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Contents

Nevada's Banking Holiday: 1932 125

by Susan Estabrook Kennedy

Early Utah and Nevada Electoral
Politics

Part 1 Early Mormon Political
Attitudes and Practices 131

by Ronald C. Jack

In Nineteenth Century Nevada:
Federal Records as Sources for
Local History 145

by Ann Morgan Campbell

The California Highway Commission
and the Truckee River Route 153

by Larry D. Givens

Notes and Documents 165

What's Being Written 169

THE COVER

Winter on the
Truckee River Highway

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George Wingfield

Nevada's Banking Holiday: 1932

by Susan Estabrook Kennedy

This appears in slightly different form as part of the third chapter of my book, *The Banking Crisis of 1933*, copyright 1973 by the University Press of Kentucky, and is used by permission of the publishers.

BANKS IN THE UNITED STATES had suffered failures for almost as long as there had been banks. Collapses in the 1920s and early 1930s were neither new nor surprising. What was significantly different, however, was an unprecedented volume and alarming pattern of suspensions: more banks than ever before closed their doors (5,790 banks between 1930 and 1933); and larger and more powerful institutions failed, affecting more depositors over wider areas. Clearly, America faced a serious banking situation.

For the most part, sliding banks could count on few saviors. Members of the Federal Reserve System might rely upon emergency rediscounting, but state nonmember banks had to depend upon the mercy or good will of larger and more stable institutions, most of whom were more concerned with their own safety. The National Credit Corporation, formed by big bankers at the request of President Herbert Hoover, did little to sustain troubled banks, fearing to risk its own assets in seemingly hopeless causes. Not until the Reconstruction Finance Corporation was chartered in 1932 did the country's banks have any real hope for aid if they faced debilitating withdrawals—and the RFC could only make loans on fully secured collateral.

When banks failed, therefore, they usually went down without the interference or assistance of local or national political and financial leaders.

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Another bank had closed; its depositors might be hurt, even ruined; its fellow banks had to look to their own positions in case the run should become an epidemic. Authorities did not consider closing many banks in order to save one or a few—at least not until the banking crisis reached Nevada.

Nevada's peculiar banking arrangement centered around a single individual, George Wingfield, who controlled virtually all of the state's banks and involved himself deeply in its economy. Born in Arkansas and raised as a cowboy in Oregon, Wingfield had come to Nevada as a prospector but turned to gambling which earned him over \$100,000 per year. By age twenty-seven, he was worth \$2 million and had used the profits from his gambling enterprises to acquire choice properties around the rich silver and gold mines at Tonopah and Goldfield. In 1906, he joined a prosperous Winnemucca banker, George S. Nixon, in a partnership to take the largest share of profits from those mines. Wingfield oversaw the partners' mining interests, and Nixon (also a United States senator) concentrated on banking, taking over institutions in Tonopah, Carson City, Reno, and Winnemucca. For the first time, Nevada miners and businessmen could do their banking within the state; they no longer had to seek financing in San Francisco. Nixon's death in 1912 left Wingfield in charge of a network of twelve banks in nine towns as well as large holdings in hotels, cattle ranches, and other properties. Although he refused appointment to fill out Nixon's term in the Senate, Wingfield served as Republican national committeeman while one of his lawyers held the same post for the Democrats. Some observers claimed that he ran Nevada's bipartisan political machine, that his office in the Reno National Bank Building was the real capital of the state.¹

Wingfield's banks handled most of the financing for Nevada's industry, perhaps 80 to 85 percent of loans outstanding, primarily in livestock. During the agricultural depression of the 1920s, he extended many of these loans without additional security. State banking authorities overlooked regulations on the investment of savings deposit funds and ignored provisions in the state's Banking Act of 1911 which forbade loans secured by chattel property. After 1929, when depression hit the rest of the country and Nevada suffered severe droughts, livestock prices plummeted, and the ranchers could no longer meet even their interest payments. Wingfield's banks were obliged to foreclose on 150 ranches that owned 70 percent of the cattle and sheep in Nevada, nearly 800,000 head. The banks often received only twenty-five cents in the depressed markets for sheep on which they had loaned up to eight dollars per head.²

By 1932, Wingfield needed help. Since his banks held more than 80 percent of the banking resources of the state, as well as funds of counties, school districts, municipalities and the university, and his personal and political friends occupied many of the state's highest offices, Wingfield's trouble was also Nevada's. A small state—its population numbered 91,000 in the early 1930s—Nevada was too closely tied to the economy which Wingfield had been sustaining to find other local resources to bring to his aid now. State officials, however, joined their pleas to his efforts to find new funds. He tried, unsuccessfully, to convince A. P. Giannini of the Bank of America in

California to extend his huge banking complex into Nevada.³ Then, both banker and state applied to the federal Reconstruction Finance Corporation for loans. The agency authorized three emergency relief loans, totalling \$54,967, to Nevada,⁴ but the RFC Board refused to advance \$2 million to Wingfield. One government official recalled that no one knew enough about the Nevada situation to take responsibility for a loan.⁵ Therefore, Governor Fred B. Balzar flew to Washington on October 30 to lay the banks' case clearly before President Herbert Hoover and the director of the RFC. He persuaded the RFC Board to investigate the Nevada banks.

Meanwhile, the Wingfield banks lacked sufficient funds to meet depositors' withdrawals and asked the state for help. The superintendent of banking had not properly evaluated their free assets and had permitted them to remain open while depositors drained off available cash. Wingfield and his officials told other bankers, the state bank examiner, the attorney general, and the lieutenant governor that their situation was perilous; they asked for a suspension of banking and business in Nevada until they could reorganize the banks and locate additional funds, perhaps from the RFC. The governor agreed from Washington and telegraphed orders to issue the necessary proclamation.

On the evening of October 31, therefore, the lieutenant governor of Nevada declared a twelve-day bank and business "holiday" whereby financial institutions could remain closed if they chose. Simultaneously, George Wingfield announced the reorganization of his banks.⁶

Residents of the Silver State reacted calmly to their banking moratorium. Fifteen of the state's twenty-six banks closed the first day, including the twelve Wingfield institutions; several banks used the holiday only temporarily and opened again after an hour; a few limited withdrawals. At the end of two weeks, however, only thirteen banks—Wingfield's and one small state institution—had not reopened. Groups of businessmen, apparently unhampered despite the suspension, publicly commended Wingfield for his "heroic efforts" in sustaining the state's industries and businesses before the holiday. One newspaper called the moratorium another of those "ups and downs" to which citizens of the mining and livestock states had become accustomed. The legislature saw no reason for emergency measures; tax relief, for example, would be unsound and unnecessary, they thought, since more than half of the next tax installment would come from railroads and utilities which could obtain funds through their New York offices, and thousands of smaller taxpayers could fulfill their obligations without drawing on bank deposits.⁷ Even frozen school and county funds excited little furor; officials expected that \$350,000 in school funds would become available in time to meet December and January payrolls for 650 teachers in thirteen counties; county clerks would get the money from the reopened banks or apply for it to the bonding companies.⁸ The suspension did displace politics "as a street corner conversational subject," but local pundits believed that it had come too late to have any real effect on the election.⁹ Nevadans even accepted a two-week extension of the holiday when Governor Balzar decided that the banks needed more time to arrange their reopening.

Wingfield and his associates had begun work on reorganization as soon as the moratorium was declared. Two RFC examiners arrived on November 2, as promised, to investigate the banks' position for a loan and to help in finding a solution; they remained in close consultation with the banking group and state officials until they had evolved a potential reopening plan. First, they sought refinancing of the bad livestock loans. Since the Regional Agricultural Credit Corporation, an affiliate of the RFC, was scheduled to open an office in Reno very soon, the two federal examiners recommended that part or all of the loans to livestock men be transferred to the new agency. Individual borrowers could obtain funds from the credit corporation which they would use to pay off their notes to the Wingfield banks, which in turn, could reduce their debts and have some "free assets" on which to negotiate further loans.¹⁰

The rest of the reorganization plan called for unification of the twelve Wingfield banks into a single institution with new capital. A parent bank in Reno would have branches in those towns currently serviced by Wingfield banks. Of course, Nevada's banking laws would have to be revised to permit branch banking. But first, Wingfield had to refinance his operation. He and the RFC men met with officials of Standard Oil, Southern Pacific and Western Pacific Railroad, Sierra Pacific Power Company, and other concerns; none could or would supply the additional money. Under another proposal present depositors would take two-thirds of the stock in the new parent bank, the rest to be held by others who would advance capital for its operation.¹¹ Committees of depositors in each closed bank had to vote on participation in this plan; depositors were also asked to vote waivers of their claims against the banks, because at the time of the moratorium it appeared that they would lose \$3.1 million, one-fifth of the combined total deposits. Wingfield, his associates, and the RFC examiners submitted their arguments to the depositors' committees, but in each case, they had to reveal that only a portion of deposits (ranging from 45 to 60 percent at the Reno National Bank up to 90 to 95 percent at Riverside) would probably be made available under the new system.¹² Therefore, depositors in the more stable banks protested merger of their assets with those of less liquid banks and voted to be omitted from the branch bank plan; others asked for a postponement until they could commission an independent appraisal of the assets. To give them time, Governor Balzar again extended the Nevada banking holiday, now until December 18; unlike the two earlier proclamations, this moratorium applied only to banks, not to businesses or debt payments. Depositors' committees resisted the idea of capital contribution, but Wingfield was able to secure the necessary waivers from two-thirds of his creditors.¹³

Still in need of capital, Wingfield turned to the RFC. The reorganization plan, as originally conceived, seemed to bypass the RFC since that agency in 1932 was only empowered to make loans; it would not yet subscribe to capital stock. Wingfield officials admitted that their preholiday request for \$2 million from the RFC could not have saved them. By December, however, they had exhausted all other sources—the depositors, California investors, Nevada industry—and approached the RFC again. This

time, Wingfield offered a plan for merger of his twelve banks into a single chain under a parent bank in Reno, all financed through a new large mortgage company.¹⁴ Four months later, plans had been completed for the Bank of Nevada, to be formed by merger of Wingfield's banks, with supportive loans from the Regional Agricultural Credit Corporation, the RFC, and California corporations.¹⁵

Nevada's moratorium had very little effect upon the 1932 presidential election or—in the short run—the American banking system. It occurred too close to the election and in too circumscribed an area to influence the outcome. Moreover, the state had a very small population; its banks had almost no ties beyond Nevada; and the cause of failure, overcommitment to bad livestock loans was limited to a single group of banks. Thus, Nevada's banking crisis produced few immediate reverberations outside the state. As one Federal Reserve official said, "Nevada is a minor state in a financial way."¹⁶

The Wingfield episode did hold some significant lessons for the handling of a banking crisis, however. A state's governmental administration had become closely tied with its financial institutions, and when those banks were imperiled, the state did all in its power to save them. In one sense, at least, the interests of Nevada and those of George Wingfield were the same. Despite its willingness to help, however, Nevada had no means whereby it might rescue those banks; accordingly, it went to larger agencies to find the necessary funds—it went to the federal government. But national authorities could not agree to sustain the Wingfield banks within a reasonable period of time.

For the first time, therefore, a state had to resort to total suspension of its financial operations because a sizable portion of its banking facilities were imperiled. The Nevada holiday suggested that other states, or perhaps the entire nation, might have to face such a moratorium unless they halted bank failures.

Four months later, the holiday became nation-wide.

Notes

1. Gilman M. Ostrander, *Nevada: The Great Rotten Borough, 1859-1964* (New York: Alfred A. Knopf, 1966), pp. 134, 138-142; Richard G. Lillard, *Desert Challenge: An Interpretation of Nevada* (New York: Alfred A. Knopf, 1949), pp. 31-34, 246-247.
2. *Reno Evening Gazette*, November 1, 1932; report of investigation by Nevada legislature, *ibid.*, March 13, 1933; F.W. Barsolou, "The Concentration of Banking Power in Nevada: An Historical Analysis," *Business History Review*, XXIX (December, 1955), 350-362; Marquis James and Bessie Rowland James, *Biography of a Bank: The Story of Bank of America N.T. and S.A.* (New York: Harper and Brothers, Publishers, 1954), pp. 362-363.
3. James and James, *Biography of a Bank*, pp. 362-363.
4. *New York Times*, October 1, 21, November 3, 1932.
5. Eugene Meyer, COHC, pp. 674-675.
6. *Reno Evening Gazette*, November 1, 1932; *New York Times*, November 2, 1932.
7. *Reno Evening Gazette*, November 10, 1932.
8. *Ibid.*, November 24, 25, 28, 1932.
9. On November 5, bettors in Reno favored Roosevelt to win the presidency and Republican incumbent Tasker Oddie to retain his Senate seat. Three days later, Roosevelt carried every county in Nevada, some by 2 to 1, but Oddie suffered an upset at the hands of Pat McCarran in a Democratic sweep. *Reno Evening Gazette*, November 5, 9, 1932; *New York Times*, November 9, 1932; Ostrander, *Nevada*, pp. 150-155.
10. *Reno Evening Gazette*, November 8, 10, 1932.
11. The usually conservative *Reno Evening Gazette* editorialized in favor of this depositor ownership, which worked out successfully in the reorganization of the one state bank outside the Wingfield group which had remained closed. *Loc. cit.*, November 19, 22, 25, 1932.
12. The Virginia City Bank received the gloomiest report; of \$196,901.51 in assets, \$87,894.03 had been lost irrevocably, and only \$42,341.21 in good assets remained free for distribution. *Ibid.*, November 19, 1932.
13. *Ibid.*, November 19, 26, 27, 29, 30, 1932; *New York Times*, November 26, 27, 1932.
14. *Reno Evening Gazette*, December 24, 1932, February 4, 5, 1933; *Commercial and Financial Chronicle*, February 11, 1933, pp. 950-951; *New York Times*, February 5, 1933.
15. *New York Times*, June 4, 1933.
16. Meyer, COHC, pp. 671-672.

Early Utah and Nevada Electoral Politics

by Ronald C. Jack

The following is part one of a three part study which investigates electoral behavior in early Utah and Nevada politics. Before one can come directly to grips with this subject the author has deemed it necessary to briefly examine some of the significant factors which influenced the political activity of the Mormons, the settlers who colonized much of the Great Basin. Part one will analyze the conditioning factors and the attitudes which the Mormons brought to the valley of the Great Salt Lake and the Great Basin. Parts two and three will then examine the adaptive, evolutionary changes in their behavior as reflected in the elections of the 1850s and 1860s respectively.

Part 1

Early Mormon Political Attitudes and Practices

EARLY IN THEIR HISTORY, the Mormons recognized the legitimacy of civil government. The following "Declaration of Belief" regarding secular governments and laws in general was accepted by unanimous vote of the membership of the church at a general assembly on August 17, 1835:

We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them, for the good and safety of society.¹

The Mormons predicated their support of secular government upon a rather unique belief. Whether a government was viewed as morally good or bad, God was the source of its power. Brigham Young put the matter in this way: "Whether they (the rulers of nations) made good or bad use of it, all power is ordained of God and is in his hands."²

A large part of Mormon political practices were grounded in the

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interaction between the Mormon group and the larger community. The Mormons believed that by the authority of the priesthood, which God had bestowed upon them as the chosen people, they were ultimately to govern the whole world. This doctrine provided ready fuel for Mormon-Gentile³ political conflicts. Concerning the acceptance by the rank and file Mormons of the political views of the church leadership, JoAnn Shippis writes:

In Missouri and Illinois and Iowa . . . free men resigned their right to vote and accepted political dictation from men whose claim to wisdom rested on a purported ability to talk with God.⁴

The specific Mormon political practices to which the non-Mormons objected were: (1) Mormons voted as a bloc or a unit; (2) the votes of rank and file Mormons were controlled by church leaders by means of pretended revelations on political matters; and (3) the Mormons traded their votes for special privileges,⁵ although this practice of logrolling was not peculiar to Mormons.

There is little doubt that Mormon leaders taught their church members to congregate in particular settlements. Because of their religious and social cohesion, the Mormons generally did vote as a unit, and this made it possible for them to control or to materially affect the outcome of elections on the local level. As the number of Mormon settlers in a particular community grew, it was to be expected that the concern of the Gentiles over Mormon domination or the threat of a possible Mormon domination of local political affairs would increase. The *Jeffersonian Republican* reported the comments of a Gentile committee appointed at Independence, Missouri, July 20, 1833, for the purpose of ridding Missouri of the Mormons:

The committee expressed their fears that, should this population (the Mormons) continue to increase, they will soon have all the offices in the county in their hands; and that the lives and property of the citizens would be insecure, under the administration of men who are so ignorant and superstitious as to believe that they have been the subjects of miraculous and supernatural cures...⁶

The Gentile cry was that "when we approach the ballot box we find we are virtually disfranchised, for the Mormons outnumber us."⁷

Joseph Smith stated the reason for the members of his church to vote in unison:

Should there be a Methodist society here and two candidates running for office, and one says, "If you will vote for me and put me in governor, I will exterminate the Methodists, take away their charters, etc." The other candidate says, "If I am governor I will give all equal privilege." Which one would the Methodists vote for? Of course they would vote *en masse* for the candidate that would give them their rights. Thus, it has been with us.⁸

Smith not only desired that the Mormons be united in both religious and secular activities, but felt that circumstances demanded such unity, including Mormon political activities, since from his perspective "unity is power."⁹

As a result of the opposition and conflict that faced the Mormons in New York, Ohio, Missouri and Illinois, the Mormons developed a strong group awareness and identification. In turn opposition to the Mormons developed from religious differences between the Mormons and the members of other Christian sects, and this soon developed political overtones as well. These differences centered around the acceptance by the Mormons of: (1) a prophet who assumed authoritarian control of the church; (2) new scripture by the Mormons; (3) a doctrine of election, whereby the Mormons felt themselves to be God's chosen people; and (4) a belief that they were to establish and build the Kingdom of God on earth. Opposition to the church along religious lines was reinforced by social and cultural differences. The Mormons sought a type of isolationism among members of their own faith.

The Mormons also chose not to use certain aspects of the conventional political institutions—for example, the political party—that were recognized and used by other citizens of the United States. From the time the Mormon church was founded in 1830 until 1870, the church rejected the political party as a useful political institution. Joseph Smith was impressed with the dissension that accompanied party politics. He stated: "I am astounded at the silly moves of persons and parties to foment discord in order to ride into power on the current of popular excitement . . ."¹⁰

However, was the church political? President Brigham asked and answered this question in this way: "Are we a political people? Yes, very political . . . But what party do we belong to . . . We will vote for the man who will sustain the principles of civil and religious liberty . . ."¹¹

The totalitarian outlook of the church placed it in competition with all other organizations, including the governmental, for the allegiance of its members. Church doctrine expressed a universal concern for the temporal, including the economic and political affairs of church members. For these reasons, the Mormons found it useful to engage in the practice of bloc-voting,¹² following with rare exception the desires of their prophet in political as well as religious affairs. John D. Lee, an early apostate Mormon of some renown, recorded the Gentile reaction, frequently raised, to the Mormon practice of bloc-voting:

As old Joe Smith votes, so will every Mormon in the country vote, and when they get into a fight, they are just the same way, they stick together; when you attack one of the crew you bring every one of them after you like a nest of hornets.¹³

These are some of the Mormon values and social conventions which found political expression long before the Saints started their migration to the Great Basin.

Survival and Cooperation

After their arrival in the Great Basin, the efforts of the Mormons were directed toward developing a self-sustaining agricultural economy. In the first few years, economic necessity required that only those activities which would contribute to the production of food should be undertaken.¹⁴

With the establishment of each new settlement, the immediate concern of the settlers was to insure the physical survival of the members of the colony. For example, Andrew Love, in his journal in 1852 made the following entry: "We built a log cabin of such material as we could get, the snow in the canyon being too deep to get timber. We plowed and planted ten acres of land and raised crops without fencing."¹⁵

Since the church as an organization fulfilled most of the social and political needs of the early pioneers, there was little need for governmental organization. For example, through its organizational structure, the church provided a rule or lawmaking function. The church also had its system of gathering and dispensing tithes and offerings.¹⁶ Because most of the residents of the valley were Mormons and had hoped for and anticipated a situation where they could establish the "theo-democracy" which Joseph Smith had advocated, the use of the organizational framework of the Mormon church for a form of ecclesiastical government was acceptable to them.

Through the rise of the "village" pattern of settlement¹⁷ the leaders of the church were able to maintain contact with and control over the members of the church. The pattern for Mormon villages in the Great Basin was the plan designed by Joseph Smith for use as a guide in laying out the City of Zion.

The village pattern in Mormon settlements aided the Saints in their cooperative efforts and provided a means of mutual protection and was a source of strength against Indians, thieves, and so forth. In the village settlement pattern the church was physically the center for cultural and social relationships, since the homes were grouped around the chapel; this made the church the pivotal institution, geographically and socially, in the community.

Another advantage of the Mormon village was the stability that it helped to produce.¹⁸ The Mormon village aided Mormon settlement by establishing a strong network for communications in which the patterns of social intercourse were highly developed.¹⁹

Mormon settlements were not developed by individualism but were built by cooperative enterprise. In fact, the recruitment of population for the Mormon frontier is itself an example of social planning. The leadership of the church generally had a "closed-door" policy which sought to discourage random migrations.

The Mormon settlers recognized the importance of accepting and working under conditions which would insure that their early efforts were directed toward building up Zion. Cooperative and coordinated activity, centrally directed by the leaders of the church, became the answer to the question of survival, not only for individuals but also for the Mormon church itself.

Government by the Church

Discipline within the church was greatly strengthened as a result of the forced migration of the Saints from Illinois. Placed in the position of directing the exodus, "Brigham Young and his leaders were learning how to organize people for labor and travel."²⁰

The degree of discipline and tightly-knit organization developed among the Saints crossing the plains strengthened the control of the church leadership and left its impact on the membership of the Mormon church well into the next century.²¹

Upon arrival in the valley, the first government was one composed of officials selected by Brigham Young and accepted by the people. This ecclesiastical government, a High Council,²² was to direct the affairs, both secular and ecclesiastical, of the new settlement²³ during the winter of 1847-1848, when Brigham Young returned to Winter Quarters. The High Council was chosen at a meeting of the settlers of the valley on August 22, 1847.

Howard Egan recorded the events of this meeting in his diary:

President Young: "I move that there be a president to preside over this place." Seconded and carried. "That there be a High Council." Seconded and carried. "That all other officers that are necessary be appointed for this place." Seconded and carried.²⁴

After other business had been considered, President Brigham Young said: "It is the right of the Twelve to nominate the officers and the people to receive them If Uncle John Smith²⁵ comes, it is our minds that he preside."²⁶

John Smith received from Brigham Young a letter which nominated him to be the presiding officer of the High Council:

It is wisdom that certain officers should exist among you, to preside during our absence, and we would nominate John Smith to be your president, with liberty for him to select his two counselors, and we would suggest the names of Chas. C. Rich and John Young. We would nominate Henry G. Sherwood, Thos. Grover, Levi Jackman, John Murdock, Daniel Spencer, Stephen Abbott, Ira Eldredge, Edison Whipple, Shadrach Roundy, John Vance, Willard Snow, and Abraham O. Smoot for a High Council; whose duty it will be to observe those principles which have been instituted in the Stakes of Zion for the government of the Church, and to pass such laws and ordinances as shall be necessary for the peace and prosperity of the city for the time being.²⁷

These instructions were carried out. The High Council, assuming civil,

economic and social authority, named a committee²⁸ to draft a code of laws for the government of the people in the valley. On December 27, 1847, the High Council reported:

We the High Council of the Great Salt Lake City, in the absence of an organized jurisdiction of any Territory, for the peace, welfare and good order of our community, proceed to enact the following laws, for the government and regulation of the inhabitants of this city and valley for the time being, subject to the approval of the people.²⁹

The five ordinances passed by the High Council were concerned with: (1) any person "idling away his or her time; (2) disorderly or dangerous persons; (3) adultery and fornication; (4) stealing; and (5) drunkenness, cursing . . . unnecessary firing of guns . . . or disturbing the quiet or peace."³⁰

During 1849 the High Council approved a paper currency for the people, the money to be backed by gold coin or gold dust. Some gold coins were minted in the name of the provisional government of Great Salt Lake City. The High Council also gave permission to build grist mills and saw mills and to extract timber from the canyons.

The High Council continued to perform its "municipal duties" after the return of Brigham Young and other general authorities in September 1848. It appears, however, that it was displaced by another church organization, the General Council,³¹ which took the reins of government from the High Council, as evidenced by an entry of December 9, 1848 in the diary of John D. Lee: "The Council of 50 again met at the House of H.C. Kimball."³²

When the Mormons turned their faces away from Nauvoo, Illinois toward the western mountains, they did so in the hope that they could escape the reach of the power and influence of their Gentile neighbors. One of the basic attractions of the Great Basin was its physical isolation and the fact that few people³³ found the valley attractive or desirable. In fact, Brigham Young had stated, "if there is a place on this earth that nobody else wants that's the place I am hunting for."³⁴ Samuel Brannan, who sailed from New York to California on the ship *Brooklyn* at the same time the Saints began their overland journey across the plains, attempted to convince Brigham Young that Zion should be established in California. Brigham Young, however, would have none of California.

One of the chief reasons for wanting to avoid California and the Pacific coast was that "large numbers of emigrants, from Missouri and other border states, were now wending their way"³⁵ toward the coast. Many of these people had been involved in conflict with the church before, and it was the general opinion of leaders of the church that future contact with these people would only lead to more troubles for the Mormons.³⁶

With the ratification of the Treaty of Guadalupe Hidalgo,³⁷ the Great Basin, including the Great Salt Lake Valley, became part of the United States. Although the Mormons had not secured territorial monopoly, they had established a strong group unity through their common experiences and

religion and "they almost became a separate nationality."³⁸

The economic policies established by Brigham Young in the valley were designed to insure the self-sufficiency of the Saints in supplying their needs and restricting the need for contacts with the "outside world." The Mormons came into the valley as permanent residents desiring to build homes and establish their society. Brigham Young believed that only farming could provide a sufficient basis on which Zion could be built. In this the Mormons were unique since "none but the Mormons were engaged in producing food."³⁹ The church leaders warned the membership of the church to forego seeking gold and to seek to advance the security and the growth of Zion by tending to their crops in the valley.

The Need for Civil Government

The early settlements in the valley required some civic or municipal undertakings. For example, Whitney lists some of the early public improvements initiated in the valley:

During 1848 various improvements for the public benefit were planned and effected in Salt Lake Valley and the vicinity. Roads were constructed in diverse directions, and bridges thrown across the Jordan River and several of the mountain streams. A bath house was also erected at the Warm Springs.⁴⁰

The church undertook most of these "governmental" functions. As Melville noted, "many of Brigham Young's church policies resembled state functions."⁴¹ Some projects were:

...allocated to private individuals but controlled by the Church in a public-utility franchise fashion; others were planned and constructed from funds collected by tithing or through donated labor in lieu of cash payments. Welfare projects, many of a make-work nature, were fostered by Brigham Young privately or as the President of the Church, using Church funds.⁴²

Whitney points out that poll and property taxes were used very early in the history of the valley:

To defray the expense of some of these improvements the roadmaster—Daniel Spencer—was authorized to levy a poll and property tax; the rate of the latter being one percent. Most of the assessments were paid in labor on the roads. In October (1848) a Council was projected to be built by donation, or labor tithing.⁴³

The church's tithing system and its tithing office tended to be the financial center for early public improvements. This promoted a centralized, coordinated control over any anticipated public improvements. There was need for administrators in the development of the natural resources of the valley, such as water and timber in the canyons, and the construction of public works, such as roads and bridges. Officials were also needed to perform functions which were essentially governmental, such as the levying and collecting of taxes and civil functions. Whitney states:

True, the community had its secular officials, authorized to levy and collect taxes and perform various functions of a civil character. It also had its peace officers, and its primitive methods of administering justice.

Both these officers, as a rule, were chosen by the people at their conferences or other religious meetings, presided over by Apostles or Elders, and were virtually Church appointments. The nominations were usually made from the "stand," by some dignitary of the Priesthood, and sustained by the congregation, if acceptable, with uplifted hands. Such appointments, therefore, though secular in character, could not be called political. In fact there were no politics in the community. . . .⁴⁴

At a High Council meeting on January 6, 1849, it was decided that the responsibilities for municipal duties should be taken from the High Council and given to the bishops of the wards. On February 14, 1849, Great Salt Lake City was divided into nineteen ecclesiastical wards. A bishop was appointed to preside over each ward, which consisted of approximately three square blocks.

With the ratification of the Treaty of Guadalupe Hidalgo on May 30, 1848, which made the Great Basin part of the United States, and with the discovery of gold in California, the highly desired isolation of the Great Basin proved to be short-lived. "As early as June of this year (1849) there began to pass through Utah or Deseret parties of gold hunters en route for California . . . Salt Lake Valley was no longer shunned and avoided."⁴⁵ In an epistle to "Elder Orson Hyde and the Authorities of the Church in Pottawatomie County, Iowa," the First Presidency of the Church made the following report concerning the movement of would-be gold diggers through the valley:

On the 16th day of June, the gold diggers began to arrive here on their way to the gold regions of California; since which time our peaceful valley has appeared like the half-way house of the pilgrims to Mecca, and still they come and go, and probably will continue to do so till fall. . . . From all appearances many will have to stop here late in the fall and tarry with us through the winter.⁴⁶

The goals of the Saints in the valley as set forth by Brigham Young called for the Mormon settlers to plant and till the soil and not to be diggers of gold.⁴⁷ In this way Brigham Young made sure that few of the Saints would leave the settlements to search for gold. However, the Mormons located in the valley could not avoid the gold miners on their way through the valley to the California gold fields. The result, as Anderson states, was that:

Each winter of the gold-fever period a considerable number of men arriving in Salt Lake Valley too late to journey safely over the mountains, would stop among the Mormons.

Probably it was the presence of the "Winter Saints," more than any other factor, that stimulated the Mormons to put their priesthood government aside and to set up for themselves the civil government . . .⁴⁸

The result of the "unforeseen end of isolation demanded civil government which was acceptable to Mormon and Gentile alike."⁴⁹ From 1847 to 1849 the ecclesiastical organization served as the civil government with certain supplemental appointments of officials when this was found to be necessary. "The church authorities were courts, legislatures, and executive council in the early days of the colony." According to Cannon, "they were these things without disguise; that is, they did not put on civil titles when they assumed to perform civil functions."⁵⁰ However, in early 1849 the church, stated Cannon, "began to put on the disguise of civil government,"⁵¹ when Brigham Young sent out a "call to all citizens of that portion of upper California lying east of the Sierra Nevada" for a political convention to be held in March 1849 in Salt Lake City.

Notes

1. *The Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1958), Sec. 134:1. Parts of this book were issued at Zion, Jackson County, Missouri, in 1833, under the title, *Book of Commandments for the Government of the Church of Christ*; an enlarged compilation was issued at Kirtland, Ohio, in 1835, under the title *Doctrine and Covenants of the Church of the Latter-day Saints*.

Mormons do not hold the view that all governments are instituted of God, although according to Mormon belief God suffers these governments to exist and holds the men in these governments responsible for their actions. The Mormon church, in effect, developed a "degenerative concept" of government. According to this theory, early in man's history God gave a perfect government to man, but wicked men usurped authority, and the result is that the governments in the world today are the governments of men, not of God.

For details, see Gaylon L. Caldwell, "Mormon Conceptions of Individual Rights and Political Obligation" (unpublished Ph.D. dissertation, Stanford University, 1952); Gabriel E. Janosik, "The Political Theory of the Mormon Church" (unpublished Ph.D. dissertation, University of Pennsylvania, 1951); James Keith Melville, "The Political Ideas of Brigham Young" (unpublished Ph.D. dissertation, University of Utah, 1956).

A more practical concern may have been part of the Mormon acceptance and reliance on civil government. Mormonism strongly reflected the characteristics and eschatology of the millennialist tradition. In view of the reactions of non-Mormon citizens of the states of New York, Ohio, Missouri and Illinois to the social institutions and practices of the Mormon church, it was important to have the protection of the civil state.

Thomas F. O'Dea states: "There can be no doubt that it was in the interests of the Mormon leadership and the Mormon group as a whole to recognize and to participate in the civil state." *The Mormons* (Chicago: University of Chicago Press, 1957), p. 168.

2. Brigham Young, *Journal of Discourses* (Liverpool: F.D. and S.W. Richards, 1856), vol. 7, p. 148.

3. The Mormons viewed non-members of their church as Gentiles, since they were not, according to Mormon doctrine, among the elect, the members of God's Church and His Kingdom.

4. JoAnn Barnett Shipps, "The Mormons in Politics: The First Hundred Years" (unpublished Ph.D. dissertation, University of Colorado, 1965), p. 3.

5. Kenneth Gordon Crider, "Rhetorical Aspects of the Controversies over Mormonism in Illinois, 1839-1847" (unpublished Ph.D. dissertation, University of Illinois, 1956), p. 310.

6. *Jeffersonian Republican* (Jefferson, Missouri), August 17, 1833.

7. *Warsaw Signal* (Warsaw, Illinois), July 10, 1844.

8. Joseph Smith, Jr., *History of the Church, Period I* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1948), vol. 5, p. 490.

9. *Ibid.*, vol. 6, p. 198.

10. *Ibid.*

11. Young, *Journal of Discourses*, vol. 8, p. 149.

12. The impact of the bloc-voting was two-fold. First it had a demoralizing effect on the non-Mormon citizens who resided in the same area, as the following excerpt from the *Burlington Hawkeye* indicates: ". . . 1900 votes were polled at the recent election at Nauvoo. All the Mormon candidates in the county were elected; the anti-Mormons did not turn out except at Warsaw; they feel that the election franchise to them is a mere farce." (Burlington, Iowa), August 21, 1843. Second, it not only is a matter of grave concern to the non-Mormons, but also a ready source of social and political opposition to the Mormons. The Gentile neighbors of the Mormons could not accept the religious motivation which prompted the Mormons to accept the political dictates of a so-called religious prophet without question. This opposition in turn helped to facilitate group

awareness and identification among the Mormons.

13. John D. Lee, *Mormonism Unveiled* (St. Louis: Bryan Brank and Company, 1877), p. 66. Lee, who settled in Washington County in 1852, near Fort Harmony, had been very influential in the church and had, in fact, been "sealed" to Brigham Young as an adopted son. For his part in the Mountain Meadows massacre, Lee had been cut off from the church and was later tried before a Mormon jury, convicted and executed in 1877.

14. Andrew Love Neff, *History of Utah, 1847-1849*, ed. Leland Creer (Salt Lake City: The Deseret News Press, 1940), p. 95 recorded the following activities of the early settlers:

President Young on his arrival at camp July 24, (1847) found the Saints occupied in plowing, planting, and irrigating [which] constituted the main order of business for days thereafter. The eminently practical religionists knew that the building of homes might well be left until provision had been made for a harvest.

15. Alice P. McCune, *History of Juab County* (Springville: Daughters of Utah Pioneers, Juab County, 1947), p. 137.

16. Neff, *History of Utah, 1847-1849*, p. 108, in assessing the organization of the Mormon church and its ability to meet challenges states:

Already . . . a highly perfected and efficient organization existed and stood ready to function in the numerous and vitally important relationships thrust upon them (the Mormons) by their presence in an inhospitable and desolate environment, problems incident to economic, social and religious life.

The Church had proved its temporal worth and merit in the successful conduct of a migration across the continent, undertaken under most trying and unfavorable conditions. It constituted the only organization the Saints had known and been amenable to during the two years since they had been on the move.

17. Lowry Nelson, *The Mormon Village: A Pattern and Technique of Land Settlement* (Salt Lake City: University of Utah Press, 1952), p. 25, has given this description of the Mormon village:

This is a form of habitation for farm people in which the homes are separate from the farms and are established in villages or towns. These latter are characterized usually by very wide streets which intersect each other at right angles. Barns, chicken coops, pig pens, and stock yards, as well as the homes, are built on the village lots. In the original pattern no structures were established on the farms themselves, except possibly a corral and stock yard. Livestock were kept in the barns and yards on the village lot.

The adjacent farm land was in the beginning of settlement divided equally among the families with holdings of only a few acres typical. In Utah . . . the farm land had to be irrigated although frequently there was some natural meadow and pasture land in the bottom of the valleys along the streams.

18. O'Dea, *The Mormons*, p. 86, states that "The farm-village system with its homes grouped around the ward meeting house, its small farms and its diversified agriculture, gave a firm foundation to the growing Mormon commonwealth.

19. Nelson, *The Mormon Village: A Pattern and Technique of Land Settlement*, pp. 52-53.

20. Nels Anderson, *Deseret Saints—The Mormon Frontier in Utah* (Chicago: University of Chicago Press, 1942), p. 45. Anderson points out that the need for discipline and organization, in order to survive the migration, touched every member of the church involved in the trek:

Wintering on the Missouri was an occasion for discipline and preparation.... The organization of church government embraced in the province of its management every family and camp. Level by level, the whole community was linked through the priesthood to the one man at the top. (*Ibid.*, p. 56)

21. Ephraim Edward Ericksen, *The Psychological and Ethical Aspects of Mormon Group Life* (Chicago: The University of Chicago Press, 1922), p. 39, observed: "The power of church authority was so impressed upon the minds of the Saints during their journey from Illinois to the Great Salt Lake Valley that it tended to remain for years afterward."
22. The selection of a municipal High Council had also been undertaken at Council Bluffs when "the Council of Fifty could not well attend to all the administrative details resulting from such a mass exodus. Consequently, when the Saints reached the vicinity of Council Bluffs, a 'Municipal High Council,' consisting of 12 men was appointed who were endowed with all the powers of a High Council of the church and also the powers of a common council of municipality and hence all the legislative powers both political and ecclesiastical centered in them." Klaus J. Hansen, "The Theory and Practice of the Political Kingdom of God in Mormon History, 1829-1890" (unpublished Master's thesis, Department of History, Brigham Young University, 1959), p. 135.
23. There were nearly 1,700 people residing in the valley during the winter of 1847-1848. "To be exact, there were 1671 souls, 423 houses, 5133 acres of cultivated land, and 875 acres sown with winter wheat." Orson F. Whitney, *History of Utah* (Salt Lake City: George Q. Cannon and Sons Company, 1892), vol. 1, p. 377.
24. William M. Egan ed., *Pioneering in the West, 1846-1878: Major Howard Egan's Diary* (Richmond, Utah: privately printed, 1917), p. 127.
25. John Smith, an uncle of Joseph Smith, was expected to arrive in the valley with the next company. Brigham Young and John Smith met at South Pass and Brigham Young gave Smith a letter of authority. John Smith also held the office of Patriarch in the church hierarchy.
26. "Journal History of the Church," MS, The Church of Jesus Christ of Latter-day Saints Archives, Salt Lake City, August 22, 1847, also quoted in Eugene Edward Campbell, "The Government of Utah—1847-1851" (unpublished Master's thesis, Department of History, University of Utah, 1940), pp. 28-29.
27. *Ibid.*, September 9, 1847.
28. There were actually two "law committees" appointed, one created in a meeting of October 9, 1847, and the second on December 26, 1847, after the first committee had failed to report.
29. "Journal History," October 9, 1847.
30. The printed and numbered ordinances are to be found in Dale Morgan, "The State of Deseret," *Utah Historical Quarterly*, vol. 8 (1940), Appendix B, pp. 234-239.
31. The title "General Council" was one of several names given to the Council of Fifty which was organized on March 11, 1844 by Joseph Smith. These titles included Special Council, General Council, Council of the Gods, Council of the Kingdom, and Living Constitution. The full name of this council, according to the Minutes of the Council of Fifty, April 21, 1880 was "The Kingdom of God and His laws with the keys and power thereof and judgment in the hands of his servants." Hansen, "The Theory and Practice of the Political Kingdom of God in Mormon History, 1829-1890," p. 90. The responsibilities of the Council of Fifty were described by John D. Lee, a member of the council, in his diary: "This council alluded to is the Municipal department of the Kingdom of God set up on the earth, and from which all law emanates, for the rule, government and control of all Nations, Kingdoms and tongues and People under the whole Heavens but not to control the Priesthood but to counsel, deliberate and plan for the general good and upbuilding of the Kingdom of God on the Earth." John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876*, ed., Robert Glass Cleland and Juanita Brooks (2 vols.; San Marino, California: The Huntington Library, 1955), vol. 1, p. 80.
32. *Ibid.*, vol. 1, p. 80.
33. At the time the Mormons arrived in the Great Salt Lake Valley, the only real settler in the valley was Miles Goodyear, who had a small farm on the Weber River.
34. "Reminiscences of John R. Young," *Utah Historical Quarterly*, vol. 3 (July 1930), p. 84.

35. Whitney, *History of Utah*, vol. 1, p. 282.

36. Whitney, *History of Utah*, vol. 1, p. 282, offered this explanation of the church leaders decision to avoid the Pacific coast:

For the Mormons to have mingled with or settled anywhere near their old enemies, the Missourians, or people holding similar prejudices against their religious views and social customs, would simply have been to invite a repetition, sooner or later, of the very evils which had caused them so much suffering, and from which they were then fleeing. So thought Brigham Young. So thought his fellow chiefs of the migrating Church.

37. The Treaty of Guadalupe Hidalgo, also called the "Mexican Cession" was signed on February 2, 1848, and became effective on May 30, 1848, after the appropriate organs of the two countries had ratified the treaty.

38. O'Dea, *The Mormons*, p. 115.

39. Anderson, *The Deseret Saints*, p. 97.

40. Whitney, *History of Utah*, vol. 1, p. 385.

41. Melville, "The Political Ideas of Brigham Young," p. 168.

42. *Ibid.*

43. Whitney, *History of Utah*, vol. 1, p. 385.

44. *Ibid.*, p. 389.

45. *Ibid.*, p. 400.

46. James R. Clark, *Message of the First Presidency of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Bookcraft, Inc., 1965), vol. 1, pp. 361-362.

47. In an effort to prevent members of the church from leaving the valley and going to the gold fields, some sanctions were applied. For example, "Sunday Quorum meeting this morning at 8 [January 8, 1856] Isaac Nash was dropped for going to California countrary [sic] to counsel." Lorenzo Brown, "Journal of Lorenzo Brown, 1823-1900" (typescript copy at Brigham Young University, Provo, Utah), p. 100.

48. Anderson, *The Deseret Saints*, p. 99.

49. Gustive O. Larsen, *Prelude to the Kingdom* (Francetown: Marshall Jones Company, 1947), p. 77.

50. Frank J. Cannon and George L. Knapp, *Brigham Young and His Mormon Empire* (New York: Fleming H. Revell Co., 1913), p. 212.

51. *Ibid.*, p. 213.

In Nineteenth Century Nevada: Federal Records As Sources For Local History

by Ann M. Campbell

WHO BEQUEATHS an archival legacy to the future: President John F. Kennedy or tailor Jacob W. Davis? The answer lies in the permanent records of the federal government, administered by the National Archives and Records Service of the General Services Administration.

Scholars in great number utilize this material to document studies of momentous international and national events and issues of the past, and the roles played in them by presidents, cabinet members, generals, admirals and ambassadors. But federal records can provide substantial insights into the history in the lives of ordinary men and women, the vital human quality of the past. An attempt is made here to illustrate by using two basic sources from the holdings of the San Francisco Federal Archives and Records Center: a General Land Office letter book kept in Carson City during 1861-62 by John W. North, and the papers of a circuit court case, 1874-75, which involved a Reno tailor, Jacob W. Davis.

John W. North

Although Abraham Lincoln was petitioned to name John W. North of Minnesota, "a gentleman in every respect . . . a Republican of longstanding, who has done a good service in the Republican cause,"¹ to be governor of

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Colorado, he was appointed surveyor general for the territory of Nevada.

President James Buchanan had signed the bill creating the territory on March 2, 1861. Two days later, Lincoln assumed office and the responsibility for establishing a government in Nevada. In the time-honored tradition of political parties of the period, supporters were appointed to many of the positions necessary to administer the affairs of the territorial government.

For example, a letter received in Washington promoting the appointment of Orion Clemens to a government position noted he was "A gentleman of known integrity, possessing fine business qualifications, sound in his political sentiments . . ."² Another stated "I have just received a letter from Orion Clemens of Missouri begging me to help him to an office suitable to his degree and qualifications—and he indicates the post of Secretary of a Territory—any Territory except *Utah* . . . He was a Whig but he joined the Republicans."³ Clemens soon received an appointment as secretary of the Nevada Territory and, with his brother Samuel, began his overland journey to Carson City.

Surveyor General North sailed for San Francisco on May 21, 1861. A month and a day later he arrived in Carson City, the first newly appointed federal official to set foot in the territory.

The letters of the surveyor general to his superiors at the General Land Office in Washington reveal a concern often evidenced by officials of the far flung territories: a zealous desire to educate the decision-makers in the Capital to the fundamental facts of life in the West. On July 2, 1861 he reported from Carson City:

Rents are very high, one hundred dollars per month being asked in the business part of town for an office twenty by thirty feet in size . . . I am purchasing my office furniture but find it from three to four times as high as at the east and is of the poorest quality as might be expected . . . My salary for one year will scarcely suffice for the expenses of removing my family from Minnesota here and when here a salary of three thousand dollars will not go farther for providing for them than would one thousand dollars there.⁴

Thousands of new residents had been attracted to Nevada by the mining excitement which began in 1860. A population count submitted in August 1861 determined that there were 16,374 inhabitants of the new Territory.⁵ North analyzed the problem he faced in a letter written a month earlier:

The season is so far advanced that I deemed it desirable to commence the surveys as soon as practicable; especially as the rapid settlement of the most desirable land is giving rise to innumerable conflicts over claims which can only be settled by a Government survey and a sale of the land according to the laws of the U.S. Individuals holding thousands of acres of the best lands under Mormon grants

are demanding the most exorbitant [sic] prices of the more recent immigrants which is provoking constant and increasing difficulty. Those who do not believe in the validity of these grants are compelled to maintain their rights by force until the lands shall have been surveyed and disposed of by the Government. For this reason I deem it desirable to proceed with the surveys as far as the appropriations will enable me to do so without unnecessary delay.⁶

Contracts were let to Butler Ives and James Lawson for surveying. Washington headquarters quickly admonished North for making contracts at the highest price allowed by existing regulations and reminded him that his entire appropriation for the year was but \$10,000. In a response dated October 9, 1861, North argued that he had made a great effort to hire well qualified persons and observed that as long as flour was seventeen dollars per bushel, potatoes from five to six dollars a bushel, and other foodstuffs equally as expensive, the government could not acquire the services of good men at "Eastern prices."

He offered further details of the Nevada situation:

The prices of labor, provisions, clothing, pack animals and every article needed by a party, as well as the terribly abrupt and broken surface of the country, and the long distances that stone monuments have in some instances to be carried, when stakes cannot be obtained, all make it evident to me that the maximum price is even too low for the work as it ought to be done.⁷

In the same letter, North protested instructions that he act as "timber agent" in the territory with a mandate to prevent the cutting of timber on public lands:

We cannot live here at present and carry out this law. The houses we live in have to be built with timber from the public lands. The same is true of every mill, barn, shed and outbuilding in the Territory; and I must even go to trespassers for my fuel or starve and freeze for the want of it. The building I occupy as well as every desk case and table in my office are the product of a trespass.⁸

A clarification received from Washington indicated that timber could be felled on public lands only to satisfy the domestic needs of Nevada settlers. However, the involvement of "speculators and capitalists" was not to be tolerated. North responded that while no lumber left the territory, great amounts were provided by speculators and capitalists to satisfy the domestic needs of Nevada settlers. Displaying an early ecological consciousness, he also

detailed the "wasteful manner" in which large tracts of timber were lumbered with everything but prime logs left behind to rot on the ground. He speculated that convictions for timbering violations would be impossible until Nevada's residents were given the opportunity to preempt or purchase government lands.⁹

North's letters to the General Land Office describing his duties as surveyor general in Nevada stopped abruptly after he had been in the territory little more than a year. An order from Washington, dated April 12, 1862, provided for discontinuing his office on the following first of July. North auctioned off his furniture, settled accounts with Washington and sent his books and papers to the surveyor general of California.

The letter book he had used in 1861-62 was returned from California and put back into service by W.B. Thomburgh, the next surveyor general of Nevada. In 1866, Thomburgh's first letter to Washington headquarters resumed a familiar refrain. He reminded his superiors that he could not establish an office until he received an appropriation for furniture, stationary and so forth.¹⁰

Jacob W. Davis

The inclination to experiment was deeply ingrained into the American character and fortified by the American experience long before Nevada became a territory. The records of the federal courts provide evidence that the resourcefulness of the frontier continued to flourish in early Reno.

Jacob W. Davis, a tailor, told of a pair of pants he had delivered to an anonymous customer in Reno, in January, 1871, in testimony to the U.S. Circuit Court of California:

I could not tell the name of the man. He was a large man—sick with dropsy—could not get a pair of pants in the stores to fit him. He lived across the railroad track from my place. He was a poor laboring man. He had a wife. I do not know whether he had any children. She, his wife, said she wanted to send him up to chop some wood but he had no pants to put on. I never spoke to the man—the wife brought his measure to me—the man being sick at the time. I saw him afterwards wearing these pants. I think it was only a few days after I made these pants for that man when he disappeared.¹¹

A factor other than illness may have contributed to the failure of the customer to pay a personal visit to the tailor shop. Later in his testimony Davis recalled having asked the wife to arrange for her husband to stop by for measurements. Her response indicated that this would be impossible as he had nothing to put on. By tying knots in a piece of string provided by the tailor, the wife took the requisite waist and inseam measurements and brought them to Davis.

Davis went on to testify that he had received three dollars in advance for the pants which he made of white duck purchased from Levi Strauss & Company in San Francisco. The innovative feature which led to these pants becoming a factor in a circuit court case was the metal rivets which Davis used to strengthen the pocket seams. He recalled in his testimony. "The woman asked me to make them strong as he generally tore off his clothes as she says." There were rivets in the tailor's shop. They were used to attach straps to the horse blankets made for local teamsters. The witness continued, "So when the pants were done—the rivets were lying on the table—and the thought struck me to fasten the pockets with the rivets. I had never thought of it before."¹²

Jacob Davis's testimony provided a picture of the flexibility with which many newcomers earned a livelihood in frontier Nevada. He had arrived in San Francisco by ship from Victoria in January of 1867. After a few months in the port city, he went to Virginia City where he first bought a cigar store. After three months he went into tailoring there. A year after arriving in Virginia City, Davis moved on to Reno, "the summer when Reno was first started." He built the Reno Brewery and was involved in its operation for a year. Then after, as he put it, "cooking around" for a brief period, he returned to Reno and opened the tailor shop which was the scene of his historic discovery. Even Davis's tailoring business changed character to meet the demands of the period. He testified that he had earlier made "fine pants and clothing," but had changed to the production of horse blankets, covers and tents. It was for these items that he ordered his first white duck from Strauss.

Word of mouth spread among teamsters, who were the tailor's principal customers. Soon orders for quantity shipments were received. James Ferguson, a storekeeper of Wadsworth, received four pairs of pants with riveted pockets in August, 1872. A Mr. Prichard at Palisade was furnished with twenty pairs of duck pants at three dollars each in March, 1873. Apparently no quantity discounts were available.

Davis's testimony indicated that surveyors were still busy in Nevada some ten years after North's tenure there. He recalled that he "outfitted the whole crowd" in the spring of 1872. The pants for the crew were charged to A.J. Hatch. Davis noted that George Smiles and Major Eaton were officers of the surveyors but he did not recall the names of the other men involved.

After producing approximately two hundred pairs of riveted pants, Davis applied for a patent for "a certain new and useful invention in the art of making pantaloons, to wit: of an improvement in fastening pocket openings . . . the employment of a metal rivet or eyelet. . ."¹³ Davis assigned his patent rights to Levi Strauss before the patent was granted May 20, 1873. The rivets are found yet today in the best known product of the world's largest pants maker, Levi's blue jeans.

The case which produced the foregoing testimony resulted from a complaint filed in February, 1874 in which Levi Strauss, his business partners, and Davis, charged A.B. Elfelt and others with infringement of the patent.¹⁴ In response, the defendants produced a list of some forty-nine

witnesses, most from Reno, Carson City and Austin, Nevada, who were expected to testify to the use of rivets in clothing substantially before Davis's claimed discovery.

Case papers include, however, depositions taken in Reno by H.B. Cossett from several witnesses for the plaintiffs. One of these, Andrew Wright, had appeared on the list of potential defense witnesses. Wright described his occupation as "bill poster for the theater in Carson" where he had lived since 1859. His first recollection of the use of rivets in clothing was in the fall of 1873 in the coat of a man named Rice. S. Beemer (or Beamer), a Reno teamster, had also not noted the use of rivets in the 1860s and suggested that if they had been used "I should have noticed it because it was a great improvement on overalls for men doing dirty work." P.L. Norton and G.W.J. Wilson, both also of Reno, testified in a similar vein. Case papers include no depositions from witnesses favorable to the defense although there is cross-examination of the plaintiffs' witnesses.

Strauss and his associates had sued for \$20,000 damages. In February, 1875, a year after the original complaint was filed, the parties agreed to a judgment entered for the plaintiffs for \$2,000 damages. The case never actually came to trial, but the validity of the Davis-Strauss patent was upheld.¹⁵

It is often a difficult challenge for the historian to find the record of how ordinary men and women lived, and how they were affected by the political, economic and social changes of their times. However, careful research can produce an exciting chronicle of human experience, human understanding and human values.

The holdings of the National Archives and Records Services should not be overlooked in such an effort.

Notes

1. M.A. Wilkerson, *et al.*, to President Abraham Lincoln, n.d., *Letters of Application and Recommendation During the Administration of Abraham Lincoln and Andrew Johnson, 1861-1869*, General Records of the Department of State, Record Group 59, National Archives Microfilm Publication M650, roll 35, frames 1337-1339. This microfilm publication is part of over 10,000 rolls of National Archives microfilm deposited at the San Francisco Federal Archives and Records Center (hereafter, San Francisco FARC). Researchers may use the film in the center searchroom or borrow it on interinstitutional loan. A microfilm catalog is available from Archives Branch, FARC, 1000 Commodore Drive, San Bruno, California 94066.
2. R.P. Lowe, chief justice of Iowa, to President Abraham Lincoln, February 18, 1861, *Letters of Application and Recommendation*, M650, roll 10, frame 1233.
3. E.W. Bates to W.A. Seward, secretary of state, March 12, 1861, *Letters of Application and Recommendation* M650, roll 10, frames 1235-1236.
4. J.W. North to James M. Edmunds, commissioner, General Land Office, July 2, 1861, Letter Book A, Letters Sent, Office of the U.S. Surveyor General, Nevada, Records of the Bureau of Land Management, Record Group 49, San Francisco FARC.
5. Census Report, pp. 102-112, *Executive Proceedings, Territory of Nevada, State Department Territorial Papers*, General Records of the Department of State, Record Group 59, National Archives Microfilm Publication 13, roll 1, San Francisco FARC. Individuals are not listed in this report. The enumeration, taken in preparation for the territory's first election, provided the total number of inhabitants in each of several districts.
6. North to Edmunds, July 17, 1861, Letter Book A, RG 49.
7. *Ibid.*, October 9, 1861.
8. *Ibid.*
9. *Ibid.*, December 27, 1861.
10. W.B. Thornburgh to J.S. Wilson, December 5, 1866, Letter Book A, RG. 49.
11. Deposition of Jacob W. Davis, June 17, 1874, filed in *Levi Strauss, et al. vs. A.B. Elfelt, et al.*, case number 1211, Ninth Judicial Circuit, District of California, Circuit Court of the United States, Record Group 21, San Francisco FARC.
12. *Ibid.*
13. Complaint, *Strauss vs. Elfelt*, RG 21.
14. The suit was the first of several defending the patent in which Davis was a plaintiff. In *Levi Strauss, et al. vs. Kan Lun*, filed January 28, 1876, an injunction resulted restraining the "citizen of China residing in California" from using metal rivets in pantaloons. Another injunction resulted from *Levi Strauss, et al. vs. B. Greenebaum, et al.* Case papers include an affidavit dated May 13, 1878, in which Strauss noted his business employed sixty to ninety operators making riveted garments, "all but three of whom are women working for their support." The annual value of production was estimated at between \$100,000 and \$150,000.
15. Judgment, *Strauss vs. Elfelt*, RG 21. The judgment against Elfelt in the Strauss case did not end frontier tailors' search for improvements in pockets. Elfelt was back in the same court less than three years later defending a patent he had purchased for \$5,000 from Rodmond Gibbons in June 1876 (*A.B. Elfelt, et al. vs. W. Steinhart, et al.*). This innovative pocket, an example of which was introduced into evidence and is available in court records, featured a curved opening without any corners. This technique, it was thought, would lessen the strain which occurred at the corners of pockets—those corners which Levi Strauss had the sole right to strengthen with rivets. Case papers include, in addition to Gibbons's patent, 1876 patent papers for variant curved pockets issued to Harmon Adams and to Antonio Diaz Pena, both of San Francisco. These men had each assigned their rights to Steinhart who was not found to be infringing on Elfelt's curved pocket patent.

The California Highway Commission And The Truckee River Route

by Larry D. Givens

THE TRUCKEE RIVER HIGHWAY, a section of United States Highway 40 connecting the eastern slope of the Sierra Nevada with the Nevada state line near Verdi, follows the Truckee River along its twisting course through several miles of steep canyon walls. This canyon route early became a trail for transmontane crossings and it was only natural that later groups would consider it a roadway across the eastern side of the Sierra.

With the increasing popularity of the automobile, especially after World War I, California was plagued by auto enthusiasts to provide a highway across the Sierra which would promote the tourism of northern California. Coupled with this eagerness for interstate travel was the interest of those for whom such a program would bring immediate profit. As early as 1913, the Lincoln Highway Association was organized to propagandize for a transcontinental highway utilizing the central overland route from New York to San Francisco.

California had long been a leader in the national movement for a highway network across the nation. As early as 1895, the Bureau of Highways had made plans for a state highway system. The bureau was composed of three commissioners appointed by the governor who were authorized to study the laws, physical features, and economic and legal status of highways in the state.¹ While this state agency functioned for only two years, its property and reports were transferred to the Department of Highways which was established in 1897. Nevertheless, the short-lived Bureau of Highways had pointed the way towards California's eventual highway policy. A state highway map had been drawn up which would become the basis for future

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road planning in the state. The bureau had laid out a highway system of 4,500 miles which reached every county seat and traversed the principal valleys.² It was doubtless of value as a guide for the future road network, for California's highway construction visibly reflected this original system.

The most significant change in state highway administration came in 1911. The California Highway Commission, three men appointed by and holding office at the pleasure of the governor with the expressed responsibility of constructing California's state highways, was established.³ The members of that first commission were Charles Blaney, Burton Towne, and Newell Darlington as its chairman. In the fall of 1911, they made a comprehensive tour of the state with the highway engineer and established seven divisions for administrative efficiency.

This commission, however, was not faced with the vexing problem of highway financing as the previous state agencies had encountered. The State Highways Act of 1909 had bonded the state for \$18 million to finance her highway construction. Apparently, the interval from 1896 to 1909 demonstrated the futility of attempting to create an adequate system of state highways by small special legislative appropriations for selected roads. Furthermore, it would appear as though more and better cars forced the state to build more and better highways. The interplay of this endless competition brought demands for more funds which culminated in the state's bond issue.

While California had built a good internal network of state roads linking together her diverse geographical sections, interstate connections were nonexistent. As late as 1919 she was isolated from neighboring states by lack of interstate routes leading into the vast state highway system which had been constructed since the bond issue of 1909, and the later bond issue of 1915. Linking together California's state network with those of her neighboring states became the California Highway Commission's principal task after 1919. The construction of interstate connections with Nevada, by way of the central overland route; the connection with Arizona, via Yuma; and the two Oregon connections, by way of the Redwood Highway through Crescent City and the Pacific Highway through the Siskiyou Mountains were the projects which now received California's attention.

To finance these routes, the state again turned to bonding. July 1, 1919, California approved a bond issue of \$40 million to complete construction already underway and added specific interstate routes to become part of the state highway system. These were to be improved and maintained through the appropriated revenue of the bond issue.⁴ While the people of the state overwhelmingly favored increased revenue for highway construction by passing the refinancing plan, the state legislature passed "An Act declaring and establishing a State Highway from the town of Truckee running in a northeasterly direction along the present traveled road to the Nevada state line near Verdi."⁵ The act was approved March 15, 1919, and was to go into effect on July 22. The bill was sponsored by Senator Thomas Ingram who represented the third district of Plumas, Sierra, Nevada, Placer, and El Dorado counties. According to the Ingram bill this "traveled road," the so-called Dog Valley Grade which laid slightly to the north of the Truckee

River Canyon, now fell under the jurisdiction of the California Highway Commission.⁶

With the passage of this act, a controversy ensued which shall serve to clarify the role of the California Highway Commission in the state governmental organization. This controversy questioned the commission's constitutional authority, as well as the personnel makeup and responsibilities of its members. Moreover, its position as an autonomous state agency will be brought into perspective. This controversy over the Truckee River route will serve as an example of the California Highway Commission's general policies toward highway construction. While details would necessarily be altered with a different situation, the basic policy-making process would not change with it. This process of policy formulation could apply to any highway project in California during the same period.

After passage of the Ingram bill, turning over the trans-Sierra route to state authority, the California Highway Commission passed the following resolution on September 23, 1919:

It is the decision of the Commission that the so-called Dog Valley route be adopted as the direct and practical route for the road mentioned in the constitutional amendment providing for the \$40,000,000 bond issue, and the Highway Engineer is hereby directed to cause the necessary surveys, estimates, and reports to be made ready for the laying out and construction of the road as a State Highway.⁷

The California Highway Commission didn't assume immediate authority over the newly added route to the state highway system, but had to wait ninety days after the governor signed the bill. Because of this, the road from Truckee to the Nevada state line, the Dog Valley route, soon was in a deplorable condition for Sierra County refused to permit funds to be spent on maintaining a road which was soon to be removed from its jurisdiction. Local residents along the route appealed to the state to maintain the road but nothing occurred until it became well rutted and practically impassable.⁸ It wasn't until August, 1919, that the surveying of the route for its improvement as a state highway began.

Interest in the new highway was great among those who lived in the region. But those away from the roadway, such as Wallace B. Gelatt, the owner of the Donner Lake Company, a summertime resort along the lake shore, realized that business would suffer from an improved road which would effectively isolate their places of business. Wallace Gelatt, the son of Richard Gelatt, an old-time Nevada-California stage driver who had often used the Truckee River route instead of the Dog Valley road to make the Sierra crossing, became interested in developing the new highway to his own advantage.⁹

During the middle of August, 1919, Dan Smith of Truckee, a Mr. Macay of Auburn, and George R. Winslow, the district engineer of the California Highway Commission stopped at Gelatt's Donner Lake camp.¹⁰ Gelatt met

Winslow and casually asked what the Highway Commission planned for the transportation improvement of the mountain district. Winslow told Gelatt that the Dog Valley route was already being surveyed as the interstate road to connect with the Washoe, Nevada County Commissioner's road north of Verdi. Gelatt asked Winslow to make an inspection of the Truckee River route as an alternative to the Dog Valley route. After agreeing to the proposal, Gelatt asked Winslow to set a specific date for the inspection trip. The date agreed upon was September 9, 1919.¹¹

On that date Winslow again met Gelatt and two of his old friends, a Mr. White of the Truckee Chamber of Commerce and Mr. Knight of the Reno Chamber of Commerce. The foursome toured and inspected the Truckee River route. The district engineer, unimpressed with the route as an alternate for the Dog Valley route, said of his trip:

We climbed over cliffs, forded the river, rode the railroad and did anything we could to get through, in general, however, keeping near the floor of the valley. From a power house some four miles below Floriston there are remnants [sic] of a trail extending toward Verdi but in places the trail is washed away and we were forced to climb up over cliffs and steep side slopes of small sliding stones. Once we almost lost a horse. He turned over four times and landed in the water.¹²

Furthermore, Winslow told Gelatt that he had seen nothing which made the Truckee River route more feasible and that the cost would be so great in comparison to the Dog Valley route that he didn't feel justified in even recommending a survey.

The next day the same party rode over the Dog Valley route, following the route of a lumber railroad. Winslow stated in his report that he thought "both White and Knight were convinced that the Dog Valley route is the preferable one to construct; and that Gelatt acknowledged that the Dog Valley road would cost less but he contended that the scenery on the Truckee River route was so grand that it warranted the extra cost. . . no matter how great."¹³ Gelatt records, however, that when they finally arrived at Verdi, he was just as determined as before starting that the Truckee River route was a practical road and informed Winslow that his position had not been altered.¹⁴

The district engineer's position in regard to the routing had now slightly changed after the inspection tour. Winslow still favored the Dog Valley route but altered enough to utilize the Verdi Lumber Company's railroad bed.¹⁵ Indeed, Winslow had been told by Mr. G.W. Walto, a prominent eastern Sierra County citizen, that after a conference with the president of the Verdi Lumber Company, the company would sell their railroad right of way and would move off all rails and ties, widen the roadbed where necessary, and make all necessary fills, for a "very small sum."¹⁶

It was well known that the lumber company railroad was not a paying

venture and the company was desirous of abandoning it. In fact, the president of the Verdi Lumber Company, Mr. A. Revert, wrote to the district engineer stating the terms by which the railroad bed in Dog Valley could be taken over by the Highway Commission. There were two proposals offered; one would turn over the railroad grade from Dog Valley summit to the California-Nevada state line and deed all the necessary right of way for sixty-five thousand dollars. In the alternative offer, which Winslow preferred, the lumber company would abandon and widen the roadbed, following the line of the railroad from the summit to the California-Nevada state line for one hundred and twenty-four thousand dollars.¹⁷ This offer, in effect, would turn over to the highway commission a completed product so far as grading and widening were concerned.

Winslow, as well as other members of the engineering department of the California Highway Commission, had long realized the advantages and disadvantages of the Dog Valley and Truckee River routes. Over the Dog Valley route the distance to the state line near Verdi from Truckee would be twenty-four miles, while via the Truckee River route the distance would be twenty-six miles. The advantages of the Dog Valley route were basically the following: (1) shortest route between Truckee and Verdi, (2) less cost of maintenance, and (3) less cost of construction. The only advantage of the Truckee River route was the fact that it had less snow on account of being approximately six hundred feet lower in elevation. The disadvantage of the Dog Valley route was that it had more snow because of its higher elevation, but this was of minor importance because the road over the summit of the Sierra west of Truckee is at a higher elevation and opens several weeks later than the Dog Valley route between Truckee and Reno. The engineers, however, listed numerous disadvantages of the Truckee River route: (1) the fact that it was the longer route, (2) excessive construction cost, (3) the necessary crossings of the Truckee River, (4) possible serious right of way difficulties through the town of Floriston, (5) high maintenance cost due to slide conditions, and (6) no outlet at the east end unless the state of Nevada constructed at least one and a half miles of road and bridge across the Truckee River near the town of Essex.¹⁸

Except for the fact that the road between Truckee and Verdi might possibly be open a week or two earlier in the spring than the Dog Valley route, there did not seem to be any argument in favor of the Truckee River route. The cost was simply prohibitive. While the Truckee River route was certainly a scenic one, additional funds could be spend developing an equally scenic route in another locality.

This contention over routes for the trans-Sierra road culminated in the organization of a pressure group, the Auburn to Reno Highway Association, which was spearheaded by Wallace Gelatt. Gelatt's attempt to get a survey for the Truckee River route proved unsuccessful even after escorting the district engineer on the inspection trip of the proposed route. Therefore, on September 15, 1919, he called a meeting of several interests from Reno to Sacramento to propagandize for his alternate road site. W.G. Graves of Floriston was elected president and G.B. White of Truckee secretary of the

newly formed association.¹⁹ With the establishment of this group, the controversy spread beyond the immediate Sierra locale.

The newspapers, pushed by Gelatt's public speeches and meetings, were quick to advertise the problems encountered by the Highway Commission in its attempt to build its first interstate route. When the Reno City Council passed a resolution recommending the Truckee River route as a fitting gateway to and from the state of Nevada,²⁰ a flood of letters and telegrams supporting the scenic route instead of the more direct and practical Dog Valley site came to the attention of the California Highway Commission.

Many local residents, however, staunchly maintained their support for the Dog Valley route. Mr. E.E. Payen, in a letter to the Highway Commission stated that local traffic in the Sierra region demanded the Dog Valley route. While forest servicers, lumbermen, and dairymen, all used the Dog Valley road in their businesses, there were only two small villages located along the proposed Truckee River route. These were Floriston and Boca, both of which were owned by private corporations, Floriston a paper mill town and Boca in making ice. Since all the products of these towns were necessarily shipped by rail from their plants, a state highway would not benefit the locale.²¹ Furthermore, the private companies themselves maintained their own roads which provided access to Truckee. Mr. Payen concluded his letter with a condemnation of Gelatt. He stated, "the present road (Dog Valley) will be of more benefit to the state as a whole, not for the benefit alone of a few resorts and hotels, such as are making the fight for the Truckee River Canyon."²²

The Board of Supervisors of Sierra County, recognizing the difficulties in the routing situation, even supported the change in the Dog Valley route as Winslow suggested in order to eliminate the Dog Valley grade and summit. The board expressed to the California Highway Commission its approval of the Dog Valley road "as at present located and of its desire that such changes of route with regard to this grade be made as the commission may consider to be for its betterment."²³

As more and more distant interests favored the Truckee River route as a proper scenic entrance to the state, the Auburn to Reno Highway Association in 1921 decided to change its name to the San Francisco to Reno Highway Association. This would reflect the growing state-wide interest in the question of rerouting the interstate connection.²⁴ Also, it was decided that to create state-wide enthusiasm for the Truckee River route, the organization should have a president from Sacramento, Oakland, or San Francisco.

Gelatt personally interviewed a number of his friends and found them all willing to assist in his promotional campaign but none favoring the idea of presidency. It wasn't until Gelatt walked into the Manx Hotel in San Francisco that he met his old friend, Harvey M. Toy. According to Gelatt, he met Toy in the doorway of the hotel and addressed his friend as "Mr. President," Toy replied, "President of what?" "Of the San Francisco to Reno Highway Association," responded Gelatt. Toy asked, "What under the sun is that?" After being seated Gelatt talked with him for a few minutes and told him what he was trying to do. A short while later, Gelatt walked out of the hotel with the president of the San Francisco to Reno Highway Association,

Harvey M. Toy.²⁵

Immediately, Toy got the powerful Downtown Association of San Francisco, of which Toy himself was president, to endorse the Truckee River route to replace the Dog Valley route.²⁶

The pressure upon the Highway Commission was greatly enhanced by the political prestige of the San Francisco group favoring the canyon route. Indeed, Toy himself wrote to the commission stating that the river route would "be a permanent advertisement for the state and it would be a highway that will compare with the Columbia River Highway, which is Oregon's greatest asset from a tourist's standpoint."²⁷ Toy, as well as Gelatt, was attempting to influence highway policy to further his own business fortune through increased tourism.

The California Highway Commission, nevertheless, refused to capitulate to the increasing demand for rerouting the highway. Their stand appears to have been governed by the following considerations:

(1) That the Dog Valley route was now a state highway through legislative act, and it must be maintained and improved as such;

(2) That no funds were available at the time or in the foreseeable future sufficient to justify any serious consideration of the construction of a road along the Truckee River;

(3) The district and state engineer's reports overwhelmingly favored the Dog Valley route; and

(4) That no legal authority was vested in the commission to make any material change in the route.

This constitutional issue deserves clarification. It was the opinion of the highway commission's legal authorities that no law could be interpreted as giving the California Highway Commission the power to make a complete change in an entire route, such as would be the case should the Truckee River route be adopted and the Dog Valley route be abandoned. The legislative acts which designate roads as state highways only provide for relatively minor changes along a designated route, so that grades may be reduced and the general alignment improved, and such provision had never been held to permit any state body, at its own discretion, to arbitrarily abandon an entire route in favor of some alternative location.²⁸ Accordingly, this legal barrier coupled with the knowledge that the Dog Valley route could be built cheaply and satisfactorily caused the commission to hesitate ordering a survey of the Truckee River route. This position that the commission would be exceeding its authority in asking for a survey was first voiced in 1921.²⁹

At the same time Toy became president of the San Francisco to Reno Highway Association the gubernatorial contest was beginning in California. Highway policy for both parties became an issue. All candidates advocated immediate construction and completion of the interstate routes, but Friend William Richardson, the Republican candidate for governor, apparently favored the Truckee River route. His campaign manager for the election was Harvey M. Toy. It appears as though Toy had been promised an appointment to some state agency if the election proved favorable to the Richardson camp.³⁰ Substance was given to this point of view, when with Richardson's

victory came the appointment of his campaign manager, Toy, as the new chairman of the California Highway Commission.³¹

Toy might properly be called a political professional, even when he carefully cultivated the appearance of amateurism by accepting the presidency of the San Francisco to Reno Highway Association. To the professionals, the rewards from their political activity were evidently very high indeed. Toy, as a professional politician organized his life around his political activities. Furthermore, he had an occupation which left him freer than most citizens to engage in politics. As a hotel owner, his occupation permitted innumerable opportunities for political work, and as a public official, of course, he could work virtually full-time at the task of politics.

As Toy's associates on the highway commission, Governor Richardson selected Nelson T. Edwards and Louis Everding.³² Edwards, from Orange County, was president of the Orange Savings Bank, Orange Chamber of Commerce, and was a director and officer in several other financial and business institutions in his home community and Santa Ana. Everding, from Arcata, was identified with the lumber industry of Humboldt County, and as a member of the California Highway Commission was holding his first public office. Mr. Everding's prior experience in highway matters rested upon the fact that shortly before his appointment, he had made an automobile tour of the country, "which gave him an opportunity to observe and study highways in many states."³³

Within a month after the new highway commission took office, Harvey Toy sent a telegram to Wallace Gelatt at Truckee telling him that the commission had ordered the state engineer to make a survey of the Truckee River route.³⁴ Thus, the new commission appointed by Governor Richardson reversed the policies that had determined the position of the previous agencies. It would appear as though political pressure dictated the decision to reroute the trans-Sierra highway from the Dog Valley route to the Truckee River Canyon route.

The organized propaganda of the Auburn to Reno Highway Association decided the final outcome. The California Highway Commission, at least in this instance, became the tool of real estate interests centered in the San Francisco Bay area and the resort area of the Sierra Nevada. Even as early as June, 1919, political pressures began to make their impact felt. Senator William S. Scott, who represented the San Francisco district in the California State Senate, wrote to the State Highway Engineer, A.B. Fletcher, stating that several of his constituents in San Francisco who owned considerable property along the Truckee River were "anxious to see the proposed road from Truckee through the Dog Valley route changed to the Truckee River route."³⁵

Another factor which seemingly influenced the eventual rerouting of the highway was the power politics within the highway commission itself. The district engineer, as well as the state highway engineer, endorsed the Dog Valley route as the most feasible and practical route to construct. It was the commissioners themselves, mostly untrained in highway construction and engineering techniques, who finally dictated the highway rerouting.

In an independent study of highway administrative policies by an engineering firm for the California State Automobile Association, a biting criticism of the California Highway Commission was given. The report states:

Through a headquarters policy which must be classed as both narrow and short-sighted, the responsibility of the division engineer has been so circumscribed that at times his work has resolved itself into mere routine, such as the transmission of bill schedules, work and purchase orders and general requests for headquarters' approval. The position of division engineer is an important one, but he has lacked the authority to decide pressing and local questions. He has been obliged to refer the most minor items to Sacramento for decision. This robs the division of its individuality, takes away that responsibility which naturally should belong to the division engineer, kills his initiative, and therefore affects the entire division organization.³⁶

Another interesting development which occurred after the appointment of the new highway commission was that in June, 1923, highway activities were removed from the jurisdiction of the California Department of Public Works. The California Highway Commission became an independent body, administering all the highway work of the state. The powers delegated to the commission by the act were sweeping indeed. It was vested "with the power, and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any offices, officers, deputies or employees herein transferred to the said Commission."³⁷

The California Highway Commission remained, however, an independent body for only the four years of Governor Richardson's term of office. The Political Code was again amended in 1927 which recreated the commission itself but severely restricted its functions.³⁸ It is noteworthy, too, that after the administrative body was restricted Harvey M. Toy, its chairman, resigned.

During this four year interlude, the actual construction on the debated trans-Sierra road began. February 27, 1924, the Truckee River route was approved. It involved three grading contracts and five contracts for the construction of four bridges and one grade separation. Total cost of the twenty-six mile stretch amounted to \$889,894.³⁹ Compared with the estimated cost of improving the Dog Valley route of \$94,000, this project was very extravagant indeed for the scenic gateway for California.

Work was completed on the Truckee River route May 28, 1926.⁴⁰ It was formally accepted by the California Highway Commission June 8. The ceremonies dedicating the road were held at the state line two days later. Governor Richardson himself, as well as Commissioner Toy, spoke at the ceremonies. As pointed out by the governor in his address, the Truckee River highway was the major project authorized and completed by the California Highway Commission.⁴¹ Indeed, it was undertaken in accordance with the

policy of concentrating funds on interstate connections, however, the methods by which the project originated reflected upon the integrity of the California Highway Commission itself.

Notes

1. California, *Statutes*, 1895, Chapter 203, p. 263.
2. Margaret Lincoln, "The Highway Program of California Governor Gillett," unpublished M.A. thesis, (University of California, Berkeley, 1956), p. 74.
3. California, *Statutes*, 1911, Chapter 403, p. 823.
4. California Highway Commission, *Fourth Biennial Report*, (Sacramento: California State Printing Office, 1924), p. 24.
5. California, *Statutes*, 1919, Chapter 66, p. 102.
6. The Dog Valley route begins from a point in the town of Truckee, where the highway branches at the subway under the Southern Pacific tracks, going toward Lake Tahoe, continuing through the town of Truckee, crossing Proesser Creek and utilizing the Dog Valley grade as far as the state line about one mile northwest of Verdi, Nevada.
7. A.B. Fletcher to W.S. Caruthers, September 25, 1919, California State Archives, Department of Public Works, Division of Highways, Headquarters, "Studies, State Highway Routes, Correspondence, 1911-1932." File 2931-16/Drawer 298. Hereafter this correspondence is cited by file number and drawer.
8. C.H. Bliss to Senator Thomas Ingram, June 6, 1919, California State Archives, F2931-35/D299.
9. *San Jose Mercury Herald*, September 14, 1919.
10. Wallace B. Gelatt, "How the Truckee River Route Was Built," (n.p., 1926?), Typescript, California State Library, p. 1.
11. *Ibid.*, p. 2.
12. George R. Winslow to A.B. Fletcher, September 1, 1922, California State Archives, F2931-16/D298.
13. *Ibid.*
14. Gelatt, "Truckee River Route," p. 3.
15. Winslow to Fletcher, August 19, 1921, California State Archives, F2931-16/D298.
16. G.W. Walto to California Highway Commission, August 8, 1921, California State Archives, F2931-16/D298.
17. A. Revert to Winslow, July 24, 1922, California State Archives, F2931-16/D298.
18. W.S. Caruthers to A.B. Fletcher, August 13, 1919, California State Archives, F2931-16/D298.
19. Gelatt, "Truckee River Route," p. 4.
20. Reno City Council to the California Highway Commission, November 24, 1919, California State Archives, F2931-15/D298.
21. E.E. Payen to the California Highway Commission, September 12, 1921, California State Archives, F2931-16/D298.
22. *Ibid.*
23. Board of Supervisors of Sierra County to the California Highway Commission, October 3, 1921, California State Archives, F2931-16/D298.
24. *Sacramento Bee*, September 15, 1921, p. 9.
25. Gelatt, "Truckee River Route," p. 5. *San Francisco Chronicle*, September 4, 1922, p. 21.
26. San Francisco Downtown Association to the California Highway Commission, November 11, 1922, California State Archives, F2931-15/D298.
27. Harvey M. Toy to California Highway Commission, August 17, 1922, California State Archives, F2931-15/D298.
28. *Sacramento Bee*, September 9, 1921, p. 11.
29. Board of Supervisors of Nevada County to the California Highway Commission, September 7, 1921, California State Archives, F2931-35/D299.

30. *San Francisco Chronicle*, September 24, 1922, p. 21.
31. California Highway Commission, *Fourth Biennial Report*, 1924, p. 1; Gelatt, "Truckee River Route," p. 7. Toy received his appointment January 3, 1923.
32. *California Blue Book*, 1924, (Sacramento; California State Printing Office, 1924), p. 420.
33. "Sketches of Commissioners and Engineer," *California Highways*, vol. 1, (January, 1924), p. 4.
34. Gelatt, "Truckee River Route," p. 8.
35. Senator William S. Scott to Austin Bradstreet Fletcher, June 28, 1919, California State Archives, F2931-35/D299.
36. J.B. Lippincott, et al., *Engineer's Report to the California State Automobile Association for the Period 1911-1920*, (San Francisco; privately published by Howe and Peters, 1922), p. ix.
37. California, *Statutes*, 1923, Chapter 289, p. 614.
38. California, *Statutes*, 1927, Chapter 252, p. 459.
39. California, *Fifth Biennial Report*, California Highway Commission, (Sacramento; California State Printing Office, 1926), p. 216, 229.
40. "Truckee River Highway Dedicated to Memory of Pioneers," *California Highways and Public Works*, vol. 3, (June, 1926), p. 3.
41. *Ibid.*, p. 4.

Notes and Documents

The History of the Settling of the Manse Ranch and Territory

The following is one of numerous essays written by Nevada high school students during the 1930s, 1940s, and 1950s that the Society has in its files. John Doherty, a student at Las Vegas High School during the 1930s, authored this particular essay. It is reproduced here because of information it contains concerning the relationships between early families in the Las Vegas area; information that has long since been lost to other sources. Corrections have been made only when necessary to clarify meaning.

In 1876 Joseph Yount of La Grande, Oregon heard of the Tombstone, Arizona gold strike. Being personally acquainted with Shefling, the discoverer of Tombstone, he decided to join the new camp. As Mr. Yount was a frontiersman, having served in the Mexican War and later in the "49" California gold rush, he disposed of all his holdings in Oregon, got together 400 head of cattle, and started for Arizona in June, 1876. Margaret Yount, his wife, and eight children, the oldest seventeen and the youngest one year, went with him. He started with two covered wagons, about thirty head of horses, and three cowpunchers to drive the cattle. Harsha White, his son-in-law, and Mrs. Mona White obtained a covered wagon and joined the party, as did C.W. Towner and his wife and two children. Mr. Towner bought 100 head of cattle and joined Mr. Yount on the trip. Mrs. Della Fink, the daughter of Mr. and Mrs. White, was one year old then. They had a long hard trip as some of the cattle got very sore-footed and the water holes were so far apart that, in some places, the herd had to be divided so as to have water enough. They managed to get to Pahrnagat Valley, Lincoln County, Nevada late in October, 1876. The first night in the valley cattle rustlers stole about fifty head of their cattle and drove them in the mountains. It took several days before they were able to track them down and get the cattle back. They could not find the thieves.

Mr. Yount and Mr. Towner rented the Butler Ranch pasture as the cattle had to have rest before they could go on. In the meantime, Mr. Yount changed his mind about going to Tombstone and concluded to go to southern California. There were no roads in those days, merely trails over the country. In order to make the trip they had to go ahead and pick out the route. Mr. Yount and Mr. Towner took a pack horse and their saddle horses and went to the Groom Mine, forty miles from Pahrnagat Valley. The next jump was sixty miles from Groom Mine to Indian Springs without water. In Ash Meadows they found plenty of bottom grass so they turned back, saying that when they got the cattle that far they could rest while they went on to pick out the trail for the next drive. They left Pahrnagat Valley late in November, 1876, and two days later they were at Groom Mine. It took them three days to make the jump from Groom to Indian Springs and two days from there to Ash Meadows with the cattle.

Harsha White and family remained in Hiko, Nevada during the winter of 1876 and Mrs. White taught school there. The following summer they went on to the Manse Ranch.

After resting a few days Mr. Yount took all the horses to the mountains near where the Johnnie Mine is now located to get them on mountain bunch grass and keep them strong.

Mr. Towner was not with him [Yount] now as he had traded with a man named Andy Laswell for the Indian Springs Ranch where he remained for many years.

Mr. Yount was gone on the next trip about two weeks. One object was to get supplies such as flour and sugar and other eatables which he was unable to get at the mining camp of Tecopa, where he got only twenty-five pounds of flour which was not enough for a large family.

On his return, with one of his boys fourteen years old, he started to the mountains to get the horses and make ready to go on. They walked out after the horses taking only bridles and ropes and after walking about twenty-five miles, darkness overtook them before they arrived at a suitable sleeping place. The next morning Mr. Yount started up the canyon when he heard the bell on the leader and commenced finding dead horses which had been killed by the Indians' arrows. The Indians had killed all the work horses, which they knew by the collar marks. The reason that they killed only the work horses was to cripple the settlers so they could not go on with the cattle as the Indians were killing the cattle and drying the meat. Mr. Yount knew this but could not help it. Both the leading renegade Indians were later killed by the tribe Indians who were peaceful. The Indians killed one of the saddle horses that had its mane cut, they thought it was a work horse. There were two mules in the pack and they had killed one and shot the other one in the side twice, hitting a rib each time, and one of the arrows was sticking in the mule when Mr. Yount came up. The mule lived for a long time after that but was always afraid of a bow and arrow.

Mr. Yount and the boy started back to Ash Meadow with what horses there were, all saddle horses, and arrived in camp after night. Mrs. Yount heard the bell and got up to meet her husband and boy.

The nearest place was the Pahrump Ranch which was some thirty miles distant and which was unknown to them except for a rumor that there was a family living there. Mrs. Yount had remained along with her children while Mr. Yount was out scouting for a road to go on to California.

They talked the matter over that night and as there were no horses to pull the wagons over the rough, roadless country, Mr. Yount took a horse next morning and started out to find the ranch that he had heard was some place east of Ash Meadows.

After crossing a range of mountains he could see a green spot in the desert which proved to be the Pahrump Ranch. He arrived there and found Charles Bennett and wife and two children. Mr. Bennett had been there about two years and had some land under cultivation and was raising many vegetables. Mr. Yount told him of his adventures and Mr. Bennett informed him that the Indians were renegades that killed his horses, as all the Paiutes were peaceful and he worked a great many on his ranch. Mr. Yount was unable to get any work animals from him as he had only what he needed on the ranch. He told Mr. Yount he thought he might be able to trade for a place six miles from there, owned by three brothers by the name of Hordan. He went to the ranch and traded his cattle for the place which was not much of a ranch then. They had about eight acres of barley planted which was just coming up. They had a house, twelve by fourteen, which consisted of posts set in the ground and willows nailed on them and filled in with mud; and a sod roof and floor. Mr. Yount broke some of the saddle horses to work and planted all the garden he could get seeds to do so with. The garden was mainly watermelons and corn. The soil was rich and by summer he had lots of melons and garden stuff for which there was a good market at the Tecopa Mine thirty miles away. The prices were anything you wanted to charge for there was no other place outside Pahrump that could furnish them during the summer with vegetables and such things.

Mr. Yount made enough during the summer of 1877 to buy food and clothing for the family during the winter. The next thing was to provide a sleeping place for the children during the winter until he could put up a more permanent place. Having a lot of corn fodder he put up a frame with mesquite poles and leaned the corn fodder and stalks up against it for sides and used the same for the roof. This made a nice warm room about twenty feet square with only one opening which served for a door and window. They were not allowed to use lights as the fire hazard was too great. The children all slept in this that winter and the next spring he had the Indians make some adobe bricks and he built an adobe house twenty by forty feet with two big rooms and a porch all around, which made a fine house, cool in the summer and warm in the winter.

In the fall of 1878 he took all of the youngsters to San Bernardino and put them in school as it was the nearest place with a school. Mr. Yount, Harsha White, and S.E. Yount, his oldest son, then took over the rest of the ranch under lease and put in a large amount of barley and corn and bought some modern machinery such as mowers, headers, and threshing machines. About this time the Pacific Borax Company started operations at Furnace

Creek which afforded a good market for his crops; together with the Eldorado Canyon miners this provided a market for everything that he could raise on the ranch.

Now that he did not have to bother anymore about the ranch, he did some prospecting in what is now the Yellow Pine Mining District. The chief of the Paiute tribe, Tecopa, showed him the Boss Mine and the Columbia Mine. They both had been worked by an old time prospector who thought the dark copper ore was black metal or silver ore. Mr. Yount, Harsha White, and a man named Hamilton formed the Yellow Pine Mining Company, now controlled by S.E. Yount, the oldest son, in 1882 and has held that name all these years. At that time it took in all the Potosi Mountains and the Charleston Mountains and the Manse Ranch; for there was no place to keep the record books except at home and they did not know what county the ranch was in. The ranch was then supposed to be in Lincoln County but a few years later a man named Clapp ran a line through the country and the ranch was found to be in Nye County by about a half mile. The two properties, both the Boss and Columbia mining claims, were held in the family many years, although they had been sold on options but returned on account of failure to pay out.

Mr. Yount died in 1907 and Mrs. Yount died in 1912. Their interest in the mine went to the oldest son, S.E. Yount, who was a partner with Harsha White in it. In 1914 they incorporated it and went to work. After two months they opened up a rich body of gold/platinum ore which was a substantial strike and paid some good dividends before the ore was exhausted. Mr. Yount also located the spring which is now the town of Goodsprings, in 1882. It was named after a man named Joe Good who built a little hand furnace there in 1878 and tried to smelt some of the black copper, thinking it was silver, but soon found his mistake and moved out.

What's Being Written

The Diplomacy of Annexation, Texas, Oregon, and the Mexican War, by David M. Pletcher (Columbia, Mo.: University of Missouri Press, 1972; 656 pages; maps, bibliography, index; \$20.00).

THIS IS AN IMPORTANT BOOK for anyone interested in United States expansion during the 1840s. It does not present new information so much as a new slant. According to the author, David M. Pletcher, Professor of History at Indiana University, the annexation of Texas, the Mexican War, and the dispute with Great Britain over Oregon are best studied as problems of international diplomacy. "...they formed a truly international question of first importance in which Britain, France, and occasionally even Spain played lively roles, both political and economic." (p. 5) The result was that the United States enhanced its international reputation and became, if not a world power, a "second rate power that would have to be reckoned with in its own neighborhood." (p. 5)

Paradoxically in view that the end results were so beneficial, the chief casualty of this diplomatic approach is the historical reputation of President James K. Polk. Certain historians in this century have been most generous in their estimation of Polk. An example is the poll rating the presidents taken by Arthur Schlesinger, Sr. in 1961, of American historians and political scientists. James K. Polk placed in eighth position, in the "near great" category, immediately below Theodore Roosevelt and Andrew Jackson. The book edited by Morton Borden entitled *America's Ten Greatest Presidents* (1961) has an admiring study of Polk by Norman Graebner. Professor Pletcher has little patience with this praise of our eleventh president. He argues that diplomacy should be conducted as efficiently and safely as possible. Polk's "alarums and excursions" did not fulfill this criteria. Rather, according to the author, the president at the outset of any negotiation invariably took a rudely bold stance in order to negotiate from a position of strength. Compromise to Polk was a measure of weakness, his compulsion was to act aggressively enough so the "other side" would "respect" him. The

famous statement from Polk's diary that the only way to deal with John Bull was to look him straight in the eye comes to mind. "Polk viewed foreign relations as a matter of calculated bluff and bluster in which unflinching perseverance would eventually win the day." (p. 232)

Pletcher's argument is that this policy almost got the United States into war with Britain at the same time it was warring on Mexico. The eminently fair, compromise settlement over Oregon in 1846, which was a victory for Polk's diplomats and which could have been available much earlier if Polk had not been so reckless, managed to end a war crisis that was mostly of Polk's own making. Polk is blamed for his insensitivity to the "ideals and convictions of others," (p. 602), his "shallow, unenlightened mind," his dishonesty with the American people in 1846 over the causes of the Mexican War, his rudeness to subordinates, his shabby treatment of his diplomats, and his delivering of the creditable 1846 and 1848 treaties to the Senate without any supporting comments whatsoever. The author presents Polk as a prisoner of his limited background and training.

Pletcher contends that it was only the diplomatic skills of Louis McLane in Britain and Nicholas Trist in Mexico which saved Polk and the United States from the possible implications of these policies. The 1848 Treaty of Guadalupe Hidalgo, which resulted from "a blend of compromise, persuasion, and coercion, was in most respects a credit to all concerned." (p. 549) "It created few problems, achieved the most important American aims, and left a truncated but still viable Mexico."

As the last quote implies, Pletcher is not sympathetic with the aspirations and policies of the Mexican government. It too refused to play by the rules of international diplomacy. Actually, although the author might disclaim it, his view of Mexico is rather similar to that held by Polk. Polk is fond of using such loaded words as "this quixotic people" (p. 604), with their "incompetent" leadership, "backward" economy, and "unhappy" political history. According to this type of reasoning, the invasion of California by Americans was justified in that California was "wretchedly" neglected by the Mexicans. Pletcher also argues that the reason Britain and France gave up on Mexico and became mere onlookers of the Mexican War, was because they found it impossible to peg any type of realistic policy upon the Mexicans.

One may certainly agree with the author's contention that California was isolated from the center of Mexican power, and that the Mexican leaders were inefficient and exasperating by Polk's standards, but one may also question whether it is fair of Pletcher to use such value-judgment, loaded words just because the Mexicans did not conduct their affairs according to his particular Anglo-Saxon standards. The author is critical of anyone who does not abide by and play according to the rules of international diplomacy. He does not question the results of the Mexican War, just the methods by which Polk got the United States into the conflict.

Aside from that, *The Diplomacy of Annexation* is a convincingly argued book. It is immensely detailed and scholarly, but reads clearly and smoothly. The bibliography attests Pletcher's wide research in the primary sources: archival material, private manuscripts, and government documents

are cited from five nations. The author is well aware of, and often discusses, the views of historians who preceded him. This reviewer applauds the publisher's decision to put the footnotes at the bottom of the page, where they are immediately accessible to the reader and properly belong. The University of Missouri is to be congratulated for its handsome job of publishing this major work.

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The Saga of Lake Tahoe Volume II, by Edward B. Scott. (Crystal Bay, Lake Tahoe, Nevada and Carmel, California: Sierra-Tahoe Publishing Co., 1973; xiv, 513 pages; footnotes; \$18.85).

EDWARD B. SCOTT'S interest in photography and his identification with Lake Tahoe has been well known to Californians and Nevadans since 1957, the publication date of his *Saga of Lake Tahoe, Volume I*. This new volume with the same title is described as "photographic history," a collection of over one thousand photographs arranged geographically beginning with Lake Valley and moving clockwise around the lake noting sixty-one locations. At each place the physical features, buildings, activity, and people that established its importance are depicted by historic photographs. There is a final chapter on "Turnpikes to Tahoe" that illustrates the perils of the road in the early stages of the automobile era along the Placerville-Lake Tahoe, Auburn-Reno, and the Kingsbury Grade routes. The author's contribution is made through the captions and comments for the photographs where he demonstrates his exceptional ability to locate geographic points of interest, to identify people, and to uncover the history of buildings and structures around the lake. The preface reveals that he has worked long and hard to bring this collection together and that he has enjoyed remarkable cooperation from individuals and from local and state historical societies who have provided prints from their files.

The prevailing mood of the book is nostalgia for the quieter, slower and more halcyon days of those decades in the twentieth century prior to World War II. Many types of people appear on the pages: stage drivers, locomotive engineers, boat captains, lumberjacks, school teachers, tavern keepers, lumber barons, real estate promoters, mine owners, business magnates, bankers, but most important, family groups with numerous children. Vignettes provide some insight on such important subjects as the Indian inhabitants, dairy ranching in the high Sierra, lumbering and mining operations, merchandising, early schools, the importance of the water supply, water sports, and the entertainment industry, to name a few. The emphasis is upon relaxation, recreation, and renewal.

More than anything else this book shows the extent to which Lake Tahoe was a vacation paradise for the elite, the wealthy and established

families of California and Nevada. The estates they built, the taverns where they were entertained, the casinos where they gambled, the high speed boats they raced, and the campgrounds where their children played predominate throughout the pages. The metamorphosis of Lake Tahoe into an urban recreation center is a part of the history of the current generation.

This book provides a prime example of the type of historical information available on Lake Tahoe. The public demand and resulting market for picture books on the "Old West" in general and Lake Tahoe in particular appears endless. Although the old adage that "a good picture is worth a thousand words or more" may be true, the professional historian can only express regret at the lack of attention to analytical, in-depth studies of the history of the Tahoe Basin. Regional studies that can teach us a great deal about our history as a nation need to be written. For example, what has been the economic and political impact of the gambling industry? What have we learned about the nature and problems of bi-state government and administration? What of the importance in changing priorities for water utilization and allocation? What of the environmental impact of land use, including second home construction and increasing transportation needs? The impact of urbanization at Lake Tahoe has prompted not only national concern but also international study agreements in hopes of modifying change in Russia and elsewhere. Perhaps the answers to these questions are too hard or unpleasant to inspire enthusiastic investigation. Meanwhile, those who have found happiness and refreshment in the mountains and along the shore surrounding Lake Tahoe will find inspiration in this book. The author and the publisher have, in this way, made a significant contribution.

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Nevada Nomads: A Story of the Sheep Industry, by Byrd Wall Sawyer (San Jose, California: Harlan-Young Press, 1971; 221 pages; plates, bibliography, index; \$7.50).

SHEEP RANCHING in the American West has received very inadequate attention from historians, geographers, anthropologists, and other scholars. In sharp contrast to the literature of the cattle industry, that concerning the sheepmen and sheepherders is minute. Consequently, the appearance of *Nevada Nomads* is an event of potential interest to historians of ranching throughout the West.

The monograph is unfortunately not a systematic history of the Nevada range sheep industry. It is instead largely a collection of biographies of prominent Anglo sheep owners (e.g., John G. Taylor, W.T. Jenkins, John J. Hylton, the Williams outfits) interspersed with information concerning nineteenth century trans-Great Basin sheep migrations, range conditions,

range law and administration, sheepherding, and ranch management. This is simply too big a bite for 190 pages to realistically include.

Major factual errors are found on pages 102 and 106. Diamondfield Jack's activities are placed in 1906 rather than 1896. The trial of Dan Wallis was held in 1905, not 1899. The account of Diamondfield Jack does not make use of David Grover's valuable monograph. Nor does the description of the Wallis episode include the proper historical context of the shooting. It was intimately connected with the range conflict and withdrawal of forest reserves in Elko County. No detailed attention is given incidents other than these two which indicate the roles of violence and threatened physical force in controlling Nevada's rangelands. Virtually nothing is included concerning state legislative and judicial history with respect to sheep.

There is a basic difficulty in assessing the representativeness of her generalizations concerning ranch management and sheepherding since time and place referred to are frequently obscure. The following is a partial listing of contrasts between the contemporary situation in northeastern Nevada and that apparently described for Nevada as a whole in the monograph: winter feeding of all sheep is not typical (cf. p. 153); open range lambing is still widely practiced (cf. pp. 133-134, 163); seasonal trailing rather than trucking is common (cf. p. 147); knives are used in addition to teeth in marking lambs (cf. p. 138); shearing is done largely by crews based in southern Idaho or Texas (cf. p. 139); horses are used by far more sheepherders than are burros (cf. pp. 164-165); "flock," "herd," and "shepherd" are very uncommon terms in northeastern Nevada; "camptender," "sheepherder," "foreman," and "band" do not appear in the volume, but comprise some of the basic terminology of sheep ranching. It is therefore apparent that there is considerable variation in sheep management and vocabulary which is not described in *Nevada Nomads*.

The contemporary tax roll figures cited (p. 173) are severe underestimates of the Elko County sheep population and the state as a whole.

A somewhat romanticized (p. 190), partly patronizing (p. 169) view of sheepherders is combined with a very fragmentary analysis of the activities of Basques in sheep ranching. The description has the virtue of recognizing the considerable motivation of Basques for achieving economic success (pp. 112, 165), unlike the other recent history of Nevada sheep ranching (Ciel Georgetta, *Golden Fleece in Nevada*, p. 555). But it does not present the facts of Basque dominance of sheep ownership in some Nevada counties in the early twentieth century, their overwhelming control of the profession of sheepherding, or the full significance of tramp sheepmen in Nevada's range history.

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The Joyous Journey of LeRoy R. and Ann W. Hafen: An Autobiography, by

LeRoy R. Hafen and Ann W. Hafen (Glendale, California and Denver, Colorado: Arthur H. Clark Co. and Old West Publishing Co., 1973; 335 pages; illustrations; \$11.50).

IN 1963 upon the retirement of Agnes Wright Spring I was appointed Colorado State Historian. It was a position that Mrs. Spring had filled for nearly ten years and one that LeRoy R. Hafen had held for thirty years before her. Very soon after my appointment the Society decided to undertake the restoration of old Fort Vasquez, some thirty miles north of Denver. Nothing then remained on the site except some adobe walls, and they were apparently built as a W.P.A. project in 1937. In the course of research on the structure I wrote a note to Dr. Hafen, asking whether he could offer any advice. By return mail he sent a bundle of research notes as well as some pages from his daily journal. In his journal Dr. Hafen described ruins of the fort, gave exact dimensions of the walls, and located the original east wall that had been covered over to make room for the highway right-of-way. Of everything that had been written about the place since it opened in 1837, this was by far the best for our purposes. Dr. Hafen later told me he had started keeping a journal in 1924, when he began working for the State Historical Society of Colorado and had continued to do so ever since. At least, this is the way I remember it, but some facts might be wrong, because I have never kept a journal.

Some months later, when moving manuscripts in one of the vaults, I found several cases of letters, which proved to be a complete run of Hafen correspondence as state historian. After I told Roy Hafen about this, he and Ann stopped on one of their trips through Denver, took copious notes, and extracted personal letters for an autobiography they planned to do. Now, after a decade, it is finished, based on Roy Hafen's recollections and those of his wife Ann, but also based on correspondence and journals that cover a good part of their very active lives.

The first third of the book covers Roy's boyhood in the polygamous community at Bunkerville, Utah—a hard frontier environment, but apparently a happy family environment. His "journey" started with trips to St. George and vicinity for religious functions, for work, for a high school education, and finally to meet his future bride Ann Woodbury. After college, marriage, school teaching, some travel, and graduate work at Berkeley, Hafen's major Professor Herbert E. Bolton recommended him for the job of Colorado State Historian, and he began work in Denver on July 1, 1924.

The quarrels and conflicts among members of the historical society board will sound discouragingly familiar to anyone who has ever worked for such an organization. But these disappointments were more than offset by the splendid opportunities for research and publishing. While working hard at countless other projects, including trips here and there, Hafen revamped his doctoral dissertation, and the book was published in 1926 under the title, *The Overland Mail*. In the next half century Roy Hafen wrote, edited, or collaborated on some fifty volumes dealing with the American West. For thirty years he was editor of the *Colorado Magazine*, which published many

of his shorter studies and preliminary monographs. He also taught regularly at the University of Denver and served on the board of professional history associations.

Hafen calls the Great Depression the "Golden Age" of the Historical Society. In 1933, when the Civil Works Administration was given office space in the state museum building, Hafen lost no time in becoming acquainted with agency officials. He proposed a historical research program, and on December 1, 1933, inaugurated C.W.A. Project No. 5. This was the first federally-financed history project of the thirties, sending thirty-two researchers into the field to gather data, interview old settlers, and write histories of towns and businesses around the state. The following year a group of artists and technicians was put to work in the state museum, constructing models, building dioramas, and creating historical paintings under a Federal Emergency Relief Administration project. After 1935 both Hafen's history projects were continued with funds provided by the Works Progress Administration.

The miniature dioramas fascinated me from the first day I saw them as a boy, and during later years at the Historical Society I seldom let a day pass without spending a few minutes looking through the galleries. An old-timer at the Society once told me quite seriously that Dr. Hafen had made contingency plans for the next depression, when the work of the Historical Society would again receive generous federal support.

After the war the Hafens resumed their travels, and in 1954 they moved to Utah, where Dr. Hafen started a second career as college professor at Brigham Young University. Here they established a notable collection of Americana and continued to work and publish. After Ann died in 1970, her widowed sister married Roy and helped him finish the autobiography.

The page layout, typeface, paper stock, illustrations, and binding are of the high quality that people have learned to expect from publishers Clark and Rosenstock, both of whom have enjoyed considerable success in publishing Hafen books. The narrative has enough rich and intimate detail to satisfy the most inquisitive reader. I wish there were an index so I could more easily locate choice anecdotes about old-timers in the history profession.

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The Rocky Mountain Bench: The Territorial Supreme Courts of Colorado, Montana, and Wyoming, 1861-1890, by John D.W. Guice (New Haven and London: Yale University Press, 1972; xi + 222 pages, notes, bibliography, index; \$9.75).

IN 1861 Colorado's first territorial chief justice, Benjamin F. Hall, revealed his frustrations to Abraham Lincoln's attorney general in a discouraging

letter. He charged that the national administration expected territorial officials "to make bricks without straw." The straw that was lacking, of course, was an adequate salary for the unhappy territorial judge. But insolvency was only one problem faced by supreme court justices in Colorado, Montana, and Wyoming and elsewhere throughout the territorial West. They were also caught between the determination of the federal government to subordinate the territory to the national will and the strong desire of many territorial citizens for self-government. Moreover, if the judges had not spent a few years as residents of the territories to which they were assigned, they were regarded as carpetbaggers. And if they were strong-willed, they could be "sagebrushed" (banished through legislative gerrymander to a remote judicial district). Consequently, severely criticized because they were symbols of outside authority, these frontier justices, many of whom were products of the notorious spoils system, fell victim to an historical tradition in which they were dismissed as "judicial derelicts."

John D.W. Guice has made a commendable start in providing a more balanced judgment of these important territorial officials. Insisting that their critics have been too moralistic, he suggests that less time should be spent analyzing their motivations and more time should be devoted to what they did. He argues convincingly that, while many of the justices may have been job-seekers or acquisitive easterners, they were also "civilizers" and builders. No where is Guice's thesis more effectively presented than in his ninth chapter, where he discusses the ground-breaking decisions of the territorial justices of Colorado and Montana in adapting the common law to mining and irrigation in the West. Upheld by the United States Supreme Court in key decisions, they received the gratitude of the territorial citizens who were most anxious to develop rapidly the resources of their newly adopted homes. In Colorado, for instance, not only did the doctrine of prior appropriation developed in the territorial court find its way into the state constitution, but the "Colorado System" of irrigation which evolved from it had influenced the water codes of seventeen western states by 1956.

Guice would be the first to admit that much needs to be done to further clarify the role of the territorial justice in the trans-Mississippi West. While he devotes some space to judicial activity in such areas as land law and women's rights, he largely ignores the efforts of the judges in the field of criminal law. While he admits that the able Colorado justice Moses Hallet was partial to the railroad interests, he really does not delve into industrial or commercial law. Nevertheless, Guice, responding to appeals by historians such as Earl S. Pomeroy, Howard R. Lamar, and Ray Allen Billington to reassess the Western past, has successfully shattered the carpetbagger stereotype so long associated with the territorial courts. More importantly, he has opened up significant new avenues of research in territorial history which, hopefully, other students of the American West will follow.

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Journal of the Southern Indian Mission: Diary of Thomas D. Brown, edited by Juanita Brooks (Logan: Utah State University Press, 1972; 175 pages; index; \$).

THIS JOURNAL by a member of the Mormon mission to the Indians of southern Utah from April 1854 to April 1856 is a valuable addition to the sources on Mormon affairs. It is described by its editor as significant for its information on the Indians, the dedication of the missionaries, and its documentation of daily life among the missionaries. However, it says less about the Indians than its editor implies and lacks the maps and background information on the Mormon church structure needed for those who are not students of Utah geography and Mormon history.

This is a fertile source of information for further study of the social relationships within the Mormon community; the cooperation as well as competition and friction within the ranks are carefully noted. Brown was a prosperous and dedicated church member who was generally impartial in his notes on the brotherhood. Indeed, it was a brotherhood as women had little place in his chronicle except when he needed help to wash his socks (p. 74) or provide a meal (p. 78).

The editor has provided detailed biographical footnotes and the index lists all the people mentioned in the text, but editorial information on the Indians is disappointing. The Indians were Utes and Southern Paiutes, particularly member of Walker's band, a local "chief."

This volume is useful but for a more absorbing description of Mormons in southern Utah one should read Juanita Brook's fictional accounts.

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