NEVADA HISTORICAL SOCIETY QUARTERLY

Volume XXII Winter 1979 Number 4

NEVADA HISTORICAL SOCIETY QUARTERLY

The *Quarterly* solicits contributions of scholarly or popular interest dealing with the following subjects: the general (e.g., the political, social, economic, constitutional) or the natural history of Nevada and the Great Basin; the literature, languages, anthropology, and archaeology of these areas; reprints of historic documents (concerning people, flora, fauna, historical or archaeological sites); reviews and essays concerning the historical literature of Nevada, the Great Basin, and the West.

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Second class postage paid at Las Vegas, Nevada. US ISSN 0043-9462

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"Pagan Bob" on the Comstock: Robert G. Ingersoll Visits Virginia City

JOHN E. KLEBER

THE YEAR 1877, one characterized by economic depression nationwide, was a relatively prosperous time on the Comstock. Just four years earlier the legendary Eldorado seemed to materialize when a rich vein of quartz deposits was discovered deep underground in the Consolidated Virginia mine. Virginia City boomed as frenzied wealth seekers came eager to share in the benefits. Between 1870 and 1880 the population of Storey County increased from 11,359 to 16,115, a number equal to one quarter of Nevada's population. Without doubt the census takers missed hundreds of transients in the fluid society of that decade. In 1876 a peak yield of $38,570,000 was hauled to the surface from the "Big Bonanza" alone.

Virginia City was not without its problems, however. An economic panic swept the city in 1875, the Belcher Mining Company stopped paying dividends in 1876, and in January of 1877 even the Consolidated Virginia failed to pay its investors. That month hundreds of hungry people were reduced to begging, sleeping in jails, and eating at a soup kitchen that fed 500 per day.[1] To make matters worse, a fire had ravaged much of the city on October 26, 1875.

Yet Virginia City seemed young and vibrant, and its basic health was demonstrated by a virtually complete rebuilding by late 1877 of the "Queen of the Comstock," which now boasted luxuries available in no other city between St. Louis and San Francisco. The new Piper's Opera House had cost $50,000 and the Storey County Court House $117,000. St. Mary's in the Mountains, rebuilt with a rose window, redwood columns and arches, Italian marble and Spanish bells, was both beautiful and commodious.[2] It was to this new city, perched precariously on the arid slopes of Mt. Davidson, that Robert Green Ingersoll, America's renowned agnostic, came to entertain and to educate.

Born in up-state New York in 1833 and reared in Illinois, Ingersoll be-

[1] Thomas C. Wilson, *Pioneer Nevada* (Reno, 1951), p. 153; Richard G. Lillard, *Desert Challenge: An Interpretation of Nevada* (New York, 1949), pp. 215–216.

[2] Lillard, *Desert Challenge*, p. 227.

came a noted Gilded Age personage. A lawyer by profession, he fought in the Civil War and rose to the rank of Colonel in the Union Army. But it was his role as an agnostic who publically defamed orthodox Christianity that gained for Ingersoll national fame. Favored with a magnificent voice and a finely tuned oratorical style, he took to the lecture circuit and spoke on a variety of topics. His assaults on religion won for him a large and loyal following, and motivated people to crowd the lecture halls anxious to listen to his ideas and revel in the excitement of doing something slightly risque.

Ingersoll had been reared in a strict Calvinistic environment. His father, a Presbyterian minister, attempted to instill in Robert a fear of God's wrath. But the son was by nature too kind and generous a soul to accept this harsh deity and rejected Him and the concept of hell. Steeping himself, instead, in the works of Voltaire, Thomas Paine, Thomas Jefferson, and the French Encyclopedists, Ingersoll emerged as a "child of the Enlightenment" believing in the sanctity of natural rights, the power of reason, and the free and malleable nature of human beings. Ingersoll appears to have been a genuine eighteenth century humanitarian a hundred years removed.[3]

Prior to 1876, Ingersoll's name was unknown in the environs of western Nevada. But in June of that year he went to the Republican National Convention at Cincinnati and placed in nomination the name of James G. Blaine for president. He hailed Blaine as the "Plumed Knight," and the speech so electrified the audience that it nearly won the nomination for the Maine Senator. It did catapult into the national arena the small town lawyer from Peoria.[4] Convention delegates carried home with them the word of this wonderful young orator from the Prairie state. Newspapers nationwide reported the speech verbatim, and descriptions of the convention's frenzied reaction. In this manner, Ingersoll's fame spread to the Comstock and beyond.

After leaving the convention Ingersoll placed party loyalty above personalities and campaigned extensively in the East for the Republican nominee, Rutherford B. Hayes. Because the lingering economic depression then in its third year had curtailed his law practice, he found ample time for travel. Gratified by his campaign receptions, in the spring of 1877 Ingersoll decided to supplement his income and disseminate his ideas by cashing in on his recent fame with a lecture tour to the West Coast. With Virginia City and the Comstock almost at the peak of their population and prosperity, it was only natural that his itinerary should include a stop there.

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[3] Martin Marty, *The Infidel: Freethought and American Religion* (Cleveland, 1961), pp. 137–151.

[4] Eva Ingersoll Wakefield (ed.), *The Letters of Robert G. Ingersoll* (New York, 1951), pp. 84–85; see also Herman E. Kittredge, *Ingersoll: A Biographical Appreciation* (New York, 1911), pp. 78–80. For an analysis and evaluation of the speech see Col. Alexander McClure, *Recollections of Half a Century* (Salem, Massachusetts, 1902), pp. 426–427. See also the *Chicago Tribune*, June 17, 1876.

Ingersoll, accompanied by his wife Eva and daughters Maud and Eva, arrived at Virginia City on Tuesday, June 19, 1877, and registered at the new and elegant International Hotel, which boasted 160 large high ceiling rooms. He came there from successful speaking engagements in San Francisco, Sacramento, and Grass Valley.[5] His final lecture in San Francisco netted him the largest fee ever paid for a single performance in that city—$2300.[6] The Ingersolls' arrival was duly noted in local newspapers, which also carried an advertisement that the Colonel, "the incomparable orator," would lecture that evening at the National Guard Hall—with admission fees of $1.00 and $.50.

For several days prior to his arrival, area newspapers had carried advertisements announcing Ingersoll's appearance. They also saw fit to editorialize on the event and to comment on Ingersoll's personality. The Carson City *Morning Appeal* on June 14, 1877, stated that he was so well known that a simple announcement of his impending speech was "enough to insure a large audience." The Virginia City *Territorial Enterprise* noted that all should attend who wanted to hear freshness of thought, force of diction, and clearness of reasoning.

Ingersoll's first Virginia City lecture was delivered to a full house despite stiff competition from Montgomery Queen's California Menagerie playing that night on a lot at the foot of Washington Street. However, Ingersoll probably drew from a different class of people and had nothing to fear from the circus.

In this lecture, entitled "The Liberty of Man, Woman and Child," Ingersoll avoided the blatant denunciation of religion for which he was famous and spoke positively revealing his true humanitarian sentiments. He expressed a secular concern for the welfare of individuals by stating his belief that liberty was synonymous with love and vice versa. He attempted to liberate his audience from a confining past so that they might act better. Confident that individuals who demonstrated a purposeful and determined change of the human heart toward the good could ultimately alter the world, Ingersoll accused organized and orthodox religion of keeping men both physical and mental slaves to dead dogma. As if that were not bad enough, he stressed that women have been slaves of slaves. He would give them every right possessed by man, and would add one more—"the right to be pro-

[5] California newspapers were available in Virginia City, and some residents there must have learned of Ingersoll's success in the Golden State in this manner. See *The Sacramento Daily Union*, June 5, 1877; *The San Francisco Mail*, June, 1877. *The Peoria Call*, 1877, Mss. Box 37 Ingersoll Papers, Library of Congress, said, "The advent of Col. Ingersoll upon the Pacific Slope was a grand surprise to the people of that section. His name and fame had preceeded him. . . . Had an immense bomb shell dropped from the heavens and burst in San Francisco, it would not have created such a commotion among the citizens . . . as the appearance of this champion of free thought in their midst."

[6] *The Seymour* (Indiana) *Times*, 1879, Mss. Box 38 Ingersoll Papers, Library of Congress. See also *The Territorial Enterprise*, Virginia City, June 15, 1877.

tected." He praised the intrinsic worth and stabilizing influence of the institution of marriage and termed the procreation of children a great thing. These children possess the same rights as all other human beings and should be reared with love, kindness, and tenderness and not by brutality. He concluded this lecture on the power of liberty by denouncing the detrimental impact of the religious doctrine of damnation upon children's minds as indeed upon that of every person.[7]

A thunderous applause followed what the *Territorial Enterprise* termed Ingersoll's "incomparable" lecture. In its review it noted how the audience literally was held entranced by his every word. The newspaper was lavish in its praise, termed it a "wonderful production," and added that "All the beauties of language; all the enchantment of eloquence; all the splendors of imagination, the play of wit, the eccentricities of a subtle genius are blended in it." Unconcerned by his infidelity, the paper explained away his attack on creeds by noting instead his appeal for "a higher liberty, a deeper tenderness, a broader charity to all mankind." The review concluded that Ingersoll, the optimist, was in tune with those transcendent truths that elevate man, and hence his comments on liberty were "pure and true."[8]

The Gold Hill *Evening News,* which also sent a reporter to cover the event, believed it was "more generally admired than any lecture ever delivered in this section." Ingersoll had strong nationwide support among journalists, and the *Evening News* was no exception. While that newspaper recognized Ingersoll's very powerful influence, the editor admonished clergymen, in a style characteristic of Western fair play, to utter no criticisms without first hearing the Colonel speak.[9]

The favorable reviews and audience response were so great that Ingersoll was prevailed upon to remain in Virginia City for a second lecture the following Friday. The next day, Wednesday, June 20, Ingersoll journeyed to Carson City, where he spoke to another large and enthusiastic crowd. Here, also, he was persuaded to return the following Saturday to speak again.

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[7] Robert G. Ingersoll, *Complete Lectures* (Chicago, 1930), pp. 61–76; also see C. P. Farrell (ed.), *The Works of Ingersoll* (New York, 1903), vol. I, pp. 329–398.

[8] *The Territorial Enterprise,* Virginia City, June 20, 1877.

[9] *The Evening News,* Gold Hill, Nevada, June 23, 1877. Alfred Doten published an editorial in the Gold Hill *News* the day before Ingersoll lectured and called him "a brilliant genius . . . of extraordinary eloquence but not a great man." Ingersoll lacked "nobility of motive" and was out for the money. Doten, editor of the Gold Hill *News,* concluded that Ingersoll's "whole influence is for evil," but everyone should go to hear him. Doten attended the lecture and said it was a full crowded house, and that he never enjoyed so good a lecture. The next day, in an editorial, Doten explained how Ingersoll did not launch forth in atheistic utterances, but his words were "pure, natural truths, such as it would do the greatest, most selfish bigot in the world a deal of good to listen to." After the "Ghosts" lecture Doten noted that Ingersoll's influence for good or bad was great. Doten was swayed to admit that what Ingersoll was doing might be for the good. See Walter Van Tilburg Clark (ed.), *The Journals of Alfred Doten 1849–1903,* Vol. II (Reno, 1973), pp. 1297–1298.

From Carson City he returned the twenty-one miles to Virginia City aboard the Virginia and Truckee Railroad. Every indication exists that Ingersoll was fascinated by the life-style of western Nevada and was easily persuaded to prolong his stay in order to learn more about the source of the fabulous wealth.

Common to all visitors to the Comstock was a feeling of enthrallment at the proximity to great treasure, reinforced by the sight of massive iron and steel structures set above the deep pits providing entrance to Eldorado. Ingersoll and his family shared in this excitement. At any hour, whenever they looked from their hotel window, they could see workmen scurrying to and from the numerous mines and mills that stretched down Gold Canyon, eastward toward Sugar-Loaf Mountain, and to what Dan DeQuille described as untold scores of hills and valleys to the tall peaks of the Humboldt.[10] The incessant din emanating from stamping mills rose to meet the Ingersolls and generated a curiosity to seek out the source of such frantic activity. One visitor caught the flavor when he wrote, "There floats up to the ear the sound of innumerable stamping, pounding, punching, cracking, crushing, ganging, smiting, and smashing the silver quartz unceasingly day and night."[11] Hence, the very evening after his first lecture in Virginia City, the Ingersoll family donned the appropriate apparel and prepared, somewhat apprehensively, to descend into the Ophir Mine.

Accompanied by mine superintendent Sam Curtis and a newspaper reporter, Colonel M. G. Gillette of the Virginia City *Evening Chronicle*, the Ingersolls entered the cage and descended to the 1600 foot level. Carrying candles and lanterns they inspected the quartz deposits in shafts supported by the unique Deidesheimer square set method of shoring up the soft rock of the Comstock. In the west shaft they encountered a temperature of about 140 degrees. The shock made such an impression that later Ingersoll remarked that had he been led much farther into that area he would have been swayed in his disbelief in the existence of hell. The *Evening Chronicle*'s reporter quoted him as saying, "If there's any place hotter than this, I'm damned if I don't join some church!"[12]

Ingersoll returned to the surface ladened with souvenir quartz specimens, and boisterously declared how he would not have missed the opportunity for a thousand dollars. With all his earlier apprehensions of descending into the dark pit now quite vanished, he stated his intention of weaving

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10 Dan DeQuille, *The Big Bonanza* (New York, 1947), p. 189.

11 Lillard, *Desert Challenge*, p. 216.

12 *Virginia Evening Chronicle*, Virginia City, June 20, 1877. Wells Drury, *An Editor on the Comstock Lode* (New York, 1936), p. 39. For a description of an earlier trip through the Idaho mine at Grass Valley, California see Ingersoll to Family, June 20, 1877, Ingersoll Papers, Library of Congress.

this experience, Twain fashion, into a lecture for his Illinois friends. There is no indication he ever actually did this, but one can imagine the duly embellished personal tales he must have related upon his return home.

On Friday evening, June 22, Ingersoll delivered his second lecture in Virginia City to an audience the Gold Hill *Evening News* described as being "the largest and most fashionable, as well as the most appreciative . . . ever seen in this section outside of a circus."[13] In every sense it was another classic performance. Even before he appeared on stage at the National Guard Armory, a feeling of nervous expectation ran through the assembled crowd. When he stepped from the wings onto the brightly lighted stage the audience beheld a man slightly more than six feet tall weighing about 200 pounds. His face, clean shaven and round, would have been cherubic except for its obvious strength and determination. Ingersoll exuded self-assurance. He appeared in formal dress. His broad shoulders gave the added impression of great strength. Although he carried lecture notes, he seldom referred to them. He possessed an excellent memory and could speak for three hours without using his notes.

The lecture was a popular entertainment form in Victorian America. The platform became a veritable academe, extensively employed by a myriad of speakers of every persuasion, each attempting to appeal to the sentiments of his audience. Virginia City attracted its share of lecturers, including Henry Ward Beecher and Henry George.[14] But Ingersoll's rhythmic voice and delivery style made him the outstanding Gilded Age orator. When he spoke, many in the audience seemed to be spellbound. James A. Garfield, an Ohio Congressman, listened to an Ingersoll political speech in 1876 and then wrote to his wife, "Ingersoll has a wonderful power of creating enthusiasm in his audience. . . . I so much want you to hear him and help me solve the mystery of his power." Ingersoll's cadence and movements were calculated to carry his audience toward the reaction he wished to arouse. The audience soon learned to intently watch and listen because his face and voice were instantly responsive to his mood, and to the mood he wished to arouse in his audience. He would walk with strolling gait across the platform, stop suddenly as if some thought had just occurred to him, and face the audience; the merriment or pathos, denunciation or exhortation already were expressed in his eyes or in the wrinkle across his forehead, which was "puckered into humorous lines or drawn into fierce threatening according to his purpose." He used few gestures and was not a desk pounder nor an air-sawer. He was not declamatory and did not rant or rage, preferring to leave those techniques to his clerical detractors.[15]

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[13] *The Evening News*, Gold Hill, Nevada, June 23, 1877.

[14] Drury, *An Editor on the Comstock Lode*, p. 59.

[15] *The New York Times*, July 22, 1899; *The Boston Investigator*, March 7, 1879. I. Newton

For his second lecture, Ingersoll chose the topic "Ghosts," which he himself described as being radical when compared to the conservative theme of "Liberty." These lectures were but two of several in his repertoire. Ingersoll seldom tailored a speech for a specific audience, but when he encountered a particularly enthusiastic reception as he did in Virginia City, then he felt free to be candid. In Nevada, Ingersoll sensed the sincerity of the westerner's desire to allow a man to speak his piece, and so he unleashed on this second audience the full fury of his anti-religion sentiment. Indeed, from his first statement that each man makes his own God to his concluding admonition to drive the lifeless ghosts from the heavens, this lecture was a hard-hitting attack upon superstition. In it Ingersoll tabulated the numerous crimes against humanity committed by churches in the name of ghosts. Indicating the influence of August Comte's ideas, Ingersoll stated that it was now time to leave the shackled past and to seek explanations in terms of naturalism rather than supernaturalism. "The first step toward progress," he said, "is for men to cease to be the slaves of the creatures of their creation." Hard facts would provide the first step as these things pushed superstition from the brain and ghosts from the clouds. Then science and education would carry humanity down the road toward perfection. But all this was possible only in an atmosphere of intellectual freedom which would allow the investigation of the "unknown" without fear of persecution. Ingersoll prophesied a world filled with happiness when that day arrived.[16]

By every measure this second lecture was another great success. When the house sold out, an extra 150 seats were brought in and placed around the hall. The *Territorial Enterprise* reported the following day that these seats were filled with the best citizens of Virginia City dressed in Prince Albert coats, stovepipe hats, and Paris gowns. Ingersoll himself was impressed with his audience and reception, terming it a wonderful experience to speak to such intelligent and insightful people. Although Ingersoll generally praised his audiences for the benefit of the local press, his remarks here seem sincere since they are reiterated in a private letter to friends in the East.[17]

The *Territorial Enterprise*, in reporting his comments, speculated that indeed Ingersoll was correct in his estimate of the high quality of a Comstock audience. The editor generalized that such an audience was in no way unique, and then searched for a reasonable explanation for the existence of

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Baker writes of his style of speaking: "In his flight of eloquence he carried his audience with him, lifting them to the highest pinnacles of enthusiasm, or stirring them to the deepest recesses of their being. With his pathos he melted them to tears and ere the drops were dry, by his sparkling wit and humor, transformed the pearls of pity into smiles of joy, or peals of laughter. He was indeed a master-musician who played on every human heart-string." See Baker, *An Intimate View of Robert G. Ingersoll* (New York, 1920), p. 69.

[16] Ingersoll, *Complete Lectures*, pp. 34–48; see also *Works*, I, pp. 257–326.

[17] Ingersoll to Family, June 20, 1877, Ingersoll Papers, Library of Congress.

this phenomena in a rather isolated locale. He suggested that the answer might be found in the generous salary scale in Virginia City that attracted the better educated classes who were conversant with the realm of ideas. In a rather ingenious manner, the editor utilized Ingersoll's comments as an excuse to express his own personal belief on wage scales and his aspiration that capital would continue to pay "the very highest rates possible for labor," because with this situation everyone profited.[18] This statement, coming in the fourth year of depression when the nation's mood was explosive, perhaps reflected the desire to avoid on the Comstock the violence that characterized the relationship between capital and labor elswhere.[19]

An interesting side light occurred during Ingersoll's second lecture which indicated that Virginia City, while sophisticated in many ways, still retained vestiges of an earlier wild and woolly spirit. While Ingersoll was speaking, a pistol shot rang out on Smith Street near the entrance to the hall. Many present believed that it had been fired within and some fled outside—a natural reaction given the controversial nature of Ingersoll's talk. A panic might have ensued had the Colonel not paused in his lecture and assured those present that the shot had come from outside, and that there was no danger. Later it was learned that the bullet had been fired by a police officer attempting to stop the escape of an assailant.[20] Ingersoll apparently took the event in stride and did not mention it in letters home. The coverage of this event in the local newspapers, when juxtaposed with the comments on the intellectual attainments of Comstock residents, indicates the wide diversity of elements that great wealth attracted. Ingersoll, a spontaneous extrovert, reveled in this atmosphere.

Ingersoll's visit to the far West was eminently successful. Even America's first economic depression as a developing industrial nation did not seriously affect the size of his audiences nor his income. In San Francisco, Ingersoll was patronized when few other entertainers could attract attention. And although the money he earned "down below" was less than he had expected, his profits in Virginia City compensated him.[21] After delivering a second lecture at Carson City, Ingersoll returned east over the Union Pacific line carrying a favorable impression of Nevada and its people.

The enthusiastic reception accorded Ingersoll along the Comstock might cause one to question the strength of organized religion in that region. In the minds of some, his reception might give credence to the Michigan newspaper account that referred to the citizens of Virginia City as "a semi-

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18 *The Territorial Enterprise,* Virginia City, June 24, 1877.

19 Robert V. Bruce, *1877: Year of Violence* (Chicago, 1959). In some parts of the West lynch law was coming close to supplanting courts. The summer of 1877 brought a nation-wide railroad strike accompanied by rioting in several places.

20 *The Territorial Enterprise,* Virginia City, June 23 and June 24, 1877.

21 Ingersoll to Clint Farrell, June 21, 1877, Ingersoll Papers, Library of Congress.

civilized race of savages." And another observer populated the entire state with scoundrels, killers, Yankee desperadoes, lost wretches in drunken orgies, and saloonkeepers.[22] Herbert H. Bancroft was closer to the truth when he wrote in his state history that miners were no worse than other men, and that the lawless element composed a small minority of the people.[23]

From Nevada's beginning, organized religion exercised a great influence. Indeed, the origins of the state can be traced to Mormon settlements in 1855. And in subsequent years the area was a prime missionary target. Shortly after the "christening" of Virginia City by James Finney the representatives of various religious denominations began appearing. The Methodists organized in 1861, and they were followed by Episcopalians, Presbyterians, and Baptists, all of whom built churches. The renowned Father Patrick Manogue built the beautiful Catholic church, while the Sisters of Charity ran an orphan asylum, a hospital and two schools. By the time Ingersoll arrived in town, Virginia City supported a Unitarian society, a Bible society, weekly services in the Miners' Union Hall in the Welsh language, and a spiritualist group.[24]

The people of Virginia City were generous in their support of organized religion. Ministers were well cared for, and when a Washoe zephyr blew down an edifice the congregation raised the money to rebuild—usually on a larger scale. James Fair once threw a handful of gold pieces at the altar of his needy Episcopal church. Because the early church workers had endured terrible hardships and displayed great courage, they won respect for themselves and their successors. Father Manogue became a hero when he allowed his church to be dynamited in October 1875, thus providing a fire break. And it seems that all miners, even irregular church attenders, wanted religious funerals.[25]

Four years after Ingersoll's visit, Myron Angel published his monumental history of the state of Nevada. In his chapter on religion, Angel admitted a weak church organization within the state, and then added that Nevadans made up in good works for whatever they lacked in faith. He called them practically if not theoretically Christians, who had learned their virtues through pioneer privations. Yet the statistics for Storey County indicate a strong church organization atypical of the rest of Nevada. In 1870 the population of the county was 11,359 of which 4,950 were church members. The average for the entire state was only one fifth church members.

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[22] Lillard, *Desert Challenge*, pp. 37–38.

[23] Herbert H. Bancroft, *Works*, Vol. XXV, "History of Nevada, Colorado and Wyoming" (San Francisco, 1890), pp. 291–292.

[24] *Nevada: A Guide to the Silver State* (Portland, Oregon, 1940), pp. 89–91; H. H. Bancroft, *Works*, XXV, pp. 293–301; George D. Lyman, *Saga of the Comstock Lode* (New York, 1934), pp. 230–231; Myron Angel, *History of Nevada* (Oakland, 1881), pp. 195–196.

[25] Thomas C. Wilson, *Pioneer Nevada* (Reno, 1951), p. 117.

These statistics represent the more settled elements of the area and do not represent the large number of transients. Unfortunately, no census figures exist for 1880.[26]

While organized religion was strong in Virginia City during the 1870's, there were other factors present that insured Ingersoll, the agnostic, a warm reception. Some of these Virginia City shared in common with the rest of the nation, but there were factors unique to the locale. Partly it was the *zeitgeist* to question religious verities in the light of science and Darwinian evolution. Ingersoll's theme was popular, and it was "the thing to do" to hear him speak. Then too, Virginia City's population was quite young and perhaps more liberal in its religious views. The great debate among the clergy concerning the worth of Ingersoll's views carried from the pulpit into local newspapers, and it aroused a curiosity which could be satisfied only by personally hearing his lecture. But it may have been a basic Western belief in allowing a person to speak his piece and to be heard that, more than anything else, accounted for his great reception. The *Territorial Enterprise* put it best when it stated a personal disagreement with Ingersoll's views of the natural origins of man and matter, but continued: "We claim to live in a free country; to be entitled to our own opinions, and to the right, on all proper occasions, to express, respectfully, those opinions. We certainly ought to extend those same rights to others."[27] It is difficult to escape the conclusion that Ingersoll's independence of thought, his courage, and his irreverent good humor was commensurate with the open and rollicking character of the Western personality, and won for him numerous loyal friends along the Comstock in the heyday of Nevada's early fame.

To attempt to estimate how extensively Ingersoll affected the thinking of people is difficult. He probably converted some to his freethought-humanitarian position; but if not, he nevertheless generated salutary debate. The Rev. C. McKelvey, pastor of the Methodist Episcopal church, was one who discussed with his congregation the merits of Ingersoll's first lecture.[28]

When Ingersoll left the Comstock, he never returned. And yet his name was hardly forgotten. The newspapers continued to carry news of his activities and the calumnies of his detractors. The Carson City *Morning Appeal,* several weeks after his departure, printed a list of his witty sayings that it entitled "Ingersollisms." And although they could never capture the magic of his spoken word, Ingersoll's lectures were available in printed form. In July of 1878, the *Territorial Enterprise* staff publically thanked a Mrs. G. E. Caukin of Virginia City for sending a copy of Ingersoll's book entitled *The Ghosts and Other Lectures.* It noted that a limited number of copies were

[26] *The Statistics of the Population of the United States 1870,* Vol. I (Washington, 1872), p. 547; Angel, *History of Nevada,* pp. 191–192.

[27] *The Territorial Enterprise,* Virginia City, June 22, 1877.

[28] Ibid., June 24, 1877.

on sale in the city's bookstores.[29] Subsequently, Ingersoll's newer lectures were also published. It seems certain that by means of books, debates, and newspaper accounts the Comstock's residents continued to follow with interest Pagan Bob's colorful career, even as bonanza turned into borrasca and the population declined.

Until his death on July 21, 1899, Ingersoll continued to practice law, first in Washington, D.C. where he moved after leaving Peoria, and subsequently in New York City. With the exception of the years 1886 to 1891, when a throat ailment prevented extensive public speaking, he also carried his optimistic message of progress to the American people. Eventually he spoke at least once in nearly every state and territory and even ventured into the Deep South—a bastion of religious orthodoxy. Some indication of his fame as a lecturer is gathered from the fact that occasionally he earned as high as $6000 for one performance.

Late in 1896, Ingersoll suffered a light stroke while lecturing at Janesville, Wisconsin. Yet he continued to work, both at lecturing and his Wall Street law practice, taking the platform on numerous occasions in the ensuing two and a half years. By the summer of 1899 the pains in his chest and feeling of oppression became so marked that he gave up all business activity and retired to his son-in-law's home at Dobbs Ferry, New York. It was there that the great agnostic and humanitarian died, peacefully and unrepentant, in the company of his loving family.[30]

The word of his death spread quickly across the nation and around the world. It gave friend and foe alike one final opportunity to canonize or vilify. To his friends he now appeared larger than life—a veritable David who did battle with the giant enemy of religious superstition in order to liberate mankind. His enemies spread false rumors of a deathbed repentance and conversion. In Nevada the news was noted by the Carson City *Morning Appeal,* and it devoted a long editorial to his outstanding ability as an orator. But even his religious opinions were defended by the newspaper, and Ingersoll was eulogized as "an honest man; he led a pure life; he was the idol of his family; he was a good citizen; he paid all his debts; he never defrauded a living being, or allowed a lie to pass his lips, or did an unjust thing. . . ." Assailing the attitude held by the churches, the editor found no churchman who possessed sufficient courage and ability to meet Ingersoll in open debate. The author concluded that Ingersoll was a much misunderstood man "who believed a good deal more in God and nature than his enemies gave him credit for."[31] The basic fairness of the West had spoken once more.

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[29] Ibid., July 6, 1878.

[30] Kittridge, *Ingersoll,* pp. 218–219. See also Orvin Larson, *American Infidel: Robert G. Ingersoll* (New York, 1962), pp. 270–272; Cameron Rogers, *Colonel Bob Ingersoll* (Garden City, New York, 1927), pp. 289–290.

[31] *The Morning Appeal,* Carson City, Nevada, July 23, 1899.

Pittman, Creel, and New Deal Politics

HAROLD T. SMITH

FOR A DECADE after World War I the U.S. economic picture looked bright in most respects. Millions of Americans threw caution to the wind and enjoyed a national fling during the "roaring twenties." Prohibition was outmaneuvered, Henry Ford's "flivvers" put America on wheels, and countless multitudes were thrilled by transatlantic flights.

The euphoria turned to apprehension in 1929 following Wall Street's great stock market crash. A faltering economy reached its nadir by 1932–1933, and the festive air had long since vanished. Economic depression brought widespread misery and generated such heavy demands that relief resources were quickly exhausted. Indeed, some states that relied exclusively on local governments and private charities had no facilities for dispensing aid.

Federal programs with limited objectives generally failed to stimulate the sagging economy before 1933. As the depression deepened, an opinion that massive federal intervention was required to alleviate pressing personal needs steadily gained support. Therefore, when Franklin D. Roosevelt was inaugurated president, he moved vigorously and implemented a program which put the federal government into direct relief operations.

New Deal legislation authorized the establishment of a Federal Emergency Relief Administration responsible for disbursing funds through cooperating state and local agencies. Roosevelt stipulated that it be nonpolitical, but the massive and complex bureaucracy which emerged generated many problems involving political influence.

The potential for expanding power and influence was enormous. Some states eventually were threatened with federal intervention because of squabbling or program mismanagement. Understandably, the ideal of a nonpolitical operation presented an elusive goal when millions of dollars were to be disbursed through state and local administrators. Nevada was vulnerable because, initially, it had no well-organized relief apparatus. Also, the state's governor was Republican while the Congressional delegation was Democratic, thus offering additional possibilities for friction. When conflict erupted, however, it developed primarily from efforts by Nevada Democrats to gain control over relief operations, and not because of differences between state and federal officials.

Harry L. Hopkins, former relief administrator for New York State, was named director of a hurriedly created Federal Emergency Relief Administration and charged with providing rapid assistance. Because state governments had cooperative responsibilities, established relief agencies were necessary for the task at hand. At first lacking such an agency, Nevada soon developed an organization which was coupled with the federal bureaucracy.

Initial connections between the state and federal agencies were accomplished without difficulty. Nevada's first state administrator, Cecil W. Creel, was a Republican, but apparently had a satisfactory working relationship with federal authorities. He administered New Deal programs for about thirteen months. Meanwhile, powerful Nevada Democrats, not federal relief officials, awaited an opportunity to replace him with one of their ranks.

After shrewd maneuvering resulted in Creel's replacement by Frank Upman, Jr., a Democrat, he continued to try and maintain indirect control. When his position was undermined major efforts were made to regain his lost influence. The ensuing conflicts did not span a long period, but did reach high levels of intensity within the framework of Nevada's relief operations.

Creel was born in Angola, Indiana, on October 22, 1889, and spent his early years there on a farm. After brief periods in Washington, D.C., Oklahoma, and Nebraska, Creel attended Montana State Agricultural College and Kansas State Agricultural College. He enrolled at the University of Nevada in 1908 and by 1911 earned a Bachelor's degree in Agriculture.

Creel spent two years with the United States Department of Agriculture at Salt Lake City and at Purdue University. During World War I he participated in a federal campaign to increase food production throughout the Pacific Northwest and Canada. During 1913, Creel helped establish the first county Farm Bureau in Nevada. He later did similar work in Montana, and in 1920 helped organize Nevada's State Farm Bureau.

After July, 1921, Creel directed extension service at the University of Nevada and remained in that position throughout most of his active career. His ambition, coupled with changes in national politics, eventually diverted him from agricultural interests to political involvement. But he became politically active during a period of great Democratic strength. He would probably have enjoyed being governor of Nevada if circumstances had taken a different turn. He eventually campaigned for election to the United States Senate, but the tide was still Democratic and his bid failed.[1] Nevertheless,

[1] Private interview, Jane Creel (daughter of Cecil W. Creel), 304 Country Club Road, Reno, Nevada, April 11, 1968. University of Nevada (Reno), Getchell Library, Papers of Cecil W. Creel, clippings from *Nevada State Journal* and Reno *Evening Gazette* contained in a Scrapbook collection covering the 1920s and 1930s; cited hereafter as Creel MSS. James G. Scrugham, *Nevada: A Narrative of the Conquest of a Frontier Land* (Chicago and New York: The American Historical Society, 1935) III, pp. 188–189.

Creel's solid educational background, boundless energy, and varied administrative and organizational experience made him a logical choice for numerous executive positions.

Nevada's top political leadership in 1933 consisted of a Republican governor, Fred B. Balzar, and a Democratic congressional delegation composed of Senator Key Pittman, Senator Patrick A. McCarran, and Representative James G. Scrugham. In the 1920s Nevada reputedly had a bipartisan machine arrangement whereby politicians generally tolerated both Republicans and Democrats in key positions regardless of which party dominated the administration.[2] However, old alliances crumbled as the depression deepened, and different arrangements came about when new policies appeared.

As the New Deal programs proliferated, powerful politicians like Pittman became increasingly unwilling to see Republicans preside over the disbursement of tremendous pork-barrel type projects in Nevada. He wanted changes that would give Democrats, and specifically himself, more control over operations. But the situation was complicated because Nevada Democrats in 1933 were divided and fighting among themselves, even though they held all three congressional seats. Scrugham was not deeply involved, but relationships between Pittman and McCarran apparently never rose much above a "dogfight . . . a most bitter thing."[3] For public relations and political purposes, Pittman occasionally paid lip-service to cooperation with McCarran; it is doubtful that McCarran even paid lip-service to cooperation with Pittman.[4]

Pittman worked to expand his control at the expense of both Creel and McCarran. Preparation of relief projects sponsored by Pittman and his supporters were shrouded in secrecy to prevent McCarran's followers from gaining information that might bring them political advantage.[5]

After Frank Upman, Jr., replaced Creel as administrator in 1934, Pittman had major influence over operations. The Senator boasted that he never asked Upman for favors or appointments; it was essentially unnecessary. Upman consistently deferred to Pittman's suggestions and almost never made important moves without first consulting him.

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[2] Franklin Delano Roosevelt Library, FDR Official File 300, Box 47, Letter, McCarran to Farley, Aug. 5, 1936.

[3] FDR Library, FDR Official File 300, Box 47, Letter, Boyle to Farley, April 10, 1935; Fred L. Israel, *Nevada's Key Pittman* (Lincoln: University of Nebraska Press, 1963), p. 154. Cited hereafter as Israel, *Pittman*.

[4] National Archives, FERA State Files, Box 177, file Nevada, Pittman press release, June 28, 1934. Thomas W. Miller, "Memoirs of Thomas Woodnut Miller, a public spirited citizen of Delaware and Nevada," Oral History Project, Getchell Library, University of Nevada (Reno), p. 169. Peter C. Peterson, untitled interview, Oral History Project, Getchell Library, University of Nevada (Reno), pp. 28, 38, 40. "Patrick Anthony McCarran, 1876–1954," by Sister Margaret Patricia McCarran, *Nevada Historical Society Quarterly*, Vol. XII (Spring 1969), pp. 32–33, 37.

[5] Library of Congress, Pittman MSS, Box 87, Executive Department, file WPA, Letter, Upman to Pittman, June 3, 1935; Memorandum, Upman to Pittman, Aug. 23, 1935.

In analyzing Pittman's record, some historians have concentrated on his convivial habits as a source of amusement and presented him in a tragi-comic relief. This approach allows alcoholic addiction to obscure more fundamental considerations. One of Roosevelt's closest advisers said the President and Pittman developed "a firm friendship and mutual trust."[6] Roosevelt came to rely and depend on Pittman's judgment and experience in political matters. Available evidence seems to bear out these assertions.

Pittman perplexed cabinet members and presidential advisers by airing his grievances with them. Nevertheless, his willingness to take on unpleasant and unrewarding tasks for the President must certainly have increased Roosevelt's esteem for him.[7] The President evidently took genuine interest in Pittman's campaigns for reelection. During the 1934 primary race, Roosevelt told Pittman that imposed silence in primaries was one penalty of the presidency, but he was still "one thousand per cent" for the senator. "All I can say to you and Mrs. Pittman is, 'The best of luck—you simply must win.' "[8] When Roosevelt later made a trip west, Pittman received word "the Boss wants you along with him" and was requested, if possible, to meet the presidential party in Chicago. He travelled with Roosevelt until "permitted to return to Nevada."[9]

Nevadans who worked with Pittman also respected his control over affairs. One official, W. Wallace White, related an incident concerning disagreement over a drilling project. When someone suggested consulting Pittman, White replied, "Oh why go to him? I'm the guy who makes the rulings." But when White returned to Reno, Pittman was waiting for him in the Riverside Hotel. The Senator told White "in no uncertain terms that he was the state's Senator, that when people wanted to ask him a question, they should ask, and it was up to him to make the decision, not me." White learned a lesson not quickly forgotten and never again discouraged a constituent.[10]

A Republican, active in local politics, who worked briefly in relief programs, also knew the Senator personally and commended his ability. Pittman commanded attention and respect from groups to whom he spoke. He was a clever man who might not always be able to stand because of too much drink,

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[6] Israel, *Pittman*, pp. 132, 146–147, 173. Gilman Ostrander, *Nevada: Great Rotten Borough* (New York: Knopf, 1966), pp. 143, 147, 177, 190. Harold L. Ickes, *Secret Diaries* (New York: Simon and Schuster, 1953) I, p. 490; Raymond Moley, *The First New Deal* (New York: Harcourt, Brace and World, 1966), pp. 9, 368–371.

[7] FDR Library, President's Personal File 745, 1933–41, Letter, Howe to Perkins, Oct. 5, 1933; Letter, Pittman to Howe, Aug. 28, 1933.

[8] FDR Library, FDR Official File 300, Box 47 (Nevada), letter, Roosevelt to Pittman, Aug. 25, 1934; Letter, Henderson to Roosevelt, Aug. 30, 1934.

[9] FDR Library, President's Personal File 745, 1933–41, Telegram, McIntyre to Pittman, Oct. 4, 1936; Telegram, Pittman to Mrs. Pittman, Oct. 8, 1936.

[10] W. Wallace White, "Caring for the Environment: My Work With Public Health and Reclamation in Nevada," Oral History Project, Getchell Library, University of Nevada (Reno), pp. 49–50.

but he still was able to carry on business effectively while seated. He was both powerful and effective.[11]

Pittman enjoyed popularity and influence with the White House and presidential advisers, and he began to utilize these advantages soon after the New Deal got underway. Pittman complained to presidential secretary Louis McHenry Howe about the many Republicans in authoritative political positions, both within and outside Nevada.[12] He had not applied for any appointments even though the national administration was Democratic, but others who had done so were disappointed with results.

Pittman's complaint signaled the opening of a contest which eventually brought Creel's removal as Nevada's Emergency Relief Administrator. The Senator wanted an officer whom he could effectively control. This necessitated replacement of Republican Creel with someone less politically ambitious and more amenable to offstage direction.

In another complaint, to James A. Farley, chairman of the Democratic National Committee, Pittman charged that Republicans had "subterranean control" of the Democratic Administration. Numerous appointments had been made under Republican influence; he promised to fight until things were changed.[13] There is no direct evidence proving Pittman responsible for initial political attacks against Creel; he did not openly advocate removal until late 1933. However, Creel was criticized early during NERA operations over a "5-Cent Meal Diet."[14] And if Pittman were not directly involved, he probably concurred with the action because it furnished a necessary prelude for his later more intensified attacks.

A *Nevada State Journal* article, entitled "Hello Guvnor!" [sic], during mid-summer 1933 reported this as the usual greeting given Creel on numerous visits to Washington, D.C. The writer speculated that Creel's Republican friends on Washington payrolls were "spoofing" him. But he continued, "Politician or no politician, Creel's friends are of strong opinion that Creel would like to be governor."[15] Rumors circulated freely that his gubernatorial candidacy was assured.

The same articles, however, referred to him as "master of the agricultural extension service" and "Economy Cecil," ostensibly because he had begun travelling to Washington by air in order to save time. Despite the unfriendly articles, when asked if he might become a gubernatorial candidate, Creel replied "that he had never given the matter any consideration."[16]

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11 Private interview, individual declined to be named publicly, July 29, 1970.

12 FDR Library, President's Personal File 745, 1933–41; Letter, Pittman to Howe, May 27, 1933.

13 Ibid., Letter, Pittman to Farley, Aug. 30, 1933.

14 *Nevada State Journal*, Aug. 16, 1933, p. 7, c. 6, 7.

15 Creel MSS, clippings from articles in *Nevada State Journal* and Reno *Evening Gazette* in Scrapbook collection.

16 Ibid., Elko *Free Press*, Jan., 1934.

Still the rumors and attacks continued. The *Journal* portrayed Creel as holding "more jobs than old dog Towser has fleas." While admitting that he was sincere and capable, the writer asserted that relief operations were being used to advance his candidacy for the governorship. Creel supported Roosevelt's policies, but the primary concern was for Republicans who could be appointed to positions under his jurisdiction. The newspaper pressed its attack: "This Republican politician's wings should be clipped, if not altogether removed. Leave it to the Democrats, when they win they lose."[17]

On December 13, 1933, Pittman openly launched a full scale attack. He sent Hopkins a letter protesting Creel's position as NERA administrator, which was subsequently reprinted in various Nevada newspapers. Creel had frustrated several prospective appointments of Nevada's Congressional delegation. He seemed a logical contender for the governorship, and Pittman said numerous constituents, admittedly Democrats, had repeatedly charged the administrator with building a political machine. Pittman reminded Hopkins that even though Nevada had a Republican state administration (Creel was then directing Nevada's CWA operations plus other duties), most of the country was under a Democratic administration. The Senator lectured Hopkins to the effect that the CWA director was his personal representative and that he assuredly would not want the office used for political purposes. Nevertheless, Pittman professed not to understand how Creel would administer the office without benefiting Republicans and advancing personal ambitions. Pittman urged his removal:

> for the reasons that I have stated, and because it is creating discontent in the state, and that you select for such position some able, outstanding man who is not a politician and whose appointment will allay the suspicion, criticism, discontent and discouragement that now exist in the state of Nevada on behalf of a majority of its people by reason of Mr. Creel's activities.[18]

Creel's reply to the accusations was reported by the Reno *Evening Gazette* which generally defended him:

> While I have the highest personal regard and esteem for Senator Pittman he seems to have discovered something that is entirely unknown to me—that I am a probable candidate for office, and that I am using my position for political ends. As a matter of fact I am not a candidate for anything and never have been.[19]

Creel expressed regret that Pittman had injected politics into a great work

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[17] *Nevada State Journal,* Aug. 19, 1933, p. 9, c. 1; Creel MSS, assorted clippings from Nevada newspapers contained in Scrapbook collection.

[18] *Nevada State Journal,* Dec. 17, 1933, p. 3, c. 1. Creel MSS, various press releases, clippings of newspaper articles and copies of letters contained in Scrapbook collection.

[19] Creel MSS, copy of reports from Reno *Evening Gazette,* December 18, 1933, in Scrapbook collection.

which Roosevelt insisted must be kept entirely non-political.

The *Gazette* mentioned that Scrugham had also been requesting Creel's replacement with a Democrat. However, the newspaper reiterated that the administrator worked without salary, directing relief efforts in addition to his responsibilities for farm extension work. Yet the attacks continued with assertions in the *Journal* that Creel was building a political machine with CWA funds. In reply, the *Gazette* charged Creel's accusers with rabid political partisanship. Creel had been in the Republican party for about twenty years and had never taken more interest in politics than any average good citizen. Pittman and Scrugham had initiated the attack because Creel refused to follow their dictates concerning appointments. The *Gazette* said Creel merely followed Hopkins' instructions and kept appointments non-political. He had, in fact, appointed both Democrats and Republicans to relief positions. Accusations of undue political activity were nothing more than a convenient ruse planted in newspapers by his opposition because records failed to show that the CWA was being politically conducted. The *Gazette* said the only partisanship exhibited was by Pittman and Scrugham; altogether it was an "unseemly spectacle."[20]

When it became public knowledge that Pittman had requested his resignation, Creel gained additional support. Clark County's CWA committee telegrammed Hopkins refuting the Senator's accusations.[21] They contended that Nevada's CWA was progressing satisfactorily and that the charges were without foundation. The CWA's best interests would be served by retaining Creel, the present administrator.

If appearances indicated Creel had won initially, they were deceiving because with Pittman's open entrance and determined opposition, Creel had in fact already lost the battle. Some arrangements were necessary before a new administrator could be appointed, but it was only a matter of time. Creel continued his many duties through early 1934 and seemed to be in good standing with Hopkins and other national relief officials, but pressures by Pittman and his followers must have intensified during that time. There is no material proof for this assertion; nevertheless, after Creel resigned in July, 1934, his successor invariably deferred to Pittman's wishes, thus indicating the senator had not left selection of a new administrator to mere chance.

Creel had promised that he would step down as relief administrator if the dual work load (relief and extension) became too heavy. After pressures and responsibilities both increased considerably, Creel decided to resign.

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[20] Ibid., reprinted copy of article in *Nevada State Journal*, December 18, 1933, copy of article in Reno *Evening Gazette*, Dec. 18, 1933, contained in Scrapbook collection.

[21] National Archives, Civil Works Administration, Box 28, Administrative Correspondence, Nevada (Miscellaneous file), telegram Ferron to Hopkins, Dec. 20, 1933.

In a letter to Hopkins on June 24, 1934, he recounted a conversation between the two in Kansas City a month earlier during which he asked to be relieved. The university had generously given him time to administer relief operations, but serious drought conditions in Nevada now required that his time be devoted to extension work.[22] He asked to be replaced when the fiscal year ended.

Uncertainty surrounds the exact manner in which Creel actually resigned. His letter to Hopkins indicates that he personally requested release; a different version suggests that Hopkins asked him to resign when they met earlier in Chicago. Creel's assistant, W. L. Harmon, said several months after the administrator stepped down that Hopkins had asked him to resign, whereupon he requested that Harmon be named as successor. According to Harmon, Hopkins would not object to such an arrangement if Pittman agreed.

But Pittman told Harmon he had no prior knowledge of Creel's resignation; that he learned about it at a conference in Hopkins' office with Creel, Griswold, Hopkins, and McCarran all present.[23] A press release issued later by Griswold, trying to absolve himself from responsibility for Upman's appointment (which was unpopular with many Nevadans), generally substantiated Creel's version. In retrospect it is possible that Pittman did not know exactly *when* Creel would resign; but it seems probable that he did *expect* such a move. Nevertheless, if Pittman had been working secretly for the appointment of an administrator who would follow his instructions, Creel was completely taken in.

Creel believed he had influenced the choice of a successor. He said later that Hopkins asked for help in persuading the Nevada State Board of Charities and Public Welfare to accept Upman's appointment and make it legal. They accepted Upman reluctantly. An arrangement was made in a meeting between Hopkins, Aubrey Williams, Upman, and Creel when the latter resigned. He would become director of Rural Rehabilitation, but in return for his support, Upman was to consult with Creel and Griswold "on all major policies affecting the Relief Administration in Nevada."[24]

Essentially, Creel thought he had agreed to a compromise whereby a Democrat would head relief operations and thus quiet Pittman's raging criticism. Yet, he would still maintain considerable influence because the new appointee was an outsider unfamiliar with operational problems. Events were to prove him quite wrong indeed.

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22 National Archives, FERA State Files 1933–1936, Box 177, Nevada Official FERA 1934, Letter, Creel to Hopkins, June 25, 1934.

23 Library of Congress, Pittman MSS, Political Correspondence, Box 19, file FERA, Memorandum of conversation recorded by James A. White in Reno, Oct. 6, 1934.

24 Creel MSS, Letter, Creel to Pittman, May 16, 1935. National Archives, FERA State Files 1933–1936, Box 177, Nevada, 1934, Letter, Creel to Hopkins, June 25, 1934.

The new administrator, Frank Upman, Jr., a native of Washington, D.C., was graduated from the University of Virginia with an engineering degree. He lived in Nevada between 1929 and 1932, spending much time unsuccessfully promoting a new municipal airport for Reno. While in Nevada, Upman married Lola Barnes Hoppin, also from Washington, D.C. She had travelled to Reno for a divorce. They later returned to Washington where Upman became an assistant deputy administrator for the NRA.

When he was appointed Upman was thirty-eight years old, and he described himself as a Democrat and as a registered voter in Nevada. A check by the county clerk, however, failed to confirm his qualifications as an eligible voter. Creel had worked as an unsalaried relief administrator; Upman received at least six thousand dollars annually. Upman allegedly had been a close friend of the late Governor Balzar as well as Judge George A. Bartlett but he denied having sought political endorsements to gain appointment. Reports attributed Upman's selection to Governor Griswold and Senator Pittman, but Griswold denied any influence in the affair.[25]

In essence, the Governor confirmed Creel's earlier statements concerning his resignation. Griswold contended that Hopkins had authority to appoint whomever he wished because monies being disbursed were federal funds. He did not personally know Upman and asked only that whoever was selected be chosen for ability rather than political considerations. The acting Governor claimed to have merely passed information along to the NERA board. He went along with the appointment because of his fear of jeopardizing relief funds by playing politics.[26]

Initially, Pittman mildly supported Upman through press releases to Nevada newspapers; nonetheless, the appointments aroused strong resentment. Questions were raised about his identity and qualifications and many people openly wondered why some capable Nevadan had not been given the post.[27] As objections increased, Pittman distributed press releases to five state newspapers vigorously defending the action. He said Hopkins had been annoyed by attacks and protests against various state administrators, including Nevada's. Consequently, the federal administrator decided to send his personal representative to Nevada, a man whom he knew was capable of performing administrative duties without interruption. The Senator said Griswold had been notified about Upman's appointment purely out of courtesy; nothing was mentioned of Creel's role.

Pittman had met the new appointee a year earlier when Upman was seeking employment. Pittman, McCarran and Scrugham endorsed him at

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25 Creel MSS, clippings from Nevada newspapers contained in Scrapbook collection. *Nevada State Journal*, June 26, 1934, p. 2, c. 6.

26 Creel MSS, typed statement by Griswold (no date) contained in Scrapbook collection.

27 Ibid., clippings from Nevada newspapers contained in Scrapbook collection.

that time. The Senior Senator indicated that if his personal wishes had been followed, despite several obstacles to such a course, Nevada's congressional delegation would have met and selected some Nevada engineer. But Pittman had no complaints against Upman because recommendations from the NRA showed him to be very capable. There were also other advantages. Since Hopkins had his personal representative in Nevada, he might spend additional money in the state and approve financial requests more rapidly.[28] Pittman urged Nevadans to support the new administration and thus speed up administration of relief.

The press releases were designed for public distribution; Pittman's private files are more indicative of his true attitude. A telegram from Pittman to Upman on July 16, 1934, indicated that the administrator had already contacted the Senator for directions relative to his new position.[29] That pattern was continued throughout his service with the NERA.

Opposition against the appointment continued despite Pittman's public pronouncements and pleas for support. The Clark County Democratic Central Committee adopted a resolution protesting the naming of an outsider to a post of such importance to many Nevadans; they sent copies to Hopkins, Pittman, McCarran, and Scrugham. They contended that the University of Nevada's excellent engineering school had produced numerous capable graduates, many of whom were available. Similar disapproval came from numerous other groups and individuals, including a protest by McCarran; all were addressed to Hopkins.[30] Meanwhile, Pittman continued defending Upman privately to Hopkins against any and all charges,[31] because an arrangement now existed wherein he could influence and control state relief administration.

Long after Creel had been relegated to Rural Rehabilitation the animosity was still evident. Pittman complained to Hopkins that a conspiracy existed in Reno against Upman and he feared force might actually be employed. On one occasion Upman's car was struck from behind by another vehicle. The offending vehicle belonged to a local garage owner patronized by many local policemen. Mrs. Upman suffered serious injuries, but Pittman

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28 National Archives, FERA State Files 1933–1936, Box 177 Nevada Official FERA, Pittman press realease, June 28, 1934.

29 Library of Congress, Pittman MSS, Executive Department, Box 82, file NERA, Telegram, Pittman to Upman, July 16, 1934; various other correspondence in same location but in WPA file.

30 National Archives, FERA State Files 1933–1936, Box 179, Nevada (Nevada Complaint File): Letter, Smith to Hopkins, July 17, 1934; Telegram, Wartman and Bacigalupi to Hopkins, July 17, 1934; Telegram, Wartman and Bacigalupi to Hopkins, June 28, 1934; Letter, Robin to Hopkins, June 29, 1934; Letter, McCarran to Hopkins, June 5, 1934; *Nevada State Journal*, June 29, 1934, p. 2, c. 5.

31 Library of Congress, Pittman MSS, Executive Department, Box 18, file NERA, Letter, Pittman to Hopkins, April 19, 1935. Executive Department, Box 82, file NERA, Letter, Pittman to Hopkins, April 29, 1935.

said the policemen seemed quite prejudiced against her husband. The senator suggested that Hopkins have the Attorney General send a special investigator from San Francisco to check matters and assure the administrator's safety.

Hopkins replied that Upman was not a federal employee; consequently the Attorney General could not intervene. He suggested, instead, that matters be discussed with Griswold. The federal administrator expressed regret but hoped Upman would "stand by his guns and not get the jitters. . . ."[32] Pittman admitted later that "the outsider" had been "fought bitterly, not only by Republican politicians but by a powerful faction in the Democratic party."[33] A situation, however, where substantial numbers of one party at times supported a member of the opposing party was not entirely inconsistent with practices in Nevada. Democratic leaders and supporters of Pittman occasionally openly supported Republican candidates for governor,[34] as they did in 1934.

Despite strong opposition, Upman finally gained sufficient power to diminish Creel's influence. Pittman's support, of course, was a decisive factor. Rural rehabilitation work had not been heavily emphasized initially; thus, when Creel assumed control, he had to devise a program and assemble a staff. For several months he was occupied with organizational groundwork. Meanwhile, Upman attended to his duties as relief administrator but also worked to undermine further Creel's position and influence.

Creel believed for a time that Upman would consult with him, Griswold, and the State Board of Charities and Public Welfare before taking important steps on policy matters. According to Creel, however, Upman (or someone under his direction) sponsored a bill in the state legislature that abolished the State Board of Charities and Public Welfare. Creel's influence on that body had been considerable. Because of illness the rehabilitation director was not present to discuss the measure when it was introduced; consequently, the impression was spread that he favored it. Legislative approval brought dissolution of the nonpartisan State Board.[35] Creel had served as secretary to the Board almost from its inception; with its demise he lost a major source of pressure to be used against Upman.

Creel must have realized some implications of the various maneuvers. Nevertheless, evidence does not indicate any overt protests until Upman had begun final efforts to remove him entirely through his dismissal as rehabilitation director. The last power play came in June, 1935, after it be-

[32] National Archives, FERA State Files, Nevada, Box 177 (400 Nevada Official), Letter, Pittman to Hopkins, March 14, 1935; Letter, Hopkins to Pittman, March 16, 1935.

[33] Library of Congress, Pittman MSS, Box 18, Executive Department, file NERA, Letter, Pittman to Hopkins, April 19, 1935.

[34] FDR Library, FDR Official File 300, Box 47, Letter, Boyle to Farley, April 10, 1935.

[35] Creel MSS, Letter, Creel to Pittman, May 16, 1935.

came known that the Federal Emergency Relief Administration program would be phased out and replaced by the Works Progress Administration.

About a year after Creel resigned as relief administrator matters reached a climax. During that interval he assembled an experienced administrative staff trained in agriculture and home economics to administer Rural Rehabilitation. He chose Robert Bankofier and Ruby Stringham as assistants while the remainder consisted of field agents, clerks and stenographers.[36] Almost thirty people were employed.

As usual, Creel was still "busy as old dog Towser with fleas" performing regular duties and special assignments. Among other things, he was a director for the Association of Land Grant Colleges and Universities and spent part of April, May, and June, 1935, in Washington helping secure Congressional approval of legislation sponsored by the Association. Moreover, the Reno Chamber of Commerce appointed him as its representative to an annual meeting of the United States Chamber of Commerce in Washington lasting from April 30 to May 2.[37]

The rehabilitation director had a third simultaneous assignment representing the Land Grant College Association on a special committee that worked with Under-Secretary of Agriculture Rexford G. Tugwell. It was anticipated that when the Works Progress Administration became operative, Rural Rehabilitation would be transferred from relief jurisdiction and placed under the Secretary of Agriculture's control. Creel and the Committee worked on plans that would make possible the physical transfer of administration and management by July 1, 1935.

Creel wanted the new service organized to preclude political interference by relief administrators. He felt directors should be connected with land grant colleges; this would de-emphasize politics and permit a smoother operation.[38] Time now became important. Aware that something was wrong, Creel hoped to act before Upman could disrupt matters. He wanted the entire Rural Rehabilitation staff placed under the jurisdiction of Rural Resettlement, but realized Upman could stop him by dismissing the staff before transfer was completed.

Creel suspected possible difficulties but he never anticipated such a calamity as befell his plans. While he worked in Washington to strengthen his defenses, Upman destroyed his base at home. With very little advance warning, the rehabilitation director received a telegram in Washington on

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[36] Ibid., Letter, Creel to Tugwell, May 21, 1935; clipping from *Nevada State Journal*, May 25, 1935, contained in Scrapbook collection.

[37] Creel MSS: Letter, Walker to Creel, April 24, 1935; Letter, Petersen to Creel, April 26, 1935; Letter, Creel to Taylor, June 15, 1935; plus various related correspondence contained in same file.

[38] Creel MSS, Letter, Creel to Stringham, May 15, 1935; Letter, Creel to Shaughnessy, June 4, 1935.

May 15 from Upman in Reno asking his resignation within twenty-four hours.[39] Upman said that Creel's preoccupation with other pressing matters made it only fair that a new director be named. He planned to appoint J. F. Shaughnessy as successor. Upman operated shrewdly in selecting Shaughnessy. He assumed, quite correctly, that the appointment of a well-known local person would reduce opposition to the dismissal.

Nevertheless, Creel was in no mood to give up easily. He telegramed the next day saying he had no intention of resigning unless asked to do so by either Hopkins or his assistant, Lawrence Westbrook. Creel thought the request quite unusual because Upman had seen him in Washington a short time earlier but had not mentioned it. Creel said that even if federal administrative officials requested his resignation, he would stand on his rights as director of Agricultural Extension representing jointly the state of Nevada and the Department of Agriculture and withhold approval of a new director until the work was transferred from FERA to Agriculture's jurisdiction.[40]

On May 13, two days before the dismissal, assistant director Ruby Stringham had a short conference with Upman and indicated that he had shown genuine interest in Rural Rehabilitation for the first time. She wrote Creel on May 14 about their conversation, but Upman's dismissal telegram undoubtedly reached him first. Stringham mentioned that Upman's "stool pigeons" had been especially nice to her for several days, and Gilbert Ross was "almost affectionate in being kind." Upman was also overheard during a phone conversation saying "he was planning on spending a great amount of his time pushing ahead the R. R. [Rural Rehabilitation] work in Nevada." Stringham continued, "Of course I don't know what he has in mind. . . ."[41]

Shaughnessy had also informed Creel a few days earlier that something was up, but evidently no one knew exactly what to expect. Upman's action caught Creel's supporters in Reno off balance and came as a complete surprise. Creel telegramed the news to his secretary in Reno, C. W. "Bill" Stark. The secretary told Stringham of developments and then informed Bob Hinckley, a regional official in Salt Lake City, who generally supported Creel. Stark, however, could not explain "just why this thing broke so quickly." He concluded:

> Well, Cecil, all I can say is I think this is a dirty rotten deal. When I read the paper this morning I was sure sore at these rat politicians. I think Jack Shaughnessy was in on the whole deal, and to think how you have tried to figure out a berth for him and help him every way possible.[42]

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[39] Ibid., Telegram, Upman to Creel, May 15, 1935.
[40] Ibid., Telegram, Creel to Upman, May 16, 1935.
[41] Ibid., Letter, Stringham to Creel, May 14, 1935.
[42] Ibid., Stark to Creel, May 16, 1935.

On the surface, Stark's charge against Shaughnessy appears valid, but he perhaps was unwittingly caught in a perplexing situation. Although friendly with Creel, Upman wanted to appoint him director of Rural Rehabilitation because the selection would be well received. Shaughnessy accepted, though Creel advised him against it because of unresolved questions; nevertheless, they apparently remained friends. Within ten days Shaughnessy asked Creel for help in locating a position with some regulatory commission and the latter agreed to use whatever influence he had.[43]

After refusing to resign, Creel moved quickly to gather support. He sent Hopkins a letter protesting Shaughnessy's appointment as director. Then he sent a personal message to Tugwell plus copies of his letter to Hopkins. The troubled director explained that if Hopkins allowed Upman to carry on with Shaughnessy's appointment, in total disregard of all previous understandings between the FERA, the Department of Agriculture, and the Land Grant Colleges, Upman would force the resignation of trained Rural Rehabilitation staff members and replace them with less qualified personnel. Creel had selected the staff carefully with complete approval of Assistant Relief Administrator Lawrence Westbrook, believing that Roosevelt wanted Rural Rehabilitation administered on a professional plane like the Department of Agriculture. He concluded:

> After having been instrumental in maintaining such standards for the President and Mr. Hopkins in Nevada, during all of the time that I have served as State Relief Administrator and Civil Works Administrator and more recently as Director of Rural Rehabilitation, all in addition to my regular duties at the University of Nevada, I, of course, deeply resent this eleventh hour attempt by Mr. Upman to disrupt the organization I have worked so hard to build up, just prior to the time the President officially transfers it to your jurisdiction.[44]

Regardless of Creel's friends in authoritative positions, Pittman still loomed as a major obstacle. He sent the Senator a long letter and enclosed copies of telegrams exchanged between himself and Upman. Interestingly, Creel still did not fully realize the extent of collaboration between Pittman and Upman. He complained to the Senator about the very short notice of Upman's activities, and asserted that the director's position was offered to Shaughnessy before he was asked to resign. He mentioned that Shaughnessy asked Upman if his appointment had been discussed with Cecil; Upman's reply was negative. Shaughnessy, somewhat surprised, feared a double-cross; he called Mrs. Creel and asked her to tell Cecil. Shaughnessy's action, ad-

[43] Ibid.: Telegram, Creel to Shaughnessy, May 15, 1935; Letter, Shaughnessy to Creel, May 29, 1935; Letter, Creel to Stark, June 6, 1935.

[44] Ibid., Letter, Creel to Tugwell, May 21, 1935.

vising of developments before they actually occurred, appears to negate Stark's charge that he was involved in the plot.

Perhaps thinking the Senator might offer support, Creel really unburdened himself of pent-up emotions. Admitting that he did not know the legislator's feelings on the matter, he expressed personal disgust and the loss of any remaining respect for Upman. The dismissal attempt was the culmination of a series of events which had not "looked just right" since his successor took office. Creel recounted his version of the circumstances under which Upman had been appointed, and said it appeared that he had completely forgotten the obligation involved. The State Board of Charities and Public Welfare opposed Upman, but at Hopkin's request he had secured its approval to make the appointment entirely legal. Several irregularities had been overlooked, he continued, but Upman's recent ingratitude made him "downright mad."[45] Creel said he always played "the game with all the cards on the table" and suggested that he, Pittman and Hopkins meet and discuss matters.

Pittman and Creel met as suggested on May 21, but Hopkins did not attend. After the conference, however, each man came away with different understandings. Creel sent a telegram to Upman and a letter to Hopkins explaining his conclusions. Then he sent copies of that correspondence along with a brief letter to Pittman expressing satisfaction that things were cleared up.[46] Creel thought that, in return for accepting Shaughnessy's appointment, the entire Rural Rehabilitation staff would be retained intact until transferred to Tugwell's jurisdiction. Also, he understood that Shaughnessy's involvement would be confined to agricultural work projects such as irrigation ditch cleaning, well digging, and similar undertakings. But the Senator replied with a letter to Hopkins plus a copy to Creel explaining his disagreement.

Pittman said he told Creel that Upman had his full support. As administrator, he needed power to employ and discharge those under his jurisdiction in order to properly conduct the office. Pittman added that he did not ask Creel to endorse Shaughnessy as director of Rural Rehabilitation because, in his opinion, the law did not require such endorsement. The Senator stated that he knew nothing about any changes contemplated by Upman concerning Rural Rehabilitation personnel other than Shaughnessy's promotion.[47]

The sharp disagreement apparently broke Creel's spirit of opposition. He acquiesced in Shaughnessy's appointment only to find that his understanding surrounding the matter was in dispute. He did not immediately abandon hope, but fears for his Rural Rehabilitation staff were soon justi-

[45] Ibid., Letter, Creel to Pittman, May 16, 1935.
[46] Ibid., Letter, Creel to Pittman, May 22, 1935.
[47] Ibid., Letter, Pittman to Hopkins, May 22, 1935.

fied. On May 24, Upman reduced Creel's staff by almost fifty percent, including his assistant, Ruby Stringham.[48] Ironically, in announcing the reduction, Upman promised there would be no decrease in services.

Creel consoled himself as well as Stringham, saying that Upman's "dictatorship" had been very irritating and the staff reduction of trained members was regrettable. Nevertheless, the disruption could have some positive results. Perhaps it would put Tugwell and other federal officials on guard against political interference in their programs. The ex-director added that the recent political maneuvers had caused several officials to actively solicit his support and cooperation.[49]

In short, however, Creel had been outmaneuvered, partly because he did not always know where the opposition came from nor the extent of power that could be mustered. It is likely that he never suspected his opponents would deal in anything less than forthright terms because Creel, himself, was regarded as a "gentleman of the first sort" by those who knew and worked with him.[50] He eventually salvaged part of his shattered organization when it was transferred to Tugwell and Agriculture's jurisdiction, but his influence never again predominated as it had during the early months of Nevada's relief efforts.

At the outset, in addition to regular employment, Creel accepted the administrative post voluntarily and without pay. Regardless of excellent qualifications, his diverse activities may have brought more responsibilities than could be handled satisfactorily. Yet opponents did not complain about lack of ability or hint at corruption. Some of their accusations may have implied indirectly that he was operating efficiently. His major transgression, the opposition asserted, was in using administrative power to build a political machine. The charges were emphatically denied.

Hopkins was evidently satisfied with Creel's performance though he could not have been unmindful of the Republican affiliation. Governors Balzar and Griswold also cooperated—they would logically avoid creating more difficulties for a fellow Republican operating in a climate dominated by Democrats, especially if he were performing creditably.

The paramount issue revolved around political control. Pittman argued that Democrats should head Nevada's relief programs because the national administration was Democratic. His opposition was apparently based pri-

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48 Ibid., Letter, Stringham to Creel, May 25, 1935; clippings from *Nevada State Journal*, May 25, 1935 contained in Scrapbook collection.

49 Ibid., Letter, Creel to Stringham, June 7, 1935.

50 Private interview with Thomas W. Miller, 1419 South Arlington Avenue, Reno, Nevada, June 14, 1969; Private interview with Clarence J. Thornton, 1120 Evans Avenue, Reno, Nevada, July 29, 1970; Private interview with Thomas E. Buckman, 722 South Arlington Avenue, Reno, Nevada, July 15, 1969; Private interview with Louie A. Gardella, 135 Boxer, Reno, Nevada, June 14, 1969.

marily on political considerations rather than personal animosity. Nevertheless, he worked diligently to reduce the influence of Republicans in general and Creel in particular.

Pittman was inclined toward a "bare fisted" approach to problems. In efforts to replace the administrator, his public pronouncements seemed somewhat overdone. Conversely, Creel maintained a level of sophistication. He answered allegations with dignified replies and refrained from mudslinging tactics.

Creel assuredly tried to protect his interests. When threatened, he maneuvered for support and attempted arrangements that would preserve his influence over relief operations. He agreed to accept a Democratic administrator, in accordance with Pittman's wishes, provided he could retain some indirect control.

Frank Upman, Jr. appears to have been the pawn involved. While conclusive proof has not been established for the allegations, piecemeal evidence indicates that Pittman influenced his selection. The new administrator, an outsider, was then obligated to Pittman for his position. Creel was initially unaware that he had not played a major role in the appointment. Meanwhile, Upman took his cues from Pittman and worked simultaneously to undermine the former administrator's influence completely—contrary to all understandings which Creel believed had been reached earlier.

When Pittman demanded Creel's resignation, Hopkins found no compelling reasons to object, provided the Senator could produce a competent administrator who was also a Democrat. Upman filled both requirements. The change apparently did not cause Nevada to suffer in relief allotments; one political faction simply lost control to another. Eventually, a victory for Upman also meant success for Pittman because of their close collaboration.

In retrospect, Roosevelt's call for non-political programs fell on deaf ears. The issue at stake was neither incompetence nor corruption but just plain basic politics. Under prevailing circumstances Pittman and Upman mustered enough power to curb Creel's authority and establish themselves as dominant forces over Nevada's relief programs.

The End of the "Monster" of Riparianism in Nevada

JOHN W. BIRD

NEVADA'S ECONOMY in the 1860s and 1870s depended primarily on mining enterprises and on a variety of businesses which rapidly sprang into being to serve the mines. Railroads, freighting operations, farms, ranches, banks, a wide variety of mercantile operations, and lumbering all quickly developed, often as activities which were strictly ancillary to the Comstock mines, or to mining operations in other areas. Nevada's growth pattern in these decades, while often phenomenal, was uneven, uncertain, and localized. In addition, the mining camps themselves were by no means self-sufficient, but rather were dependent upon outside supplies for nearly all the essentials of living, as well as for the fuel and timber needed to keep the mines in operation and expanding.

The mines and mills which sprang up during the Comstock boom years had ravenous appetites for timber. Steam engines required vast amounts of fuel. Coal was not available in local areas, and also was not as economical as wood from the nearby Sierra Nevada mountains. Mines needed large amounts of timber for the square-set method of mine support. It took only a comparatively short time to strip the trees from the region around Virginia City, and lumbermen began their operations in the forests to the south and the west of the Comstock. Markets continued to expand, and new techniques, such as the "V" flume, were utilized to transport the logs from the forests to the sawmills.

As soon as lumbering, farming, and ranching operations increased in areas near the Comstock, it became clear that Western Nevada's water resources would be in increasing demand. The accelerating requirements for water, a resource in meagre supply, led to a virtually constant set of conflicts over water rights, and extensive litigation in the courts. The purposes of this article are to briefly explain the system of water law existing in the early 1870s, and then to illustrate how Nevada's water law was significantly altered by two extremely important cases of the late 1870s and the 1880s—*Hobart* v. *Wickes,* and *Jones* v. *Adams.*

In 1872, in the case of *VanSickle* v. *Haines,* the Supreme Court of Nevada had declared that the law of Nevada included the common law of riparian rights.[1] As a result of that decision, Nevada had a very complicated system of water law. The decision in *VanSickle* v. *Haines* did not disallow water rights through appropriation. It did, however, make riparian rights superior to appropriation rights.[2] No one could acquire a riparian right unless he owned riparian lands; but if reliance were to be placed on an appropriation, the water might be lost to someone who came after who had acquired riparian land. This Supreme Court decision had at the time caused a great deal of consternation and opposition. Referring to the case, the *Reno Crescent* editorialized that:

> . . . The principle of law laid down is subversive of all preconceived ideas on the subject in dispute.
>
> The peculiarities of climate, the transitory character and limited number of running streams on the Pacific Coast suggested at an early day the inapplicability of the common law doctrine touching water rights to our case; and, as a natural consequence, we commenced at once to make a law adapted to our circumstances and wants. By common consent the right to divert running water from its natural channel was conceded; the doctrine of appropriation superseded the common law of England and the Eastern States. The doctrine of appropriation has the sanctity given by the practices of the last twenty years . . .
>
> In our opinion the monetary interests at stake are as nothing to the long train of evils entailed by this decision on the people of Nevada. . . . It sits like an incubus upon its industries, hangs like a funeral pall over its future. . . .[3]

The case that was to eventually result in a modification of *VanSickle* v. *Haines* arose out of the lumbering operations of L. D. Wickes. In the mid 1860s, he acquired 790 acres of land in several parcels on Alder (occasionally referred to as Wickes') Creek in Washoe County. The land was not suitable for agriculture, but it had many trees growing on it and was used for lumbering operations. Wickes used the waters of Alder Creek to float his logs to the sawmill. In November of 1868 he built a "V" flume to expedite the movement of his logs to the mill. While this particular flume was satisfactory for the downstream parcels of land, it did not expedite upstream logging oper-

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1 Nevada Reports, VanSickle v. Haines (7 Nev. 249) 1872.

2 Riparian rights are based on the common law, which essentially states that a person must be a riparian landowner to have a riparian right. A riparian landowner is one who owns land along a body of water, such as a creek, lake, or river. All riparians share the water in common.

Appropriation is based on statutory law, and the maxim is first in time is first in right. A person does not need to be a riparian landowner to acquire a water right for beneficial use. During times of shortage, junior appropriators must refrain from using water and allow senior appropriators to obtain theirs.

3 *Reno Evening Gazette,* December 9, 1871, as quoted in Grace Dangberg, *Conflict on the Carson* (Carson Valley Historical Society, 1975), 14–15. See pp. 13–18 for a discussion of the VanSickle v. Haines case and the opposition to it.

ations, and in 1872 Wickes dug a ditch and built another flume to carry the logs from his higher piece of property. This second ditch-flume, completed in 1872, had the capacity to take the entire summer flow of Alder Creek. It had an advantage over the natural stream, because the stream required more water to transport the logs than did the flume. Furthermore, use of the flume resulted in fewer logjams. The diversions which began at Alder Creek on Wickes' land also went across lands which at the time were unoccupied Nevada and United States public lands. They extended to a point near the new Central Pacific Railroad at Bronco, a settlement some thirteen miles southwest of Reno. (Alder Creek has since been renamed Bronco Creek.) As a normal part of his operations, Wickes used either the 1868 flume or the 1872 diversion and flume, the choice depending on the needs of his business.[4]

In October of 1873 Walter S. Hobart purchased some timber lands on Alder Creek that were located between the parcels of Wickes' properties in the same area. Hobart was a state senator, and a co-founder of the Sierra Nevada Wood and Lumber Company, a predecessor of the Hobart Company, of Incline, Nevada.

At the time there was a large regular demand for lumber and fuel for railroad and mining operations; the demand sharply increased after the Virginia City mine fire of October, 1875, since lumber would be needed in huge quantities to rebuild and reshore the mines and buildings that had burned. The lumbering season was essentially over for the year, and it was not until the following spring that these additional requirements could receive local attention. To further complicate matters, the Central Pacific Railroad was in the process of building and repairing snowsheds over the Sierra Nevada mountain passes.

In 1876, when Hobart attempted to float his logs down Alder Creek, he discovered that Wickes was diverting the entire summer flow of the stream through his canals and flume; no water was available to carry Hobart's logs to the mills. After unsuccessfully trying to get Wickes to stop diverting the stream in 1876 and again in 1877, Hobart brought suit in Washoe District Court to claim a share of the use of Alder Creek. He was, after all, a riparian owner, and as such he was entitled to his share of the flow of the creek. Wickes, of course, was also a riparian owner.[5]

In the lawsuit, Wickes claimed a continuous *appropriation* of the waters of Alder Creek since 1868 for his flumes and ditches, and for agriculture and milling purposes. But Nevada, since the decision in the case of *VanSickle* v. *Haines,* had to some extent been recognizing the riparian doctrine and applying it to riparian landowners. An appropriation was usually claimed by a

[4] Court Records, Washoe County, Hobart v. Wickes, Case No. 1305, 1878.
[5] Ibid.

non-riparian, since a riparian owner could often get a better water claim by basing his claim on riparian law. However, in this case the claim of appropriation seemed to be advantageous, since if Wickes followed the usual riparian rules he would have had to have shared the waters of Alder Creek with Hobart. Wickes also claimed that since the diversions and flume were constructed before Hobart purchased his land, and since they were clearly visible to the most casual observer, Hobart must have purchased his land knowing of the actual summer diversions. Therefore the Wickes' position stressed his right to continue to divert the stream.

For his part, Hobart did not claim that the diversion of 1868 injured him, but he insisted that the 1872 diversion was an invasion of his rights, and harmful to his interests. The law, he claimed, required that there be a continuous use to acquire a right; the changing of the place of diversion by Wickes prevented such a continuous use.

The lawsuit was tried in District Court without a jury. In June, 1878, Judge S. W. Wright denied Hobart's claim, stating that Wickes was entitled "to the waters of said Alder Creek and the right to use the same or so much thereof as he has used and as may be and is necessary to use in operating his saw flumes and the ditches leading thereto and connected therewith and so much thereof as he has appropriated and the whole thereof during the ordinary stages of the water in said creek."[6]

The case was appealed to the Nevada Supreme Court, which determined that Wickes had acquired an appropriation, and perfected it by diversion. The decision for Wickes emphasized that he had the right to the water before Hobart purchased his land, and the court could see no reason to deny the right after Hobart made his purchase. Hobart acquired his land subject to the then-existing rights. Further, the court saw no inconsistency in changing the points of diversion as long as those changes were necessary for the proper conduct of business.[7]

It is clear that in this case Justices William H. Beatty, O. R. Leonard, and Thomas P. Hawley were *in effect* repudiating the riparian doctrine in favor of the doctrine of appropriation, and were changing the laws of Nevada, even though they were not stating this directly. Part of the significance of this case is to be found in the position taken by the contending parties, a a position which reflected the views of many Nevadans. Neither party based his claim on riparian rights, although both were entitled to make this type of claim. The litigants apparently thought that their rights best would be protected by appropriation. The court, for its part, did not directly repudiate

[6] Ibid.

[7] Supreme Court of Nevada, Records of Appeal, Hobart v. Wickes, File No. 945, 1880.

the riparian doctrine of water rights, and indeed did not suggest or stress or even consider riparian rights even though both parties were riparian landowners.[8]

During the decade following the *VanSickle* v. *Haines* decision, water rights cases in Nevada were decided on the basis of the riparian doctrine, if applicable, or on the basis of prior appropriation. Then, in 1882, the Colorado Supreme Court declared that the riparian doctrine was not applicable to Colorado: the appropriation doctrine would be followed in the determination of water rights.[9] It is quite possible that the Nevada Supreme Court, in its eventual termination of the riparian doctrine in Nevada, was influenced by the Colorado precedent, as well as by public opinion expressed in newspaper editorials decrying riparianism.

The end of Nevada's legal recognition of riparianism resulted from a dispute between Joseph Jones and John Q. Adams. Jones acquired title to 320 acres of land on both sides of Sierra Creek in Douglas County in 1865. Adams was the owner in fee simple of 360 acres of land located on both sides of Sierra Creek, just upstream from the property owned by Jones. Jones claimed a riparian water right, and following the original concept of the common law requested that the flow of Sierra Creek be undiminished in quantity by upstream users. This would have stopped Adams from using any water for irrigation, and since there were apparently no downstream landowners from Jones' property, he would have been able to use the streamflow for his own irrigation purposes.[10]

The case reached the Douglas County District Court, which decided that Adams had actually appropriated three-tenths of the waters of Sierra Creek, and so had a prior right to that much water. This decision was handed down in spite of the fact that each party was a riparian owner, and Jones was claiming riparian rights. The court also awarded seven-tenths of the waters of Sierra Creek to Jones as an appropriation for irrigation and livestock. The fact that the court determined that each party was the holder of an appropriation right rather than a riparian right resulted in an immediate appeal to the Nevada Supreme Court by Jones.[11]

The Nevada Supreme Court in 1882 refused to hear the case, but a rehearing was granted, and the decision handed down in 1885. Jones, the Appellant, relied heavily on riparian rights. The waters of Sierra Creek, flowing first through Adams' land, should not be obstructed or diverted by

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[8] Ibid.
[9] Colorado Reports, Coffin v. Left Hand Ditch Co. (6 Col. 443) 1882.
[10] Nevada Reports, Jones v. Adams (19 Nev. 78) 1885.
[11] Ibid.

Adams in such a way "as to prevent the running of water substantially as in a state of nature it was accustomed to run." Put simply, Adams should not be allowed to take his three-tenths allotment, and use it for purposes of irrigation or in any other way that would substantially diminish the flow of the sream. Jones' position relied heavily on the case of *VanSickle* v. *Haines,* which he claimed "has become a rule of property in this state. . . ." He contended that "The doctrine of riparian rights is fully applicable to our circumstances and the physical condition of our country." Thus the stage was set for a clash between riparianism and the doctrine of prior appropriation which had been the basis of the decision by the District Court.[12]

In his decision, Justice T. P. Hawley first emphasized that even if riparian law were to be applied, Jones still would not "as a lower proprietor . . . be entitled to *all* the water of the stream. This is not the law." Quoting *VanSickle* v. *Haines* with approval, Hawley made his point:

> The common law does not, as seems to be claimed, deprive all of the right to use, but, on the contrary, allows all riparian proprietors to use it in any manner not incompatible with the rights of others. When it is said that a proprietor has the right to have a stream continue through his land, it is not intended to be said that he has the right to *all* the water, for that would render the stream, which belongs to all the proprietors, of no use to any. What is meant is that no one can absolutely divert the whole stream, but must use it in such manner as not to injure those below him.

In all cases, riparian use must be "a reasonable use."

Hawley then examined the effect of the Act of Congress of 1866, which stated:

> That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same. . . .

Hawley's opinion contended that it was common in the West, prior to the Congressional action in 1866, to hold riparian water law "inapplicable, or applicable only to a very limited extent, to the wants and necessities of the people, whether engaged in mining, agriculture, or other pursuits . . ." and that prior appropriation was the generally-accepted doctrine—indeed, it was "the universal custom of the Coast. . . ." Hawley therefore concluded that the Act of 1866 confirmed "the same rights which they [landholders] held under the local customs, laws and decisions of the courts prior to its enactment. . . ." He followed this by citing with approval several cases which

[12] Ibid. All quotations are from Hawley's opinion.

made the same point: that prior appropriation was the generally accepted approach to water rights in the West, and should be followed in Nevada. In conclusion, Hawley stated:

> It necessarily follows from the views we have expressed, and from the doctrines announced in the authorities we have cited, that the [district] court did not err in rendering its judgment and decree upon the findings in relation to prior appropriation. The case of VanSickle v. Haines, in so far as the same is in conflict with the views herein expressed, is hereby overruled.
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> The judgment of the district court is affirmed.

Thus the basic approach taken by Nevada courts to water law was altered. The Nevada Legislature had not acted. Of course, the Nevada Supreme Court had not, by Hawley's opinion, specifically stated that riparian rights no longer existed in Nevada, but in the long run this was the effect of the opinion. Hawley himself consistently decided water rights cases on the basis of prior appropriation, and he was in an excellent position to do so, since he stayed on the Court until 1890. The "monster" of riparianism had effectively been slain.[13]

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[13] See the reference to riparianism as a "monster" in Dangberg, *Conflict on the Carson*, p. 17.

NOTES AND DOCUMENTS

It Happened in Genoa

DOROTHY NAFUS MORRISON

ON PAGES 58–65 OF HER autobiographical *Life Among the Piutes: Their Wrongs and Claims,* Sarah Winnemucca tells a long, emotional story about three young Washo Indians who were killed by the settlers in Genoa, without a trial, on flimsy evidence. Some modern writers accept this story in its entirety, while others have reservations. However, most of it can be authenticated through the Sacramento *Daily Union.* Here is Sarah's story, much condensed.

She and her sister Elma went to Genoa to live in the home of Major and Mrs. Ormsby. "This was in the year 1858 I think; I am not sure." The following year, while she was still in the Ormsby home, two white men, "McMullen and MacWilliams," were killed in the mountains, and because arrows were found in the wounds, the citizens of Genoa blamed the Indians. Her brother Natchez and Chief Numaga were sent for and identified the arrows as Washo, after which Numaga ordered his men to bring in Captain Jim, the Washo chief.

On his arrival, Captain Jim acknowledged the arrows were Washo, but protested that all his men had been in Pine-nut Valley, and could not have perpetrated the murders. Nevertheless he was ordered to surrender the guilty.

Six days later, Captain Jim returned with three of his men plus several relatives, who insisted the men were innocent and had been selected because Captain Jim feared that unless he provided scapegoats, the settlers would make war on his tribe. The three were locked up overnight; the next day, when they were brought out, a crowd gathered. At the approach of thirty-one armed white men, the terrified young Washos attempted to escape. Two were shot and the third captured, to be taken to California. "But all of them died."

Sarah and Elma were so distressed that they left the Ormsbys and returned to their people. Later Captain Jim appeared at the Paiute camp and

said white men, who had actually committed the murders, had placed arrows in the wounds to throw blame onto the Indians, and that the guilty whites had been hanged by the settlers.

The other version of the story, as told in the Sacramento *Daily Union*, is remarkably similar, especially when we consider that the newspaper was written at a distance of one hundred miles, with only chance travelers as informants, while Sarah wrote her book from memory twenty-six years later. The following is a condensation of relevant news items from the *Daily Union* of 1857.

Monday, September 7. Two traders, Williams and McMarland, left Genoa "on Thursday last," and on Saturday set out from Silver City, intending to buy supplies in California. On Saturday evening another traveler heard shots and found signs of a scuffle, and on Sunday a search party found the body of McMarland, shot through, with an arrow in the wound. A hat was found nearby which "our informant, Mr. Murdock" recognized as belonging to a member of the Washo tribe.

Thursday, September 10. A sheriff's party found the body of Williams. "The Indians who committed the acts are well known."

Friday, September 11. Editorial. At first "we were inclined to believe that white men were the real actors in the tragedy. But late advices establish the fact that the citizens of Carson and Lake Valleys believe that the murders were really committed by Indians belonging to the Washo tribe. . . . If it is found to be the work of Indians, the retribution will be fearful, as the weak tribes on the east side of the mountains are completely surrounded by settlements of white men."

Monday, September 14. A long summary of previous information.

Monday, September 28. "A tribe known as the Pinto [sic] Indians, numbering some 800 warriors, have offered their assistance to the whites in punishing and bringing in the murderers of McMarland and Williams. Negotiations have been arranged and they are already collecting their braves at Ragtown. The citizens are to give, for this 'alliance,' 'chemuk,' blankets and beef."

Monday, October 5. Editorial. Indian war in Carson Valley seems inevitable. "The party which has gone out will doubtless find a portion of the tribe, and as is usual in similar cases, hold the whole responsible for the crimes of a few." The editorial suggests that if the chief gives up the guilty, the tribe should not be attacked, and adds, "The most of our Indians wars, of late years, are caused by white encroachments upon Indian hunting grounds, and the killing and scattering of game on which they depend for meat. . . . The Indians rob and kill because they are starving."

Friday, October 16. A scathing attack on Indian agents says the money appropriated for Indians does not reach them, and refers to "the skulking stupidity of the agents."

Saturday, October 17. Progress has been made. Colonel "Uncle Billy Rogers" has taken twenty-five men from California to Carson Valley, in response to a petition from the settlers, and when not performing military duties, the men plan to mine. "In addition to this, the Chief of the Pah-Utah [sic] Indians has volunteered to Colonel R the services of 300 warriors to operate against the Washoes," but the whites do not plan to accept the offer.

Wednesday, October 28. Friendly relations have been restored because Captain Jim came in to negotiate a peace treaty and agreed to shoot any members of his tribe who molested a white man.

Saturday, October 31. One of the Indians implicated in the murder of Williams and McMarland was taken "on Monday last" at the Thornton ranch, by a posse headed by Col. Rogers. The day after his arrest the young Indian was taken "to the station" (Morman Station—that is, Genoa) was tried, and confessed "enough to convict any man before a jury of white men. Pending the vote as to his fate, he struck his guard, ran and was shot twice while running, and died that night. Captain Jim of the Washo tribe had decoyed Charley to the ranch and then informed the whites."

Monday, November 2. Three Indians had been implicated in the murders of McMarland and Williams—Tom, Big Alex, and Charley—but only Charley was lured to the ranch. When citizens surrounded the Thornton ranch house, Charley, seeing no chance of escape, ran inside and "crawled under the bed, very much frightened." Secured and questioned, he insisted that he took no part in the murder, but that the murderers were part of a renegade band commanded by Tom Pasooke. . . . "About 30 Pay-Utahs [sic] and Washoes seemed well pleased with his fate. They manifested no signs of hostilities toward the whites."

About this time communication was cut off between Sacramento and Genoa because of severe winter storms, so there were no further items about McMarland and Williams until spring.

Wednesday, March 3, 1858. Great excitement was reported at Genoa, "Winnemuck" having come in and said that two white men who were with his tribe "have been killing other white men." The road across the mountains had just been opened.

Monday, March 8. Lucky Bill Thornton, with five or six men, left with "Winnemuck" in search of the desperadoes, but had not yet been heard of. It was also reported that "Uncle Billy Rogers," who had taken a posse to Nevada to seek the killers "has converted his sword into a pick."

The trail ends here. For the following months only scattered issues of

the *Daily Union* survive, and my efforts to trace the story through other newspapers of the time failed. One, the *Sacramento Bee,* contained one report of early September, 1857, almost identical to that of the *Daily Union* and apparently taken from the same traveler. In its later issues, which were exceedingly scattered, I found nothing else. Other papers also lacked information.

In evaluating Sarah's account and the newspaper's first compare them for similarities.

Sarah called the victims "McMullen and MacWilliams," the *Daily Union,* "Williams and McMarlin"—clearly the same men. Both Sarah and the newspaper gave the locale as Genoa, then called Carson Valley. (The area near Carson City was Eagle Valley.)

The two accounts essentially agree in the following respects: the men were murdered on the same day, but separately; both were on trading expeditions to California; an arrow or arrows were found in or by the wound, they were Washo, and were the cause for blaming the Indians; Major Ormsby took an active part in the incident; the Paiutes and Washoes were enemies; the Paiute chief (Numaga) agreed to help apprehend the guilty; three Washos were accused; interpreters were used; Captain Jim gave up the guilty; the prisoner(s) was kept overnight; thirty (thirty-one) armed whites were present; the terrified prisoner(s) tried to escape; the prisoner(s) was shot; and Indians were present at the slaying.

In some respects the accounts differ. Sarah states all were brought in, but the newspaper asserts only one was. Sarah writes that two whites were later arrested and hanged for the murders. The newspaper tells of Winnemucca's report that two whites had been boasting of killing other whites, and says a posse set out to find them. Later issues are missing.

Sarah says "young Winnemucca," better known as Numaga, helped because he was asked to, while the newspaper says the chief offered to help but the offer was refused. However, in another issue it says that the "Pinto Indians" numbering eight hundred warriors offered their assistance and were being supplied by the citizens. Probably "Pinto" refers to the Piutes.

Sarah also describes in heart-rending detail the grief of the Indians who witnessed the event, while the newspaper says they were "well satisfied."

The accounts differ in two major points. Sarah writes that three Indians were brought in, and the newspaper indicates only one. Sarah places the date as 1859 but she "isn't sure," while the *Daily Union* definitely places it as 1857.

In evaluating the two sources, we cannot fully establish the number of sacrifices Captain Jim brought in, or the outcome. Sarah, writing after a quarter of a century, was there. The newspaper accounts appeared shortly

after the events took place; but the newspaper was one hundred miles away and separated by a difficult mountain road, with no regular correspondent, and depended on chance travelers for information. It is common to find the *Daily Union* of that time retracting previous news items, which throws doubt on its general reliability.

However, we can feel quite certain that the event actually occurred, and when, and where. Also, by substantiating so much of Sarah's story, the newspaper tends to confirm her book's accuracy.

As she said—it happened. In Genoa.

Book Reviews

Frémont: Explorer for a Restless Nation. By Ferol Egan. (Garden City, N.Y.: Doubleday & Company, Inc., 1977. xv + 582 pp., footnotes, photos, biblio., index, $14.95)

ALTHOUGH FEROL EGAN CALLS his new book on John C. Frémont a biography, the term is a misnomer. Instead, the work concentrates on Frémont's western expeditions of the 1840s, his activities in California before and during the Mexican War, and his subsequent court martial and trial. Only a minor portion of the book (thirty-five pages) is devoted to Frémont's forty-one years after 1849, although his public career at that time was by no means over. Frémont's race as the first Republican presidential candidate in 1856 receives only three pages of treatment, and Egan presents incorrect election statistics. Millard Fillmore won eight electoral votes, not eight states in that race, and Egan writes that James Buchanan received 1,341,000 votes, which is actually what Frémont received (p. 509). Unfortunately mistakes of this type cast serious doubts on Egan's carefulness. He devotes three pages to Frémont's important role in the Civil War. "There is the nagging question," the author asserts, "as to how much sooner the Civil War might have ended if Frémont's move [in emancipating certain slaves in Missouri] had been allowed to stand" (p. xiv)—a statement made without substantiation or defense. Frémont's activities as Governor of Arizona Territory receive one page, his role as Senator from California two paragraphs—and these are closely paraphrased from Allan Nevins' *Frémont, Pathmarker of the West,* but without attribution.

So it is on Frémont's activities in the 1840s that Egan puts his emphasis. Generally it is a romantic, narrative version of Frémont's exploits, which pretty much defends him on all controversial points:

> . . . overall his place in our history is secure because of his great success in making the American West known to the world. His scientific approach to exploration, his mapping of poorly defined trails and of uncharted wilderness, and his ability to make his government reports as readable as adventure novels served as the come-on for a restless nation looking for growing space. (p. xv)

There is little analysis, however, of his "scientific approach" and no attempt to reproduce any of the maps.

Egan attributes to Frémont the motivation that Frémont attributes to himself in his reports—which were written after each of his first two expeditions and for public consumption. Thus Egan argues that Frémont, in his second trip, suddenly decided in November, 1843, while at the Dalles on the Columbia River, to explore what was then part of Mexico (now Nevada and California) in order to discover the Buenaventura River. The author, following the tone of Frémont's own writings, downplays his recklessness. There is no criticism or discussion of the decision to cross the Sierra in February, 1844. Egan is more critical of Frémont's handling of the disastrous expedition of 1848–1849, during which a third of the party was lost, but praises him for his "good management."

In his preface, Egan indicates that part of his reason for writing the book is that "previous biographers have not had full access to all the journals and letters of men who travelled through the wilderness with Frémont, nor have they had access to all the other papers and government documents that round out the full picture of this man" (p. xv). True enough, but the footnotes give no evidence that such "other papers and government documents" have been used in this work. Although it is obvious that Egan has consulted some Charles Preuss material, none is cited. For the most part, in describing the first two expeditions west, Egan simply paraphrases in detailed fashion Frémont's own reports.

The reader also must be suspicious of Egan's uncritical use of his evidence. When Frémont was only a few months old, so the book's narrative goes, the infant was with his parents in a hotel room in Nashville. Outside, Thomas Hart Benton (later Frémont's father-in-law), Benton's brother, and Andrew Jackson were shooting it out, and Jackson was badly wounded. "To the horror of the men involved," so Egan relates, wild shots penetrated the hotel room "which narrowly missed the sleeping baby . . . apologies did not remove the fact that a frontier quarrel had almost killed the infant who was to become a key figure in Thomas Hart Benton's concept of America's destiny" (p. 6). A great story if true, as it coincidentally intertwines the life of Frémont, even as an infant, with those of Benton and Jackson. The tale is taken as truth by Egan, and there is no source given, so it is impossible to check out. Nevins, in his biography, states the story is according to "Frémont family tradition," which implies that it probably never happened, at least in the way related.

Sometimes Egan's narrative is genuinely exciting. At other times, particularly when discussing Frémont's relationship with his wife, it gets effusive. One tires of hearing all about the "classic love affair"—"the kind of relationship which carries through a lifetime without diminishing, without losing that first glance of recognition that tells they are to be together for their span of years" (p. 40). The prose also gets thick when the author is

commenting on Frémont's greatness. Perhaps it is a matter of taste. This reviewer finds a statement such as the following hard going and all too typical. Egan is describing John's farewell to Jesse as he leaves on his third expedition:

> As John Charles told her that he would write to her whenever there was an opportunity to send a letter, Jessie had to steel herself against a show of sadness. For she wanted him to leave home seeing her at her very best, remembering the smile, the last kiss, the little wave and farewell cheer from baby Lily, and the strong handshake and words of encouragement her father would give. These were the intangible supplies, the morale boosters for lonely moments in wild and desolate places. So the talk was about familiar things, about pleasant things. It was say hello to St. Louis friends. It was a private glance into each other's eyes. And then it was time to be on the move, time to head out again, time to fill another blank space on the map and to bring home more knowledge about the future for Americans in the West. (p. 279)

This book does not significantly widen our knowledge of Frémont. Although it does give a more detailed narrative of the expeditions than previous works, it is not the biography it purports to be. By being so one-sided and basically narrative in structure, it does not provide us with new analysis of this complex individual. Allan Nevins' *Frémont, Pathmarker of the West* has richer analysis, a more coherent structure, a deeper understanding of broader national and diplomatic issues, and it more successfully relates Frémont to them. It is also more carefully written from the available sources and remains the superior biography.

Jerome E. Edwards
University of Nevada, Reno

The Southwest Expedition of Jedediah S. Smith, His Personal Account of the Journey to California, 1826–1827. Edited with introduction by George R. Brooks. (Glendale: Arthur H. Clark Company, 1977. 259 pp.)

Since the story of the American Fur Trade is probably the best researched and most written-about topic in Western American history, it would seem unlikely that another book on the topic is needed; and, since few trappers have received greater attention than Jedediah Strong Smith, it follows that another book on Smith would contribute little new data of significance. Notwithstanding, *The Southwest Expedition of Jedediah S. Smith, His Personal Account of the Journey to California, 1826–1827,* ably edited by George R. Brooks, fills a long-standing gap in our understanding of Jed Smith and the details of that expedition.

Brooks' footnoting and trails research (thanks in good part to work by Todd Berens and students) provides careful scholarly commentary that puts Smith's record into both geographical and historical context. It is unfortunate that more research could not have been made on the party's route south and east of Utah Valley; nevertheless, the new information does confirm that the traditional route south and west of Mount Nebo is in error. How far east the expedition traveled remains in doubt.

Additionally, Smith's journal provides specific information on his route through Southern Nevada along the Virgin and Muddy rivers, his crossing of the Colorado, and subsequent contact with the Mojave Indians. Students of Nevada History will find that portion, as well as that section dealing with his return across Northern Nevada, particularly useful.

Jed Smith has been seen as a mountain man and explorer of unusual courage and moral stature. A careful reading of his journal reveals him also as a shrewd entrepreneur and negotiator and as a keen observer of the country and people he discovered. His description of the Mojave Indians, of the California missions, and of the Indians of Nevada, provide us with remarkable detail about their habits and habitat. Additionally, Smith also shares with his readers the excitement of discovery, the burden of leadership in frequent life and death encounters, and the heroics of survival, especially in crossing the Great Basin in the spring and summer of 1827, enroute to the rendezvous at Bear Lake.

Editor Brooks and the publishers provide readers with the convenience of addenda materials relevant to the late discovered journal; namely, Harrison Rogers Daybook I, maps, and excellent footnote data. It is a fine publication, a must for students of Jed Smith, and also a rich resource for the study of what became the American Southwest during these early years.

MELVIN T. SMITH
Utah State Historical Society

Lincoln and the Indians: Civil War Policy and Politics. By David A. Nichols. (Columbia: University of Missouri Press, 1978. Pp. 223, illustrations, notes, bibliography, index. $16.00)

"SURELY, LINCOLN DID NOT HAVE TIME for Indians." Nichols aptly begins his work with this statement and then proceeds throughout the volume to evaluate it. While he concedes that Lincoln's energies were, of course, diverted by the Civil War, he concludes that Lincoln did virtually nothing to reform the Indian system. Nichols surveys the Lincoln years and details some of the major events during this short but significant era of America's past.

This is an administrative history of Indian affairs and there is little at-

tempt made to evaluate the long-range results of Indian policy on the Indian people who were most affected. The author demonstrates convincingly that the Indian Office during Lincoln's term remained as corrupt and ineffective as it had always been, and he traces specifically how politicos used the Indian Office for their own political and economic advantage. Nichols documents Lincoln's use of the Indian Office to advance his own political position and evaluates the importance that political considerations had on Lincoln's policy decisions.

Nichols concentrates his study in three major regions of the United States, including Indian Territory and Kansas, Minnesota, and New Mexico. His discussion of the situations involving the Cherokees and the Sioux are valuable despite the fact that he has failed to use recent sources dealing with the Cherokee leadership during the Civil War. The work of Gary E. Moulton on Chief John Ross was not fully utilized, and the work of Kenny Franks on Stand Watie was almost totally ignored. The discussion of New Mexico during the Lincoln years provides a brief survey of Carleton's policy toward the Navajos and Mescaleros, but the presentation lacks detail and depth. Published works by Lawrence Kelly, Gerald Thompson, and Frank McNitt were not used, and instead such books as Dee Brown's *Bury My Heart at Wounded Knee* was used as documentation. This was unfortunate because the minor mistakes distract from the overall value of the volume.

In spite of the criticisms offered above, *Lincoln and the Indians* is an important contribution to the study of the American Indian. It graphically exposes the widespread corruption of the Indian Office and the politicos who controlled that branch of the federal government. It demonstrates the extreme importance of political and economic considerations surrounding the formation of Indian policy, and it shows how the Indians were caught up in the web of governmental mismanagement, bureaucracy, and corruption. Nichols has provided us with a scholarly survey of Indian policy during the Lincoln years which will be of interest and use to those academicians interested in Lincoln, the Civil War, and American Indian policy during the first half of the 1860s.

Clifford Earl Trafzer
Washington State University

The Mormon Role in the Settlement of the West. Edited by Richard H. Jackson. Charles Redd Monographs in Western History, no. 9. (Provo: Brigham Young University Press, 1978. xiv + 169 pp. Paper, $6.95.)

Notwithstanding the extensive and popular coverage given to Mormon influence in the West, there has been a need for a more scholarly, less romantic approach to its impact on changing attitudes of Americans toward

the uninhabitable frontier. In much the same manner as the Spanish would master the Southwest, the Saints helped break down the prevailing concept of the "Great American Desert," and destroyed to a great degree the prevailing myth that large-scale settlements could not be sustained beyond the watered lands of our nation's heartland. In this monograph of less than two hundred pages, Richard H. Jackson attempts to unveil this saga through a series of essays which he hopes will reveal the "development of a unique people in a unique place."

Unfortunately the articles in this book, published by the Brigham Young University Press, suffer from the same predictable shortcomings as does the torrent of subsidized literature that has flooded the academic market place. To be effective, collected essays must be constructed along interlocking themes, bound together by high literary quality and fundamental research that is both unique and thought-provoking. The monograph is only partially successful on all of these counts.

In his brief and extremely inadequate introduction the editor, referring to himself as "Richard Jackson," "Dr. Jackson," "according to Jackson," promises "to provide a stimulating insight into the Mormon experience which should leave the reader with an entirely new viewpoint and encourage further research to answer the unanswered questions." It is very hard to dissent from the major points made by the editor in his article entitled, "The Overland Journey to Zion," even if it is totally detached from the main theme of the book. For several decades teachers of Western History have systematically lectured on the numerous people passing over the Oregon Trail, detailing the development of the necessary mechanism that made safe passage possible. The Mormons have always been included in this broad panorama. The Saints' experiences were no better or no worse than the tens of thousands of sojourners who passed west before the transcontinental railroad. Then why were these normal reactions recounted inaccurately in Mormon history? Jackson's answer is only partially satisfying: "The primary causes seem to involve the normal tendency to magnify events as they are recalled later, combined with rhetoric of leaders describing an event which was manifestly deserving of accolade." True, but surely a religiously sensitive people would tend to see the hand of God guiding this people to Zion, while myth-makers would find good use for these distortions.

More scholarly and more illuminating is Melvin Smith's "Mormon Exploration in the Lower Colorado River Area." After moving over well-trodden paths that chronicle the many individuals and experiences that make this adventure unusual, even for the Mormons, Smith makes several significant observations. Current circumstances and factors created the necessary conditions to initiate the adventure; for example, the need for cotton during the Civil War triggered the Southern Mission, while the pros-

pects of a navigable Colorado River helped lay the foundation of Callville. For these reasons the Saints added the theological unfolding of God's plan. "The Civil War was in fact the judgement of God on a wicked nation that had persecuted his Saints," Smith pointed out. Yet the success or failure depended on accurate data that was collected in pure pioneer-frontier fashion, and upon it the success or failure of the experience would hinge.

An interesting and intelligent treatise on "Defunct Mormon Settlements: 1830–1930," by Lynn A. Rosenvall is a very bright spot in the volume. Interspersing his points with graphs and illustrations that make the digestions of the data manageable, he carefully leads his readers to several conclusions. Less than ten percent of the settlements failed, and fewer than five thousand persons were affected by these collapses. Secondly, environmental factors were the greatest cause of the settlements' ruin. Thirdly, the colonists did not "give up" readily. But more important, it "is not that 46 settlements failed, but that the marginal nature of the areas colonized by the Mormons did not lead to a much higher failure rate."

Alan H. Grey's comparative analysis of the Christ Church, New Zealand settlement with the Mormon adventure is both interesting and intelligent. Though both experiences were dissimilar in purpose, Grey concludes that forces and events which affected the Mormons and facilitated their successful colonization were similar to other groups of western European background. Admitting this, he adds "geographically specific Mormonism exists now because it was possible for its germ idea to grow in the milieu within which it arose."

Readers who have been mentally abused by traditional interpretations of Utah landscape will take small comfort from the thesis of Charles S. Peterson. Although the material is well-presented and carefully synthesized, there is scarcely a kernel of new information or fresh insight to be found within its pages, despite the editor's earlier promise of a "provocative paper."

The virtues of a good monograph—thoroughness, accuracy, and insight —are manifest on every page of the last two presentations: Wayne I. Wahlquist's "Population Growth in the Mormon Core Area: 1847–1890," and Dean Louder and Lowell Bennion's "Mapping Mormons across the Modern West." Pertinent questions are answered fully and incisively, while the reader is offered maps, charts, graphs and other information that reinforce their interpretations. However, scholars will note with interest Bennion and Louder's observation that Mormonism remains essentially a western movement, despite the much published growth of the Saints in the Eastern states and in other parts of the world.

DONALD R. MOORMAN
Weber State College

The Frontier: Comparative Studies. Edited by David Harry Miller and Jerome O. Steffen. (Norman: University of Oklahoma Press, 1977. viii + 327 pages, tables, figures, index, $14.95)

EVER SINCE Frederick Jackson Turner's famous paper in 1893, the concept of the frontier has been important to American historians. This collection of essays reveals how complex frontiers can be when viewed in different historical contexts and by different disciplines. The editors of this volume, David Harry Miller and Jerome O. Steffen, state that they have not set out to test Turner's vague frontier theory except perhaps as a side-product of the analysis which all historical generalizations should undergo in "the open forum of scholarly discussion" (p. 5). Indeed, Miller and Steffen maintain that "the function of comparative historiography" is to somehow improve general historical theories by demanding ". . . explicit, formally articulated hypotheses which may be subjected to analysis and testing" (p. 5). With this function in mind, the editors have brought together ". . . the work of anthropologists, geographers, historians and sociologists for the comparative study of frontiers as meaningful aspects of the human experience" (p. 3). Readers will soon realize that the "comparative" dimension of this book depends on the individual who turns the pages. Many of the essays can stand alone as substantial contributions to frontier studies, but with few exceptions, little effort is made at formal and rigorous comparisons.

Nonetheless, an impressive range of concepts and case studies appear in the thirteen essays. John C. Hudson, a geographer, begins the book with a variety of models based on land-use competition, environmental challenges and group conflicts, all of which can explain frontier dynamics. In the next chapter, H. L. Lefferts looks closely at frontier populations and has important insights about changes in fertility over three generations. These two essays emphasize incursive pioneers, but the three essays which consider the Roman frontier also include indigenous peoples. William S. Cooter proposes a preindustrial model of "interaction spheres," whereas John W. Eadie considers two different cases at attempted "Romanization" of native groups in Northern Africa and in the Balkans. Eadie's discussion of the administrative district, or *civitas*, (p. 62) has some similarities to the organization of American Indian reservations, a parallel which he unfortunately does not develop. On the other hand, David Harry Miller and William W. Savage, Jr. do try to develop a comparison of Roman and American stereotypes of native peoples. Although this chapter is the most clearly comparative effort in the entire book, it is also one of the least satisfying. Miller and Savage overemphasize negative stereotypes as a simplistic justification for political actions and brush aside the positive stereotypes which produce more complex

results. In short, they do not fully incorporate the idea of the "noble savage" as well as the "savage savage."

Several of the chapters are limited to one exemplary frontier. Brian S. Osborne and Geoffrey Wall each have essays on the settlement of nineteenth-century Ontario, and both have much to say on the relationship between lumbermen and farmers. Archaeological findings help Kenneth E. Lewis, Jr. explain the early industries of colonial Virginia. He reveals that Indian design and construction influenced colonial pottery and pipe manufacture. This discovery is an important indication of intercultural interaction. In another chapter, David T. Bailey and Bruce E. Haulman examine the 1860 manuscript census to uncover patterns of ethnic inequality and discrimination. Their study is worthwhile, but the authors could have questioned whether the two towns that they consider, San Antonio and Santa Fe, can still be called frontier communities 142 years and 250 years after their respective foundings.

Although the book has no sections, the concluding three essays examine aspects of the Latin American frontier. Stephen I. Thompson considers a contemporary setting, the Amazon Basin, and presents convincing arguments for the productivity of traditional "shifting cultivation" as opposed to the high intensity agriculture practiced in temperate areas. Martin T. Katzman has produced perhaps the most sophisticated effort in this volume. His study of the Brazilian frontier considers a range of possible explanations for the development in some areas of a pattern of family farms whereas other areas have large scale plantations. For this reviewer, Emilio Willems' consideration of "Social Change on the Latin American Frontier" is the most stimulating essay in the book. Willems challenges scholars to look at "unsuccessful frontiers" (p. 260) and manages to use the example of contemporary shanty towns to illustrate some of his ideas.

As this summary of the book's contents indicates, this volume is a diverse aggregation of essays rather than a unified collection centered on one theme, or even one definition, of the frontier. No doubt several of the chapters, such as David J. Wishart's fine interpretation of the western fur trade, will be published in other anthologies which are more narrowly focused. Whatever the case, scholars of the frontier should add this volume to their libraries.

CLYDE A. MILNER II
Utah State University

NHS ARCHIVAL ACQUISITIONS

The Mount Vernon Pittman Papers: 1886–1897

THE SOCIETY recently acquired three reels of microfilm from the Washington State Archives which represent the early papers and records of Key Pittman. The actual collection was donated to the Skagit County Historical Museum in 1978 by the owner of a secondhand store; the two boxes of papers were in much disarray. Although the Nevada Historical Society after some negotiations was originally promised the papers by the Skagit County Historical Museum (this would have significantly enhanced an already large Pittman Collection held by the NHS), it was later decided by the Center for Pacific Northwest Studies at Western Washington University that the physical papers should be retained in the state of Washington. The papers are now housed at the Skagit County Historical Museum in LaConner, Washington. Margot Talbot arranged, described, and was involved in the microfilming of the collection at the Washington State Archives regional center in Bellingham. Ms. Talbot's collection description of the Mount Vernon Pittman Papers is worthy of much praise, and has been included below. The historical value of the papers will be self-evident upon reading the description.

Key Pittman, United States Senator for Nevada from 1913 until his death in 1940, spent the years from 1891 to 1897 in Mount Vernon, Washington, a small mining and logging community about sixty miles north of Seattle.

Born in Vicksburg, Mississippi on September 19, 1872, Pittman was orphaned in 1884. He was educated by private tutors and attended Southwestern Presbyterian University in Clarksville, Tennessee until 1890.

In the summer of 1890 he became ill with ". . . a severe attack of Typhoid Malarial fever," and after his recovery, "decided after long deliberation to go to Seattle, Washington state in search of health . . . and grow up with the country."

He arrived in Seattle in autumn, 1890, and through a letter of introduction from a family friend, he met attorney August M. Moore. Moore hired Pittman and directed his law studies. The law office was moved to Mount Vernon in 1891, and Pittman replaced Moore's partner, Jasper N. Turner, after having been admitted to the Washington bar in 1892.

Pittman left Mount Vernon in August, 1897 for his well-documented Alaska adventures. His subsequent successful law practice in Nevada later culminated in his long Senate career, including his service as President pro tempore of the Senate and chairman of the Foreign Relations Committee, both from 1933 to 1940.

These papers span the years 1890–1897, but include some material from 1886–1890 which Pittman brought with him to Washington State. The Mount Vernon

Papers consist of family and other personal correspondence, legal papers, partnership and private business records, and other material totalling about 700 items.

The Mount Vernon Pittman Papers offer some new information about a formative phase in the life of a well-known twentieth century politician. They show that Pittman spent more time in Mount Vernon than previously indicated in published accounts, and that his problems with alcohol and his interest in the silver issue had begun before 1897. Correspondence contains speculation about his family financial situation and touches on a real estate investment Pittman made in Sidney, Washington property which led to the seizure of his Louisiana property.

All in all, an obscure period in young Pittman's life has been illuminated with the availability of the Mount Vernon Pittman Papers.

Helen Jane Wiser Stewart Collection

Thanks to Wendall P. Hammon of Hammon's Archives & Artifacts in Sacramento, the Stewart manuscript collection has practically doubled in size. The Society, in a recent transaction with Hammon, acquired a considerable amount of family papers, much of the material representing Mrs. Stewart's extensive mining interests in southern Nevada. Known as the "First Lady of Las Vegas," Mrs. Stewart was active in the development of that town from its earliest beginnings. The recent accession to the Stewart collection should provide additional insight into the many and varied activities of this exceptional pioneer woman.

White Papers

On February 8, 1924, Gee Jon entered the Nevada State Prison's "death house" and became the first human being to be executed by lethal gas in the United States. Jay Henry White, Mineral County District Attorney, successfully prosecuted the case which involved a brutal Tong slaying in Mina, and successfully quashed all attempts to commute the death sentence. The Society, thanks to Barbara P. Weber of Santa Maria, California, now possesses White's complete files on the case (1921–1924). Although much has been written about the celebrated murder trial and controversial execution, the White files add a new and valuable dimension to the affair. Any subsequent work on the *State vs. Gee Jon and Hughie Sing* cannot afford to overlook the White Collection.

NHS NEWS AND DEVELOPMENTS

Recent Grant Awards

THE FRANK E. GANNETT Newspaper Foundation, Inc., has made a $5,000 grant to purchase furnishings and equipment for the Society's research area in the Reno museum. After the completion of the new storage building, many of the materials now badly crowded into the existing building will be relocated in the new structure. This will permit an extension of the research area which will be carpeted and decorated with some of the most significant relics and documents in the collections. Researchers have been uncomfortably housed for the past several years as the collections crowded them into a smaller portion of the library/archives area. Through the generosity of the Gannett Foundation the Society will be able to provide a tasteful and comfortable place of study for its patrons.

The federal Institute of Museum Studies announced a grant of $25,000 to the Society for non-program purposes. This is particularly welcome as the funds can be used to support projects and special acquisitions beyond the present level of activity.

Department of Museums and History

A series of personnel announcements have been made for appointments to the new Department and the Joint Board. The administrator is Jack E. Porter, recent director of the Nevada State Museum, with Bertha Martinoni, also from the State Museum, as executive secretary. The Joint Board is composed of three Society Board members, Elbert Edwards, Mary Laub and Wilbur Shepperson; three Museum Board members, Bryce Wilson, Thomas Wilson, and William Wright (Chairman); and a member-at-large, Lyle Rivera.

Storage Facility

The Reno firm of Ian MacFarlane & Associates has been selected by the Nevada Public Works Board as the architect for the new building. Preliminary plans are being drawn, with a construction contract expected in January, 1980. Barring delays, the building should be ready for occupancy in late 1980. When complete, the building will provide some 10,000 square feet of storage space. It is expected that this area will be sufficient for the Society's collection to 2000 A.D.

NEVADA HISTORICAL SOCIETY

FOUNDED IN 1904, the Nevada Historical Society seeks to advance the study of the heritage of Nevada. The Society publishes scholarly studies, indexes, guidebooks, bibliographies, and the *Nevada Historical Society Quarterly*; it collects manuscripts, rare books, artifacts, and historical photographs and maps, and makes its collections available for research; it maintains a museum at its Reno facility; and it is engaged in the development and publication of educational materials for use in the public schools.