

NEVADA HISTORICAL SOCIETY QUARTERLY



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NEVADA HISTORICAL SOCIETY QUARTERLY

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Western Nevada's Water Crisis, 1915-1935

DONALD J. PISANI

THE SUMMER OF 1930 began ominously in western Nevada. Severe drought compounded the effects of a nationwide depression. Nineteen twenty-nine had been dry, but the following year was even worse. Ranchers in central Nevada demanded that the governor send in state police to parcel out water from the Humboldt River. By early July, the Truckee River slowed to a trickle through Reno, and dried up completely a few miles out of town—save for an occasional stagnant pool of fetid water. City fathers feared possible epidemics because the community had always dumped its sewage into the river. Farmers around Fallon dusted off their kerosene lamps in anticipation of the day when the Carson River would carry insufficient water to turn electrical generators in the Truckee Carson Irrigation District's power plant. Nevada newspapers carried numerous stories of crop failures, plummeting prices for alfalfa and other agricultural commodities, and of the many courageous farmers who drove miles to carry water to their thirsty livestock.

Most farmers bore their losses stoically, but the drought, which lasted virtually unbroken into 1935, revived many water controversies which had been dormant during wet years. The long hot summers of the early 1930s forced water users in western Nevada to address many water rights issues that had contributed to the drought's severity, and also to look for new reservoirs to mitigate the effects of future droughts.

Nevadans had suffered from periodic drought at least since the 1880s, but water shortages became more acute after 1905 when the federal government opened the Newlands Project in the Lahontan Valley. Unfortunately, government engineers overestimated the water supply of western Nevada and underestimated the amount of water needed to irrigate desert soil. Consequently, they came to see acquisition of Lake Tahoe—the west's largest natural storage reservoir—as absolutely essential to the project's future.¹

¹ For the history of reclamation in Nevada in the 19th century see John M. Townley, "Reclamation in Nevada, 1850-1904," unpublished Ph.D. dissertation (University of Nevada, Reno, 1976), and Mary Ellen Glass, *Water for Nevada: The Reclamation Controversy, 1885-1902* (Reno, University of Nevada Press, 1964). For the early years of the Newlands Project see Townley, *Turn This Water Into Gold: The Story of the Newlands Project* (Reno, Nevada His-

In June, 1915, after lengthy negotiations between the U.S. Reclamation Bureau and an electric company, the federal district court for San Francisco awarded the federal government control over the dam at Lake Tahoe's outlet to the Truckee River. Since the turn of the century, the dam had been operated by the Truckee River General Electric Company. But the 1915 court decree did more than transfer control over the dam. It specifically granted the government "ownership" of four feet of water stored in Tahoe, and implied that the government also had first claim to *all* the lake's surplus or unappropriated water. Unfortunately, since the power company's right to use Tahoe's water antedated construction of the Newlands Project, the decree also required the government to manipulate the dam so that the electric company would receive 500 cubic feet of water per second from March 1st through September 30th and 400 c.f.s. for the rest of the year. This represented most of the lake's surplus water in an average year. In short, the decree granted the power company the paramount right to use Tahoe water, even when that right conflicted with the needs of downstream farmers.²

Nevertheless, the weaknesses in the 1915 decree did not become immediately apparent. Three wet years followed the government's acquisition of the Tahoe dam. In the spring of 1916 and 1917, the lake reached nearly 6,230 feet—well above normal—and fell to only 6,228 and 6,227 during the winters of 1916–17 and 1917–18. As was nearly always the case, farmers rarely worried about their water supply when nature was generous. But then a long dry period ensued, lasting into the mid-1930s. For example, in the winter of 1920–21, the lake dropped to the lowest level since the Newlands Project opened, 6,224.5 feet, and in the winter of 1924–25 it fell to 6,223 feet, below the natural rock rim upstream from the dam. When this

torical Society, 1977), Mary Ellen Glass's two articles, "The First Federally Sponsored Arid Land Reclamation Project: The Newlands Act in Churchill County, Nevada," *Nevada Historical Society Quarterly*, XIV (Spring, 1971), 3–13, and "The Newlands Reclamation Project," *Journal of the West*, VII (January, 1968), 55–63. Also see Donald J. Pisani, "Storm over the Sierra: A Study in Western Water Use," unpublished Ph.D. dissertation (University of California, Davis, 1975).

² Copies of the 1915 court decree are in the Hiram Johnson Collection, Bancroft Library, University of California, Berkeley, and the Louis Bartlett Collection at the Water Resources Archives, North Gate Hall, also on the Berkeley campus. For newspaper accounts of the decree's terms see the *San Francisco Chronicle*, June 5, 1915 and the *Churchill County Standard*, June 9 and 15, 1915.

Critics of the decree, most of whom owned property at Lake Tahoe, argued that the power company's water rights were legally questionable. The State of California had never authorized the company to manipulate the lake's level to generate electricity. The first dam, built at Tahoe's outlet in 1871, had been designed to store water to facilitate log drives down the Truckee. The state had chartered the lumber company, but had not ratified sale of the dam to the power company. Given these circumstances, the Reclamation Bureau might have used a condemnation suit to test the company's water rights. Instead, it decided on a "friendly" suit—in effect a negotiated settlement. This avoided an expensive, protracted court battle. Unfortunately, once written into the decree, the power company's "rights" had clear legal sanction. All the government really won was a strategic position: if it could find ways to store more water in the lake, it could use that water for irrigation in Nevada.

happened—as it would frequently in the next decade—no water entered the Truckee River from Tahoe, and farmers had to rely entirely on water that fed into the river from tributaries. In the spring of 1931 the lake's level barely cleared the rim and it dropped below 6,222 feet the following winter, a pattern that recurred in 1934 and 1935. In short, during the 1920s and early 1930s, virtually every farmer in Western Nevada felt the pinch.³

Yet the aridity of the American west—even the periodic droughts that underscored nature's capriciousness—served only as a backdrop to the water crisis. Had Lake Tahoe been located entirely in Nevada, instead of being bisected by the state border with California, and had it been used exclusively as a storage reservoir for farmers, instead of serving also as a popular resort area and water supply for the Truckee River General Electric Company's power plants, the water shortage would have been less severe. But a wide variety of different interests had a stake in the lake and they disagreed over two related issues: *how* the lake should be used, and *who* should decide how to use it. The federal government, represented by the Bureau of Reclamation, played an important role as spokesman for the Newlands Project, which received a large share of its water from the Truckee River, Tahoe's outlet. On the other hand, Tahoe property owners wanted to preserve the lake's beauty—an objective they considered identical to the preservation of property values. Wide fluctuations in the lake's level—which they feared would result from using the lake as a storage reservoir—would make it less desirable to tourists, and damage property surrounding the lake. Invariably, the State of California sided with the property owners—in part because its officials argued that the individual states, rather than the national government, held sovereignty over surplus water. Not surprisingly, the State of Nevada contested this states' rights position, and usually sided with the Reclamation Bureau. Downstream, on the Truckee River itself, the Truckee River General Electric Company sought to maintain a relatively consistent year-round flow of water to turn its generators—a goal that often clashed with the Bureau's attempt to store as much water during the winter and spring as possible, to increase the supply available during the growing season. But equally threatening to the needs of government farmers were the long-established rights of farmers in the Truckee Meadows, near Reno. Many of these water claims dated back to the 1870s and 1880s, long before the government opened its irrigation project, and in lieu of a comprehensive

³ Lake levels are taken from a chart prepared by the Reclamation Bureau and published in the *Tahoe Tattler* of July 8, 1938. The rock "rim" or "lip" of the lake was about 1,000 feet behind the dam. The dam and rim were connected by a shallow channel of water, which often became clogged with debris. The rim was fairly uniform, at an elevation of 6,223 feet. Regardless of the structure of the dam, without cutting down the rim—or pumping water over the rim—no water could leave the lake. Tahoe property owners realized that the government could modify, or rebuild the dam, but as long as the rim remained intact it could not "drain" the lake except by tunnel.

court decree regulating Truckee river water use, many Truckee Meadows farmers simply used as much water as they wanted regardless of the consequences downstream. In Nevada, as in most of the arid west, there simply was not enough water to go around in dry years. But the number of competing interests, as well as their essentially inconsistent objectives, made the problem far more severe.⁴

In 1916, the Lake Tahoe Protective Association, a group of property owners at the lake, sent a letter to its members asking for contributions to pay for a suit against the Reclamation Bureau. The 1915 court decree had not required the federal government to regulate the lake within any particular limits, and the association wanted the courts to set limits at 6,225.3 and 6,229.3 feet. Many Tahoe property owners believed that the government would regulate the lake over a much wider range. A map accompanying the letter indicated that the Bureau planned on 12 foot limits. The letter explained:

The purpose of this illustration is that you may decide in your own mind how the beach would look in front of your place were the level of water to be reduced twelve feet, or nine feet below what it is today. What unsightly rocks would you have then! Could you and your boat or steamer get up to the present wharf? Could the Lake Tahoe Railroad Company's steamer get into Emerald Bay? . . . And at high water, what would be the effect upon your grounds and trees and shrubs and bathing houses and boat houses on the shore of the Lake?

Is it not apparent that with this tremendous variation of twelve feet the lake would be ruined as a residence and resort region? And that, if it were permitted, your property values would be depreciated to practically nil and your place be made untenable? Were it not for the fact that the Lake Tahoe Protective Association is and has been holding back those encroachers upon the Lake would you not in behalf of your own property be obliged to start litigation of your own against the Reclamation Service and the Power Company to hold the Lake levels within safe limits?

Though the manager of the Newlands Project denied any government intent to manipulate the lake within such wide limits—and attacked the “perversity and persistence of the ghost fighters who persist in their assaults on the imaginary ulterior purposes of the Reclamation Service”—officers of the association refused to be pacified.⁵ However, the suit was never pressed,

⁴ At this time the rights of yet another group of water “users,” the Indians at Pyramid Lake, were rarely discussed or considered in negotiations. There was very little irrigated land on the Paiute reservation, and Nevada's federal district court did not recognize any special Indian right to maintain Pyramid Lake as a fishery.

⁵ Someone in the Lake Tahoe Protective Association had a perverse sense of humor. A copy of the undated letter, signed simply “Lake Tahoe Protective Association,” was mailed to the Newlands Project office in Fallon in November, 1916, with a request for \$125 to underwrite the association's proposed suit. For this letter, and the reaction of project manager J. F. Richardson, see Box 223063, File TC-4, Records of the Chief of Engineers, Record Group 115, Federal Archives and Records Center, Denver. This correspondence can also be found in the Truckee-Carson Irrigation District Records, Fallon, in the Tahoe file for 1916.

probably because it had little chance of success, given the government's insistence that it only wanted 6 or 6.5 foot limits.

For the next few years, the government tried unsuccessfully to settle the Tahoe controversy out of court.⁶ But while high water damage had been the basic issue from 1915-1918, a dry winter in 1918-19 revived fears that the Reclamation Bureau would try to "drain" the lake. In May, 1919, the Bureau requested shoreline property owners at Tahoe to sign "quit-claims" releasing the government from any obligation to pay for property damaged by regulating the lake as a storage reservoir. The Lake Tahoe Protective Association assumed that this act was part of a secret plan to get more water out of the lake, since Tahoe's level had fallen below the natural rock rim. At the urging of the association, a mass meeting was held at the lake on August 9, 1919. Representatives of the War Department (which had jurisdiction over navigable bodies of interstate water), California's Attorney General's office, the California Highway Commission, California State Automobile Association, Placer and El Dorado county boards of supervisors, a number of local chambers of commerce, the Lake Tahoe Protective Association, the See-Tahoe-First Association and Sierra Club attended along with scores of individual property owners. The group adopted a resolution insisting that the lake's natural rim was at 6,225 feet, rather than the 6,223.3 feet recognized by the Reclamation Bureau. The number of representatives from chambers of commerce and automobile associations told a story in itself. The automobile had touched off a real estate boom as residents of Sacramento, San Francisco and other northern California cities built weekend and summer retreats at the lake. Boosters began to sell the lake as a "scenic commodity" available to the middle class, and the popular image of Lake Tahoe as an exclusive playground for the wealthy began to fade. Hence one resolution, drafted several days earlier but adopted at the meeting read: "California is only now commencing to realize the wonderful asset she possesses in Lake Tahoe as an attraction for tourists and as an outing place for her own people. The preservation of the Lake's beauties, as well as its navigability, depends in great measure on the maintenance of the Lake's surface at a level not lower than that fixed by nature."⁷

The next day, California Attorney General U.S. Webb made an impassioned speech which reflected his office's growing concern: "I do not believe that the Reclamation Service or any other branch of the Federal Government has a right to interpose its authority, as the former desires to

⁶ Both the TCID Collection and Reclamation Bureau records in Denver contain an enormous number of letters pertaining to the government's legal rights at Lake Tahoe. Particularly see the letters of John Truesdell, a Justice Department lawyer who worked closely with the Reclamation Bureau in drafting the 1915 Tahoe decree and the Truckee River suit discussed later in the paper.

⁷ The quote is from *The Sacramento Bee*, August 4 and 9, 1919. For background to the meeting see the *Bee*, July 23 and 24, 1919.

do at Lake Tahoe, against the wishes of the State.” Webb conceded the federal government’s right to intervene in matters of interstate commerce or navigation, but argued it had no authority to interfere with a state’s right to parcel out its water. He concluded his speech with a warning: “California will defend her rights, and I have no doubt will establish her power to hold Lake Tahoe inviolate from spoilation in the interests of irrigation, most of the benefits of which would accrue to Nevada.” California—which had no plans to use Tahoe water for irrigation—would place recreation before agriculture.⁸

Not that Tahoe property owners were entirely unsympathetic to the needs of agriculture. Though they argued that the government’s “rights” at Lake Tahoe were suspect, they conceded both the need to regulate the lake’s level and the right of farmers to use the lake’s “surplus” water. At Tahoe the enemy was the Reclamation Bureau, not Nevada farmers. Since the Newlands Project opened in 1905, government engineers had drafted most of their plans for reclamation in Nevada behind closed doors in Washington—and these plans often surprised project farmers almost as much as resort owners at the lake. By 1919, the Bureau had gained a well-deserved reputation for secrecy and unresponsiveness to local opinion. In public, Bureau officials claimed that they simply wanted to regulate the lake within six foot limits, two feet more than the limits advocated by the Lake Tahoe Protective Association. They prepared charts showing that the lake had fluctuated more than six feet both before and after the first dam had been built at Tahoe’s outlet in the early 1870s. But by 1919, many public officials and private citizens in northern California—both within and outside the Tahoe Basin—saw ulterior motives behind every Bureau plan. For example, an attorney for the Lake Tahoe Protective Association noted that if the lake fell two feet, the strip of exposed land would separate shoreline property owners from the water. Then, once the government had paid damages, it would not have to worry about lowering the lake’s level even further in the future. Since the two states owned the bed of the lake, they would likely sell the strip of exposed beach at auction. And if this happened, the Reclamation Bureau could easily outbid those whose land had once bordered the lake. In effect, the government could become the only riparian owner in the Tahoe basin, capable of reducing the water level without fear of damaging private property. However fanciful, such bizarre possibilities were seriously entertained.⁹

⁸ *Bee*, August 11, 1919.

⁹ *Ibid.* The Reclamation Bureau insisted that its plans, including regulation of the lake within six foot limits, were designed to alleviate water shortages within the *existing* project—which explains why the Tahoe controversy heated up every dry year. However, since only 20–25% of the project’s 200,000 acres were cultivated in 1919, it also remained committed to project *expansion*. Given Western Nevada’s persistent water shortages, Tahoe property owners naturally wondered where the government intended to find the extra water.

Relations between the Reclamation Bureau and Tahoe interests deteriorated still further in the 1920s. Woodrow Wilson's Secretary of the Interior, Franklin K. Lane, had won the respect of many of the Bureau's harshest critics in California. A Californian himself, Lane was sharply critical of the administration of federal reclamation. In 1919, he had promised to put a leash on the Bureau until the federal courts had adjudicated the conflicting claims to Tahoe raised by the Bureau, the two states, and the Truckee River General Electric Company. But in 1920 Lane resigned, and his successor, J. B. Payne scheduled a meeting with Nevada Senator Key Pittman and Bureau officials at far-off Yellowstone National Park. No Californians were invited, and Pittman emerged from the meeting with an announcement that the government planned to remove a "sand bar" from somewhere behind the dam. No one at the lake knew about this obstruction, so the Lake Tahoe Protective Association concluded that the Bureau had concocted yet another plan to cut down the natural rim of the lake to ease western Nevada's water shortage.¹⁰

However, in 1920 the Tahoe interests won help from an unexpected source. The U.S. Army Corps of Engineers was responsible for protecting the navigability of the nation's rivers and lakes. The Corps, long a rival of the Reclamation Bureau, had not shown any interest in Lake Tahoe before 1920, and its motives for becoming involved in the dispute are not clear. But in July, the Washington office authorized Colonel E. E. Winslow to conduct public hearings in Reno concerning the controversy. A careful investigation by Winslow failed to find the mysterious sandbar, and the Reclamation Bureau quickly dropped its new scheme. However, at the conference Tahoe property owners agreed to permit the government to remove debris and algae growth from the channel behind the dam to speed up the discharge of water from the lake.¹¹

Early in September, Winslow made a full report on the hearing and his investigation to the Secretary of War. He pinned blame for the Tahoe controversy on the Truckee River General Electric Company, greedy Truckee Meadows farmers, and the Reclamation Bureau. Winslow noted that the 1915 decree had granted "... water power interests almost complete control over the outflow of the lake." The water used by power plants during the winter was largely wasted because of inadequate storage facilities on the Truckee River. Some of this water ended up in Lahontan Reservoir—the Newlands Project's only large storage facility—but Lahontan only served farmland around Fallon. The Fernley and Hazen Districts, on the northern

¹⁰ Reno *Evening Gazette*, July 23 and 26, 1920; *Bee*, July 24 and 26, 1920; San Francisco *Daily Examiner*, July 28 and 29, 1920. The Tahoe controversy of 1920 has been described by Mary Ellen Glass in "Hot Summer in the Sierra: An Early Conflict for Resource Rights at Lake Tahoe," *California Historical Quarterly*, LI (Winter, 1972), 306-314.

¹¹ *Bee*, July 30 and 31, 1920; *Gazette*, July 30 and 31, 1920.

edge of the project, were served directly by the Truckee Canal, making them particularly susceptible to water shortages. Winslow thought that "... the attorneys representing the United States [in 1915] were outwitted by those of the power interests" and "... as a result the power interests were given, by the consent decree, much more than they were legally entitled to."

Moreover, Winslow suggested that conflicts over water rights within Nevada contributed to the Tahoe controversy. Within Nevada, no court decree regulated water use on the Truckee River. Many Truckee Meadows farmers possessed water rights much older than those held by Newlands Project farmers, and since their land was sixty or seventy miles upstream from the project, they were "first in line" to use any water released from Tahoe. These farmers often used all the water they wanted, without regard to their specific legal rights or conditions downstream. Although Nevada's state engineer had estimated that 42% of the water used for irrigation in the Truckee Meadows found its way back into the river by seepage or overflow, Winslow found that only 30% of the water passing the stateline reached the Truckee Canal.

Finally, Winslow attributed part of the Tahoe conflict to the tactics of the Reclamation Bureau. Government engineers had repeatedly stated their intent to use only the lake's surplus water, but "... suggestions as to cutting the rim of the lake or lowering the level of the lake by tunnels or otherwise have been made rather frequently by various representatives of the Government directly or indirectly connected with the Reclamation Service." The suspiciousness and opposition of Tahoe residents could be explained in large part by the inconsistencies between the public and private objectives of Bureau officials. Winslow supported using the lake within six foot limits, but not because he favored giving Newlands Project farmers more water. Instead, he thought that the wider limits would increase the rate of discharge from the lake so that the surplus water could be better utilized during the growing season.¹²

Winslow's criticisms of the Bureau seemed tame compared to those that appeared in the August 14, 1920, *Saturday Evening Post*. Apparently, William Kent—a Congressman from northern California and a Tahoe property owner—provided Stewart Edward White, a staff writer for the *Post*, with details concerning the water controversy. White responded with an article in the best muckraking tradition—"Easy Dollar! Shoot It Quick!" He argued that every acre on the Newlands Project could be cultivated without Tahoe water if the government took advantage of alternate storage sites.

¹² E. E. Winslow to the District Engineer (San Francisco) and the Chief of Engineers (Washington), September 7, 1920. Also see Winslow to the District Engineer and Chief of Engineers, February 25, 1920. All are included in the papers of the Lake Tahoe Interstate Water Conference Committee, in a file labelled "Ancient History," at the California State Archives, Sacramento. Unfortunately, the report was never published.

But Tahoe offered the cheapest water in the west: "It's just another case where because there are easy dollars in sight we've got to shoot 'em on the spot, no matter what the cost in beauty may be, no matter by how many it is enjoyed. . . ." He agreed with those Californians who feared that the Bureau would destroy the lake's scenic beauty:

I've heard a lot of argument on these matters, but I have a simple mind and it always leads to one question: Suppose you lower the rim of the lake two feet, and suppose with the 'steen million gallons of water thus made available you bring under irrigation 'steen thousand more acres of land; How are you going to keep that land supplied with water in future years [?] . . . They say [that] if they could cut the rim of Lake Tahoe two feet they could reclaim seventy thousand acres more. Sure, for a year or so, until the product of the cutting ran out. Then those seventy thousand acres will slide gracefully back to desert—unless they cut the rim again.

White denied that the Tahoe controversy was caused by the selfishness of wealthy Tahoe property owners who put their own pleasure ahead of the survival of reclamation in Nevada:

There may be millionaires [at the lake], but it [seems] to me that Lake Tahoe is used by more people of limited means than any other place I ever visited, except perhaps Yosemite. They come in jitneys, with all the seats filled bang up with three generations, and camp outfits tied all over; they drive in the butcher wagon or laundry wagon; they hike in hardily, and they come by thousands with excursion tickets clasped in hand. There are a good number of fine big estates here and there, but the average landholder is the owner of a modest, comfortable board-and-batten cottage or camp and the number of small resorts is legion.

White's article had no effect on the water controversy itself. But it reflected the influence Tahoe interests could marshal in their battle to save the lake, and also increasing public concern for Tahoe as a scenic national asset. Of course, the article also reflected the tarnished reputation of the Reclamation Bureau.¹³

During the 1920s, drought-stricken farmers appealed twice to Tahoe property owners, in 1924 and 1929, to pump water from the lake when its level fell below the natural rim. In 1924, 60,000 acre feet were pumped and in 1929, 20,000 acre feet; these amounts lowered the lake's level only a few inches. Though Nevada farmers exhibited considerable hostility toward the rich and powerful Californians who doled out Tahoe water—as when fifty Truckee Meadows farmers threatened to blow up the dam in 1924—they spent as much time fighting among themselves. In 1924, Truckee Meadows farmers demanded use of the full flow of the river five days a week; but farmers downstream on the Newlands Project considered four days a week

¹³ Steward Edward White, "Easy Dollar! Shoot It Quick!," *Saturday Evening Post*, (August 14, 1920), 32-34, 90.

sufficient. When upstream users swallowed up the yearly outflow from Donner Lake—whose surplus emptied into the Truckee—the headgates of many Truckee Meadows irrigation ditches were ripped out and deputy sheriffs stepped in to prevent future violence. Project farmers repeatedly urged the appointment of special state watermasters to monitor upstream diversions and prevent waste.¹⁴

Continuing threats of litigation over Tahoe water rights, the War Department's opposition to cutting the rim and the barrage of public criticism directed against the Reclamation Bureau in 1919 and 1920 combined to persuade the Bureau to look for new storage sites along the Truckee and Carson rivers. In 1920, government engineers began surveying a reservoir site in the Spanish Springs Valley northeast of Reno where they hoped to store 300,000 acre feet of Truckee water, about the capacity of the Lahontan Reservoir on the Carson. This location had several advantages over potential sites upstream. Since it was downstream from the Truckee River General Electric Company's power plants, it could capture Tahoe water used to generate electricity in the winter and save it for "reuse" during the following irrigation season. In addition, the Spanish Springs Valley was only a few miles from the river and most land in the valley still belonged to the public; thus the cost of acquiring the site would be less than at most other locations. Then, too, the reservoir site was near large tracts of land that might be added to the Newlands Project. Officials hoped to more than double the project's irrigated acreage, as well as end water shortages on those bench lands served directly by the Truckee Canal. Additions to the project included a 10,000 acre tract of virgin land within the Indian reservation at Pyramid Lake.¹⁵

¹⁴ *Bee*, June 2 and 7, July 22, 1924; July 18 and 20, 1929; *Gazette*, June 3 and 6, July 14, 15 and 24, 1924; *Examiner*, June 3, 1924. There is extensive correspondence concerning the pumping agreements of 1924 and 1929 in the Tasker L. Oddie Collection at the Nevada Historical Society, Reno, as well as in the TCID Collection, Fallon, and Reclamation Bureau records in Denver.

¹⁵ A complete description of the Spanish Springs Project is contained in E. B. Debler's "Report on Supplemental Storage on the Truckee River" dated November 12, 1924. Box 224713, Records of the Chief of Engineers, RG 115, Federal Archives and Records Center, Denver. Debler also investigated a proposed reservoir on Prosser Creek, a Truckee River tributary.

In the summer of 1921, the First Assistant Secretary of the Interior asked the Secretary of Agriculture to investigate conditions on the Newlands Project and make suggestions for improvement. The Agriculture Department appointed Samuel Fortier and F. L. Bixby to conduct the study and they prepared a "Report on the Newlands Project in Nevada" in August, 1921. The two engineers decided that "... reliance for lake water for parts of this project should no longer be placed on storage in Lake Tahoe. While efforts should be continued, and no right therein relinquished, the large amount of litigation in which it is now involved renders it unwise to jeopardize the interests of the project by further delay in providing storage elsewhere. Besides, Lake Tahoe has been much overestimated in the past as a source of water supply, on account of its limited inflow in dry years." They also strongly supported construction of the Spanish Springs reservoir because expansion of the project to 150,000 irrigated acres—the

In 1921 the Reclamation Bureau requested \$400,000 to begin work on the dam. However, support for the scheme in Washington cooled when Interior Department officials learned that in 1911 the State of Nevada authorized a Reno power company to build an electrical plant *downstream* from the proposed reservoir. The state permit promised the company a flow of water similar to that guaranteed to the Truckee River General Electric Company upstream. Hence construction of the plant threatened Spanish Spring's value as a storage site just as the plants downstream from Tahoe had limited the lake's value to farmers. For much of 1921 and 1922 the government negotiated with the state and company officials to clear away this obstacle. Finally, the government offered the power company a ten year lease on its power plant at Lahontan Reservoir—which had been operated by the Reclamation Bureau and served Fallon and most farms in the Carson Sink—in exchange for the company's promise to relinquish its permit and abandon all plans to build new plants downstream from Reno.¹⁶

This was a minor obstacle compared to the opposition of farmers on the Newlands Project. They bitterly criticized the Reclamation Bureau for not permitting them to vote on the contract with the power company or on the Spanish Springs scheme itself. By 1923, deep differences divided project farmers served by Lahontan and those who relied directly on the Truckee Canal. Farmers in the Hazen and Fernley districts would benefit most from the new reservoir, but all project farmers would be required to pay construction costs, estimated at \$20 an acre. In the long run the Reclamation Bureau expected the new reservoir to lure enough new farmers onto the Newlands Project to reduce the debt owed to the government; in this way all settlers would benefit. But what if the expected rush of new settlers failed to occur? Most farmers could not even keep up payments on their existing debt to the government for the original irrigation works. Moreover, the price of electricity threatened to increase sharply once the private company took over the project's power station.¹⁷

A series of defeats to supporters of the Spanish Springs project occurred in 1924. In 1923, Hubert Work succeeded Albert Fall as Secretary of the Interior just as public criticism of the Reclamation Bureau reached a new high. Subsequently, Work appointed a "Fact Finders' Committee" to investigate conditions on the federal reclamation projects and suggest reforms. In the following year, Work appointed the most prominent member of the group, Elwood Mead, to replace A. P. Davis as head of the Bureau. Both

Bureau's immediate objective—would reduce per acre construction costs. A copy of the Fortier-Bixby report is included in the Tasker B. Oddie Collection ("Correspondence, 1924"), Nevada Historical Society, Reno.

¹⁶ *Standard*, December 16, 1920, March 15 and December 27, 1922.

¹⁷ *Standard*, January 17 and March 7, 1923.

Work and Mead balked at approving money for new construction projects. And they wisely concluded that the Bureau's refusal to permit farmers to vote on the reservoir scheme indicated that a large minority, if not majority, disapproved of the project. In June, 1924, despite valiant lobbying efforts by Key Pittman, the Senate killed the Spanish Springs appropriation.¹⁸

Pittman's luck improved for a time early in 1925. In March, he pushed a \$500,000 appropriation through Congress with an amendment that required the State of Nevada or "local interests" to "secure and select" potential settlers for the new land and help finance the cost of their livestock, farm equipment and supplies. This was consistent with the Fact Finders' Committee's conclusion that most settlers on government reclamation projects had been poorly prepared to face the challenge of farming in the arid west. However, later in the year Charles Burke, Commissioner of the Bureau of Indian Affairs, raised a new objection to the Spanish Springs project by pointing out that the reservation Indians at Pyramid Lake were not good farmers and would probably default on their share of the cost of constructing the new reservoir.¹⁹

In the following months, opposition from farmers around Fallon continued to grow, and in November, 1926, the Bureau abandoned the project. Ironically, Elwood Mead cited a lack of water as the main reason for scuttling the scheme:

I have word today that there has not been a drop of water fall into Lahontan reservoir [in months]. Along the upper end of the Truckee, there has been an extension of private irrigation, so that it is impossible for us to fill Lake Tahoe and Lahontan. And if it be impossible for us to fill these two reservoirs already existing, why should we go ahead and build another?²⁰

¹⁸ *Standard*, January 16, 23 and June 11, 1924. Hubert Work's "Fact Finders' Committee" also decided that all land within federal irrigation projects should be classified according to the value of the crops it could produce, that the repayment schedule for construction costs should vary from project to project rather than follow a rigid ten or twenty year plan, and that greater emphasis should be placed on the education of arid land farmers. Congress accepted many of these recommendations in December, 1924, ruling that no new project could be started without a thorough investigation of the water supply, land prices, costs of construction, and related practical problems. Moreover, each applicant had to demonstrate experience and sufficient capital. Congress also called for classifying project land according to productivity so that each farmer's share of construction costs would vary. However, the number of farmers who reneged on their debt remained high, and this was one reason that Mead launched a program to get the federal government out of reclamation in 1926 by turning the projects over to locally-run irrigation districts. The Newlands Project became independent in 1926, and virtually all the projects were independent by the end of the 1930s. Upon visiting the Newlands Project, one member of the Fact Finders' Committee commented: "The Newlands Project, it seems to me, contains all the problems of modern irrigation and then some heretofore unencountered. The only things which appear to be lacking are soil, water and people. The climate seems all right." *Standard*, January 30, 1924. The best discussion of federal reclamation in the 1920s is contained in Donald C. Swain's *Federal Conservation Policy, 1921-1933* (Berkeley, 1963), 73-95.

¹⁹ For Pittman's scheme see the *Standard*, March 4, 1925. For Burke's objection see the *Standard*, October 14, 1925.

²⁰ Mead's quote is from the *Standard*, November 10, 1926.

Of course, there were also less immediate reasons for the scheme's failure. An economy-minded administration in Washington, an efficiency-minded Commissioner of Reclamation, and the Newlands Project's dismal record all helped defeat the plan.

Nevada's drought forced the Reclamation Bureau to intensify its search for new storage facilities in the late 1920s. In 1927 and 1928, government engineers began surveying reservoir sites at the headwaters of both the Truckee and Carson rivers. They looked closest at the Truckee River basin because the worst water shortages occurred along that stream—which, ironically, carried a much greater volume than the Carson—and because its tributaries offered more potential reservoir sites. The Truckee River survey dismissed the possibility of storing more water in Tahoe but recommended five potential reservoirs. Stampede Valley on the Little Truckee River, with a capacity of 145,000 acre feet, and Prosser Creek Valley, with a capacity of 50,000 acre feet, offered the most likely sites. And late in 1928, the Newlands Project—which had been turned over to the farmers themselves in 1926 as the Truckee Carson Irrigation District (TCID)—bought the right to 12,000 acre feet of water stored in Donner Lake, which fed indirectly into the Truckee. Although the TCID and Washoe County Conservancy District—composed largely of Truckee Meadows farmers—led the crusade for new storage, agricultural interests did not stand alone. Reno and Sparks wanted more water for domestic uses and sanitation, the paper mill at Floriston needed more water during the late summer and fall, and the Southern Pacific Railroad wanted new dams to protect its tracks—which ran close to the Truckee River—from flooding.²¹

The search for new reservoirs underscored the severity of Nevada's drought, and also the unsettled nature of water rights on the Truckee and Carson rivers. Conflicts over water rights posed one of the chief obstacles to building new dams.²² In 1913, eight long years after the Newlands Project opened, the government filed suit in the district court at Carson City to determine the extent and priorities of all Truckee River claims in Nevada. As commonly happened in water rights litigation, delay followed delay, and the case served as one more source of friction between project farmers and the Reclamation Bureau. For example, the *Churchill County Standard* commented sourly in 1918:

²¹ *Standard*, May 11 and November 30, 1927; April 4, September 26, October 24 and December 5, 1928; May 1, 1929. A detailed account of reservoir projects considered in the late 1920s is included in E. B. Debler's "Truckee River Investigation" dated April, 1929, in Box 224290, Records of the Chief of Engineers, RG 115, Federal Archives and Records Center, Denver.

²² In this paper, I have confined my discussion to Truckee River water rights because Carson River rights remain unresolved. Even though the government filed suit to adjudicate those rights in 1925, a final decree has never been issued. See Grace Dangberg, *Conflict over the Carson*, (Minden, Nevada, Carson Valley Historical Society, 1977), and Donald J. Pisani, "Storm over the Sierra: A Study in Western Water Use," 284-286.

The Truckee river adjudication case has been the enjoyment of government officials and their counsel for a decade [sic] and if it is a single point further advanced at the present time beyond that hour when the first brief was filed the fact is not known. . . . [Yet] there is not involved in the entire case a legal complication that would be stimulus even for second rate lawyers. . . .²³

In 1919, such criticism prompted the court to give the Truckee River case special attention by appointing Judge George F. Talbot to hear testimony from water users and prepare a tentative court decree dividing up the water. Dozens of lawyers, representing farmers, power companies, industries, the towns of Reno and Sparks, and the Reclamation Bureau appeared before the judge.²⁴

The case hinged on one fundamental issue: Did the federal government possess any special water rights of its own or did it simply represent individual farmers? In 1913, at the request of the Reclamation Bureau, the Justice Department had assigned one of its water rights specialists, John F. Truesdell, to the case. He argued that the act of creating the Newlands Project had, in itself, constituted a claim for sufficient water to irrigate *all* the land within the project's boundaries. However, Truckee Meadows farmers and local power companies contested this assumption. They argued that state water laws applied to the federal government just as they applied to individual appropriators, and that the government had no right to claim more water than it actually used on the 60,000 acres then under cultivation. Second, they maintained that individual water rights within the project should date from the time each homestead was first cultivated, not from the date of the Reclamation Act (1902) or the formal opening of the project (1905).

The government won. In February, 1926, a tentative Truckee River decree—forerunner of the Orr Ditch Decree of 1944—took effect.²⁵ The decree promised the government enough water to irrigate 232,000 acres of land with a priority of 1902. This surprised and alarmed Judge P. A. McCarran, attorney for the Truckee Meadows farmers: "If the decree has been

²³ *Standard*, June 19, 1918.

²⁴ Neither Tahoe property owners nor California officials were consulted. For a variety of reasons, court decrees covering interstate streams rarely apply to all water users; usually their jurisdiction stops at the state border. Since the main purpose of the decree was to protect the Newlands Project against the increasing claims of upstream farmers in Nevada, the right to Tahoe's stored water was established vis-a-vis Truckee Meadows farmers. That court decrees rarely extend from users at the source of a stream to those at its end is yet another reason why court action rarely resolves water controversies.

²⁵ *U.S. v. Orr Water Ditch Co.*, U.S. Dist. Ct., D. Nev., Equity No. A3 (1944). From 1913 to 1926, the government alone paid \$83,000 in legal fees to fight the Truckee River case. By 1944, it had spent nearly \$150,000. The total expense of the suit doubtless ran many times this amount. The Orr Ditch Decree of 1944 built on the Talbot Decree, but limited the Newlands Project to only enough water to irrigate 70,000 acres, which is roughly the present size of the TCID.

approved, it establishes a new law in this country in that it abrogates the sovereignty of the states over unappropriated waters. It involves the broadest questions ever incorporated in a similar case anywhere."²⁶ McCarran charged that the "Talbot Decree"—by granting far more water than the Newlands Project used in 1926—set a precedent that challenged the established doctrine of state ownership of surplus water.²⁷

The preliminary Truckee River decree also contained other important provisions. The court reaffirmed government ownership of Tahoe's stored water—subject only to the paramount rights of the power company—and awarded the Paiutes at Pyramid Lake first claim on the river since their reservation had been set aside in 1859, before the development of irrigation. However, the Indians received only enough water to irrigate 3,130 acres, and that right depended on use. Finally, the decree provided for the appointment of a watermaster and assistants to insure compliance with the court's decision.²⁸

In effect, the Talbot Decree put much of western Nevada's future agricultural development in the hands of the federal government. Only in the wettest years did the Truckee River carry enough water to irrigate all the farmland served by the Truckee River, and this amounted to less than half the 232,000 acres designated as the original Newlands Project. So, whether it used all the water or not, the government won a strategic advantage in all future water negotiations.

Nevertheless, legal ownership of the surplus water did not imply absolute control. To use the surplus, farmers needed new reservoirs, and Congress—not the courts—held the purse-strings. In the early 1930s, Congress refused to appropriate money for a new reservoir until competing groups of water users—Tahoe property owners, the Washoe County Conservancy District, the TCID, and Sierra Pacific Power Company (successor to the Truckee River General Electric Company)—had ironed out their differences. In December, 1930, the TCID's negotiating committee agreed to share the Truckee's unappropriated water with Truckee Meadows farmers and the power company. This decision did not abrogate or modify any rights stipulated in the Talbot decree, but it did acknowledge that upstream interests had as much right to store "flood water" as the TCID.²⁹

²⁶ *Standard*, February 24, 1926.

²⁷ The government also tried to claim virtually the entire surplus in the Carson River when it filed its adjudication suit in 1925. Ironically, the U.S. Supreme Court has refused to intervene in intrastate water decree disputes, even though such decrees are usually issued by federal courts. Since the states themselves are responsible for granting water rights, the Supreme Court avoids water rights disputes unless they involve two or more states.

²⁸ A copy of the Talbot ruling is in the TCID Collection and also in the papers of the Lake Tahoe Interstate Water Conference Committee.

²⁹ *Standard*, December 10, 1930.

Negotiations bogged down when the TCID's directors and members refused to accept the negotiating committee's recommendations. Nevada water users, along with representatives of the Reclamation Bureau and Lake Tahoe Protective Association, met many times during the next few years, but an agreement came only after the federal government threatened to cancel a W.P.A. appropriation for a new reservoir. The Truckee River Agreement—adopted by California and Nevada negotiators in October, 1934, and ratified by the federal government the following spring—did much to reconcile the interests of Nevada water users and “de-fuse” the Tahoe controversy. Its provisions included: (1) an agreement that upstream and downstream farmers would use approximately the same volume of water per acre of irrigated land; this eliminated one source of conflict between residents of the Truckee Meadows and Newlands Project; (2) permission for the Washoe County Conservancy District to build a 45,000 acre-foot reservoir at Boca on the Little Truckee (completed in 1939); (3) authorization for the Sierra Pacific Power Company to construct a smaller Sierra reservoir, and share some of the storage space in Boca, on condition that the company reduce the amount of water it drew from Tahoe during winter months; (4) regulation of the lake within six foot limits, 6,223.0 to 6,229.1 feet;³⁰ (5) a prohibition against altering the lake's natural rock rim and against the diversion of water from Tahoe by any “artificial means,” which was a clear reference to tunnel schemes sponsored by the Reclamation Bureau in the past; (6) abandonment of the government's “right” to store water above 6,229.1 in Tahoe; and (7) an agreement by the TCID, which had controlled the Tahoe dam since the district had become independent of the Reclamation Bureau in 1926, to manipulate the lake's level so that property damage could be avoided during particularly wet years. The Truckee River Agreement of 1934–35 became part of the permanent Truckee River decree handed down by the federal court in Carson City in 1944. Nearly forty years had elapsed since the federal government had opened its Nevada irrigation project.³¹

³⁰ The lengthy and tedious negotiations leading to a settlement of the levels dispute are surveyed in W. Turrentine Jackson and Donald J. Pisani, *A Case Study in Interstate Resource Management: The California-Nevada Water Controversy, 1865–1955* (California Water Resources Center, University of California, Davis, 1974), 22–29.

³¹ Oddly enough, in the late 1960s, after California and Nevada had finished negotiating an interstate compact to divide up the surplus water in Lake Tahoe and the Truckee, Carson and Walker rivers, Interior Department lawyers denied that the Truckee River Agreement had abrogated the government's right to store water above 6,229.1 feet in Lake Tahoe. Water users in both Nevada and California had long considered this “concession” an important element in the 1934 agreement. While many water users in Western Nevada have assumed that Indian water rights were responsible for undermining the interstate compact, the federal government's attempts to maintain its water rights vis-a-vis those of the two states also played an important part.

Several conclusions emerge from a study of Western Nevada's water crisis. First, the Reclamation Bureau was as responsible for the crisis as the drought of the 1920s and early 1930s. Since 1905, the Bureau (then called the Reclamation Service) had staked its reputation in Nevada on growth, on trying to irrigate as many of the project's original 200,000 acres as possible. This grandiose plan persisted despite the project's poor soil, inadequate water supply, and uncertain markets. Within the project, farmers wondered how much expansion would cost them, and many suggested that existing problems should be solved before opening the project to new settlers. Outside the project, the Bureau faced even stronger opposition. Given the government's blanket claims to the Truckee and Carson rivers' "surplus" water, were any water rights outside the project completely secure? Could there be any water left for expanding urban and industrial needs upstream? At least theoretically, the Talbot decree had given the government enormous influence over future economic development within the Truckee Basin. Would the Bureau exercise similar influence in the Carson Basin? Had the government simply sought enough water to serve the immediate needs of project farmers, it might have found rival interests more willing to compromise.

To make matters worse, the Bureau refused to acknowledge the increasingly important role that recreation played in the economy of Northern California and Western Nevada. The intractability of Tahoe interests grew out of real and imagined threats to property values and the lake's scenic beauty. But by the 1930s, Tahoe property owners could put a price on aesthetic preservation. As tourism at Lake Tahoe became increasingly important, they began to argue that recreation would pour more dollars into Nevada's economy than agriculture. Although courts did not recognize recreation as a "beneficial use" of water until the late 1940s and 1950s, the Tahoe interests had a point: why risk damage to the lake in the name of agriculture if more people profited from maintaining the lake as it was? Had farmers in Nevada cultivated the high value crops produced by irrigation in other parts of the West, this argument would have been less persuasive. But many Tahoe property owners thought that the Newlands Project should never have been opened, and that as time passed the project became less and less defensible—given the region's changing economy. Much of their hostility towards the Reclamation Bureau derived from the conviction that every Bureau plan was an attempt to make up for past mistakes, to "bail out" an experiment in desert agriculture which could not "succeed" regardless of the amount of water it received. Unlike the economic potential of Lake Tahoe, and the Sierra Nevada's "recreation industry" in general, the Newlands Project's economic benefit to Nevada was strictly limited.

Nevertheless, flood followed drought in 1935 and, for a decade, Western Nevada's water crisis faded away. But many problems remained. Controversy over Carson River water rights continued, and after World War II the demand for new storage reservoirs revived. A new building boom at Tahoe reopened the question of how the development of recreation upstream would affect the water rights of farmers downstream. In 1955, California and Nevada began negotiating an interstate compact to divide up what little surplus water remained in Lake Tahoe and the Truckee, Carson, and Walker rivers. These efforts failed after the Department of the Interior "rediscovered" the water rights of Nevada Indians in the late 1960s and early 1970s. Two court suits which seek to determine the water rights of the Indians and farmers on the TCID are pending in Washington. In short, in nearly every passing year new issues developed that demonstrated the conflicting objectives of various groups of water users, the complicated nature of water rights negotiations, and the weaknesses of trying to resolve water conflicts in the courts. Given the enduring nature of those conflicts, such as recreation versus agriculture, upstream interests versus downstream, states' rights versus federal authority, California versus Nevada, new water users versus established users, and a host of others, few Nevadans could doubt that the crisis of 1915-1935 was but one chapter in an unfinished story.

Nevada's Anti-Mormon Legislation of 1887 and Southern Idaho Annexation

ERIC N. MOODY

IN 1887 ONE OF THE more bizarre episodes in Nevada's history occurred when the state legislature enacted measures—a law and a resolution—designed to disfranchise all followers of the Church of Jesus Christ of Latter-day Saints.

The compilers of the legislative journals of 1887 did not bother to advertise, in their indexes, the existence of the law, which required all prospective voters to take an oath declaring that they were not Mormons. Nor did the indexes feature the resolution, which proposed that the state constitution be amended by adding the oath-taking to its list of voter qualifications. Nevada historians ever since have had little to say about the enactments. Those few who have even taken note of the legislation, such as the chronicler of the 1880s for editor James Scrugham's *Nevada: A Narrative of the Conquest of a Frontier Land* (1935), have usually regarded it as simply a manifestation of the intense hostility toward Mormons that existed in Nevada and the rest of the nation during the latter nineteenth century; they have treated it as a spontaneous outburst in which the desires of many non-Mormon Nevadans to restrict the polygamous "Saints'" influence and political power in the state were at last fulfilled.¹

Hubert Howe Bancroft's history of Nevada (1890) offered a different view of the legislation, contending that it was brought about by a specific political event, namely, the movement in the late 1880s to annex southern Idaho to Nevada, and that it owed its existence to William M. Stewart and other annexationists who believed the legislation would facilitate their self-appointed task of enlarging the Silver State.² Bancroft's brief attention to, and treatment of, the matter did not establish a pattern, however; the legis-

¹ James G. Scrugham, editor, *Nevada: A Narrative of the Conquest of a Frontier Land* (Chicago: American Historical Society, 1935), Vol. I, pp. 355–56. The latest work to deal with the Nevada legislation also advances, at least by implication, this interpretation of its nature and origin. Joseph H. Groberg, "The Mormon Disfranchisements of 1882 to 1892," *Brigham Young University Studies*, 16 (Spring, 1976), 399–408.

² Hubert H. Bancroft, *History of Nevada, Colorado, and Wyoming, 1540–1888* (San Francisco: The History Company, 1890), p. 317.

lation has generally been ignored or overlooked by later historians of the state.³

The anti-Mormon "test oath" legislation of 1887 has long deserved more attention than it has received, especially in view of the difference between Bancroft's explanation of its origin and the one to be drawn from works such as Scrugham's (and sometimes from statements in Nevada classrooms) that it sprang, without any particular precipitating cause, from long-standing animosity toward the Mormons. Closer scrutiny appears warranted, also, because of Bancroft's (i.e. his writing staff's) unfortunate inaccuracies: the 1887 legislation is erroneously described as a "joint concurrent resolution" that "amended the constitution" (something it never did) and is wrongly identified as the cause of the failure of the annexation movement. There is no mention of the law that did go into effect.⁴ An obvious question that arises is whether Bancroft was mistaken in other, substantial respects in his comment on the legislation.

An examination of the events surrounding the enactment of the test oath resolution and its companion law demonstrates the actual relationship of the legislation to anti-Mormon sentiment in Nevada and to the southern Idaho annexation movement, and illuminates its origin.

In 1886 William M. Stewart, who had retired as Republican U.S. Senator from Nevada eleven years earlier, began a campaign for re-election to his former office. One of the things he proposed to do if returned to Washington (and which he publicly committed himself to at least as early as November, 1886) was to work for the annexation of southern Idaho Territory to Nevada.⁵ The idea of annexing portions of such regions as eastern California, western Utah and southern Idaho had been desultorily circulating for some time among Nevadans desirous of adding population and productive mining areas to their economically depressed state, and it obviously was being capitalized upon by Stewart for immediate political purposes. Stewart does seem, though, to have regarded the Idaho acquisition as more than simply a

³ One recent writer who has noted the Nevada legislation and who joins Bancroft in his interpretation is Merle W. Wells. "Politics in the Panhandle: Opposition to the Annexation of Washington and North Idaho, 1886-1888," *Pacific Northwest Quarterly*, 46 (July, 1955), 85n.

⁴ Bancroft, *History of Nevada*, p. 317.

⁵ In a political speech at Winnemucca on November 27, candidate Stewart stated that, if elected, he intended to work for the annexation of southern Idaho and, hopefully, a "slice of Utah." He mentioned the desirability of a test oath directed against Mormons, proposed the construction of a Boise to Winnemucca railroad, and suggested that the capital of an enlarged Nevada might be moved to Winnemucca. Stewart's expansionist program was apparently a revival of one he had advocated in 1869-70. *Silver State* (Winnemucca), November 28, 1886; Wells, "Politics in the Panhandle," 84.

campaign ploy, as he included it among an array of long-range measures advocated for spurring economic recovery in Nevada.

Nevada's soon-to-be senator perceived that there were three events which had to occur before any annexation of Idaho land to his state could take place. The first of these was the passage of federal legislation annexing northern Idaho, the "panhandle," to Washington. This was seen as a first step in the partition of the territory; once the process was begun it could easily be continued. The second necessary event was an official expression by Nevada of a willingness to add southern Idaho to the state. The third event was the passage in Nevada of a test oath law similar to the one enacted in Idaho in February, 1885, which would effectively exclude Mormons from the political process.⁶

The Mormons of Nevada in 1887 did not constitute a majority of the population in any county, although their numbers were significant in eastern Nevada, particularly in Lincoln County.⁷ The Mormon population of the state would, however, be considerably augmented if southern Idaho were annexed, and the proponents of the test oath viewed the measure as necessary to prevent the Saints from gaining undue political power in an enlarged Nevada.

A number of bills providing for the transfer of the Idaho panhandle to Washington Territory, or to a proposed State of Washington, were under consideration by Congress as the time for the senatorial election in the Nevada legislature neared. The most significant of the bills was HR 2889, which had been introduced by Charles S. Voorhees, Delegate from Washington Territory.⁸

William Stewart, virtually assured of election to the Senate, sought support for the partition of Idaho among his past and future senatorial colleagues. In December, 1886, he asked retiring California Senator Abram P.

⁶ The federal Edmunds Act of 1882 already prohibited polygamists from voting, holding public office and serving on juries.

⁷ The size of Nevada's Mormon population in 1887 is not officially recorded, and probably cannot be determined from existing unofficial records. The *Boise Idaho Statesman* of February 17, 1887, declared that there were about 2,000 Mormon voters in the state, while the March 3, 1887, issue of the *Carson City Morning Appeal*, another pro-annexation newspaper, tossed forward the figure 500. The manuscript history of Overton Ward (Nevada) in the archives of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, states that there were 150 Mormon voters in Nevada in 1888. David M. Mayfield, Manager, Public Services, Historical Department, Church of Jesus Christ of Latter-day Saints, to author, June 27, 1977.

It is difficult to reconcile such population indications, particularly since the test oath does not appear to have caused any measurable exodus of Mormons from the state. It is probably safe to say that Nevada's Mormon population in 1887 numbered in the hundreds, not the thousands, especially in view of the 1890 census report that 525 Mormon church members resided in the state—417 of them in Lincoln County, which had a total population of about 2,500. U.S., Department of the Interior, Census Office, *Report on Statistics of Churches in the United States at the Eleventh Census: 1890*, pp. 421, 423.

⁸ U.S., Congress, *Congressional Record*, 49th Cong., 1st Sess., pp. 529, 1706.

Williams for assistance in getting through Congress either HR 2889 or SB 40, which would create a State of Washington that included the Idaho Panhandle.⁹ After reminding Williams of Nevada's need for more territory and population, so that it could stand more respectably among its fellow states, he told the senator he had just returned from a visit to Idaho, where he had found that the "people of southern Idaho would be willing to be annexed to Nevada" if the northern counties were, as proposed, transferred to Washington. If either of the congressional bills were passed before the Idaho and Nevada legislatures adjourned, the former body "would memorialize Congress to annex the remainder of Idaho to Nevada," and the latter "would also give the necessary consent."¹⁰

Stewart asked Williams to attempt to enlist the aid of Indiana Senator Daniel Voorhees, who had introduced SB 40 and was the father of Washington Delegate Charles Voorhees, and gave him permission to show the letter at hand to John A. Logan, Leland Stanford, "and such other senators as you may think proper."¹¹

In closing, Stewart told Williams that he preferred his letter not be made public (except to appropriate parties), "as the people of Idaho might become jealous of my actions in endeavoring to produce a condition of things which would make them desire to join us."¹² These remarks not only seemed to belie the Nevadan's contention that most southern Idahoans supported annexation, but advocated a secrecy that was hardly necessary. Idaho's residents, the majority of whom undoubtedly desired to retain their geographical identity, were well aware of Stewart's activities in regard to the dismemberment of their territory. When, for example, two annexationist Idaho legislators, H. W. Smith and P. L. Hughes, came to Carson City in December to confer with (or be wooed by) Stewart and other Nevada expansionists, the meetings almost immediately became public knowledge in Idaho.¹³

⁹ *Ibid.*, p. 123. At this point HR 2889 had passed the House and was pending in the Senate. SB 40 had won approval in the Senate and was before the House. Stewart thought that the House bill would be most easily passed. William M. Stewart to Abram P. Williams, December 8, 1886, William M. Stewart papers, Nevada Historical Society, Reno.

¹⁰ Stewart to Williams, December 8, 1886, Stewart papers.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Morning Appeal* (Carson City), December 29–30, 1886; *Idaho Tri-Weekly Statesman* (Boise), January 6, 1887; *Idaho Register* (Eagle Rock), January 22, 1887. There was considerable support for the dismemberment of Idaho in the northern part of the territory—in the panhandle, which would have been attached to Washington. Newspapers such as the *Lewiston Teller*, *Coeur d'Alene Sun*, and the *Moscow Mirror* favored annexation.

In the south, however, there appears to have been almost universal opposition to, or at least lack of support for, annexation proposals. Except for the "Wood River papers" (*Hailey's Inter-Idaho*, *Wood River Times*, and *Wood River News-Miner*), which initially opposed, then came out in support of, annexation to Nevada, the press was decidedly hostile to partition. Among the newspapers disapproving, or failing to approve, of annexation early in 1887 were

Idahoans in general probably shared the view of the Silver City (Idaho) *Owyhee Avalanche* that "it is not at all probable that Idaho would ever be annexed to Nevada, though Senator Stewart does use his best efforts to that end."¹⁴ Territorial Governor Edward A. Stevenson publicly opposed the annexation of any part of Idaho, and the territorial legislature passed a resolution protesting the dismemberment of the territory and instructed Idaho Delegate John Hailey to introduce it into Congress.¹⁵

What Idahoans thought about annexation was not, however, of major concern to Stewart and other Nevadans who supported it. The Nevadans' position was that it was up to Congress, and Congress alone, to make disposition of the territories.¹⁶

In January, 1887, while action on HR 2889 was pending in Congress, Nevada's proponents of annexation turned their attention from Washington, D.C., to Carson City, where the predominantly Republican state legislature convened and elected Stewart to the Senate.¹⁷ With their leader formally returned to power, the legislature's annexationists prepared to remove the impediments to Nevada's expansion that existed, and could be dealt with, on the state level.

The drive of the annexationists opened on January 12 when Stewart addressed a joint session of the legislature, thanking his supporters for their votes and speaking on a number of "questions of the day." After remarking on the silver question, irrigation, labor problems, and Chinese immigration, he turned to the annexation issue. He recognized that Idaho wanted to be a state, but noted that annexation bills were pending in Congress and that sooner or later the territory's northern panhandle "must necessarily be separated from the southern counties." After that occurred, Stewart declared, statehood for Idaho would be impossible because the area would not have enough population.

The wealth and population of southern Idaho, said Stewart, were about equal to Nevada's and a union between the two regions would be beneficial to both. Union would mean a doubling of the amount of taxable property in

the *Idaho World* (Idaho City), *Range and Valley* (Mountain Home), *Boise City Republican*, *Owyhee Avalanche* (Silver City), *Idaho Tri-Weekly Statesman* (Boise), *Idaho Register* (Eagle Rock), *Ketchum Bulletin*, *Caldwell Tribune*, *Boise Democrat*, *Blackfoot Reporter*, and *Cassia County Times* (Albion).

¹⁴ *Owyhee Avalanche*, January 15, 1887.

¹⁵ *Ibid.*, January 22, March 19; *Nevada State Journal* (Reno), January 13, 1887.

¹⁶ *Owyhee Avalanche*, January 22, 1887; William Stewart to (H.W.) Smith, February 4, 1887, Stewart papers. Support for the annexation movement in Nevada was strong, but not universal. While newspapers such as the *Territorial Enterprise* (Virginia City), *Silver State* (Winnemucca), *Elko Free Press*, *Pioche Record*, *Morning Appeal* (Carson City), *Reno Evening Gazette*, and *Nevada State Journal* (Reno) were sympathetic to the proposals for annexation and a test oath, others, including the *Elko Independent* and *Carson City Nevada Tribune* (which preferred to acquire certain of California's Sierra counties), were not.

¹⁷ In the 1887 legislature Republicans outnumbered Democrats 14 to 6 in the Senate, and 32 to 8 in the Assembly.

Nevada, and "would silence all complaint against our unequal representation in the United States Senate."

Stewart went on to say that it might be "wise to include some part of the Territory of Utah in the annexation." This was a more doubtful proposition, though, for Nevadans had to be careful not to place their institutions "under the hostile rule of the Mormon church." There were, of course, Mormons in Idaho, but the "patriotic citizens" there had imposed upon all voters a test oath which Mormons declined to take, thus excluding themselves from participation in government affairs.

Stewart then concluded, to applause:

If our boundaries are to be extended in any direction where a Mormon population is, or is likely to be, it would be the part of wisdom to adopt a constitutional amendment similar to the test oath of Idaho, for it is unreasonable for persons who adhere to an organization which requires of them insubordination of law to take part in the government of our country.

In case you deem it wise to annex any additional territory . . . it would be well for this legislature to signify that fact by passing an Act giving the consent of the state to accept such additional territory as Congress may annex upon such terms and conditions as it shall prescribe. . . .

Whether we obtain an extension or not, the fact that Nevada expresses her willingness to acquire more territory and population will be a good answer to those who complain of her unequal representation in the Senate and sneer at us as a "Rotten Borough."¹⁸

On January 17, five days after Stewart recommended the approval of an annexation consent measure, Republican Senator George H. Thoma of Eureka introduced SB 35, "An act to give the consent of the state of Nevada to the annexation of additional territory."¹⁹ The wording of this bill was obviously not intended to limit possible territorial acquisitions to southern Idaho.

SB 35 was referred to the Committee on Federal Relations, which reported back a substitute for the original bill, with the recommendation that it pass. The substitute was adopted and passed in the Senate on January 27, by a vote of 13 to 3.²⁰

The annexation bill moved through the Assembly even faster than it had through the Senate. Introduced on January 31, it received its three readings and passed the same day. The vote was 35 to 2. Two days later the measure was signed into law by Nevada's Republican Governor Charles C. Stevenson—the brother of the Idaho territorial governor.²¹

¹⁸ *Territorial Enterprise*, January 13, 1887.

¹⁹ Nevada, Legislature, Senate, *Journal of the Senate*, 1887, p. 48.

²⁰ *Ibid.*, pp. 106, 108–09.

²¹ Nevada, Legislature, Assembly, *Journal of the Assembly*, 1887; Nevada, *Journal of the Senate*, 1887, p. 135.

While the annexation measure was making its way through the legislature, its proponents there heeded another of William Stewart's January 12 suggestions and coalesced to back Senate Joint and Concurrent Resolution 12. This resolution was introduced on January 28 by William J. Westerfield, an annexationist Democrat from Lyon County.²² It proposed that Article II of the Nevada constitution be amended by adding to it an additional section (Section 9) which would read:

No person shall be allowed to vote at any election in this State who is a bigamist or polygamist, or who teaches the doctrines of bigamy or polygamy, or who is a member of or belongs to the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church, or who is a member of or belongs to any order, organization or association which sanctions or tolerates bigamy or polygamy, or plural or celestial marriage, or which exercises, or claims the right to exercise, civil power in conflict with or opposed to the Constitution or laws of this State or of the United States. If any person offering to vote is disqualified under this section, his vote shall not be received unless he shall take and subscribe the following oath:

"I do solemnly swear (or affirm) before Almighty God, under the pains and penalties of perjury, that I am not a bigamist or polygamist; that I neither teach nor practice bigamy or polygamy; that I am neither a member of nor belong to the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church; that I am not a member of nor belong to any order, organization or association which sanctions or tolerates bigamy or polygamy, or plural or celestial marriage, or which exercises, or claims the right to exercise, civil power in conflict with or opposed to the Constitution or laws of this State or of the United States; that I regard the Constitution of the United States and the laws thereof, and the Constitution and laws of the State of Nevada, as interpreted by the courts, as the supreme law of the land, the doctrines or teachings of any order, organization or association to the contrary notwithstanding. So help me God."²³

The resolution passed the Senate by a vote of 18 to 0 on the same day that it was introduced, and was sent to the Assembly. After a number of procedural problems were cleared away, the Assembly passed an amended version of the resolution on February 8. The margin was 38 to 2.²⁴

The Assembly's amendments were accepted by the Senate on February 9, but before a vote was taken on the resolution (by now becoming popularly known as the "Anti-Mormon Bill"), William Stewart was invited to reiterate his views on it. According to a synopsis of his remarks which appeared in the *Territorial Enterprise*, the senator told the legislators that he considered the bill a "matter of very grave importance . . . especially in view of annexation of more territory." The Mormon church, he reminded his listeners, was a political organization, "which, when it obtains the power, overrules all other

²² Nevada, *Journal of the Senate*, 1887, p. 114.

²³ Nevada, *Statutes*, 1887, p. 156.

²⁴ Nevada, *Journal of the Senate*, 1887, p. 116; Nevada, *Journal of the Assembly*, 1887, p. 159.

powers." Referring to the Mormons' polygamy, Stewart declared that no individual "has a right to vote who is sworn by the most horrible oaths to violate our laws, and who is bound by his sworn religious beliefs to do so. He is not fit to enjoy the voting franchise." The inhabitants of Idaho, said Stewart, in joining a portion of their territory with Nevada "ask perfect security against Mormon rule and aggressions, and we must give it to them."²⁵

Following Stewart's remarks in support of the resolution, a few senators rose to oppose the measure. Robert Briggs, Democrat from White Pine County, spoke against the resolution, and Henry Harris, Douglas County Democrat, attempted, unsuccessfully, to strike all church names from the bill, contending that the amendment was "in direct conflict with the State Constitution."²⁶

Senator Westerfield then entered the debate and reminded his fellow legislators that the purpose of the proposition before them was, as the *Territorial Enterprise* reported, "to annex a portion of Idaho, wherein are many Mormon residents; therefore it is desirable to disfranchise a certain disloyal, anti-law abiding element."²⁷ After this elucidation of the resolution's intent, opposition to it was brushed aside and the measure was passed 16 to 3. Half of the Senate's Democratic membership composed the minority when Elko's Edward P. Hardesty joined Briggs and Harris in voting nay.²⁸

The passage of the resolution by the Senate on February 9 did not mark an end to the labors of the test oath advocates. Presumably because they desired to have the oath on the statute books before an amendment to the constitution could become effective, or because they feared that SJCR 12 might not be approved by the 1889 legislature (which, indeed, proved to be the case), they sought enactment of a law embodying the oath.²⁹ Less than a week after the test oath resolution was passed, Republican sponsored bills proposing to exclude Nevada's Mormons from the franchise appeared in both houses of the legislature.

The bills, if not instigated by William Stewart, as had been the case with the annexation consent measure and the test oath resolution, certainly received his ardent support. Stewart's position on the test oath was, of course, well known by this time—both in and outside of Nevada. Not only had his public statements concerning it been widely publicized, but he had revealed his views in a number of private letters. In one such epistle, to Charles C. Goodwin, editor of the *Salt Lake Tribune*, he had stated that,

²⁵ Nevada, *Journal of the Senate*, 1887, p. 162; *Territorial Enterprise*, February 10, 1887.

²⁶ *Territorial Enterprise*, February 10, 1887.

²⁷ *Ibid.*

²⁸ Nevada, *Journal of the Senate*, 1887 p. 163.

²⁹ For an amendment to be added to the Nevada constitution, it must be passed in two consecutive sessions of the legislature and then be approved by the states' voters.

although annexation of additional territory from Idaho (or Utah) was necessary, "Mormons must not obtain control of our state. If by amending the Nevada Constitution and making a test oath alien enemies can be excluded from the franchise, we can take in some Mormon territory with safety. . . .³⁰ Referring specifically to possible annexation of part of Utah, he declared, "I, for one, will never consent to annexing . . . until I am thoroughly satisfied that our Constitution and laws are such as to secure the people of this state from any danger of falling under the rule of an ignorant alien enemy."³¹

Obviously, Stewart's support of the test oath had its roots in his desire to placate anti-Mormon elements in Nevada, southern Idaho and Utah by assuring them that Mormon political power in an enlarged Nevada would be neutralized. He clearly viewed enactment of the oath as a necessary prerequisite for Nevada's expansion to the north or east—expansion which he had committed himself to accomplishing.

On February 14 the first of the test oath bills, AB 100, was introduced into the Assembly by John R. Williamson of Lander County.³² Entitled "An act prescribing the qualifications of electors and modifying the oath for the registration of voters in conformity therewith," it, like the constitutional amendment proposed in SJCR 12, prohibited from voting anyone "who is a bigamist or polygamist, or who teaches the doctrines of bigamy or polygamy, or who is a member of or belongs to the 'Church of Jesus Christ of Latter-Day Saints', commonly called the Mormon Church," or other similar organizations sanctioning or tolerating bigamy or polygamy. To effectuate this prohibition, the act amended the existing voter registration law by requiring each prospective voter, before registration, to take an oath that repeated the language of the one in SJCR 12.³³ SB 99, a bill similar to AB 100, was introduced in the Senate on February 15 by Henry L. Fish of Washoe County.³⁴

Neither of the test oath bills experienced the easy going the earlier annexation consent measure had. The Senate bill, after its introduction, was

³⁰ William Stewart to Charles C. Goodwin, January (February?) 6, 1887, Stewart papers. Goodwin was apparently not convinced of the desirability of attaching part of Utah to Nevada, for the *Tribune* soon indicated its opposition to such annexation. *Idaho Statesman*, March 8, 1887.

A clue to which areas of Utah Stewart considered appropriate for annexation is found in an open letter from P. L. Hughes to the *Idaho Register*, January 22, 1887, written after Hughes' consultation with Stewart and other Nevada annexationists: "It is proposed also to annex to Nevada the northern part of Utah, which includes the Cache Valley, Ogden and as far south as the south line of Wyoming Territory. . . ."

³¹ William Stewart to Charles C. Goodwin, January (February?) 6, 1887, Stewart papers. For other comments by the senator on the test oath see: Stewart to "Friend" (H.W.) Smith, February 4, 1887; Stewart to John S. Mayhugh, February 7, 1887; Stewart to E. J. Curtis, February 8, 1887, Stewart papers.

³² Nevada, *Journal of the Assembly*, 1887, p. 190.

³³ Nevada, *Statutes*, 1887, pp. 106-08 (Chapter 110).

³⁴ Nevada, *Journal of the Senate*, 1887, p. 189.

referred to the Judiciary Committee, which, on February 17, reported it unfavorably, although offering a substitute. The substitute was adopted, then tabled. The bill was taken from the table on February 24, upon motion of Senator Fish, and was passed that day by the relatively close margin of 11 to 8.³⁵

Substitute SB 99 was introduced into the Assembly the same day it passed the Senate. Immediately W. H. A. Pike of Churchill County moved that consideration of the bill be indefinitely postponed, but the motion lost and the bill was referred to the Committee on Elections.³⁶ The measure was reported from that committee unfavorably on March 1, and the next day, upon motion of Charles McConnell of Humboldt County, it was laid on the table. The vote on this motion, which proved to be the final action on the bill, was 20 to 19.³⁷

Thus the Senate's test oath bill was lost; the Assembly's, though it had a difficult time, fared better. After its initial readings, AB 100 was referred to a Committee of the Whole and was made a special order for February 18. On that date the Assembly voted 34 to 0 for its passage.³⁸

AB 100 was received by the Senate on February 19, when it was read and referred to the Judiciary Committee. Five days later the committee returned an unfavorable report and Senator M. D. Foley of Eureka County moved to lay it on the table. The motion carried.³⁹ The bill was taken up again on March 2, the next to last day of the session, and its opponents marshalled their forces. Senator Henry Harris, Democrat of Douglas County, made a motion to indefinitely postpone consideration of the bill. This motion, and one by William Westerfield (who had introduced the test oath resolution), that it be again laid on the table, lost and the bill was given its third reading.⁴⁰

At this point Harris moved to amend the bill by striking out the words "the Church of Jesus Christ of Latter-Day Saints." Republican Joseph Poujade of Lincoln County moved adoption of the motion, but fellow Republican William E. Sharon of Storey County moved that the amendment be laid on the table. Sharon's motion carried. Harris then offered an amendment to strike out the words "commonly called the Mormon Church," and moved its adoption. Senator Foley made a motion that the amendment be tabled, and this motion carried.⁴¹

³⁵ *Ibid.*, 199, 201, 238-39.

³⁶ Nevada, *Journal of the Assembly*, 1887, p. 256.

³⁷ *Ibid.*, pp. 297, 319.

³⁸ *Ibid.*, pp. 190, 219-20.

³⁹ Nevada, *Journal of the Senate*, 1887, pp. 217-18, 236, 239.

⁴⁰ *Ibid.*, p. 296.

⁴¹ *Ibid.* The Idaho legislature, when drawing up its test oath in 1884, omitted specific mention of the Mormon church so that the measure would not run afoul of a constitutional prohibition against restrictions on the free exercise of religion. Merle W. Wells, "The Idaho Anti-Mormon Test Oath, 1884-1892," *Pacific Historical Review*, 24 (August, 1955), 237.

Senator Sharon at this point called for the previous question—the vote on the bill. Robert Briggs, the White Pine County Democrat, began to discuss the bill, but was cut short by Senator Thoma who “arose to the point of order that the previous question was not debatable.”⁴² The point of order was declared well taken and a vote on AB 100 was called for. The measure passed 12 to 8, with Republicans Poujade of Lincoln and Evan Williams of Ormsby joining the Senate’s six Democrats in voting against it.⁴³ The bill was signed into law the day after its passage.⁴⁴

When the Nevada legislature adjourned on March 3, southern Idaho annexation appeared to be advancing smoothly toward reality. Nevada had given its official consent to annexation and had prescribed a test oath to prevent an enlarged Mormon population from exercising political power in the state. The U.S. Senate, with the encouragement of Senator-elect William Stewart, who late in February had testified before the Committee on Territories in support of the partition of Idaho, had followed the lead of the House and on March 1 approved HR 2889, the bill transferring northern Idaho to Washington.⁴⁵ Stewart was reportedly planning to introduce legislation effecting the transfer of southern Idaho to his state.⁴⁶

The annexation movement stalled a few days later when President Grover Cleveland pocket-vetoed HR 2889.⁴⁷ With the panhandle thus remaining a part of Idaho, there was little likelihood that the southern section of the territory would be turned over to Nevada. The recently-passed Nevada consent act became meaningless, and the test oath unnecessary.

Although William Stewart continued for a time to promote annexation of parts of Idaho and Utah the efforts became increasingly futile as opposition stiffened in Idaho, non-Mormon Utahans remained apathetic, and Nevadans’ interest in the scheme waned (there were no further attempts to amend the state constitution by adding a test oath provision).⁴⁸

⁴² Nevada, *Journal of the Senate*, 1887, p. 296.

⁴³ *Ibid.* The Carson City *Morning Appeal* on March 3 explained the Democrats’ opposition to the bill: “It cuts off 500 Democratic voters from this state at one stroke.” The test oath was not, of course, a strictly partisan issue. Two Republicans had voted with the Democrats in the Senate and a few Democrats had joined the Republicans in passing AB 100 in the Assembly.

⁴⁴ Nevada, *Journal of the Assembly*, 1887, p. 356.

⁴⁵ *Nevada State Journal*, March 3, 1887; U.S., *Congressional Record*, 49th Cong., 2nd Sess., p. 2470. The House concurred in Senate amendments to the bill on March 2.

⁴⁶ *Owyhee Avalanche*, February 26, 1887.

⁴⁷ *Ibid.*, March 12, 1887. Cleveland withheld his approval after being informed, particularly by Governor Edward Stevenson, of Idahoans’ opposition to division of the territory. Wells, “Politics in the Panhandle,” 86.

⁴⁸ Stewart to John S. Mayhugh, July 6, 1887; Stewart to E. J. Curtis, July 6, 1887; Stewart to Fred Dubois, July 8, 1887. Stewart to Norman Buck, November 18, 1887, Stewart papers; Wells, “Politics in the Panhandle,” 87. Stewart may have begun having doubts about the wisdom of any annexation that was dependent upon an exclusionary test oath (Stewart to Mayhugh, July 6, 1887), but, nonetheless, he did attempt, in July of 1888, to have the U.S. Senate allow northern Idaho to hold a plebiscite on the question of joining Washington. Senators Shelby Cullom of Illinois and George Hearst of California were instrumental in the defeat of the plebiscite plan. Merle W. Wells, “The Idaho Admission Movement, 1888–1890,” *Oregon*

Most of the political and legislative appendages of the annexation effort of 1887 lost all importance once the effort ceased. One that did not was the test oath act; it remained on the statute books after Cleveland's veto killed the movement that had brought it into existence.

Although there seems to have been little effort to enforce it, the law was soon challenged. George B. Whitney, a Lincoln County resident and a Mormon, applied to a justice of the peace in his county to be registered as a voter. When the justice refused to register him because he would not take the required oath, Whitney asked the state supreme court for a writ of mandamus compelling the justice of the peace to place his name on the voter roll.⁴⁹

At its October, 1888, term the court struck down the test oath law. In granting Whitney's requested writ, it ruled that he possessed all the qualifications of an elector required by the Nevada constitution, under Article II, Section 1, and that different and additional statutory qualifications were unconstitutional and void. The court found it unnecessary to consider, additionally, whether Whitney's right of religious freedom, under Article I, Section 4, had been abridged.⁵⁰

The events surrounding the introduction and passage of the 1887 test oath legislation, the most significant statutory expression of anti-Mormonism in Nevada's history, indicate strongly that the legislation would not have been introduced, much less approved, but for the southern Idaho annexation movement, which, in turn, owed its strength, if not its existence, to the political interests of William Stewart. Long-standing hostility toward the Mormons who lived within Nevada's borders was not the cause of the test oath measures; it was merely the pre-existing condition that permitted their birth.

Historical Quarterly, 56 (March, 1955), 28-29. For more on Stewart's annexation efforts after the spring of 1887, see Wells, "Politics in the Panhandle," 86n, 88.

A few voices favoring annexation continued to be heard in Nevada and Idaho after 1887. As late as 1889 the Nevada *Tuscarora Times-Review* was calling for the division of Idaho between Nevada and Washington, and sentiment for annexation to Nevada remained alive in Alturas County, Idaho, until the eve of statehood in 1890. Wells, "The Idaho Admission Movement," 39n.

⁴⁹ *State of Nevada ex rel. Whitney v. A. M. Findlay*, Nevada, Supreme Court, *Reports*, 1887-1890, pp. 198-202.

⁵⁰ *Ibid.*

The Early Emigrant Pass Between Mt. Judah and Mt. Lincoln

E. W. HARRIS

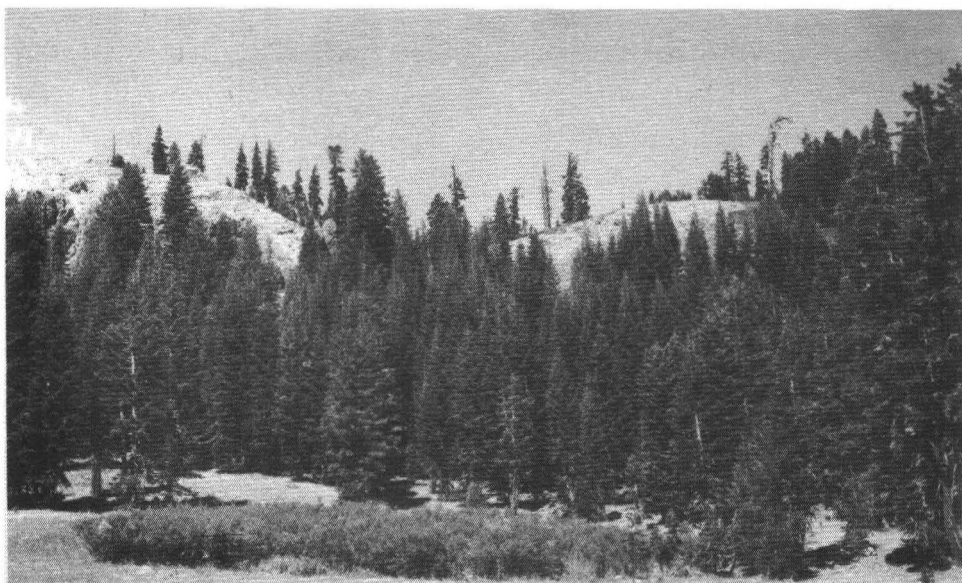
INTRIGUED BY THE various vivid accounts of the difficulty of pulling wagons over the pass between Mt. Judah and Mt. Lincoln on the Truckee River Route to California, the author made three hikes to this pass in the summer of 1977 to photograph and measure the actual gradient of the final slope to the crest.

Before describing the topography of this pass in detail, a brief historical review is in order.¹ In 1844 the Stephens-Murphy-Townsend Party under the guidance of Chief Truckee and the famed Caleb Greenwood first pulled wagons over the terrible granite cap directly to the west of Donner Lake. The route lay along the north side of the lake and crossed the summit in the notch presently used by the Southern Pacific Railroad and the older highway U.S. 40. Originally called the Truckee Pass, today it is called the Donner Pass of the railroad and the "older" Highway U.S. 40. The elevation at the crest is 7088 feet above sea level, a climb of about 1200 feet from Donner Lake. At a point about halfway up, the Stephens Party actually had to unload their wagons, unyoke their oxen and maneuver them to a position above a rock ledge, from which by means of chains connected to the wagons below, and manpower at the wheels, the wagons were finally pulled to the crest. This heroic endeavor established the opening of the California Trail.

In 1845, the William Ide Party, guided by Greenwood, used this same pass; it took two full days and a Herculean effort to reach the crest. Other parties also passed this way including Frémont late in the year using pack mules and horses but without wagons.

Edwin Bryant crossed the Truckee (Donner) Pass in 1846 with pack mules, and reached Johnson's Rancho en route to Sutter's Fort (Sacramento)

¹ See the following works: George Stewart, *The California Trail* (New York, 1962); Irene Paden, "Facts About the Blazing of the Gold Trail . . .," in John W. Caughey, ed., *Rushing for Gold* (Berkeley, 1949); George Stewart, *The Opening of the California Trail* (Berkeley, 1953); and Ruth Hermann, *The Paiutes of Pyramid Lake* (San Jose, Cal., 1972).



The Judah-Lincoln Emigrant Pass (1846) in the Sierra Ridge southwest of Truckee, California. View west from mountain meadow below. Pass elevation approximately 7860 feet. H. J. Curran Photo. 1977.



Emigrant Trail starting the difficult climb up to the Judah-Lincoln Pass from the meadow below. Near the crest the slope angle is 30° . H. J. Curran Photo. 1977.

on August 30th.² Following him, John Craig and Larkin Stanley, with two wagons, used the same pass and arrived at Johnson's Rancho on September 13th.

About this same time the Joseph Aram Party guided by Chief Truckee paused at or near Truckee (Donner) Lake and spent three days exploring for an easier gap in the great Sierra Ridge. Finally Aram turned to the southwest following Cold Creek to its confluence with Emigrant Creek and thence (presumably) to its head along Emigration Canyon. Here they reached the pass between Lincoln and Judah peaks, and found it incredibly steep for wagons, some 800 feet higher than Truckee (Donner) Pass, but in the final analysis easier for wagons.³

The approach was from a tiny mountain meadow encircled by tall pines. The last 900 feet to the crest was exceedingly difficult but still easier than the granite escarpment of the Truckee (Donner) Pass. Referring to the actual profile of this final ascent as surveyed by the writer and H. J. Curran on September 4, 1977, (Fig. 1), it will be seen that the final slope is a 30° angle, or 57.6% grade.

It should be noted here that in railroad engineering practice, the maximum per cent gradient is seldom over 2% for main line traffic. The Southern Pacific westbound track reaches a maximum grade of 2.33% between Sparks and the Donner Pass. Also modern highway design does not favor grades of over 7% for modern fast travel.

To accomplish this feat of pulling wagons to the crest of Judah-Lincoln Pass, the Aram Party hitched five yoke of oxen (ten oxen) to a single wagon on the slope below the crest, and then by means of a long rope connected to five more yoke at the crest, each wagon was moved to the top by their combined effort.⁴

It would seem that some form of roller was used by the Aram Party to allow oxen to pull at the crest without dragging the rope over the lip and causing great friction drag (see Fig. 1). However, the reminiscences of Joseph Aram written in later years does not mention its use.

On September 22, a week later, the Nicholas Carriger Party, guided by Greenwood with eight wagons, used a windlass or log roller with twelve yoke oxen on top and twelve yoke on the bottom slope to haul their wagons up to the crest. Carriger's brief journal entries were as follows:⁵

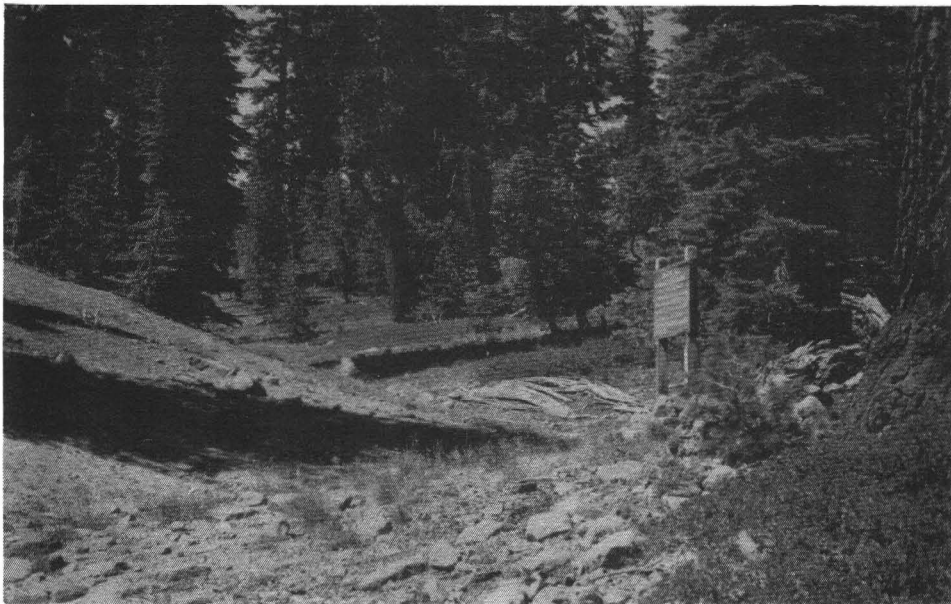
21 up the mountain distressing bad 8 miles to the foot of the high California mountain and got 8 waggons

² Edwin Bryant, *What I Saw in California* (Palo Alto, Lewis Osborne, 1967), 229-231.

³ Joseph Aram, "The Reminiscences of Captain Aram," in James T. Watson, "Across the Continent in a Caravan," *Journal of American History*, 1907, Vol. I, #4, 628.

⁴ *Ibid.*

⁵ "Diary of Nicholas Carriger," in Dale Morgan, ed., *Overland in 1846: Diaries and Letters of the California-Oregon Trail* (Georgetown, Calif., 1963), 146.



The trail and marker at the crest of the Judah-Lincoln Pass. Elevation approximately 7860 feet. First located and used by the Aram and Carriger Parties in September 1846. H. J. Curran Photo. 1977.



View looking south from the crest of the Judah-Lincoln Emigrant Pass showing the meadow below the pass and a portion of the Sierra Ridge. H. J. Curran Photo. 1977.

- 22 we made a roller and fassened chans to gether and pulled [?] the wagons up withe 12 yoke oxen on the top and the same at the bottom.

The manner of connecting wagon and oxen may have been the same as that of the Aram Party or perhaps a more complex variant. For example, if two separate chains or ropes were wrapped around a large circular tree trunk held firmly in bearing supports to act as a windlass, it would allow oxen to pull up on the top and down the slope on the bottom. Both pulls could cause the same direction of rotation of the trunk or roller and move the wagon upward.

The difficulty of this passage was vividly expressed by Heinrich Lienhard in 1846: "... it was probably between 3 and 4 o'clock when we arrived at the base of the summit. The wagons were left standing when they came to this point. The summit lay 2 to 300 ft higher."⁶ Then describing the party ahead of him, Lienhard continued,

Since no animal could climb up there, all the ox chains had been fastened together, and when these did not reach from the base to the summit, a number of tall young fir trees had been notched deeply enough that the chains could be fastened to them. Up on top 20 oxen were hitched together by chains and young trees and various ropes were also tied to the tongue and to the back of the wagon for the purpose of holding it. The men took their places at either side of the wagon, then the 20 oxen above were made to start and the wagon moved up the steep incline with the men hardly able to climb along. With the combined efforts of so many, they finally did succeed and disappeared from our view on the western slope.⁷

The wagons were usually unloaded and the contents carried up to the crest by manpower. According to Ruth Hermann, "in the same year, 1846, and about the same month, September, that the two routes to the south [of Donner Pass] Emigrant and Cold Stream Canyons, were established, other emigrants stamped out a new easier trail to the northwest."⁸ This trail follows the older Emigrant Canyon route about a mile west of Horseshoe Bend, then leaving the canyon it swings on a northwesterly course passing through a mountain meadow finally reaching a pass just south of Donner Peak between Donner Peak and Mt. Judah. This route over the pass was still easier for wagons and was most used by the emigrants, including the Forty-Niners thereafter. The route was marked by trail explorer P. M. Weddell of San Jose, California in 1924 when the trail was plainly visible in most sections.⁹ By following Weddell's markers nailed to pine trees it can still be followed today. The final ascent to the pass is steep but less so than that over the

⁶ Heinrich Lienhard, *From St. Louis to Sutters Fort, 1846* (Norman, 1961), 170-171.

⁷ *Ibid.*

⁸ Hermann, 59-63.

⁹ See map of P. M. Weddell reproduced in Hermann, p. 76.

PROFILE OF
EMIGRANT PASS BETWEEN MT. JUDAH AND MT. LINCOLN, SIERRA NEVADA MOUNTAINS, ON TRUCKEE RIVER ROUTE
EMIGRANT TRAIL TO CALIFORNIA

How the wagons were pulled to the pass:

In September, 1846, the Aram and Carriger Parties are credited as having first located and used this pass. The Carriger Party with Caleb Greenwood as guide built a log roller with pine trees at the lip to act as a bearing for chains connecting multiple yoke of oxen at the crest with a wagon below (or with additional yoke connected directly to a wagon below the crest). The route to this pass was via Coldstream and Emigration Canyons or via Coldstream Canyon.

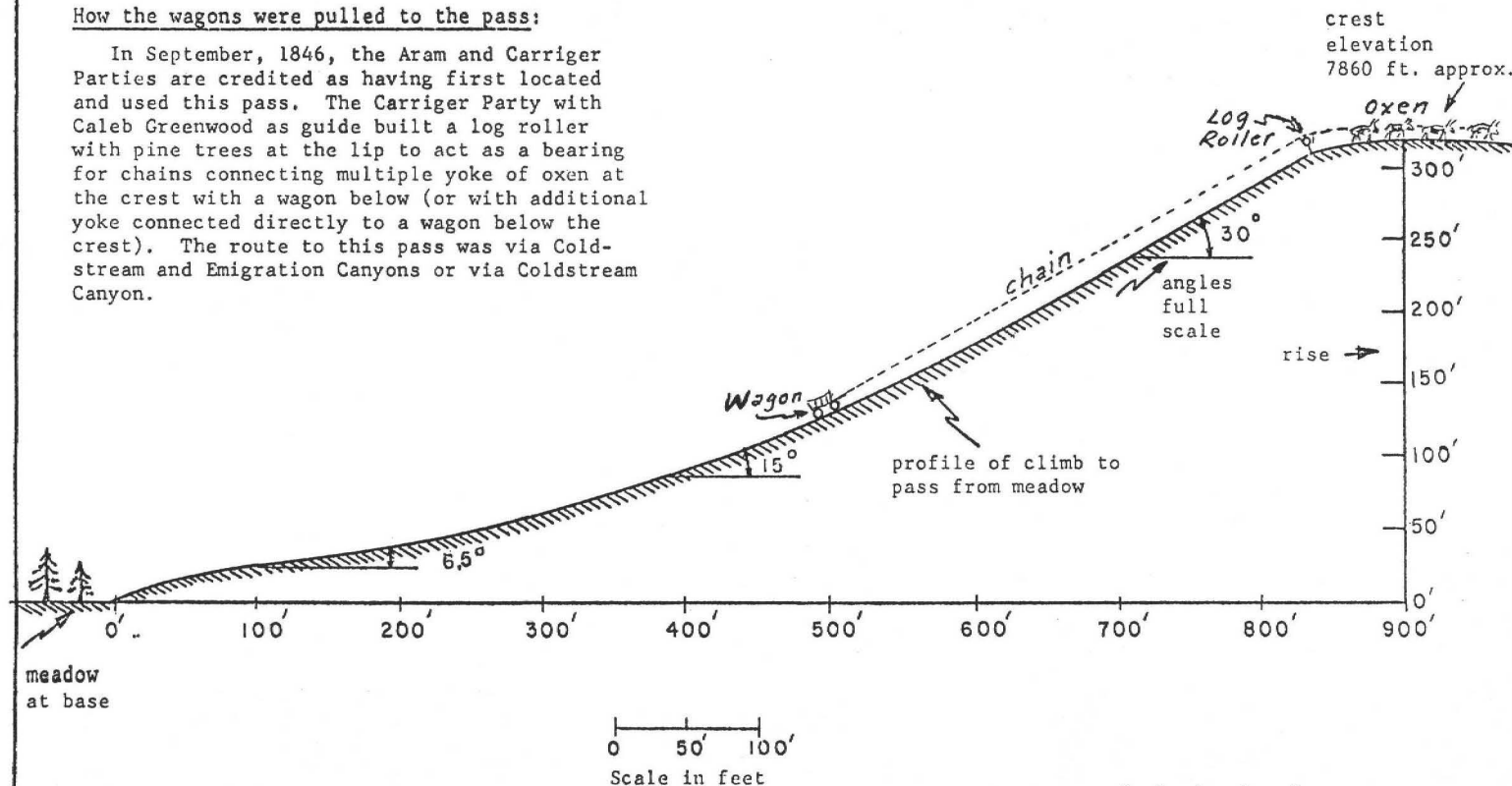


FIGURE 1

Judah-Lincoln Pass. The elevation at the crest is about 7850 feet above sea level. Adjacent Donner Peak is 8019 feet. The Judah-Lincoln Pass elevation is almost the same, approximately 7860 feet.

An examination of the U.S.G.S. maps "Donner Pass Quadrangle" and "Truckee Quadrangle" 15 Minute Series (Topographic), will show the two most probable routes taken by the emigrants en route to the Judah-Lincoln Pass after following Cold Creek to the present Horseshoe Bend of the Southern Pacific Railroad:

- (1) Via Emigration Creek and Canyon to its headwaters near the foot of the pass.
- (2) Via Cold Creek to its headwaters and the foot of the pass.

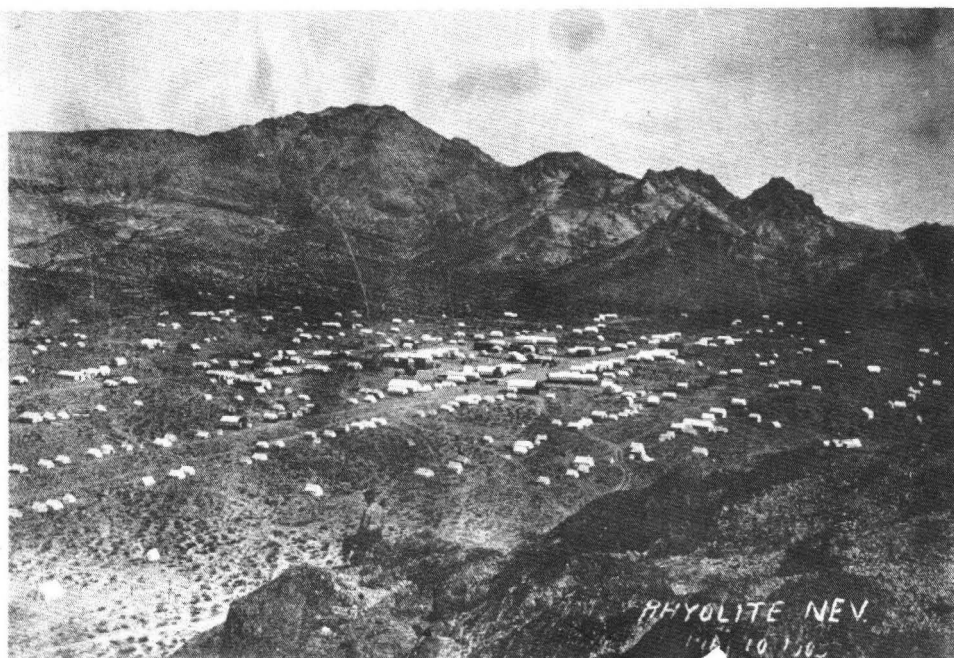
A dividing ridge separates both routes. Trail historians believe both routes were used, but due to fires, lumbering, and erosion the trails are not presently discernible in many portions, especially that via Cold Creek.

In summary, the emigrants used three passes over the Sierra Ridge in the immediate region of Donner Lake: (1) the Truckee (Donner) Pass, (2) the Donner-Judah Pass, and (3) the Judah-Lincoln Pass.

The most used and easiest, the Donner-Judah Pass, is commonly called the Coldstream Pass, perhaps somewhat erroneously since it leaves Cold Creek at the Horseshoe Bend. At the crest several markers have been placed, including a cairn of rocks by P. M. Weddell in 1924, and a steel marker by the Nevada Emigrant Trail Marking Committee in 1973. Similarly a historical wooden marker placed by a Boy Scout Troop of Citrus Heights, California marks the crest of the difficult Judah-Lincoln Pass.

To reach the Judah-Lincoln pass of 1846 today, one can drive to Horseshoe Bend of the Southern Pacific Railroad just out of Truckee, California, and then start to hike in a westerly direction more or less adjacent to Emigrant Creek and Canyon. The trees and brush are dense in places and there is no single trail to follow. A map and compass are advisable. Some three miles from the Bend one finally bursts through the trees upon a beautiful small mountain meadow at the foot of the pass which occupies a small notch in the formidable Sierra Ridge, partially masked by thick pines and craggy rocks. After crossing this meadow a steep 900 foot climb along the slope will take one to the crest. The actual rise in elevation is 300 feet as shown by Fig. 1.

It is only by actually walking over this difficult terrain that one can gain a true appreciation of the courage and heroic endeavors of the emigrant pioneers in pulling wagons over the great Sierra Ridge to reach the gold fields of California.



Rhyolite, May 10, 1905



William Paul Geary (1875–1929), Atchison, Topeka & Santa Fe RR Depot,
Winslow, Arizona Territory, ca. June 1905

NOTES AND DOCUMENTS

Rhyolite:

"Don't Know the Date and Don't Give a Damn"

GUY LOUIS ROCHA

IN MID-MAY OF 1905, William Paul Geary, Navajo County District Attorney, wrote a letter from Rhyolite to his friend Ed Steineck in Winslow, Arizona Territory, which presents a vivid, extremely humorous, and rare account of the southern Nevada mining camp in its fourth month of existence. The letter would have been lost if not for the fact that Mrs. Margaret Bourg, Ed Steineck's daughter, recognized its historical value, contacted the Society (Mrs. Bourg resides in Denver), and graciously offered to donate the handwritten correspondence. The Society gladly accepted the donation, which also included a photograph of Geary posing in front of the Winslow railroad depot.

Born September 12, 1875 to Mr. and Mrs. John P. Geary, young William was raised in a strict, middle-class household in Leominster, Worcester County, Massachusetts, where his father was bound and determined that his son follow in his footsteps and make something of himself. Upon completing high school, "Geary Jr." entered prestigious Boston University, graduated in 1897, embarked upon a study of law, and was admitted to the Massachusetts bar. All was going along as planned.

"Willie," heeding Horace Greeley's advice to "go West, young man," decided in 1901 that Arizona Territory was the place to make one's fortune. He opened a law practice in Winslow, and by 1904 had well established himself in the northern Arizona community; he then concluded that it was about time he ran for office. On November 8, Navajo County residents elected Geary their district attorney by a margin of 92 votes, which was a substantial margin of victory given the fact that only 630 men voted in the election. Again he had satisfied his professional aspirations, but Geary also desired financial success. After spending nearly four years in the territory, he discovered that when it came to making big money, "dame fortune" resided on the north side of the Colorado River.

On April 4, 1905, Geary was granted a sixty-day leave of absence from his duties as district attorney, and shortly thereafter he left Winslow for southern Nevada, "the touted land of golden dreams" as he wrote a month later. Generated by the discovery of precious minerals, the mining excitement in the areas that became Goldfield (1902), Bullfrog (1904), and Rhyolite (1905), held forth the dream of instant wealth. Geary was not about to let an opportunity to make good escape him. Although he was admitted to the Nevada bar on April 24, Geary never practiced law in Rhyolite, the town in which he had decided to live while amassing his fortune. No, William Paul Geary was going to be a mine-owner.

Almost every man, and a number of women, who were travelling to southern Nevada were doing so hoping they would become mine-owners and strike it rich. Platted January 15, 1905, Rhyolite rapidly grew from a couple of isolated tents with their lonesome occupants into a sprawling, raucous tent city of 1500 "rainbow chasers" by the end of May. The new residents quickly discovered that not only was gold a rare commodity in the surrounding hills, but basic services in the infant Nye County community were practically as elusive.

The convenience of tent housing speaks for itself, especially since daytime temperatures in mid-May hovered around the ninety-degree mark. The first U.S. Post Office was not opened until June 17. Mail arrived three times a week via stage from Goldfield, and the distribution left something to be desired. After the mail sack was opened at William Parker's grocery store on Golden Street, Bill, or a volunteer bystander, would mount whatever was available and call out names. Unclaimed mail was thrown in a box, and when that began to overflow, into a barrel, where everyone was welcome to examine it. Prior to the completion of a standard three-inch water line from nearby Indian Springs to Rhyolite in August, the vital liquid cost from two to five dollars per barrel. According to the *Rhyolite Herald*, which published its first issue on May 5, even the daily diet proved to be poor fare. The newspaper reported that town residents "were fed at lunch counters, and often stood in line for an hour or two waiting their turn at 'hams-and's' at 'six bits a throw.' Even the teetotalers were subjected to a strong solution of corn-juice in tea and coffee, for all the water was hauled in whiskey barrels which had only recently been emptied of their contents." Geary satirically addressed these aspects of early Rhyolite social life, and more, in his letter.

At the same time, Geary had indeed secured some mining property to the north of Rhyolite in Esmeralda County. The Articles of Incorporation for the Goldfield-Ophir-Extension-Gold Mining Company were notarized in Goldfield on May 12, and then sent to William H. Burbage, Geary's close friend and business associate, in Winslow, where he had them notarized on

May 22. Burbage then filed for incorporation under Arizona law on May 26, and a copy of the incorporation papers were received by the Nevada Secretary of State on August 2.

The fate of the mining company remains a mystery. Upon returning to Winslow sometime in early June, Geary resumed his duties as district attorney, and moved back in with the Steineck family. Ed Steineck, a freight conductor for the Atchison, Topeka & Santa Fe Railroad, had befriended Geary shortly after the aspiring young attorney's arrival in Arizona Territory. On October 18, Geary married Leila Buchanan, and, presumably, they spent a portion of their honeymoon in Goldfield. *The Goldfield News* of November 10, 1905 reported that "Mr. and Mrs. W. Geary of Winslow, Arizona, arrived in camp this week for the purpose of locating." As Navajo County D.A., there seems little chance that Geary was about to relocate, but he may have been looking after his interests in the Goldfield-Ophir-Extension-Gold Mining Company. Still, the local newspapers made no mention of the corporation, and no records exist which show that the mining company did any development work or issued stock. Given the circumstances of his seemingly abortive mining venture, did Geary ever realize the hope he had expressed in his letter to Ed Steineck of going home "an aristocrat and lap up a few large beers with his respected pa"?

Despite his failure to penetrate the circles of Goldfield's financial aristocracy, it seems reasonable that Geary finally did make a triumphant return to Leominster given the subsequent events in his life. Geary and his young bride soon returned to Winslow, and in 1908 the Navajo County D.A. was re-elected to a second term in office. Just prior to Arizona's admission to the Union on February 14, 1912, Geary was elected a member of the State Corporation Commission. He served as the agency's first chairman until January 1, 1917. Shortly thereafter, he was appointed an Assistant Attorney-General of Arizona.

With the United States entrance into World War I, Geary at forty-two was eager to offer his services. He was assigned to the Judge Advocate's department with the rank of Major. Following the war, Geary was promoted to Lieutenant-Colonel, and made Judge-Advocate of the 45th Division of the U.S. National Guard. He also served as commander of the Arizona American Legion.

William Paul Geary spent his final years in Holbrook, the county seat of Navajo County. He died, December 5, 1929, at the U.S. Veterans' Hospital in Whipple. If only John Geary had survived his son, he would have been proud to read that William "was one of the most widely known men in Arizona . . . [and that] all Arizona mourned the death of Lieut.-Col. W. Paul Geary. . . ." "Sonny" had most assuredly made something of himself.

Rhyolite (don't know the date
and don't give a damn)

Dear Ed:

As yet I have received no word from you and know that it is almost impossible to expect a letter after it once gets in the throes of this post-office department. I have been rather quiet all day and felt that I must let myself loose in a letter tonight or else something would burst. My immediate associate here is supposedly in the real estate line although his appearance indicates a life of forced employment on the rock pile. One of these days I am going to condemn him to be shot at sunrise. He is a large gentleman wearing educated whiskers and a sardonic smile and *entre nous* I believe him to be as nice a man as ever cut a throat or scuttled a ship. I have listened to his hot-air all day and you can likely imagine how ornery I become ere sunset.

By the way this place feels as if the sun never really sets (how that word *set* must appeal to you at this time of year.) We are only a few miles from Death Valley and are getting the far famed article of heat. In fact if I had determined on a journey to the depths of hell, I couldn't have selected a route indicating such a natural graduation of atmosphere. Today I was dizzy, wilted, fatigued and for once in my life found something worse than sea sickness. My costume was rather cool, undershirt and trousers. In fact I have given up wearing clean collars any more as there is no immediate hope of a laundry here and a bath would cost one thousand dollars.

Regarding this latter. I advisedly use the word "bath." How I linger on it. It is like a man dying of desert thirst and seeing far away on the horizon of a deluded fancy, visions of babbling brooks, aqueous fountains and gurgling springs. "Bath," Lord God, what magic in thy name. However I haven't begun to scratch yet, so there is still hope. In this place a drink of water constitutes a meal and a hot one at that.

For a change we have the same old mountain of ham and its surrounding sea of eggs. I am rapidly developing a piratical turn of mind aided and abetted by the diabolical influence of ancient ham and last year's eggs. One of these nice tropical mornings, in a future not far remote I am going to bid my office confrere a fond adieu and hie back to Winslow where I can get a drink of water and a meal.

I can see no particular hope for the camp during the summer as the heat is severe enough to occasion extreme lassitude and make a man dreary. My dreams these days are of an intensely practical nature and embrace such luxuries as steak, veal, pork (perhaps) and *chicken*. (God save this last). This place is like the song of the brook in its status as men come and men go. Few however stay. You have heard the adage "See Venice and then die." Well I say see Rhyolite and if you don't drop dead on the spot, you are possessed of heart enough to withstand anything on earth. Nevertheless I am fat, fair and sometimes full of hope, not soap, and am rapidly becoming a nice shining luminary in Bullfrog Society.

A young gentleman clad himself in a dress suit the other night and went into one of the canvas palaces of sin, generally mentioned as a saloon. Whereupon the boys and assembled guests present placed him in an upright position on a beer keg and charged the modest price of four bits a look. Who says the spirit of advanced civilization does not exist here! When we get boards enough to erect a platform Rhyolite is to have a ball. All the *ladies* present have signified a willingness to attend, accompanied by their divers and sundry husbands(?), admirers,

devotees and macks [pimps]. Of course Rhyolite will endeavor to make this the swell primary social event of a turbulent season, and every man is expected to do his duty. In matters of the every day *ball* I can personally vouch for the ability of the local population.

I am not drinking one drop liquor or beer, Ed. In fact I dare not as the local beverages are composed of panthers breath and Gila monster liquid. My partner(?) says it is hell in large doses and I reckon he is right. At any rate his nose indicates a vast store of superior knowledge along these lines and to him I bow in deference. "The Prophet of the West has spoken." But say, upon my soul, I would give a Kansas farm with a barbed wire fence around it, could I get one drink of good cool water. My partner, nevertheless is a man of many, many parts. A compound as it were of booze, graft, crime and intellect. He can discuss matters that would surprise you and late today I asked him if he were a college man. He said yes, University of Virginia. Sometimes I feel sorry for him and again I think I'll kill him. At any rate he is clever at his particular line which indicates almost everything.

Well, Ed, while I was at Goldfield I secured a mineral proposition that is a dandy and have already sent the Articles of Incorporation to Burbage. From present indications we have every chance in the world of striking good ore and we are in a magnificent mineral belt and in a particular locality where the ore is known to obtain depth. As a matter of fact we have two well defined ledges, easily traceable on the surface for over six hundred feet, every bit of it pans and horns [a method of separating gold from crushed rock using a cow's horn], and bears unmistakable evidence of being true fissure veins. It is a quartz formation having a contact of porphyry and native granite and on the claims adjoining ore as high as \$600 and \$1000 to the ton has been struck in shipping quantities.

Some of these prospectors and miners are ultra enthusiastic regarding this particular district as they well know that it is one having the experience of fifty years of exploitation and the surrounding mines are deep and produce well. I have secured a nice large block of stock and in any event am foxy enough to make a few thousand on the deal. However if the proposition turns out as predicted, there isn't money enough in Winslow to cause me to part with my holdings. Further than that I will keep an eye on development, insist that every share of treasury stock is expended for the purpose of development and I reckon you can trust Willie to having head enough to retain control of matters.

I am going to sell enough stock to sink a shaft and explore if I have to go back East and load up the old man. It won't cost such an awful amount of money to determine whether or not the property carries paying values and at present at a depth of fourteen feet we got quartz averaging \$3.00 to the ton. That is a grand showing, enhanced as it were by the fact that the body of ore encountered is considerable over six feet in width. Sometimes I think it would not be so strange after all if Willie should go back home as an aristocrat and lap up a few large beers with his respected pa. Under circumstances of that character the old gent might relax so far as to call me "sonny" once more. That was always the first word of confidence passed when Geary Sr. and Geary Jr. formed a mutual admiration society and went into executive session. Palmy days long since gone for me, and sometimes I think it is but the hope of their return that prevents me from casting everything to the winds.

I wish I hadn't taken a trunk with me as it is not, and never has been, my practise [sic] to travel with one. As an item of unmitigated nuisance commend

me to a trunk. It requires too much of one's time and attention to suit me and, furthermore in this particular locality nobody wears anything but khaki. I reckon my clothes are ruined, but there happens to be more where those came from, so I don't worry about that.

It is getting late and about two hours beyond my usual bed time but I am going to defer the charms of Morpheus for a short time yet. In fact the sheets are not as snowy as you might think. Did I say sheets? 'Twas but a joke.

I presume by this time you have a rifle in the house and are doing considerable prowling looking for that carnivorous animal known as the festive and musical cat. Be careful of those hens and chickens Ed, as I want a meal off a few hind quarters on my return. In fact I can heartily promise that in and during your absence from the Steineck domicile, I will give good kind and careful attention to the well being of those mulish things in your back yard, generally known as fowl. Thoughts of eating squabs drive me mad so I will desist of further mentioning this item of a well regulated, delicate and luxurious menu. I must there and then come back to the clammy, sordid ham.

There happen to be thirty four thirst parlors in this town and all thrive. That is a right smart number for this population but still the local thirst is superhuman and dusty throats will become hot and dry. About twelve restaurants flourish and as yet I haven't counted the denizens of the half-world and am not likely to. In the catalogue of sporting, raising thunder etc., I can honestly say I am guilty of all things but associating with the Mauds and Lillians. And we have a crowd of them here in southern Nevada, the touted land of golden dreams.

I am feeling quite good as far as the rheumatism is considered and have come to the conclusion that I have a tough spot in me somewhere, perhaps my head. At any rate, I am red faced, and ornery and that is saying enough. Tell Mrs. S. that I am cranky and sarcastic enough while under the influence of liquor but it isn't a marker to my disposition these days. All this for a man who is generally the personification of good nature.

You tell Lucile [Ed Steineck's four-year-old daughter] that Mr. Geary will surely be back soon enough to give that oft promised ride to St. Joe [St. Joseph, a railroad station and post office on the Atchison, Topeka, and Santa Fe Railroad some twenty-three miles east of Winslow]. That is providing always that she is a good girl and doesn't run away, throw stones or fight. Olive and Jessalyn may do that but Lucile wouldn't. If you don't believe me, ask her. By George I can't help laughing when I think how she used to come into Flinn's "Hall of Fame" get up on my knee and listen with confiding glee to the hot-air and taffy that I could sling. And when I said Lucile was about the fairest little girl in town, and there upon receive the unanimous assent of the gang, she would feel almighty tickled. As a student of human nature, it likewise tickled me. I have at least one asset of which I am sometimes proud and that is pleasant memories. Perhaps you can imagine the smile irradiating my sun burned plug right now.

Did you ever read that exquisite little poem:

A man on a desert stone

Eating his heart out,—all alone.

Change the word heart to ham and you will have arrived at a philosophical metre of local poetry, germane to matters gastronomic. (Damn that last word).

Well Edwardo I think I have "chawed" enough and will place this in our automatic post office and thence to bed. If any of the local plugs inquire regarding my return tell them on or about June 6th is the day set for the celebrated advent of W. P. to the deserts of Arizona, and to never mind slaughtering one fatted calf as one fat chicken will help some to satisfy his wants. That, plus a shave, a hair cut, a bath, a DRINK, a jolly, and Richard will be himself again.

Yours in ham,
William P. Geary

Secy' and Treas. of Goldfield-Ophir-Extension-Gold Mining
Company. (Guess that's poor)

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Book Reviews

Martha and the Doctor: A Frontier Family in Central Nevada. By Marvin Lewis, edited by B. Betty Lewis. (Reno: University of Nevada Press, 1977. 247 pp., \$5.00)

HISTORIANS HAVE long been concerned with Hollywood's soft-cover version of the American West, but their efforts to project a new reality have been largely in vain. Certainly there were shoot-outs, stage robberies, feuds between big cattlemen and nesters, wronged individuals seeking revenge, Indians wiping out whole families of settlers, etc., but most of the troubles faced by our pioneer ancestors were more prosaic, non-violent and uninteresting. The vagaries of the weather, for example, blizzards, droughts and floods, were major concerns, as were isolation, loneliness, boredom, hard work, mortgages, grasshoppers, sickness, old age and death.

Marvin Lewis' *Martha and the Doctor* reflects something of the latter, at least as it was for the principals in the story, Dr. James W. Gally and his wife, Martha. Transplanted Ohioans, the Gallys arrived in Austin, Nevada with their two children in October of 1864. Making use of Martha's diary, letters to her family, Dr. Gally's writings, and contemporary newspapers, Lewis chronicles ten years of misery, poverty, false hopes, shattered dreams and futile adventures before one of the doctor's many mining speculations finally paid off and enabled the family to move on to California and to more genteel circumstances.

Lewis died in 1971 when the book was in its final stages of revision for publication, and his sister, Betty Lewis, carried the project to completion. One is thus uncertain who contributed what, but the book is definitely written from a feminine point of view. The nature of the major research source, Martha's diary and her letters, perhaps dictated this tack, but in any case the reader is treated to a wife's view of the mining frontier, the inadequate housing, the disease, monotony, lack of cultural outlets, as well as such petty irritations and miseries of everyday life as the hogs trampling a carefully-nurtured garden, the death of the family dog and a favorite horse, disputatious, bothersome neighbors, the problems of educating her children, attempts to vary the family diet, and similar matters. Martha's diary and

letters also reflect something of her personal frustration and sense of hopelessness as her husband pursued one elusive mining venture after another and moved the family from Austin to Hot Creek, from Hot Creek to Shermantown in the booming White Pine District, back to Hot Creek, and then on to Tybo.

A dentist by profession (although he never practiced in Nevada) Dr. Gally appears ever the optimist, always seeking the mineral lode which would make him his fortune, or the political office which would gain him the recognition he felt was his due. The fact that he remained a Democrat to the end of his days indicates something of the man's lack of political perspicacity, but his mining endeavors finally paid off. In the meantime, his only employment in Nevada consisted of occasional freighting jobs to keep the family going. Certainly he could have gone to work as a miner, mill hand or laborer and provided for his family, or he could have even practiced dentistry, but he did not. In all fairness to Dr. Gally, he did serve as the Justice of the Peace in Hot Creek for several years and apparently did a creditable job. He also became a writer of some local note, but his literary efforts served only to swell his head rather than his pocketbook. Martha meanwhile remained the doubter in the background, quietly enduring years of desperate poverty, reading her Victorian novels, raising and nurturing her children and confiding her secret thoughts to her diary. Indeed, her situation is a commentary on the tragic circumstances of women in nineteenth-century America.

The boom and bust cycle of the mining camp is reflected in the Gally's life at Hot Creek and Shermantown. Here are the hard lessons, the exhilaration of the first strikes, new capital flowing in, a new mill, a proposed railroad and new prosperity followed by the pinching out of the lode, hopeful expectations of new mineral wealth nearby, a fire at the mill and the eventual realization that the boom is over. The agony of not knowing what the future will hold then follows as the town declines and families are once again separated as the men strike out for the next boom. Very shortly, the cycle begins all over again.

Martha also chronicled something of the aimless and gratuitous violence which characterized the mining frontier, the easy sexual mores, the drunkenness and cruelty of husbands, the dissolute characters who drifted through Nevada and, perhaps most of all, the very tenuousness of life itself. Martha's diary also reflects something of the warmth of the Gally's family life, the simple satisfactions of picnics and outings, watching the children grow to maturity, enjoying the sunsets and the quiet of the evening.

In summary, the reader will search in vain for the West as Hollywood screenwriters would have it. Here is the West as it was, heroic and romantic

only in the sense that men dreamed and strived and lived to overcome adversity, and their women stuck by them and saw it through to the end.

PHILLIP I. EARL

Nevada Historical Society

Nevada Official Bicentennial Book. Edited by Stanley M. Paher. (Las Vegas: Nevada Publications, 1976. 528 pp., illustrated)

"THERE ARE EIGHT million stories in the naked city. This is just one of them." This opening of a 1950's TV show might serve quite well as a subtitle for *Nevada Official Bicentennial Book* edited by Stanley W. Paher and published by Nevada Publications. Two changes would be necessary, however: for "city" read "state" and for "eight" read "two hundred sixty-four."

Nevada indeed is the Comstock Lode, Lake Tahoe, Vegas casinos, and divorces, but it is also infinitely much more than that. Nevada is the day-to-day lives of tens of thousands of people, individuals who over the last hundred and fifty years have worked their crafts, plied their trades, dreamed their dreams, breathed the dust, drunk the whiskey, wept in defeat, and scratched the hard surface of this state. Their marks are left here, indelibly stamped, and Vegas, Tahoe, Virginia City, and divorce notwithstanding, it is their story which is the story of the state—the skeleton on which everything else finally must hang.

Consider the following words, words which to most of us mean a vague notion of a person, place, or thing, but words which to some people at some time meant a lifetime of sunrise to sunset labor, unspeakable grief, raw courage, lust, exhilaration, devotion, and everything else that is life. Words like: Unionville, Pah-Ute County, McGill, Pahrnagat, prostitution, thunderboats, the strip, moonshine, banks, railroads, nuclear bombs, midwives, turkeys, trolleys, hangings, beer, stock certificates, cattle rustling, the Ghost Dance, Paradise, Austin, Belmont, Goldfield, Mazuma. And people: Teddy Roosevelt, a bus driver, the Chinese, Howard Hughes, a pit boss, Bugsy Siegel, Horace Greeley, Wyatt Earp, a lady sheriff, Snowshoe Thompson, a blind miner, Kit Carson, the Mormons, Walter Baring, the Clampers, Mark Twain, Anne Martin, Jews, drunks, Death Valley Scotty, dudes, the Queen of Black Rock, Brigham Young, John C. Fremont, Basques, Black Nevadans, Sarah Winnemucca. And still more places: Dayton, Jarbidge, Prince, Tempu-te, Bullfrog, Beatty, Mina, Panaca, Empire, and Sand Mountain.

Each of these words means or meant volumes to the people who were there and lived them. The *Bicentennial Book* is a kaleidoscope of the ever-turning, ever-changing patterns and colors of the people, places, and things

that are and were Nevada. The variety of viewpoints, from kids in boomtowns to grizzled prospectors in the lonely hills, from the 1820s to the 1970s, from dirt poverty to inconceivable wealth are all part of our heritage and they are all here.

The book, authorized by the Nevada Revolution Bicentennial Commission as an official project, drew contributors from all backgrounds. Well-known authors share the honors with people never before published. Nevada residents are published side by side with writers from as far away as Pennsylvania, Arkansas, and New York who had a story to tell about our state. Writers of the stature of Sessions Wheeler, Grace Dangberg, Robert Laxalt, Nell Murbarger, Stan Paher, Ty Cobb, Walter Clark, Byrd Wall Sawyer and Hugh Shamberger live up to their standards of excellence here and share the billing with school teachers, housewives, bankers, ranchers, and miners. It doesn't matter. They all have a story to tell; and most of these are stories that have never been told before. If the gods that watch over Nevada history buffs have any power at all, this book should be the first of a series of twenty volumes of individual reminiscences which together could be released under the title: *Nevada—The Whole Story*. Oh well, even if another one never comes out, this one is worth its weight in nuggets to Nevada buffs and to anyone else who likes a good yarn. The abundant photographs, maps, and drawings (430 altogether) are interesting and helpful and make the immense amount of written material more pleasant to read through or just to browse.

Twenty-seven main sections are included here with one each for the seventeen counties (all right—sixteen counties and one independent city) accounting for the Lyon's share; and then Gambling, Entertainment, Politics, Agriculture, Mining, Transportation, Banking and Commerce, Collectables, Literary, and State Emblems make up the rest. The sections vary from four pages (for Emblems) to forty-seven pages (for Clark County) but most are close to fifteen pages. The editing obviously was not an easy job, but for the most part shows sensitivity and maturity in the choices and juxtapositions.

As with most undertakings of this magnitude, there are bound to be problems, shortcomings. Three of these are worthy of mention in ascending order of importance. First, the proofreading, though not bad, is not great. Second, the lack of an index is a regrettable oversight. Perhaps the rush to get the book to press necessitated the omission, or perhaps it was felt that the arranging of articles by subject section would make most things readily findable. Actually, as high as its coffee-table browser value is, the historical reference value is at least equal; and since the titles of the articles and stories are often literarily or poetically inclined, the table of contents will not substitute for a good proper name index. The third problem may be

arguably a necessary evil, but it is an evil nonetheless. Because funds from the sale of copies of the book are earmarked for return to the counties for historical landmarks, it was evidently felt that the cost of the printing of the book had to be born by advertisers. Consequently, nearly every page has an ad on it for some goods or services—everything from auto body repair shops to Cutty Sark whiskey to banks to cocktail lounges to bread companies. Maybe all the hype is as Nevada as anything else, but it does not belong in a serious, legitimate, purposeful volume. I appreciate Caesar's Palace wishing me a happy bicentennial, but I wish some other way of financing the project could have been found.

On the whole, though, this is a very worthwhile effort. Whether it be for coffee table or reference Nevadiana, it is fresh, valuable, interesting material. Indeed, there are veins and nuggets all through this book. In an article on the wild mustangs, an eighth grade girl is quoted as saying, "I have often told my brother to stop sniffing glue because it isn't fair to the horses." And did you know that the lowly piñon pine was nearly as essential to Nevada's mining booms as the ore itself? Or that neither Reno nor Lake Tahoe nor Las Vegas can boast of being the first place to provide big name casino entertainment?

There's an awful lot here. There are a million stories in the naked state and there are two hundred sixty-four of them here.

CHUCK MANLEY
Reno, Nevada

Heroes, Badmen and Honest Miners: Joe Goodman's Tales of the Comstock Lode. Introduction by Phillip I. Earl. (Reno, Nevada: Great Basin Press, 1977. 72 pp., paper, \$2.95)

THE NEVADA of territorial days had its similarities to the Nevada of today. Back in the 1860s there were popular heroes, badmen and political rivalries between populous centers and jealous small communities. Both then and now, California and Nevada were involved in disputes over boundaries. There were, and are, remarkably able newspapermen to write first-hand accounts of those stirring events.

Of those writing at the time, few had the talents of Joseph Thompson Goodman. As one of the early owners and editors of the *Territorial Enterprise*, Goodman built the paper from a weekly to a daily of national reputation and importance. A forceful writer and an editor whose opinions commanded respect and attention, he was also a gifted poet and dramatist. In spite of this, Goodman is little remembered today, having been overshadowed by others who were launched to fame on the pages of the *Enter-*

prise. Better known are such men as Mark Twain, who arrived in Nevada as Samuel Clemens and left to achieve worldwide fame; William Wright, who as Dan DeQuille chronicled the events and follies of Virginia City in the pages of *The Big Bonanza*; and Rollin M. Daggett who went on to journalistic and political fame from the *Enterprise*.

Joe Goodman's memories of the Comstock Lode are related in a booklet published by the Great Basin Press of Reno, and fascinating reading it is. Here Goodman reminds a selfish and ungrateful San Francisco that it was the treasure of the Comstock Lode that gave the city a new revival after the gold claims of the days of '49 were exhausted. California's efforts in a comic opera war of 1863 to establish its claim to Honey Lake Valley as well as a slice of western Nevada is given the ribald treatment it deserves.

At the time, there were badmen who were public heroes and some public figures who were complete scoundrels, much like today. The stories of these individuals have been told and re-told by dilettantes and romancers to the point that the facts are almost unrecognizable, but the accounts of an able and responsible newsman, such as Goodman, provide needed perspective.

Goodman left Virginia City and the *Enterprise* in 1874 after the sale of the paper to William Sharon, the Virginia City representative of the Bank of California. After a brief and unprofitable venture into viticulture in California, he returned to journalism, his proper sphere. His recollections of Virginia City's boom days, first published by the *San Francisco Chronicle*, are now once again available in this small book, which would be a valuable addition to any Nevadan's book shelf.

From the time that Mark Twain left Nevada, he and Goodman maintained a regular correspondence until Twain's death in 1910. Goodman died seven years later in Alameda, California, little remembered by those who view Nevada journalism in terms of the Twains, the DeQuilles, the Daggetts and others who have benefitted from widely-read biographies.

JOHN SANFORD
Reno, Nevada

Without Noise of Arms: The 1776 Dominguez-Escalante Search for a Route from Santa Fe to Monterey. (Flagstaff, Ariz.: Northland Press, 1976. 528 pp., illustrations, maps, \$30)

WITHOUT NOISE OF ARMS is the story of the expedition led by two Franciscan friars, Francisco Atanasio Domínguez and Silvestre Vélez de Escalante, that attempted to find an overland route from Santa Fe to the California presidio at Monterey in 1776. This book is meant for the general reader, and the

author, Walter Briggs, is to be commended for producing a readable introduction to one aspect of the history of the Spanish Borderlands.

Briggs sets the stage for the Domínguez-Escalante expedition with a summary of northern expansion and exploration. The core of the work consists of a detailed narrative of the journey that failed to reach the goal of Monterey but did traverse over two thousand miles of rugged terrain in the present-day states of New Mexico, Colorado, Utah, and Arizona. Briggs concludes with an analysis of the historical significance of the expedition, stressing that it was accomplished without bloodshed, that it provided the government of New Spain with the first accurate information on an unexplored region, and that the journal of the expedition served as a valuable aid to later Hispanic and Anglo explorers.

Without Noise of Arms is based in large part on an English translation of the official diary of the expedition, which was written by Escalante but signed by both friars. Briggs also utilizes additional translated and published eighteenth-century documents as well as a wide range of secondary works dealing with this part of the Borderlands. The author, following the example of Herbert E. Bolton, personally retraced much of the expedition's path, enabling him to discuss the geography of the region with sensitivity. Through paraphrase and excerpts of appropriate passages of the journal, the emotions of the friars as they confronted the day-to-day obstacles and crises are conveyed to the reader. Throughout the discussion of the journey, the author adds useful descriptions of the flora and fauna, topography, geology, and Indian cultures encountered by the ten men of the expedition. The result is a most interesting narrative of the trek that took place slightly more than two centuries ago.

This work is printed in a deluxe edition with fine reproductions of ten landscape oil paintings by artist Wilson Hurley. These paintings portray scenes observed by the explorers and contribute measurably to the success of the work. Less successful is the cartographic component of the book. The maps of the route of the expedition do not contain enough topographic information to enable the reader to fully appreciate the geographical difficulties encountered by the explorers. Moreover, the reproduction of the excellent map drawn by Bernardo de Miera, the engineer who accompanied Domínguez and Escalante, is not large enough to be read easily.

Other than the maps, the only serious shortcoming of the work is that the author is not well versed on the nature of the Spanish empire in the late eighteenth century. This leads to minor factual errors as well as to misconceptions about broader aspects of the history of the period. For example, Mr. Briggs states that Domínguez probably did not know how old he was (p. 12). This was virtually impossible, for the laws of New Spain required that notarized copies of the baptismal certificate be presented as proof of

legitimacy and purity of descent for admission to the educational system and Franciscan Order as well as for ordination as a priest. These laws were followed since they closely coincided with broad cultural values. The author also indicates that the settlers of Alta California did not have a working knowledge of irrigation techniques (p. 10). Again, this is a virtual impossibility since many of those settlers were from areas of New Spain where the technology of irrigation was utilized extensively. On a broader level, a close reading of *Without Noise of Arms* reveals that the author is quite vague about the Bourbon reorganization of the empire and how the Borderlands fit into these schemes. Furthermore, Mr. Briggs is very imprecise in presenting the structure of society and the concept of race in New Spain in the eighteenth century, indicating a lack of familiarity with the published material in this field.

Although these criticisms are relatively minor in terms of the total scope of the book, the issue they raise is important. Although Spanish New Mexico and other areas of the Borderlands have many unique features, they were part of the Kingdom of New Spain and consequently their history must be treated as part of the greater whole. Adequate knowledge of New Spain is crucial to an understanding of the Borderlands. Therefore, a thorough grounding in the relevant historical literature of New Spain, both in English and Spanish, is necessary in order to deal with any aspect of the history of the Spanish Borderlands.

PAUL GANSTER
Utah State University

Joseph Smith: The First Mormon. By Donna Hill. (Garden City, New York: Doubleday & Co., Inc., 1977. xviii + 577 pp., illustrations, notes, bibliography, appendix. \$12.50)

IN THE EARLY 1970's there was excited anticipation among historians and lay scholars interested in Mormon history because a new, scholarly biography on Joseph Smith was being prepared by Professor Marvin S. Hill of Brigham Young University. At long last, it appeared that Fawn Brodie's thirty-year old biography of Smith—*No Man Knows My History*—would be superseded by a definitive, well-written study incorporating the latest scholarly research and utilizing the dispassionate analysis of the so-called "new Mormon History." Certainly Professor Hill was well qualified to write such a biography, as attested by the excellence of his numerous articles on early Mormon history and his award-winning *Carthage Conspiracy* (written in collaboration with Dallin H. Oaks). While Professor Hill did a great deal of research into source materials concerned with Joseph Smith's life and

activities, he decided not to complete his projected biography. Instead he turned the task over to his sister Donna—a professional writer and Professor of Library Science at Hunter College in New York—who completed this biography in 1977.

Although Donna Hill's biography does not quite supersede Fawn Brodie's earlier work, it makes a number of significant contributions. First, Ms. Hill's work utilizes a rich variety of source materials. These include letters, diaries and other manuscript materials written by Smith and by those acquainted with the Mormon prophet. These materials, found in such diverse places as the New York Public Library, the Huntington Library, the Chicago Historical Society and especially the Library-Archives of the Mormon Church in Salt Lake City, give Hill's study a certain dimension and texture lacking in previous accounts of the Mormon Prophet.

Hill's work is also noteworthy because she attempts to present an objective, balanced portrait of Joseph Smith despite her own frank admission that as a devout, practicing Mormon her "sympathies lie with the Saints" (p. x). Hill does not attempt to "deify" Smith or "cover up" his shortcomings (as certain Latter-day Saint writers have done in the past). While affirming her view that Smith had a sincere belief in his role and mission as a prophet of God (in contrast to Fawn Brodie) she is willing to concede that Smith had his weaknesses as well as his strengths. Therefore Smith is pictured as a religious leader who through Divine Revelation admonished his followers to abstain from tobacco, alcohol, and those strong substances harmful to the body but who on occasion consumed wine with his friends. Smith comes across as a man of enormous vigor and energy—a religious and political leader, a city builder, and a colonizer who supervised the gathering of his followers in three different states. At the same time, however, Smith had difficulty managing both his personal finances and those of the church as evidenced in the failure of his store, sawmill, and tannery in Kirtland, the Kirtland Safety Society episode, and by the acute financial problems facing the church following the Mormon migration from Missouri to Illinois in 1839. Hill admits that Smith in 1844 exercised "bad judgement" in ordering the destruction of the opposition *Mormon Expositor*—a move which infuriated the non-Mormon population of Illinois. In the end, however, Smith allowed himself to be imprisoned at Carthage, Illinois—a move designed to save his church and prevent further bloodshed against his followers—but which resulted in the death of Smith at the hands of an angry mob.

Hill's biography is also valuable in that it attempts to incorporate and synthesize the recent findings of other scholars. Inspired by the scholarship of Mario S. DePillis, Hill characterizes Smith as a seeker who found in his Mormonism the concrete fulfillment of his "quest for authority" in a frontier setting. Like Klaus Hansen, Hill believes that Smith tried to use Mormonism

as a means for establishing the political Kingdom of God on the earth in preparation for the Millennium and Second Coming. In her discussion of the place of blacks within the church, Hill draws heavily on the work of Lester E. Bush, Jr. Hill agrees with Bush's assumption that Joseph Smith did *not* inaugurate Mormonism's controversial practice of black priesthood denial. According to Hill, Mormon Church officials did nothing to prevent blacks from holding the Mormon priesthood prior to Smith's death in 1844.

Despite its strengths, Hill's study is deficient in several important respects. There are a number of annoying errors. There is *no* historical evidence to support Hill's assumption that "a few free Black members of the church tried to emigrate to" Missouri in 1833 (p. 156). Contrary to the suggestions of Hill, slavery was *not* a "hot issue" of crucial importance in the Mormon-Missouri conflicts of 1838–39 (p. 223). The *Pearl of Great Price* containing the Books of Abraham and Moses was *not* initially published at Nauvoo, Illinois in 1842 (p. 193). While the Book of Abraham was printed at the time in several installments in the Nauvoo based *Times and Seasons*, a Church newspaper, the entire text of the *Pearl of Great Price* was not published until 1851—seven years after Smith's death. Finally, Martin Van Buren was *not* the "incumbent" president of the United States in 1843 (p. 374) but had left office some two years earlier!

In discussing Joseph Smith's life and activities, Hill is unclear on, and omits a number of crucial topics. For example, Hill does not critically analyze Smith's motives for inaugurating plural marriage. Instead, she naively suggests that this controversial practice was primarily prompted by the Mormon Prophet's "enormous capacity to love" (p. 343). Even less satisfactory is Hill's attempt to define the motives behind Smith's decision to run for president of the United States in 1844. There is no discussion of the important Mormon concepts of a plurality of gods and eternal progression—whereby man has the potential of becoming a god—as outlined in Smith's King Follette Discourse. Hill also fails to evaluate the relative importance of freemasonry on Smith and Mormonism. Finally, Hill, despite her description of Mormonism as one of a large number of indigenous American religions that flourished during the nineteenth century fails to explain what it was about Smith's religion that made it the most successful.

Hill's work also suffers from several basic organizational problems. The structure and content of certain chapters do not quite conform to the titles given them. For example, "Joseph's First Vision" contains only eight out of fourteen pages directly related to that experience. "Tar and Feathers" devotes only two out of its nine pages to the events leading up to this traumatic event. More serious is the manner in which Hill attempts to link her chapters together. Although her narrative is generally arranged in a chronological manner (as one expects in a biography), Hill has inserted a num-

ber of topical chapters examining plural marriage, the Kingdom of God on Earth, and Blacks in the Early Church. While these chapters contain interesting information, they are "tacked on" rather than woven into the narrative. Even more serious is a basic flaw in Hill's overall organization. Hill's book is not really a biography in the pure sense of the term. The book tends to get bogged down in a maze of factual information describing not just Joseph Smith's life and activities, but also the general history of Mormonism during Smith's lifetime. While this general narrative might be of interest to those readers who want to learn more about Mormonism *per se*, it unfortunately serves as a substitute for an in-depth analysis of Smith the individual in terms of his actions, attitudes and personality. In a sense what Hill has written is not quite a biography of Joseph Smith and yet not really a general history of the Latter-day Saint movement prior to 1844. Therefore, even though Hill's work brings to light valuable information contained in manuscript sources never before used, the definitive biography of Joseph Smith still remains to be written.

NEWELL G. BRINGHURST

Indiana University at Kokomo

Hired Hands and Plowboys: Farm Labor in the Midwest, 1815-60. By David E. Schob. (Urbana: University of Illinois Press, 1975. viii + 329 pp., footnotes, map, tables, biblio., index, \$10.95)

DURING THE middle period of American history, farmers in the Old Northwest—Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota—relied extensively on hired labor for aiding the successful operation of their agricultural enterprises. From approximately 1815 to the Civil War, westward expansion, establishment of new farms, agricultural diversification, and the development of large-scale farming made a ready supply of farm workers a necessity. Demands for good farm hands always exceeded supply. As a result, wages, paid either by the day or the month, were usually high, particularly for workers who had specific skills such as prairie breaking, teamstering, or well digging. Even so, farm work was generally seasonal employment from March through October. When the work ended in the harvest and hay fields, farm hands considered themselves fortunate to find winter employment clearing land, cutting cord wood, or packing pork. If farm hands could not find winter jobs, they joined the ranks of the other seasonally unemployed workers.

Hired hands came from many backgrounds. Some were school teachers during the winter months; others were immigrants (particularly Germans

for horticultural pursuits and Irish for well digging). Local tradesmen and apprentices also provided farm labor as did teenage boys and girls who worked to help defray family expenses. Necessity forced men and women to hire out as farm workers. Often farm hands were only semi-skilled, possessed little capital, and, therefore, sold their labor to farmers for survival. This seasonal, migratory work was best suited for the young, single man. Hired hands or workers in agriculturally related areas usually labored ten to twelve hours a day, six days a week. Many of them worked to save money and buy land of their own; generally two to five years of hard work and frugality were needed to achieve that goal. Few farm hands, however, were able to move directly from wage earner to land owner.

David E. Schob, Assistant Professor of History at Texas A & M University, has written an interesting account of farm labor. Agricultural work involves a multiplicity of tasks, and Schob has thoroughly investigated the physical, technical, and economic aspects of various farming endeavors such as tree clearing, sodbusting, harvesting, teamstering, well digging, and horticulture. He has given special attention to the social relationships between hired hands and employers as well as to leisure time activities.

Although a consistent theme throughout this study is that hired hands worked to save money, buy land, and begin farming on their own, Schob does not indicate any rate of success or failure in this respect. Perhaps the necessary source materials are nonexistent. Schob indicates the Census is useless here because of the migratory nature of farm workers, the ten year time differential, and the lure of the West. Still, it would be interesting to know what happened to the young hands who did not acquire land. Did they continue to work as seasonal agricultural laborers, or did they drift permanently into other occupations such as railroad building, canal digging, or various urban jobs? These are small points, because this extensively researched and documented study of midwestern farm labor contains much excellent information—particularly regarding labor costs. It is an important contribution to American agricultural history.

R. DOUGLAS HURT

The Ohio Historical Society

Not by Bread Alone: The Journal of Martha Spence Heywood, 1850–56.

Edited and with an introduction by Juanita Brooks. (Salt Lake City: Utah State Historical Society, 1978. 141 pp., photos, index, \$10.95)

The Genteel Gentle: Letters of Elizabeth Cumming, 1857–1858. Edited and with an introduction by Ray R. Canning and Beverly Beeton. (Salt

Lake City: University of Utah Tanner Trust Fund, 1977. Pp. xvi, 111, photos, illus., map, bibliography, index, \$12.50)

THESE TWO WORKS, on complementary subjects, have opposite strengths and weaknesses. *Not by Bread Alone*, the journal of Martha Spence Heywood for the years 1850 to 1856, provides a rare look at Mormon life but suffers from imbalanced editing. *The Genteel Gentile*, on the other hand, is a well-edited volume of letters written in 1857 and 1858 by Elizabeth Randall Cumming, wife of the first non-Mormon governor of Utah. The problem is that Cumming's letters seem superficial when read in conjunction with Heywood's work.

Undoubtedly the journal of Martha Spence Heywood warranted publication. At a time when the writers and readers of history are looking more deeply at social phenomena, here is a book that gives a participant's view of the Mormons' migration to Utah and of their family and community life. Heywood writes of her decision to move to Zion, of the travails of the trip with the hard rains, inadequate equipment, and high incidence of injury and disease. She describes her reaction to the practice of plural marriage and her reception as the third wife in a polygamous family. She tells of divisiveness within Mormon ranks and of the powerful presence of Brigham Young. There are many revealing episodes. We get a sense of Heywood's adventurousness when she visits an Indian settlement and remarks on the "handsome and smart-looking children." We are bemused by her fickleness when she dismisses as "not interesting" the man whose offer of marriage she will soon gladly accept. We grieve with her when her two-year-old daughter grows seriously ill and dies. Clearly Martha Spence Heywood is a complex and intelligent woman. Her mixture of faith and skepticism, of self-esteem and self-deprecation, makes this a most interesting volume.

Unfortunately the richness of the journal seems to point up the limitations of the editing. This is a book that would interest a general audience, but Juanita Brooks has edited it for Mormon readers. Brooks is careful to provide a footnote for every individual mentioned. We learn, for example, that a certain Doctor Sprague was the man who planted the first flower garden in Salt Lake. But Brooks fails to explain the meaning of specific Mormon rituals, as when Heywood goes to the Council house to receive her endowments. Worse, Brooks does not inform her readers of the significance of Heywood's earlier religious connection with the Millerite movement.

The introduction is similarly flawed. Although we learn how the diary came to public attention and what happened to the main characters in the years after 1856, the description of how these events fit into the mainstream

of Mormon history might have been fuller. In addition, Brooks makes a mistake in omitting from the introduction the basic facts of her subject's life. It is only on page 77, when Heywood refers to her fortieth "natal day," that we learn she was thirty-eight at the time of her marriage and thirty-nine when her first child was born. Knowing Heywood's age greatly affects our perception of her. Her Irish background is another item that requires elaboration. Although she does not seem to have been the typical Irish immigrant, the editor provides no details of her social class or education.

The book, *Not by Bread Alone*, leaves us with many questions in part because Heywood has stimulated our interest and in part because the editor might have done a better job. A bibliography of suggested readings on early Mormon society could have helped to answer these questions, but unfortunately none is included.

The Genteel Gentle does not suffer from editorial lapses. In their introduction, Ray R. Canning and Beverly Beeton include appropriate background concerning the politics of the era and the key personalities involved. Their notes identify individuals mentioned in the letters, explain aspects of Mormon doctrine, and provide alternative interpretations of the events described. There is a map of Elizabeth Cumming's route to Utah and a three-page bibliography of additional sources.

Still, the work is not entirely satisfying, and the reason seems to rest with a point suggested in the title. Cumming is observant but perhaps too "genteel." She does not engage in the rigorous examination of self and society that Heywood does. We do obtain an insider's view of the federal camp in the Mormon War. We share Cumming's joy in seeing the beauty of Echo Canyon and her awe in entering the deserted city of Salt Lake. We get one more assessment of Mormon society, but none of this is at a very profound level. Cumming is a partisan of her husband Alfred, a lover of nature, and an opponent of polygamy. Her letters are chatty and sometimes too cute, as when she writes to her sister-in-law that "Alfred sends love and says he is going to convert Mormons to some good *ism*." In the end these letters provide more substance for the scholar of Mormon-federal relations than for readers interested in women's role in the West. Thus the letters will be something of a disappointment to readers lured by the promise in the first paragraph of the introduction that insights will be provided into Western women's hopes and fears.

Each of these works has strengths and weaknesses. Each deserves to be read—with a critical eye.

CAROL A. O'CONNOR
Utah State University

Let Them Speak for Themselves: Women in the American West 1849–1900.

Edited by Christiane Fischer. (Mamden, Conn.: Archon Books, 1977. 346 pp., \$15.00)

OPENING CHRISTIANE FISCHER'S BOOK, *Let Them Speak for Themselves*, is rather like stepping back in time to the distracting hubbub of an old-fashioned quilting bee. Fragments and snippets assail the reader from every direction, so many bits of gossip and chatter that one scarcely knows where to focus. Some readers may prefer the stridently moralistic sensationalism of San Francisco's Mrs. Bates, others may wish to follow Mrs. Biddle and her soldier husband south into Arizona, and still others may choose to relax with the tiresome details of Mrs. Haskell's bread-baking in snowy Aurora. There is something for everyone in this collection. In fact, the book itself is a patchwork quilt, not of the artistic sort but of the heavy, serviceable kind, a composite of scraps loosely stitched together with an editor's needle and thread.

Ms. Fischer's introduction suggests a careful craftsman at work. She begins with a cogent essay in which she briefly generalizes about the writings that follow. She points out recurrent themes—"loneliness, insecurity, anxiety, homesickness, and dismay at the primitive conditions"—while she stresses the most common denominator—"the constant sense that moving West for [these women] did not mean that a new dimension was given to their lives or that new horizons were opened to them: most of them experienced basically a great sense of loss." She explains her geographical selectivity and then outlines her pattern of organization. The seven sections—life in mining camps and mining towns, life on farms and ranches, army wives, working women, life in the cities, childhood, and travellers—although somewhat arbitrary, seem sensibly chosen. Essentially, then, the introduction indicates that *Let Them Speak for Themselves* will be a stimulating, wide-ranging, well-edited series of excerpts from narratives written by women about their experiences in the American West. But such is not the case.

First of all, the collection is uneven. Many of the samples seem ill-chosen; some, actually boring. And many of the more interesting ones are so brief that the reader gets no sense of character, narrative line, significance, or proportion. Too often a preponderance of domestic details takes over, and only too rarely is the writing good. Of course most of the narratives were written without publication in mind, and it is only fair to remember that the collection was put together as a sampling. Nevertheless, one wishes the editor had given us more of certain of her women and less of some others.

Furthermore, the documentation at times is erroneous. Elinor Richey, author of *Eminent Women of the West*, is referred to as Rickey in a footnote, Richie in the appended list of references, and in any case should not

be cited as the sole authority for Sarah Winnemucca Hopkins' background. Surely, both editor and proofreader should be faulted for such carelessness.

Finally, a discriminating reader is sure to be troubled by the exaggerated praise that Fisher bestows on her writers. The brief editorial analyses following each selection too often extol seemingly doubtful virtues. For example, her final gloss of Isabelle Saxon's book indicates that *Five Years within the Golden Gate* "never goes very deep; it is an evocation of the surface appearance of things which is supplemented by a certain number of concrete details concerning daily life, institutions and events; it includes descriptions of specific customs of the times. . . . It restores some of the atmosphere of the epoch depicted, and is interesting in its attempt to picture life in all its variety." The words "never goes very deep" followed by the phrase "evocation of the surface appearance of things" signify to me an indictment, but Fischer manages to turn her critique into a mark of excellence.

Perhaps that is too harsh. Perhaps this reviewer is letting an inherent prejudice against excerpts and a preference for longer pieces color her judgment. Perhaps Fischer instead should be applauded for bringing so many unknown writers to our attention. Indeed, as with any patchwork quilt, some of the squares are colorful, some well-designed, some even artful. But in this case, unfortunately, the fabric of the whole is too bulky, too cumbersome, too marred by ragbag patches and dropped stitches along the way.

ANN RONALD

University of Nevada, Reno

NHS ARCHIVAL ACQUISITIONS

George Wilson "Molly" Malone Collection

The Society's Malone manuscript collection has been augmented with some new material donated by Mrs. Marjorie A. Martin-Hanes, the Nevada U.S. Senator's former private secretary. The collection consists of letters and financial records sent from George to his wife, Ruth, regarding the development of his company, the Industrial West Foundation, Inc. Also included are correspondence received during his senatorial career, which largely concerns Mrs. Malone's social functions, a small amount of personal correspondence, press releases, and telegrams related to the Senator's tour of Europe in 1947 and his second term of office, 1952-1958. A large number of photographs are also housed in the collection, as well as newspaper clippings, published Senate Reports and Hearings, and some campaign literature.

Unfortunately, the bulk of the Malone papers went unclaimed after the Senator left Washington D.C. in 1959, and some time thereafter the papers were destroyed. The Society wishes to thank Mrs. Martin-Hanes for preserving this portion of Senator Malone's papers, and for donating the material to the NHS.

Levy Family Collection

The Society is pleased to announce that it has acquired the records, papers, and correspondence of William Levy, a pioneer Jewish businessman in Nevada. The collection primarily concerns the operation of the Palace Dry Goods House by William, Herman, and Morris Levy. The business, which had three different locations in downtown Reno, opened September 1, 1887 and operated through 1932. A significant segment of the collection includes records of the Unionville Mining Company, one of William Levy's business ventures. Also included are family photographs, and interior and exterior shots of the Palace Dry Goods House. Our sincere thanks to William Coblentz and family of San Francisco for this donation.

Fortieth Parallel Exploration Photographs

Our thanks to Pamela Crowell and Robert Fink of the Division of Historic Preservation and Archaeology in Carson City for the donation of a number

of historic photographs. Included in the acquisition are six photos produced by the Fortieth Parallel Exploration in 1876, and a large number of photos depicting experimental farms in southern Nevada in the 1920s and 1930s.

Mina Photographs

Our small Mina photograph collection is now a little larger. Howard A. Moody of Walnut Creek, California was very kind to donate a number of early Mina photos. The earliest photos are labeled "Cartown" and "Carville" when most of the structures in the railroad community were converted box-cars. Howard's father, John F. Moody, was Mina Justice of the Peace from 1905 to 1912, and his mother, Idessa G. Moody, was the postmaster for the small town. Thank you, Mr. Moody.

NHS NEWS AND DEVELOPMENTS

Recent Publications

THE SOCIETY has released two studies in recent months. The first, *Territorial Nevada: A Guide to the Records*, describes and locates the various public records of Nevada during its territorial period, 1850–1864. The compiler, Robert Armstrong, was employed by the Society under a grant from the National Historical Publications and Records Commission. The materials located and described are scattered throughout the United States, including the National Archives and other locations in several eastern states. Mr. Armstrong's detailed description of the papers at last gives researchers a single source for reference. A thorough index directs the reader to those items of specific interest.

The NHS is also pleased to announce the availability of a bibliography of *Nevada Articles in Desert Magazine*, compiled by a volunteer researcher, Marion Ambrose. In the past four decades of publication, *Desert Magazine* has published (through 1977) 364 articles dealing with Nevada. Ms. Ambrose's bibliography includes an alphabetical list of articles by author and an index which enables the reader to locate articles which deal with specific topics and areas.

Within the next few months, the Society will publish historical sites inventories of Washoe and Clark counties.

Education Program

The second set of teaching materials produced by the Society as part of its long-term program for the Intermediate Schools of Nevada will be completed and available for teachers this Spring. This unit, which deals with Nevada's geography, includes classroom posters, maps, a filmstrip, student and teacher texts, and worksheets. The first unit, an introductory one dealing with Nevada's symbols, previously has been distributed to seventh-grade teachers throughout the state. The Society's Curator of Education, Angela Brooker, has received enthusiastic responses to this first unit.

The third set of educational materials will treat the Native Americans of Nevada, and will be available later this year. The Society's overall program calls for the production of teaching aids that will include all major topics to be covered in one-semester seventh grade courses.

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