

NEVADA Historical Society Quarterly



Fall • 1977

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The Nevada Historical Society *Quarterly* publishes articles, interpretive essays, and documents which deal with the history of Nevada and of the Great Basin area. Particularly welcome are manuscripts which examine the political, economic, cultural, and constitutional aspects of the history of this region. Material submitted for publication should be sent to the N.H.S. *Quarterly*, 4582 Maryland Parkway, Las Vegas, Nevada, 89109. Footnotes should be placed at the end of the manuscript, which should be typed double spaced. The evaluation process will take approximately six to ten weeks.

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EDITOR

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Hannah Clapp and her
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of Nevada, 1888

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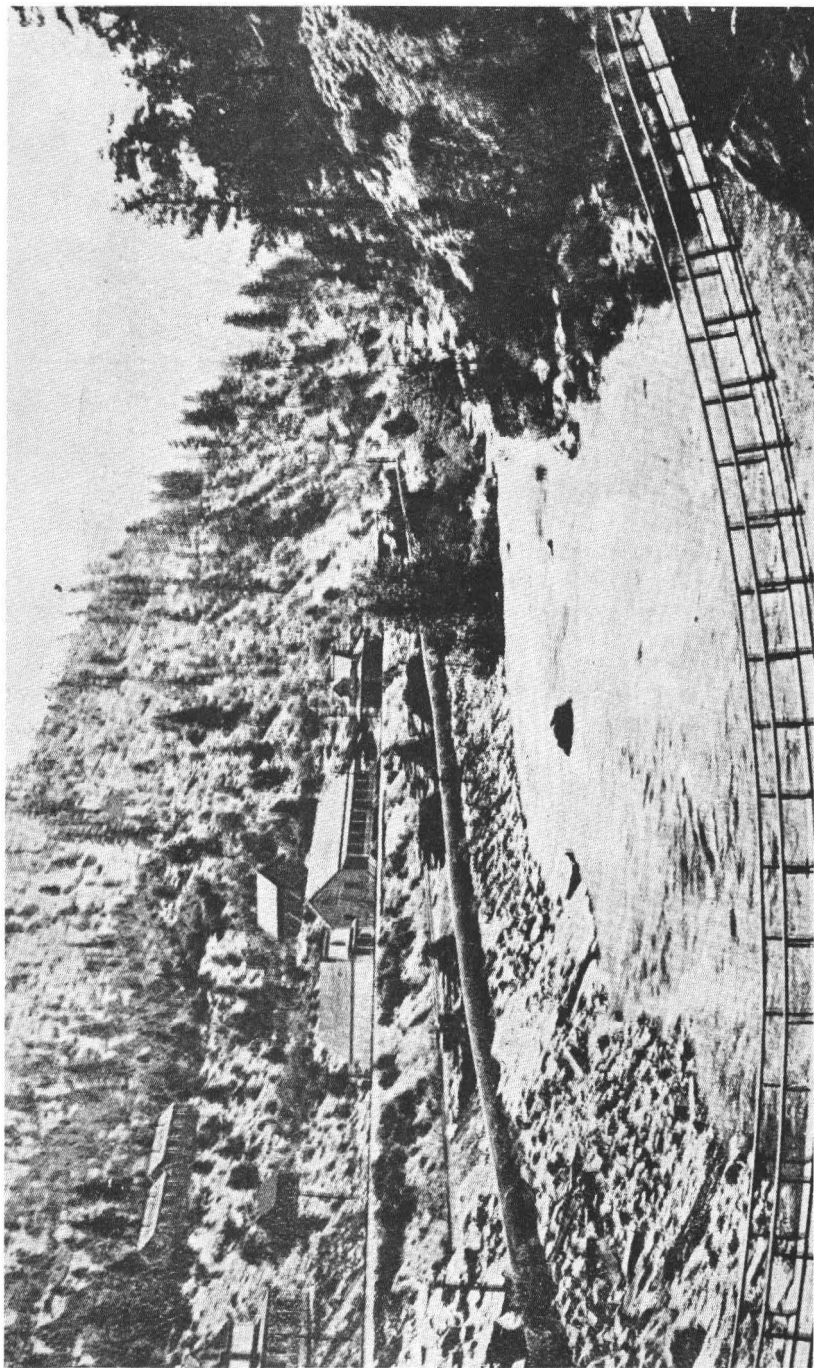
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Floriston Pulp and Paper Company, Floriston, California, c. 1907

The Polluted Truckee: A Study in Interstate Water Quality, 1870 - 1934

by Donald J. Pisani

SINCE THE 1860s, California and Nevada have frequently disagreed about how the water they share — Lake Tahoe, and the Truckee, Carson and Walker Rivers — should be divided and used. In addition to the states themselves, the struggle involved competing groups of water users, local governments, conservation associations, civic groups and the federal government. The battle took many forms, and for sixty years Truckee River water users in Nevada worried almost as much about the quality of their water as they did about the quantity. As early as the 1870s pollutants in the river posed a direct threat to fish, to farmers on the meadow land surrounding Reno, and to residents of the burgeoning town itself. Lumber mills upstream in California dumped sawdust into the river, and after the lumber boom waned in the late 1880s and 1890s, a pulp and paper mill added dangerous new chemical wastes to the water. In volume the Truckee did not compare to great western rivers like the Colorado, Columbia or Rio Grande. But its smaller size made it more susceptible to contamination, and the California-Nevada water story provides an early chapter in the history of water pollution in the American West.¹ Many legal questions raised were significant and far-reaching: What constituted "pollution"? Who should be held responsible? What could one state do to prevent water users in another state from defiling its water supply? And one practical question, as important today as it was one hundred years ago, transcended even the basic legal considerations: If a choice had to be made, was clean water more important than the health of a basic local industry?

Until 1948, the individual states exercised virtually exclusive control over water quality within their borders. An 1899 federal Rivers and Harbors Act prohibited pollution of navigable streams, but until recently this law was used only to keep rivers free from shipping obstacles. In 1924

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a federal oil pollution law banned oil leaks and discharges from ocean-going ships, but even this limited law proved ineffective.²

On the other hand, many Eastern states adopted stringent laws against pollution. For example, a New Jersey law enacted in February, 1880, prohibited throwing "any carcass of any dead animal, or any offal or offensive matter" into the state's lakes or streams. Violators faced a fine of up to \$1,000 or imprisonment up to two years. In 1893, New Jersey legislators authorized the appointment of special water commissions to investigate particular instances of pollution and ". . . if they shall deem it proper and expedient, to prepare and perfect a plan for the prevention thereof and for the relief of the persons and property affected thereby." A \$25,000 fund was set aside to provide such "relief."³

Not surprisingly, states with dense populations adopted the toughest legislation. California waited until 1901 for its first anti-pollution legislation, and the main purpose of that act was to prevent slaughterhouses from dumping animal entrails "into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use." Under no circumstances could animal parts be dumped into any waterway within one-quarter mile of a city, town or village. This act also prohibited the disposal of raw sewage, but it did not affect discharges from sawmills, factories, or other industrial sources.⁴ Nevada enacted a similar law in 1903, although it had passed a law against sawdust pollution in 1889.⁵

The controversy between California and Nevada over pollution of the Truckee began in the early 1870s. In the late 1860s, as tracks for the first transcontinental railroad stretched across the Sierra, lumber mills sprang up in the region surrounding Truckee to turn out railroad ties. Then in the early 1870s, there was a new silver boom on the Comstock Lode that lasted nearly the entire decade and made lumbering even more profitable.

From the very beginning, mills dumped sawdust, bark and other wastes into the river. In March, 1874, the California Assembly passed a bill "for the protection of game and fish" that prohibited the practice. Apparently, mill refuse clogged the stream bed and prevented the migration of fish upstream to spawning grounds. But the *Truckee Republican* sharply attacked the new bill, charging that Nevadans did more to threaten the Truckee River trout than California's mills:

The people of the western part of the State of Nevada . . . are engaged in a ceaseless war of extermination upon them. The banks of the river are lined daily by persons taking them in spawning time, not only with hook and line, but with grabhooks — and even by the use of Giant Powder [dynamite] until this paper called attention to the outrage. Hundreds of pounds of trout find sale daily in Reno, Virginia City, and other places, and with these, millions of embryo fish are destroyed in spawn.⁶

Even Nevadans admitted that the Reverend C. A. Bateman, Indian Agent for the Paiute Reservation at Pyramid Lake, illegally used Indians to spear and net fish that subsequently appeared in the markets of Reno and Virginia City.⁷

The *Republican* claimed that sawdust was "in no way injurious" to fish because spawning occurred in riffles and shallow water rather than the deep holes where debris accumulated. In fact, the newspaper argued that sawdust increased the food supply by carrying and luring insects into the water.⁸ Similarly, the paper claimed that the mill refuse covering farm lands outside Reno would serve as an excellent fertilizer.⁹

Truckee River mill owners strongly opposed burning the sawdust for fear that such fires might get out of hand. A second alternative, transporting the sawdust to dump sites away from the river, appeared no more attractive because of the cost of building roads and bridges. The threat to Truckee's economy seemed clear. One correspondent to the *Republican*, perhaps a mill owner, wrote: "I can give conclusive proof that nine-tenths of the most productive mills on the Truckee River and its tributaries are so constructed that they cannot possibly run and keep all sawdust out of the river or its tributaries, and that legislation requiring them to perform impossibilities would, as they are situated, virtually shut them down."¹⁰

A group of Nevadans petitioned the California Legislature in favor of the sawdust bill and, after the Senate rejected it, grumbled that Nevada water users might fall back on their riparian rights, or appeal directly to federal courts, to clean up the river.¹¹ But the mills had been operating for six or seven years, and because most trout were caught and consumed in Nevada, there was no way to prove that the fishermen themselves were not responsible for the declining fish population. Wells Fargo Company records, based on daily shipments through company offices at Wadsworth, Reno, Boca and Truckee, indicated that five and one-half tons of fish were shipped in 1872, seven and one-half tons in 1873 and eight tons in 1874.¹²

After the flurry of excitement in the opening months of 1874, the sawdust issue faded from the news. However, the sawdust bill reappeared in amended form several times during the next decade. In 1876 such a bill prompted the Sierra Nevada Lumber Association to collect affidavits from mill owners who claimed that transporting the sawmill debris to dump sites would cost \$500,000 the first year and \$50,000 each year thereafter.¹³ Each time the bill resurfaced in the California Legislature Truckee residents raised the spectre of economic devastation. For example, in January, 1883, the *Republican* commented:

Suppose, for the sake of argument, although it is not admitted, that sawdust is deleterious to the fish. Suppose, if you please, that it is killing every fish in the river; what would it amount to compared with the interest of the lumbermen along the river? The lumbering and sawmill interest is *the* interest of this country, and is worth more to this country in one season than all the fish in the Truckee River and Pyramid Lake combined.¹⁴

The *Republican* continued to blame Nevadans for the declining fish population. In 1874 criticism focused on the techniques used by unscrupulous fishermen, especially Paiute Indians. But in the intervening

years, with the opening of thousands of acres of farm and grazing land along the river in Nevada, the newspaper charged that diversion dams in that state, used for irrigation, blocked the migration of the fish to their spawning grounds in California. The California Fish Commission was concerned enough to visit the river several times in the 1870s, but it did not cross the state border.¹⁵

The California Legislature waited until 1887 to investigate conditions along the river. Members of the Assembly Committee on Fish and Game reached Truckee in mid-February where they met a contingent from the Nevada Legislature. After a three hour meeting, the Fish and Game Committee decided to visit Reno. There the Committee enjoyed an elegant banquet at the Depot Hotel after which it heard alarming testimony from local medical and legal authorities. Attorney R. H. Lindsay blamed California sawmill owners for an alarming increase in typhoid and malaria cases:

It is absurd to say that the deposit of sawdust in our river does not deteriorate its quality. Our physicians are here tonight, and will state to you that the depositing of it in the water makes it impure and unhealthy. I call attention to the dreadful disease of typhoid fever which afflicted during the past Summer the inmates of Bishop Whitaker's Seminary. The conclusion formed by our physicians as to the cause of the affliction [was that it] came from the water. . . . A person standing on our river bridge can notice these deposits in the bed of the Truckee river. On the whole line of the stream, from the mills to its mouth, can be found the deposits of sawdust. Upon the broad ground of humanity, for the protection of our homes, and the lives of our people, comprising a community between four thousand and five thousand, we ask legislative protection from this evil.¹⁶

Dr. Bergstein reported seeing sawdust piles three to four feet deep along many stretches of the river. He argued that while fresh sawdust was relatively harmless, decomposition introduced dangerous organic compounds into the water. Nearly 20% of the total volume of lumber cut by the mills annually, an average of 40,000,000 board feet, became sawdust. And during the Sierra's hot summer months, when the level of the river reached its low stage, the sun touched off a process of fermentation and decay in the huge mounds of debris. The Donner Boom and Logging Company used the dam at Tahoe's outlet to "flush" the river and send logs downstream to mills. Hence many of the pollutants found their way into the Reno Water Company's reservoirs. The doctors unanimously blamed the mills for a typhoid epidemic that had occurred the previous summer.¹⁷

The Fish and Game Committee's jurisdiction did not extend to public health, nor was the health of any California residents imperiled by the pollution. Nevertheless, the legislators sympathized with Reno's worried doctors and realized that contamination dangerous to human beings probably posed a threat to the fish population as well. After the Commit-

tee returned to Sacramento, it filed a report with the Legislature which asked the State Board of Health to inspect the river. In addition, the group drafted a bill declaring that "[e]very person who places or allows to pass into any of the waters of this State any sawdust, lime, gas tar, cocculus indiens, or any other substance deleterious to fish, is guilty of a misdemeanor."¹⁸

This bill stood little chance in Sacramento where the lumber interests enjoyed a powerful lobby. The *Truckee Republican* argued that the public health issue was a "scare tactic" designed to win sympathy among California's lawmakers. The newspaper pointed out that the doctors had failed to analyze the water in the laboratory; hence the source and extent of pollution were open to doubt. "The fact that the presence of sawdust in the Truckee river is a cause of disease and death, ought to be established *beyond a doubt* before a great interest is seriously crippled. All that is asked is a thorough investigation, careful and minute."¹⁹

The controversy did not cool off after the sawdust bill died in March, 1887. The *Reno Evening Gazette* published long interviews with sympathetic medical and legal authorities. Although the doctors unanimously pointed to the river as the source of recent typhus and malaria epidemics, the lawyers failed to agree on a remedy. As mentioned above, California did not adopt its first formal, comprehensive water pollution law until 1901. However, at least since the early 1880s, the California Code contained a prohibition against dumping "any deleterious substance whatever" into the state's watercourses. Unfortunately, the law specifically excluded sawdust, and since Nevada state courts had no jurisdiction in California, the issue logically belonged in a federal district court. Even so, jurisdiction was not clear. In response to a reporter's question concerning the right of the U.S. Circuit Court for California to hear the case, Reno Judge S. D. King commented:

The pollution and foulment of any stream is a nuisance and remediable in the courts at the instance of anyone suffering a special or private injury therefrom. That the dumping of the sawdust into the Truckee by the saw-mills is such pollution and nuisance is too clear for argument. The only difficulty, if this is a difficulty, is to find our remedy. The trespassers, the millmen, both reside and commit the wrong in California. It is apparent that our local courts, State and Federal, cannot give relief, as we can never hope to catch any of these offending gentlemen here, and the writs of our courts do not run beyond State lines. . . . There is, however, a revered axiom of the law that there is no wrong without a remedy, and search and industry would probably open the way.²⁰

Several lawyers argued that the U.S. Attorney General should bring the suit, but the *Gazette* suggested that Washoe County's Commissioners, representing residents of Reno and farmers along the meadows outside town, should take the case to the federal court in San Francisco. In that way, the expected adverse verdict could be appealed directly to the more impartial United States Supreme Court.²¹

Prior to 1887, neither side had any solid scientific evidence to back its arguments. But the *Gazette's* appeal to Reno's medical profession prompted the *Republican* to hire its own "experts." Late in June, the newspaper published a report charging that contamination of the river occurred only after the water reached Reno. An investigation revealed that the eleven mile long ditch connecting the river and the Reno Water Company's main reservoir served livestock:

The ditch that feeds the reservoir is eleven miles long and catches the surface wash for nearly that distance. There are, at times, thousands of sheep drinking from the ditch daily. There is a band of goats now, and has been for a year or more past, corraled on its banks at night that has to pass over and thro' this ditch at least twice daily. How many sheep, horses and cattle are daily driven to the water cannot be readily ascertained. At times the dead carcasses of animals have lain in this ditch for several days.

The report also pointed out that the unfenced reservoir never had been cleaned, and that most Reno residents opposed a lawsuit against the mill-owners for fear the county would be saddled with enormous legal expenses.²²

Reno chemist C. M. Fassett corroborated these findings after testing the Truckee's water for Washoe County's Board of Commissioners. Fassett took three samples, one ten miles upstream from Reno, another near the end of the canal linking the river and reservoir, and a third from the reservoir itself. He concluded that pollution from the mills was negligible, "much less, indeed, than is contained in many natural springs." On the other hand, ". . . the water supplied to the town through the main reservoir is not sufficiently pure to be used for domestic purposes with safety."²³

Reno residents had good reason to worry about their health, but some steps were taken in the fall of 1887 to protect the fish. The California Fish Commission persuaded mill owners to build fish ladders at each of the small check dams along the Truckee in California so that the trout could ascend the river during the spawning season. Even so, few fish reached the border, largely because the Nevada Fish Commissioner could not stop the wholesale slaughter of migrating fish by Paiute Indians from the Pyramid Lake Reservation.²⁴

The Nevada Legislature of 1889 sent a joint Senate-Assembly committee to confer with California legislators regarding the sawdust controversy and recurrent proposals to move the state boundary to the crest of the Sierra. The California Legislature appointed a similar committee and the two groups met with Governor R. M. Waterman on January 21st. The Nevada Committee reported that ". . . we arrived at a perfect understanding concerning the legislation necessary to preserve in their purity the waters of the Truckee river and other streams crossing the state line."²⁵ Soon thereafter, both legislatures approved bills prohibiting sawdust pollution. Apparently, the Tahoe-Truckee lumber industry

could not muster enough political support to block the bill. The lumber companies had lost much of their power since the early 1870s. By the late 1880s, most of the region's readily accessible timber had been cut, and the rapidly declining output of the Comstock Lode's silver mines sharply reduced the demand for shaft timber and cordwood.

For a time the mill owners ignored the law and local juries refused to convict lumbermen brought into court. However, in September, 1894, the California Fish Commission finally persuaded the lumber companies to burn their sawdust after F. P. Deering, attorney for the fish Commission, began proceedings to revoke the Truckee Lumber Company's corporate charter. The Truckee Lumber Company, largest on the river, quickly capitulated. As Nevada's Fish Commissioner wryly commented, "this proceeding was an entire surprise to the corporation, and was productive of immediate negotiations on their part, with promises to abstain for all time from further violation of the law."²⁶

Although the lumber company forgot its promise briefly during the following summer, sawdust pollution never again became a major issue. True, huge mounds of sawdust along the river — remnants of more prosperous times — continued to wash into the river as winter snow melted. But now Reno's residents paid more attention to the sewage dumped into the river by Truckee and smaller towns upstream. In the late 1890s, Reno officials discussed plans to modernize the town's water system and several alternate water sources were considered. However, none of these schemes won widespread public acceptance and the city continued to rely on the Truckee for most of its water.²⁷

Pollution again became an issue in the opening years of the twentieth century. In 1898 or 1899, San Francisco capitalists built a pulp and paper mill at Floriston, a small community just west of the state border. At first the mill seemed harmless enough. The California Board of Fish Commissioners, in its report for 1900, pointed out that the new company provided a fish ladder at its dam and its chemist found the plant's effluent harmless. "The river may at times be discolored from the refuse that passes from the mill, but it is as harmless as mud. It may, and at times will, interfere with the anglers by discoloring the water below the mill, but the Commission is powerless to prevent the company from passing this colored matter into the river, as it is not injurious to fish."²⁸

However, in the summer of 1903, Reno's Chamber of Commerce took odd colored samples from the river and put them on display. The resulting public concern persuaded a company representative to meet with Reno officials. At the Chamber of Commerce office he assured a skeptical audience that no sulphuric acid had entered the water: "It would be bad management on our part, for the acid has a commercial value and would certainly be saved." With a dramatic flourish, as if to underscore his confidence, the company spokesman drank "Exhibit A," a sample taken from the river close to the mill. He speculated that a second sample, identified by a grayish-black layer of sediment floating on top of the water, contained charred wood particles. Finally, he promised that the

company planned to install an expensive new filter system to remove these and most other contaminants.²⁹

Apparently this promise was not kept. Early in January, 1904, the Truckee River Country Club's owner formed a citizens' group and began collecting a legal fund to fight the company in the courts.³⁰ The country club, located several miles upstream from Reno, counted many genteel anglers among its membership and drew drinking water directly from the river. Some months earlier, six of the club's members became ill after drinking Truckee water. In February, the Chamber of Commerce called together a prominent group of Nevada politicians to discuss the problem. Young Assemblyman P. A. ("Pat") McCarran, who would one day become a powerful United States Senator, described the Truckee as the "keystone" of Western Nevada and recalled better days:

I was raised on the banks of the Truckee and had grown to consider the little stream the most beautiful in the land but since the paper mill has been in existence the waters which are naturally as clear as crystal have become disgusting in the extreme. Fortunes were once made by men in the fish industry along the stream, but that time has been destroyed on account of the killing off of the finny tribe by the acid water.

The Floriston Pulp and Paper Company's manager asked postponement of legal action until the company finished constructing a large settling pond to treat refuse from the mill. He promised that construction would be completed in a matter of weeks. One Nevada state senator, pointing to earlier broken promises, urged immediate legal action. But, instead, a group was selected to tour the mill and evaluate the company's efforts to clean up the river.³¹

The investigative committee visited the mill early in March, 1904, and returned to Reno with an alarming report. "The first thing that greeted us on entering the mill was the startling legend: 'Do Not Drink River Water. Same is Impure. Good Water is on Draught in the Mill'"; similar warnings appeared in every room. The mill manager claimed that the pollution came from towns upstream, but two skeptical members of the committee decided to take an unescorted tour of the mill and its grounds. Their worst suspicions were confirmed and the newspaper account of their discoveries is worth quoting at length:

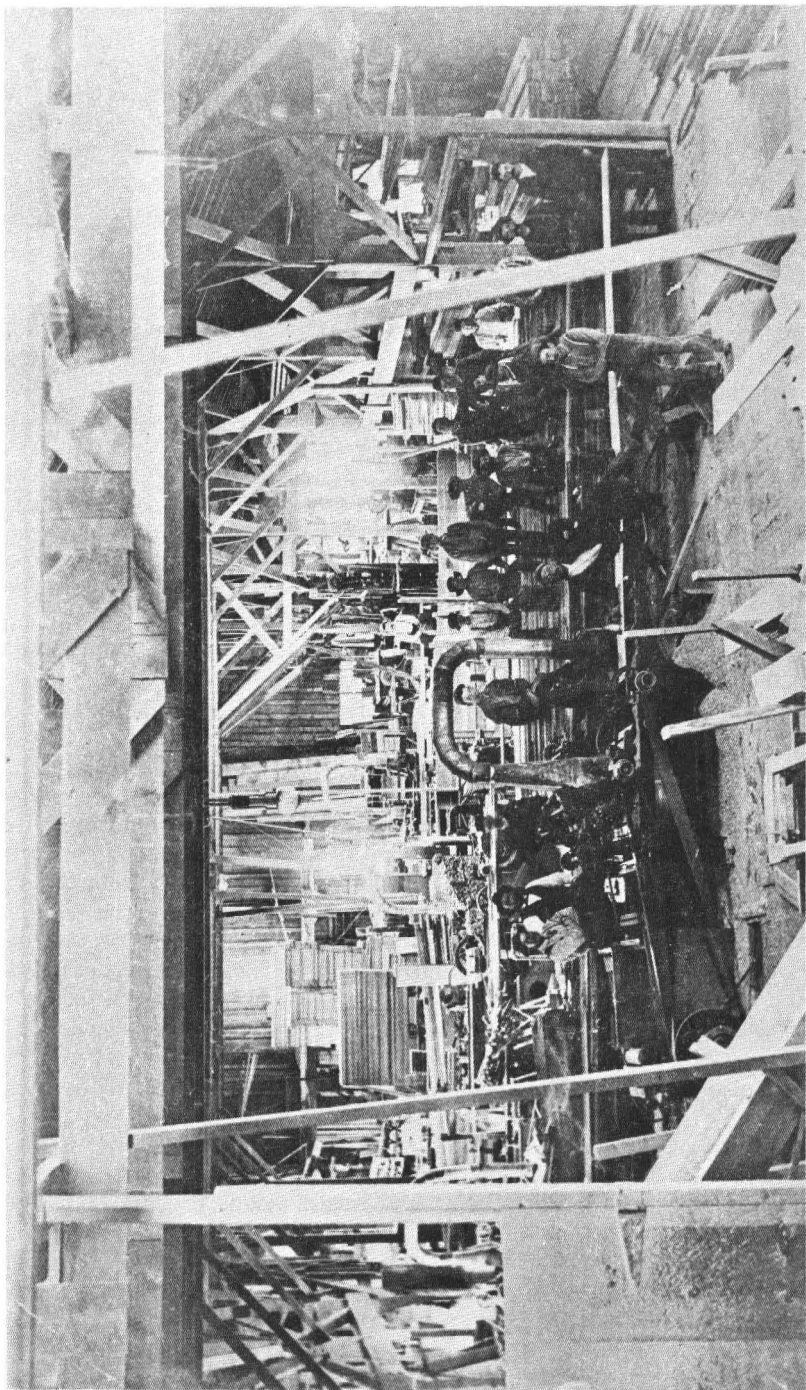
Messrs. Stewart and Roff went off on an independent tour of their own and "butted into" several evidently forbidden spots. . . . Roff and Stewart . . . discovered a closet, used by all the employees of the mill, immediately over the mill outlet into the river. The discovery was nauseating, as but a moment before, the gentlemen had tasted the water in the river just a few feet away. Other discoveries were made of a more or less startling and disgusting nature. When questioned as to the disposition of the pulp company to do away with the evil, Mr. Fleishacker calmly stated that his company would do nothing if any action was begun, but would fight the case bitterly and if necessary through

the higher courts. When Mr. Fleishacker's attention was called to the fact that a grove of three thousand or more trees adjacent to the mill had been killed by the refuse deposits, he stated that the damage had been done by fire. Investigation, the committee stated, showed not a vestige of fire. Receptacles for poisonous waste matter were conveniently placed near the banks of the river, so as to be swept down the stream at high water. Filters, brushes and fine wire screens, placed to drain the mill refuse before it passed into the river, utterly failed in their purpose of purifying the water.

The committee also reported that the new settling pond, and a flume that carried refuse from the mill to the pond, were an "excuse and subterfuge." The pond was only forty feet from the river bank, and for a distance of one-quarter mile "black and disgusting rivulets ooze constantly into the river."³²

The Chamber of Commerce called a new series of public meetings to discuss the report and Nevada's Attorney General, James G. Sweeney, prepared to carry his state's case to the U.S. District Court for Northern California. The Attorney General formally filed the case in San Francisco in the spring of 1904. Meanwhile, the Truckee Country Club's manager continued to solicit money for the Citizen's Pure Water Fund. Reno residents hoped the fund would pay the legal costs of pursuing a court injunction to shut down the mill pending a final verdict in the state's case. Unfortunately, despite widespread public alarm over contaminated drinking water, subscriptions to the fund lagged and the plant continued operating.³³

The Floriston Pulp and Paper Company filed a lengthy response to the Nevada suit in July. First, the company's attorneys argued that the "... river for many years past, and before the mills or works of this defendant were constructed, was and has been constantly polluted by sewage and other offensive matter flowing and passing into the same from the town of Truckee and from other towns situated along and near to its banks and also from houses, dairies, barns and stables." Second, the company denied that "... it has used or still uses ... any noxious, hurtful or injurious vegetable or mineral substances, chemicals or acids or does dump, throw or permit the same to run into said river at or below its mills, or at all." Such chemicals that found their way into the river were "not capable of being detected even by a chemical analysis." Nevertheless, the company no longer used the ineffective settling pond that had shocked the investigative committee in March. Instead, it now disposed of acid residues in a deep well or sink about 300 feet from the River. The company also claimed that "... it has conserved all the chips, shavings, sawdust and other refuse of the wood used by it, and has used the same for fuel and not permitted any part thereof to pass into the said river"; a series of fine screens filtered out all other solid contaminants. The company closed its response by pointing out that the plant was worth over



Interior view of the Truckee Lumber Company's Mill, Truckee, California, turn of the century

\$1,000,000, employed 150 workers and produced over 7,000 tons of paper annually.³⁴

Testimony was not taken until August, 1905, and then, after a few court sessions, legal delays postponed the trial two years more.³⁵ But the evidence presented in 1905 and 1907 weighed heavily against the paper company. For example, a water expert from the University of California revealed that comprehensive tests conducted in 1905 and 1907 showed that the river was clean above the mill but carried dangerous quantities of sulphur compounds and other material after it passed the factory.³⁶ Nevada's Attorney General expected to win the case, but Reno's citizens seemed to lose interest after February, 1908, when a new water company began to supply the city from Hunter Creek, a small stream independent of the Truckee. The Hunter Creek Water Company's superintendent warned that this stream could not provide as much water as the Truckee, hence conservation would be necessary during summer months. But he promised that "... the water we are furnishing the people of Reno is as pure as nature can make it."³⁷ Many of Reno's factories and mills, and some domestic users, continued to use Truckee water, but after 1907 most criticism of the pulp and paper mill came from those concerned about the declining fish population.³⁸

The State of Nevada's reluctance to prosecute the paper company after 1908 resulted in dismissal of the case a year or two later. But fish and game officials in both Nevada and California kept a close check on water quality. In September, 1912, two employees of California's Fish and Game Commission planted hatchery troughs and trout eggs in various locations in the river, both above the below the mill. As might have been expected, the eggs downstream from the mill accumulated a coating of fungi, sediment, diatoms and particles of wood pulp. If the eggs hatched, which seldom happened, the fry were weak and unhealthy compared to the fry from eggs hatched upstream. The two men did not perform chemical tests, and their investigation failed to determine what specific pollutants harmed the fish. However, they did compare the quantity of solid pollutants in the river above and below the mill using a cone shaped screen. Unfortunately, tests failed to reveal any organic damage to adult fish taken from the stream below the mill. "While acid may play a part, it certainly is not as important a part as we have supposed, as is shown by the plant and animal life in the water below the mill." The effluent served as an "... excellent culture for the growth of fungus, diatoms, leeches, protozoa and bacteria," but the river's turbulence aerated the water and compensated for oxygen lost during the process of decomposition of pulp and other organic wastes. Thus, although the investigators concluded that "... all the natural spawning beds of the trout in the river below the paper mill have been destroyed by the chemicals and pulp going into the river from the paper mill," they doubted that their evidence would hold up in court:

In case action is brought against the paper mill people, I think it would strengthen the Commission's case to know just what the

mechanical or chemical action is that causes the death of the eggs. In future work on the river, experiments could be carried on that would clear up this point. If we do not know just what the action is it will be hard to combat [the company's] claim that fish deaths may be caused, for instance, by electric disturbances from the high tension wires which run from the mill on down the river; or that their death may be due to known or unknown mineral springs that discharge into the river.

A company spokesman even argued that a certain quantity of acid in the river was a positive good because it killed bacteria dangerous to fish and humans.³⁹

On January 16, 1914, members of California's Fish Commission, Nevada's Fish Commission and the Reno City Council met with the management of the Floriston Pulp and Paper Company in San Francisco. The meeting resulted in the formation of yet another committee "... to investigate methods of purifying the solutions from the paper mill and means for evaporating and condensing the waste." The paper company promised to honor any decision reached by the committee, but the three men failed to agree on a feasible remedy, probably because the committee included a representative from the paper company.⁴⁰

This last failure seemed to exhaust the patience of Nevada officials. For over a decade the empty promises of the paper company had pacified public opinion. Certainly, since 1907 each new pledge faced increasing skepticism. But the company's feeble, half-hearted efforts to keep pollutants out of the river kept alive the hope that somehow the issue could be settled out of court. Now, in February, 1915, the Nevada Legislature passed a resolution charging California officials with "indifference" and urging Nevada's representatives in Washington to seek federal legislation to protect the river. In addition, the Legislature appointed Professor S.C. Dinsmore, long active in the crusade to clean up the Truckee, "... to personally present to the authorities of the United States the information in his possession for their consideration. . . ."⁴¹

In the next months, Dinsmore, Nevada Governor Emmet Boyle, and Senator Key Pittman all struggled to find a solution to the problem. Boyle tried unsuccessfully to persuade California's Governor Hiram Johnson to prosecute the paper company in the name of the State of California.⁴² Doubtless, persistent interstate controversies over whether Lake Tahoe would be used essentially as a storage reservoir for Nevada farmers, or maintained in its pristine state as a resort for affluent Californians, made Johnson reluctant to intervene. After losing hope that California's officials would intercede, Boyle urged Pittman to introduce a bill prohibiting pollution of interstate streams.⁴³ But Pittman, aware that such bills usually drew criticism from advocates of states' rights, demurred. The U.S. Attorney General had already advised Pittman that Nevada's only legal alternative was suit in a California District Court.⁴⁴

World War I raised a new set of domestic issues that overshadowed the pollution controversy. Never again would Truckee River pollution be-

come an issue on either side of the state boundary. California created the Bureau of River and Harbor Pollution on February 1, 1926, as part of its Fish and Game Department, and the Bureau promised to investigate conditions at the Floriston Pulp and Paper Mill "very soon."⁴⁵ However, no investigation followed, and the Fish and Game Department closed its books on the pollution controversy in the early 1930s. In its report for the years 1930-32, the Department acknowledged the criticisms of sportsmen and travellers concerning the condition of the river but questioned whether Nevada had managed its stretch of the river any better: "These comments undoubtedly had merit, but unfortunately the fact that the cities of Reno and Sparks disposed of untreated sewage into the river lower down was apparently not noted. The river is now practically free of pollution as these cities have installed sewage treatment plants and the paper mill has ceased operations." The closing of the Floriston mill in the early 1930s drew little notice from Reno newspapers already glutted with news of hard times. The plant only employed about 150 workers in its most productive years, and its efficiency, as well as output, lagged behind larger paper mills in the Pacific Northwest. Moreover, by the 1930s, the plant's machinery and operating procedures were outdated if not obsolete.⁴⁶

For nearly sixty years, Truckee River water users searched for a solution to the pollution problem. But they repeatedly ran into two fundamental questions: If water is scarce, how can conflicting interests and demands be reconciled? And, who should assume that responsibility? Just as no federal law regulated the allocation of an interstate stream between two or more states, no federal law regulated the quality of water in an interstate stream or how that water might best be used.

The pollution controversy added another element to the California-Nevada water conflict, but it also raised legal questions not directly related to interstate water use. In the 1870s, there were no "water quality experts" available to identify and measure contaminants dangerous to human beings and fish. Even in the 1890s, many scientific disciplines related to the use and management of natural resources — including hydrology, agronomy and forestry — were in their infancy. Understandably, the crude water tests performed by Reno chemists or pharmacists lacked reliability. But the 1890s and first decade of the twentieth century witnessed great advances in applied sciences, including more refined standards of measurement and testing procedures. Eventually no respectable scientist on either side of the state border could deny that the river was "polluted." Only the source of pollution and the degree of danger remained open to disagreement.

Then, as now, lawyers wrangled over how much pollution was too much. Scientists could declare the river "polluted," but because water quality in nature varied from one stream or lake to the next, no absolute standards existed. For example, the Truckee River was much "purer" than most American rivers. It did not carry most of the minerals, silt and other materials that larger rivers picked up in their journey to the sea.

Thus, lawyers had to decide what to use as a measure of purity: the river's "natural" condition, the point at which pollution threatened human or fish life, or some arbitrary standard in between. In court the prosecution had to show which particular pollutants were dangerous and pinpoint their source. This, in itself, was a hard task. But the prosecution also had to prove that other potential sources of pollution could not have been responsible. Faced with so many legal obstacles — not the least of which was the expense of fighting out a long suit — the critics of pollution stood little chance. After 1908, only Truckee River trout suffered directly from pollution and, undoubtedly, many who found the river offensive to the senses agreed that planting trout was preferable to shutting down the paper mill. In the 1870s, the great cutthroat trout of Pyramid Lake migrated upstream in such numbers that the river itself seemed alive. By 1930 they had all but disappeared and pollution undoubtedly contributed to their demise.

In nineteenth century Nevada, water quality took second place to the existing and anticipated needs of agriculture and industry. The parched desert soil yielded its crops grudgingly, but the Silver State never lacked boosters who saw their state's future in the water supply captured by the Sierra. Yet by the mid-twentieth century, building booms at Lake Tahoe, and to a limited extent near the river itself, posed new threats to water quality in the Truckee-Tahoe Basin. Sophisticated new sewage treatment plants, and the exportation of sewage out of the Tahoe Basin, helped reduce the danger. But the region's development as a resort area — appealing to ever-increasing numbers of summer and winter sportsmen — insure that the Truckee's purity will be an issue for years to come.

Notes

1. Major industry did not move West until well into the twentieth century, and since the largest Western cities were spaced relatively far apart, pollution was not an important water problem until after World War II. However, the Truckee River pollution controversy was not unique. For example, in California farmers mounted a full-scale attack against hydraulic mining during the 1870's and 1880's to prevent the gold seekers from filling the Yuba, Bear, American and Feather rivers with silt and obstructions to navigation. A United States Circuit Court prohibited dumping mining debris into rivers in 1884, but the practice continued until 1893 when the California Debris Commission was created.
2. J. Clarence Davies, III, *The Politics of Pollution* (New York, 1970), p. 38. Unfortunately, there is no comprehensive history of the crusade against water pollution in the United States, nor is there a comprehensive analysis of early legislation.
3. Edwin B. Goodell, *A Review of the Laws Forbidding Pollution of Inland Waters in the United States*, Department of the Interior, United States Geological Survey Water Supply and Irrigation Paper Number 103 (Washington, 1904), pp. 69-70. During the 1890's and the first decade of the twentieth century, the U.S.G.S. published many papers on water pollution, but none concerned pollution of rivers in the arid states.
4. *Ibid.*, pp. 36-37.
5. *Ibid.*, pp. 42-43.
6. *Truckee Republican*, March 21, 1874.

7. *Truckee Republican*, June 20 and November 14, 1874. The Truckee River terminates at Pyramid Lake, which had been set aside in 1859 as a reservation for the Paiute Indians. The last fifteen miles of the river pass through the reservation. Within reservation boundaries, the Indians could legally capture fish using means not permitted white fishermen, including nets and grappling hooks. Apparently Bateman used his position as Indian Agent, with a ready force of Indian fishermen, to supplement his regular income. The Indian exemption from fish and game laws mattered for little since white fishermen regularly violated the laws. However, Bateman's Indian fishermen did exploit Pyramid Lake and their stretch of the Truckee River in a more systematic, sustained way than fishermen upstream. In this way they contributed to the destruction of the cutthroat trout as much as polluters upstream.

8. *Republican*, April 16, 1874.

9. At this time, farming in the meadow land surrounding Reno was still in its infancy. Reno itself was established in the late 1860's as a railroad town, but throughout the 1870's Virginia City remained Nevada's largest community. However, by the 1880's Reno and Carson City rivalled the community on the Comstock Lode partly as a result of a boom in farming in the Carson Valley and around Reno. Thus, the *Territorial Enterprise* and *Gold Hill News* led the assault against Truckee's lumber industry in the 1870s. But by the mid-1880s — as the productiveness of Comstock Lode mines ebbed — the center of opposition shifted to Reno.

10. *Republican*, March 24, 1874.

11. Theoretically, the riparian doctrine promised downstream users a water supply undiminished in quantity and unchanged in quality. However, Nevada water users were unsure that this doctrine applied in interstate water disputes, and the state abandoned the riparian doctrine altogether in 1889.

12. *Republican*, February 2, 1876.

13. *Republican*, March 26 and April 12, 1876.

14. *Republican*, January 24, 1883. Also see the issues for January 27 and February 21, 1883.

15. *Republican*, February 13, 1884.

16. "Report of the Fish Commissioner of Nevada" in the Appendix to the *Journals of the Nevada State Legislature, 1887* (Carson City, 1888), p. 4.

17. *Ibid.* Also see the *Republican*, February 16, 1887.

18. *Republican*, March 2, 1887; *Reno Evening Gazette*, March 3, 1887. SB 228 (McDonald), Calif. Leg., introduced January 27, 1887.

19. *Republican*, February 16, 1887.

20. *Gazette*, March 3, 1887.

21. For a full view of the *Gazette's* arguments in 1887 see also the issues of May 24, June 2, June 7, June 10, June 13 and June 29, 1887.

22. *Republican*, June 29, 1887. Appended to the report was an amusing comment by an editor of the *Carson Tribune* that reinforced the investigator's conclusions: "The Truckee river water is all right, but the slimy, gluey stuff that comes from the Reno reservoir is all wrong. You can't even wash clean in the darned stuff, for it will run down a man's face and make his beard so sticky, that no comb will get through it; in fact a tourist was compelled to shave off a handsome beard in consequence of using it."

23. *Republican*, July 2, 1887.

24. *Republican*, October 15, 1887; April 14, 1888.

25. "Report of the Fish Commissioner of Nevada" in the Appendix to the *Journals of the Nevada State Legislature, 1889* (Carson City, 1890), p. 2. Also see the *Gazette*, January 29, 1889.

26. "Report of the Fish Commissioner of Nevada" in the Appendix to the *Journals of the Nevada State Legislature, 1893* (Carson City, 1894), p. 5.

27. *Gazette*, August 22, 1894; August 9 and August 26, 1895; December 1, 1896; January 4, March 1 and November 24, 1897; December 22, 1898; February 17, 1899.
28. *Gazette*, February 16, 1901.
29. *Daily Nevada State Journal* (Reno), July 31, 1903. Also see the *Journal* for July 29, October 6, October 17 and October 23, 1903.
30. *Journal*, January 9, 1904.
31. *Journal*, February 19, 1904.
32. *Journal*, March 6 and March 8, 1904.
33. *Journal*, March 10, 11, 26, April 29 and July 19, 1904; *Gazette*, July 18, 1904.
34. *Journal*, July 22, 1904.
35. *Journal*, August 23, September 15 and 16 and November 7, 1905; July 31 and September 4, 1907.
36. *San Francisco Call*, October 18, 1907.
37. *Journal*, February 8, 1908.
38. *Gazette*, August 10 and 12, 1909. Ironically, Reno itself dumped untreated sewage into the Truckee River in the nineteenth and early twentieth centuries. The Nevada Legislature prohibited running sewers directly into streams in 1903, but granted a number of extensions and the city's first modern sewage treatment plant was not constructed until the 1920's.
39. H. B. Scofield, "Report of the Floriston Paper Mill Investigation"; P. A. Shebley to W. H. Shebley, Superintendent of Hatcheries, California Fish and Game Commission, letter dated December 1, 1912; H. B. Scofield to W. H. Shebley, January 22, 1913. Key Pittman Collection, Box 94, Legislation File ("Pollution, Truckee River"), Library of Congress, Washington, D.C.
40. "Report of the Nevada Fish Commission" in Appendix to the *Journals of the Nevada State Legislature, 1913-14* (Carson City, 1914).
41. State of Nevada, Assembly Joint and Concurrent Resolution (unnumbered) approved February 17, 1915. Key Pittman Collection, Box 94, Legislation File ("Pollution, Truckee River").
42. Emmet D. Boyle to Hiram Johnson, February 8 and December 19, 1916, Hiram Johnson Collection, Bancroft Library, University of California, Berkeley. Johnson's reasons for refusing to act are not clear. However, the bitterness engendered by the interstate water controversy of 1909-1913 probably played a major part.
43. Emmet Boyle to Key Pittman, December 16, 1916. Key Pittman Collection, Box 94, Legislation File, ("Pollution, Truckee River"). On January 13, 1917, Pittman informed Boyle that he was preparing a bill "looking to the protection of interstate streams against pollution." Apparently he changed his mind; the *Congressional Record* does not indicate that the bill was ever introduced.
44. Key Pittman to S. C. Dinsmore, December 16, 1916. Key Pittman Collection, Box 94, Legislation File ("Pollution, Truckee River").
45. *Report of the State of California Fish and Game Commission, 1924-1926* (Sacramento, 1926), p. 95.
46. *Report of the State of California, Department of Natural Resources, Division of Fish and Game, 1930-32* (Sacramento, 1932), p. 38.

Hannah Keziah Clapp: The Life and Career of a Pioneer Nevada Educator, 1824 - 1908

by Kathryn Dunn Totton

Early Life

HANNAH KEZIAH CLAPP was born near Albany, New York, in 1824. Her father, Orrin Clapp, was a native New Yorker and a Presbyterian minister; and her mother, Hannah Bangs Clapp, came from Charleston, South Carolina. Little is known about Hannah's childhood and youth, but at the age of twenty-five she appears in a list of the teachers at the Union Seminary in Ypsilanti, Michigan. This school, one of the oldest in Ypsilanti Township, had been founded as a private school in 1845 by the Reverend H. L. Moore and incorporated by the legislature. In 1848 or 1849, the building was purchased by the Ypsilanti Fourth School District; and in October, 1849, by a special legislative act, it was organized as part of the school system to be a combination common, or grammar, school and a college preparatory academy, an approach that was considered highly novel and experimental in Michigan at the time. After the school was taken into the school district, a Reverend M. L. Hawley was invited to become principal. He was to be assisted by a corps of twelve teachers, including Miss Clapp.

After teaching for five years in Ypsilanti, Hannah Clapp moved to Lansing, Michigan, to become the principal of the city's Female Seminary, and later to accept a position as one of the first teachers at the Michigan Female College. This background in education, especially with fledgling institutions, would stand her in good stead several years later when she arrived in Carson City with the intention of founding a private school.

A train of wagons headed toward California in the spring of 1859 had among its passengers Hannah Clapp and her brother Nathan and his family. We know a little about the cross country journey from a letter Hannah sent from Salt Lake in July to a friend in Lansing. In this letter

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she described their week-long stay in the city of Salt Lake, a place with which she was singularly unimpressed: "Its first appearance, at a distance, looked like an Irish huddle, but on approaching it, it looked better." She told of attending a Mormon meeting in her "bloomer dress and hat with [her] revolver by her side," and of a personal meeting with Brigham Young himself. Her opinion of the Mormon religion and customs was no higher than her opinion of the city; she considered them "rebels, guilty of treason against the government and not worthy of recognition by an American." As a dedicated feminist even then, she was appalled and angered at the treatment of the Mormon women ("miserable slaves") by the men ("licentious knaves").¹

The emigrant train must have passed through the Truckee Meadows en route to California, and so Hannah probably had her first experience with the area that was to be her home for forty-one years. She continued on to California in 1859, however, and secured a teaching position in Vacaville. In the fall of 1860, she made the trip back across the Sierra Mountains, accompanying the children of the Perkins family (whose parents had already established a home in Carson City). On September 12, 1860, she began her residence in Carson City, a residence that would continue, interrupted only by vacation travels, until 1887.

Early Days in Carson City, and the Sierra Seminary

Educational institutions in the Nevada area prior to 1861 were scarce. A Mrs. Allen had taught a school during the winter of 1853-54 at the home of Israel Mott in what was then Western Utah Territory, and in 1856, the County Court ordered Carson County divided into four school districts despite the fact that there were as yet no schools or teachers. In 1857, a schoolhouse was built in Franktown in Washoe Valley, but it was sold that very fall and moved to Genoa (Mormon Station) to become a horse stable — not a very auspicious beginning for education in the area. Efforts at organized education in the Carson area seem to have ended until the organization of Nevada as a separate territory in 1861, when the legislature made provision for the organization and financing of a public school system. Thus, when Hannah Clapp arrived in Carson City in the fall of 1860, there was no public school in the city, and that probably contributed to her decision to settle there.

Early the next year, she and Mrs. Ellen Cutler, another Carson City resident, began the organization of a private co-educational school to be called the Sierra Seminary to fill this educational vacuum. Another friend, the lawyer and legislator William Stewart, helped draw up an act of incorporation to be presented to the Territorial Legislature meeting that fall. The act called for a board of trustees numbering not less than five; making up the original board were some of the most illustrious men of the Territory: Governor James W. Nye, J. N. Johnson, William M. Stewart, John W. North and Frank Perkins.

"An Act for the Establishment of an Academy for the purpose of promoting Education and enabling it to become a body corporate" was introduced in the Legislative Council on November 7, 1861, by Stewart; it was quickly read twice by a suspension of the rules, and was then referred to the Standing Committee. The next day, still with the rules suspended, the act was read a third time and passed by the Council. The House heard the bill twice on November 11, and referred it to the Committee on Colleges and Schools from which it was reported favorably and passed on to the Committee of the Whole. The bill passed the House and was sent to Governor Nye for his approval on November 14, 1861.²

By the end of December, 1862, Miss Clapp's school, as it was generally called, was an established part of the community. Mark Twain visited it during the examinations at the end of the term in December and reported that he was quite favorably impressed. He attended examinations again on January 14, 1864, and wrote a description of the events in which "every reader will recognize . . . material which ten years later would go into the 'Examination Evening' scene in chapter XXI of Tom Sawyer. . . ."³

Another private school operated by William B. Lawlor, and a public school, opened in Carson City in 1863. Apparently there were plenty of pupils for all, however, because Twain reports that in 1864 Miss Clapp and Mrs. Cutler were planning to build, at a cost of \$12,000 to \$18,000, on ten acres of land donated by Miss Clapp, a new building of one hundred square feet that would house forty boarding students in addition to the regular day students. For such an ambitious project additional funds seemed necessary and a bill was introduced in the 1864 legislature asking for a \$20,000 appropriation for the Sierra Seminary. When the bill fell one vote short of passing, Mrs. Cutler became discouraged, abandoned the enterprise, and left the state. Miss Clapp, with her business ability and indomitable will, pushed forward. By July of 1865 the building was ready for the new term.⁴

Because of the departure of Ellen Cutler in the spring of 1864, a new associate was needed for the Sierra Seminary. An advertisement for a teacher of Latin and English was placed in various California newspapers, and was answered by a young girl from Orono, Maine, who was then visiting relatives in Stockton in the hope of recovering from the emotional strain of a broken engagement. After an exchange of letters between the two women, Eliza C. Babcock accepted the position of assistant principal. Her arrival in Carson City marked the beginning of a friendship that was eventually to last thirty-five years. Together, they made the Sierra Seminary into one of the foremost schools in the state. Some of their graduates became influential in several phases of Nevada's development, and many were accepted as students by universities in California and the East.⁵

Business Ventures and Finances

Hannah Clapp had a business sense of the sort that in her day was considered more appropriate to a man (although men and women alike applauded her acumen). She created a school in a frontier community and made it into a financial success. Not only had she donated ten acres of land to the school, but in addition she had a home for herself and Miss Babcock constructed on another parcel. This home, on what was then the northwestern edge of the city, was finished in the summer of 1865. The *Carson Daily Appeal* in 1873 called the "Clapp-Babcock place" one of the most outstanding in the area, with "the finest most extensive fence in Carson" surrounding a landscaped garden, fruit trees and ornamental clover, all cared for by a hired gardner.⁶

This was a period of great speculation and investment in mining stock on the Comstock, and Miss Clapp joined in what must have seemed a tremendous opportunity, investment in a number of mines, including the Belcher. And it was a great financial opportunity for a time; she and Miss Babcock became wealthy women, with money to invest, to spend on their home and their school, and to travel. It was speculated that their personal worth might have gone as high as \$100,000.⁷

The most frequently quoted, and misquoted, tale of her financial endeavors, however, is that of the supposed building of the iron fence around the Capitol Square in Carson City. Until 1875, the large square before the State Capitol Building was nothing more than a great unimproved expanse of natural vegetation and dust or mud, depending on the season; it was a gathering spot for loafers, Indians, stray animals, and garbage. Needless to say, the area was considered an eyesore by the more "respectable" members of the community, and something of a health hazard as well. Finally, through the efforts of this concerned citizenry two acts were passed by the 1875 legislature and signed by Acting Governor Adams. One was an act to incorporate Carson City, and the other, the Capitol Grounds Improvement Act, allocated \$23,000 for the repair of the State House and the adornment of Capitol Square. The citizens were elated. The *Carson Daily Appeal* carried the news under the banner headline "CARSON REDEEMED!" and suggested that at least \$18,000 of the appropriation should be spent to fence and beautify the Capitol grounds.⁸

The Capitol Commission Board printed notices in newspapers in Nevada and California for sealed bids for the various aspects of the improvement project, which included a master plan for landscaping, layout of walks and drives, pipes and fountains for irrigation, and the specifications for a stone wall to be the base for an iron fence. There were to be separate bids for laying the stonework, for providing the iron railing, and for placing the railing. The contract for the stone wall went to Robert B. Stewart, and W.D. Torreyson was selected to supervise the erection of the fence, but the contract for supplying the fencing material was awarded to H. K. Clapp of Carson City — hers was the lowest bid by

\$350. The *Appeal* remarked: "Let there be no further complaints about the non-enjoyment of their rights by the women of Nevada. The contract for furnishing the iron fencing for the Capitol Square has been awarded to the Misses Clapp and Babcock, Principals of Sierra Seminary; their bid \$5,550 in coin for the delivery of the fencing upon the grounds is the lowest by some hundreds of dollars of those submitted."⁹

The wrought iron was ordered from the Philadelphia firm of Robert Wood and Company with the agreement that the firm would pay the railroad shipping charges amounting to about \$950 per car. The first load was delivered on July 30, and by August 7 the entire amount was on the Capitol grounds awaiting erection. The *Appeal* commented that "It will be found, we think, that the Misses Clapp and Babcock have handsomely fulfilled their contract." Not only did they fulfill their contract. They also made \$1,000 profit!¹⁰

Unfortunately for the Misses Clapp and Babcock, not all of Hannah's later investment ventures were as profitable, especially those entered into on the advice of William M. Stewart. Stewart was almost inevitably unlucky in his mining ventures, and yet he was never able to give up trying. The International Mining Company of Washington, D.C., was one of these less than successful enterprises. On January 18, 1892, he sent Miss Clapp the certificate for two thousand shares of capital stock in the company with the optimistic note, "The work on the mine [in Mexico] is progressing finely. I hope you will make a fortune out of this investment."¹¹ In May the women purchased another two hundred fifty shares of stock. Despite Stewart's continued optimism, however, the mine was not ever a truly profitable investment and Miss Clapp lost a good deal of money through the venture.

But in the Centennial year of 1876, the future seemed bright, with no hint of the financial reverses to come; the friends leased their school to Mrs. M. H. Breck for the spring and summer terms and put their home up for rent. They traveled extensively in the South and East and visited friends and relatives. On May 5, 1876, the *Appeal* reported, "The Misses Clapp and Babcock of this place were at Baton Rouge, passengers on the steamer Grand Republic, one week ago last Sunday. They were well and delighted with their journey."¹² In June they spent several weeks exploring the Centennial Exposition in Philadelphia. They finally returned to Nevada early in October after an absence of nearly eight months.

Carson City Life, 1876-1887

After their return the two women resumed control of the Sierra Seminary, by then in its fifteenth year of operation. Eliza Babcock had taken advantage of their trip to the East to make a study of the kindergarten system of education as it was developing there. She was very much impressed with its advantages, and in the fall of 1877 she opened the first kindergarten in Nevada with the help of a young teacher, Miss Annie Martin. This initial trial with twenty students under the age of seven was a

great success, and in January the kindergarten was moved from the basement of the Sierra Seminary building to the larger schoolroom of the Episcopal Church to enable more students to enroll. In 1878 Mrs. Warren Wasson replaced Annie Martin, who became a teacher in the public school, and she in turn was replaced by others, but the Carson City kindergarten continued in operation under the guidance of Eliza Babcock until the spring of 1887.¹³

When the Comstock began its final slump in 1878, no one in Nevada was too concerned at first. Previous depressions had been short-lived and followed by new mining discoveries, so people confidently sat back and prepared to wait out the cycle. This time, though, there was to be no speedy recovery, and as the gross mining yield sank from an all-time high of over \$46,000,000 in 1877 to only \$11,000,000 in 1880 and continued to drop, many Nevadans saw the invested savings of a lifetime disappear. Among them were Hannah Clapp and Eliza Babcock.¹⁴

They managed to retain their home, the Sierra Seminary and the kindergarten, but their fortune was gone. By this time, in 1880, Miss Clapp was fifty-six years old and Miss Babcock about forty-one, and yet they indomitably began again. In order to make ends meet and keep the schools operating, they had to take other employment themselves. Consequently, Eliza took a position teaching in the public school at \$75 per month from 1880 through 1885. Hannah served as Committee Clerk of the Assembly during the eleventh session of the state legislature in 1883. Among her papers is a clipping, apparently cut from a local newspaper, of an article "by my friend Mr. Geo. B. Hill" stating that Miss Clapp, a well-known resident of Carson, was a candidate for the position of clerk: "Always staunch and true to the success of the Republican party . . . She now needs the position, and is in every way qualified to discharge the duties, and we hope that her claims will not be disregarded."¹⁵ During the next legislative session in 1885, she served as copying clerk in the Senate. By that time they were, if not accumulating another fortune, at least back on the road to financial security, and were saving, not investing.

At the University, 1887-1901

Two years before Nevada was granted statehood in 1864, Congress had passed the Morrill Land Grant Act to provide funds for colleges that would teach the practical techniques of agricultural and mechanical arts in addition to the traditional courses of study. The authors of Nevada's state constitution, intent on tapping this source of federal funds for the state, included an article providing for the establishment of a state university under the provisions of the Morrill Act. Ten years later a school known as the University of Nevada was created in Elko. In actuality, this institution was little more than a college preparatory school in 1874, and "Another ten years of partly pathetic, partly noble, and partly comic efforts ensued before the school was moved to Reno."¹⁶ Even then the institution was beset with difficulties, and it was not until 1887 that "first

instruction that could pretend to represent higher education in Nevada actually began,"¹⁷ under the direction of Leroy D. Brown and Hannah K. Clapp. Miss Clapp was sixty-three years old in 1887 and possibly not exactly the person the Board of Regents had in mind when considering faculty appointees; but she prevailed on her long-time friend Senator William Stewart to use his not inconsiderable influence with the Regents to convince them to give her the position.

Thus, in the autumn of 1887, Misses Babcock and Clapp packed their belongings and moved to Reno where the latter began an association with the University of Nevada that continued for fourteen years. Her original title was listed in the Report of the Board of Regents for the years 1887–1888 as Preceptress and Professor of History and the English Language. Many years later, in 1904, at the University's Tri-Decennial Celebration, she recalled these early days:

In 1887, perched here on the hillside, were but a basement and an attic and another story. The institution was reached only by a romantic path — no pavements anywhere. When the rains began, we paved the path ourselves with overshoes and good intentions. We had no electricity — no gas, except what we generated ourselves. Instead we burned midnight oil, that made the blackness yet more palpable; we could see it in the air — smell it, too.

In 1887 the faculty of the University of Nevada consisted of the following important names, to-wit, President Brown and H. K. Clapp. This august body presided over the destinies of a microscopic student body, whom it inspired with reverence and awe.¹⁸

Almost immediately another task was added to her list of duties, that of librarian. The legislature of 1885 had created the nucleus of a library for the university by appropriating \$500 for the purchase of books, but until the winter term of 1888, the work of managing the library had been done by students. This was obviously not an ideal situation for an institution aspiring to true university status, so President Brown on March 6 "assigned the work of Librarian to Professor Clapp . . . This has proved highly satisfactory in every way."¹⁹

This was an extremely wise move on the part of Brown, for she turned the full force of her almost boundless energy and determination to any task that she attempted. In 1888 she inherited a tiny collection of books and pamphlets that could easily be housed in their one allotted room in Morrill Hall. By 1894 the library occupied two rooms and consisted of nearly four thousand volumes, and when she retired in 1901, the library had about six thousand books and five thousand pamphlets.

To supplement the library's meager acquisition budget she sought donations from every possible source. Her correspondence with Senator Stewart over the period from 1887 to 1900 frequently included requests for volumes of government publications such as the *Record of the War of the Rebellion*, *Compilation of Treaties in Force: Prepared under act of*

July 7, 1898, and the "Unveiling of the Statue of Daniel Webster."²⁰ Other donors receiving recognition in the librarian's 1891 report to the Board of Regents included C. C. Powning (gift of the *Nevada State Journal* complete), Mrs. C. C. Stevenson (donation of the *Gold Hills News* complete, Francis G. Newlands, and John P. Jones.²¹ Her success over the years is illustrated by Hulse's statement that in the biennium of 1900–1902 about eighty percent of the books acquired were gifts from benefactors.²² The skimpy budget did not go unremarked either. In her December 20, 1890, report to President Jones she pointed out that:

The limited number of books of reference and standard authors in the library has been severely felt, retarding progress in the higher classes. While there has been a generous expenditure for apparatus and material in other departments, the library that benefits all equally, has been signally overlooked. Therefore, I would earnestly and respectfully suggest that a few hundred dollars be set aside for the purchase of books of reference and standard authors which are absolutely necessary for the use of the students.²³

The course of relations between Miss Clapp and the University of Nevada did not always run smoothly. Perhaps there is a certain amount of political infighting connected with any institution. Few persons can long remain untouched by these maneuvers, and she was no exception. In 1899, as she later recalled; "Suddenly the university was struck by a political cyclone, whose mighty force decapitated our president [Brown]. The regents informed the faculty that the president had resigned."²⁴ Dr. Stephen A. Jones, who replaced Brown as president, had definite ideas about the academic qualifications required of his faculty; and by August, 1891, Miss Clapp had been replaced as Professor of History, Rhetoric and English Literature by Thomas W. Cowgill, a Harvard graduate. This left her as merely Preceptress and Librarian, and at this point she was sixty-seven years old.

Miss Clapp did not appreciate Jones' step, but she must have expected it. As early as May she had been urging Stewart to approach his colleague Senator Stanford about the possibility of a position in his university, scheduled to open its doors to students that fall in Palo Alto. On July 18, 1891, Stewart wrote to James W. Haines, a member of the Board of Regents, that he regretted "to learn that there is a movement on foot to remove Miss Clapp from the University . . . this would be unfortunate. Her devotion to the institution and her influence are certainly valuable. . . . There are influences at work which are unfair. I hope the President of the Institution is not guided by outsiders to do Miss Clapp injustice."²⁵

There is no answer from Haines available, but on July 28, H. M. Yerington replied to a similar letter from Stewart by stating that "there is no disguising *the fact* that when she received that University appointment it was looked upon with disfavor by many, many people." The University, since its removal to Reno, had been considered an "expensive fraud" by people of the state, and the new Board of Regents intended

to remedy the situation and "make the University what it ought to have been years ago," but "the first great obstacle they meet is Miss Clapp . . . she is entirely unfit owing to lack of education, age, etc. to occupy the position she does . . . she ought to have gone long ago, but she has been kept in place because of your friendship for her." He concluded: ". . . now they [the Regents] say that the people *demand* a radical change in her very important department, and if they are to do their duty as Regents there is nothing left for them but to let her go."²⁶

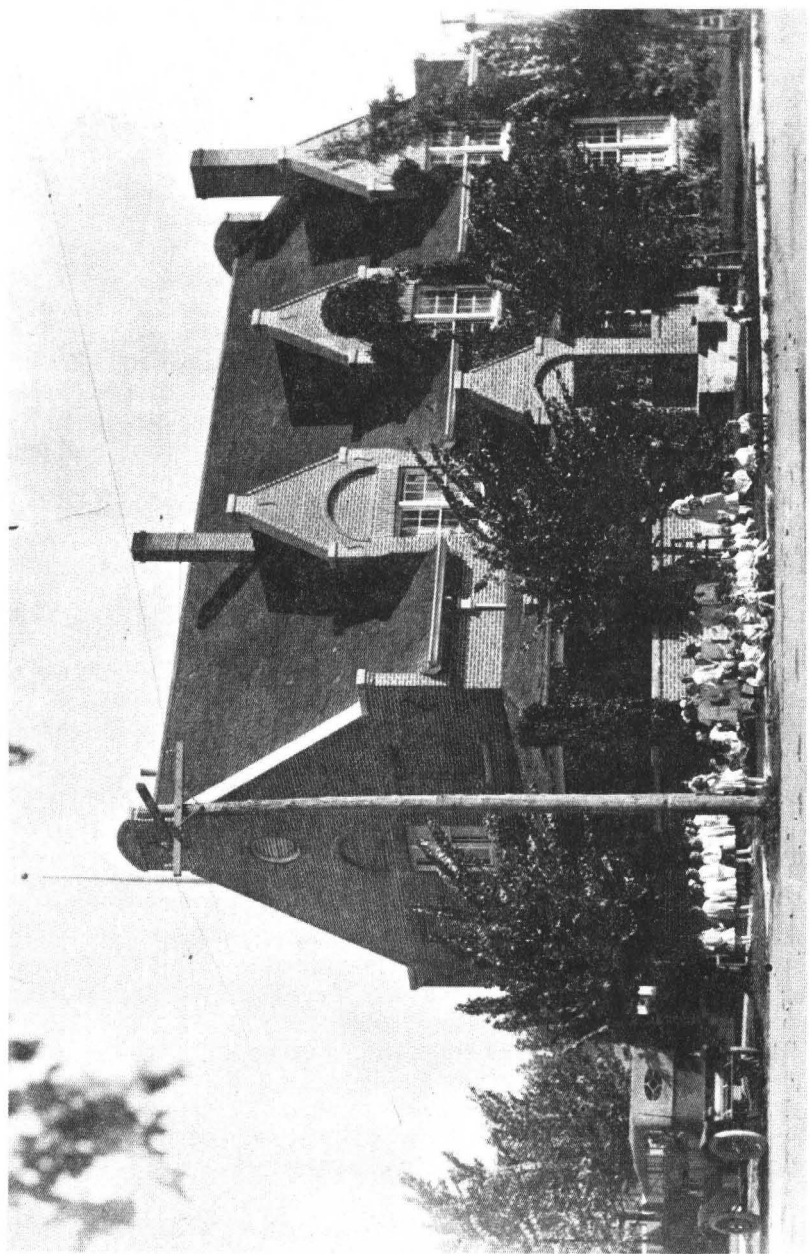
Although Miss Clapp remained with the University for another decade after 1891, she never really felt secure or content in her position again. Her correspondence with Senator Stewart over this period indicates her dissatisfaction and her fears. As Preceptress, she had, since the University was established in Reno, been responsible for the female students who lived in the makeshift dormitories in campus buildings (the location varied from year to year or term to term according to the space available). When an actual dormitory building, The Cottage (Manzanita Hall) was finally completed in 1895, she was initially put in charge of it, also. By June, 1896, she had resigned this position with the approval of President Stubbs. Eliza Babcock had suffered a stroke early in May that left her quite ill and slightly paralyzed; and the burden of the Girl's Cottage in addition to the worry about Eliza's health was simply too great even for a person of Hannah's strength. She was very discouraged, and also was concerned that her position as librarian might again be jeopardized for some reason. She indicated her feelings in a letter to Stewart, June 15, 1896:

Miss Babcock has been very sick for five weeks. I am going to Pacific Grove with her tonight. . . . I have had a trained nurse for her, so I have never neglected my duty. . . . I was thankful to be relieved from the Girl's Cottage — Told him [President Joseph E. Stubbs] so. That I had rather take the Salary fifteen hundred a year and rent my own house.²⁷

She mentioned her fears about her position and concluded: "If I had any means of support for Miss Babcock and myself, I would gladly resign."²⁸ Lacking this means of support, however, she did not resign in 1896, but continued her efforts to build up the library. In that year, the library was moved into larger rooms and classification of the materials according to the decimal system was begun.

Eliza Babcock never completely regained her health after her stroke. She died three years later on September 19, 1899. Her death, although not unexpected, was a tremendous blow to Hannah Clapp. After thirty-five years of close companionship, she was suddenly alone. Cards and letters of condolence poured in from Nevada and California from friends and former students.

For another year and a half, Miss Clapp remained in Reno involved in her work and her many other interests. Then in the spring of 1901 she requested the Board of Regents to grant her a two-year leave of absence



Babcock Memorial Kindergarten, Fifth and Walnut Streets, Reno

without pay. The Regents approved her request and on June 19 voted a "Resolution of Esteem" extending their gratitude and appreciation for her long years of service to the University, wishing her good health and expressing their "desire that . . . she will retain an honorary position in the University and an active interest in the life and growth of the institution."²⁹ So after forty-one years in Nevada, she returned to California, to the home on Lytton Avenue in Palo Alto where she and Miss Babcock had planned to spend their old age together. She was seventy-seven years old.

Other Interests and Activities, 1887–1908

Reno Public Kindergarten

After leaving Carson City for Reno in 1887, Miss Clapp, and especially Miss Babcock retained their interest in kindergarten education. Nothing definite was accomplished until the spring of 1895 when the women of the Twentieth Century Club of Reno placed their support behind the project. By-laws were drawn up for a Reno Kindergarten Association to provide a free, public kindergarten in conjunction with the Reno public school system, and the association was incorporated under an 1867 legislative act providing for "the incorporation of religious, charitable, literary, scientific and other associations." The original association consisted of twenty-three members with Mrs. R. L. Fulton, President; Mrs. J. E. Stubbs, Vice-President; Mrs. J. E. Bray, Secretary, and Miss E. C. Babcock, Treasurer (an office she held until her death).³⁰

With the arrival of a trained kindergarten teacher, Miss Abby Nichols of Berkeley, who was sent by the Golden Gate Kindergartens of San Francisco, the first class began in the annex of the former Bishop Whitaker's School for Young Ladies. Attendance was far greater than expected, and the school was moved to the building's gymnasium. After this extremely successful first term, the Reno School Board formally incorporated the kindergarten as a regular department of the school system, but the Kindergarten Association continued to actively provide moral and financial support.

The most important contribution in this respect was in the form of a building for the kindergarten. From year to year the kindergarten was shuffled from room to room and building to building as the needs of the higher grades varied. Finally, early in 1901, the women of the Kindergarten Association determined to raise the funds necessary to build a new home to meet the specific needs of the kindergarten. In order that the building be known as the Babcock Memorial Kindergarten, Hannah Clapp donated the first \$1,000, on the condition that the people of the community contribute the balance.

The plans for the building, to be constructed at the corner of Fifth and Walnut Streets at a cost of about \$6,000, were drawn up and donated by the San Francisco architectural firm of Bliss and Faville (Bliss was a

former student). Work was begun in June, 1901, and the *Journal* reported: "The Cornerstone Laid: The Dream of Two Educators Now Takes Tangible Shape."³¹ The two educators referred to in the article were, of course, Hannah Clapp and Eliza Babcock.

Miss Clapp retained an active interest in the activities of the kindergarten even after her retirement to Palo Alto later that month and was, in fact, President of the Board of Trustees of the Kindergarten Association at the time of her death in 1908. The Association prepared a memorial resolution at that time; Jeanne Elizabeth Wier appropriately called it a "fitting tribute to her worth":

Associated as she was during her long and busy life with all of us in our efforts to promote the kindergarten in Reno and with some of us as our teacher in the tender years of youth, she endeared herself to all by her consistent support of the best in education and good training, by her faithful labors for the general good, by her wide extended activities in every department of Statehood from the settlement of the country until the hour of her death. Perhaps her greatest work was in that wide benevolence which drained her purse, exhausted her strength and which covered every object which came within her circle. A list of those whom she has aided to an education would startle some who pose as philanthropists. The men and women she has helped to independent positions can never be published. The influence she has exerted over those in public stations, the restraint she has had against the evil tendencies of the wild life of pioneer days, cannot be overestimated. It is doubtful if any single individual has had a wider influence in the forming days of Nevada than Miss Clapp. In her case the reverse will be seen of the adage, 'The evil that men do lives after them the good is often interred with their bones.' The good effects of Miss Clapp's life will be felt for generations to come and if she had any faults they are all forgotten.³²

Charities

The Kindergarten Association eulogy may have been slightly exaggerated, but it was not too far wrong regarding Miss Clapp's charitable activities. She seldom turned away a request for help, whether financial or spiritual. The greater part of her life was devoted to educating the citizens of Nevada, and no citizens were excluded. In the 1870s, for example, the Chinese population of Nevada was the target of a great deal of hatred and racial prejudice. Yet on February 18, 1870, the *Carson City Appeal* reported: "Miss H. K. Clapp has a class of some 30 Chinamen who attend a night school at the Sierra Seminary each evening in the week. . . . With commendable liberality Miss Clapp has undertaken this task without any pecuniary charge."

Nevada Historical Society

She was vitally aware of the importance of preserving the early history

of the state. Jeanne E. Wier recalled, in 1908, the many trips through the state collecting historical data and artifacts that she and Miss Clapp made together after 1899, before the Historical Society was founded. The latter, Miss Wier remembered, often spoke of the early days in Nevada; and Miss Wier urged her to write down these recollections before it was too late, but unfortunately this was never accomplished.³³ Later, in 1904, when Miss Wier, J.E. Church, and G.H. True began to work for the establishment of the Nevada Historical Society, they mailed a letter asking for support to "twenty-six prominent citizens of the State" including Miss Clapp, who was then living in Palo Alto. She replied: "I heartily endorse the movement of founding a State Historical Society of Nevada. Command me in any way to help the cause along to the extent of my ability." She became a Charter Member and was a candidate, though not elected, for the first Executive Council.³⁴ In May, 1907, Jeanne Wier invited her to Reno to address the Fourth Annual Meeting of the Society, but the invitation was declined, probably because of advancing age and ill health, although she did maintain an active interest in the society until her death the following year.

Politics

Throughout her many years in Nevada, Miss Clapp actively participated in politics. A staunch Republican, she entered enthusiastically into every campaign and wielded a fairly considerable influence, especially in the light of her friendship with Senator Stewart, despite the fact that during her lifetime women in Nevada, as in most of the rest of the country, were denied the vote. Her correspondence with Stewart during his years in Washington indicates that she helped to keep him up to date on political developments in the state. For example she wrote on May 11, 1898, during a hard-fought senatorial battle and urged Stewart to do everything possible to speed up federal appointments for Nevada as a way of quieting Republican unrest in the state.³⁵

Stewart, in turn, frequently used Miss Clapp to pass his wishes along to the proper recipients, or to more fully explain his position on an issue. On one occasion in March, 1890, he wrote concerning the proposed use of a new building on the university campus: "I wish you would call on the Commissioners and suggest as coming from me that the outside counties are liable to become jealous of Reno if no place is provided for girls at least who come from distant localities." And when the state legislature was considering a change in the number of Regents, he warned: "I have written to Mr. Haines [a Regent] privately telling him that he can get much information as to the situation from you."³⁶

Many Nevadans considered Miss Clapp the person to turn to in order to obtain the benefits of political patronage. She wrote numerous letters of recommendation to Stewart, and as frequently as possible the requests she passed along were granted.

Feminism

It is not at all surprising that a woman of Hannah Clapp's character and disposition was an ardent feminist. She was actively involved in nearly every organized women's movement in Nevada during her lifetime, working tirelessly to induce the state legislature to approve suffrage for women. As early as 1883, she and a few other women succeeded in getting a resolution favoring woman suffrage introduced in the legislature where it failed to be approved. "The same fate awaited similar efforts in 1885, 1887 and 1899."³⁷ They continued to work and gain converts and in 1895, with the help of Mila Tupper Maynard, one of the movement's national leaders, managed to convince the legislature to approve the resolution. To amend the constitution, however, the resolution had to be approved by two successive legislatures.

To this end, in May 1895, a suffrage convention was organized in Reno at which "remarks were made by Miss Clapp, Mrs. Norcross, Mrs. Boyd, T. Magill, Prof. Bray, R. A. Maynard, and Mrs. Doten."³⁸ Miss Clapp concluded her brief remarks by stating: "When I die, no one shall write 'Relict of _____' [*sic*] on my tombstone. As if, even in death, a woman's identity might not be her own!"³⁹ According to the instructions of Susan B. Anthony, a State Central Committee, with Miss Clapp as vice president, was elected to organize support for the resolution.

On October 29, 1895, suffrage supporters held a meeting at McKisick's Opera House in Reno for the purpose of officially forming the Nevada Equal Suffrage Association. Miss Clapp was again elected vice president. Throughout the remainder of 1895 and 1896, the members held regular meetings and worked diligently to win supporters among the legislators. Their efforts proved to be in vain, however. The legislature met in 1897, and the resolution was defeated in the assembly by a tie vote. This meant beginning all over again, and Miss Clapp would not live to see Nevada's women granted the franchise at last in 1914.

The Queen Isabella Association was organized in Chicago in 1891 as a result of the act of Congress authorizing the Columbian Exposition. This act included a clause requiring the appointment of a "Board of Lady Managers" which would appoint members to any committee awarding prizes for exhibits ". . . produced in whole or in part by female labor." Additional goals of the association were to publish a quarterly journal; to erect a Queen Isabella Pavillion designed by a woman architect on the fairgrounds in which to hold "grand conventions of women on the industrial and social problems of the day" and "conferences of women, each in her own department of Art, Science, Literature, Trade or Occupation," and to erect on the grounds a statue of the queen sculpted by a woman. All of these goals were to be funded through donations from the women of the nation. Hannah Clapp and Eliza Babcock held the organizational meeting when the World's Fair Queen Isabella Association of Nevada, No. 1, was formed in Reno. The twenty-three original members elected Miss Clapp president, and her records show that she worked diligently to organize the state, but there is no record of her success or failure.

Conclusion

Hannah Keziah Clapp died in Palo Alto at 2:15 p.m. on October 8, 1908, after an illness of three months. Her death marked the end of a life that spanned nearly the entire history of the territory and state of Nevada, a life that was characterized by both constant activity and a wide range of interests. One of the most distinguished women of her day, she ceaselessly attempted to aid in the enrichment of life in her adopted state. Perhaps her philosophy on life is best summed up by this brief quotation from an unknown source, copied on the back of an official university form, found among her papers: "People who do nothing, as a rule, know nothing, and never have time to be of use to anybody, not even themselves."

Notes

1. Letter, H. K. Clapp to unidentified friend, July 17, 1859, Nevada Historical Society, Hannah Clapp Collection.
2. An interesting occurrence, which may or may not have had an effect on the speedy passage of the Sierra Seminary Bill through the House, took place the preceeding month. On October 21, 1861, the Speaker read the following letter to the assembled Representatives: "To the Honorable the Speaker of the House of Representatives of Nevada Territory: Sir— Having learned that the Representative Chamber is not properly furnished with chairs for the convenience of the Representatives, we beg leave to present to that honorable body a sufficient number of chairs for their use." It was signed by Mrs. M. A. Ormsby, the widow of Major William Ormsby, and Miss H. K. Clapp. A resolution thanking the ladies and inviting them to seats in the House for the remainder of the session was passed by the grateful legislators. On November 29, after the arrival of the "official" chairs, the ladies were again thanked and Miss Clapp's chairs ordered returned to her with best wishes for the success of her enterprise.
3. Henry Nash Smith, ed., *Mark Twain of the Enterprise: Newspaper Articles and Other Documents, 1862–1864*, edited with the assistance of Frederick Anderson (Berkeley: University of California Press, 1957), p. 22.
4. *Ibid.*, pp. 134, 138.
5. In recent years the nature of this friendship has been the subject of some speculation. During the lifetime of the two women, however, it seems to have been simply an accepted part of the Nevada scene. For thirty-five years, Hannah Clapp and Elizabeth Babcock lived together, sharing whatever life had to offer. Their relationship was frequently remarked upon as a beautiful example of a true and loyal friendship. In those days of romanticism, their friendship occasionally served as the inspiration to journalists, authors and poets. Kate N. T. Tupper, a professor at the university and an accomplished poet, contributed, on the occasion of the celebration of their twenty-fifth year of friendship (Thanksgiving Day 1888), a poem, "A Theme for a Poet." When Eliza Babcock died in October, 1899, the newspapers recounted the story of this exceptional friendship. Miriam Michelson, then working as a journalist in San Francisco, wrote a two-page feature story for the *Bulletin*. Again in January, 1906, they were the subject of an article when Lou Spencer Ellis, also an accomplished poet and a former student at the Sierra Seminary, wrote "Dux Femina Facti" for the *Progressive West* magazine.
6. *Daily Appeal* (Carson City), August 12, 1873, p. 3.
7. Miriam Michelson, "A Sketch From Life," Nevada Historical Society, Hannah Clapp Collection.
8. *Daily Appeal*, February 27, 1875, p. 1.
9. *Daily Appeal*, May 4, 1875, p. 3.

10. *Daily Appeal*, July 31, 1875, p. 3. This fence-building episode has been the subject of nearly as many later articles as the Clapp-Babcock friendship. Miriam Michelson told the story in her 1899 feature article; in 1940, it was the subject of a radio program called "Death Valley Days" and of an article in the *Nevada State Journal* (October 13, 1940); and on December 28, 1943, Gladys Rowley made it the major topic of her column "Reno Revue" in the *Journal*. It is interesting to note in these re-tellings how the details of the event are altered for the sake of the tale. Michelson has Hannah hiring the crew and supervising the work in a "long, warm ulster" and warm woolen hat (the fence was built in August and September). The 1940 article dresses her in trousers and boots, while Gladys Rowley states that the Capitol Commissioners were unaware that the H. K. Clapp to whom they were awarding the bid was a woman, despite the fact that by 1875 Hannah Clapp had been a well-known resident of Carson City for over ten years.
11. Letter, William M. Stewart to Hannah Clapp, January 18, 1892, Nevada Historical Society, William M. Stewart Collection.
12. *Daily Appeal*, May 2, 1876, p. 3.
13. Annie Martin, not to be confused with Anne Henrietta Martin, was a newspaperwoman and freelance writer, and at one time the editor of the *Carson News*.
14. Russell R. Elliott, *History of Nevada* (Lincoln: University of Nebraska Press, 1973), p. 398.
15. Letter, George B. Hill, December 30, 1882, Nevada Historical Society, Hannah Clapp Collection.
16. James W. Hulse, *The University of Nevada: A Centennial History* (Reno: University of Nevada Press, 1974), p. 5.
17. *Ibid.*
18. J. E. Church, Jr., ed., *Nevada State University Tri-Decennial Celebration, May 28 to June 2, 1904* (Reno: Press of Barndollar and Durley, 1904), pp. 68-9.
19. *Report of the Board of State University Regents, 1887-1888* (Carson City: State Printing Office), p. 25.
20. Letters, William M. Stewart to Hannah Clapp, January 4, 1890; Hannah Clapp to William Stewart, January 30, 1900, Nevada Historical Society, William M. Stewart Collection.
21. *Annual Report of the Board of Regents of the State University, for the Year Ending Dec. 31, 1891* (Carson City: State Printing Office), p. 25.
22. Hulse, *Centennial History*, p. 173.
23. *Annual Report of the Board of Regents of the State University, for the Year Ending Dec. 31, 1890* (Carson City: State Printing Office), p. 10.
24. Church, *Tri-Decennial Celebration*, p. 71.
25. Letter, William M. Stewart to James W. Haines, July 18, 1891, Nevada Historical Society, William M. Stewart Collection.
26. Letter, H. M. Yerington to William M. Stewart, July 28, 1891, Nevada Historical Society, William M. Stewart Collection.
27. Letter, Hannah K. Clapp to William M. Stewart, June 15, 1896, Nevada Historical Society, William M. Stewart Collection.
28. *Ibid.*
29. University of Nevada Board of Regents, "Resolution of Esteem," Nevada Historical Society, Hannah Clapp Collection.
30. Abby A. Nichols, "History of the Reno Public Kindergarten" (Typewritten) and By-laws of the Reno Public Kindergarten, Nevada Historical Society, Hannah Clapp Collection.
31. *Nevada State Journal*, June 10, 1901, p. 4.

32. *First Biennial Report of the Nevada State Historical Society, 1907-1908* (Carson City: State Printing Office, 1909), p. 58.
33. *Ibid.*, p. 59.
34. *Ibid.*, pp. 17-19.
35. Letter, Hannah Clapp to William M. Stewart, May 11, 1898, Nevada Historical Society, Hannah Clapp Collection.
36. Letters, William M. Stewart to Hannah Clapp, March 21, 1890, January 31, 1891, Nevada Historical Society, William M. Stewart Collection.
37. Elliott, *History of Nevada*, p. 247.
38. *Reno Evening Gazette*, May 18, 1895, p. 1.
39. Michelson, "A Sketch From Life."



Hannah Clapp, c. 1901

Notes and Documents

FOR SERVICES RENDERED

EIGHTY-THREE YEARS AFTER HIS DEATH, George Chorpenning's claim against the United States Government for carrying the first Nevada mails is still open and unpaid. During the many years that he actively sought to have his claim settled, hundreds of documents accumulated in the Congressional files and across the nation: records of one official hearing after another, resolutions to make payment, resolutions to rescind payment, scandalous charges and ugly countercharges. Nearly every page attests to the hardships and financial losses suffered by Chorpenning and his partner Absolom Woodward during the time they carried the mails on this unfortunate route.

Before Woodward and Chorpenning contracted for their pioneer mail route the California steamship lines were providing semi-monthly mail service from New York and New Orleans to Chagres, in the Isthmus of Panama, but mail going north to California was leaving Panama only once a month. Occasionally the contractors on the route yielded to the complaints of the public and voluntarily carried a second monthly mail without legal authority or compensation.

The service within California was even more crude and unadjusted. No formal routes were established by Congress until 1849, and except for the limited and temporary services provided by a few enterprising agents, no mail transportation was authorized. The little service available was for short periods, on brief notice, and at high rates. The California agency in charge of this peculiar postal system had changed hands three times.¹

This strange condition persisted until September, 1850, when Congress created 783 new post routes nationwide, including the route from Salt Lake City in Utah Territory to Sacramento City, California that Woodward and Chorpenning would successfully bid on.²

Early in the spring of 1849 George Chorpenning, his cousin Conrad Flick, his brother-in-law Irwin Pile, and a friend, Peter Heffley, started from Somerset, Pa., for California. They walked the first 100 miles to Pittsburg, and worked their passage on river boats as far west as Independence, Mo., where they purchased two mules and a covered wagon; and they drove the final 2,000 miles to Sacramento City, washing for gold along the way.³

In Sacramento Chorpenning joined Woodward in his staging operation, and in April, 1851, the partners signed their first Article of Contract

to carry the United States mail on Route No. 5066 from Sacramento City via Carson's Valley, the Humboldt Sink, Mary's River, through the Valley of the Fountains (Ruby Valley) to Salt Lake City.

The amount of mail contracted for was a small one, averaging about 75 pounds and conceded to be not over 150 pounds, and it was to be carried monthly each way for an annual compensation of \$14,000. Their "star bid"* route had been established by Congress to run from Fort Bridger, via Salt Lake City, to San Francisco.⁴

The country over which No. 5066 would run was almost wholly unknown and unexplored, and inhabited only by wandering bands of hostile Indians. The best route that Woodward and Chorpenning found to carry the mail was through 910 miles of rugged mountains without roads, across rough rivers without bridges, and in the late spring and early winter was almost impassable because of swollen rivers and heavy snow packs. The two ranges they would cross, the Sierra Nevada and Goose Creek, were almost more like the Alps and Himalayas rather than the mountains they knew between the Atlantic and Mississippi.⁵

Woodward and Chorpenning were the first to contract to make scheduled mail trips over so difficult a route; the contractors, however, expected to make it profitable. They planned to establish two trading posts, the first at Carson's Valley in Utah Territory, and later, another at an undetermined site along the Humboldt River. Each of these strongly fortified stations would be large enough to hold stores and livestock for the mail trains, and be resting places for the immigrants with whom a profitable trade would be carried on.

All of the early records indicate that Chorpenning and Woodward were not wandering, homeless men, chasing an elusive fortune. Each step of the venture was carefully planned, and at least eleven of their employees were Chorpenning's friends or relatives from Pennsylvania. His brother, Frank Chorpenning, was station agent in Sacramento; his brother-in-law A. J. Schell was the agent in Salt Lake City, and later in Placerville, California; his other brothers-in-law, Pile, Irwin, Aaron, and Samuel were route agents and drivers; friends Leroy Benford, John Rhinehart, Edward Dillon, William Lowry, and Charles and George Bills were guards.⁶

On May 1st, 1851, Woodward signed the agreement for the schedule of arrivals and departures, and left with the first mail, following the regular immigrant road through Placerville.⁷ On the morning of the fifth the mail party left Johnston's Ranch, six miles east of Placerville, the last habitation in California, and found no settlement from there to Salt Lake.

The mail ran over this route through the summer months of 1851 with frequent attacks by Indians, heavy losses of mules, horses and other

*Service on "star" routes was performed on all scheduled days regardless of holidays. The contractor agreed in his contract that deduction would be made from his pay for all service not performed as required.

property, and the killing and wounding of men in charge of the mail. The contractors themselves led the trains, shared in all the labors and dangers with their men, and suffered the full consequences of the enormous disasters.⁸

During that first summer they erected buildings and a stockade-fort, and established a permanent mail station in Carson's Valley. Late in the summer, Chorpenning, and Mormon mountain man Howard Egan, led the engineering party that opened, graded, and bridged a new road 150 miles south of the Great Salt Lake and Humboldt River trail. Much shorter and better than the old trail that ran north of the lake, the new road joined the old at Carson's Valley.

In October the eastbound mail left Sacramento with forty-two animals, and the train was attacked three times on its way to Carson's Valley. Five men were killed, nine mules and one horse were stolen. The train went on an additional 160 miles after the third attack, but was again set upon by Indians and forced to return to Carson's Valley.

The westbound October train from Salt Lake was also attacked at a Canyon on Goose Creek. Wagons were destroyed, animals killed, and the mail was taken by the Indians. The men escaped with their lives and made their way to the safety of the Carson's Valley post. Finally, the contractors were forced to appeal to the military commander in California for an escort, but shorthanded General Hitchcock was unable to spare the men.

Another train, with Woodward and four men, left Sacramento with the mails for Salt Lake on the 14th of November 1851. When it reached Willow Springs, near the Humboldt, they met the train from Salt Lake, and Woodward sent a letter back to Chorpenning describing his encounters with some seventy Indians at Clover Patch, below Stony Point, and how he beat them back from the road. The trains then separated and he traveled all day and nearly all night on a forced march to Stockton Springs where he met another train. After these trains parted there was no further word from Woodward's party.

The westbound November train reached Carson's Valley at the end of the month, and Chorpenning, knowing the mountain passes would be closed from the heavy snows, went up to the crossing at Feather River, and travelled the extra 175 miles on snow shoes, reaching Sacramento thirty-nine days later.

Eventually the entire route was impassable, and Chorpenning applied to James Goggen, special agent in California, for permission to carry the mail to San Francisco, send it by sea to San Pedro, and carry it by land to Salt Lake. Goggen refused his permission for the change, and Chorpenning continued trying to carry the mail over the snowbound passes. December's mail from Sacramento was forced to return. January's mail was also dispatched, but was unable to get through.

Chorpenning, hoping to find his partner still alive, sent out the February mails with a party large enough to search for Woodward. It started

from Sacramento and proceeded by the Feather River route under the charge of Edson Cady. Cady and his companion crossed the mountains on snowshoes to Carson's Valley post where he picked up four men and eight animals, and continued tracing Woodward to the head of the Humboldt where the trail disappeared. Their animals froze to death in the Goose Creek mountains, and guns, saddles, and other property were left behind in a cache. The men went ahead on foot with the mails on their backs, arriving in Salt Lake on the 25th of March. When they returned for their hidden property they found Woodward's remains some forty miles beyond the valley settlements.⁹

Later, when Major Jacob H. Holeman, Indian Agent for the Utah Territory, travelled among the Indians near Fort Hale to determine the facts of Woodward's death, he was told Woodward had been wounded by a marauding band of Indians on the Humboldt, but escaped on the good "American" horse he was riding, and they knew nothing of his death.¹⁰

Chorpenning took the May mail from Sacramento alone, reaching Carson's Valley after sixteen days travel over a new, easier route. The day after his arrival the party with the eastbound April mail that had followed the Feather River route came into the Carson's Valley post, and Chorpenning led both mails on to Salt Lake.

On his arrival he found the town in an uproar over the loss of Woodward's party and the apparent failure of a successful mail line across the Great Basin. The people were so afraid of the danger from Indians that he found it impossible to hire men or buy stock for his return to California. In order to buy the one small pack-mule he needed he was forced to give the firm of Holliday and Warner an order on his father in Pennsylvania for its payment in case he should be killed by the Indians.¹¹

Time was running out. Chorpenning had only fifteen days of his schedule left to deliver the mails to the Sacramento office. He left the post office at Salt Lake at 11 a.m. on June 16th with his small outfit: one saddle-mule, one pack-mule, fifteen pounds of hard bread, fourteen pounds of ham, seven pounds of crushed sugar, his blankets, and the mail bags. Fifteen days later he arrived in Sacramento. This rash and daring venture was necessary after the repeated and overwhelming losses of men and animals, the absence of funds, and the necessity of leaving his own two men to transport the August mail.

The Sacramento mail continued to be sent out regularly even though there were still incredible difficulties and dangers. The eastern mail was brought on the return trip.

In August, 1852, Chorpenning again applied for an alteration in the winter schedule that would permit him to carry the mail on the southern route. The only post office between Salt Lake and Sacramento on the northern route was the one at Carson's Valley serving the small settlement springing up around the post. Over the southern route he would serve Parrovan, Cedar City, Fillmore City, and several others without mail.¹²

This time Agent Goggen approved the change, and Chorpenning moved his pack trains to San Pedro. For ten months the mails were carried by river to San Francisco, by sea to San Pedro, and through the counties of Los Angeles and San Bernardino, to Salt Lake, leaving the post office at Carson's Valley unsupplied for several months until the people made such an outcry that he carried an extra mail to them from Sacramento.

On November 19th, 1852, the Postmaster General issued an order annulling Chorpenning's contract for alleged "repeated failures to run agreeably to contract." The contract was re-let to Wm. L. Blanchard at \$50,000 per annum, \$36,000 more than Chorpenning had been receiving.¹³ Due to the state of the mails, Chorpenning did not receive notice of the annulment until January 31st, 1853.

In April there was a full hearing on the annulment, and on the 22nd the Postmaster General rescinded the order and restored the contract, but Chorpenning dropped all plans for the valuable and important post on the Humboldt River because this mail contract would terminate in July, 1854.

He continued carrying the mails over the more direct northern route when it was passable, and over the southern route during the winter months. The post office at Carson's Valley was served only sporadically, and the residents complained bitterly during both seasons. J. C. Fain, Carson's Valley postmaster, attested that mail was delivered by Chorpenning's carrier Mr. Dritt to him only on Dec. 17, 1853, and Jan. 28, Mar. 26, and Aug. 26 of 1854.¹⁴

A second contract, for Route No. 12,801, was signed in September, 1854. Originally the service was specified to be between Salt Lake and San Diego, but was changed before commencing service to terminate at San Pedro, California. The third contract, a renewal of the second, was signed at Somerset, Pa. by Chorpenning in June 1858. This contract was for a change of service from Salt Lake, by Carson Valley to Placerville, and back twice a month, the trip to be completed in twenty days. Sixteen day service in covered carriages would increase the revenue from \$34,000 to \$36,000. Each two day reduction in running time up to twelve days would add revenue to a maximum of \$190,000 per annum.

Under this new contract Chorpenning built way stations for his men and animals at intervals of every twenty to forty miles along the Nevada line for a distance of 600 miles, and on July 1st Hank Monk drove the first trip for Chorpenning eastward from Placerville.

In the fall of 1858 he laid out a new mail road. This one went from Camp Floyd to the southern tip of the Rubys, then used the original road across Hastings Pass, down Huntington Valley, and through the canyon of the South Fork to the Humboldt. The mails were packed over this route the last few months of 1858 and most of the following year, and the mail stages were using it when Horace Greeley made his celebrated journey in 1859.

Chorpenning's troubles began again late in 1859. The impoverished Postal Department had been forced to reduce the mail service to semi-

monthly, and the payment to \$80,000. When the monthly payments for service became further and further apart, his unpaid bills piled up, and creditors obtained judgments against him. Finally, on the morning of October 5th, just as the coach was about to leave Placerville on the usual weekly trip, and while Chorpenning's agent was absent on a ruse, an attachment was levied, and the coach and team taken.¹⁵ At the same time, Postmaster H. A. Spence of Placerville handed the mail over to Lewis Brady, along with a contract for approval by Postmaster Morell at Salt Lake.

Morell refused to approve Brady as a contractor, and sent an official report to the Postal Department, along with one to Spence at Placerville. Since Spence had given Chorpenning the mail on the last Wednesday in September, making the five mails required between August 1st and October 5th, he was not bound to carry the mail on either the 5th or 12th of October. The next regular mail day would have been Wednesday, October 19th — hence he found no failure on Chorpenning's part.¹⁶

Even following this reprimand the Placerville postmaster refused to hand the mails over to Chorpenning, and continued giving them to Brady. During the eight months this went on, Brady left the mail at some station along Chorpenning's route, and it was picked up and taken on to Salt Lake because Lewis Brady never had any stock or equipment to handle the mail on the Salt Lake end of the route.¹⁷

Bolivar Roberts, an employee on Chorpenning's run, delivered the mail from Salt Lake from November 1st, 1859, to January 1st, 1860, and made his regular demands for the mail at Placerville. He stayed in Placerville until June, and made the demands for the mail on every regular mail day.¹⁸

In the meantime, on May 10th, Postmaster General Holt had issued still another order annulling Chorpenning's mail contract for cause. During the winter of 1860–1861, by an Act of Congress, the Butterfield Company took over Chorpenning's route. That company was to receive \$500,000 per year, \$100,000 more than Chorpenning's payment, plus \$150,000 compensation for moving their stock.

The long legal battle to recover monies spent for services rendered to the United States Government by George Chorpenning had begun in August of 1856.¹⁹ Senator William Bigler and others presented the arguments on the first Act passed for his relief on March 3rd, 1857. The Treasury was instructed to pay \$40,000 for Indian depredations up to July, 1855. In addition, Postmaster General Brown was required to allow a pro-rata increase for the distance by San Pedro, for the service to Carson's Valley, for that part of the mails belonging to other carriers but carried over Chorpenning's route, and to compensate him for the time his contract was illegally annulled.²⁰ But Brown died before he could prepare the account, and newly-appointed Postmaster General Holt referred the question of his right to examine the case to Attorney General Black. Black's opinion of August, 1859, clearly decided the Postmaster General had the duty to rehear the case, and in February, 1861, President Bu-

chanan concurred with Black's opinion, but nothing came of the agreement.

From this time forward, Chorpenning's daily life seems a nightmare, and the records blur into a confusing maze. The country was on the verge of civil war, and on June 11th, 1861, he was enrolled as a Major in the Maryland Infantry, but he was reported "Absent Sick," and never joined his unit. In September, 1861, he submitted his resignation "under the most painful and unpleasant circumstances."²¹

In August, 1865, President Johnson directed the Postmaster General to reconsider the Act of 1857 on questions of both law and fact. Then, from October, 1867, to September, 1869, requests for opinions were shuttled back and forth between the Postmaster General and Attorney General. In January, 1868, Attorney General Stanberg had stated, "the Committee on Post Offices and Post Roads in both Houses adopted reports recommending a settlement. I have looked in vain for these reports."²²

In September, 1869, Chorpenning filed an argument in support of his petition for a rehearing and an additional allowance.²³ Eventually, in July, 1870, Congress passed a resolution requesting that his claim be investigated and adjusted. Finally the case was settled, and a check for \$443,000 was issued, but the Treasury was "requested" to place a "stop payment" order against it. In January, 1871, Congress repealed its earlier resolution for payment.²⁴

In August of 1872 the national press picked up the whispered charges of impropriety and downright corruption in the adjustment of the claim. The New York *Tribune* led off the attack with two articles, the *Detroit Tribune* printed an exhaustive review of the case, and the *Nation*, a widely read periodical, attacked his claim in scathing language.²⁵

Once again, in March, 1878, Chorpenning submitted a petition to Congress. This time, instead of requesting his money, he demanded a thorough investigation of the "efforts to blackmail and defraud him." Hearings on this petition dragged on through 1879. Finally, in March, 1880, his attorney summed up the testimony as proof of a "foul and damnable conspiracy." Blackmailers had sought to extort \$50,000 from his client, and failing that had set out to ruin his character, as well as all who had anything to do with the claim.²⁶

For the last time, in June, 1884, Chorpenning tried to reopen his case. His own handwritten documents were burdened with the stigma of allegations of fraud, and he pleaded for an open hearing where he would be allowed to answer his accusers.²⁷ He died in 1894, still the victim of baseless and cruel slander, and no one had heard him.

Notes

1. *Annual Report of the Postmaster General to Congress*, Nov. 30, 1850.

2. *Bid Sheets and Final Selections, California*, pp. 16-18. Lists seventy bidders on route no. 5066, including J. S. and L. P. Ormsby, Placerville stagers. Nine of the remaining men are listed in the *First Directory of Nevada Territory 1862*. U.S. Post Office Records, National Archives.

3. *The Somerset Standard* (Somerset, Pa.), Mar. 10, 1921.
4. *U.S. Postoffice Contract No. 1, Route 5066, Apr. and May 1851*. National Archives.
5. Affidavit of Irwin H. Pile, Aug. 28, 1856. National Archives. Mileage on the route has been estimated at from 800 to over 1,000 miles. Pile, Chorpenning's route manager, was the only one to specify exact distances between points.
6. *Los Angeles Times* (Los Angeles, CA.), Sept. 9, 1923.
7. *U.S. Postoffice Contract No. 1, Route 5066, Apr. and May, 1851*. Contrary to romanticized history, Chorpenning did not sign on May 1st, or begin carrying mail that day. Rather, he signed the final contract in Sacramento twelve days after Woodward had left with the first mail.
8. *A Brief History of the Mail Service, Settlement of the Country, and the Indian Depredations Committed upon the Mail Trains of Geo. Chorpenning on the Several Routes between Salt Lake and California from May 1st, 1850 [sic] to July 1860*, undated. This accompanied the map used by Chorpenning during Hearings before the Committee on Post Offices and Post Roads. National Archives.
9. *Report of the Postmaster at Salt Lake City*, Mar. 31, 1852. National Archives.
10. *Quarterly Report from Indian Agent Major Holeman and Sub-agent Major Rose*. Transmitted by Brigham Young, with letter, to Hon. Luke Lea, Commissioner of Indian Affairs, Mar. 31, 1852. National Archives.
11. *Los Angeles Times*, Sept. 9, 1923.
12. Chorpenning to Special Agent of Post Office Dept. of California James M. Goggen, Aug. 7, 1852. National Archives.
13. *U.S. Post Office Records, California*, p. 18. Even though the order was issued Nov. 19, 1852, the official records indicate Blanchard was awarded the contract on Nov. 18 with the condition that he would establish "a fortified post at Carson's Valley sufficient for the security and protection of emigrant trains." National Archives.
14. *Certificates of Postmasters at Sacramento City and Carson's Valley*, Dec. 17, 1853, Apr. 1 and Aug. 26, 1854, Feb. 17, 1855. National Archives.
15. Affidavit of Leroy Benford, Sept. 12, 1870. National Archives.
16. Affidavit of Hirman Morell, Salt Lake City Postmaster from Oct. 1856 to Mar. 1861. May 14, 1870. Library of Congress.
17. Affidavit of B. F. Ficklin, operator of Pony Express from Missouri to California. Mar. 14, 1870. Library of Congress.
18. Affidavit of A. J. Schell, Placerville agent for Chorpenning on route 12,801 from Nov. 12, 1858 to June 1860. Mar. 24, 1870. Library of Congress.
19. House of Representatives Bill No. 541, 34th Congress, Aug. 5, 1856. Library of Congress.
20. *Settlement of the Claim of George Chorpenning*. Report of the PMNG for year 1857, pgs. 24-26. National Archives.
21. George Chorpenning Military Records. National Archives.
22. Postmaster General Alex Randall to Hon. Henry Stanberg, Attorney General, Oct. 30, 1867, transmitting letters from PMG Holt to Hon. J. S. Black, Attorney General, Aug. 25, 1859, and various correspondence between Black and Chorpenning's attorney. Library of Congress.
23. PMG Cresswell to Congress explaining his denial of Chorpenning's petition of Sept. 22, 1869. (Oct. 12, 1869) Library of Congress.
24. *Accounts of George Chorpenning*. The Congressional Globe, 41st Congress, 3rd Session, pp. 833-837, Jan. 30, 1871. Library of Congress.
25. *New York Tribune*, Aug. 16, 1872. *Detroit Tribune*, Aug. 17, 1872. *The Nation*, Oct. 10, 1872.
26. *The Case of George Chorpenning*. Argument by F. W. Hughes before the Judiciary Committee of the House, Mar. 1880. National Archives.

27. Scott Lord, Chorpennig's attorney, to John Tucker, Chairman of the Judiciary Committee, advising that the claim was to be docketed. June 26, 1884. National Archives.

DORIS R. BRADLEY

NEVADA'S RIPARIAN LAW

IT IS COMMON KNOWLEDGE that changes in social, business or financial conditions can cause friendships to deteriorate and acquaintances to become enemies. One important occurrence of this type, which began in the Utah Territory and eventually was settled in Nevada, resulted in the application of riparian rights as a part of Nevada's water law.

In 1853, a Dr. Daggett moved to Utah Territory and built a house about six miles west of what is now Minden and south of the old Kingsbury Grade. Dr. Daggett raised grain and potatoes primarily for his own use and used the waters from Daggett Creek, which runs out of Kingsbury Canyon, to irrigate his gardens. He used a ditch to transport the water to his land, but only occasionally used the water. In 1858 the property was sold to Elizabeth Hooker of Placerville, California, but she remained in Placerville. Then a few months later Henry Hooker sold the house and property to James Coney, who in turn sold the property to Mr. James W. Haines in 1862. During this time, while the land was being settled, bought, and sold, it was public land. But this changed in 1864, when Haines received the patent to the land from the United States government.

Concurrent with the settlement by Dr. Daggett was the occupancy of another piece of land next to his by Mr. Peter V. Van Sickle, who occupied the land in 1854, built a house on it in 1857, and acquired the patent to that land from the federal government in 1865.

Dr. Daggett and Mr. Van Sickle were friendly, and in 1857 Daggett let Van Sickle dig a ditch from the creek across his property to the site of Van Sickle's house. The ditch was about fifteen to eighteen inches wide and about five inches deep. It ended in a two inch by three inch flume to Van Sickle's house. The water from the ditch was used to mix mortar for the house, and then for domestic use and to irrigate twenty-three acres for agricultural purposes. Then, in 1865, Van Sickle quit taking water from the creek, or took it only at infrequent intervals.

It was at this time that Haines started to farm in earnest. He irrigated about seventy-five acres of grain and vegetables and, for one year, timothy grass. There was at the time a need for food at Virginia City and other nearby communities and a lively market existed for all commodities. In addition to increasing his food production, Haines leased two acres of land on Daggett Creek to William Corey to build a grist mill with an undershot wheel. The creek was to provide the power for the mill.

Virginia City, the mills, mines and other projects needed lumber and firewood for their operations. Acting in response to that need, Haines,

Charles H. Vangordor, and William N. Leet formed a lumber business and started to cut wood and to run it down the Carson River to such markets as Carson City and Dayton. The lumber company acquired large tracts of timber lands near the Kingsbury Grade and soon became aware of the need of a flume to transport the timbers. It took time to do all of the foregoing, and it was 1869 before Mr. Haines and his friends finished constructing the large wood flumes. During this time the market for food, lumber and wood products had increased greatly, and with the increase in the demand came an increase in production by farmers, ranchers and lumbermen.

At this point, in 1870, Mr. Van Sickle decided to start farming again; but, when he tried to do so he discovered that he had no water flowing in his ditch that came from Daggett Creek. In fact, when Haines and his partners diverted the waters of the Creek for either the grist mill or for the wood flume, there was often no flow at all for Van Sickle. Van Sickle consulted with an attorney, R. M. Clarke, of Clarke and Welles, about his water shortage. Clarke, later Attorney General of Nevada, and Van Sickle brought suit in Douglas County in 1870 claiming that Haines had unlawfully and wrongfully diverted the waters of the stream so that Van Sickle could not use them, and that the unlawful diversion damaged Van Sickle to the extent of \$1500. They also asked for an injunction to restrain Haines from further diversions of the stream. Mr. Clarke was a competent attorney, and he based his case on the prior diversion that Van Sickle had made. That diversion, it was claimed, was prior to the current grievances, and was of such a character that it amounted to an appropriation of one half of all the waters of Daggett Creek. The water was accustomed to flow across Van Sickle's land, to his benefit, for domestic and agricultural purposes. It was therefore argued that Van Sickle had the right to the flow of that water.

Mr. Haines, through his attorneys, R. S. Mesick and D. W. Virgin, replied that Daggett Creek had customarily flowed over and through Haines' lands and that Haines had had the free and exclusive use of those waters for domestic, stock, agriculture, irrigation and milling purposes. He also said that Van Sickle had, only with Haines' permission, been allowed to construct the small ditch and flume to carry water to his house for domestic purposes only and even if Van Sickle previously had developed a right, which was emphatically denied, that right was lost by the non-use of the water by Van Sickle after 1865.

District Judge C. W. Harris heard the case without a jury and in May, 1871, delivered the following opinion: "The correct principle of law is that the right of a person to the mere flowing of a stream of water in the natural channel, undiminished in a quantity and quality is intrinsically inferior and subordinate to the right resulting from an actual appropriation and use of the water for such purposes as are in their nature beneficial." There was no regular use of water on the defendant's (Haines) land from 1855 to 1864. No ditches were dug or built. There was no regular

diversion of water put to a beneficial use. The defendant, then, gained no right to the waters of Daggett Creek. "By owning the land over which the water flowed, the defendant only acquired a usufructuary interest called 'riparian proprietorship'. That interest is inferior to an appropriated right." Further, there had been a surplus of water in Daggett Creek over the amount needed for irrigation. Van Sickle's ditch was adverse to the ownership of Haines, and he had been using water since 1858 for irrigation. During that time Van Sickle had enough water for his irrigation needs. "Since the plaintiff used one-fourth the creek flow as often as he used one-half the flow of the creek, and that he also made no use of the water as often as he used any water, and there was no testimony to show that he needed less water, it is the decision of this court that Van Sickle is to receive one-fourth the flow of Daggett Creek, and Haines is to receive the rest of the flow, which according to the testimony, should satisfy the needs of the large flume." The \$1500 was awarded to Van Sickle and an injunction was given to Haines.

Haines then appealed that decision to the Supreme Court of Nevada on the following grounds: (1) riparian and appropriative rights cannot exist at the same time and (2) a person cannot assume a servitude on the land given by the United States if there is no reservation in the patent. The "servitude" term refers to the right claimed by Van Sickle to the waters of Daggett Creek. When Haines received his title to the land from the United States, he received the full and absolute title; there were no easements or reservations in the title. This then implied that the land carried with it the riparian right to water, since that was the general rule in the United States. Furthermore, if Van Sickle had received the patent to his land first, while Haines' land was still public, no easement would have been conferred to Van Sickle to carry water over the land that became Haines'. Prior to 1866 there was no U.S. law to easements to water separate from land, and if no such right exists no individual can create such a right. The implication is that, for such a right to exist, it would have to be pre-existing against the U.S., and the U.S., in granting a patent, could only give what rights it had. But no one can acquire a right (servitude) against the U.S. without first receiving permission to do so from the U.S. Since this had not been done, it was obvious that the U.S. gave the entire right that it had to the land to the patentee of the land (Haines), and those rights included the riparian rights that had not been separated from the land.

The reply by Van Sickle included the claim that the only estate or interest in flowing water lies in its use. If in removing water from a stream enough is left for a riparian owner's needs, no right has been violated and no injury has been done. Further, the legislature had given support to this doctrine through a number of acts. The patent from the U.S. passes the land, not the water, which is "publici juris" (of public right) or "res communes" (things common to all). This would separate the land, which would be subject to private ownership, from the water, which would be common to the public and so open to appropriation.

Chief Justice Lewis reversed the lower court and held that Haines did receive his land free and clear of encumbrances from the U.S., and that water is an incident to, or an integral part of the land as reflected in many cases in history. It must be recalled that Nevada had, as a part of its statutory law, an acceptance of the Common Law of England. It was a property of that law that the only water rights were riparian rights. This case has been held to be the beginning of fourteen years of the application of riparian law in Nevada until it was declared improper.

Examination of this case suggests that if Judge Harris had not awarded the \$1500 to Van Sickle, Haines may not have appealed, and the question of the application of riparian rights in Nevada may have been left undecided for years. The interpretation of the law by the Supreme Court could have gone either with Judge Harris or as it was given. It was stated in the case of *Ophir Silver Mining Co. v. Carpenter, et al.* that it was the purpose of the Supreme Court of Nevada to preserve the doctrine, in causes of this nature, promulgated by the Supreme Court of California. If that were true, then the Court would have had no choice in making its decision. But this was a period in which new problems and rights were arising, and new legal theories had to be developed to handle these rights.

The decision of Judge Harris was, regarding the water rights, in keeping with the law as it was understood and practiced by the miners and others who were not landowners in Nevada. The shortage of water helped to lead to the use of water in many ways by the nonriparian citizens, and it was through those uses that the economic development of Nevada proceeded. In retrospect the decision of Judge Harris was the better decision, and this was reflected fourteen years later when the Nevada Supreme Court rejected the doctrine of riparian rights.

REFERENCES

- Van Sickle v. Haines, et. al.*, Supreme Court Docket No. 527, 1871; 7 Nev. 249 (1872).
Ophir Silver Mining Co. v. Carpenter, et. al., Supreme Court Docket No. 298, 1868; 4 Nev. 534 (1869).

JOHN BIRD

From Our Library Collection

S. R. MOORE & COMPANY, INC.

OUR THANKS GO to Allen Metscher of Tonopah who recently donated correspondence and papers dealing with the years 1912–1916 which concern Sid R. Moore's insurance, mining investment, and real estate business in Tonopah.

A number of the letters are to Patrick McCarran, then a Nevada Supreme Court Justice, and Lt. Governor Maurice J. Sullivan about their Tonopah properties. Letters to and from Hugh H. Brown, prominent attorney and business partner of Moore, are to be found in the collection. Other correspondence reveals Sid Moore's reaction to the Socialist Party's inroads in Tonopah in the 1916 election, his feelings about Woodrow Wilson's reelection, his concern with the local business recession in 1916, and his position in the controversy over which route was to be chosen as the state highway between Ely and Tonopah.

The collection offers valuable insights into Tonopah's second decade of existence.

SANFORD PHOTO COLLECTION

THE NEVADA HISTORICAL SOCIETY has recently acquired twenty-two aerial photographs of Reno taken by John Sanford in August, 1937. The collection will be an invaluable aid to future researchers because many of the buildings have been torn down due to the community's phenomenal growth since World War II.

John is a native Nevadan and spent forty-three years as a newspaper man for the *Reno Evening Gazette*. He began his career as a proof reader, and then was a photographer, editor, and editorial writer. He was the first news photographer in the state and covered many important events. Photography is still his hobby. He and his wife, Myrtle, are Life Members of the Society, and we are indeed fortunate to receive Mr. Sanford's generous gift.

WASHOE COUNTY GAME MANAGEMENT BOARD

THE COLLECTION CONSISTS of records, correspondence, and maps, 1947–1967, of this county agency, and includes the board minutes for April 1956–March 1966. Doris Cerveri was instrumental in obtaining the collection for the Society, and we express our gratitude for her efforts.

What's Being Written

Conflict on the Carson. By Grace Dangberg. (Minden, Nevada: Carson Valley Historical Society, 1975. 467 pages; illustrations, bibliography, index.)

SINCE STATEHOOD in 1864 and up to the present time there has been almost continuous litigation over the use of water in Nevada. This can be readily understood when it is realized that Nevada is an arid state and water is the most important natural resource, not only in Nevada but in other arid states. During periods of drought, arguments over the use of water from the streams have become more intensified, resulting in court battles, and in some cases even in hand-to-hand conflict between two or more antagonists.

Some of the earliest uses of water for irrigation purposes in Nevada were on the West Fork of the Carson River, starting in 1852, and on the East Fork in 1857. Court cases, resulting from litigation on the Carson River and its tributaries, have had great impact on water law in Nevada. The Carson River and its tributaries have had more than their share in conflicts over the use of water, and that is what this volume is all about.

I was delighted to have the opportunity to review this book, not only because of the vast amount of historical material set forth therein, but also because for over thirty years I was with the Office of State Engineer at Carson City. In this capacity, I was concerned with the state's water resources, first as Deputy, and later as State Engineer. Starting in 1929, the distribution of the waters of the Carson River came under the jurisdiction of the Federal District Court, but for a few years prior to 1929 the State Engineer appointed water commissioners to distribute water in accordance with the State Engineer's Order of Determination. As a result of a writ of prohibition issued by the Supreme Court of Nevada on April 6, 1929, in the matter of the Mexican Dam and Ditch Company vs. the District Court of the First Judicial District of Nevada, the State Engineer was prohibited from distributing such waters. Since 1929 the stream system has been under the jurisdiction of the Federal District Court. F. N. Dondero of Carson City was appointed supervising water commissioner for 1927 and 1928 by State Engineer George Malone. Dondero served with me in the State Engineer's Office for many years, and I learned from him some of the knotty problems which confronted him in the distribution of water on this stream system. The use of water to furnish power to operate the Comstock mills on the lower river ended about the turn of the

century. Thereafter, conflicts over the water were between the irrigationists on the river and its tributaries, and also between the irrigationists and the United States Government following the construction of the Lahontan Dam.

Grace Dangberg's book is about 450 pages long, and is divided into two parts. Part One deals with the conflict over water rights, and is subdivided into three chapters. The first chapter will be of interest to all historians; it starts with the staking out of land on the West Fork of the Carson River, Utah Territory, under Mormon law, followed by the cultivation of lands on the East Fork. Difficulties and trouble started early, when the owners of some of the large mines on the Comstock began constructing reduction mills in the Lower Carson River Canyon, below Empire, in the early 1860's. It was the conclusion of the mine owners that it would be more economical to haul their ore to the river and utilize the fall of water through the Canyon to operate large water wheels than to haul wood, a scarce commodity, to Virginia City, and then burn it to produce steam power. Then too, until 1873, when water became available to the Comstock from the Sierra Nevada, it was limited in quantity.

As more land was irrigated on the upper reaches of the Carson River, less water found its way down to the mills. This was further complicated by the erratic, fluctuating flow of the river, season to season and year to year. In good water years there was usually enough water to satisfy most of the demands; it was in drought years, or years with below normal flow, that the conflicts between users on the river were aggravated.

One of the primary conflicts concerned the recognized water law at that time, which was known as the riparian doctrine. The doctrine stipulated that owners of land adjacent to a flowing stream could make reasonable use of water flowing past their land, without regard to priority of use. After the mill owners on the lower river had located their millsites adjacent to the river, and claimed riparian rights, and when unrestricted use of the rivers' waters by the riparian users upstream from the mills entered the picture, there was simply not enough water to operate the water wheels at the mills. This became a matter of great concern to the mill owners and caused them to unite behind the priority of use principle of water use.

As the story is related by Miss Dangberg, the Bank of California, through the endeavors of W. C. Ralston and William Sharon, had loaned many of the large mine owners on the Comstock large sums of money, at high interest rates. It wasn't long before the Bank either controlled or owned the mines and the larger mills on the river. In order to put up a united front against the upstream water users, the "Bank Crowd" organized the Union Mill and Mining Company. By 1867 the company had acquired seven mills on the river, and within two years controlled a total of seventeen. Eight of the mills are well described in Part Two of the book. The Union Mill and Mining Company, having control of the most productive mines on the Comstock at that time, was able to keep the mills

running; the length of operations usually was dependent upon the availability of water.

During the irrigation seasons, when it appeared that there would be a shortage of water for the lower users, the company employed a man to patrol the river and see that all the water, except that of higher priority, flowed down to the mills. The story of how one man tried to control the diversions is of interest. Much of the struggle to get water downstream is related through the citation of actual testimony taken from a number of court cases.

It was not until 1885 that the Nevada Supreme Court finally upheld the doctrine of prior appropriation, and abrogated the principle of riparian rights.

Up until 1881 it seems that the Union Mill and Mining Company made a strong effort to cooperate with the irrigationists. While the company's patrolmen destroyed dams which were diverting an unreasonable amount of water from the river, in most cases they would allow the farmer enough water to keep his crops from drying up. In 1881, a change took place. U.S. Senator William Sharon, who had been the controlling influence in the Comstock mining concern, retired from the Senate. At the same time, there was a drastic drop in bullion production at the mills and it appeared to the company that new leadership was needed. At this time in the history of the Carson River, Francis G. Newlands, Sharon's son-in-law, took over. He immediately placed a more aggressive water man on the river and his instructions were to knock out all diversion dams, except the few which had a higher priority of use.

The second chapter of Miss Dangberg's book is a rather short one: it details the activities of Francis G. Newlands and his part in obtaining the passage of the Reclamation Act. Newlands became a congressman in 1892 and in 1903 replaced John P. Jones in the U.S. Senate. As told by Miss Dangberg, Newlands had a great many political enemies, and his part in obtaining passage of the reclamation bill was apparently not as great as he tried to portray it. At one point, President Theodore Roosevelt wrote a letter repudiating some of Newland's claims, and named others in the Congress who had more to do with pushing the reclamation bill through than had Newlands. At another time Roosevelt stated that Newlands claimed he had given the President the facts about irrigation which the latter used in a presidential message, and Roosevelt denied this claim. The chapter closes with a number of cartoons, none of which are complimentary to Newlands.

The third chapter of 141 pages takes the reader through the first half of the twentieth century. It tells of the action of the Department of the Interior in 1903 in filing a claim to appropriate 5,000 cubic feet per second of the waters of the Carson River for the irrigation of some 232,000 acres of land in Churchill County. Immediately after the passage of the Reclamation Act in 1902, the Department filed on 1,500 cubic feet per second of the waters of the Truckee River, to be diverted into the proposed Lahontan Reservoir.

The chapter contains a rather complete account of all the controversies, reports, stipulations and other matters concerning the many actions taken by the Department of the Interior. This reviewer was greatly interested in this phase of the book, because, beginning in 1935, he was keenly aware, as an official in the office of the State Engineer, of many of the events cited. Then too, he became personally acquainted with many of the lawyers and engineers involved both on the state and federal levels, as well as the personnel of the irrigation district boards. The chapter contains a great deal of information that would be helpful for a lawyer's or engineer's understanding of the modern history of the Carson River stream system.

Part Two of the book will please the historian, because it describes eight of the mills on the Carson River which were controlled by the Union Mill and Mining Company. The mills are primarily described through testimony given by some of the mill operators in certain court actions involving the company. The reader will recognize the fact that while the use of water for irrigation is a consumptive use, except for return flow, the use by the mills was mostly non-consumptive. The only losses entailed were from the ditches conveying water to the mills. Some of these ditches were long, such as the Mexican Ditch; others were relatively short. There was some ditch loss, but because the ditches were in all cases close to the river, much of such loss was returned to it. Also, if there was enough water to operate the uppermost mill on the river (the Mexican), there usually would be enough for most of the lower mills also.

Part Two also contains good descriptions of a number of small reservoirs, with photographs, on the upper reaches of the East and West Forks of the Carson River, commonly known as the Alpine reservoirs. Special attention was given to the several reservoirs on the East Fork, owned by the Alpine Land and Reservoir Company.

The final section in Part Two deals with reclamation in the Carson Sink Valley. Included in this section are a number of photographs of various stages in the construction of the Lahontan Dam.

As pointed out by Grace Dangberg, the conflict over the waters of the Carson, as well as of the Truckee, and no doubt the Walker River, still goes on, and, unfortunately, is destined to continue for many years. This is only one reason why this book, *Conflict on the Carson*, becomes so important: it well lays the groundwork, not only for the future lawyers and engineers who will be involved, but also for the future historian.

The volume, accompanied by a multitude of excellent photographs, is a masterful piece of work. Perhaps only persons versed in researching past history and more particularly the arcane and difficult history of water law, will be able to understand and appreciate the tremendous amount of work accomplished by Miss Dangberg in putting this book together, and in such a highly readable form.

It deserves a place in everyone's library, whether the individual is a historian, lawyer, engineer, water user, or just an ordinary citizen who

might sometime wonder just what happened on the Carson River over the past 100 or more years.

HUGH A. SHAMBERGER
Carson City, Nevada

Essays on Walter Prescott Webb. Edited by Kenneth R. Philp and Elliott West (Austin: University of Texas Press, 1976. 123 pp. \$7.95)

HISTORIAN WALTER P. WEBB died in 1963, but the influence of his ideas still stirs debate. During his extended career at the University of Texas Webb touched the lives of many people through his personality, teaching and writings. His classes were large, his seminars were stimulating, and his friendships were enduring. He was bold, political, loyal, and human. In 1965 former students and friends established the Webb lectures at the University of Texas at Arlington to explore the ramifications of Webb's ideas. The volume under review (edited by Kenneth Philp and Elliott West, and the tenth in a series) contains the 1975 lectures delivered at Arlington by Joe B. Frantz, W. Turrentine Jackson, W. Eugene Hollon, and George Wolfskill, plus a prize winning essay on Webb by Walter Rundell. Viewed collectively, these essays provide new insights into the influence of Webb as an historian.

Rundell's essay concerns Webb's years as a public schoolteacher. This was a formative period in his life, a period in which he already displayed imagination, creativeness and an independent mind. He also showed high ambitions and seized the main chance, made special efforts to cultivate friendships, and early found his writing a vehicle of influence. Rundell's essay is thorough and based on solid research, but it leaves unanswered such tantalizing questions as where Webb stood on politics (local and national) as a schoolteacher; and how he reacted to the pressures on the schools during World War I.

In their lectures, Frantz and Hollon discuss Webb's views on the South and on the Arid West. Webb had deep feelings about the South, Frantz states, feelings that were derived from memories (through his father) of the fallen Confederacy; from his marriage into a family with deep roots in the South; and from his course at the University of Chicago under Southern historian William E. Dodd. In his later years, after writing on the Great Plains and on New World discoveries, Webb turned to the South, viewing it as the "coming region" in the nation. In contrast, as Hollon explains, Webb predicted a bleak future for the Arid West, a region where water and other natural resources were limited. In the later 1950s he presented his ideas in *Harper's* magazine and created a furor. Hollon brings the story up to date, and places Webb's prophecy in a current perspective.

W. Turrentine Jackson focuses on comparative frontiers. He states that Australian historians (and those writing about Australia) have made

far more significant contributions to understanding comparative frontiers than United States historians have, and he describes differences in the frontier experience in the two countries. Jackson appends a bibliographical essay that surveys the literature on comparative frontiers outside the United States and Australia. George Wolfskill sees the New World frontier as providing a dynamic, unifying force for expanding and accommodating international law from the seventeenth to the twentieth century, but as the frontier has diminished so has the spirit of the law. A new ingredient is needed to revitalize and modernize this withering spirit.

These essays will have a special meaning to Webb's former students. Those who took his Great Plains course (History 276) at the University of Texas will remember that his lectures closely followed his *Great Plains* book, but that he broke the tedium by feats of showmanship — i.e., by drawing from a paper sack a Walker Colt to point up his discussion of the Texas Rangers, or by reciting a cowboy song to show how rhythm related to the jog of a horse. In his historical editing course, Webb gave an introductory lecture on the *Handbook of Texas* project and on style (never use former and latter), then turned the class over to his able assistants. Some will recall the devastating critique of Webb's *Great Plains* by Fred Shannon (published as a Social Science Research Council Study in 1940). Although on the defensive throughout the debate, Webb was eloquent in stressing the larger picture, in practicing self control and effectively arguing his case. The full measure of the man and the historian were vividly revealed.

The 1975 essays on Webb are thought-provoking and timely. In his excellent introduction, Ray Allen Billington states that Walter Webb would have been "charmed" by the essays. I heartily agree.

HARWOOD P. HINTON
University of Arizona

American Sportsmen and the Origins of Conservation. By John F. Reiger. (New York: Winchester Press, 1975. 316 pp., notes, illustrations, selected bibliography, and index. \$10.00)

AMERICANS IN THE EARLY YEARS of the twentieth century gave themselves credit for discovering, advocating, and implementing most of the reforms needful for the uplift of just about everything and everybody. Historians in later generations have had little difficulty in deflating these exaggerated claims and have given to the "progressive" era little credit for originality, success, and even good intentions in the waging of battles for reform.

The history of American conservation is an excellent case in point. And John F. Reiger's study on the nineteenth-century roots of conservation is an excellent book.

The primary theme of the work, as indicated in the title, is the role played by sportsmen — hunters and fishermen — in the beginning years of the movement to protect the American natural environment. Indeed, says Reigel, these men organized the crusade, led it for many years, and achieved several victories well before 1900. Examples of their triumphs include much state and federal legislation for the protection of fish and game and the establishment of parks and wildlife preserves.

This will come as a surprise to many. According to Reigel, it should not. In the first place, the gentlemen-hunters and hunter-naturalists of nineteenth-century America adopted the code of sportsmanship developed by hunters and anglers in Britain. The gentlemanly seekers of game despised the "pot-hunters" and commercial hunters who relentlessly and heartlessly slaughtered animals and despoiled their habitats. The author insists that an even greater force was the love the true sportsman has for his quarry and for its environment.

Reiger supports his contentions by pointing to prominent examples of sportsmen who were major figures in conservationism: Henry William Herbert ("Frank Forester"), George Bird Grinnell, Charles Hallock, John F. Lacy (father of the Lacy Act of 1900, which banned market hunting and the shipment of wildlife or the products of wildlife taken in violation of state laws), and Theodore Roosevelt, who was not only the archetype of the gentleman-hunter, but an accomplished naturalist as well.

Although love of nature could not have been confined to hunters of the upper classes alone, these high-born and well-heeled folk were in the best position to lead the infant conservation movement in America. It is more than a little ironic that Roosevelt, Grinnell, and the other aristocratic hunter-conservationists who, in 1887, formed the powerful and exclusive Boone and Crockett Club would never have admitted the likes of Dan'l and Davy to membership.

Although Reiger's conclusions are generally sound, perhaps he places too much emphasis on the upper-class, eastern beginnings of conservation. Nevada Territory, never known as a hot-bed of aristocratic notions, adopted a fairly comprehensive law for the protection of fish and game in 1861, at the first sessions of the territorial legislature.

The first chapter is devoted to the author's biggest problem, which is persuading skeptical or hostile readers that there was — and is — a great difference between sportsmen and wanton killers of wildlife. He makes the point forcefully and successfully.

Reigel is dead right in his assertion that nineteenth-century sportsmen were the great pioneers in American conservation. If any of his readers continue to have doubts on this score, they should plow through early issues of periodicals such as the *American Sportsman* and Grinnell's *Forest and Stream*. In connection with his own researches, this reviewer has done so and can testify to the abundance of conservationist matter contained in those pages.

As further proof of the validity of the book's thesis, we need only note that sportsmen's organizations continue to be strong supporters of efforts to conserve fish and game. Ducks Unlimited and the National Wildlife Federation are conspicuous examples.

MICHAEL J. BRODHEAD
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Reno

Desert River Crossing: Historic Lee's Ferry on the Colorado River. By W.L. Rusho, and C. Gregory Crampton. (Salt Lake City: Peregrine Smith, Inc., 1975, 126 p. Illustrations, maps, photographs, bibliography, index)

THIS BRIEF WORK brings together the various elements of Lee's Ferry history and a tour guide of the area. The cooperative product of a Bureau of Reclamation official and a history professor who understand the relation between careful field work and effective research, *Desert River Crossing* displays care for detail as well as a sense for narrative and great familiarity with the geography and rugged environment of the canyon lands.

In its historical portions this book is chronologically organized. After an almost too brief bow in the direction of the natural setting of Lee's Ferry, the book proceeds through a quick summary of prehistory and early Indian cultures in the locality before focusing the bulk of its chapters on what may be called the two components of the Ferry's frontier story — the adventure of exploration and development, and Mormon utilization of the crossing. Chapter three traces the great exploration of Dominguez and Escalante to the ferry site and on to the Crossing-of-the-Fathers a few miles upstream, and with suitable brevity refers to mountain man activities on the Colorado and Green Rivers that have little bearing upon the crossing. The central theme of five of the next six chapters is Mormon. The roles of Jacob Hamblin and other Indian missionaries in working out a path to the spot, of John D. Lee in establishing the ferry in 1871, and of Lee and others in opening the first pioneer wagon road are quickly dealt with. Short portraits are presented of Emma Lee, who named the place "Lonely Dell" (p. 32) and survived her husband for many years, and of John D. Lee and his role in the Mountain Meadows Massacre. The continuing role of the ferry in Mormon migration and in Indian defense is told along with a rich spicing of stories that show the comings and goings of outlaws, Indians and miners. Warren Johnson, who managed the ferry for years after Lee was executed, is introduced. Showing the relative decline of Mormon influence, Emmett James, who took over after Johnson left the ferry in 1895, is worked into a subsequent chapter which focuses primarily upon Zane Grey.

Events of a little different sort unfold in chapters dealing with exploration, mining development, and the beginnings of modern highways. John Wesley Powell, whose two river runs and surveys in the Lee's Ferry region corresponded closely in time to the ferry's establishment, is introduced in chapter five following the account of Mormon beginnings. Chapters ten through fifteen tell a story that is still much concerned with the adventure of exploration, although promotion and development are of primary interest. Outlaws made numerous crossings at the ferry, touching the locality with a rich folk history. The efforts of the visionary engineer Robert Stanton to make the Colorado yield up its finely pulverized gold are traced as are the promotional activities of Charles H. Spencer, who "pursued the quest of gold" but seemed to "enjoy the pursuit more than the gold" (p. 63). Spencer also brought heavy equipment and the first automobile and almost incredibly dragged a steamboat in from the railhead at Marysvale far to the north in Utah. Early thoughts of a dam in the Colorado River, and the last days of the old ferry before the Navajo Bridge was completed a few miles downstream, close out the record of Lee's Ferry's long frontier period. A chapter entitled "Gateway to Canyons" summarizes the recreation and river tour activities of modern times.

The guide to historic sites that concludes the book reveals in sharp perspective the happy union of field work and careful research of Rusho and Crampton. Trails are sketched on excellent photographs, which like the numerous photos throughout the book do much to give meaning to the narrative. Yet as a trail guide Rusho and Crampton's work leaves something to be desired. Two general maps were included, but neither deals with historic sites, leaving a sense that the tour proposed is uncoordinated and difficult to understand.

In terms of the book's broader meaning it ought to be noted that it is a summary and narrative history. Little is done to explain what Lee's Ferry has meant in the broader perspective. While it is futile to lament what books do not do, it will be many years before men with greater familiarity with their subject and better preparation to deal with its meaning again write a general history of this isolated wilderness spot. Consequently one acknowledges the merits of accuracy, general coverage, thorough knowledge and good photography with a thought of what the book might have done.

CHARLES S. PETERSON
Utah State University

Conflict on the Northwest Coast: American-Russian Rivalry in the Pacific Northwest, 1790-1867. By Howard I. Kushner. (Westport, Connecticut: Greenwood Press, 1975. xii + 227 pages; map, notes, bibliography, index)

THE TEMPTATIONS AND DEMANDS of revisionist history are considerable. Professor Kushner has been unable to resist the one or to fulfill the other. *Conflict on the Northwest Coast* purports to offer "a new interpretation of the purchase of Alaska." (p. ix) Kushner claims to have corrected both consensus historians, such as Golder and Bailey, and revisionists, such as Williams, in their mistaken notion "that Russia sold its North American possession to the United States because it was able to play upon traditional American friendship to rid itself of a worthless possession." (p. xi) Rather than amity, Russian-American relations were characterized by conflict and rivalry over the Pacific Northwest, according to Kushner. He also attempts to revise the revisionist view that Alaska was coveted as a stepping-stone to Asia's markets by arguing that it "was sought for its own value as well." (p. 158) Such aims quite naturally lead to a hyperbolic title and conclusion.

Kushner seems also to have oversimplified the positions of Williams and especially of Bailey. In *America Faces Russia*, Bailey duly notes the frictions between Russia and the United States over America's expanding economic penetration of Russia's American possession. And while Williams entitles his chapter dealing with this period "A Realistic Romance," he concludes that Russia sold Alaska for pragmatic reasons. (p. 21, *American-Russian Relations, 1781-1947*.) Kushner offers valid refinements and expansions of Bailey and Williams, but he does not refute them.

Aside from its exaggerated claims, Kushner's study does provide substantive evidence of unremitting American commercial expansion in the Pacific Northwest and large profits reaped by the sea otter trade, whaling, the ice trade, and commercial fishing. The book also illustrates how the Western expansionists and the New England whaling interests combined in their attempt to influence U.S. foreign policy in that far-flung region.

A danger of most monographs is that their narrow focus might obscure the larger historical context. In the present case, neither the relative isolation of the United States nor Russia's overwhelming European involvements is emphasized sufficiently as determining factors of each country's policies in the Pacific Northwest. In particular, the crushing defeat suffered by Russia in the Crimean War is not given sufficient attention as the catalyst which brought major internal reforms, which in turn insured that Russia's foreign policy would be essentially passive and defensive for the foreseeable future. Kushner generally attaches too much significance to American enterprise and not enough to Russian problems and the minor place of Russian-American relations in the total spectrum of Russian foreign policy concerns.

Conflict on the Northwest Coast is generally free from the technical errors which mar so many books these days. The only such error discovered was dating the publication of Samuel F. Bemis' *John Quincy Adams and the Union* in 1856. The map provided in the frontispiece is inadequate

to illustrate many major points in the text. Unfortunately, five of the eleven chapters reflect their earlier status as journal articles.

PAUL E. BURNS
University of Nevada,
Las Vegas

Conflict and Compromise: The Mormons in Mid-Nineteenth Century American Politics. By J. Keith Melville. (Provo, Utah: Printed for the Political Science Department by the Brigham Young University Printing Service, 1974. 121 pages, illustrations; \$3.95).

THE CENTRAL THEMES of this work are best summed up in its title — *Conflict and Compromise*. Conflict was manifested in two ways: in the clashes between the Saints and their non-Mormon adversaries, and in the political struggles between competing interests within the Latter-day Saint movement. Latter-day Saint leaders, however, tried to minimize such conflicts through compromise.

In considering these two themes, Melville divides his study into three main sections. The first considers conflict and compromise in the setting of the temporary Mormon settlement of Iowa under the supervision of Apostle Orson Hyde. In Iowa there were four major conflicts: a war of words between rival Whig and Democratic newspapers; an intra-Church political duel between Orson Hyde — a Whig, and Almon W. Babbitt — a Democrat; a conflict within the Iowa State legislature over the status of the Mormon occupied county; and finally, a bitter fight in the U.S. House of Representatives over a disputed Iowa Congressional election involving the Saints. The Iowa-based Saints, however, were able to surmount these difficulties through a number of compromises.

In his second section, Melville considers conflict and compromise involving the Mormons of the Great Basin after 1847. Since this region was part of the Mexican Cession, the Utah-based Saints found themselves caught up in the North-South conflict over the extension of slavery. Conflict also arose over the political organization of this region. Should Utah be organized as a territory? or a state? Some individuals even proposed forming a joint state composed of the Mormon-dominated Great Basin and the non-Mormon gold fields of California. In the end, however, Utah was organized as a territory under the Compromise of 1850. This Compromise also dealt with the issue of slavery, allowing the Saints to decide through popular sovereignty whether they wanted to make Utah slave or free upon their application for statehood.

The last section of this work focuses on later political conflicts and compromise involving the Utah-based Latter-day Saints from 1850 to 1852. Conflict presented itself in the relations between the Saints and some non-Mormon federal appointees. These officials, sent from the

East to Utah in 1851, verbally attacked the Saints soon after their arrival. They accused the Saints of misusing federal funds and of practicing polygamy. After a short stormy tenure, these officials abandoned their territorial posts and returned to the East where they publicized these alleged Mormon misdeeds. Mormon representatives, however, were successful in refuting these charges, at least to the satisfaction of President Millard Fillmore. Thus conciliation prevailed over conflict — at least for the time being.

Although this book is primarily concerned with the Mormons in Iowa and Utah, it does touch on people and events relevant to Nevada history. Apostle Orson Hyde, who set up the Mormon colony in Iowa, would later become one of the most influential Mormon leaders in early Nevada history through his role in establishing Genoa — a Mormon colony in western Nevada. Moreover, the history of Nevada might have been vastly different had John Wilson's abortive 1849 proposal for a joint Mormon-California state been approved. The future of Nevada was indeed affected by the Compromise of 1850 which in time determined the shape of the state's western boundary. This boundary originally divided California from Utah. But it eventually became the dividing line between California and Nevada when the latter broke away from Utah.

Melville's work is useful in that it provides a brief, easy-to-read overview of Latter-day Saint political history from 1846 to 1852. The book contains numerous photographs, maps, and copies of original documents which bring into sharper focus the people and places under consideration. The relative low price of this paperbound volume facilitates its use as supplemental reading in courses on the Civil War, and the Trans-Mississippi West.

At the same time, however, *Conflict and Compromise* contains a number of serious flaws. Melville's work suffers from basic organizational problems. In a number of places Melville did not adequately weave his narrative around the basic themes of conflict and compromise. Although the beginning date of Melville's narrative, 1846, is apparent (the date the Saints left Illinois) the imposition of 1852 as a terminal point is not so clear. The author, moreover, leaves unanswered a number of crucial questions. For example, why did the Iowa-based Saints decide to support the Whigs rather than the Democrats? Why did President Zachary Taylor become increasingly hostile toward the Saints, while at the same time, Senator Thomas Hart Benton moved toward a contrasting pro-Mormon position? A more serious shortcoming is that Melville does not adequately place his account of the Mormons within the context of mid-nineteenth century American politics, his subtitle notwithstanding. Melville spent so much time describing Mormon political activities from the vantage point of the Saints that he gave only slight attention to the relevant political actions of non-Mormons in Iowa, Utah, and in the East.

Conflict and Compromise also suffers from Melville's failure to utilize (or at least cite) a number of important primary and secondary works. He

relied too much on Mormon sources — particularly the “Journal History.” The only non-Mormon source Melville utilized to any extent was the *Congressional Globe*. The author did not adequately utilize various other non-Mormon materials, such as newspapers, diaries, and letters. Even more distressing is Melville’s failure to cite a number of important relevant secondary works, particularly Holman Hamilton’s *Prologue to Conflict*, Klaus J. Hanson’s *Quest for Empire*, and Norman F. Furniss’ *The Mormon Conflict*. Finally, readers should be aware that *Conflict and Compromise* is really not a new work. The first two sections are essentially a reprint of the author’s earlier *Highlights in Mormon Political History* published in 1967. What *Conflict and Compromise* points up more than anything else is that the definitive work on “The Mormons in Mid-Nineteenth Century American Politics” has yet to be written.

NEWELL G. BRINGHURST
*Indiana University,
Kokomo*

Fort Bridger. Island in the Wilderness. By Fred R. Gowans and Eugene E. Campbell. (Provo, Utah: Brigham Young University Press, 1975. ix + 185 pp. Maps, illustrations, notes, forward, appendix and index. \$6.95 paperback.)

THE SOLITUDE OF FORT BRIDGER today belies the excitement of its past. Few of the more than 50,000 visitors who annually enter the Fort Bridger Historical Park and State Museum operated by the State of Wyoming have been even partially aware of the importance of this post as a trading depot, military outpost and Indian agency. In their ignorance, these visitors are not unlike many frontier historians who themselves are limited in their knowledge of Fort Bridger. Fortunately authors Gowans and Campbell, both of whom are professors at Brigham Young University, have remedied this paucity of information with an excellent piece of research and writing.

The appellation “fort” usually conjures up images of either an Indian trading post or a military installation. Fort Bridger was both of these and more. From 1843 to 1890, under three different owners (Jim Bridger, the Mormon Church and the Federal Government) Fort Bridger re-outfitted emigrants to Oregon, Zion and California, stabilized the Shoshone and Bannock Indians, participated in the “Mormon War” of 1857-58, and offered to nearby settlers the protection and payroll expected of a frontier outpost.

Happily the Brigham Young University Press exhibits this material attractively: extended quotes are placed in italics for clarity; notes are included; eleven pertinent documents are reproduced (three of which are transcribed in an appendix); and there are sixty-one illustrations and

thirteen maps. Oddly, and especially since this book is heavily based upon Dr. Gowans' Ph.D. dissertation, only a bibliography is missing from an otherwise complete presentation.

In some respects the authors' narrative suffers from an imbalance that devotes in-depth treatment and 129 pages to the period up to the post's military abandonment in 1890, while three chapters on Indian relations and the years to 1929 seem to be tacked on in 37 pages. This should not, however, be looked upon as a serious defect because the most significant period and events are well covered. In fact, it might have been a major error had the authors given as much space to the only peripherally important post-1890 period, thereby cutting into the coverage of the early years.

Unlike many "fort" histories this one is solidly based on primary research, much of it from the LDS Church Historical Department. Moreover, it wisely takes the broad, regional view rather than the narrow, local scope offered by all too many post histories. In summary, it can be said that *Fort Bridger* is excellent emigration history, objective Mormon history, and good military and Indian history.

ROBERT CARRICKER
Gonzaga University

Cowboy Life: Reconstructing an American Myth. By William W. Savage, Jr. (Norman: University of Oklahoma Press, 1975. xii + 208 pp., photographs. \$9.95)

THE COWBOY HAS BECOME one of the great American fictional heroes. He has roamed the West chasing badmen and rescuing fair maidens, from the dime novel to the TV screen. Occasionally he is even seen working on the cattle range; however, such a mundane pursuit is never allowed to detour the story action.

William Savage, who has authored several books on the cattle industry, has taken excerpts from various books written from the 1870s to the 1940s in order to show the evolution of the cowboy's image and the emergence of a myth. The "Editor's Introduction" should be read carefully, because it is there that Savage sets the stage and poses the questions. It is thoughtful and interesting, and no doubt will anger some devotees when Savage concludes, "historically, the cowboy was an individual of little or no significance" (p. 5).

Everyone who reads this volume is going to have a favorite section. The one that stands out in this reviewer's mind is Baylis John Fletcher's account, Fletcher had a sharp memory, and his keen wit permeates what he saw and did. All types of interesting tidbits crop up, including the fact that Texas farmers did not like trail drives and cowboys. The book focuses on the southern great plains; not much territory west of Kansas creeps into the story.

Since all of the authors look at the same subject, a certain amount of repetition about cowboy life, trail drives, and the like is inevitable. The writings overall are well chosen and illustrative of the time and their authors. They offer in one book an opportunity to sample thirteen selections, several from books quite rare. Savage has included many photographs to show the working cowboy and a few of his nineteenth-century, theatrical counterparts. The photographs are occasionally unclear; whether this is the fault of the reproduction or the photos' original condition is hard to determine.

Cowboy Life gives a good scoring ride, as they say in rodeo. It makes a contribution to the continuing saga of the cowboy, but probably will do little to correct America's distortion of this western folk hero. An index would have been helpful.

DUANE A. SMITH
Fort Lewis College
Durango, Colorado

What's Going On

TWENTIETH CENTURY EXHIBITS

The final renovation of the museum area was completed in time for the annual summer rush of visitors and tourists. Supported by the National Endowment for the Humanities, this display sequence emphasizes the Tonopah and Goldfield bonanzas that opened the twentieth century as a mining boom that outshone the fondly remembered Comstock. After describing the events and developments of the first fifty years of our own era, the bulk of the exhibit is devoted to the revolutionary changes in population and economic activity in Nevada in recent years. Tourism and its related industries replaced the older mining-ranching economic bases. After utilizing some of the striking modern color photographs of casinos and Great Basin scenery, the exhibit designers concluded displays with Nevada's only "talking head" presentation. Using the latest in museum effects, the figure of a casino dealer describes Nevada's recent past and future via a motion picture image and sound track.

FORT CHURCHILL PROJECT

A joint study with the Nevada Archeological Survey has been conducted of Fort Churchill. Katherine Totton, a UNR graduate student, compiled a history of the post, active between 1860 and 1870, for the Nevada Division of Parks. The study will be used to assist in historic preservation of the post's ruins and in the interpretation of the park. After condensation, the study will be printed in the *Quarterly*.

TERRITORIAL PAPERS PROJECT

Consultant Robert Armstrong is proceeding with his search for public documents deriving from the territorial years, 1850-64. Visits to county courthouses, libraries and archives in surrounding states, and the National Archives in Washington, have revealed many documents previously unknown to researchers. A finding aid listing all documents, with annotated descriptions and locations, will be published in 1978.

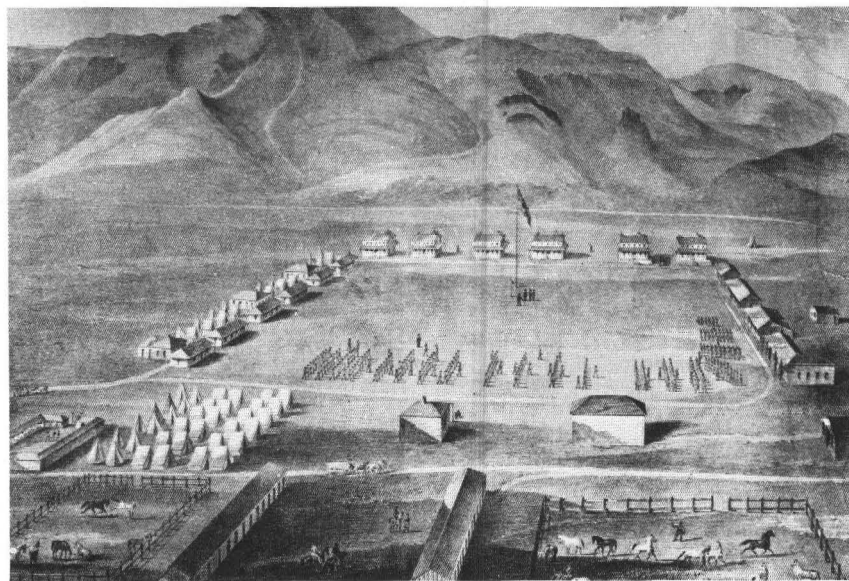
OPERATION CATCHUP

Support from the Nevada State Library has permitted the Society to begin a renovation of its library holdings. Each bound book, pamphlet, periodical and government publication will be re-catalogued and subject

indexed for better use by patrons. Librarian Nadine Phinney has joined Lee Mortensen for this twelve month project.

OUT-OF-STATE NEWSPAPER ARCHIVE

A grant from the College Library Resources Program will be used to collect early newspapers from the states of Idaho, Utah, Arizona and California. Many of these microfilmed newspapers contain valuable data pertinent to Nevada. Few have been available within Nevada, but once copies have been catalogued in the Las Vegas and Reno offices, they will be available for use locally or by inter-library loan.



Fort Churchill, mid-1860's

New Resource Materials

DICKINSON LIBRARY, UNLV

THE ECOLOGY OF THE NEVADA TEST SITE, an annotated bibliography compiled by Dr. Thomas O'Farrell and funded by ERDA, has been deposited in Special Collections, University of Nevada, Las Vegas. In addition to the bibliography, the Department received the sole copies of the three hundred and fifty articles identified in the bibliography.

The Olive Lake and Earle Frost Eglington Collection of photographs and memorabilia from early-day Las Vegas, begun in 1974, continues to develop. The Robert E. Lake family arrived in Las Vegas in November, 1904, six months prior to the auction of the Clark Townsite. A tent cabin at the Las Vegas Ranch (Stewart Ranch) was their first home in Las Vegas. Robert E. Lake was a barber and also had interests in mining ventures in the Las Vegas area. Recent gifts to the collection by Eglington's son, Robert, include photographs by C.R. Savage, Salt Lake City photographer.

The Chester Longwell Collection of papers, field notes, photographs, maps, books and memorabilia is a major addition to UNLV's research collection. Longwell, a world-renowned geologist, wrote extensively on the geology of southern Nevada. He began his field work in the area in 1919, actively pursuing his interests to his death in 1975 at the age of 88.

A collection which parallels that of Chester Longwell in some areas is that of Fred and Maurine Wilson. Correspondence between the two men is included in both collections. Fred Wilson was an active amateur archaeologist and local historian. The Wilson collection includes early-day movies of Las Vegas, taken by himself and dentist William Park, studies of local place names, numerous photographs, and local postcards gathered from the dead letters of the Las Vegas Post Office where Mr. Wilson was employed. Maurine Wilson's personal collection of materials concerning music education and social life in Las Vegas will be of significant interest to local history researchers. Mrs. Wilson was one of the honorees of the Dickinson Library recognized during the Bicentennial year for her contributions to the community and University.

ANNA DEAN KEPPER
SUSAN ANDERL

GETCHELL LIBRARY, UNR

THE UNIVERSITY OF NEVADA, RENO, Library Special Collections Department has recently received manuscript and other collections that span more than a hundred years of Western history.

The diaries and papers of William H. Hoyt reflect his residence in Aurora in the early 1860s. Hoyt also had ranching interests in California during the nineteenth century which also run through his records.

Charles L. Deady came to Belmont, Nevada in 1881 as a school teacher. At various times he was a school superintendent, surveyor, deputy district attorney, and for the last years of his career, Surveyor General of Nevada. Deady was born on a ranch near Woodbridge, California in 1857. He worked on the farm until he was in his twenties. Mrs. Robert Biglin of Reno recently gave the Department a diary kept by Deady in 1876, 1877, and 1878; it is a daily account of his activities when he was nineteen and twenty years old. Deady summarized his activities for a year: he worked 213 days, "did nothing" for 37, went to church 40 times and attended 20 dances. He also "went to see the girls" 42 times, wrote 33 letters, received \$200.35 and paid out \$185.85.

A gift of an extensive collection of the records of the Nevada Department of the American Legion shows activities of this patriotic organization in the state over a considerable time span. This large and splendid collection expands upon a voluminous accumulation of letters, photos, clippings, and other documents previously donated by American Legion founder Thomas Woodnutt Miller.

About thirty photographs of Reno and the University of Nevada in the 1920s and 1930s came through the generosity of Alice Terry. Especially interesting in the collection are pictures of Reno fires and floods during that period.

Leslie B. and Alleta D. Gray donated their collection of one box of records from the Nevada State Committee to Retain the Sales Tax (1956). These documents include campaign materials, correspondence, minutes of meetings, radio and television scripts, and financial records of the Committee.

The Gloria Grace Griffen collection of some 3,600 volumes of Western Americana has been arranged in the Griffen Room in Special Collections. Included with the books is an important group of about 170 artifacts, good examples of Plains Indian life. The artifacts are saddles, clothing, jewelry, and weapons; they will be displayed in the Griffen Room, arranged by members of the UNR Department of Anthropology.

MARY ELLEN GLASS
CARRIE M. TOWNLEY

*A Bicentennial Project of the
Truckee-Carson Irrigation District*

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NEVADA HISTORICAL SOCIETY
1650 North Virginia Street
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1977 ANNUAL MEETING



NEVADA HISTORICAL SOCIETY
ELK'S CLUB FACILITY
OCTOBER 22, 1977
LAS VEGAS, NEVADA

CONVERSATION AND NO HOST COCKTAILS, 7 P.M.
DINNER — BUFFET, 8 P.M., COST \$8.50

**SPEAKER: DONALD BUFKIN, ASSISTANT DIRECTOR,
ARIZONA HISTORICAL SOCIETY**
"SHARED HERITAGE: POLITICAL GEOGRAPHY
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**FOR RESERVATIONS CONTACT GARY ROBERTS, SOUTHERN
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Books on Nevada

A GUIDE TO THE MANUSCRIPT COLLECTIONS AT THE NEVADA HISTORICAL SOCIETY

L. James Higgins

After more than seventy years of collecting, the Society has published its first guide to the non-print collections. An alphabetical list of the individual holdings occupies over 200 pages. A unique "name, place and thing" index guides the reader to collections containing items on a particular person or place. For the convenience of researchers interested in a specific chronological range, collections are indexed by five year periods in the concluding section of the book. \$8 postpaid.

YOUR GUIDE TO WESTERN NEVADA

Al and Mary Ellen Glass

This first of a series of guidebooks to major sections of Nevada offers five self-guiding tours of the most fascinating portions of the Comstock country. Maps and detailed instructions guide the reader to Virginia City, Lake Tahoe, Alpine County, CA, Carson Valley, the Newlands Project and Humboldt Sink. Historic sites, mining districts and ghost towns abound as well as an opportunity to join in the Pyramid Lake Indian War of 1860. \$2.50 postpaid.

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