Democrats did not, so they thought it expedient to have one also. Stewart bought a press in September, 1853, and started an opposition newspaper called *Young America*, which name Stewart changed to *Nevada Democrat*. Robert A. Davidge was put in as managing editor, and early in 1854 Niles Searles became editor. It was about this time that Searles became Stewart's partner. The *Nevada Democrat* carried on lively political debates with its rival until June 9, 1854, when Stewart's paper was sold to Messrs. Rolfe, Ewer, Boardman and Russell. This newspaper experience was the first one of several newspapers which Stewart had in his long political career.

During the winter of 1852 and 1853, Stewart made frequent trips to Sacramento to confer with McConnell, meeting on these trips many of the prominent state politicians, as well as learning considerable about California politics. On April 10, 1854, the California State Legislature granted McConnell a six month's leave of absence. McConnell recommended Stewart to Governor John Bigler for acting Attorney-General during his absence.

On June 7, 1854, William Morris Stewart became Attorney-General of California. At this time the question of the permanent location of the state capital of California was pending. Between May, 1851 and November, 1854, the capital had been moved eight times. He successfully argued the *mandatory mandamus* concerning the place the elected officers of California should reside and maintain their offices, as required by law. The responsibility of terminating the capital controversy and setting up Sacramento as the permanent state capital gave him considerable stature:



Ruth Johnson Hermann Collection

WILLIAM MORRIS STEWART MANSION, BUILT 1855, NEVADA CITY, CALIFORNIA, FOR HIS BRIDE, ANNIE FOOTE STEWART

"It is therefore no small tribute to say that he performe his duties in a manner such as to meet with the universal approval of the people, and to add increased lustre to a rapidly advancing reputation."⁷

After Stewart had resigned the office of District Attorney he went to San Francisco where he formed a partnership with Henry S. Foote, ex-Governor and ex-United States Senator of Mississippi, Louis F. Aldrich, and Benjamin Watkins Lee. The handsome six foot, two-inch, red-haired, two hundred pound Stewart was a frequent visitor to the home of Senator Foote, where he enjoyed greatly the friendship of the four young daughters and two sons. In less than a year he married Annie Elizabeth Foote,⁸ the third daughter, May 31, 1885, at the Foote residence at Clinton, (Oakland), Alameda County, California, by the Reverend Mr. Sills.

On the day of the marriage a most unfortunate incident happened to the bridegroom. In the free and easy days of the early mining camps, there was great camaraderie among the miners. Their money came quickly and it left them equally as quickly. They were rich one day and broke the next one. In an unguarded moment Stewart had signed a note for one of his friends. The friend could not pay when the note came due and Stewart had to pay out some \$5,000.00 cash, a large portion he had saved for their first nest egg. "But this carelessness and often thoughtlessness with regard to his own financial well being" was one of his less admirable characteristics.⁹

Soon after the marriage of Annie and William Stewart, they moved to Nevada City where the bridegroom had built a handsome home of southern style on Zion Street, Piety Hill, for his bride. This home,

⁷ *Sacramento Daily Union*, November 3, 1854.

⁸ Annie Elizabeth Foote was born in Mississippi in 1837. She was educated at Visitation Convent, Washington, D.C., while her father was United States Senator. She made a study of foreign languages and learned to speak several of them fluently. Her southern breeding and refinement placed her at the head of the exclusive sets in society wherever she lived. She was a brilliant conversationalist and had a great deal to do with the success of Mr. Stewart's career. They both loved beautiful homes and throughout their lives they built several most handsome homes. "Stewart Castle" in Washington, D.C., their home there, was the social center of many influential men and women in Washington society. Mrs. Stewart was widely traveled in Europe and around the world. Mr. and Mrs. Stewart had three daughters — Elizabeth "Bessie," who married Richard C. Hooker, Lieutenant, U.S.N.; Annie, who first married Thomas C. Fox, later divorced, then married Senor J. de Romero Dume, Ambassador to Japan and St. Petersburg; and Mary Isabell "Maybelle," who was married to Frank L. Payson, Major, U.S.A. The Stewarts had nine grandchildren, among them were Richard Hooker, Major General in command of United States Marines in Haiti, and Harry S. Hooker, former law partner of Franklin D. Roosevelt in New York City. Mrs. Stewart was killed in the first automobile accident to occur in the San Francisco Bay area. September 15, 1902, while riding with her nephew in Alameda, California. *Oakland Tribune*, September 13, 1902

⁹ Letter from Jackson H. Ralston to writer, December 3, 1928.

situated in the center of an acre of ground, has endured throughout the years. It is now one of the show places of Nevada City.¹⁰

When Stewart returned to Nevada City, he formed a partnership with J. R. McConnell, his former partner. Mining litigation, in which field of law Stewart had excelled in Nevada County, was about at an end. The important suits had been settled. New mining camps were being formed frequently, there were always mining suits in them. So, when Downieville was settled and he received a number of cases from this area, he decided to move there in 1856. Selling his home in Nevada City to his former partner and good friend, Niles Searles, he moved to Downieville, Sierra County, where he formed a partnership with Peter Van Clief. And there he built another home near the court house down on Durgan Flat by the Yuba River.

The three years Mr. and Mrs. Stewart lived in Downieville, 1856-1859, many changes were made there and many events of importance took place: in 1856 there was a popular uprising against foreigners working in the district. The Foreign Miner's Tax Law was levied against Mexicans, Chinese and Chileans. And when these aliens did not pay up, raids were made on their mine holdings and were taken from them.

In 1857-1858 hundreds of California miners went to the Frazier River gold rush. Most of them were disappointed in not benefitting from this excitement, and it caused a depression in the California areas from which they went.

During one of the hard winters that the Stewarts lived in Downieville, when for several months of the year the town was snowbound, Mrs. Stewart taught school. This was the only time in her life that she ever had a job, but she was always proud of the \$800.00 she earned that winter.

The year 1859 was a momentous one. Horace Greeley visited Downieville and made one of his well-remembered speeches. And California state politics reached the boiling point — the slavery and anti-slavery forces, with William M. Gwin leading the former and David C. Broderick, the latter. The climax came on September 13, 1859, when Judge David S. Terry, a Gwin supporter, resigned as State Supreme Court Justice to fight a duel with Broderick. Broderick, a most popular man, was killed; he was greatly mourned throughout the State. Most important of all events, both to the State of California and to the Stewart family, was the discovery of the rich silver ore on the slopes of Mount Davidson in June, 1859.¹¹

In Downieville, the Stewarts made friends with the best known people of the community. Friends from the South and from San Francisco were frequent visitors. One of Mrs. Stewart's friends, a Mrs. Birdsall, a pretty

¹⁰ Purchased by Mr. and Mrs. Victor A. Hermann, Hillsborough, California, 1962, and restored by them in 1964.

¹¹ The Comstock Lode.

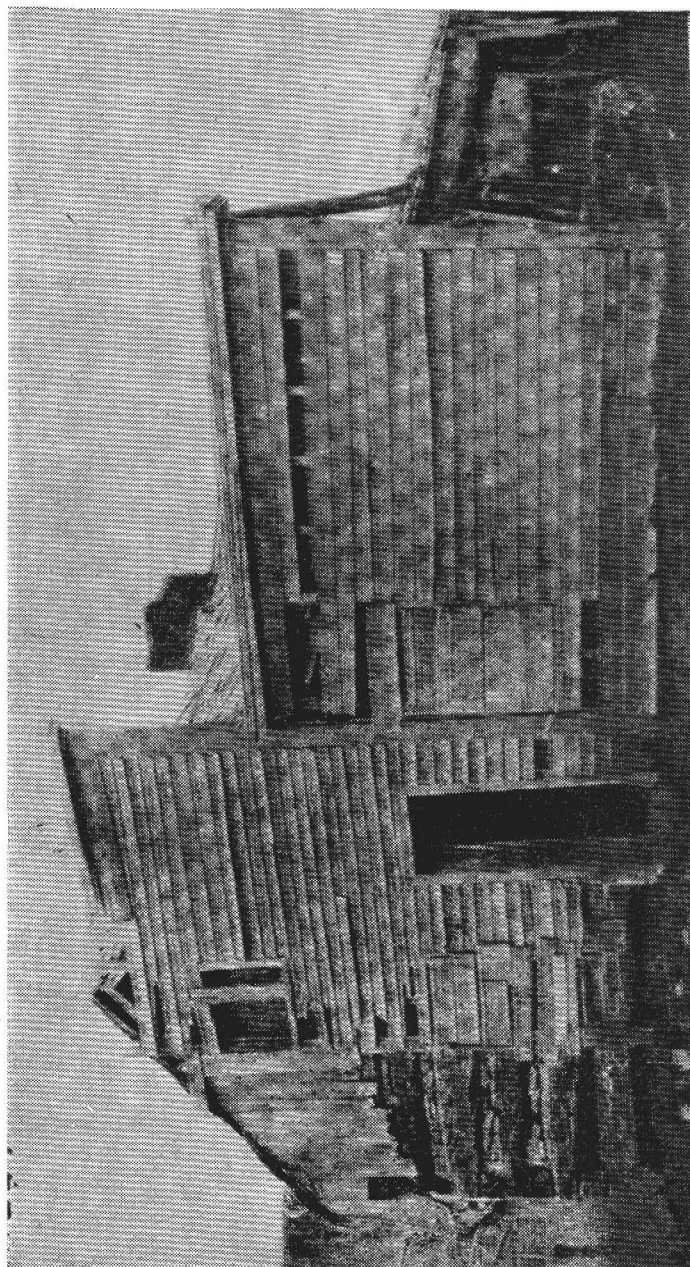
young widow from New Orleans, came to visit them. Mrs. Stewart proved to be an excellent matchmaker in securing her hand for her husband's able partner, Peter Van Clief. When the latter was elected judge of the District Court, Mr. Stewart associated himself with Harry I. Thornton. Among their friends who came up from San Francisco to visit them was the much beloved and prince of orators, Colonel E. D. Baker. He was so depressed after he had failed to save the notorious Charles Cora from the San Francisco Vigilantes, he went up to Downieville and spent several months with the Stewarts.

William Morris Stewart was 22 years old when he arrived in California in 1850. In ten years he had placer mined for gold from the pan, the rocker, the Long Tom and the sluice box methods. He had built and operated a sawmill, appropriated water, surveyed ditches, formed ditch companies, sold water to the placer miners and set up principles for governing water rights on the Public Domain. And he had written the first rules and regulations for quartz mining.

In 1852 Stewart had been admitted to the bar, and had been elected District Attorney of Nevada County. At 27 years of age he was Attorney General of California and while in office had permanently settled the Capital at Sacramento.

During these exciting ten years Stewart had associated himself with the most prominent lawyers on the Pacific Coast. Securing so distinguished a law partner as Governor Henry S. Foote¹² was of great importance to his career. And to have married Annie Elizabeth Foote, with whom he had almost fifty years of companionship, was of equal importance. Her social leadership, brilliant conversation and incomparable wit made their home a center for the most influential people in the communities where they lived.

¹² Henry Stuart Foote was a most remarkable man. Born February, 1804, in Fauquier County, Virginia, he was educated at Washington (and Lee) where he specialized in law and foreign languages. He was admitted to the bar in 1822 and removed to Mississippi in 1826 where he entered politics. In 1847 he was elected United States Senator from this state and Governor in 1852, defeating Jefferson Davis. In 1854 Foote went to California at the time when many other southerners were going there to assist in turning this state for the South. He immediately began to be active in politics and was defeated for United States Senator by David C. Broderick by one vote. He was always opposed to secession but when it was an assured fact, he returned to the South and was elected for two terms in the Confederate Congress, where he continued to oppose Davis' measures. When he saw that the South was defeated, he escaped through the lines, was caught, and forced into exile. During his exile he visited Rome and there visited the Pope and some of the Cardinals. He was so well versed in Latin he conversed freely with them in this language. Through the influence of Senator Stewart, he was returned to the United States where he took the Amnesty Oath. He located in Washington, D.C., and became an active supporter of President Grant and his Reconstruction policy. Hayes appointed him Director of the Mint in New Orleans. He died in Nashville, Tennessee, May 20, 1880. He was an expert duelist and fought seven duels. He wrote a "History of Texas," a "History of the Rebellion," and his "Biographical Reminiscences." *"Biographical Reminiscences,"* NEW YORK TIMES, May 28, 1878.



FIRST LAW OFFICE OF WILLIAM MORRIS STEWART, GENOA, 1859 (RUINS OF FIRST NEVADA BUILDING, GENOA 1851)

WILLIAM MORRIS STEWART SETTLES IN NEVADA

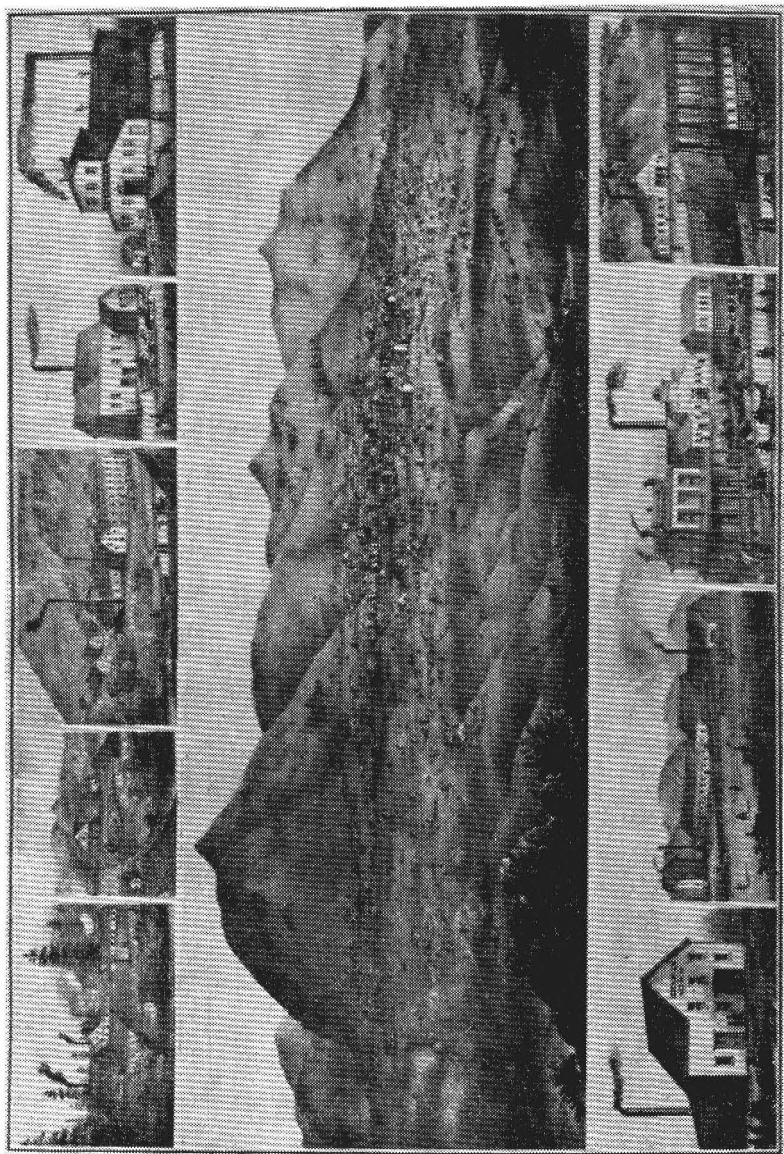
The south end of the Comstock Lode, called Gold Hill, at the head of Gold Canon, was opened in January, 1859, by Joe Plato, "Sandy" Bowers, James Finney, and other miners. Because the gold ore was in a brecciated quartz formation, it was easily placered. There was at first a local rush of people from Carson City, Genoa and Carson Valley, and other nearby settlements. But the news of this discovery did not get far afield.

On June 8, 1859, the north end of the Comstock Lode was opened near Caldwell Spring at the head of Six Mile Canon by James McLaughlin and Peter O'Reilly. It was undoubtedly Mexicans working in this area that identified the rock taken out of the spring as being rich in silver. Samples of the ore from the Ophir Claim were taken over to Nevada City, Grass Valley, and Placerville, California, to be assayed. The result of the assay made by J. J. Ott, Nevada City, over \$4,000.00 a ton, was published in the *Nevada Journal*, (Nevada City) July 1, 1859. It was copied by most of the California newspapers and the silver rush to Washoe began. A few excited miners, who had had advance news of the discovery, had already started for the Washoe Region.

By 1860 California had become a populous state with the refinements of civilization. Most of the available mining ground had been worked over or had been taken up, leaving hundreds of people out of work. The news of the silver discovery of the Comstock Lode was an opportunity for many people to get in on the early discovery and to locate claims. Hundreds of people came over from California mining towns to take a look at the situation with a view of moving to the Washoe Diggings.

Among the early arrivals was William Morris Stewart, who came over in November, 1859. He first settled in Genoa where he set up his law office in the old log cabin, the first house built in Nevada. At once he was employed by many persons wishing him to settle their difficulties in the court. At this time all of what is now the western part of Nevada was in Carson County, Utah Territory. There was confusion over the jurisdiction of the court in disputed matters and Stewart had to use some of the same tactics he had employed in the early days in Nevada County. The first office he held in this community was Selectman, a sort of local councilman which gave him some prestige.

The Comstock Lode was discovered on the steep and barren slopes of Mount Davidson. There was no vegetation except scattered sagebrush and a few scrub juniper. For fire wood, wood-choppers, chiefly Chinamen, had to go into the Pine Nut range, on the east side of the Carson River some ten miles away. With ruthless abandon the pine nut trees, the Paiute Indians' orchard, were cut down for the increasing number of persons coming to the Comstock.



REPRODUCTION OF LITHOGRAPH OF VIRGINIA CITY, 1864

The winter of 1859-60, as it has been stated, was a most severe one. The snow fell so deep that winter, all the passes were closed; animals and humans suffered greatly for supplies. The Indians, in particular, suffered. Many of them died from hunger and exposure in trying to get game which had taken to cover in the high country. The red men blamed the white man for his suffering and the tragedies that happened to him. They were very restless in the spring of 1860 on their reservations, and some concern of their restlessness was shown by prominent men in the communities.

The Indians' pentup hatred erupted early in May, 1860, when they attacked Williams Station on the Carson River, a few miles to the northeast of Virginia City, killing five men and burning the Station.

Henry Meredith, Stewart's first partner in Virginia City and a former friend of his in Nevada City, was one of the leaders of the expedition to set out and punish the red men. When Stewart learned that young Meredith had joined the frontier army, he begged him not to go and Meredith promised him he would go no farther than Williams Station, but he did not keep his promise and rode over to and down the Truckee River, where he was killed from ambush by the Indians.¹³

Stewart had been urged to go, but instead he contributed \$1,000.00 and helped organize the base of supplies for the army. After Meredith left for the battle, and before he had heard of the rout of the white army, Stewart went over to Downieville, intending to go back to Virginia City in a few days. He rode his mule through the Truckee Meadows, taking a day and a half to make the trip. About five miles before he reached Downieville, he met a party of friends, who had heard of how many white men had been killed, coming out to look for him and rescue him, if possible, from the Indians. There was great rejoicing in his family when he arrived safely.

The next day Stewart returned to Virginia City, but did not cross the Truckee Meadows; he rode high up around the hills to get there. A short time before Stewart got back, David S. Terry, formerly Justice of the Supreme Court of California, and a party of Southern men, had arrived to take over the Comstock Lode and hold it for the Southern Confederacy. Terry's men were well-armed and to make good their threat to possess the mines, they selected three vantage points near the Lode and erected forts. Stewart, lawyer for the first locators, did not try to evict them but resorted to legal strategy.

Terry and Stewart sparred for several months. Finally Stewart gained an injunction, but possession was nine points of the law and Terry had

¹³ Meredith was much beloved by his friends. His body was returned to Nevada City for burial. He was given a hero's funeral. Indeed, his monument is one of the largest in the Nevada City cemetery. Every year, and for many years thereafter, one of his relatives from the State of Virginia made a pilgrimage to his grave.

possession. The dispute was made more complex by the doubtful jurisdiction of two judges. Judge R. P. Flenniken, lately arrived, was incapable of handling the court and of enforcing his orders. Stewart physically forced him to resign, and Judge John Cradlebaugh was recognized as the legally constituted judge for western Utah Territory.

In the meantime, Terry had gone to San Francisco to interview some of his clients who lived there, leaving his partner to handle the suit. When Terry returned he found that Judge Cradlebaugh had issued the injunctions and that they had been executed. The Terry men were evicted from the Comstock Lode. It was supposed that Terry would be in a rage when he found that he had been worsted, but he was not. He left Nevada the same evening, went immediately to San Francisco, took passage for the South and joined the Confederate Army. He fought bravely all through the Civil War.

Carson County, Utah Territory, created in 1855, had been through many vicissitudes in four short years. The county had been organized, officers appointed, settlements made, and industries started by the Mormons, when, in 1857, President Brigham Young recalled his followers to Salt Lake City on account of the approach of the United States Army to that city. Most of the faithful left everything and returned to the center of their Zion. Gentiles moved into Carson County and took over their holdings, setting up a Provisional Government. Petitions were circulated requesting the U. S. Congress to separate this area from Utah Territory and to organize another one. Local enforcement governments were organized to protect life and property so that by 1860 several governments, with little legal authority, were trying to operate.

Into such a state of affairs came William Morris Stewart!

After looking over the situation, he resolved to move to the new silver mining regions. The winter of 1859-1860 was one of the most severe in the memory of everyone — so the Rush to Washoe did not get started until late in the spring. On July 10, 1860, Mr. and Mrs. Stewart on muleback, she in her riding habit, and Stewart holding their little girl on a pillow in his arms, started for Virginia City. Arriving in this primitive settlement, the Stewarts had to live in a tent. And since Mrs. Stewart was a true southern gentle-lady, she knew little about cooking or house-keeping. She often related in later years to her friends and children how she lived in her riding habit for days and that she paid \$300.00 for a cook, and that apples were \$1.00 apiece. On Sunday mornings Mr. Stewart often cooked breakfast of bacon, beans, flap-jacks and coffee. Dr. Edmund Bryant was the family physician, and he and his wife, the beautiful Marie Louise Hungerford, later Mrs. John W. Mackay, were among their close friends. Although this existence was rough living, Mrs. Stewart added that there was so much excitement, she enjoyed those

early days of roughing it. Besides, many of their former friends from California mining camps were there, too.

Almost at once, Stewart became the leading lawyer of the Comstock Lode. But he could plainly observe that Virginia City could not be the capital of the new territory and that Carson City was the best place for the seat of government.

The law to create Nevada Territory out of western Utah Territory passed the Congress March 2, 1861. In the meantime "Bill" Stewart, as he came to be called for the rest of his life in Nevada, had become the lawyer for the original locators on the Comstock Lode. His reputation and experience in California mining litigation had followed him to Nevada. Because he was the learned specialist in mining law, few other lawyers were any match for him, albeit some of the most able lawyers of California had come to Virginia City to practice.

It has been stated before that in California it had been customary for miners in each mining district to make their own local laws, and because the first miners to come to the Comstock Lode were from California they brought these customs with them. And since gold had first been discovered at the south end of the Lode in Gold Hill, the first mining district was organized there, and was called the Gold Hill Mining District. A Recorder, V. A. Houseworth, was elected, a record book purchased, and the claims on the Lode recorded in it.

In California the mineral veins were small, so Stewart had drafted the phraseology of the first quartz rules to read that "the vein with all its dips, spurs and angles" and so on should go to its discoverers. In other words, the vein would apex, appear on the surface, on the located ground, and thereby go to the original locator. But the Comstock Lode was a true-fissure-vein, some one and one-half miles long. Stewart was not only a skillful lawyer, he was also a practical miner.

After the discoverers and a few of the persons who first heard about the rich Comstock Lode had located the first claims along the line of the vein, there were swarms of claim-jumpers who rushed in, and with utter abandon, located claims which had already been filed on. The result of this situation was the numerous suits brought by the original locators to determine the rightful owners. There were many difficult and intricate points of law and geology to be settled. The scientific aspects of these questions do not belong here, but briefly stated: it appeared on the surface of the Lode that there were two distinctly different veins. Besides, this Lode has a distinct foot wall, and hanging wall. The foot wall is an intrusive diorite formation (Mt. Davidson) and the hanging wall is an igneous andesite porphyry formation. The bonanza ore bodies were locked in the wide sheared and fissured zone between the diorite and the andesite formations. In addition to this complexity, the claims had parallel end-

lines, but no side-lines, that is, the locators had so many feet along the vein, marked off in lots of 100 feet, but the claims extended up the mountainside, and down it, indefinitely.

Bill Stewart recognized and understood the geology of the Comstock Lode, that there was only *one* vein, instead of two, and therefore the later claim jumpers had no valid title to their locations. This contention was proved correct when the mines reached certain depths; besides, the leading geologists had maintained that this was the formation of the Comstock Lode. Stewart was retained in 1860 as counsel for the original locators, the corporations which were formed, and/or their assignees. He won case after case from the beginning. (This litigation lasted some four years and it would take a book of major length to discuss it fully.)

Two of the important suits brought were the Gould and Curry and the Chollar-Potosi. The judge, really a referee, after a long and tedious examination of the evidence, declared that in his conviction Stewart's clients were right, that the alleged two ledges were part of the same vein, or Lode, and he also adjudged that an order of injunction should be granted, expelling the trespassers on the land of the original locators.

The fabulous stories which came out of this litigation have not been entirely set forth. Some of the best legal talent was pitted against Stewart and his partners, Alexander W. Baldwin and Moses Kirkpatrick. In one argument Baldwin, not then his partner, kept badgering him by objection after objection. Finally it nettled Stewart to the point where he said to Baldwin:

"You little shrimp, if you don't stop those tactics, I'll eat you."

Whereupon Baldwin replied, "If you do you will have more brains in your belly than you have in your head."

Stewart liked a person who could come back at him in that way. He made Baldwin his law partner.

It must be known here that many of the judges, appointed by the National Government to the Territory of Nevada, received inadequate salaries. These jurists were called upon to rule in suits involving millions of dollars. And litigants were not above bribery. In one case, one of the judges was to be paid \$15,000.00 to rule in a certain way. The money, paid in gold coin, was taken at night to the hotel room of the judge. The "go-between" knocked at the door. The judge's wife knew he was coming, so she answered the knock. Opening the door, she offered her long night robe to receive the heavy coins, but the weight of it tore off the robe and the embarrassed lady was left standing, naked as a worm.

Because Bill Stewart knew, as did many other persons, that the judiciary of the Territory of Nevada was corrupt, (one of the representatives of the corporations said the chief trouble with the judges was that the sons-of-guns wouldn't stay bought, once they were paid), he exposed

their corruptions and physically forced the entire judiciary to resign.

Because of Bill Stewart's legal acumen, infinite resources, and uniform success in winning law suits, his fees were enormous. Of him and his fabulous income from these sources, it was said:

"William M. Stewart, the old invincible, tireless in devotion, incapable of fatigue, master of mining-camp juries, received \$165,000.00 from the Belcher Mining Company and \$50,000.00 from the Yellow Jacket Mining Company in single fees. His professional income during these years of Comstock Litigation was over \$200,000.00 a year. The litigation was said to have cost over \$10,000.00; Stewart emerged a multimillionaire."

But Bill Stewart's reputation did not come out of this period of litigation untarnished. One of the local newspapers wrote that, "During the first few years of the Comstock, the dominating individual was undoubtedly William M. Stewart . . . He was a man of large plans, immense fertility of resource and unflinching courage." Burly, frankspoken, powerful, mentally and physically, he was said to "tower above his fellow citizens like the Colossus of Rhodes and to contain as much brass in his composition as that famous statue ever had."



Courtesy Nevada Highways and Parks

FIRST NEVADA HOME BUILT BY WILLIAM MORRIS STEWART, 1860-1861, KING AND MINNESOTA STREETS, CARSON CITY

WILLIAM MORRIS STEWART — STATE MAKER

Important events took place rapidly in western Utah Territory in the fall of 1857 and the spring of 1858: a Provisional Government was set up in Genoa, a Constitutional Convention was called, a newspaper, the *Territorial Enterprise* was established, and a delegate elected to go back to Washington, D.C., with petitions to ask the Congress for a separate territory. In the midst of these events, the news of the rich discovery of the Comstock Lode reached the settlements of western Utah Territory, some thirty miles away. The first rush to Washoe was from these areas.

Among the first persons to come to the Comstock rush in 1859 when the news reached California was William Morris Stewart. He was so impressed with the richness of the Comstock Lode he decided to move from Downieville to Ophir Diggings (Virginia City) the following year. In the spring of 1860 he packed up his law books and went to Genoa to open a law office. He rented the second story of the old Reese's Station log house. There in the first house in Nevada and the first seat of government, Stewart argued his first cases before judges with doubtful jurisdiction.

The first attempts for a separate government in Western Utah Territory were swept away with the rush and excitement of the silver discoveries. In the meantime, 1858, some of the enterprising citizens of Genoa moved to Eagle Valley, laid out Carson City, reserved several blocks for capitol buildings, and with great vigor pushed forward the separation movement. With the aid of California representatives, a bill was introduced in Congress for the creation of the Territory of Nevada. President Buchanan signed the bill 2 March 1861.

In the patronage for the appointees of the Territory of Nevada, James W. Nye, New York City, Orion Clemens, Keokuk, Iowa, and Benjamin B. Bunker, New Hampshire, Attorney General. A full complement of other officers was chosen, but not one of them came from Nevada Territory. Governor Nye, as directed by the Territorial Act, divided the Territory into election districts. Territorial legislators were elected and the first Territorial Legislature of Nevada convened October 1, 1861.

In 1860 Stewart moved his family from Virginia City to Carson City where he had built a large cut stone, wood-trimmed home on the northwest corner of King and Minnesota streets. Carson City and Virginia City were the largest towns in the Territory and each one of them wished to be named the capital. Stewart saw that Carson City had greater advantages for better living than its rival, so he used his influence to locate the capital there — the climate was better and it had good water, also. There was a considerable contest for members of the Territorial Council, state senator under state government, and for the House of Representatives,

(the Territorial Assembly). Anxious to find out how Bill Stewart stood on the subject, a committee inquired of him where he thought the capital ought to be. When he said Carson City, he was elected to represent Empire City, a section near Carson City.

Since Stewart knew he had been elected to swing the majority vote for Carson City, he stayed home the day the delegates were gathering for the Territorial legislative session. Of each one he inquired how he wanted his county bounded and where he wanted its county seat. Each one told him; he framed the county bill dividing the Territory into counties and fixing the county seats. It was understood beforehand that a vote for Carson City as the capital, meant the setting up of the county seats as the delegates had requested. The contest was sharp and Virginia city lost by three votes. The result of this trade — county seats for Carson City the capital, resulted in five small counties in western Nevada — Washoe, Storey, Lyon, Douglas, Ormsby. As the county seats were located in those days, each one was one-half day's buggy ride from Carson City. Thus, a round trip to the capital and back again in one day was a most convenient means of carrying on state business.

The first Nevada Territorial Legislature was called together on October 1, 1861, in a stone building at the Warm Springs Hotel, loaned by Abraham V. S. Curry. After the preliminaries of organization were gone through and the president of the Council had made his opening address, Stewart and Thomas Hannah were appointed to wait upon Governor Nye, and to inform him the two houses were ready to receive any communication he might be pleased to make to them. Governor Nye then delivered his Message in which he outlined all of their duties, and urged them to be guided by "an enthusiastic patriotism for the Union."

Stewart's participation in the organization of Nevada Territory and the contributions of his legal skill made him the most prominent member of the Territorial Council. His influence prevailed throughout its entire session, and as a member of more committees, he introduced more bills than any other member, all of which were adopted.

Among Stewart's most conspicuous achievements was the introduction of the first bill — AN ACT ADOPTING THE COMMON LAW. This bill was the most extensive of the session; it contained seven hundred and fourteen articles under seventeen titles. He also wrote the laws which regulated the proceedings in civil cases in the courts of justice, defined the judicial districts, fixed the terms of the District and Supreme Courts, and located the county seats. And through his influence he located the Capital of Nevada at Carson City.

The most historic incident which took place during the Legislative session was the completion of the transcontinental telegraph system: it connected October 23, 1861. The privilege of sending the first wire over

the line was given to the Nevada Territorial Legislature. Stewart was appointed Chairman of the committee, assisted by Thomas Hannah, to draft a telegraphic message to President Lincoln:

RESOLVED BY THE COUNCIL, THE HOUSE CON-
CURRING, THAT —

Whereas, the privilege of forwarding the first telegraph message across the continent, has been given to the Legislative Assembly of Nevada Territory, therefore be it,

RESOLVED, THAT THE SAID COMMUNICATION SHALL
CONSIST OF THE FOLLOWING LANGUAGE, Viz:

Nevada Territory, through her first Legislative Assembly, to the president and the people of the United States — Greeting: Nevada for the Union, ever true and loyal! The last born of the Nation, will be the last to desert the flag! Our aid to the extent of our ability, can be relied upon to crush the rebellion.

Signed, THOS. HANNAH

William M. Stewart (Chairman)
Committee from the Council

Signed, W. P. HARRINGTON

Samuel D. Youngs,
Committee from the House

Stewart resigned as a member of the Territorial Council in 1862; mining litigation was absorbing most of his time.

Mr. and Mrs. Stewart and little Bessie moved from Carson City to Virginia City in 1863, where the Stewarts had built a large two-story frame house on Stewart Street, named for him, high upon the steep slopes of Mount Davidson. It cost \$30,000.00 to build. During the political campaign of that year when Stewart was a candidate for United States Senator, he gave Mrs. Stewart \$40,000.00 to go to San Francisco to purchase furniture for the home.

In addition to having Mrs. Stewart buy furniture for their home, he wished also to have his wife out of the Territory of Nevada while the campaign was going on. She was a loyal Southerner. Her father had been Governor and United States Senator of Mississippi. Indeed, at that time, 1863, Senator Foote was a member of the Confederate Congress and his two sons were serving in the Confederate Army.

(Since the candidates for office were a part of the ballot when the first Constitution of Nevada was submitted to the people, and since this Constitution was defeated, there were no state officials elected.)

The Virginia City Stewart home was given to Mrs. Alexander W. "Sandy" Baldwin, widow of Alexander Baldwin, Stewart's law partner, after her husband had been killed in a railroad accident in Oakland in

1868. Later Mrs. Baldwin married General J. B. Winter and the couple moved to San Francisco.

The Stewart-Baldwin home survived the Virginia Fire of 1875, albeit the fire did burn to the front garden. When the mines were shut down in 1879-1880, and many families moved away, the large homes became vacant, including the Stewart home. It remained as such until after 1887, when it was torn down and the lumber used to rebuild the Piper Opera House. (It was bought for \$100.00.)

Along with his law practice, Stewart engaged in many mining operations. With several associates, he acquired a valuable mine in Gold Hill, and to work the ore they built a mill on Carson River, constructed a road to it, bought eight teams of six mules each to haul the ore, purchased and had delivered a hundred tons of hay and a hundred tons of barley. And the firm built another mill in Gold Canon just below Gold Hill. Everything was ready for the partners to make a fortune of several million dollars. In fact, before they began mill operations, they were offered a half million for these holdings.

In December, 1861, there came one of the most terrific storms ever known in Nevada. Snow fell five and six feet deep where it seldom ever fell. Following the snowfall, a warm rain set in, melting the snow and precipitating the worst flood in history. Water filled the mine and the flood took out both mills with the hay and grain. The Stewart firm lost a half million dollars in a single night, and it left them with no money to pay their men or to buy food for the animals.

This terrific loss would have depressed most men, but Stewart resolved to recoup as much of the lost fortune as he could. Having a friend in San Francisco from whom he knew he could borrow considerable money, he left at once. Setting out on foot, for there were no stages running in such a storm, he walked and ran most of the way, stopping only for the night at wayside inns. Finally, after great and heroic sacrifices, he arrived in San Francisco, borrowed the money, and returned to Gold Hill. He sold the mules, paid off the workers, and sold the mine for \$60,000.00. And practically no one knew he had gone broke in a single night.

Almost as soon as the Territory of Nevada was organized, a movement began to admit Nevada as a state. However, the Congress did not give Nevada this privilege until March 3, 1863. William Morris Stewart was elected one of the delegates to the Constitutional Convention to frame a constitution. His part in the making of the state's constitution was comparable to that in the first Territorial Legislature. And it was said by one of his colleagues that "he had as much to do in framing the State's organic law as did any other half-dozen members."

The question of devising revenue for the new State caused the bitter-

est debates during the Convention. Since mining was the chief industry, it was thought by a majority of the delegates that it should bear the greatest burden of taxation. The taxation section of the constitution provided for "taxing the shafts, drifts, and working of the mines," as well as the bullion they produced. Stewart offered an amendment to this provision that only the net proceeds of the mines, known as the bullion tax, be levied. His amendment failed of adoption. Stewart and associates knew that the young mining industry could not carry this tax burden, so they worked against the adoption of the constitution and succeeded in defeating it.

The people of Nevada were, however, for statehood. The corrupt judiciary, irresponsible territorial officials, the desire to elect their own officials, and the wish of President Lincoln to have more votes in the Congress to pass Civil War legislation, led to a request for another chance for Nevada to become a state. A second enabling act was passed by the Congress, March 22, 1864, a second constitutional convention was held, and a second constitution was framed. Stewart was not a member of this convention, but the tax section which he had offered as an amendment in the first constitutional convention was adopted. The people of Nevada overwhelmingly voted for this constitution September 8, 1864. The text of this constitution was telegraphed to President Lincoln, and he proclaimed Nevada the thirty-sixth State of the Union, October 31, 1864. Stewart campaigned for this second constitution as vigorously as he had worked *against* the first one. And one newspaper wrote:

"All aboard! The old ship 'Constitution' Captain Stewart, master."

The first State Legislature convened December 12, 1864. After organizing, the first order of business was the election of Nevada's first United States Senators: Stewart was elected on the first ballot, December 15,

In Stewart's election, the newspapers of California and Nevada "recognized the need of the Pacific Coast for a sound lawyer" — he had been a "faithful, trusted, and successful counselor of the heaviest mining interests in the west; an energetic, wide-awake go-ahead business man with untiring physical and mental energy; a man thoroughly versed in the history and identified with the interests of his State. In electing Stewart, Nevada is sending to the United States Senate a man of commanding intellect, and of indomitable energy. Public opinion is certain of his unimpeachable loyalty, and admitted no question that there was no single individual in the State of Nevada to whose efforts the Union Party was more indebted, than to Stewart's. It is Nevada's good fortune to have a man wholly self-made, possessing remarkable good sense, and with nothing florid nor ornate about him."

In the first five years that William Morris Stewart had spent in Nevada, and James W. Nye was elected the next day.

vada, he had taken a commanding part in mastering the problems of a frontier mining community with its characteristic contempt for law; he had forced a corrupt judiciary to resign; and he had laid the foundation of a Territory and a State; he had won a political victory for the Union Party; and he had become the first United States Senator from Nevada. This year, 1964, is the Centennial of his election.

WILLIAM MORRIS STEWART
UNITED STATES SENATOR
1865-1876

William Morris Stewart and James Warren Nye, the first United States Senators of Nevada, left San Francisco by steamer for Washington, D.C., by way of the Isthmus of Panama. Arriving February 1, 1865, they took their oaths of office the same day as members of the Thirty-Eighth Congress.¹⁴ The following day the THIRTEENTH AMENDMENT of the Constitution of the United States, was adopted. Nevada had furnished the necessary votes for this action. The first Nevada State Legislature was in session; it ratified this amendment February 16, 1865.

Shortly after Senator Stewart arrived in Washington, he called on President Lincoln. Taking him by both hands, the President greeted him most cordially:

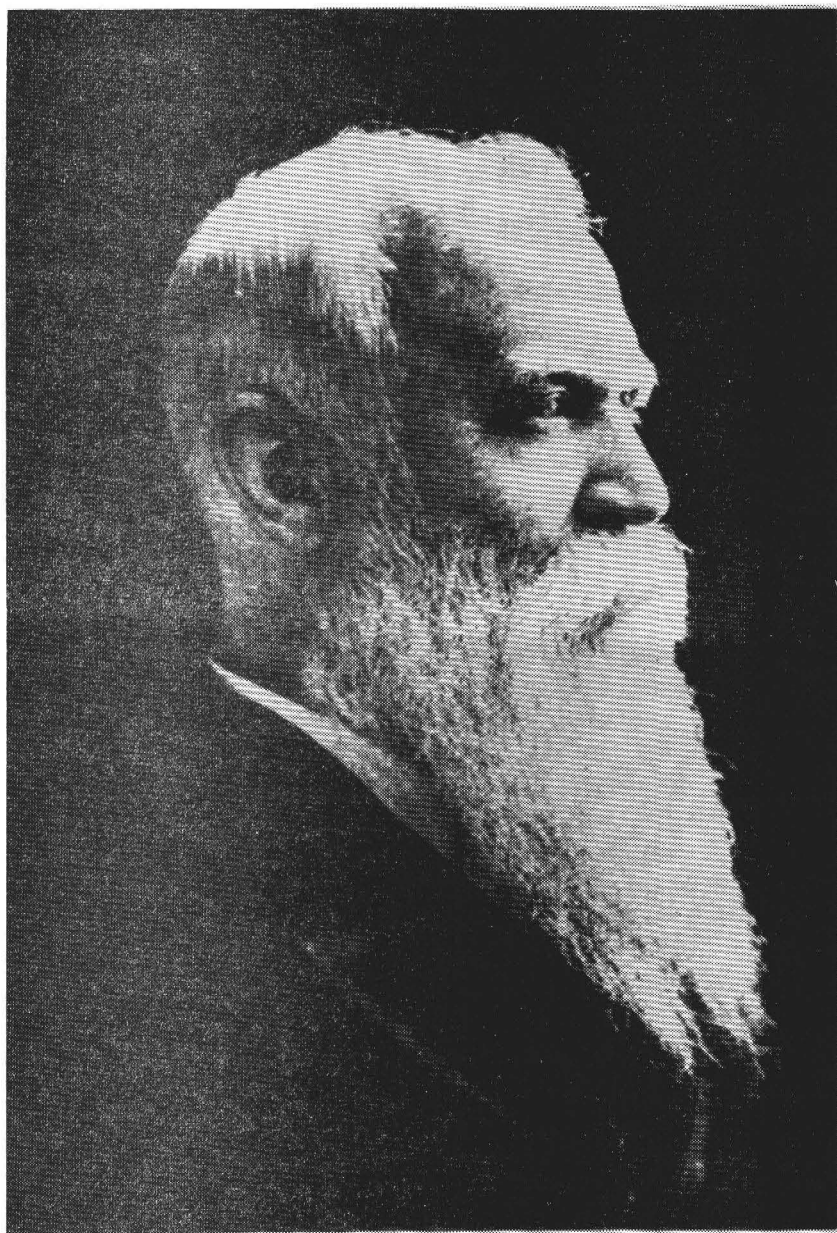
"I am glad to see you here. We need as many loyal states as we can get . . . and the gold and silver in the region you represent has made it possible for the government to maintain sufficient credit to continue this terrible war for the union . . ."

The first meeting between Senator Stewart and President Lincoln was the first of several they had before the President was assassinated April 15th. It was the custom of the President to stand in the doorway between two rooms in the White House where he received Senators, Representatives and other officials calling on him for business. A line was formed, and as each person explained his business, he would leave by the door where the President stood. Senator Stewart has said that: "The dispatch with which Lincoln transacted business by this plan was marvelous . . . He would often receive as many as a hundred representative men in two hours . . ." If the matter could not be handled in a few minutes, the President would make an appointment for a later meeting.

Within a week after Senators Stewart and Nye arrived in Washington, D.C., President Lincoln gave a dinner party to the Senators of the West. At the beginning of the dinner he told his guests that he had two matchless story-tellers to entertain them. Instead of the Senators telling stories, Lincoln told them himself. Some of them were on Senator Nye, whom Lincoln had known during the campaign of 1860-61. Nye was, himself, a pretty good story-teller, and the dinner party became a hilarious one, and it also made Stewart a good friend of the President.

Late in February, 1865, Stewart received a telegram from constituents in Nevada that the United States Attorney and the Register of the Land Office had begun prosecution against Nevada citizens for cutting wood on

¹⁴ A four and two-year term were assigned to Nevada. Stewart and Nye drew lots, with Stewart, by accident, receiving the four-year term, Nye the two-year one.



Wm. M. Stewart

public lands. After Stewart had taken the complaints to the officials in charge of these activities and with no satisfaction, he went to President Lincoln. After a brief explanation of his business the President, who understood the situation at once, shoved a tablet across the table to Stewart and asked him to write the names of persons who could discharge the duties of Attorney and Register. He did so, and the President ordered commissions to be made out for them. Then he and Stewart had a most pleasant conversation about other things as though nothing had happened.

A few days before the surrender of General Lee at Appamattox, Stewart went to City Point, Virginia, Grant's headquarters. President Lincoln came to the same place by steamer. The purpose of the gathering of the President, United States Senators and army and navy officers, was a review of General Grant's army. A temporary platform was erected for the review. General Grant sat next to the President, while Senator Stewart sat next to the General.

In order that President Lincoln and the party of visitors could have a better view of the army, several fine horses were brought to them to ride. When the orderly led the horse to the Senator from Nevada, and after he had looked at his frock coat and silk hat, he inquired of him:

"Are you a good rider?"

"I've been in the habit of riding horses in the West," was Stewart's reply.

"Well, you must look out for *this* horse." the orderly admonished. "He came to us from the Confederate Army."

Stewart and a group of officers mounted their horses and rode off to inspect the surrounding country, President Lincoln following with his aides. When the party was on the return journey, Stewart's Confederate horse decided it wished to return to rebel lines. The Nevada Senator tells the story well:

"... my horse raised his ears, twitched his nose, looked longingly in the direction of Richmond, squealed a couple of times, and then started for the Rebel lines as hard as he could go . . . I went along with him. I did not recognize any likely place to get off. My coat-tails stood out grandly in the fresh breeze, and my plug hat sailed off like a big black crow as my steed, scenting his old friends from afar, took one of those broken-down rail fences, and headed for Lee's army."

Stewart gripped the horse with his legs, held on with all his might, and yanked on the bit in his horse's mouth. Finally, with all his strength, he loosened the bit and a cavalry officer, observing the runaway horse, rode between Stewart and the Rebel lines, and stopped him. On the way back to Washington that night, Stewart sat in the seat in front of the President, who leaned over and said:

"I'm glad that horse did not make it necessary for me to make an application to the General of the Confederate army for an exchange of prisoners for a United States Senator, as we have never captured any Confederate Senators." It seems Lincoln had been viewing Stewart's retreat with great amusement through field-glasses.

On the day before President Lincoln was assassinated, Stewart was in New York City. There he happened to meet his old friend and former law partner from Nevada City, California, Judge Niles Searls, who expressed a desire to meet President Lincoln. Stewart invited him to go to Washington with him that night, and to call on the President the next day. These two old friends stayed up all night talking about old days in Nevada City, consequently they missed the ten o'clock visiting hour of the President, and had to wait for the seven o'clock one in the evening.

On the evening of April 14, 1865, Stewart and Searls called at the White House. They sent in their cards by an usher who soon returned with a card on which was written:

"I am engaged to go to the theatre with Mrs. Lincoln. It is the kind of an engagement I never break. Come with your friend tomorrow at ten and I shall be glad to see you.
A. Lincoln."

These words written to Senator Stewart were the last ones Abraham Lincoln ever wrote. On their way from the White House the President was just putting his wife in a carriage. When he saw Searls and Stewart he extended his hand cordially, and Stewart introduced Searls to the President. The President repeated what he had said on the note to Stewart. It was the last time he saw the President alive.

Judges Searls was most pleased that he had met Lincoln, had heard him speak, and had a good look at him. Stewart accompanied Searls to the train, and then walked back up town alone, deciding to go to Ford's Theatre, also. But when he arrived there he found such a crowd he couldn't get in and went to the room of his California friend, United States Senator John Conness.

These two Senators had been talking but a few minutes when a colored man rushed in to tell them of the news of the attempted assassination of Secretary Seward. Rushing out to help prevent it, they learned of the assassination of President Lincoln. The events of that tragic night are records of history, but what few persons know is the part Senator Stewart took in swearing in Andrew Johnson as President of the United States.

President Lincoln died shortly after daylight, and within minutes Senator Foot, of Vermont, Chief Justice Salmon P. Chase and Senator Stewart were on their way to the two hotel rooms, occupied by Johnson. With some difficulty they aroused the Vice-President. When he opened

the door he was in his bare feet, and only partly dressed .In many letters and in his *Reminiscences* Senator Stewart has described the events of that day.

He said that Johnson put on a rumpled coat and looked as though he had been on a "bender" for a month. "He was dirty, shabby, and his hair was matted as though with mud from the gutter." The Chief Justice explained their mission. Johnson seemed dazed, but got himself together and raised his right arm as far as he could reach and in a thick, gruff, hoarse voice, said:

"I'm ready."

On several occasions Senator Stewart has written that there were three persons present when Johnson was sworn in — Chief Justice Chase, U.S. Senator Foot, and himself — "All statements to the contrary are absolutely false."

Senator Stewart's committee assignments were to plot the course of his legislative accomplishments in Congress. Because of his profound knowledge of the law, he was appointed to the Judiciary Committee, likewise that of Public Lands, and Pacific Railroads. And when a committee on mines and mining was created, he became a member of that committee, also.

Senator Stewart knew when he was elected by such a majority in Nevada it was due to his promise to seek legislation for the possessory rights and titles of the mine owners. He had won their rights in the courts of Nevada, now he must carry the fight to the Congress. Because of its importance to one of the largest industries in Nevada, it is told in a fuller account.

WILLIAM MORRIS STEWART AND THE
NATIONAL MINING LAWS.¹⁵

It has practically become axiomatic to associate mining with the area between the eastern slope of the Rocky Mountains and the Pacific Coast, and from the Canadian border to Mexico. It was the discovery of precious metals that brought hundreds of thousands of people from all over the world to this region. They swarmed over the land scooping up the gold, which was there for the taking. There were so few miners at first, there seemed to be sufficient for everyone. But as the gold-seekers became a flood of humanity, something had to be done to regulate their activities.

One of the significant events of the history of the world was the discovery of gold in California, January 24, 1848, just a week or more before the Treaty of Guadalupe-Hidalgo was signed February 2nd with Mexico, transferring all of the western mineralized region to the United States. While the pseudo-authority of Spain and Mexico had been theoretically the law of the land, there were few officials there to enforce them. All of the land not recognized in the above treaty became Public Domain of the United States. Hence the gold-seekers were trespassers. But little did they care as they worked the gravel beds, the streams, and the dry creek beds for the precious metal. The Mexican-Spanish laws regulating mining in Europe, and transferred to the Western Hemisphere, gave all wealth of an area to the crown. This authority could lease, sell or grant concessions for income from these sources. But the crown always demanded its "royal fifth" or twenty percent of the income.

Americans who rushed to the first discoveries paid little or no attention to any authority until they, themselves, for self-protection, had to have some rules or regulations governing their industry in a given area. The result of this was the forming of mining districts and the framing of rules and regulations. While every discovery, large or small, was different in terrain and methods of mining, essentially the rules were the same.

As any group of Anglo-Saxons used to democratic methods of making laws would do, men working in any given area would call a meeting by word of mouth, or by posting a notice on a tree or cabin. A self-appointed chairman would take charge of the meeting and a recorder would be elected or appointed to take the notes of the meeting. The first rules were simple and direct: they defined and generally named the geographic area, the number and size of the claims each man could hold; they provided for the recording of their claims, and the way a dispute among them could be settled; they designated the way a claim could be secured (in most cases a pick or shovel left in the center of the workings was sufficient to hold

¹⁵ The legislative fight for free and open mining was concomitant with laws concerning Reconstruction and other legislation.

a claim), and the way it could be "jumped." And where there was water to work the placers, the rules at first regulated the use of it.¹⁶ In consequence of the more or less satisfactory application of these rules, similar codes were made in all mining districts covering many thousands of square miles.¹⁷ They formed the basis for the present system of free and open mining in the United States and the National Mining Laws.

These first mining codes, made as early as 1850, applied only to placer claims. It wasn't long before the placer miners found the sources of their free gold in the quartz ledges above them.

Placer mining is different from quartz mining. A placer miner wishes to hold his claim no longer than it takes him to wash out the gold, after which he abandons the land. His investment in tools to work his claim is negligible; they could be paid for in a small poke of gold dust. But quartz mining required a more elaborate code of mining laws, and a considerable expenditure of money.

William Morris Stewart, a placer miner at first and later a worker of quartz mines, was chairman¹⁸ of the first meeting of quartz miners in the region around Nevada City, California. Held on December 20, 1852, the rules were longer and more in detail than placer mining rules. The cardinal points in these rules concerned the *possessory rights* to the metal in the ledges, and the length of time and amount of work to be done to hold the claims before forfeiture of ground to claim-jumpers. The original phrasing of these rules written by Stewart remains today as the most important part of the present mining laws. And the cardinal point is the right of the owner of the claims to follow the ledge or the vein; also the "dips, spurs, angles and variations" of that vein, between the parallel end lines of the mining claim in which the vein occurred.

In mining parlance this phrase is referred to as the apex law, which means that the part of the vein which carries any values may be mined in every whim of nature when it was formed — and to the surface of the ground if the ledge were discovered at depth.

These principles of quartz mining were carried to Nevada and applied to silver mining. And it was William Morris Stewart, the framer of these rules, the lawyer for the largest mining interests on the Comstock Lode and other mining camps, who successfully argued and won the suits, 1860-1865, in Nevada courts. It was true that he had the advantage of other lawyers. Of him they said:

¹⁶ Allen Grosch, one of the two brothers who mined in Gold Canon and probably were the first discoverers of silver on the Comstock, was the recorder of the mining district at Mud Springs, now Eldorado, California, 1850.

¹⁷ The estimated size of this area was 55,000 square miles and 600 miles in length.

¹⁸ *Et supra*, p. 16.

“... his statements were as clear and straightforward as possible, avoiding carefully any semblance of legal quibble or trick. He placed himself on the level of the juries, spoke to their crude sense of justice and fairness, and strove to convey the idea that his clients were entitled to a verdict in equity even more than by law. His opponents protested that he was endowed with a faculty of imposing the sublimest absurdities upon juries as pure and spotless truth, but the success of his method was grumblingly admired.”¹⁹

In this success he earned the title of the “great leader of the Washoe Bar” and the same writer said that “no one ever gets the advantage of him and few ever try it. The most ambitious are content with the glory of preventing Stewart from getting the advantage of him. I am a veteran lawyer and when I have made a drawn game with him, I am satisfied.”

The mining interests of the West could not have had a better representative go to Congress than William Morris Stewart. He had successfully fought for the principles of the miners in their rules and regulations; he had protected their rights in the part he took in framing the Constitution of Nevada; and he had successfully argued their rights before the courts of Nevada. Now it became his privilege to carry this struggle to a conclusion in Congress in the writing of the National Mining Laws, and testing these laws before the Supreme Court of the United States.

When Senator Stewart took his seat in the Senate of the United States, February 1, 1865, one of the big problems before Congress was how to finance the Civil War debt. The Treasury had issued billions of dollars in greenbacks, really fiat money. How to redeem this inflated currency was a serious problem! Every legislator in Congress knew of the California gold production, and had heard reports of the enormous richness of the Comstock Lode and other Nevada silver camps, which were then attracting world-wide attention.

Soon after Senator Stewart went to Washington, D.C., he was invited to make a speech in Cooper's Union Institute, New York City. The knowledge of the richness of Western mines was the basis upon which legislation was then being framed for the confiscation of them by the United States Government. Why could not the National Debt be paid by the sale of the mines on the Public Domain?

Legislation affecting the mineral lands on the Public Domain before 1865 was not sufficiently developed to define the rights of the miners and/or the position of the Government in relation to them. This unsettled question may have continued indefinitely had not the Civil War

¹⁹ There were 304 civil cases in Virginia City for the court term commencing March 7, 1864; 217 of which were mining suits. And the law firm of Stewart, Baldwin and Kirkpatrick had most of them. *Virginia Union*, March 6, 1864.

greatly increased the National indebtedness. The first action taken was the recommendation of the Secretary of the Interior to Congress that revenue be secured from the sale or lease of the Western mines.

Mr. George W. Julian, Indiana, ran twice for a seat in the House of Representatives and was elected both times upon a platform to sell the mineral lands at auction to help pay the expenses of the Civil War. He was made the Chairman of the Committee on Public Lands, and he became the chief opponent of the Senators and Representatives who were fighting for the possessory and fee title rights of the miners to their claims.

The mine owners of Nevada became so alarmed over the discussion on selling, leasing or taxing the mines in 1864, they petitioned the Nevada State Legislature to forward a Resolution to the Congress requesting that no action be taken on the bill to tax the mines until Nevada's representatives could reach Washington, D.C.

The first bill introduced in the Thirty-eighth Congress was one to raise money to liquidate the National Debt, and one of its main provisions concerned the tax on the proceeds of the mines. Senator Stewart delivered a long speech against taxing gold and silver ore; he struggled valiantly but vainly to have the word "bullion" struck from the bill. Later, however, a Conference Committee on the revenue bill was appointed and this time the Senator was successful in having bullion struck out and his phrase of a qualification on taxing the mines substituted. Thus, Senator Stewart won his first round in the Senate, not to burden the mine owners with heavy taxes. But the western representatives were aware that they had to be alert always to protect their chief industry.

On February 10, 1865, Stewart requested in a Resolution that Congress add to their list of committees, one on Mines and Mining. The Resolution was not acted upon at that time but Stewart introduced another and similar Resolution on March 8th; this time it passed. Senator John Conness of California was made the Chairman and Stewart was appointed a member. This was a second victory for it meant that all legislation directly affecting mining had necessarily to be referred to it.

When Nevada was proclaimed a State, no provision was made for her Federal Courts. The bill for the creation of a Federal Court District in Nevada was introduced by Henry G. Worthington, Representative of Nevada. The matter, referred to the Committee on Judiciary, was reported, and was passed. When the bill reached the Senate, Stewart offered the first amendment:

That in actions respecting mining claims the customs and regulations of the miners shall be regarded as law, and enforced by the courts of the United States . . .

At first this amendment was opposed, but Stewart made such a convincing speech that he gained support from other Senators and was successful in getting it adopted.

The second amendment offered by Stewart recognized the possessory title as stated in the miners' rules and regulations as follows:

And be it further enacted, that no possessory action between individuals in any of the courts of the United States, for the recovery of any mining title or for damage to any such title, shall be affected by the fact that the paramount title to the land on which such mines are, in the United States, but each case shall be adjusted by the law of possession.

The first case to be tried before the United States Supreme Court, testing the legality of Nevada's Court Bill, was appealed from Virginia City, Storey County, Nevada. The action brought in the suit, *Sparrow v. Strong*, for the recovery of a certain mining claim on land belonging to the United States Government, was begun while Nevada was still a Territory. Stewart was the counsel for the plaintiff. He argued that the Territorial Legislature of Nevada had passed laws giving miners certain rights in the territorial courts. And with the implied sanction of the National Government had indirectly recognized the possessory claims as property, without the interference of National authority. He further alleged that the National Government, through the Federal Courts, could not dismiss the writ of error, because the controversy concerning the possessory right to a mining claim was capable of being valued in money.

The lengthy opinion in the suit of *Sparrow v. Strong* was written by Chief Justice Salmon P. Chase. He sustained Stewart in his amendments and arguments in the "Courts Bill." Justice Chase said in part:

. . . that history informs us that under this legislation, and, not only without interference by the National Government, but under its implied sanction, vast mining interests have grown up employing millions of capital, and contributing largely to the prosperity and improvement of the whole country . . .

Senator Stewart's open letter written to United States Senator Alexander Ramsey, Minnesota, was incorporated in Chase's written opinion.²⁰

"Upon the discovery of gold in California, in 1848, a large emigration of young men immediately rushed to that modern Ophir. These people, numbering in a few months hundreds of thousands, on arriving at their future home, found no laws governing the possession and occupation of

²⁰ Since this letter has not been printed in full, its entirety is here quoted.

mines but the common law of right, which Americans alone are educated to administer. They were forced by the very necessity of the case to make laws for themselves. The reason and justice of the laws they formed challenge the admiration of all who investigate them. Each mining district, in an area extending over not less than *fifty thousand square miles* formed its own rules and customs throughout the entire region was so great as to obtain all the beneficial results of well-digested laws. These regulations were thoroughly democratic in their character, guarding against every form of monopoly and requiring continued work and occupation in good faith to constitute a valid possession.

"After the admission of California as a state, in September, 1850, Mr. Fremont, then Senator from that State, introduced a bill, the purpose of which was to establish police regulations in the mines. It imposed a small tax on the miners to defray the expenses of the system. Many Senators, when the bill came up for discussion, expressed the opinion that the mines ought to be sold or some means devised by which a direct revenue might be obtained from that source. Various amendments were offered to effect these purposes. But, Mr. Benton took a leading part in the discussion and contended throughout that a good policy required that the mines should remain *free* and *open* for exploration and development. Mr. Stewart sustained Mr. Benton.

"The arguments of Senators in favor of free mining finally prevailed and amendments looking to sale or direct revenue were voted down; and the bill finally passed the Senate, without material amendment in its original form, but failed in the House from want of time to consider it. Before the meeting of the next Congress the fact became known that the miners themselves had adopted local rules for their own government, which rendered action on the part of Congress unnecessary and from that time to the present non-action has been the policy of the Government with one single exception. The solemn declaration, however, just mentioned, on the part of the Senate, of a just and liberal policy to the miners, was hailed by them as a practical recognition of their possessory rights, and greatly encouraged and stimulated the mining enterprise, and laid the foundation for a system of local government now in full force over a vast region of country inhabited by nearly a million men.

"The legislature of California, at their following session, in 1851, had under consideration the subject of legislation for the mines and after full and careful investigation, wisely concluded to declare that the rules and regulations of the miners themselves might be offered in evidence in all controversies respecting claims, and when not in conflict with the Constitution or laws of the United States, should govern the decision of the action. A series of wise judicial decisions moulded these regulations and customs into a comprehensive system of common law, embracing not

only mining law (properly speaking) but also regulating the use of water for mining purposes. The same system has spread over all the interior states and territories where mines have been found, as far east as the Missouri River. The miner's law is a part of the miner's nature; he made it, and he likes it, trusts it, and obeys it. He has given the toil of his life to discover wealth which, when found, is protected by no higher law than enacted by himself, under the implied sanction of a just and generous government. Miners, as a community, devote three-fourths of their aggregate labor to exploration and consequently are and ever will remain, poor, while individuals amass large fortunes and the treasury of the world is augmented and replenished.

"Persons who have not given this subject special attention can hardly realize the wonderful results of this free system of mining. The incentive held out to the pioneer by the reward of a gold or silver mine, if he can find one, is magical upon the sanguine temperament of the prospector. For near a quarter of a century a race of men, constituting a majority by far of all the miners of the far west, patient of toil, hopeful of success, deprived of the associations of home and family, have devoted themselves, with untiring energy, to sinking shafts, running tunnels thousands of feet in solid granite, traversing deserts, climbing mountains, and enduring every conceivable hardship and privation exploring for mines, all founded upon the idea that no change would be made in this system that would deprive them of their hard-earned treasure. Some of these have found valuable mines and a sure prospect of wealth and comfort when the appliance of capital and machinery shall be brought to their aid. Others have received no compensation but anticipation — no reward but hope.

"While these people have done little for themselves, they have done valuable service for this government. They have enhanced the value of the property of the nation nearly one hundred percent; have converted that vast unknown region, extending from British Columbia on the north to Mexico on the south, and from the eastern slope of the Rocky Mountains to the western decline of the Sierra Nevada into the great gold and silver fields of the United States, surpassing in richness and extent the mines of any other nation of the globe. I assert, and no one familiar with the subject will question the fact, that the sand plains, alkaline deserts, and dreary mountains of rock and sagebrush of the great interior, would have been as worthless today as when they were marked by geographers as the Great American Desert, but for this system of free mining fostered by our neglect, and matured and perfected by our generous inaction. No miner has ever doubted the continued good faith of the government, but has put his trust in its justice and liberality, traversing mountain and desert as incessantly and hopefully as the farmer of the west has ploughed

his field. What he now occupies, he has discovered and added to the wealth of the nation.

"This good faith of the government (promised as it were, by the action of the Senate sixteen years ago) not only inspired enterprise, and led to discoveries by the magnitude and importance of which cannot be overestimated, but in the time of severest trials of the Union, no people were more loyal than the miners. They lost no opportunity to enlist in your armies, or contribute to the support of the government. Their liberal donations to the Sanitary Fund for its suffering heroes. The little town in which I reside contributed in gold coin over \$112,000, being at the time about thirty dollars to each voting inhabitant; and a like liberality was displayed by the whole coast. The people are truly grateful to a generous government, and time seems to have strengthened the regard they feel for their native land and their early homes. But they look with jealous eyes upon every proposition for the sale of the mines which they have discovered and made valuable. Any public man who advocates it, with whatever motive, is liable to be condemned and discarded as an unfaithful servant. The reason for this is obvious. It is their all, secured with a sale at auction, where capital is to compete with poverty; fraud and intrigue with truth and honesty. It is not because they do not desire a fee-simple title, for this they would prize above all else; but most of them are poor, and unable to purchase in competition with capitalists and speculators, which the adoption of any plan heretofore proposed would compel them to do; and for these reasons the opposition to the sale of the mineral lands has been unanimous in the mining states and territories.

"To extend the preemption system applicable to agricultural lands to mines is absurd and impossible. Nature does not deposit the precious metals in rectangular forms, varying from one foot to three hundred feet in width, dipping from a perpendicular from one to eighty degrees, and coursing through for vein mines. It is a vein or lode that is discovered, not a quarter section of land, marked by surveyed boundaries. In working a vein more or less land is required, depending on its size, course, dip and a great variety of other circumstances not possible to provide for in passing general laws. Sometimes these veins are found in groups, within a few feet of each other, and dipping into the earth at an angle of from thirty to fifty degrees, as at Freiberg in Saxony, or Austin, Nevada. In such case a person buying a single acre in a rectangular form would have several mines at the surface, and none at the five hundred or thousand feet in depth. With such a division of a mine, one owning it at the surface, another at a greater depth, neither would be justified in expending money in costly machinery, deep shafts, and long tunnels, for the working of the same. Nor will it do to sell the land in advance of discovery, for this would stop explorations and practically limit our mining wealth to the mines

already found, for no one would 'prospect' with such energy upon the land of another, and land speculators never find mines. The mineral lands must remain open and free to exploration and development; and while this policy is pursued our mineral resources are inexhaustible. There is room enough for every prospector who wishes to try his luck in hunting for new mines for a thousand years of exploration and yet there will be plenty of mines undiscovered. It would be a national calamity to adopt any system that would close that region to the prospector.

"The question then presents itself, how shall the government give title to anything so important for permanent prosperity, and avoid these intolerable evils? I answer, there is but one mode, and that is to assure the title to those who now or hereafter may occupy according to local rules, suited to the character of the mines and the circumstances of each mining district. In the increasing agitation of the subject by the introduction into Congress of bills which miners regard as a system of confiscation, and which shall continue the system of free mining and hold the mineral lands open to exploration and occupation, subject to legislation by Congress and local rules; something which recognizes the obligation of the government to respect private rights which have grown up under its tacit consent and approval, and which shall be in harmony with the legislation of 1865, protecting possessory rights, irrespective of any permanent interest of the United States. The system will be in harmony with the rules of property as understood by a million men, with the legislation of nine states and territories with a course of judicial decisions extending over near a quarter of a century, and finally ratified and confirmed by the Supreme Court of the United States; in harmony, in short, with justice and good policy.

WM. M. STEWART"²¹

A system such as the eloquent Senator conceived to be accordant with these ideas was introduced by him into the Senate in June, 1866.

The fact that Stewart had gained the recognition of the United States Supreme Court of "possessory mining rights" was one of his greatest sources of pride. Indeed, it was a triumph!

But full rights for the Western miners was not yet won. On April 9, 1866, Senator John T. Sherman, Ohio, chairman of the powerful Finance Committee, introduced a bill framed by the Department of the Treasury, for the occupation and regulation of mineral lands in the United States. The bill provided that the mineral lands be surveyed into legal subdivisions and sold to the highest bidder. There were provisions in the bill in regard to the person who had discovered and/or developed them. The bill was

²¹ A public letter to Alexander Ramsey, United States Senator of Minnesota, John William Wallace, Cases argued and adjusted in the Supreme Court of the United States, December term, 1865, III, 1870.

referred to the Committee on Mines and Mining. The two western members of this committee, Stewart and Conness, were appointed to draft a mining bill. *This bill was written entirely by Stewart*; it was reported on May 28 as a substitute to Sherman's bill. And on June 18, Stewart explained the merits of the bill in a formally written speech. He said in part:

" . . . that the equities had been secured by the pioneers, who had developed the mineral regions of the Pacific Coast by their energy and industry. While the local government sanctioned their possessory rights and the government acquiesced by its silence, the miners relied upon the good faith of the United States that their property rights, thus acquired, would be respected."

Stewart portrayed forcefully "the rapid development of the mining regions by the most energetic and self-sacrificing race of men that ever occupied a new country." He also called attention to the fact that the credit of the nation had been sustained through the production of gold and silver by these pioneers of the Pacific Coast. At first the bill had only two advocates — Stewart and Conness — but their forceful and logical arguments won a sufficient number of proponents to pass the bill on June 28th. It was sent to the House of Representatives on the same day.

The Stewart-Conness bill should have gone to the Committee on Mines and Mining but George Julian succeeded in having it referred to the Committee on Public Lands, of which he was the Chairman. The Nevada Senator addressed this committee, explaining its merits. His forceful arguments won all of the committee members except Julian.

About the time the mining bill was under discussion, Representative Higby introduced a bill concerning the right of way of ditches and canals. This bill passed the House and was sent to the Senate where it was referred to the Committee on Public Lands, of which Stewart was a member. Stewart had all of the bill struck out except the *enacting* clause, substituting his mining bill for the provisions of the ditch and canal bill.

The ditch and canal bill passed the Senate; it was sent to the House, where it was placed on the calendar as a House bill with a Senate amendment, therefore, it could not be referred to the Committee of Public Lands without the vote of the House. Then Mr. Julian brought in *his* bill for the confiscation of the mines endorsed by *his* committee on Public Lands. When the vote was taken, *Julian found that the sentiment had changed*. This change had been effected by Senator Stewart; he had personally gone to each member of that body and explained the situation to him. The ditch and canal bill passed the House July 26, 1866, by a two-thirds majority. Thus the first mining laws of the United States were adopted under the strange title of:

AN ACT GRANTING THE RIGHT OF WAY TO DITCH AND
CANAL OWNERS OVER THE PUBLIC LANDS, AND FOR OTHER
PURPOSES.

The members of Congress present at the time declared that the work of Senator Stewart, in convincing the members of the House of Representatives by private interviews of the justice of the cause, was the most earnest and effective ever witnessed.

Julian said that "when Stewart found that his bill was going to be defeated in the House by referring it to the Committee on Public Lands, he resorted to sharp practice," and when the bill finally passed, Julian scored him and referred to "the indecent haste" of Stewart and Conness "in the plot to obtain legislation under false pretenses." Julian, however, was called to order for making "reflections on the Senate."

Briefly, the original National Mining Laws of 1866 gave the "mining locator an absolute deed of quit-claim of all right, title and interest of the United States in and on the mineral lands." The law contained eleven sections and each section protected and defined the rights of the miners. Stewart said that "the (quartz) miner would prize *fee title* above all else."

The escape from complete confiscation of the mines was very narrow and the miners and the mining industry owe Senator Stewart a great deal of gratitude for his unceasing fight in their behalf.

A perfect system of mining laws could not be expected in advance of both experience and development, nor could the demands of the future of the industry provide for the various and complicated situations which might arise in the operations of mining. Thus it was that two supplements to the original mining act of 1866 were introduced by Senator Stewart in 1870 and 1872.

The first one was passed July 9, 1870, which provided for the patenting of placer claims; the second one was a general revision of the original act of 1866. Neither one, however, changed the principles of the first act. The 1872 act limited the miners in certain instances; it conceded the right of miners to make laws for themselves; it defined the extent of a claim; it cheapened and simplified the mode of obtaining patents; and it provided that the mining laws harmonize more with the land system of the United States.

Appreciation of Stewart's efforts in behalf of mining poured in to him. Letters by the dozens were written to him and many of them can be read in the COLLECTIONS OF STEWART PAPERS. He liked the approval voiced by his contemporaries in the Senate when he won these victories. Senator Raymond said:

"Senator Stewart has displayed both courage and judgment in its preparation (mining laws) and has given new proof of intelligent, earnest devotion to the true interests of the mining industry."

From the time of the passing of the first bill, William Morris Stewart has been referred to as "THE FATHER OF THE MINING LAWS OF THE UNITED STATES." Through the years many attempts have been made to revise the original bills and many bills have been introduced in Congress to bring about these changes. But every time they have been introduced, they have failed in passing. Thus the National Mining Laws of 1866 and 1872 remain today the laws of this industry.

It is impossible today, one hundred years later, to appraise the benefits that have accrued to the discoverers and developers of the minerals in the United States and their possessions. Immediately it made it possible for the United States Treasury to begin the redemption of greenbacks into gold and silver. Billions of dollars derived therefrom have been poured into the arteries of trade. With this money cities have been built, railroads constructed, cables laid, banks established and hundreds of industries developed. It is not, however, too much to say that it placed the United States foremost among the nations of the world.

So long as Senator Stewart was in the Senate, he had to defend the principles of free and open mining. This story will be told later in this biography.

SENATOR STEWART AND RECONSTRUCTION

Even before the Civil War was over, measures for Reconstruction of the states in the rebellion had been introduced in the Congress. Senator Stewart took an active part in this legislation. There were two reasons for his interest in it; first, he knew that Nevada had been admitted to support legislation introduced by President Lincoln's administration, and secondly, because of Mrs. Stewart's relatives who had fought on the Confederate side. Her father, Senator Henry Stuart Foote, although opposed to secession, was a member of the Confederate Congress during the War. And her two brothers, W. W. Foote and H. S. Foote, had fought in the Confederate Army.

Almost at once the Foote family, with many relatives in Virginia and Mississippi, was brought face-to-face with Johnson's harsh measures in his Amnesty Proclamation of May 29, 1865, when it excluded persons worth \$20,000.00 or more. This measure deprived the prominent and intelligent Southern leaders, among them Senator Foote, temporarily of their civil rights and any participation in Reconstruction. And they were entirely at the mercy of the carpet baggers and negroes.

When the Civil War was over, Senator Foote attempted to escape through the Northern lines, but he was caught, arrested and held on his own recognizance. Senator Stewart, with the aid of Secretary of War Stanton, urged the release of the aged Foote, and arranged for him to address President Johnson; Foote told Johnson how he held him in great esteem as any other Southerner would, and added that he (Foote) "had four daughters,²² eight grandchildren, and an only brother living on the Pacific Coast," to which place he would go if he were given his freedom.

President Johnson remained unmoved by Foote's entreaties and ordered Stanton to see that he leave the limits of the United States within forty-eight hours, under penalty of being "arrested and dealt with for treason and rebellion against the United States Government." Secretary Stanton ordered General Dix, Commander of the Union Army in New York City, to see that this order was carried out. Foote first went to Canada and later to Europe, spending considerable time in Italy.²³

From the time that Senator Stewart entered the Congress in 1865 until his first retirement from the Senate in 1875, he took an active and conspicuous part in the work of Reconstruction. He was the first Congressman to advance the idea of universal amnesty and suffrage, which he incorporated into a Resolution. On March 16, 1865, he offered this Resolution which required the rebels, themselves, to do those things

²² They were living in San Francisco and Oakland.

²³ Foote returned to the United States after political disabilities of citizenship were removed. He first moved to Tennessee, later President Hayes appointed him Director of Mint at New Orleans.

necessary to restore the States which they had carried into rebellion against the Union.

Two of the provisions of the Resolution were of interest in that they were in anticipation of the Civil Rights Bill and later the Fourteenth and Fifteenth Amendments:

Section 1. All discriminations among the people because of race, color, or previous condition of servitude, either in civil rights, or the right of suffrage, are prohibited; but the States may exempt persons now voters from restrictions on suffrage hereafter imposed.

Section 2. Obligations incurred in aid of insurrection or of war against the Union and claims for compensation for slaves emancipated are void and shall not be assumed or paid by any State or the United States.

Many letters of approval of this Resolution were sent to Senator Stewart and newspapers wrote editorials of praise for it. Although this Resolution was not adopted, the principles embodied in it were finally secured after many years of struggle.

Two of the first bills introduced during the period of Reconstruction and referred to the Judiciary Committee, were the Freedmen's Bureau Bill and the Civil Rights Bill. Stewart disapproved of the former bill. In the first place he thought it conferred too much power upon the commission appointed to enforce it. And in the second place it was modeled after the law giving the Bureau of Indian Affairs power over the Indians. Stewart was entirely acquainted with the dishonest administration of this law.

In the debates on the Freedmen's Bureau Bill, Stewart's Southern sympathy, deepened by the knowledge of how his wife's family was suffering in the South, was forced to defend his stand. This much he did with great courage:

"I have never expressed that sympathy in this hall, but I now confess that I have sympathy for the masses of white people of the South. I have sympathy for the women and children who have suffered under the tremendous war. I have sympathy even for those who have committed these crimes and made the nation mourn. Our duty to punish crime does not deny us the right to sympathize. I have sympathy for erring humanity always, on all occasions; and, since I am charged with having sympathy for the South, without ever having expressed it, I take this early opportunity to express it. I have also sympathy for the widows and orphans of the North that have been bereaved by this terrible contest . . . I have sympathy for the poor negro who is left destitute and in a helpless condition. I am anxious to enter upon

practical legislation that shall help all classes and all sufferers, without regard to color, the whites as well as the blacks."

The Freedmen's Bureau Bill passed both Houses, but Johnson vetoed it. Stewart thought he was right in doing so.

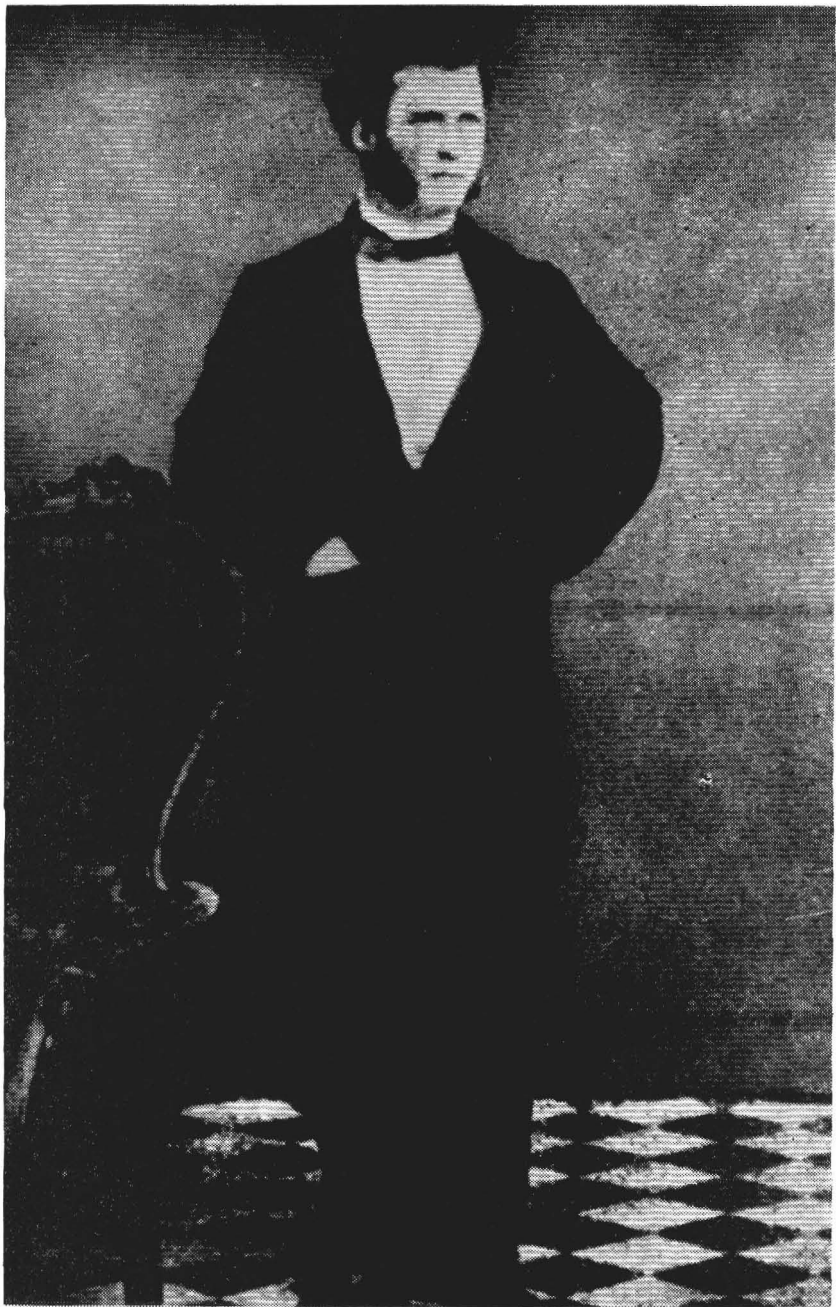
When President Johnson learned that Senator Stewart was opposed to the Freedmen's Bureau Bill and that also his vote was the deciding one, he sent for him on the evening before the vote was taken on his message to Congress asking that his veto be sustained. This much Stewart agreed to do, but *only* if Johnson would *assure* him that he would sign the Civil Rights Bill. The President solemnly *promised* that he would do so "by all that he held sacred."²⁴ The next day the vote was taken, and Stewart *kept* his part of the bargain. A short time later, however, Johnson vetoed the Civil Rights Bill. From that time on Stewart never trusted Johnson; he voted to impeach him when that question came up.

Senator Stewart was unalterably opposed to the Military Bill enforcing the Fourteenth Amendment. He declared emphatically that he would never vote for a bill providing for a military government *per se*. There must be some provision for the ultimate restoration of the rebellious states. The debate on this bill was long and protracted. Stewart led the fight in the Republican caucus to add a provision for reconstruction of the states, and won his fight. He was so convincing in his arguments his opponents could do nothing else. Because of this victory, Stewart had great weight on all matters of Reconstruction.

In the campaign of 1868, General U. S. Grant was elected President. This election also returned a Republican majority in both houses of Congress. Stewart was reelected for a full term and assigned to the same committees he had previously served on.²⁵

²⁴ Representative Horn of Missouri was present when Johnson made his promise.

²⁵ Stewart was unanimously elected by the Nevada State Legislature. He was at first opposed by Charles DeLong but he withdrew his opposition rather than divide the Republican party. In a short time DeLong was appointed U. S. Minister to Japan.



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"GOVERNOR" MARK TWAIN, EXECUTIVE OF "THIRD HOUSE"
CARSON CITY, NEVADA, 1863-1864

MARK TWAIN AND BILL STEWART

On the morning of August 8, 1861, two brothers arrived in Carson City who were to be associated with Bill Stewart for many years to come — Orion and Samuel L. Clemens. The former had been appointed Territorial Secretary of Nevada by President Lincoln, and the latter had come along to be a secretary for his brother. The relationship between the Territorial Secretary and Stewart was a purely political one — Stewart greatly aided the first officials of Nevada in the execution of their duties. But the association of Sam Clemens and Bill Stewart was entirely a different one.

Sam Clemens was to report the proceedings of the Territorial Legislature for the *Territorial Enterprise*, and in doing so he could present politically ambitious politicians in any way he chose. His devastating wit and biting satire made him a person with whom to reckon. Sam was the dean of reporters who gathered informally and had great fun lampooning the eccentricities of the legislators. During the first session of the Legislature, these reporters formed a Third House with Sam Clemens, the governor. In a mock session of this group, the legislators came in for a lot of "kidding." Sam Clemens got in some hard licks against Stewart in satirizing his speeches, especially on the taxation of the mines: Sam Clemens, in the role of presiding officer ruled when a person could speak, and usually sat him down with an hilarious outburst of laughter.

Sam said that when Bill Stewart got the floor and began his long harangue about the poor miner, he addressed:

"Mr. President, I insist upon it, that if you tax the mines, you impose a burden upon the people which will be heavier than they can bear. And when you tax the poor miner's shafts, and drifts, and bed-rock tunnels, you are taxing his property; you are not taxing his substance; . . . you are taxing his hopes; . . . taxing the yearnings of his heart of hearts! . . .

When Clemens could stand these pleas no longer, he slammed down his gavel and exclaimed:

"Take your seat, Bill Stewart! I am not going to sit here and listen to that same old song over and over again. I have been reporting that infernal speech for the last thirty days, and I want you to understand that you can't play it off on this Convention any more. When I want to I will remember it myself — I know it by heart, anyhow—If you can't add something fresh to it or say it backwards, or sing it to a new tune, you have simply got to simmer down for awhile."

Readers of this story will recognize Sam Clemens as the inimitable

Mark Twain. From the two years and nine months he had spent in Nevada, and about the same time he had lived in California, he had emerged the greatest humorist on the Pacific Coast. Indeed, the name, "Mark Twain," which pseudonym he had taken while reporting for the *Territorial Enterprise* in Virginia City, 1863, had reached the eastern part of the United States. From his newspaper articles and lectures on the Hawaiian Islands, he was becoming a national and popular figure.

Before Mark Twain set out on his tour of the Holy Land in June, 1867, he had called on Bill Stewart in Washington, D.C. They had renewed their friendship from old Nevada days. About the time the steamer was to depart, Stewart had written Mark a letter, offering him the position of private secretary, a position he thought would give him sufficient leisure time to write his book, "Innocents Abroad." It was August before Mark Twain wrote Stewart he would accept the position.

During the winter of 1867-1868 Mark Twain and Bill Stewart roomed together at 224 "F" Street at the corner of 14th, Washington, D.C. They took their meals at Willard's Hotel, and Mark established his headquarters with a brilliant newspaper correspondent named Riley, whom he had known in San Francisco.

At this time, Mark Twain had three things on his mind: he wanted to make some money, he wished to secure a government position for brother, Orion, and he wished to write. The matter of being a secretary to a senator seemed to be a secondary matter with him. He did make money, and he did write some excellent articles, but he was not able to obtain a job for Orion.

The secretary arrangement was a brief matter. It was by now impossible for Mark Twain to settle down to any serious business, especially handling the letters he was supposed to write to Bill Stewart's constituents in Nevada. The whole business of government seemed ridiculous to him and he expressed it to his folks when he wrote home that he was "hobnobbing with these old Generals and Senators and other humbugs for no good purpose."

Mark Twain did not last long as secretary to Senator Stewart—about two and one-half months. And the living arrangements were not satisfactory either. Because Mark had to do most of his writings after sessions in Congress were over, and because he did much prowling around late at night, he almost frightened to death the prim old maid who kept the rooming house. She had complained to Stewart, who, in turn, warned Mark that he must reform his habits or else he would thrash him. It is not known what particular incident terminated the association between Bill Stewart and Mark Twain.

That bad feelings were engendered is evidenced by what Mark wrote in articles soon after he resigned: "My late Senatorial Secretary-

ship," "Facts Concerning the Recent Resignation," and other articles. And when "Roughing It" was published, Stewart is pictured in a ridiculous cartoon with a black patch over his eye, supposedly made so by the sound thrashing Mark had given Bill.

SENATOR STEWART AND THE FIFTEENTH AMENDMENT

During the campaign of 1868 there had been a general demand of the people of the United States for further extension of the rights of the negro. With this expression Senator Stewart was in full accord, but Senator Charles Sumner of Massachusetts was violently opposed to it. Stewart wanted a Constitutional amendment, Sumner wished for legislation. This contest between two of the most powerful men in the United States Senate is one of the greatest in all history. The story is too long to tell here. Indeed, it is worthy of a thesis to tell it fully. But the important rounds in the sparring of these legislative giants can be told, since it was one of the most important pieces of legislation Stewart ever introduced during his long and successful career in the Senate.

Before some of the aspects of this contest between Stewart and Sumner are told, it must be said here that Stewart had a considerable advantage over Sumner; President Grant and Bill Stewart had been good friends when Grant was a young Lieutenant stationed in San Francisco in the middle 1850's. They were together frequently and Stewart says in his *Reminiscences* that "night after night we would wander around the City together, visiting games, and saloons and other sights. We had many adventures in those early days, and perhaps I would not stretch the truth in saying that we were a trifle wild. Young Grant drank considerably and he had no advantage of me in this respect."

Senator Stewart and President Grant renewed their acquaintance in Washington, D.C., after the War. And many evenings were spent together talking over old times. In fact Stewart was a confidant of Grant's in keeping him informed of what was going on in the Senate. At least one night in every week during Grant's first term, Stewart was invited to the White House for dinner. After dinner Grant and Stewart would retire to a private room where Stewart would brief Grant on the character and actions of different members of Congress.

The first great contest between Stewart and Sumner came over the adoption of the FIFTEENTH AMENDMENT in the Judiciary Committee. During the days of Reconstruction he was a warm champion of the Negro slave, and long prior to his advocacy of the FIFTEENTH AMENDMENT, he had given many arguments in favor of "Imperial suffrage and universal amnesty."

Senator Stewart felt that the time was right to bring up the FIFTEENTH AMENDMENT while the great popularity of President Grant was still fresh in the minds of the people. At the first meeting of the Judiciary Committee in the Thirty-Ninth Congress, 1869, Stewart brought up the Resolution embodying the principle of the Amendment

and spoke at some length about it. After he had spoken, he moved that the resolutions relating to the Amendment to the Constitution granting equal suffrage without regard to race or color be taken up. Senator Roscoe Conkling, a member of the committee moved that "all resolutions, bills and other matters relating to colored suffrage be referred to the Senator of Nevada." It was unanimously passed.

Stewart then took all the papers relating to the proposed amendment and changed the phraseology to read that:

"The right of citizens of the United States to vote or hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous conditions of servitude."

The committee without suggesting a change of the language, authorized Stewart to report the amendment as read, and further authorized him to report adversely on the many other propositions referred to him.

He had great difficulty in getting the Resolution taken up for consideration, but finally on January 23, 1869, he succeeded in bringing the Amendment before the Senate. The vote was 33 to 9. The discussion was long and elaborate. Senator Sumner, who although greatly opposed to it, would not allow himself to go on record as such. Instead, he used every tactic possible to thwart it; and absented himself on its final passage. After days and nights of struggle and debate, the Resolution passed by more than the two-thirds majority.

When the Resolution went to the House of Representatives, it passed a substitute Resolution in language entirely different to the Senate. A conference committee was appointed with full and free debate. The ultimate of this long discussion, lasting until three o'clock in the morning, was the agreement of this committee to accept the Resolution as Senator Stewart wrote it with the exception of the words "to hold office." And so, William Morris Stewart, the first United States Senator from Nevada, had the distinct honor of writing the FIFTEENTH AMENDMENT as it went into the Constitution of the United States.

During this time, the Nevada State Legislature was in session. Stewart had previously requested the telegraph office in Carson City to remain open that night for an important dispatch. He knew that if the proposed amendment were sent by mail, it would not reach Nevada before the Legislature closed. The amendment was sent by telegraph and repeated back to Stewart for confirmation of its accuracy. On March 1, 1869, the FIFTEENTH AMENDMENT was adopted by the Nevada Legislature, the first one to do so in the United States.

Senator Sumner continued his attack on the Senator from Nevada. This denouncement was particularly spectacular when the vote came up to admit the reconstructed Southern States. Stewart favored the read-

mission of the States of Virginia and Mississippi. Sumner called him a traitor and made long speeches about "his plighted faith" in joining the Democrats in voting for the admission of these seceded States. (Stewart was not the only Senator who courageously allied himself with the Democrats to restore the Southern States to the Union.)

Stewart's attack on Sumner was devastating. Accusations and re-criminations went back and forth between Stewart and Sumner. In the course of the heated arguments, Sumner called Governor-elect Walker of Virginia a traitor. So vilifying was Sumner, Hannibal Hamlin, Vice-president and President of the Senate, called Sumner to order. Never in his proud and important career as Senator had such a disgrace come to him. He was so humiliated he took to his bed in mortification. He could say nothing but "this is too horrible." Although Hamlin said to Senator Stewart, "You were too severe," he came to him afterwards and said that he agreed with him.

The quarrel between Stewart and Sumner was still not over. In July, 1870, Charles Sumner advocated strongly a bill to naturalize the Chinese. Senator Stewart had a hard fight on his hands before he finally defeated this bill. Sumner goaded him, quoted the scriptures, and said that his opposition was inconsistent with the provisions in the Fifteenth Amendment which Stewart had worked so hard to have adopted. Stewart knew the attitudes of the Chinese when he lived on the Pacific Coast where there were at that time some 80,000 of the Orientals who were brought over to America as contract labor by the Six Companies of San Francisco.

However Stewart's chief objection to the Chinese Naturalization bill were the differences in the pagan and Christian religions. The Chinese had no idea of what was meant by a Christian oath. Stewart said he was opposed to the Chinese merchants who imported coolies for contract labor to be naturalized at their (the merchants) dictation to participate in preserving the institutions of the United States.

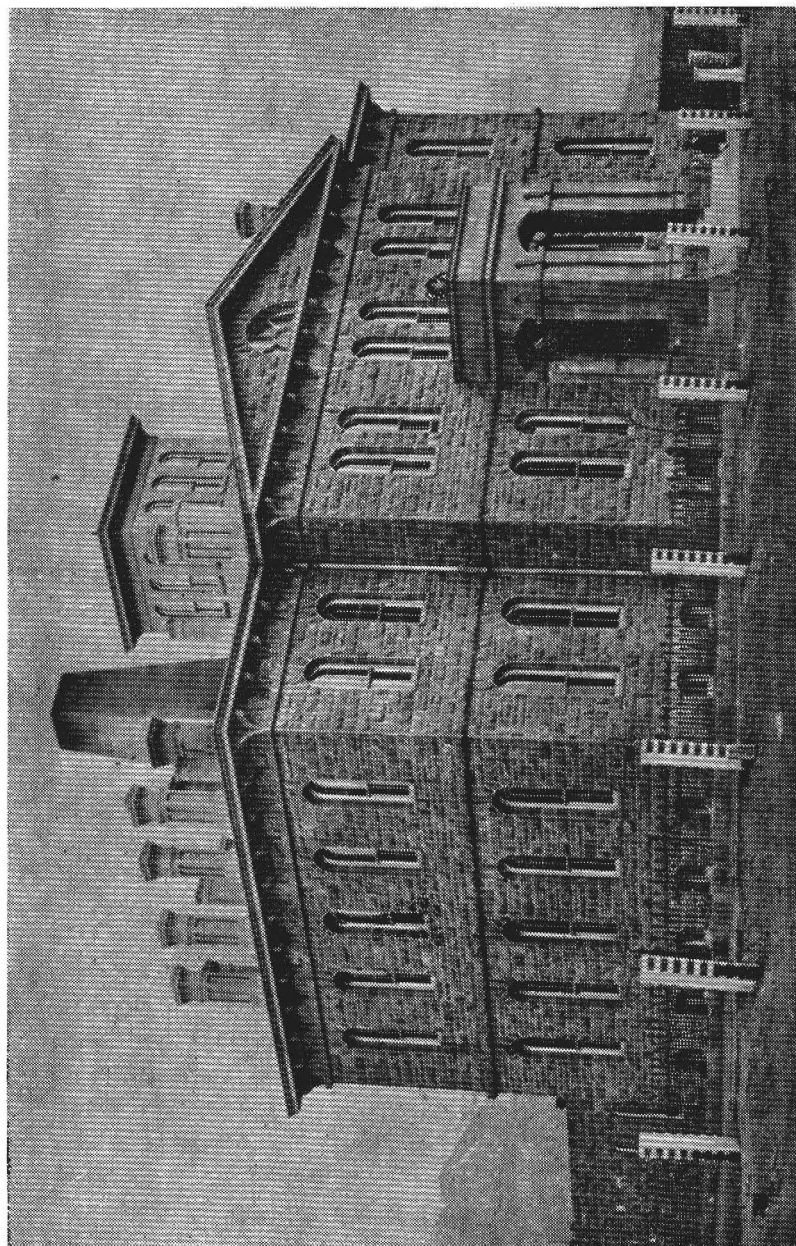
WILLIAM MORRIS STEWART AND THE DEMONETIZATION OF SILVER

With characteristic zeal to do as much as he could to further the interests of his State, and to look after its industries, he and his colleagues, Senator Nye and Representative Worthington, introduced legislation to build a United States Mint in Carson City.

Soon after the arrival of Nevada's first Congressmen in Washington, D.C., a bill was introduced to establish a mint. The bill passed and the Secretary of the Treasury appointed three prominent Carson City residents, Mint Commissioners. It was their duty to find a location, to determine how the mint could be constructed and used for other purposes. Abraham V.S. Curry was appointed the Chairman; and the first papers giving instructions to A. Curry, Superintendent of Construction, Carson Mint, to begin construction, arrived in Carson City, July 17, 1866. The announcement of the arrival of these papers was noted by the booming of a cannon and the ringing of bells. Ground was broken July 18, and the cornerstone was laid by the Grand Lodge of Masons of Nevada the following September 24th. Senators Stewart and Nye were present for this glorious occasion, both made appropriate speeches. It took two years to construct the building which was probably a record for that time. Since the foundation is seven feet below the basement floor and is laid in concrete, and the building is two stories high, it was slow in being constructed. The machinery for the Mint came on November 22, 1868, and it was put into motion in the afternoon of November 1, 1869. However, it was reported that the first coin struck off was a half-dollar piece on January 8, 1870.

The construction of the Carson City Mint was a great boon to mine owners in Nevada. It meant that bullion could be hauled there, assayed, and the values received in coin. It also meant at this time, with the United States monetary policy of free and unlimited coinage of gold and silver, that any citizen could take his bullion to the mint and receive coins in return, less the seigniorage deducted for minting.

All students of the monetary system of the United States and especially collectors and merchants dealing in the sale of coins know of the "ins and outs" on the minting of coins at the Carson City Mint. But what most people do not know is that the law creating and establishing the Mint was never repealed. The discontinuance of minting coins there was the diabolical and disgraceful procedure used by Secretaries of the U.S. Treasury and Congressmen in bringing about legislation for the demonetization of silver, the dropping of the silver dollar in the list of coins to be minted in the Mint Bill of 1873, and the failure of the Secretaries of the Treasury to include the money to operate the Carson



CARSON CITY MINT

Mint in their requests of appropriations of Congress. The Carson City Mint ceased minting in 1893.

It is impossible to give in this abridged account of the life of William Morris Stewart a full account of the campaign against the repeal of the free and unlimited coinage of silver at the ratio of 16-1. It will be sufficient to tell here that the British bondholders had purchased large amounts of United States bonds issued during the Civil War. At the time of purchase, both England and the United States were on the gold standard. And England, having the greatest amount of gold of any nation in the world, wished to retain this position. Fearful lest they be paid in silver which was coming on to the market in great amounts from the silver mines of Nevada and other western states, an International Monetary Conference was called in Paris in 1867 where Senator John T. Sherman, Ohio, effected the passage of a resolution recommending the single gold standard for all nations of the world.

Returning to the United States, Senator Sherman became the champion of the single gold standard. He was supported by American and English banking interests. Senator Stewart, with the masses of the American people and the silver industry, championed the policy of the free and unlimited coinage of silver.

Sherman began his campaign by having the long bill drawn up by the Secretary of the Treasury, revising entirely the coinage system of the United States. This bill, introduced into the United States Senate and referred to the Finance Committee, of which he was Chairman, was six years in going through Congress. During this time, the bill was printed thirteen times by order of Congress and it was considered during five different sessions of the House and Senate. The course of the bill began on April 25, 1870, and ended February 12, 1873, when the Conference bill was passed, and it was said to have become a law without the "yeas and nays" being called for.

In tracing the course of the Mint Bill, it seemed that the silver dollar was included in the list of coins until the summer of 1872 when Senator Sherman, other American legislators, U.S. bankers, and European representatives of the Rothschild banking interests of Rome, London and Paris, paid a visit to the United States. In their western tour they went to Virginia City, Nevada, where they were taken down the mines and were shown the vast vaults of unmined silver, including the newly discovered "Big Bonanza." When the bill was reported on December 16, 1872, Section 16, describing the silver dollar, had been shuffled or juggled out by the clever manipulation of the numbering of the Sections.

The omission of the provision for the silver dollar escaped the notice of the senators and representatives of Nevada and other western



Effie Mona Mack Collection

STEWART CASTLE, CONSTRUCTED 1873
DUPONT CIRCLE, WASHINGTON, D. C.

silver states. It was passed without detection of this omission by other leading members of Congress. President Grant, who later declared he did not know that the bill omitted the silver dollar, signed the bill at once.

A comment to be made here relates to Senator Stewart and his colleagues who were completely defrauded in the omission of the dollar. There is no doubt but what these representatives should have read the bill every time it was amended and reprinted, but there is such a thing as "political honor" and when Senator Sherman was asked if there be a dollar in the bill, he said "the bill does provide for a dollar which will float all over the world." The dollar he was referring to was the TRADE DOLLAR which could not circulate in the United States, but was coined at the request of western merchants to compete with the Spanish and Mexican dollar in trade with the Orient.

The first time that anyone was aware that the dollar had been dropped was when the Superintendent of the Carson City Mint was given orders in 1875 to buy less silver for this purpose. The fraud was detected and the whole deal called "The Crime of '73" by Senator Stewart. Silver began to decline in price from \$1.29 an ounce; it continued to decline each year thereafter until 1895, when it reached an all time low of fifty cents. And with the decline of silver came the decline of the population of Nevada and its revenues.

Senator Stewart retired from the Senate in 1875, but when he returned in 1887, he began his fight for the remonetization of silver, which he kept up until his second retirement in 1905. This story will be told later.

After Mrs. Stewart and two daughters, Bessie and Annie, returned to the United States after having spent two years in Paris, two years in Germany, and two years in Rome, she and the Senator erected "Stewart Castle" in 1872 on what was known as Dupont Circle in Washington, D.C. The Senator and some associates purchased a large tract of land in that vicinity and because several of them were mining men from the West, and because Stewart had fathered mining legislation, it was referred to as "The Honest Miner's Camp." This home was truly a magnificent one — five stories high and 80 feet from the street floor, it contained many rooms. Mrs. Stewart purchased much of the furniture in Europe. Her salon was sixty feet long, was furnished in old Florentine style, and upholstered in Beauvais tapestry. The ball room, often used, (both the Senator and Mrs. Stewart loved to dance) was seventy feet long and furnished in teak wood carved in China. The stable and servants' quarters (mostly negroes) in the rear of the Castle were extensive also. The Stewart home was the center of social activity and they loved to entertain. Mrs. Stewart inherited considerable of her



Nevada Historical Society

ANNIE ELIZABETH FOOTE STEWART, WIFE OF WILLIAM MORRIS STEWART,
IN RECEPTION SALON OF THE CASTLE, WASHINGTON, D. C., 1873

father's repartee and because she spoke so many languages fluently, many foreign diplomats were included in their guest lists.

In 1875 Senator Stewart decided to retire from political life and resume private law practice. When President Grant learned that Stewart was not going to run again for the Senate, he offered him a seat on the Supreme Court of the United States. Stewart said that he appreciated the honor greatly but that he preferred the excitement of the court room to the quiet and studious life of a Justice.

And then in 1871, an International scandal broke in which Stewart was involved. It will be remembered that Mrs. Stewart and their two daughters, Bessie and Annie, had gone to Europe in 1865, spending two years in France, two in Germany, and two in Italy. They learned to speak the languages of these countries fluently. Most of this time they were also with Henry Stuart Foote, Mrs. Stewart's father, who was exiled from the United States after the Civil War.²⁶ When President Grant pardoned ex-Senator and ex-Confederate Foote, he returned to the United States. In 1871, Stewart went to Europe and visited London where he bought the Emma Mine of Utah for \$150,000. The story of this mine and its operations does not belong here, but suffice to say Stewart was involved in the flotation and promotion of the stock, in which a great many people lost considerable money.

Mr. and Mrs. Stewart had leased The Castle in Washington, D.C. to the Chinese Embassy before returning to San Francisco, where he opened his law office and took in Peter Van Clief, his former Downieville, California, law partner. Stewart practiced also in Nevada and Arizona, and mined in California and Mexico. William F. Herrin was their law clerk, but soon he was admitted to the bar, when he was made a part of the firm of Stewart, Herrin and Van Clief, one of the best in the city. Their clients were among the most influential people—Senator and Mrs. Leland Stanford, John W. Mackay, W. E. Sharon, and Charles Lux of the firm of Miller and Lux; the Central Pacific Railroad, the Nevada Bonanza firms, the Spring Valley Water Company, and other Western corporations employed their firm as counsel.

Stewart could not, however, let the mining game alone. Once he was back in the West, he plunged into the purchasing and developing of mining properties for the next ten years. His first fortune had come to him in the 1850's in mining and he had made and lost several more fortunes in the following 25 years. One of his first ventures in 1876 was with his old friend, Senator John P. Jones, Gold Hill, Nevada, in the Panamint Mountains, on the edge of Death Valley, California, but a hundred miles from civilization.

In one of the few ravines in the Panamints there was an old silver mine which had been prospected and worked from time to time. Because this area with grass and water was so far from civilization, it was an excellent hideout for renegades and bandits. These outlaws, always too lazy to work themselves, laid in wait for someone else to do the work. Then they would collect their share of the profits by taking them away from the legitimate workers. They were willing to sell out to Jones and Stewart.

²⁶ When the family came home from Europe, the Senator built Stewart Castle, 1872.

WILLIAM MORRIS STEWART RETURNS TO LAW PRACTICE

1875-1885

The political affairs of the Territory of Nevada during the first five years of its history were almost entirely in the hands of William Morris Stewart. Indeed, he was practically a dictator during these years. When he was elected to the United States Senate in 1864 a multimillionaire, other leaders came forth to take his place and to make their mark and their fortunes in Nevada. Few people saw in William E. Sharon, San Francisco, who was sent to Virginia City, Nevada, to set up a branch of the Bank of California in that year, a successor to the brusque-frank-outspoken domineering Stewart.

It would seem at first that Sharon was the antitype of Stewart, but that was not the case. Although he was small, compactly built, quiet in manner and reserved and formal to the point of coldness, there were points of similarity. Both men were of strong will, positive opinions and prompt in action. They were both capable of forming large plans and were alike, fertile in expedencies. Stewart and Sharon got things done, albeit they executed their projects in a different manner. Stewart was impatient—bold and reckless—while Sharon waited coolly, though not sluggishly until, in his judgment, the time was ripe for action. Stewart was by nature a leader and a dramatist; Sharon was a director and strategist. The lawyer was always in the foreground; the financier was in the front or rear, as best suited his designs. The former may sometimes be blinded by passion in his own interests, but the latter was never so. He always saw everything clearly as best suited his needs.

James W. Nye served his allotted two years, 1865-1867; he was re-elected for one term, 1867-1873, and he wished to be elected again but new titans had taken over. John Percival Jones, popular mine superintendent, and most successful in his Comstock Lode investments, wished to go to the Senate and he was willing to spend any sum of money to get there. He defeated Nye, who lived only three years longer.

Stewart did not wish to get into the W. E. Sharon-Adolph Sutro fight, 1874-1875. Always reckless with his own expenditures, he was also most indulgent with his family. He needed to recoup his fortune which he intended to do by resuming active law practice and by entering the mining field again. Besides, the Sutro faction would be against him. He had at first backed Sutro in his Sutro Tunnel project; indeed, he had incorporated the company and had been its first president. However, after the most prominent mine owners on the Comstock had opposed his scheme, Stewart turned against it, too.

Active work began on the Wyoming and Hemlock, as these mines were known. Shafts were sunk and an expensive quartz mill and reduction works were erected. Since the ore deposits were called "pipes," which extended but a few feet in depth or in any direction, they did not yield much ore. However, out of these pipes about a million dollars were extracted, and had there been a few more of these rich pockets, the owners would have had all of their money back and a profit besides. As it was, the Wyoming and Hemlock involved a heavy loss to the investors.

There would also have been a much heavier loss if the outlaws who hung around the mine waiting for the bullion to be ready to take out had succeeded in stealing it. Knowing that these bandits could dispose of their loot to "bootleg" assayers, Stewart and associates hit upon a scheme to prevent this steal. They had some large moulds made in which a ball of silver, weighing 750 pounds, could be run. Then they smelted the ore, reduced the concentrates to bullion and ran out the enormous silver cannon-balls.

When the former bandit-owners saw what the mine owners had done, they were greatly agitated and remonstrated with the owners. Stewart said they could have them if they could carry them away. Well, "half a dozen of them pried, and tugged, and strained, and grunted, trying to hoist one of them on a mule, but that made the mule mad, and by and by he took a hand in the proceedings, and made those outlaws feel pretty sick, and after that they gave it up, and while we (the owners) were loading five of the silver cannon-balls on an immense freight wagon, they sat around disconsolately and solemn, like pall-bearers at a funeral." So, this venture of Stewart in the Panamints was not successful.

One of Stewart's large investments was in the Oneida Mine, Amador County, near Jackson on the Mother Lode. He paid \$100,000 for the mine. When he went up there to look over his purchase, he said to the workmen that if any man could not do the work he could do, (Stewart could do the work of three men) he would lose his job. There was scarcely a man left.

He put his brother, Samuel de Count Raleigh Stewart, in charge of the mine. While he was up there, Mrs. Stewart came up for a visit in 1873. At this time their third daughter, Mary Isabelle "Maybelle" was born. But this mining venture was similar to others in which Stewart invested heavily. He could not spend the time from his law practice and other activities to make it pay. He sold out very cheaply. The Oneida Mine was a good gold-quartz mine; it was worked successfully for some years thereafter. Some of Stewart's mining exploits took him far afield of his law office.

One of the most bitterly fought mining suits that ever engaged the attention of Stewart and associates was one that arose over a dispute in Eureka County, Nevada, the Albion vs. The Richmond. A battery of capable lawyers were arrayed against Stewart; they fought hard all of the way. The suit was contested in the State court of Nevada and carried to the United States Supreme Court. Although Stewart finally won the suit, he said, "It was a costly one." While he was in Eureka he made some friends who came into his later life—George Cassidy and Charles C. "Black" Wallace.²⁷

Newly discovered mining camps always had their quota of mining suits: "The Bodie Excitement" was not the exception. Stewart was employed by so many firms in that camp, he spent a good part of 1879-1881 trying suits involving property there. Although Bodie, more than 8,500 feet in altitude, was not the county seat, he spent most of his time in that city. From all accounts of his contemporaries in Bodie, and from men who were there during the height of the excitement, the reputation of this mining camp was notorious. A man for breakfast, meaning at least one man was killed every night in some brawl, was the commonplace event.

From the pen of Grant H. Smith, who was a young lad of fifteen years and the only messenger boy for the local telegraph office at that time, one gets a good word picture of this camp, also of William Morris Stewart. Smith described Stewart as he saw him when he delivered messages to him. He said that he towered above everyone else, always walked about alone, and moved "like a cathedral."

Other mining suits took Stewart to Tombstone, Arizona, during its most exciting times and during the reign of the "Clantons and the Earps." While there, Stewart and others went prospecting in the surrounding country and he was present in the little town of Wilcox when the first Southern Pacific train went through. It was a great occasion, he said, and all the cowboys and settlers for miles around came to gape and to stare at the new means of travel. On board the train were the railroad officials and a number of other dignitaries. When the train came to a stop, many of them came out to take a look at the scenery, among them a clerical-looking man with a "stove-pipe" hat. When the cowboys saw that headpiece, it took them just six seconds to get the drop on it. The passenger dashed back into the coach and hid under a seat until the train left. Stewart's law suits in Arizona were so complicated in nature, he told the litigants that the mines involved would be exhausted before the suits were settled. He suggested consolidating them. Drawing up

²⁷ Cassidy was elected to the House of Representatives from Nevada, 1880-1884; Wallace was employed by the Central Pacific Railroad to handle their affairs in Nevada, especially in the State Legislature.

papers for this purpose and having both sides agree to the proposals ended trouble in the courts.

Hearing of a rich discovery in Sonora, Mexico, Stewart and others organized a prospecting trip into an old mining camp. But mining in Mexico was entirely different to that in the United States. And after prospecting for several days, they concluded they didn't want mines in Mexico. During his life time Senator Stewart had large personal holdings in mines and many of them could have given him a fortune had he had the time to devote to their operations. However, in several cases he had to sacrifice them at great losses because they conflicted with his official duties.

By 1880, the first great mining excitements in the Western States were over, the important mining suits were resolved, and the mines were being worked. The litigation which had brought millions of dollars to lawyers engaged by mine owners was practically over, too. There were, however, other civil suits to engage their attention. The most celebrated one was Sarah Althea Hill vs. William E. Sharon. Sharon, who had been elected to succeed Stewart in 1875, and who had actually not been present in Congress during the first year of his term, had more important things to do than to sit in Washington, D.C. The great Bank of California suspended payments August 26, 1875 and the next day the lifeless form of William Chapman Ralston, the President of the Bank, was picked up on the ocean beach. Sharon, partner of Ralston, rushed to San Francisco to resolve the affairs of the banking institution. In the settlement Sharon received the handsome home, Belmont, which Ralston had built down the peninsula from San Francisco, and which he had furnished lavishly. Since Ralston had often used the home for business deals associated with the Bank, Sharon continued the practice. The Palace Hotel had also come into Sharon's hands and Belmont was considered an adjunct of this hostelry. Sharon, a widower, and over sixty years of age, put Sarah Althea Hill, a strikingly beautiful young woman, in Belmont, as hostess at Belmont.

Soon, Sarah Hill would have enough of Sharon and left him; she had produced, however, a written contract of marriage. Sharon brought suit to set aside the alleged contract while Sarah countered for a divorce and alimony. Because Sharon was a resident of Nevada and Miss Hill lived in California, it gave United States Courts jurisdiction over the suit. Miss Hill's leading counsel was David S. Terry, who had killed Broderick, and later had come to the Comstock and opposed Stewart in 1860. Stewart did not come into the legal picture for Sharon until several suits and counter suits had been brought, declaring the marriage contract a forgery.

²⁸ Later Stewart acquired interests in mines in Zacatecas, Mexico.

It was the handwriting that Stewart employed as his strongest arguments that the contract was a forgery. He applied the most searching analysis and cold logic to Sharon's signature; he examined each up stroke, each down stroke, each terminal and each change in the writing, and then he had each one photographed and then compared with a quantity of genuine ones. The proceedings in the Sharon vs. Hill case reads like a racy novel and so do the printed arguments used by Stewart. He was most polite to Miss Hill in his cross examinations, but his irony was said to be so "cutting" it exasperated her to the point where she threatened to shoot him. There were many inaccuracies in her testimony which she said was due to her "faulty memory."

During the course of the trial she had consulted Mammy Pleasant, a notorious San Francisco fortune teller, for a charm to win or kill Sharon, and she had tried to bribe his Chinese valet to gain access to his rooms, and to poison his food. Some of her witnesses were sent to prison for perjury. Stewart brought out forcefully that "no wife would have acted so." The trial in the Superior Court covered 80 days of actual trial.

Meanwhile Senator Sharon died November 13, 1885, and Miss Hill married Judge Terry. In December, 1884, the Court gave the verdict to Miss Hill and allowed her \$7,500 for back alimony, \$2,500 a month thereafter, and counsel fees. Sharon's heirs tried in vain to have the verdict set aside and in 1888 the old suit in the Circuit Court was revived, and came before Judges Field, Sawyer and Sabin. (It will be remembered that Terry had been a member of this court.) Terry and Sarah threatened trouble; they came into the court room armed, had to be disarmed, removed from the court room, and imprisoned for contempt of court. On July 7, 1889 the verdict reversed the State Supreme Court, and in March, 1892, Mrs. Terry was adjudged insane, and her husband was appointed her guardian. But his appeal, however, was dismissed.

The following year Judge Field, with David Nagle, a Deputy Marshall, was traveling over California on judicial business and just happened to be in the town of Lathrop when Judge Terry entered the dining-room. He saw Judge Field, walked up to him, and slapped his face. Marshall Nagle jumped up and shot Terry dead. Nagle was freed on the ground he was protecting the Justice from an angry man. Thus ended the Sharon vs. Hill²⁹ case but some ten years later David Nagle was appointed a body guard for Senator Stewart in the heated campaign in Carson City in 1898.

(Mr. Stewart however, had closed his law office in San Francisco in 1885 and had had no further proceedings in the case. Mr. Herrin had continued to handle the case with skill and ability).

²⁹ Sharon spent one year in the Senate. He was absent for almost five years of his six year term. James G. Fair, one of the big four of the Bonanza firm, succeeded him, 1881-1887.

WILLIAM MORRIS STEWART RETURNS TO THE UNITED STATES SENATE 1887-1905

Senator Stewart returned to Carson City, Nevada, in the summer of 1885 and bought a home at the southwest corner of Robinson and Minnesota Streets. He remodeled the house into a much larger and more spacious one and landscaped the garden, planting trees, shrubs and flowers. By June 22, the following year, the Senator and his wife were ready to entertain. The *Morning Appeal* stated that they had an old-fashioned house-warming where "there was feasting, music, and everyone had a good time. The guests were all made to feel very comfortable and at home. All who had paid their respects to the ex-Senator and his wife since the new house was built, were invited."

It was generally known, and the newspapers so stated, that the Senator had come back to live in Nevada again so that he could run for the United States Senate. John W. Mackay had urged him to do so, and had come to Nevada and announced that he was backing Stewart against United States Senator James G. Fair, who wished to succeed himself in 1887.

One of the main reasons why Stewart wished to return to the Senate was to rectify the "crime of '73," which had been responsible for the clandestine dropping of the silver dollar from the list of coins in the Mint Bill of 1873. Fair accused Stewart of voting for this bill, which Stewart never denied, but always stated that there were many other prominent men who did likewise. Fair also attacked Stewart's private life, for which the latter offered to debate him on the stump. Stewart promised the people of Nevada that if he were elected he would prove that the crime of demonetizing silver was *unknown* in the Senate, and that it was the work of a secret conspiracy led by Senator John T. Sherman, Ohio. Stewart was elected in January, 1887.

In addition to the desire Stewart had to try to remonetize silver, there were a number of other problems in Nevada for which he wished to introduce legislation: irrigation of the arid lands, better education, the American Indians, indebtedness of the Pacific Railroads to the United States, and some laws for furthering the reconstruction of the Southern States.

It was stated in a previous section of this story that the fraud of the "crime of '73" was not detected until in 1875 when the United States Mints were instructed not to buy more silver. At once the silver mine owners, who by this time were situated in many of the Western States, began to look into the Mint Bill. The first legislation to remonetize silver was introduced by Richard P. "Silver Dick" Bland, Representative of Missouri, who had lived in Nevada during the discovery period

of the silver excitement. He and Senator Stewart were good friends at that time. Indeed, he was one of the lawyers to examine Bland when he asked to have a license to practice law in Virginia City, Nevada, and had signed his license.

The bill, sponsored by Bland and Senator Allison, Iowa, and known as the Bland-Allison Act, 1878, provided for the free and unlimited coinage of silver at the ratio of sixteen parts of silver to one part of gold. This law provided for the United States Treasury to purchase \$2,000,000 to \$4,000,000 worth of silver to be coined into silver dollars. It was this law which Senator Stewart wished to replace with a free coinage law when he returned to the Senate in 1887.

Senator Stewart held the theory that the expansion of the currency was necessary for prosperity. From 1887 to 1893 the greatest efforts of his life were directed toward obtaining the free coinage of silver. He believed, however, that the ideal currency should not be based upon a metallic standard alone, but rather it should be based upon the production of one or more metals, merely fiat money, irredeemable paper money made legal tender by law, or a mandate to pay, represented by certificates. Such a currency would be entirely dependent on the credit of the Government.

On December 15, 1887, Stewart introduced a bill to restore silver to its place as a money metal; he made an extensive speech about the bill at this time. The bill, referred to the Committee on Finance of which Sherman was the Chairman, slept, but Stewart continued to bring up the bill and the question of silver on all occasions. It was at this time that Stewart made John T. Sherman "wear a hair shirt." Point by point, Stewart proved by quotations from Sherman's speech on the bill to codify the Mint Bill of 1866, from which the silver dollar was omitted, and by which silver was demonetized, that Sherman, chairman of the Committee on Finance, deceived the Senate. Sherman told the Senators that there was a "silver dollar" in the bill. To be sure, there was a silver dollar in it, but the dollar provided in the bill was the TRADE DOLLAR.

Senator Sherman tried, in vain, to prove that there was no deception, and among many other things, he said "the dollar provided for by this bill (Mint Bill) is the precise equivalent of the five-franc piece." The more Sherman attempted to explain, the more entangled he became, until Senator Stewart said, "The question is what you *did* say, not what you now *think* you *meant* to say." Stewart also proved from the CONGRESSIONAL RECORD that Mr. Hooper, chairman of the Committee on Coinage, Weights and Measures in the House of Representatives, also deceived that body.³⁰

³⁰ Senator Stewart led the fight in the National Republican Convention in June, 1888, to prevent the nomination of Senator Sherman, President of the United States.



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HONORABLE WILLIAM MORRIS STEWART
UNITED STATES SENATOR OF NEVADA

The fight for free silver coinage was continued by the silver Senators of the West. The debates and speeches on this subject are long and technical. Finally on July 14, 1890, the House of Representatives passed a free coinage bill. Apparently the Senate was in favor of the bill, but when the Committee on Finance discussed the bill a substitute one, which came to be known as the Sherman Silver Purchase Act, was reported and passed.

Briefly this bill instructed the Secretary of the Treasury to purchase, from time to time, silver bullion in the sum of four million five hundred ounces . . . at the market price . . . and to issue Treasury notes of the United States in payment for such purchases of silver bullion in denominations of not less than one dollar, nor more than one thousand dollars.

The readers of this fight for free coinage, made by the Senator from Nevada, will recognize that these one dollar bills in circulation today and ever since 1890, are the ones which are now being called in and retired completely. And the pure silver bullion purchased between 1890-1893 under this act and stored for the redemption of these Treasury notes, is now being used for other purposes. (Not only are the metal silver dollars fast disappearing, but also all the silver certificates for which one could demand silver coin.) The story of the repeal of the Sherman Silver Purchase Act will be told later.

While the silver bill was engaging the attention of Congress, another important bill was urged by President Benjamin Harrison, who wished to have the Federal Government control all elections, local and national. To this end Henry Cabot Lodge of Massachusetts, then a member of the House, introduced a bill June 14, 1890 to amend the Federal election laws. Debate and amendments were offered to this Election Bill, popularly called the Force Bill. It provided that under special officers, appointed by the President of the United States, all elections to be held under the military forces of the National Government. This long bill was also ambiguous and sweeping in its provisions. Even the Congressmen confessed they did not have a full and real knowledge of it.

Senator Stewart, who had been a friend of the Southern States from the days of Reconstruction legislation, was most opposed to the Force Bill. The bill was debated in both Houses of Congress and was ready to be voted upon on January 22nd, 1891. Stewart canvassed the Senate and found there were just enough Senators paired in favor to carry it by one majority without the vote of Senator Leland Stanford, California. Stanford had gone to New York which was temporarily cut off by telegraphic communication from Washington, D.C. by a violent snow, hail and rain storm. Before Stanford had left, Stewart had told him he may wish to pair him, but the bill came up without Stanford's pair. So Stewart resorted to strategy.

On the afternoon of the day the Force Bill was to come up, Stewart overheard a conversation in the cloakroom that Senator Nelson Aldrich, in favor of the bill, was going to New York and was to leave at five o'clock. Stewart had every reason to believe that Aldrich was going for the purpose of getting Stanford to vote for the Force Bill. Stewart and Aldrich were on the same train, but as the train neared New York City, Stewart went into the baggage compartment and told the baggageman he wished to have the fastest team possible to take him to the Windsor Hotel. With generous tips, the team did take the Senator to the Hotel in quick time. Upon arriving there he found that Senator Stanford had been in a severe cab accident and could see no one. However, Stewart explained his mission to Mrs. Stanford, who had heard the previous conversation with Stewart over the possible pairing of the two Senators. She called Senator Stanford's Secretary and dictated the following dispatch:

"Pair me against the Force Bill and all matters connected therewith.

(Signed) Leland Stanford"

Stewart requested the Secretary to go downstairs with him and when they reached the office floor, they met Senator Aldrich at the elevator, going up to see Senator Stanford. Stewart told him he was too late, and the Secretary showed him the dispatch. And thus the Force Bill was defeated. If it had passed it would have meant that United States soldiers would have been stationed at every election held in the Southern States.

In the days of Reconstruction and following, it will be remembered that Senator Stewart had tried to prevent discrimination against persons who had participated in the Rebellion. He had known personally and politically how hard the Southerners had striven to restore their economic and political status in the Union. So, when Lucius Quintus Cincinnatus Lamar, member of one of the most distinguished families, was nominated by President Cleveland in 1888 as Associate Justice of the Supreme Court of the United States, the Judiciary Committee found him well qualified for this appointment, but it did not wish to confirm him because he had been an officer in the Confederate Army during the Civil War. Senator Stewart was in favor of his appointment, and published an open letter stating so. In it he gave a full account of Mr. Lamar's activities after the war was over. He had accepted every penalty imposed upon Southerners, he had taken the amnesty oath, he had been restored to full citizenship by a two-thirds vote of Congress, and he had worked diligently to have Southerners unite with the North in every way for the benefit of the country.

The debates on the nomination of Mr. Lamar were bitter. The Senate was almost evenly divided between the Democrats and the

Republicans, with the former having two in the majority. Again, through persuasion of Senator Stewart, Senator Stanford was convinced that L.Q.C. Lamar should be confirmed as a Justice of the Supreme Court, and he was. And the last attempt to thwart the full reconstruction of the south was ended by this action.³¹

Although the Sherman Silver Purchase Act gave some relief to silver mine producers, it didn't begin to absorb all the bullion that was offered. The silver Senators continued their fight for the free and unlimited coinage of silver at the ratio of 16-1, or 412.5 grains of silver to 23.8 grains of gold. Because so much silver was offered for sale, the price of this metal continued to decline until it reached the all-time low price of fifty cents. And while this abundance of silver was being offered, Gresham's Law was operating against it: "Cheap money drives good money into hiding." Under the Sherman Act, gold could be exchanged for silver and hoarded. During the time silver was declining, the prices of agricultural products were also declining, wages were going down, unemployment was increasing, and hard times were being experienced everywhere, especially in the South and West. The silver Senators maintained, along with those from the agricultural states, that these conditions were caused by the scarcity of money. What was needed was the free and unlimited coinage of silver! The gold standard advocates, or hard money men, maintained that it was the endless chain of exchanging gold for silver that was causing hard times.

By 1890 the leaders of the farmers and silverites were convinced that their salvation lay in the formation of another political party. The Populists or People's Party consisted of voters from both major parties. And the State of Nevada, now down to some 42,000 people in population, went for James B. Weaver from Iowa, Presidential candidate on the Populist ticket. This party had included a plank in its platform for the return of silver to full use. Senator Stewart was reelected on this ticket without ever returning to the State. And for not doing so, he was referred to as "the carpet-bagger from the little State of Nevada."

Although Nevada gave the Populist a majority in 1892, the leaders of the major parties, in sympathy with the silver mine owners, did not wholly subscribe to the Populist platform. At a meeting of the leaders of Nevada State Press Association in Dayton in the above year, it was suggested that another third party be created with the main provision of free silver in its platform. In Nevada as elsewhere there were Silver-Democrats and Silver-Republicans, likewise Gold-Democrats and Gold-Republicans, with the Silver Democrats having the majority.³²

³¹ The reader will note some of the shades of the Force Bill and the confirmation of Mr. Lamar for Justice still prevalent in the integration laws and the activities of full Civil Rights for the negro.

³² From 1892 to 1906 the Silver-Democrats elected most Nevada officials.

By 1893 the nationwide business depression was rapidly reaching its lowest point. In less than six months four hundred banks failed, eight thousand businesses failed, and many railroads went into receivership. This panic, lasting four years, was one of the worst the nation had ever experienced. The fear that the Government could no longer maintain the gold standard was one of the worst contributing factors to panic conditions. Many gold standard leaders said that the chief cause of the depression was the obnoxious Sherman Silver Purchase Act, and President Cleveland was convinced of it also. Accordingly, he called Congress at once into special session and requested the immediate repeal of this Act. The silver Senators went into this fight with a determined resolution to prevent it. By every stratagem of parliamentary tactics Stewart sought to prevent the vote from being taken on the repeal bill. On one occasion he spoke constantly and never left his seat for 46 hours. The repeal was successful, but the gold supply kept diminishing. Every student of American history knows that the credit of the United States was saved only by the heroic action taken by President Cleveland when he offered many millions of dollars of United States Bonds to be purchased in gold.

The repeal of the Sherman Silver Purchase Act in 1893 was costly to the State of Nevada in another way. When the Secretary of the Treasury presented his budget for the operation of his Department and its affiliated institutions, he did not include a sufficient amount of money to keep the Carson Mint open. It was converted into a United States Assay Office where only bullion was purchased.³³

When President Cleveland nullified the Sherman Silver Purchase Act by refusing to consider it mandatory to buy silver, Senator Stewart assailed him bitterly in the Senate and in the public press.

In June, 1891, Mr. Nicholas Biddle, editor of the *New York Telegram*, offered to throw open that paper to a debate to all comers for and against silver. Mr. Stewart said he would challenge the World and a series of articles were written by him—the first one appeared June 20, 1891. Stewart went to New York City and stayed at the Holland House. All day long he was seen about the city and at meals he was at Delmonico's Restaurant, always at the center of a group of prominent New Yorkers.

Every few days in the *Telegram*, articles appeared against silver by Andrew Carnegie, Henry Clews of Wall Street, John Jay Knox, ex-comptroller of the Treasury, Theodore W. Meyers, Comptroller of New York City and many others. Without a day's delay, every time in the

³³ The Carson Mint remained an assay office until 1933 when this branch of the Treasury Department was closed. It was then used by the United States Government for an office for the W.P.A. activities in Nevada. In 1939 it was sold to the State of Nevada and made into the Nevada State Museum.

next issue, appeared an article by Senator Stewart ripping up his opponent's argument. His friends and opponents were astonished at the length and composition of his articles. They did not know how he found time to write them, as from morning until late at night he was always seen about town. As a matter of fact his flow of ideas and his rapid fire English were so great he could dictate them to his Secretary in a few each night before he got into bed.

This debate went on well into the winter of 1891-1892. A good description of Senator Stewart was given by the *New York Press* when he arrived once:

"Senator Stewart of Nevada took New York by storm yesterday, or rather as much of New York as saw him sally forth and walk down Broadway enveloped in a huge fur overcoat of silver gray foxskins trimmed with buffalo cuffs and collar. The senator is six feet in height. The coat reached to within two inches of the sidewalk. He has an erect bearing and has the white whiskers of a patriarch, so that his appearance was picturesque in the extreme."

Mr. Biddle awarded the victory to Senator Stewart, but said that his views were all wrong. The victory, grudgingly granted, was won, Biddle said, because no one of equal ability had appeared to meet him.

In addition to his work in the Senate, Senator Stewart carried on a most aggressive popular educational campaign in behalf of silver and the expansion of the currency. He purchased and combined two newspapers, *The Silver Knight* and the *National Watchman*, known as the *Silver Knight and the Watchman*, in Washington, D.C. in 1891. In each issue on page one there was a pointed cartoon, drawn under his direction, and illustrating some important point of the campaign. This paper was published until the second defeat of William Jennings Bryan in 1900. Stewart had a considerable staff of persons to publish this paper. It was never a paying proposition and he lost a great deal of money in keeping it going.³⁴

However, his book, "The Functions of Money" was the most important publication he ever wrote. He considered it his greatest effort in behalf of the white metal. In addition to the hundreds of pages printed in the CONGRESSIONAL RECORD of his speeches,³⁵ he wrote the book, "Silver and the Science of Money."

After the two oldest daughters of Senator and Mrs. Stewart were married, Bessie to Captain R. C. Hooker, and Annie to Thomas C. Fox,

³⁴ Newspapers all over the United States and in many foreign countries carried articles written by him or about him. A comment on these articles is to be found in the "Critical Essay" at the end of this article.

³⁵ It would take several volumes the size of a bound CONGRESSIONAL RECORD to contain all of them.

Mrs. Stewart and their youngest daughter, Maybelle, began leisurely a trip around the world in 1889, which lasted two years. They visited China, Korea, Japan, Java, Greece, Palestine, Egypt and Constantinople. During their absence "The Castle" was leased to the Chinese embassy from 1886-1894. When the Chinese gave up the house, the Stewarts found that the house and its contents had been greatly abused. Bedsteads had been destroyed by burns from opium-pipe smoking, fish and other Chinese foods had been cooked in the bathrooms in open braziers, and the handsome original furniture had not been kept in repair. The damages were estimated at \$30,000; the Senator made a claim on the Chinese Government but at this time the Chinese throne was tottering, and the Stewarts settled for \$3,000 as better than nothing at all.

SENATOR STEWART AND IRRIGATION

When Senator Stewart returned to the Senate in 1887, he resolved to do something about the reclamation of the arid lands of the west.³⁶ Nevada ranchowner constituents had written many letters to him telling him of their problems, how to get waste water to waste lands. In his study of how ancient civilizations in Africa and Asia had sustained thousands of people by irrigating vast areas with conditions similar to those of the western part of the United States, he was convinced that it could also be done here. These Nevada ranch owners had fared well during the mining era, approximately from 1850 to 1880. After the decline of the mines, however, there was little or nothing to sustain these settlers.

The first step taken by Senator Stewart to implement his ideas on irrigation was to introduce a Resolution in the Senate in 1887 to create a Committee on Irrigation. This Resolution was adopted and a similar one was passed in the House of Representatives.³⁷ Senator Stewart became the first Chairman on Irrigation in the Senate which included western and southern congressmen.³⁸ It was early decided by the Committee on Irrigation that a complete survey must be made of possible reservoir sites on the Public Domain; \$350,000 was appropriated by Congress for this purpose.

Major J. W. Powell, a Civil War veteran, had established a reputation for himself by exploring the Grand Canyon of the Colorado in 1869. In 1879 he had become the Director of the United States Bureau of Ethnology, and a year later, of the United States Geological Survey. Because of these experiences he was placed in charge of making a careful survey of reservoir sites. One of the first things he did was to withdraw millions of acres of the Public Domain from sale or homestead. This order practically closed many of the Public Land Offices in the western states. Hundreds of letters of complaint poured in to the Administration and to the Committee on Irrigation. A portion of a letter written by Senator Stewart in answer to these complaints explains the situation:

"Major Powell is ambitious, unscrupulous and incompetent. His scheme to prevent all settlement or the acquisition of title where the initiatory steps have been taken to the public lands has paralyzed the West. The land offices of the West are practically closed. The

³⁶ The lands considered were west of the 100th Meridian.

³⁷ The northern and northeastern Congressmen were consistently and continuously opposed to legislation favorable to irrigation.

³⁸ Senator Stewart was a member of the Public Lands Committee in the 39th, 40th, and 43rd Congresses; he was Chairman of the Select Committee on Irrigation and Reclamation of Arid Lands in the 50th, 51st, and 52nd Congresses; he was also a member of the Committee on Irrigation in the 54th, 55th, 56th, 57th, and 58th Congresses.



Nevada Historical Society

DR. JOSEPH E. STUBBS, PRESIDENT OF THE UNIVERSITY OF NEVADA,
HONORABLE WILLIAM M. STEWART, UNITED STATES SENATOR OF
NEVADA, LIEUTENANT NEALL, U.S.A., RENO CAMPUS, 1896

necessity for irrigation is used by Major Powell as an excuse for vast appropriations to be squandered on favorites for supposed scientific purposes. He is king of the lobby. Nothing can be done with irrigation until the question can be considered independent of the impracticable, selfish, and ambitious schemes of Major Powell. Every Senator, Member and Delegate from the West is unalterably opposed to his ideas. No compromise can be made until the public lands are again open to settlement . . . If the \$350,000 appropriated for irrigation had been placed in honest hands, much could have been accomplished before this time. Major Powell has wasted nearly all this money. He has great power in Congress on account of the vast appropriations and patronage he controls and may succeed in his scheme but the representatives of the people will oppose his folly to the end.³⁹

The result of these complaints was the removal of Major Powell from office, but he and his followers kept legislation from being passed and made the entire subject of irrigation unpopular in many parts of the United States. Not until the administration of President Theodore Roosevelt was favorable legislation passed. He had lived in South Dakota and was well acquainted with the problems of western farmers.

Before the Congress closed in the spring of 1889, the Committee on Irrigation succeeded in getting an appropriation of some \$80,000 to permit the Senate Special Committee on Irrigation and the Reclamation of Arid Lands, consisting of seven prominent Senators and a staff of assistants to visit the arid regions of the United States with a view to becoming better advised as to what legislation was necessary to promote irrigation. The thinking of the members of the Committee was that they, themselves, wished to see these lands, to talk with the ranchers personally, and to be able to formulate some policy for further action.

Senator Stewart, in charge of arrangements, chartered a Pullman railroad car from the Northern Pacific Railroad to start from St. Paul, Minnesota, on August 1, 1889, and to proceed westward, swinging through the Dakotas, Montana, Wyoming, Colorado, Utah, Idaho, Nevada, California, Arizona, New Mexico and Texas. Much of the detailed planning for this expedition was made by Senator Stewart in San Francisco. Because he found that one car was not going to be sufficient to make the Committee comfortable, he requested the Union Pacific and the Southern Pacific Companies to furnish an extra car to be carried free over their lines. The Southern Pacific and the Northern Pacific sent several officials along with the Committee to point out pertinent matters concerning the country over which they were to pass. Stewart was not only given an extra car for his Committee, but a third

³⁹ Letter to W. H. Hall, Esq., San Francisco, California, July 6, 1890.

car for staff work was furnished in some places.

The car carrying the Irrigation officials attracted a great deal of attention. The people at the prearranged stopping places along the route were enthusiastic and cooperated in giving the Committee information. The Committee arrived in Reno, August 21, 1889. It was reported that the hitch-rails were filled with ranchers' horses, buggies and wagons; they had come great distances to present their problems. The cars were shunted off on a railroad siding where they remained for several days, being picked up by regular trains when their schedule was finished. In Nevada the cars stopped at Elko, Winnemucca, Lovelock, Reno, and Carson City. The Reports of this Committee filled many pages in the CONGRESSIONAL RECORD.

From the information gained from interviewing hundreds of persons, the Senate Special Committee on Irrigation and Reclamation of Arid Lands realized that the cost of storing water, diverting streams, digging canals and ditches, to get the water on to the land was far beyond the means of individual ranchers. It would require cooperative efforts on their part or governmental aid. The Carey Act of 1894 passed by Congress to encourage cooperative enterprises, authorized the gift of irrigable lands to western states on condition that they permit private companies to construct reservoirs, and convey the water to the lands, and to be permitted to charge for this service. Although the land itself could be purchased for fifty cents an acre, the cost of getting the water to the lands under the Carey Act cost from thirty to forty dollars an acre, plus maintenance; hence, this privilege fell far short of free land. Nevertheless, a number of irrigation projects under this Act opened in eight states.⁴⁰

Senator Stewart continued his efforts for irrigation and aided greatly in getting the Reclamation Act, sometimes called the Newlands Act, of 1902, passed. The Truckee-Carson Irrigation District which reclaimed the land of the old lake bed of the Carson River was the first one opened in the United States. Fallon is the center of this district. Since 1905 there have been many irrigation projects completed; all of them stem from the foundation laid by Senator Stewart and the members of the Committee on Irrigation.

⁴⁰ Several companies were formed in Nevada but none of them was carried to completion.

SENATOR STEWART AND EDUCATION

There was no other field of endeavor in which Senator Stewart took a greater interest than in *education*. He was compelled to leave home at 13 years to continue his own education; and he had to perform humble and humiliating work to make a living for the next eight years to obtain the formal education he was to receive. He never forgot the struggle he had during this time, and he recalled these experiences in many of his writings. He always took a great interest in education and was constantly giving advice to younger persons to get the best education they could. He sent his two oldest daughters to Europe for six years, 1866 to 1872, to learn to speak foreign languages and to finish their education through travel; and he sent his youngest daughter around the world in 1889 with her mother when she was sixteen years old. He educated his two oldest grandsons at Groton School for boys and Yale University.⁴¹ And he sent his granddaughter, Bessie Stewart Fox, to private school in Washington, D.C., and to the Bishop Whitaker School for Girls in Reno. In his letters to his grandsons he expressed his deep feeling for a good education: ". . . I am exceedingly delighted to notice the improvement you make in your letters, which shows you are attending to your studies and are making good use of your time. It is especially gratifying to me to learn that you stand so high in your examinations. What you do now will determine your standing in after life. If you are industrious and ambitious and obtain a good education, you will always be able to succeed in this world. An early education is the most valuable inheritance a boy can have. With it he is armed and prepared to battle with the world and make a name for himself. I expect to be very proud of you, and rely upon you to pursue your studies with intelligence and to conduct yourself in such a manner that you will never be ashamed of what you do. Always do those things which will make you feel truly noble, and all your friends will be proud of you."⁴²

The interest Senator Stewart took in the University of Nevada was most profound. From the time he returned to active political life in 1885 to his retirement in 1905, he did everything in his power to make it an outstanding institution. The legislation in its behalf in the Congress, the advice he gave to members of the Board of Regents, and the assistance in securing good instructors was constant. The story of the Senator's concern for the University of Nevada is given in a separate section of this biography.

⁴¹ Richard C. Hooker became a Colonel in the United States Marines. He died in Shanghai, China, in command of the Fourth Regiment stationed at that place; Harry S. Hooker became a lawyer and was a member of the same firm with Franklin D. Roosevelt in New York City during the nineteen twenties.

⁴² Letter written in 1891 to his grandson, Richard Hooker, while he was attending Groton.

In 1890 Senator Stewart was appointed a Trustee of Stanford University; he continued to be a Trustee for the next fifteen years. From the earliest Gold Rush days in California he was a friend of Mr. and Mrs. Leland Stanford. Indeed he became counsel for the Central Pacific Railroad of which Mr. Stanford was one of the builders, and the first President of the Company. This friendship continued throughout the years; there was close political relationship when the two men were in the United States Senate in the 1880's and 1890's. Part of this story has been told.

Senator Stewart aided Senator and Mrs. Stanford to organize and establish Stanford University. Senator Stewart's advice on University policy was constantly sought; and this advice continued long after Senator Stanford died. In a letter written in 1903 to Mrs. Stanford in which she sought his opinion on a change in the policy of the University, Senator Stewart said: ". . . I have read the correspondence with a good deal of interest and wish to say that I heartily approve the stand you have taken in the matter. In holding fast to the institution and not yielding to every innovation, you will succeed in making the University (Stanford) what it was designed to be by your distinguished husband."

From the earliest years Senator Stewart was in the West, he took an abiding interest in the American Indian. At that time, however, the Indian was forced to live on Reservations provided by the United States Government and to accept rations for their bare existence. They were kept under control by the presence of United States soldiers stationed on or near the reservations. In 1873, Senator Stewart became a member of the Committee on Indian Affairs, at which time he learned considerable about these people.

When Senator Stewart re-entered politics, he began actively to do something about the conditions of the Indians. He thought that the greatest good could come from educating them to earn their own living. In 1891 he introduced legislation for the appropriation for an Indian school in Nevada. At the same time an effort was made to have education of Indian children made compulsory. Two hundred acres of ranch land, southeast of Carson City, was bought and the first building for the Stewart Indian School, (named for Senator Stewart) was erected.

During the time Senator Stewart was a member of the Indian Affairs Committee, (he was Chairman of the Committee from 1901 to 1905), he travelled to a number of areas where there were Indians. He aided considerably in resolving many of the problems of the Indians in Oklahoma and Texas, and during his association with Indian Affairs, he learned much about their origins and customs.

SENATOR STEWART AND THE UNIVERSITY OF NEVADA

There was no other institution in the State of Nevada in which Senator Stewart took more interest than in the University of Nevada. He assisted greatly in getting the 90,000 acres of Public Domain transferred to the State of Nevada for the purpose of establishing a public university as provided for in the Morrill Act of 1862. These acres were selected in Elko County and the University was founded in that city in 1874; it remained in Elko until 1885 when the campus was moved to Reno.

From the papers and correspondence of Senator Stewart, it is definitely now known that he had considerable to do with this removal to Reno. In his letters to constituents in Nevada written from Washington, D.C., he discussed the site of the present campus as compared to other sites considered in Reno; he also thought the price asked for the ground on the present campus was too high; he did not favor the way the Regents were selected; and he suggested a more democratic way of electing them.

After the Regents were elected in 1888, he wrote letters frequently to some of them — discussing the qualifications of the President, and courses to be given.

To a member of the Nevada State Senate from Washoe County, Senator Stewart expressed himself forcefully in a letter:⁴³

"I desire to call your attention to the University. You understand all about the needs of that institution and that it should be managed efficiently and economically, and above all that the people should be satisfied that everything connected with it is free from all party advantages. It must be the University of all the people or it cannot prosper. No State University has ever succeeded that was run by a political party . . . You will recollect that it was understood at the time the law was passed providing for the election of Regents that each political party should be represented on the Board . . . I want every citizen of Nevada to feel that he has an equal interest in that institution, and I want the parents and guardians of the pupils also to feel that there are no politics and no political favors with the institution . . . You will pardon these suggestions. I take a deep interest in the success of the University and I believe the course I suggest essential to its continued prosperity."

To the Honorable H. L. Fish, Regent of the University, Senator Stewart wrote that, "The State University is more important to Nevada than any

⁴³ Written January 31, 1891, from Washington, D.C.

other institution, and will ultimately bring larger returns. If it can be known abroad that the educational advantages of Nevada are equal, if not superior, to those of any other western state, it will be a great inducement to permanent settlers to come and live among us."

In the selection of a President of the University of Nevada, he wrote to Charles E. Mack, Regent in 1893,⁴⁴ in which he recommended that "for the interest of the State University that there be a vigorous, strong, ambitious man at the head of it who has executive ability and management."

The second largest building to be erected on the Reno campus of the University of Nevada was Stewart Hall, named for Senator Stewart in appreciation of the many things he had done for the University and for legislation he secured in the Congress to aid its progress. In the 50th Congress he helped greatly in securing the passage of the Hatch Bill, appropriating \$15,000 annually for the support and maintenance of agricultural and mechanical colleges connected with the Universities of the various states.

Just previous to the adjournment of the 50th Congress, Lieutenant John "Jack" Neall, in charge of the Reserve Officers Training Corps at the University of Nevada, was ordered to rejoin his regiment. He had considerable to do with the organization and setting up of military training at the University, which Senator Stewart was largely responsible for gaining. When the Senator went to Washington, D.C., in 1887, there were only forty officers stationed at different institutions in the United States, and they were assigned on the basis of population. As a member of the Committee on Education and Labor, Senator Stewart had this law modified with the result that the University was included in 1888.

When it became known that Lieutenant Neall was going to leave the University, telegrams were sent to Senator Stewart by University officials and prominent Reno citizens. The Senator went immediately to the Secretary of War and to the General of the Army and had this order rescinded.

In the 51st Congress, legislation was further passed making additional appropriations for the agricultural college and experimental station connected with the University, swelling the annual appropriations from the General Government to \$40,000. He aided the University in many other ways by contributing all kinds of books, publications, documents, speeches, maps, and pertinent literature. He also saw to it that plants, shrubs, seeds and trees for the University grounds were sent annually to the University. Largely through the influence of Senator Stewart, Miss Hannah Clapp, Carson City veteran teacher and founder

⁴⁴ C. E. Mack is the uncle of the writer of this biography.

of the Sierra Seminary in 1860, a private school in that city, became one of the first teacher-librarians of the University.⁴⁵

When Stewart Hall was opened on the campus, a request was made of a picture of Senator Stewart to hang in this building. A large framed photograph was sent "with his compliments." When the picture was presented, of him it was said that, "The Senator has great interest and the sincerest solicitude and regard for the State University . . . and that in Senator Stewart the University of Nevada has a staunch friend, and one who is ever ready to display his friendship for it."

⁴⁵ The photograph of Mrs. Stewart accompanying this biography came from Miss Clapp's collection. Miss Clapp's home in Carson City is today one of the show-residences, and a part of the Sierra Seminary is still standing.

"THE SPOILERS"

From the time Senator Stewart was the Chairman of the Quartz Miners' Meeting setting forth rules and regulations for this kind of mining in 1852, to the successful passing of the National Mining Laws of 1872, and to the end of his Senatorial career in 1905, he fought to keep free and open mining the policy of the United States, its territories, and its possessions.

The last great fight in behalf of American citizens to their possessory rights came in 1901 when he prevented some designing Americans from despoiling the claims of the original locators of placer claims in Alaska. On September 22, 1898, placer gold was discovered on Anvil Creek, near Nome, Alaska, by some Scandinavian whalers who had been residents of this section for some years. After the discovery, they covered the Creek with placer claim locations according to the local customs in the region.

The news of this discovery reached the outside world, and the "Rush to Alaska" from Dawson, the Yukon, and the Pacific Coast was similar to that of California and Nevada half a century before, and the same problems confronted the original locators as they formerly had. The newcomers were exasperated that there was no available ground, so they proceeded to ignore the rights of the first locators and they jumped their claims. Their chief arguments in doing so were the alien owners, and that they had located more than one claim. (Two of the first locators were naturalized citizens and one had declared his intention to become a citizen).

The Alaska Government Bill, approved May 17, 1884, provided that the general laws of Oregon should be in force in Alaska, in so far as they were applicable. One of these laws provided that "an alien may acquire and hold lands or any right thereto or interest therein, by purchase, devise, or descent, and he may convey, mortgage and devise the same." But the "jumpers" were not to be daunted by these laws; they called a meeting of the miners in the District on July 10, 1899. The vote of them declared that all former locations were void.

Later in the summer of 1899 Charles D. Lane, San Francisco, a good friend of Senator Stewart, and John W. Mackay of old Comstock days, now wealthy and of good standing, negotiated with the original locators on Anvil Creek for their claims, paying them \$300,000. They also acquired more claims in the neighborhood and incorporated them along with other mining interests, Lane's Steamship lines from San Francisco to Nome, and his warehouses and railroads from Nome to the mines, into the Wild Goose Mining and Trading Company. At the same time, Alexander McKenzie, an influential politician from Min-

nesota, purchased the titles to the jumpers' claims on Anvil Creek, and organized a corporation capitalized for \$15,000,000.

In 1900, a Bill was pending in Congress providing for a civil government for Alaska, containing, among other items, a provision permitting aliens to acquire property. (The Bill was essentially the same as the 1884 Bill, except some items were added to cover new conditions in the Territory). Through McKenzie's political influence in Washington, D.C., he had an amendment to the Bill added to validate his right to the jumpers' claims. Mackay and Lane requested Stewart to prevent the passing of this amendment.

The fight led by Senator Stewart against the amendment to the Bill giving American citizens exclusive rights in Alaska, took up almost the entire attention of the Senate on April 16, 1900. He addressed the Senate for nearly three hours, explaining the mining laws of the United States and their relation to the amendment. He defended the rights of the Swedes, Norwegians and Laplanders who had located the first claims in the Nome district. In the defense of the naturalized citizens and those who had declared their intention to become citizens, he was assisted by other western Senators. The amendment was defeated, and the Civil Government bill for Alaska became a law without it.

This same bill contained a provision for three judges for Alaska. Arthur H. Noyes, an old friend of McKenzie, was appointed the Judge for St. Michael, the district in which the claims were situated. McKenzie's attorney, disregarding the new government bill, prepared complaints to dispossess the original locators of their rights on their claims. The complaints were heard by Judge Noyes who, in turn, appointed McKenzie Receiver of all mining property concerned. The latter immediately took possession of the claims, seized all the gold dust the claimers had, and issued injunctions against the Wild Goose Mining and Trading Company.

So gross were the irregularities and so scandalous the procedures of the court in the issuance of the injunctions, Lane appealed to the Circuit Court in San Francisco, presided over by Judge W. W. Morrow. When all of the evidence was presented to him, he ordered all property restored. Again McKenzie refused to comply with the law. Whereupon Judge Morrow sent two United States Marshals to Nome with orders to enforce the Court order, to arrest McKenzie, and produce him before the court. When McKenzie refused to deliver the gold dust taken from the claims, the Marshals, protected by United States soldiers, broke open the safe, took out the gold dust and brought it along with McKenzie to San Francisco.

McKenzie was tried, found guilty, and sentenced to one year in the Alameda County Jail, Oakland, California. McKenzie appealed to the

United States Supreme Court, but the lower court was sustained.

An effort was now made to get rid of Judge Noyes. The evidence brought out in McKenzie's trial was sufficient to implicate him in the scheme to disregard the provisions of the Alaska Government bill which Senator Stewart had established. Stewart laid the facts before the United States Attorney-General and President McKinley. McKenzie's friends tried to save Judge Noyes, but their efforts were of no avail; he was removed.

After McKenzie failed in his appeal to the United States Supreme Court, he asked President McKinley to pardon him. Many of his influential friends signed the petition presented to the President. At first the President refused. However, when it was noted that McKenzie's health had failed, the President pardoned him, but not, however, until he had turned over a quantity of gold dust which he had succeeded in shipping to Seattle before his arrest.

There were many dramatic events in this episode, many of which are set forth by Rex Beach in his novel, *The Spoilers*. Some of the characters can be easily identified with the fictitious names in the book: Senator Sturtevant of Nevada is Senator Stewart, McKenzie figures as McNamara, and Judge Noyes is Judge Stillman. Beach characterizes Stewart, and has McKenzie say that, "There's no danger. I have the books where they will be burned at the first sign. We'd have had our own land laws passed but for Sturtevant of Nevada, damn him. He blocked us in the Senate."⁴⁶ Other characters in the book were known later in Nevada. Cherry Malotte of the "Spoilers" is said to have become the wife of Key Pittman, later United States Senator of Nevada.

When Senator Stewart took the floor of the Senate to expose the machinations of "The Spoilers" he was so enraged and so vehement over their fraudulent deals, and his language was so profane in his speeches, they had to be expunged before they could be printed in the CONGRESSIONAL RECORD.

Another territorial application of Senator Stewart's thorough knowledge of mining laws came when he reconciled the American Mining laws with the Spanish laws of the Phillipine Islands. He said, "It would be difficult for Americans (mining in the Islands) to measure their claims in meters instead of feet, exactly at right angles . . . and no one would want to invest money in developing a (Phillipine) claim restricted to the vertical line of the claim." Stewart's amendments were adopted and the Phillipine mining code is a combination of the old Spanish laws and the United States Statutes.

A happy combination of circumstances made it possible for Senator Stewart to complete in this masterly manner the great task of framing

⁴⁶ Rex Beach, *The Spoilers*. 237.

the mining laws, and protecting the miners' interests. Through his personal experiences in the mining world, his litigation on the Comstock, his participation in framing of the laws of Nevada, his championship of the industry in Congress and in the Supreme Court of the United States, he built a lasting monument to himself. And for this service he is entitled to the gratitude of every mining community in the United States.

THE PIOUS FUND CASE AND SENATOR STEWART

When Theodore Roosevelt became President of the United States in 1901, he was anxious that disputes between nations be settled by arbitration rather than by war. The International Court of Arbitration, set up at The Hague on the suggestion of the Czar of Russia, provided that nations could submit cases to this Court. Under the Treaty establishing this Court, each country named four eligibles as judges. When a dispute was submitted by protocol, each side named two of these eligibles, but not of its own nation. The four then selected an umpire who presided over the deliberations. There was no appeal after ten days, and then, only on new evidence prior to that.

The first suit heard by The Hague Court was the Pious Fund Case, of which Senator Stewart was the Chief Counsel. The suit was on behalf of the Roman Catholic Church of California against the State of Mexico, for the recovery of interest due the Catholic Church of California. As early as 1697 donations were made by religious Spanish noblemen and women in thanksgiving for their good fortune in obtaining so much revenue from their provinces in the New World. Donations to the fund were continued thereafter from time to time to 1765 and known as the "Pious Fund of the Californias." Its purpose was for the civilization and conversion of the Indian natives of the Californias and for the propagation of the Catholic faith. In 1753 especially large donations were made by the Marchioness de las Torres de Rada and the Marquis de Villa-Puente, swelling the total to many millions of dollars.

When Mexico gained its independence from Spain, this fund belonged solely to that nation, and when Mexico ceded the southwest to the United States, the missions of California were to receive their proportionate share of the fund. But after 1848 the Mexican government failed to pay the agreed interest on that part of the principal belonging to the missions of Upper California. The particular question submitted to The Hague for arbitration in 1901 was for the amount of principal and interest due after it was submitted to arbitration by the United States and Mexico at the Convention of July 4, 1868. There was a disagreement among the Commissioners at this time, but Sir Edward Thompson, England, the Umpire, made the decision: He fixed the principal for Upper California as \$717,618.50, and the interest due at \$904,070.79. This amount Mexico paid. Since that year, Mexico has failed to pay the interest.

A massive collection of papers were brought together by the former Bishops and Archbishops of California and the State Department of the United States, which were thoroughly studied by Senator Stewart and

his associates in the case.⁴⁷ He made a finished argument, supported by these archives. The case was heard during the Congressional Recess of the late summer of 1902, from September 15th to October 14th. The decision was unanimous for the United States. The judgment won was for \$1,420,662.69 Mexican money, back interest \$42,050.99, to be paid annually thereafter and forever in silver. Senator Stewart's fee was \$40,000.

⁴⁷ Jackson H. Ralston, International lawyer, American Agent, W. L. Penfield, Solicitor General, United States State Department, Walter S. Penfield, American Secretary, H. B. Armes, United States State Department, W. T. Sherman Doyle, and Garrett W. McEnerny, Associate Counselors from California, and Archbishop Riordan, Roman Catholic Diocese of San Francisco.

POLITICAL CAREER OF SENATOR STEWART

Shortly after Senator Stewart arrived in California, just out of the Sophomore Class at Yale University, 1850, and twenty-two years of age, he joined the Democratic Party. Indeed, he published a Democratic newspaper in Nevada City, California, for a short time. And it is known that he belonged to the Know Nothing Party, a reform organization opposed chiefly to aliens. The first time he ran for office was in 1851; he was badly defeated for Sheriff of Nevada County.

From 1853 to 1905, Senator Stewart was actively engaged in politics, (with the exception of 12 years—1875 to 1887—when he was in private law practice). On the day he passed his bar examinations, 1853, he was appointed District Attorney of Nevada County, to take the place of J. R. McConnell who had been elected Attorney-General of California. Stewart ran for District Attorney of Nevada County the following year and was elected. When McConnell was given a six months leave of office by the California State Legislature, Stewart was appointed Attorney-General for this time, on the recommendation of McConnell.

When the Republican Party was organized in 1856, Stewart became affiliated with this Party and remained a staunch and loyal member of it the rest of his life with the exception of the six years he belonged to the Silver Party, 1892-1898. While practicing law in Downieville, 1856-1860, he was not an office holder but his activity in politics was known—his first partner, Peter Van Clief, was appointed Judge. His second partner was Henry I. Thornton, District Attorney of Sierra County. It was advantageous to have a former partner the judge before whom he had mining suits, and likewise to have a partner who was the District Attorney of the County.

Coming to Nevada, then Utah Territory, in March, 1860, Stewart found petitions being circulated to organize the Territory of Nevada. While most of his law practice was in Virginia City, he built his home and established his family in Carson City, the proposed capital of the new territory. Having taken an active part in local, county, and state politics in California, he began at once to make his influence felt in Nevada. While still a part of the Utah Territory, Stewart was elected a Selectman in Genoa, 1860.

Although the Bill to create the Territory of Nevada was signed by President Buchanan, March 2, 1861, it was not until October 1st that the Territorial Legislature convened. Stewart was elected a member of the Council, equivalent to State Senator today. Through his astute observations of an unorganized territory, he began to lay plans for guiding and controlling the work of the legislature. Desiring to make Carson City the capital, he bargained with delegates from important communities to create counties and county seats for their votes. Because of his

profound knowledge of the law, he wrote the entire Civil Code. Indeed, a cursory glance through the reports of Nevada's first legislature shows how influential Stewart was in moulding the destinies of a new territory.

Through the friendship of James W. Nye, Territorial Governor of Nevada, whose influence in Washington, D. C., was impressive, and William Morris Stewart, who had demonstrated his ability as a politician and a lawyer, plans were laid to have the Territory of Nevada made a State. Stewart, elected a member of the first Constitutional Convention of Nevada, took a most active part in framing a constitution.

He failed, however, to have the section he proposed on the taxation of mines adopted. Being counsel for the largest mining interests in the territory, he realized that this young industry could not carry the tax burden to support a state. Closing his law office, he and his partner, Alexander W. Baldwin, rode horseback, stages, hired wagons, and even walked to most of the mining camps, explaining what the effects of the tax provision would do to their businesses. Stewart was also displeased with a provision adopted at the Convention which ruled out any member of it from being a candidate for office. By this time it was known that he was ambitious to be United States Senator. The Constitution was defeated.

Stewart was not a member of the Second Constitutional Convention, but he was sufficiently influential with the delegates to have the tax section modified to include a tax *only* on the proceeds of the mines. This Constitution was adopted overwhelmingly, with Stewart a staunch supporter of it. When the first State Legislature met, William Morris Stewart was elected the first United States Senator from Nevada, December 15, 1864. To preserve the one-third rule in the United States Senate, Nevada was allotted a four and a two year term; Stewart drew the longer one.

The accomplishments of Senator Stewart in his first term in Congress has been reviewed in a former section of this biography; they were well publicized in Nevada, California, and eastern newspapers. He returned to Nevada to run for his second term in the Senate, 1868; he had little opposition and was elected unanimously to a six-year term. Senator Stewart went to Washington, D.C., a millionaire, thanks to his mining investments and the fabulous fees he had received for successfully winning the mining suits of the owners of the original locators of the Comstock Lode.

Shortly after Senator and Mrs. Stewart went to Washington in his second term, they and a friend purchased a large tract of ground in the northwest section of the city. Selecting a site for a home, which later became 3 Dupont Circle, the Stewarts erected a large palatial residence. At first it was known as Stewart's Folly or the Honest Miner's Camp.

After several more handsome homes were built nearby, including that of the British Embassy, it became known as Stewart Castle. Four stories, five with the room in the tower, eighty feet from the street level, it became the social center for diplomats and friends of the Senator and his family.

The great expense in keeping up the Stewart Castle, what with its large entourage of servants, the lavish entertainments, and the stables of riding and driving horses, greatly diminished the Senator's fortune. A number of his former clients urged him to return to private law practice. In 1875 he retired from the Senate, set up an office in San Francisco, where he devoted the next twelve years to active mining and law practice.

There were several reasons why Senator Stewart did not return to the Senate in 1875, chief among which was the number of multi-millionaires who were ambitious for this honor. In 1873 John Percival Jones, Superintendent of the Crown Point Mine, Comstock Lode, and who had made a fortune in Comstock mining stock, wished to go to the Senate. He was opposed by James W. Nye, who had had two terms in the Senate, the short one of two years, and a full term. While Senator Nye was a good politician and vote-getter, he was famous for his extravagance and for never having any money; he could not match the money Jones had. It was said that Jones spent more than a half million dollars to be elected. When some one asked him why he spent so much money, his reply was that he was setting a precedent for future candidates who wished to be elected. And he did set a precedent. From that time until the Australian ballot system was adopted in Nevada in 1893, and even after that date, votes were openly bought. This story will be told later.

Two Comstock millionaires ran for the Senate to follow Senator Stewart—W. E. Sharon and Adolph Sutro. Both candidates spent money lavishly—newspapers were bought, bands were hired, political agents employed, and large parades held with paid marchers. While Sutro was a shrewd and brilliant leader, he was no match for canny Sharon, who was handily elected. About the time of the election, 1875, the Bank of California failed; business and personal problems kept Senator Sharon in Virginia City and San Francisco most of his six year term. It was said that he spent about one year in Washington, D.C. In spite of this record, he wished to succeed himself.

In 1880, James Graham Fair sought the election to succeed Senator Sharon. He, too, spent great sums of money to be elected. It was a colorful campaign. Men, marching four abreast, carried illuminated banners, lighted with pine knots, urging Fair's election. Sharon and Fair conducted entirely different campaigns; Sharon, the suave white-collared gentleman, remained in his ivory-towered offices and let his ward-

healers dispense the money to buy the necessary votes. Fair knew how to win votes from miners: he discarded his broadcloth suits and white shirts, and dressed like a miner; he drove his horse and wagon among the mining camps, speaking the language of the miners. It worked, and Fair, the first Democrat to be elected to the United States Senate from Nevada, won easily.

At first, Senator Fair was interested in learning what went on in Congress, "but after the novelty wore off, his chair was usually vacant . . . preferring to while away the hours in his office, where, with feet on desk and a bottle of brandy handy, he reminisced with other truant senators or entertained occasional constituents."⁴⁸

After the debacle of the Sierra Nevada Mine in Virginia City, and the closing down of a number of the leading mines in Virginia City and other parts of Nevada, the end of the Comstock Lode and Nevada's era of silver was sudden and complete. People left by the hundreds; some of them failed to lock the doors of their homes. Looters went in and helped themselves to whatever they wanted or could carry away. Business houses folded the great iron doors of their establishments and left the state; most of them went to California. The price of silver steadily declined to a point where only rich ore could be profitably mined.

When the cities, counties and state treasuries no longer had the revenue from the mines, they had to retrench their expenditures. This story is a tragic one, but it does not belong here except that it brought back to the State of Nevada the one person who could do something for its declining fortunes—William Morris Stewart.

In 1885, Senator Stewart returned and bought a residence on the corner of Robinson and Minnesota Streets in Carson City. He and Mrs. Stewart remodeled the house, and again their home became the center of social activities. At this time the Senator announced that he was going to seek the election to the United States Senate to succeed Senator Fair. Stewart was urged to return to politics largely by John W. Mackay, and the officers of the Central Pacific Railroad. The former wished him to get legislation passed to restore the free and unlimited coinage of silver, and the latter to protect the railroad company's interests in Washington. After the decline of mining in Nevada, the railroad company was the largest single taxpayer in the State. To prevent extravagances on the part of State legislators, and to control local politics, this company hired a "political boss"—C. C. "Charlie Black" Wallace, powerful, and a forceful agent. His orders came from the railroad company's offices in San Francisco, and he carried them out. So Stewart was backed by John W. Mackay and the railroad company.⁴⁹

⁴⁸ Oscar Lewis, *Silver Kings*, 168.

⁴⁹ Stewart had been a member of the legal firm in San Francisco that handled the railroad business. He was also a personal friend of Leland Stanford and C. P. Huntington.



From Puck, August 12, 1896.
Puck's first cartoon of Bryan, four weeks after his nomination. The ventriloquist is Senator Stewart of Nevada, typifying silver-mine owners. Bryan is the dummy on his knee.

Senator Fair did not wish to return to the Senate, but he did not wish to see Senator Stewart elected, either. He tried to get several Nevadans to run against Stewart; Fair promised them support and he did everything he could to prevent Stewart's election. Stewart offered to debate Fair at any place he named in Nevada. Fair declined. Stewart was elected in 1887.

With the same vigor that he had used in his former years in the Senate, Senator Stewart accomplished many things. He secured an appropriation for a Government Building (the Postoffice) in Carson City, and the Stewart Indian School. He secured appropriations for the University of Nevada, and he took care of the Pacific Railroad Tax Bill, in addition to the terrific campaign for the free and unlimited coinage of silver at the ratio of 16 to 1. In spite of all these things, the population of Nevada continued to decline until, in the census of 1890, there were only a few more than 42,000 people in the State. During the severe winter of 1888-1889-1890, cattle men in Nevada lost thousands of head of livestock; it was impossible to borrow money as the nation went into the depression of 1892.

Senator Stewart, other silver senators, and the representatives from the southern states maintained that hard times were caused for the lack of money. What was needed, they argued, was more silver so that the farmer and small businessman could accumulate more money! But the gold standard merchants and bankers said that cheap money was the cause of hard times. The latter were powerful; they convinced President Cleveland that the Sherman Silver Purchase Act must be repealed. And at a special session of Congress, it was.

At a meeting of the Editors of Nevada newspapers in Dayton in 1892, a suggestion was made that a Silver Party be formed. This idea spread "like measles" they said, and soon it became a National Party. Stewart's term in the Senate ended that year; he wished to be returned to resume his fight for silver. He was unanimously elected to the Senate without opposition for another term, and without returning to Nevada to campaign.

With increased enthusiasm Stewart devoted his talents and energy to silver. Making countless speeches, publishing a newspaper, editing pamphlets, writing a book on money, carrying on a debate in a New York newspaper, he fought desperately for silver legislation. In 1893, the Carson City Mint ceased coining money; it was reduced to the rank of an assay office where only bullion was bought, but he could do nothing about it.

Finally the great contest between the gold and silver forces came in the summer of 1896. President Cleveland had restored the credit of the United States by selling gold bonds and the recovery from the

depression was noticeable. In the national nominating conventions in the summer of that year, the Populist and Silver Parties were aligned against the Gold Republicans, with the Gold Democrats joining them. Senator Stewart and the more sober-minded silver senators favored United States Senator Henry M. Teller, a silver-Republican from Colorado, for candidate as President. However, after William Jennings Bryan made his famous "Cross of Gold" speech in the Democratic Convention, he was swept into nomination with a frenzy. He campaigned on the cheap money platform and for the 16 to 1 policy. Because he knew little if anything about monetary policies, he spent as much time as he could in the office of Senator Stewart in getting coached on that subject. The cartoon from *Puck* pictures Stewart's influence on Bryan. And whenever Bryan knew that the Senator from Nevada was going to give a speech in the Senate, he slipped over from the House of Representatives to hear it.

During the campaign of 1896, Senator Stewart tried to give Bryan some advice.⁵⁰ He urged him "to go abroad, to travel over many lands. write descriptive articles of his journeyings . . . a great man can't be too much on exhibition without weakening himself, he said." Bryan did travel many thousands of miles in the United States and spoke to hundreds of thousands of people from the rear platform of his special train. William McKinley, nominee of the Republican party and opponent of Bryan, never left his front porch, speaking from his home to the crowds of people who came to hear him. The vote was close, and it was said that if out of the 11,000,000 cast, 25,000 of the votes had been distributed among several of the pivotal states, Bryan would have been elected.

Although it was seen by a relatively few people, after the defeat of Bryan on the silver coinage ticket, it was the beginning of the end for the success of that slogan. Bryan continued his fight. He ran three times for President. In Nevada, the Silver Democrats won easily in 1896.⁵¹ Stewart continued his fight for silver, expending large sums of his own money to wage it, but the forces of recovery and the gold policy of President Cleveland were changing the economic conditions of the country, and, also, the attitude of Senator Stewart.

The unpredictable, accidental and remarkable discovery of gold in three different parts of the world at about the same time⁵² was the great-

⁵⁰ Bryan had a reputation in college for his oratory and debating. He was elected to the House of Representatives from Nebraska, where he had a chicken farm near Lincoln, and practiced law.

⁵¹ In 1892, every person running for a state office on the silver ticket in Nevada was elected; in 1894 it was the same victory, but now called the Silver-Democratic party. The silver democrats continued to function and to elect many state officials until 1906.

⁵² Gold was discovered in South Africa, Australia and Alaska in the late eighteen nineties.

est factor in destroying the arguments of the silver advocates in the United States. The argument that gold was so scarce and silver so plentiful, was completely destroyed. Gold was now plentiful. Senator Stewart was one of the first statesmen to recognize this change in the world situation. Consequently, he dropped his fight for silver and returned to the Republican Party and the gold standard. The public announcement of this change was heralded in national and Nevada newspapers.

The startling news that Senator Stewart was once more a member of the Republican party shocked the political foundations of Nevada. (It will be remembered that the Senator had to stand for reelection in 1898). The Silver-Democratic Party had been in the "political saddle" in Nevada for six years and almost no one could get elected unless he unfalteringly belonged to that party. Hence, the Senator had a fight on his hands, physically and politically. And thereby hangs a tale: the fly in the political ointment was Francis Griffith Newlands, Representative from Nevada for three terms, 1892, 1894, 1896. He was now ready to step up and go to the United States Senate to succeed Stewart.

Using the age of Senator Stewart, (he was then seventy-two years old, an ancient state for those days) as one of the reasons for Newlands' announcement, he started his campaign to get to the Senate. Coming out to Carson City in the summer of 1898, Stewart took a suite of rooms at the Ormsby House; Newlands made his headquarters at the Arlington Hotel and the battle was on in full force. Because Senator Stewart was sensitive that anyone would bring up the question of his age, he decided to prove to the world that he was hale and hearty,

He went to San Francisco and bought a pair of large blooded trotters and a strong new buggy and harness. Driving the team up to Nevada, he invited some men to join him to jog out to neighboring towns, 10 to 30 miles away where he wished to make a speech. After speaking until late at night, they started back home. Stewart let the reins loose, trusting to a trait he had always found in well-bred horses that they would keep to the trail. They flew along at 14 to 15 miles an hour until his companion clung wildly to him and begged him to go slower, as they bounced over ruts up hill and down dale, and across the mountains. Fortunately the outfit held together. He repeated these speaking expeditions several times in different parts of Nevada until he never could get anyone to go with him. He heard no more talk about his age. Senator Stewart wrote that, "No man is old while he is in full vigor of both mind and body."

On the other hand Mr. Newlands was what would be called today a hypochondriac. In a letter Senator Stewart wrote to a member of the

STEWART: "HA! HA! THERE SEE HIS HEART—'ANYTHING'!"



Carson Daily Appeal



Carson City Appeal

NEWLANDS—"I ASSUME THE UTMOST GOOD FAITH ON BOTH SIDES; THAT YOU WILL SUPPORT ME FOR CONGRESS AND I WILL SUPPORT YOU FOR THE SENATE."

Nevada State Legislature, he stated that he "never heard of Mr. Newlands being well a week at a time; it is either rheumatism, gout from English high living, (he was the brother-in-law of Lord Hesketh of England and he and Mrs. Newlands had often visited their relatives at their English castle), bladder trouble, headache, indigestion, or all so combined it required a syndicate of doctors to keep his feeble heart in motion."

Charlie "Black" Wallace handled Stewart's campaign. He went about the State laying the foundations to get legislators elected to vote for Senator Stewart. This political game was a "rough one." And as the campaign grew in ferocity, Stewart's friends became so fearful of his life they employed two bodyguards to be with him at all times—Jack Chinn, said to be an ex-boxer from Kentucky, and David Nagle, from California, who had been the bodyguard of Justice Stephen Field when he was attacked by Judge Terry, and Nagle had shot Terry dead. The *Carson Daily Appeal* supported Senator Stewart; the *Nevada Union* and *Reno Evening Gazette* championed the election of Mr. Newlands.

It was a costly campaign for both parties—Charlie Wallace, agent for the Southern Pacific, took care of Stewart's expenses; Mr. Newlands had become wealthy from being an agent for the Sharon estate in Nevada and California. It will be remembered that in those days the Nevada State Legislature chose the United States Senators. (Newlands had already been chosen Representative in the November, 1898, election, but he planned to resign, become Senator, and let the Governor appoint a Representative.)

The *Carson Appeal* put on a vigorous campaign for Stewart when the members of the Legislature assembled in Carson City in January, 1899. Every morning, for more than two weeks before the vote was taken, Stewart had a cartoon of himself and Newlands in the newspaper. Stewart is depicted as the large, robust healthy looking distinguished statesman, while Newlands is the effete Englishman with derby hat, spats, plaid suit, buttonniere, and monocle.

January 25, 1899, was a beautiful day in Carson City. The election of a United States Senator was always an exciting one, and the newspapers reported that "all the ladies were out in their finery and would be seen in the galleries of the Capital." But this election was one of the most dramatic ever to take place in Nevada. Stewart was nominated in the Senate; in that body he had a clear majority and won easily. (It was reported around that Newlands had withdrawn his candidacy). But in the Assembly of thirty members, it looked like a deadlock.

The *Reno Evening Gazette* reported the election in this way: ". . . the hour was noon, Speaker (Lem) Allen, (Churchill) was just reaching for his gavel to call the house to order for the election of a United States

Senator, when one of the "lambs" (Wallace's man) whispered in his ear, but not low, that Wallace wanted him to come out in the hall just a minute. And the Speaker went." When the roll was called W. A. Gillespie, Storey, was not present. He was sent for but he could not be found. The vote was taken, Stewart won by one vote. The same newspaper reported later that, "The least said about it (the absence of Gillespie) the better . . . He has gone away, and at this writing has not shown up . . ." It was charged that Gillespie had been paid \$5,000 to stay away! He said "he went home as he had a right to do, because I knew there was no chance for a Republican to be elected and I was unwilling to play a part in Mr. Newlands⁵³ scheme to produce a deadlock." There were various and sundry stories told concerning Gillespie's absence. One prevalent one was that he was asked to come across the street from the capital to a saloon for a drink and to talk over matters. The drink knocked him out so badly he was unable physically to get back to the Capital building.

It may be well to describe briefly here how votes were bought in the days before the Australian ballot law and the direct election of United States Senators. From earliest times to 1892, the candidates' political agent handed a ballot to a voter who watched him vote, and then paid him the fee, generally \$10. It was considered good business on the part of the voter to get the highest current fee for his vote. After the secret ballot, the voter was given the customary \$10 to vote right, and was promised an additional \$5 if the right candidate were elected. But generally, the voter was so drunk the next day, he never showed up for his additional fee. The agent received ten percent of the money spent for his "cut."⁵⁴

The last term of Senator Stewart in the Senate, 1899-1905, was not as dramatic as previous ones. He succeeded in getting some of the Paiute Indian War claims paid to Nevadans, a part of the Nevada's Civil War debt was returned, and he successfully argued the first case to be heard at The Hague.

One of the most impressive accomplishments Senator Stewart made was in behalf of milk inspection, and of all dairy products coming into Washington, D.C. As a member of the Committee on the District of Columbia, he sought to have Congress pass a law to this effect. He set a good example in having installed at his farm at Ashburn, Virginia, which he purchased in 1895, some thirty miles west of the District, every known device for making his farm a model in sanitation. Here he bred

⁵³ Several months later Gillespie was seen as the Southern Pacific ticket agent at the Oakland Mole.

⁵⁴ REMINISCENCES OF NEVADA EARLY-DAY LEGISLATURES. This story had been vividly told in a feature article by H. L. Considine, NEVADA STATE JOURNAL, February 21, 1937.

fine horses, and the best milk cows. The Ashburn Farm was not a paying concern; Senator Stewart could not give it his personal attention and he was forced to sell it at a considerable loss. But he laid the foundation for the Pure Food Act.

In 1896, Senator and Mrs. Stewart decided to sell Stewart Castle. It was purchased by William A. Clark, copper king and United States Senator from Montana. When Senator Clark came to Washington, D.C., to take up his official duties, he announced he was not interested in buying any home that did not seat 200 people. He paid the Stewarts \$144,000 for The Castle, but never lived in it. The story of why he did not concerns the crashing to the floor of one of the full length mirrors when he went to inspect the house. The copper magnate had the castle torn down. He went over to New York City and built his mansion on Fifth Avenue. Senator and Mrs. Stewart purchased a new home at 18th and F Streets, opposite the home of their good friends, Chief Justice and Mrs. M. W. Fuller, where they surrounded themselves with many of the handsome furnishings she had had in the Castle. They were living there when the Senator set out for The Hague, and Mrs. Stewart went out to Oakland to visit relatives. (It was at this time she was killed in the automobile accident on September 12, 1902).

By the turn of the Twentieth Century, it was noted that Senator Stewart was one of the few Congressmen left who had taken part in the era of Reconstruction, and that he had outlived every member of the 39th Congress. He had also outlived most of his early Nevada and California mining colleagues, including all four of the Bonanza Kings. He was an ardent admirer of President McKinley and supported most of the administration bills; and he saw great hope for the nation in the youthful and vigorous young Theodore Roosevelt; he made his farewell speech for him.

On October 29, 1903, he married Mrs. May Agnes Atchison Cone, 48-year old widow of Theodore Cone, Washington, D.C., in Atlanta, Georgia. They lived in Washington until the Senator retired in 1905.

In 1904 he was asked if he would run for the Senate for another term; he gave the thought some consideration and corresponded at length with his friends and associates in Nevada. But he found that he would be confronted with the same situation in 1905 as existed in 1875: the mining boom in Goldfield, Tonopah, and other new gold and silver mining camps in Nevada, had produced another crop of millionaires, most of them ambitious to go to the United States Senate. He did not receive the nomination in the Republican Convention in 1904; it went to George S. Nixon, who was elected and took office on March 5, 1905.⁵⁵

⁵⁵ Senator Jones retired in 1903 after 30 years of continuous service in the Senate; he was succeeded by Francis G. Newlands.

DEATH OF ANNIE ELIZABETH FOOTE STEWART

Just as Senator Stewart was ready to embark to argue the Pious Fund Case at The Hague, he received word from his nephew, W. W. Foote, Jr. of Oakland, California, telling him of the shocking news that Mrs. Stewart had been killed in an automobile accident in that city. Mrs. Stewart had wished greatly to accompany the Senator to Holland, for she felt that she would be a considerable help to him in her knowledge and ability to speak fluently several European languages. Because she had not been well it was thought best that she go to the Pacific Coast and visit relatives.

In the late afternoon of September 12, 1902, she was being taken by her two nephews, H. Benedict Taylor and W. W. Foote, Jr., to visit her granddaughter, Bessie Stewart Fox Hofer, wife of Theodore Hofer, Carson City, when she was killed. The driver, Mr. Taylor, turned a corner too rapidly to avoid hitting a horse-drawn grocery wagon and ran head-on into an eighteen inch telegraph pole, snapping it off completely. All three of the occupants of the car were thrown out of the high-built, doorless heavy Winton car. The two men were thrown heavily to the ground; they sustained painful bruises and had to go about with canes for some time. Mrs. Stewart, riding in the front seat, was thrown against the curb, striking on the left side of her head. Her eye was almost torn from its socket and her face and head were badly crushed. She was helped into a nearby home where a physician administered first aid, and had her taken to a hospital. She died of concussion of the brain in two hours.

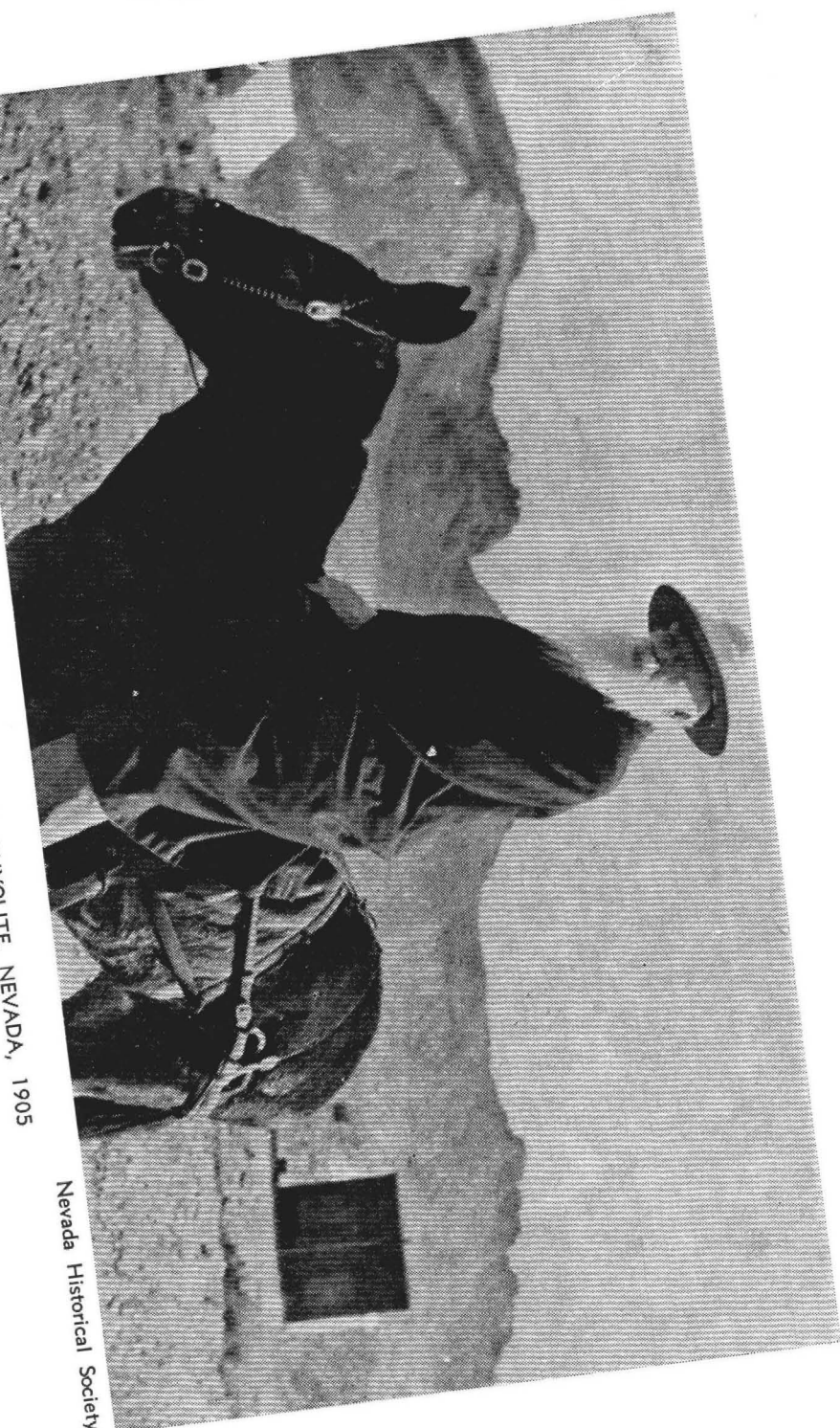
Since Mrs. Stewart's death was the first fatal automobile accident around the San Francisco Bay area, the newspapers gave the accident page one importance. *The San Francisco Chronicle*, Saturday 13, 1902, headlined: "Senator Stewart's Wife Dashed to Death in Automobile Accident." There were three columns of the sordid details, describing the speed of twenty-five miles an hour, the damage to the car; a large photograph of Mrs. Stewart and one of the accident, accompanied the article. This account was followed on the next two days with long accounts.

When Senator Stewart received the word of his wife's death, he sent word to his nephew to have services and to hold the body until he returned from Europe. The Episcopal service was read at the home of Mr. Foote, Sr., brother of Mrs. Stewart; the body was kept in the vault of a friend in Mountain View Cemetery, Alameda, awaiting the arrival of Senator Stewart for final committal.

On October 10, 1902, Senator Stewart wrote Mr. Foote that he was leaving Washington, Saturday, the 11th, and would arrive in San Francisco the following Wednesday. He requested that the services and burial be held the day after his arrival, in Laurel Hill Cemetery, San Francisco. He also wrote, "I want the matter conducted as quietly as possible. I would prefer to have none but relatives and special friends on that solemn

occasion." Their daughter, Mrs. Bessie Stewart Hooker accompanied the Senator from Washington, D.C.; their youngest daughter, Mrs. Maybelle Stewart Payson was then in San Francisco.

Many letters of sympathy were sent to the members of the family. From one of Mrs. Stewart's closest friends in San Francisco came a letter of condolence in which she wrote: "No sister of my own blood was dearer than she and among all the women I have ever known in my life, there has never been one who could compare, in all that made up royal womanhood, with my trusted and well-beloved friend Annie Foote Stewart."

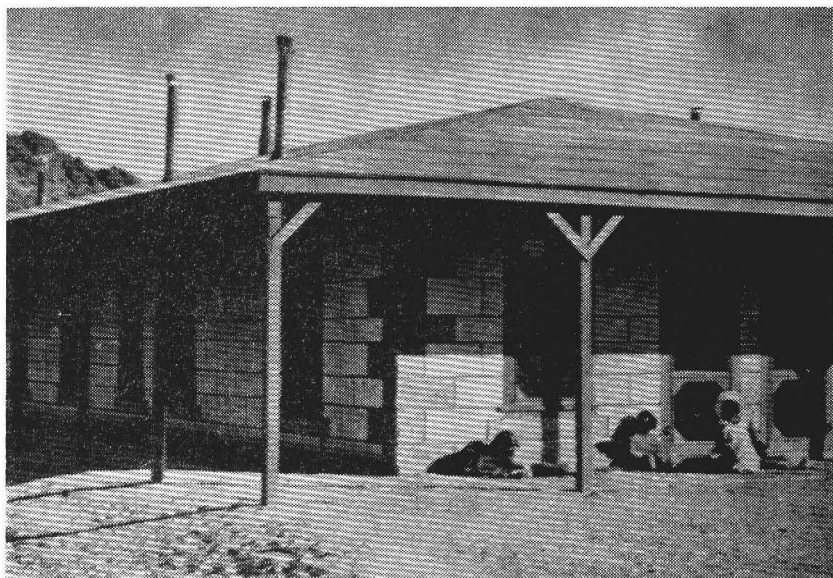


EX-SENATOR WILLIAM M. STEWART, RHYOLITE, NEVADA, 1905

Nevada Historical Society



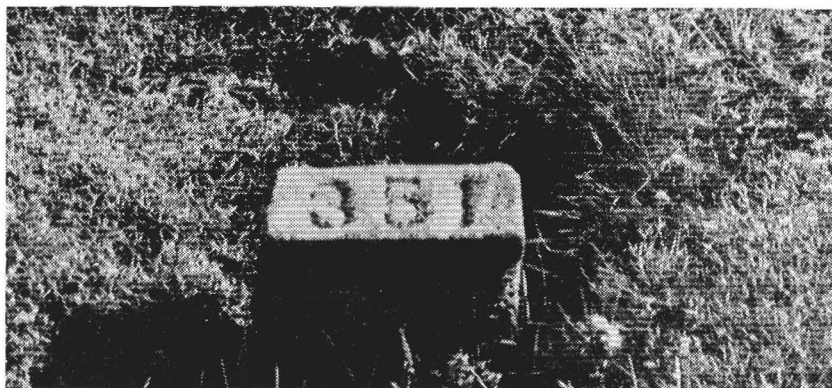
Nevada Historical Society
WILLIAM M. STEWART LAW OFFICE, RHYOLITE, NEVADA, 1905-1909



Nevada Historical Society
LAST HOME OF UNITED STATES SENATOR STEWART, RHYOLITE, NEVADA,
1905-1909

SENATOR STEWART RETURNS TO NEVADA

When Senator Stewart returned to Nevada in 1905, he followed his usual custom of acquiring a wagon and team of white mules, with which to drive over a goodly part of the State, appraising the conditions of the newly settled mining camps. Mining got into his blood in 1850; it was always with him. At this time the newly discovered camps of Bullfrog and Rhyolite were in the midst of a boom. There was always a better chance to make a fortune in a new camp; besides, there were more mining suits in a new camp to be resolved. And there in Southern Nevada, Senator Stewart took up his last residence in Nevada. He constructed a large one-story home and a law office in Rhyolite, and moved his wife and her little daughter, his collection of official papers, documents, and many volumes of books to that place. He had three more years of active life before he was stricken with his last illness. During this time he wrote his *Reminiscences*, which were published in 1908.



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The health of Senator Stewart began to fail in 1908 when he was in Bullfrog, Nevada. Returning to Washington, D.C., he entered Georgetown Hospital for an operation for hypertrophy of the prostate gland. He did not rally from the operation and died April 23, 1909. Funeral services were held for him in Washington by the Reverend John H. Van Schaik, Jr. His remains were cremated and sent to the Laurel Hill Cemetery, San Francisco, to rest beside those of his first wife, Annie Foote Stewart.

In 1900 efforts were made to discontinue burying in Laurel Hill Cemetery. This cemetery was not destroyed, however, until 1940, by order of the San Francisco Supervisors. Efforts were made to locate relatives of the thousands of persons buried there, but when none came forth, the remains were disinterred and buried at Cypress Lawn Cemetery, Colma, San Mateo County.⁵⁶ (Apparently no descendants of Senator and Mrs. Stewart were contacted.) A high mound, near the entrance of Cypress Lawn was set aside for the burial of persons removed from Laurel Hill, and now known as "Laurel Hill Mound." Thirty-five thousand California pioneers were removed to Cypress Lawn in 1940 and buried in vaults in a concentric circle around a ninety foot column in the center of the Mound. Each person buried was given a number. The grave lot of Senator and Mrs. Stewart at Laurel Hill was No. 612; they were both removed to Cypress Lawn and buried in Plot 33,012 and 33,013, and given "No. 351." The marker, about the size of a cement building brick with the number "351" on one end, is all that marks the grave of William Morris Stewart, first United States Senator from Nevada and his wife, Annie Elizabeth Foote Stewart.⁵⁷

⁵⁶ The headstones of persons buried at Laurel Hill were thrown into San Francisco Bay for "fill."

⁵⁷ Leonard Wainstein, member of Stanford Research Institute, Menlo Park, California, did the research to obtain the information on the burial of Senator and Mrs. Stewart.

WILLIAM MORRIS STEWART

An Appraisal Of His Life

The eminent British historian, James Anthony Froude, has said that "history must be studied in all its length, all its breadth, and in all its depth; nothing else gives us the necessary perspective." With this statement in mind, the same thought can be applied to the life of a person. From friends, associates, and colleagues, one can better appraise the accomplishments of William Morris Stewart, whether he be an opponent or a supporter.

Senator Stewart had faithfully devoted friends and fiercely raging enemies, both kinds of which expressed themselves forcefully. Cartoonists, Thomas Nast, Joseph Keppler, Manly Gillam and Homer Davenport, and comic magazines *Puck* and *Judge*, never tired of putting his striking figure into their publications.

Senator Stewart *did* have enemies, but they were chiefly his colleagues in the senate who were opposed to his bills. Charles Sumner was an implacable enemy of Stewart, especially of his RECONSTRUCTION bills. The CONGRESSIONAL GLOBE is filled with the sparring of these dominant senatorial figures. Sumner called Stewart "a traitor to the cause" because the latter moved to admit the State of Virginia after the Civil War. Stewart's devastating replies generally withered his opponents. A single subject seemed to engage Stewart's attention at a time. "And when his mind is fixed, the tenacity cannot be broken." Senator Sumner tried to "read him (Stewart) out of the (Republican) party, but Stewart's reply was a long speech (he rarely spoke from notes) in which he asked Sumner when he 'has the right to issue a Bull of excommunication.' Stewart was master of the English language; 'he could dictate letters by the dozens and speeches of great length, and never have to revise a word when he finished'."⁵⁸

John W. Mackay was one of Stewart's closest friends. Once, when Mr. Mackay was urged to run for the Republican nomination for Senator, he replied: "What, I go to the Senate! I've got no time for that. Besides Stewart is the better man. Do you know what the people of Nevada ought to do? They ought to send that man back to the Senate with the endorsement of the whole people, Republican and Democrat alike. He is just the man we need. He never lets up."

Although Senator Stewart was acceptable in all social groups, he did not have great social polish, but he was such a good raconteur, he was at home any place to which he was invited. A member of his family wrote that he "hated the effeminacy of the effete East . . . He despised dandies, idle clubmen and the Latin race, but his sympathies were broad as shown

⁵⁸ Theodore F. Shuey, stenographer in the Senate when Stewart was there, to the writer.

by his lifelong interest in schools, education and Indians. He has a genial kind of heart. His life is complete with good deeds. He dispensed hospitality at his home in Nevada, his residence in Washington and his farm in Virginia."

Lord Tennyson has expressed this kind of a life in a few lines:

"O iron nerve to true occasion true!

"O fallen at length that tower of strength!

"Which stood square to all the winds that blew."

WILLIAM MORRIS STEWART

In Memoriam

The death of William Morris Stewart was noted in the newspapers all over Nevada, the United States, and in foreign nations. The most expressive items came from Washington, D.C., and New York City: *The Washington Times* wrote that, "One of the Nation's strongest links with the past is broken—to Washington he gave as much of his life as to the West."

Senator Stewart knew that the newspapers of New York City had great influence over the nation. He personally knew many of the editors and reporters. And when he was in this city, they sought his opinion of topics of the day. When he died, *The New York Herald* stated that he was "one of the most picturesque figures in American public life for more than half a century." *The New York World* said that "His career as a whole would furnish the raw materials for half a dozen better novels than any American author is likely to write during the next decade. He was the last of the Argonauts and the last of that generation of Titans who made the Pacific Slope what it is," and *The New York Evening Telegram* remarked that he was "one of the most remarkable men in the country. Despite his advanced age he was very active in business until immediately before the development of the trouble which cost his life. Three times he made and lost great fortunes."

The New York Evening Post gave some four columns to his obituary: The editor described him as "Tall, well-formed, with muscles like iron, and supple quick-moving limbs, he was in every way fitted to hold his own . . . To the day of his last illness, he kept his height and erectness, and his tangled mass of beard . . . More than once the fact that he always carried a gun, (and sometimes two in the early days of the West) and could be relied upon to shoot straight, saved him from serious trouble."

He was loved and admired and worshipped by his close friends and members of his family. Indeed, several of his male descendants were given his full name. He returned this love by his frequent correspondence with them, by educating some of them, by making them many gifts, and by securing positions for them in local, national and international governments.

BIBLIOGRAPHIC ESSAY

The source material on the life and times of William Morris Stewart are gargantuan. In years, they extend from the 1840's through the first decade in the Twentieth Century; his influence in public life is recorded in the archives of three continents. The detailed records with which he pursued his education at Yale University, 1847-1850, and the way he continued it in California, are noted in tradition, county and state records. Letters he wrote on his active life in California and Nevada, his life in general, can readily be followed.

In Nevada, the story of the life of William Morris Stewart from the time he arrived in March, 1860, to the time he left the State for the last time, 1908, can be followed from county and state records. His legal residence in Nevada extended from Genoa, Carson City, Virginia City to Bullfrog and Rhyolite.

Although Mr. Stewart lived in several mining camps on the Mother Lode, he had a longer residence in Nevada City than any other one; his first friends and associates were made in this town. From his correspondence with them, and from city, county and state of California newspapers and records, his work can be traced.

From the time he arrived in Washington, D.C., February 1, 1865, to March 4, 1905, the records of his public life are stupendous. In the archives of the *National Bibliotheque* in Paris and in those of The Hague, information about his life can be found.

The speeches and debates of Senator Stewart recorded in the *Congressional Globe* and *Congressional Record*, would fill many volumes. On one bill alone, there are 144 columns in the *Globe*. And in archives of the Federal Departments, there are countless letters he wrote to them, and many pamphlets and brochures written by him on different subjects.

Fire has destroyed some of the records in the towns in which Senator Stewart lived — Nevada City, Downieville, and Virginia City, Nevada. In the latter city, the devastating fire of 1875 did not burn the Stewart residence but it did destroy the records in his law office. (The Storey County records in Virginia City are complete; they tell the story of his legal battles in this county in resolving the mining company disputes.) Stewart Castle in Washington, D.C., suffered a severe fire December 31, 1879 — the two upper stories were completely burned and the three lower ones suffered from some fire and water damage. Many personal things of the Stewart family were lost at this time.

The largest collection of Stewart items are in the Nevada State Historical Society Library. Obtained personally from Senator Stewart's office in Rhyolite by Jeanne Elizabeth Wier, Director of the Society from 1905-1950, they include:

- 32 Letter Press books of letters written by
Senator Stewart — 1886-1905
- 48 (fireproof) cans of letters written to
Senator Stewart — 1896-1907
- 39 Scrapbooks of newspaper and magazine items
 - 3 Library stacks of 6 shelves each, of books,
including many volumes of the *Congressional Globe*
and *Congressional Record*

This personal collection of Senator Stewart in the Historical Library is supplemented by many pictures and items belonging to him — the large sign over his Rhyolite Law Office, and his Notary Seal.

Other collections of Senator Stewart are in private libraries. The writer of this biography has a large one, collected over many years from friends, relatives and associates of Senator Stewart. Mr. and Mrs. Victor A. Hermann have researched the life of Senator Stewart in California and Washington, D.C.; descendants of his have a biography privately compiled by his relatives — among these things is a complete collection of cartoons made of the Senator in *Puck* and *Judge*.

Writings by Senator Stewart include:

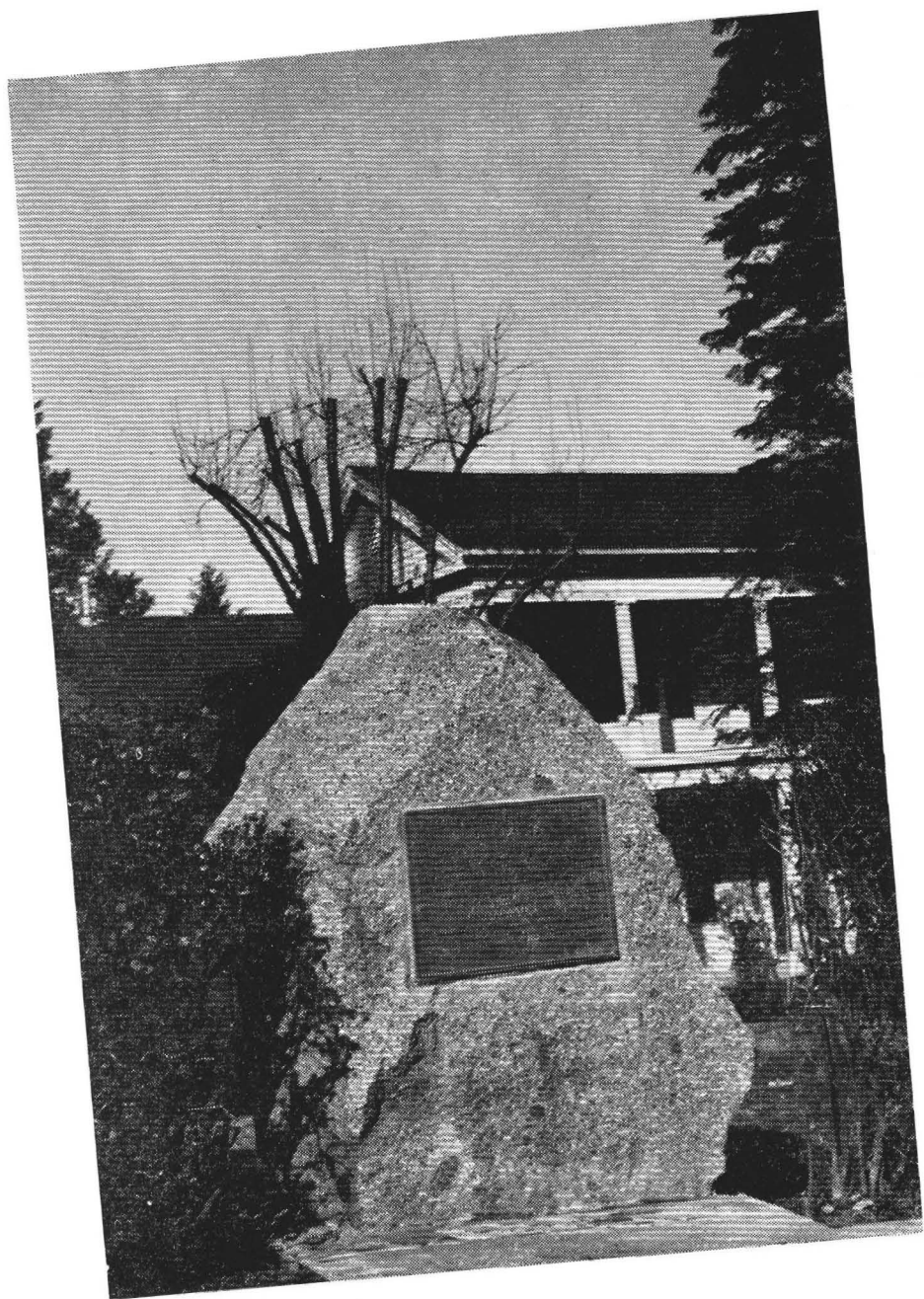
William Morris Stewart, *REMINISCENCES*, 1908 (Edited by
Charles Rothwell Brown)

THE FUNCTIONS OF MONEY, 1895

SILVER AND THE SCIENCE OF MONEY, 1893

....

SILVER KNIGHT - WATCHMAN — Edited by Senator Stewart,
1892-1898



WILLIAM MORRIS STEWART MANSION

Built 1855-56

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BIRTHPLACE, ONLY EDIFICE OF THIS TYPE IN
CALIFORNIA.

STEWART, AN EARLY NEVADA COUNTY DISTRICT
ATTORNEY, JOINED 1859 COMSTOCK SILVER RUSH,
LED BATTLE FOR STATEHOOD AND BECAME NEVADA'S
FIRST U.S. SENATOR, SERVED 29 YEARS. KNOWN AS
THE SILVER SENATOR AND FATHER OF AMERICAN
MINING LAW, AUTHORED 15TH CONSTITUTIONAL
AMENDMENT.

DEDICATED MARCH 7, 1964

WM. BULL MEEK—WM. MORRIS STEWART NO. 10
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CALIFORNIA—NEVADA CENTENNIAL COMMISSION
ON OBSERVANCE NEVADA STATE CENTENNIAL

1864-1964

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. . . THE EDITOR

WILLIAM MORRIS STEWART

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