

# Nevada

Historical Society Quarterly



SPRING 1994

# NEVADA HISTORICAL SOCIETY QUARTERLY

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Historical Society Quarterly

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# NEVADA'S MISCEGENATION LAWS AND THE MARRIAGE OF MR. & MRS. HARRY BRIDGES

Phillip I. Earl

On June 12, 1967, the United States Supreme Court in *Loving v. Commonwealth*<sup>1</sup> declared the miscegenation statutes of the state of Virginia to be in violation of the equal protection clause of the Fourteenth Amendment to the Constitution.<sup>2</sup> There was precedent for this decision, and twenty-three states that had once prohibited marriage, sexual liaison, or cohabitation between individuals of various races had already repealed their laws, most of them in the wake of a 1948 California Supreme Court decision, *Perez v. Sharpe*. The state of Nevada was among these, the 1959 session of the Nevada State Legislature acting to repeal an amended 1861 statute; the repeal followed a decision by District Judge Taylor H. Wines, Second District Court, Reno, in a civil action brought by San Francisco labor leader Harry Bridges and his Japanese-American fiancée, Noriko Sawada, a legal secretary.<sup>3</sup>

Nevada's miscegenation statute was enacted in the first session of the Nevada Territorial Legislature in November 1861. On October 19, 1861, the sixteenth day of the session, Isaac Roop, member of the Council from Honey Lake Valley, gave notice of his intention to introduce a bill "to prohibit the cohabitation and marriage of whites with Indians, Negroes, etc." When John W. Pugh, Council member from Aurora, introduced the measure two days later the Chinese had been added to the list. The first and second readings occurred on October 23 and 29, and the measure was referred to the Standing Committee. On November 4 the members of the Council, sitting as a Committee of the Whole, again considered Pugh's bill, but took no vote. The House of Representatives considered the measure on November 5, referring it to the Committee on the Judiciary. Two days later, Samuel Youngs, committee chairman, reported the bill back without recommendation. During the November 11 House debate, William J. Osborn lost a bid to strike "Indians" from the bill. Youngs then took the floor, asserting that the measure could never be enforced and would "uselessly cumber the

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statute book." John H. Mills of Genoa disagreed, contending that such a prohibition "was for the advantage of the white race to prohibit intermarriage with any of the inferior races." Ephraim Durham concurred, telling his colleagues that he had seen many cohabitation arrangements between Indian women and white men in northern California "and they were raising in those counties a race of disgraceful half-breeds."<sup>4</sup>

On November 12, the Council bill was reported out of the House committee with a favorable recommendation, but because the Council refused to accede to a House amendment to eliminate fines and imprisonment, a conference committee was appointed on November 13. Isaac Roop, a member of the conference committee of the Council, criticized several House members the next day, asserting that they were in favor of excluding "niggers and Hong Kongs" from the bill, but wanted Indians to remain. That afternoon, House members approved their own version, which prohibited relations only between whites and Indians, and between whites and the Chinese. A House conference committee was then appointed. A deadlock was reported on November 18, but Council conference committee chairman Roop said the next day that he would accept the House



Harry Bridges and Noriko Sawada in Reno on their wedding day. (*Don Dondero photo*)

version. William Morris Stewart of Carson City was also inclined to go along, saying that the House version "would at least remove one great cause of most of our Indian difficulties." Voting 9 to 5 for its version that day, the House then appointed a second conference committee on November 21, to which Council responded the next day with another conference committee. On November 25, the members of the Council voted to accept the report of the conference committee which included "mulattoes and negroes." Later that afternoon, the House approved the same bill and Territorial Governor James Warren Nye signed the measure into law three days later.<sup>5</sup>

According to the statute, miscegenous marriages were illegal: Whites living in such a state would be deemed guilty of a misdemeanor punishable by one-to-two years' imprisonment. The same was the case with clergymen or other persons solemnizing such unions. Whites convicted of cohabitation "in a state of fornication" faced fines ranging between \$100 and \$500 and a six-month stretch behind bars. Other racist legislation coming out of the first session of the Territorial Legislature included a bar against nonwhite children attending school with the sons and daughters of white citizens, restriction of the right of suffrage to white males, a provision limiting the practice of law and membership in state militia units to white males, and a prohibition on nonwhite testimony in both civil and criminal cases to which white persons were party.<sup>6</sup>

The statehood movement, adoption of a constitution, and establishment of a state government did not alter the precedents set during the Territorial period because the members of the first session of the Nevada State Legislature adopted most of the laws passed during that earlier era. Among Nevada's racial minorities, only blacks raised objections. They demanded the right to vote, serve on juries, give testimony in court, and send their children to public schools, but made no public objection to provisions in the laws relating to marriage or cohabitation with majority whites. They were particularly interested in overturning the ban on court testimony and were successful in getting the restriction lifted for their own race in a bill signed into law by Governor Henry G. Blasdel on March 14, 1865. The law included the phrase "but the credibility of such negro, black or mulatto person shall be left entirely with the jury," however, and blacks were not called in connection with trial proceedings over the next year. In April 1866, they petitioned the legislature for a clearer definition of their rights. There was some feeling among observers of political affairs that the Civil Rights Act of 1866 granted the right to give testimony in court, but the matter was still at issue when the Legislature convened in January 1867 and ratified the Fourteenth Amendment. A legislative proposal to repeal all statutes in conflict with the Civil Rights Act of 1866 and Article I of the Fourteenth Amendment failed, however, and the issue was before the state's lawmakers two years later. The restriction on court testimony by blacks was finally repealed in an omnibus bill that revised the statutes dealing with civil and criminal proceedings, signed into law by Governor Blasdel on March 8, 1869. Black males became citizens and

voters with the adoption of the Fifteenth Amendment of March 30, 1870, but the Chinese and the Indians were accorded no rights whatever until February 26, 1881, when Governor John H. Kinkead signed an act making all parties in criminal and civil cases competent witnesses.<sup>7</sup>

From time to time over the next several years, local editors would take note of white women living with Chinese or black males or interracial couples being denied marriage licenses, but Nevada's miscegenation law did not become a public issue until Henry Y. Inuito, a Japanese-American businessman from Los Angeles, arrived in Goldfield on March 1, 1910, with his intended bride, Miss Vivian Blackwell, a blonde, twenty-four-year-old secretary. They registered as husband and wife at the Goldfield Hotel that evening and appeared at the courthouse the next morning to apply for a marriage license. County Clerk Joseph Hamilton told them that he could not grant their request until he got an opinion from District Attorney Augustus Tilden. Tilden looked up the miscegenation statute and informed Hamilton that he could find no provision which would apply to the couple. Hamilton again refused to issue the license, so Deputy Clerk Ben Rosenthal filled out the form and took their money.<sup>8</sup>

The couple pushed their way through the crowd which had gathered in the lobby and walked the two blocks to the Methodist parsonage, but Reverend Raymond Darneille turned them down when they told him that they wanted him to perform the ceremony. Followed by a swarm of curious onlookers, they returned to the courthouse and called upon Justice of the Peace Arthur E. Barnes. He knew why they had come, but heard them out. He then told them that he would carry out the ceremony only if he had a telegram in hand from Miss Blackwell's mother giving her daughter permission to wed. Barnes's response upset her. "Oh no, don't," she said. "She doesn't know we are here, you see, and for business reasons we do not want it known yet."<sup>9</sup>

Barnes sent the telegram anyway, but the couple decided to seek out District Judge Theron Stevens. He agreed to go through with the ceremony, but only after lecturing them on the obligations they were about to assume. "While there is no law either human or divine prohibiting such unions in this state," he said, "I am frank to say with all kindness that the prejudice existing against the intermingling of the races is a strong one and such unions usually result unhappily." They said that they understood and Stevens performed the rite in the presence of Under Sheriff James Cahalen, attorney Milton Detch and a reporter from the *Goldfield Daily Tribune*.<sup>10</sup>

The new Mrs. Inuito then granted an interview. "I feel keenly that we are in the lime light of public opinion here and will undoubtedly be criticized, especially me," she said, "but I don't care and Henry don't. We love each other and our affair concerns no one but just we two." In reply to a question about her parents' feelings, she said that her husband had been received in the family home for two years and that her parents knew of their intention to marry. "They have never objected, nor do we expect them to when we get home," she con-



cluded. When they returned to their hotel, the clerk asked for their keys and politely requested them to vacate their room. They did so a few minutes later, catching the afternoon train for Tonopah where they registered for the night at the Mizpah Hotel.<sup>11</sup>

Word of the Goldfield marriage had been picked up by the Los Angeles press and a second couple, George Masahi and Juliette Schwan, debarked at the Goldfield depot on March 15. Deputy Clerk Rosenthal refused to issue a license, sending them to District Attorney Tilden. Tilden again said that there was nothing in the statutes to prevent such a union, so Rosenthal issued the license. Judge Stevens was not in his office, so they tried Justice Barnes. He again listened, then refused them in no uncertain terms, telling the couple that they would have to file for and be granted a Writ of Mandamus in District Court before he would conduct the ceremony. Several local ministers also refused their plea to be joined as man and wife, as did District Judge Peter J. Somers who stated his views on intermarriage in such scathing terms that Miss Schwan broke down in tears. Rosenthal then grabbed the marriage license from her hand and forced her to take back the fee that she and her fiancé had paid a few minutes earlier. The couple then left Judge Somers's courtroom, taking refuge in the sheriff's office. An hour later, a deputy accompanied them to the Law Vegas and Tonopah depot where they caught the train for home.<sup>12</sup>

In an interview later in the afternoon, Judge Somers elaborated on his reasons for refusing to conduct the ceremony. "I said it would be a misalliance and I would not encourage miscegenation. I believed it would be unwise and unmoral and a grievous and irreparable injury to society. My American blood revolts against such a union and I am glad the law permits me to exercise my discretion against it." In response to a question about District Attorney Tilden's interpretation of the law, Somers said that he believed the Japanese were included in "the Chinese statutory designation." If this were not the case, he said, "I would say a Jap was black in the interests of morality and charity."<sup>13</sup>

Ten months later, December 23, 1910, Washoe County officials found themselves facing an identical situation when H. H. Teckawn, a Japanese laundry owner from San Francisco, and Miss L. A. Frederick appeared at the courthouse in Reno to apply for a marriage license. County Clerk W. A. Fogg refused their application, claiming that he did not know the laws which would cover their case and stating that he would not issue a license unless ordered to do so by a higher court. The couple then sought out Charles E. Mack, an attorney, who told them that there was no law which would prevent them from marrying. He then accompanied them back to the courthouse and Fogg issued the license.<sup>14</sup>

Justice of the Peace Lee J. Davis refused to preside over the ceremony, however. "Really, I don't know of anything in the statutes forbidding me to perform the ceremony," he said, "but I certainly deem it to be contrary to the laws of nature." He advised them to find a clergyman, but they contacted Justice of the Peace James Pollock in Sparks instead. He also declined to join the pair in

wedlock. For a time there was talk of applying to District Judge John S. Orr for a Writ of Mandamus to compel Justice Davis to carry out his duty, but attorney Mack called around town and was able to persuade the Reverend Dr. W. S. Kelly of the First Methodist Church to marry the two at the parsonage. Another minister, who was visiting, refused to serve as a witness and left the room, so Reverend Kelly had his wife and teenage daughter stand in.<sup>15</sup>

That evening, Kelly told a reporter from the *Reno Evening Gazette* that he saw no reason "to draw lines by race" in conducting marriage ceremonies. If the members of the legislature believed that such marriages were not in the best interests of society, he said, "they should make it illegal by statute and not try to outlaw it by prejudice of the agitator."<sup>16</sup>

In an editorial entitled "A Legalization of Crime" which ran on December 24, the editor of the *Reno Evening Gazette* called for a law to add the Japanese to the miscegenation prohibition. Japanese men were "seeking to uplift themselves" by contracting such marriages, he wrote, but were instead bringing white women down to their level. "Intelligent, Christian, refined civilization should shudder at the spectacle of such miscegenation," he concluded.<sup>17</sup>

Although amending Nevada's miscegenation law to include the Japanese was not an issue in the 1910 legislative campaign, the problem was before the lawmakers during the 1911 session in Carson City. On January 31, Assemblyman Frank F. Meder, Republican of Ormsby County, introduced Assembly Bill 51 which would have added "Japanese" to the other racial categories. The measure was referred to the Committee on Public Morals which returned an unfavorable recommendation on February 9. On February 17, Meder reintroduced the bill, but Assembly leaders had it laid on the table and no further action was taken.<sup>18</sup>

Over on the Senate side, a measure to include the Japanese in the miscegenation law was introduced by A. W. Holmes, Republican of Washoe County, on the same day that Meder put his bill in the hopper in the Assembly. Holmes's bill was referred to the Committee on State Library and Public Morals which recommended on February 9 that it be passed. Before it went to the floor of the Senate, J. A. Ascher, Democrat of Washoe County, introduced a substitute bill. The same committee approved Ascher's bill later in the day and it passed by a vote of 16 to 0 with three absences on February 10. On arriving in the Assembly, the bill was held in committee until March 8, and was laid on the table when it came out of committee without a recommendation on March 9.<sup>19</sup>

Reverend Kelly had meanwhile contacted Senator Clay Tallman, Democrat of Nye County and President Pro Tempore of the upper house, sending along a draft proposal to repeal the miscegenation law. Tallman introduced the bill on March 7, referring it to the Washoe County delegation, Senators Ascher and A. W. Holmes, for further consideration. They consulted with their Washoe County colleagues in the Assembly later in the day and returned the bill with an unfavorable recommendation. They also sent down a proposed resolution criticizing Kelly for conducting the ceremony uniting the interracial couple in Reno.

Senator Tallman, embarrassed by the controversy, had both the proposed measure and the resolution laid on the table.<sup>20</sup>

On March 15, Assemblyman T. J. D. Salter, Democrat of Ormsby County, introduced a bill amending the miscegenation law to read "any person of the Ethiopian or black race, Malay or brown race, Mongolian or yellow race, or the American Indian or red race." Declared an "emergency measure" by Speaker of the House A. C. Frohlich, the bill was put on first and second readings and passed by a vote of 32 to 2 that same day. Sent over to the Senate a few minutes later, it was referred to the Judiciary Committee, whence Chairman Tallman reported it out favorably the next day, commenting only that it appeared to be "more or less special legislation in its application." Without further debate, the Senate passed the bill by a vote of 16 to 0 and Governor Tasker L. Oddie signed the measure into law the next day.<sup>21</sup>

County officials continued to deny marriage licenses to interracial couples and the members of the 1919 Legislature amended the miscegenation statute to repeal the ban on marriages between Indians and whites, but there were neither prosecutions for cohabitation nor cases dealing with interracial couples living in the state whose marriages were legally contracted elsewhere. The number of such couples increased after World War II when white soldiers began bringing home Japanese and Korean brides and blacks returned with European wives.

The 1948 California case, *Perez v. Sharpe*, prompted a number of states to repeal the miscegenation laws on their statute books, but no such effort was undertaken in Nevada until 1953. On January 21, Assemblyman George Hawes, Republican of White Pine County, introduced Assembly Bill 5 to repeal Nevada's miscegenation law. The law had not been an issue in the state during the 1952 legislative campaign, but Hawes had come to Carson City with the intention of bringing it up. An Ely friend, Sam Hase, a Japanese-American laundry owner, had called Hawes's attention to the law when his sister, Lilly, was unable to marry a local Greek-American, Nick Orphan. The bill passed the Assembly by a vote of 39 to 9 on March 17, but was held in the Senate Committee on Public Morals, whose members would have exempted all racial groups except blacks from application of the law, Hawes later recalled. Had the measure come back to the Assembly in that form, he wrote in a letter to the *Nevada State Journal* on December 21, 1958, he would have refused to go along because "fundamentally the law should not be incorporated in our criminal code." In his letter, he stated that James A. Dement, editor of both the *Ely Record* and the *Ely Daily Times*, had criticized him for introducing the bill, charging him with "selling out for publicity" and being the sort of politician who would be likely to "introduce a bill compelling Christians to marry Communists."<sup>22</sup>

Hawes did not run for re-election in 1954 and the question of retaining the miscegenation law on the statute books was not an issue during the 1955 legislative session, although the consciousness of most Americans had been raised by *Brown v. Board of Education of Topeka*, the historic Supreme Court school

desegregation decision handed down in May 1954. The issue was not dead, however. On February 11, 1956, Assemblyman Oscar D. Jepson, Democrat of Washoe County, introduced Assembly Bill 53 to repeal the miscegenation statute. The Assembly Judiciary Committee for the Special Session returned the measure with a do-not-pass recommendation on February 17, but Assemblyman Edwin J. Dotson, Democrat of Clark County, submitted a minority report recommending passage. Later in the day, the measure went down to defeat, 33 to 10 with two members not voting and two absent. Jepson told the Speaker that he planned to introduce a measure to reconsider the vote, but the session came to an end on February 25 with no further action being taken.<sup>23</sup>

Although civil rights was not an issue in the 1956 fall legislative campaign, the miscegenation issue was on the agenda soon after the 1957 legislative session convened in Carson City. On February 1, the members of the Elko County Assembly delegation, Gene Evans, Robert O. Vaughan, Hugh D. McMullen, and Roy Young, introduced Assembly Bill 80 to repeal the old law. The measure was sent to the Judiciary Committee that day, but was never reported out during the remainder of the session. Assemblyman Evans, an Elko newsman, had first learned of the miscegenation law when he covered the story of a white resident and his Chinese fiancée being denied a marriage license by Elko County Clerk Robert L. Kane. He talked to District Attorney Grant Sawyer and District Judge Taylor Wines and decided that he would try to bring up the issue when he went to Carson City. In a recent conversation with this writer, he recalled the young lady crying in Kane's office that morning and said that he simply believed that any law which kept such young couples apart was unjust and had no place on the Nevada statute books.<sup>24</sup>

The dispatch of federal troops to Little Rock, Arkansas, in connection with the desegregation of Little Rock High School in the fall of 1957 called attention to the race problem once again. Although several civil rights measures were debated during the 1958 legislative campaign in Nevada, it was the arrival of Harry Bridges and his Japanese-American fiancée Noriko Sawada, in Reno on December 8, 1958, which brought the miscegenation issue to a head. Flying into Reno that evening, they registered at the Mapes Hotel as Mr. and Mrs. Harry Bridges. They intended to apply for a license at the Washoe County Courthouse the next morning, find a Justice of the Peace to perform the ceremony and return home on a 9:50 A.M. flight, but word got out that Harry was in town and several reporters called his room seeking an interview. He told a couple of them that they could come up, but Charles Garry, an attorney with Noriko's San Francisco law firm, called a few minutes later to inform the couple of the restriction on interracial marriages in Nevada. With Noriko in tears, Harry asked Garry what they should do. Another partner in the firm, Benjamin Dreyfus, then came on the line and recommended that they consult Sam Frankovich, a Reno attorney who had previously contacted the firm seeking divorce business. Harry called Frankovich the next morning, and he and Noriko walked over to his office in

City Hall. After calling Dreyfus to get the citation for the *Perez v. Sharpe* case and the background on the California precedent for Nevada's law, Frankovich recommended that Harry and Noriko go to the courthouse and apply for a license. The clerk, Mrs. Viola Givens, had already been informed of the situation, as had County Clerk Harry K. Brown. When Harry handed her the completed application, Mrs. Givens turned to Noriko and asked, "What's your nationality?"

"American," she replied. "I was born here."

"That's right," Harry said. "She's the American. I'm the foreigner," a reference to his Australian birth.

"Are you black, white, brown, red or yellow?" Mrs. Givens then demanded of Noriko.

"Under those categories, I must be yellow," she answered.

"It's not where you were born," Mrs. Givens said. "It's blood that counts."<sup>25</sup>

Harry then called Frankovich and Brown contacted Assistant District Attorney Emile Gezelin. When Frankovich arrived, Harry made a second application, but Brown told him that he could not authorize the issuance of a license. Frankovich



Harry Bridges and Noriko Sawada applying for a marriage license at the Washoe County courthouse. Viola Givens is on the left and attorney Sam Frankovich is on the right (*Don Dondero* photo)

then told the county official that the Nevada statute was lifted in its entirety from a California law that had been declared unconstitutional. Brown was adamant, however, and Frankovich contacted District Judge Taylor Wines for a Writ of Mandamus to force the issuance of a license. A court time was set for the next day, December 10, and Harry and his intended returned to the Mapes where they had taken separate rooms so as not to be in technical violation of the law.<sup>26</sup>

The next afternoon Frankovich outlined the history of the case before Judge Wines and cited the *Perez* precedent. Noting that Nevada's law was based upon the statute at issue in that case, he paraphrased Article I, Section I of the Nevada Constitution to the effect that "All men are created free and equal." Referring to his clients, he concluded, "These two seek that inalienable right to happiness." He then asked Wines for a court order directing County Clerk Brown to issue the marriage license. Attorney Gezelin, representing Brown, began his argument by citing the state statutes requiring that the license be denied. Proceeding from this, he said that Harry and his fiancée, in seeking the order, were asking Judge Wines to order Brown to violate the law as it stood. He then asserted that the constitutionality of Nevada's miscegenation statute was not an issue in the case since neither of the principals was charged with breaking the law. Maintaining that the Nevada law met the constitutional test as long as the Legislature chose to keep it on the books, he cited several cases in which both state and federal courts had upheld such laws. Claiming that the right of the states to regulate marriage ceremonies had been considered a valid exercise of the police power "from the beginning of time," he concluded that "marriage is more than just a contract in which two people can agree. The State has an interest in marriage and its offspring so it can maintain control over its society." Both Frankovich and Bruce Roberts, a young attorney brought in to assist in the case, then responded with arguments which were outside of the technical issues involved in the case, but which spoke to larger concerns. Frankovich told Wines that the couple were planning a trip abroad soon to areas "where racial prejudice is not as strong as it is in this country," adding that a favorable decision would "do more for world friendship than a sputnik." Roberts commented in a similar vein: "We don't want to be classified with Little Rock," he said, a reference to the recent school desegregation problems in Arkansas. "Such interracial laws are based on the theory that other races are inferior to the caucasian," he maintained.<sup>27</sup>

Wines then declared the proceedings at an end and called a recess. More reporters and interested spectators crowded in and Harry and Noriko came in and took seats to await the decision. When Wines returned from his chambers, he called the attorneys forward. He said that he agreed with the decision in the *Perez* case and "saw no evil which would justify the state interfering with the freedom of an individual to marry." Applause broke out and several newsmen came forward to congratulate the couple. At Wines's direction Frankovich prepared the court order for his signature, but a minor snag developed when a clerk



Judge Taylor H. Wines. (*Courtesy of Barbara Wines*)

noticed that the document did not include a provision to hold blameless the person performing the marriage. Gezelin said that this clause was not a part of the original petition submitted by Frankovich, but Wines agreed to the amendment, commenting that "the license would do no good if no one could marry them."

The signed order in hand, Harry and Noriko walked over to the Marriage Bureau and once again filed the application papers. Brown himself handled the clerical end of the proceedings. "That will be five dollars, please," he said as he handed the license back. Fishing in his billfold, Harry quipped, "Is this the regular price or does it include the extras?" Brown assured him that the fee covered everything, missing the humor in the remark. Followed by a gaggle of reporters and photographers, Harry and Noriko walked across the street to the office of Justice of the Peace William Beemer for the ceremony. Beemer ordered

the reporters to remain outside and attorney Frankovich and Mrs. Helen Cormier, Wines's court clerk, were the only outsiders present for the rites.

When Beemer pronounced them man and wife, they kissed lightly and Harry declared, "This is my last marriage. I won't last through another one." At a champagne reception hosted by the manager of the Mapes a few minutes later, Harry expressed pleasure that the affair was over. "My wife sure had to stand up to a real test, right at the start. I'm more proud of her now than I was before." Frankovich proposed a toast, and Harry added "To my wife—she had a rough time getting here." He thanked Frankovich and Roberts and called Wines's decision "a display of courage and legal integrity." As to the law which had caused all the trouble, he said it was a surprise to them and ventured to speculate that most Nevadans were also unaware of its existence. "If I'm to judge by



Mr. and Mrs. Harry Bridges celebrate their wedding, December 10, 1958. Sam Frankovich is on the right. (*Don Dondero photo*)



the kindness and consideration that my wife and I have received from all the people we met on this trip, they would express themselves as being opposed to this law." Noriko agreed, adding that she felt it was "deplorable" that the question ever came up. Asked about a possible court challenge to Wines's decision, Harry replied that he and his wife had no interest in the matter and would be flying back to San Francisco the next morning. "We both work for a living," he said, "and in view of this, Nikki had better get back to work."<sup>28</sup>

Attorney Gezelin had meanwhile announced that he planned to appeal the decision to the Nevada Supreme Court and asked the judge to prepare a written opinion. Wines complied, stating flatly that "Sections 122.180, 122.190 and 122.210, Nevada Revised Statutes, are unconstitutional in that they violate Article I, Section I of the Constitution of the State of Nevada and Section I of Amendment XIV of the Constitution of the United States of America." Legal observers were uncertain of Judge Wines's authority to make a pronouncement on the constitutionality of a law since no law had been broken and they argued that the marriage of the Bridgeses would be null and void if the high court reversed him on appeal. Justice of the Peace Beemer was also in something of a quandary when Harry and Noriko showed up at his office that day, he told this writer, but he decided to perform the ceremony simply because he believed that they had a right to marry. He also said that he wanted to "put an end to the circus" which the press had created over the affair. The *Nevada State Journal's* Frank Johnson, writing in his column, "The Lighter Touch," two days later, suggested that Harry and Noriko "skip the 'Mr. and Mrs. routine' on their Christmas cards" until the court reviewed the decision, but expressed his personal whole hearted approval of the outcome of the proceedings.<sup>29</sup>

Bridges's San Francisco friends saw a bit of humor in the situation, columnist Herb Caen quoting attorney Dreyfus on December 10 as asking "Since when aren't Australians as good as anyone else?" The next day Caen himself got in a lick, pointing out that Nevada had no law against "inter-racial divorces." "It is only tough to get married there, 'Arry . . ." Bridges and his bride had arrived back home that morning and announced plans for a honeymoon abroad, but the controversy was over as far as they were concerned. Not so in Nevada.<sup>30</sup>

Most Nevada editors carried brief mentions of the Bridges affair and a few were moved to comment editorially. In Hawthorne, Jack McCloskey of the *Mineral County Independent* pointed out that Wines's decision could not be construed as a directive to county officials to ignore a law that was still in force; only the Nevada Supreme Court could make such a decision. Despite his reservations about the ruling, McCloskey was realistic enough to realize that times were changing. Asking his readers to consider the great number of mixed couples living in Nevada who had married elsewhere, he questioned whether "any law enforcement officer or any other citizen was going to attempt to break up those happy homes?" Walter Cox of the *Mason Valley News* congratulated Judge Wines. "His ruling was a good one," he wrote on December 19. "We in Nevada

are proud of our liberal laws, but every now and then run into an 1880 law that produces a blind spot in our vision." Hank Greenspun, editor of the *Las Vegas Sun*, was also loud in his praise of the decision, writing on December 14 that it "redeems our belief in a fundamental principle of our constitution that there should be no written law making a mockery of the principle that all men are created equal." As to Wines himself, Greenspun believed that such men "honor our state" and "bring dignity to the halls of justice." Chris Sheerin of the *Elko Daily Free Press* regretted only that "someone more generally admired" than Bridges had not brought the case years earlier, but he was a warm supporter of Wines's pronouncement, referring to the law in his editorial of December 24 as "entirely out of keeping with the spirit of American democracy . . . and a standing insult by Nevada to people of other races throughout the world. As such, it is another little thorn that helps keep so much of Africa and Asia riled against the United States."<sup>31</sup>

At least one newspaper, the *Humboldt Star* of Winnemucca, revealed that there was much divided opinion. In talking with Nevadans who remember the case, this writer has come to the conclusion that the decision was most unpopular and that Bridges was thoroughly despised both for his union activities on the San Francisco waterfront and his supposed Communist leanings. Sam Frankovich recently said that he had been subject to a good deal of "ribbing" from fellow attorneys and was "almost run out of the Republican Party" for his part in the affair. He was, however, proud of his small part in removing this "unjust law" from the Nevada statutes.<sup>32</sup>

There were other Nevadans, a minority at best, who welcomed the decision, among them Betty J. Marker, wife of Floyd Marker, pastor of Reno's First Methodist Church. Her letter to the editor of the *Nevada State Journal* of December 13 reminded readers that the 1960 Winter Olympics would soon be bringing "visitors of all nations and colors" to Reno. "What will they think when they find out that the NAACP routes Negroes around Nevada when possible because of the treatment found here? What will they report back to the world's 2/3 colored population?" she asked. Nevadans who endorsed the state's "live and let live or what a man does is his own business" philosophy often "refuse to carry this line of reasoning all the way," she observed. "They draw lines and dictate limits to those of different skin color, and suddenly have an unhealthy concern about the other fellow." She hoped that the "unconstitutional" decision on the miscegenation law would stand a court test and urged legislators, businessmen and religious leaders to speak out for better race relations. "Let's expose our dated views ourselves before the world exposes them," she concluded. "The rest of the world has been hearing plenty about hate bombings and school integration troubles. Let's show them that this state is Christian and Democratic."<sup>33</sup>

Just a week later, the *Journal* carried a letter from former Assemblyman George Hawes, relating his experience with the 1953 legislative attempt to repeal the

miscegenation law. He commended the "hard-headed, straight-thinking men" responsible for the decision in the Bridges case.<sup>34</sup>

When word of the ruling reached county officials elsewhere in the state, marriage clerks did not know whether or not they would be required to issue licenses to mixed couples. District Attorneys around the state were also in the dark, but most believed that Judge Wines had exceeded his authority. George Dickerson, District Attorney of Clark County, advised County Clerk Helen Scott Reed not to make any changes in the licensing policy until the Supreme Court acted. Dickerson was also widely quoted in the press as having said that Wines' edict was not binding in other judicial districts, an opinion that county officials might have cited had other interracial couples appeared seeking licenses.<sup>35</sup>

Black leaders around the state were conspicuously silent, most believing that interracial marriage was too controversial an issue to press before the legislature or in the courts. Ulysses Woodard, president of the Reno-Sparks chapter of the National Association for the Advancement of Colored People, told this writer that he feared the issue would create a backlash among lawmakers, jeopardizing such measures as fair housing, equal employment opportunity, educational reform, and public service, all pending for consideration in Carson City.<sup>36</sup>

Since repeal of the statute had not come up in the fall campaigns in 1958, legislators did not know how their constituents felt. Most preferred to leave it to the courts, but Russell McDonald, Legislative Counsel and Director of the Statute Advisory Commission, believed that the lawmakers should act on the matter, and drafted a repeal measure. Introduced by the Judiciary Committee as Senate Bill 19 on January 21, 1959, the measure was amended to permit persons of mixed race to live together after they were married and was reported out of committee with a do-pass recommendation on February 2. The bill passed as amended by a vote of 17-0 the next day and was sent on to the Assembly. Assemblyman Gene Evans, chairman of the Assembly Judiciary Committee, had the measure referred to his committee, but it was rumored on March 10 that there was an effort to hold the bill in committee and prevent a floor vote. Those favoring a vote of the entire membership prevailed, however, and the measure was released with a do-pass recommendation. With virtually no floor debate, the bill passed the Assembly by a vote of 32-5 on March 12, eight members being absent and two not voting. Although some members of the Assembly perhaps had private reservations about the wisdom of permitting interracial marriage, only Assemblyman Nelson C. Bleak, Republican of Lincoln County, felt called upon to speak out. Assuring his colleagues that he had "no prejudices against any race" and did not "approve of any racial discrimination," he said that he had known of "marriages of this kind which did not turn out well." In these cases, he said, "it is the children who suffer." The bill was then signed by the Speaker of the House and sent on to Governor Grant Sawyer who signed it into law without further comment on March 17.<sup>37</sup>

Most Nevada editors limited their commentary to an occasional note on the progress of the bill or a mention that the Bridges case had brought the miscegenation issue into focus, but editor Greenspun of the *Las Vegas Sun* lent editorial support to the repeal effort. Backing other civil rights measures before the lawmakers and lauding Governor Sawyer for calling for the creation of a "Commission on Equal Rights," he looked confidently to the future. "Slowly and surely Nevada is making gains in the affairs of humanity," he mused. "Outdated, stupid, brutal laws, conceived in bigotry are being deleted from our statutes to be replaced with sensible, enlightened and progressive laws embodying the principle of the dignity of man."<sup>38</sup>

Changing Nevada's laws and dealing with the unequal treatment of citizens has been an uphill fight all the way, but the Bridges marriage lasted. "Our marriage still thrives," Noriko wrote recently to this author "as does our 27-year old daughter, Katherine, contrary to Assemblyman Nelson C. Bleak's name-matching prediction." Judge Wines also took some pride in his own forthrightness in the case. As his widow put it in a recent letter, "he made a great many commendable decisions, but I know that the one in the 'Bridges case' gave him the most satisfaction because he felt in the future it would have benefited a great many people in a similar situation."<sup>39</sup>

## NOTES

<sup>1</sup>*Loving v. Commonwealth*, 147 S.E. 2d 78 (1967).

<sup>2</sup>"Justices Upset All Bans on Interracial Marriages," *New York Times*, 13 June 1967, 1: 2-3, 28: 3-4.

<sup>3</sup>*Perez v. Sharpe*, 32 Cal. 2d 711, 198 P. 2d 17 (1948); cf. Lloyd H. Riley, "Miscegenation Statutes—A Reevaluation of Their Constitutionality in Light of Changing Social and Political Conditions," *Southern California Law Review*, XXXII, no. 1 (Fall 1958), 28-47, and George E. Phillips IV, "Miscegenation and the Constitution," *William and Mary Law Review*, VIII (Fall 1966), 133-42; *Harry Bridges and Noriko Sawada, Petitioners v. Harry K. Brown, Respondent*, Case no. 177539, Second District Court, Reno, Nevada, 10 December 1958, findings of fact and conclusions of law.

<sup>4</sup>Andrew J. Marsh, *Letters from Nevada Territory, 1861-62*, William C. Miller, et al., eds. (Carson City: Legislative Counsel Bureau, 1972), 106, 113, 167-68, 206, 217, 230, 247.

<sup>5</sup>*Ibid.*, 253, 261, 271, 274-75, 303, 305, 311, 326, 329, 334, 338, 347, 356-57; cf. *Laws of the Nevada Territory*, ch. XXII, sec. 1-4, and *Journal of the Senate*, First Legislative Session (1861), 12-13.

<sup>6</sup>Elmer E. Rusco, "Good Time Coming? Black Nevadans in the Nineteenth Century (Westport, Conn.: Greenwood Press, 1975), 22-24; Marsh, *Letters*, 355-56; cf. Michael F. Coray, "'Democracy' on the Frontier: A Case Study on Nevada Editorials on the Issue of Nonwhite Equality," *Nevada Historical Society Quarterly*, 21:3 (Fall 1978), 189-204.

<sup>7</sup>Rusco, "Good Times Coming?" 42-56; *Statutes of the State of Nevada*, First Session (1864-65), ch. XIII, p. 99, ch. CXXXVI, p. 403; *Territorial Enterprise* (4 April 1866), 2: 2, (24 May 1866), 2: 2, (24 February 1876), 2: 1; *Statutes of the State of Nevada*, Fourth Session (1869), ch. CXII, title XI, ch. I, sec. 376, p. 225; *Statutes of the State of Nevada*, Tenth Session (1881), ch. LV, sec. 1, p. 83.

<sup>8</sup>*Reno Weekly Gazette* (29 April 1880), 1: 2; *The Silver State* (18 May 1889), 3: 2; *Elko Independent* (27 February 1888), 3: 1; *Nevada State Journal* (30 June 1908), 8: 2; *Goldfield Daily Tribune* (3 March 1910), 1: 5-7, 2: 2.

<sup>9</sup>*Goldfield Daily Tribune* (3 March 1910), 1: 5-7, 2: 2.

<sup>10</sup>*Ibid.*

<sup>11</sup>*Ibid.*

<sup>12</sup>*Nevada State Journal* (16 March 1910), 1: 7.

<sup>13</sup>*Ibid.*

<sup>14</sup>*Reno Evening Gazette* (23 December 1910), 1: 4; *Nevada State Journal* (24 December 1910), 1: 2–3, (25 December 1910), 8: 1–2.

<sup>15</sup>*Reno Evening Gazette* (24 December 1910), 1: 1–2.

<sup>16</sup>*Ibid.*, 1: 1–2, 5: 1–3.

<sup>17</sup>*Ibid.*, 4: 1.

<sup>18</sup>*Journal of the Assembly*, Nevada State Legislature, Twenty-Fifth Session (1911), 60, 91, 129.

<sup>19</sup>*Journal of the Senate*, Nevada State Legislature, Twenty-Fifth Session (1911), 38, 64–65, 67, 69, 177, 190.

<sup>20</sup>*Reno Evening Gazette* (8 March 1911), 5: 1.

<sup>21</sup>*Journal of the Assembly*, Nevada State Legislature, Twenty-Fifth Session (1911), 313, 341, 347; *Journal of the Senate*, Nevada State Legislature, Twenty-Fifth Session (1911), 251, 253, 259, 269.

<sup>22</sup>*Journal of the Assembly*, Forty-Sixth Session (1953), 25, 461, 489–90; *Journal of the Senate*, Forty-Sixth Session (1953), 308, 314; *Nevada State Journal* (21 December 1958), 36: 2; telephone interviews: George Hawes (16 September 1993), Sam Hase (16 September 1993), Nick Orphan (18 September 1993). Nick and Lilly were married in Gallup, New Mexico, on October 5, 1953. They returned to Ely to live, and the marriage lasted until Lilly's death in 1990.

<sup>23</sup>*Journal of the Assembly*, Special Session (6–25 February 1956), 36, 66, 70–72.

<sup>24</sup>*Journal of the Assembly*, Forty-Eighth Session (1957), 59. Gene Evans, personal interview, Reno, Nevada, 17 September 1993.

<sup>25</sup>*Reno Evening Gazette* (9 December 1958), 1: 5, (11 December 1958), 1: 1–2, 34: 1; *Nevada State Journal* (10 December 1958), 1: 6–7, 7: 4; Harry R. Bridges, letter to the author, 29 June 1983; Noriko Sawada Bridges, letter to the author, 5 February 1987; Sam Frankovich, interview, Reno, Nevada, 1 February 1987.

<sup>26</sup>*Nevada State Journal* (10 December 1958), 1: 1, 6–7, 7: 4, (12 December 1958), 1: 6–7, 6: 4–5, (12 December 1958), 20: 5–7; *Reno Evening Gazette* (11 December 1958), 1: 1–2, 34: 1; *San Francisco Chronicle* (11 December 1958), 1: 4–5, 10: 1–3, (12 December 1958), 3: 1.

<sup>27</sup>*Nevada State Journal* (11 December 1958), 1: 7, 6: 4–5, (12 December 1958), 20: 5–7; *Bridges and Sawada, Petitioners v. Brown, Respondent*.

<sup>28</sup>*Nevada State Journal* (11 December 1958), 1: 7, 6: 4–5, (12 December 1958), 20: 5–7; *Nevada Appeal* (11 December 1958), 9: 1; *Bridges and Sawada, Petitioners v. Brown, Respondent*; William Beemer, Justice of the Peace, personal interview, Reno, Nevada, 22 July 1984.

<sup>29</sup>*Bridges and Sawada, Petitioners v. Brown, Respondent*; Beemer, interview; *Nevada State Journal* (12 December 1958), 20: 5–7.

<sup>30</sup>*San Francisco Chronicle* (10 December 1958), 23: 1–2, (11 December 1958), 27: 1–2.

<sup>31</sup>*Mineral County Independent* (17 December 1958), 1: 1–2; *Mason Valley News* (19 December 1958), 1: 1; *Las Vegas Sun* (14 December 1958), 11: 1–2; *Elko Daily Free Press* (24 December 1958), 2: 1–2.

<sup>32</sup>*Humboldt Star* (22 January 1958), 1: 2; Frankovich, interview.

<sup>33</sup>*Nevada State Journal* (13 December 1958), 3: 4–5.

<sup>34</sup>*Ibid.*, (21 December 1958), 36: 2.

<sup>35</sup>*Reno Evening Gazette* (13 December 1958), 9: 4; *Las Vegas Sun* (12 December 1958), 1: 2.

<sup>36</sup>Ulysses Woodard, personal interview, Reno, Nevada, 16 May 1965.

<sup>37</sup>Russell McDonald, personal interview, Reno, Nevada, 5 February 1987; *Journal of the Senate*, Forty-Ninth Session (1959), 15–16, 57–58, 66, 346; *Journal of the Assembly*, Forty-Ninth Session (1959), 104–5, 372, 421, 452; *Statutes of the State of Nevada*, Forty-Ninth Session (1959), ch. 193, sec. I, p. 216; *Nevada Appeal* (22 January 1959), 1: 4, (10 March 1959), 6: 2, (16 March 1959), 2: 1, (17 March 1959), 1: 1; Gene Evans, personal interview, Reno, Nevada, 19 September 1993.

<sup>38</sup>*Las Vegas Sun* (27 January 1959), 6: 1–2, (28 January 1959), 6: 1–2, (29 January 1959), 1: 1–2.

<sup>39</sup>Noriko Sawada Bridges, letter to the author, 5 February 1987; Barbara Wines, letter to the author, San Jose, California, 8 February 1987.

# THE WABUSKA MANGLER AS MARTYR'S SEED

## The Strange Story of Edward P. Lovejoy

William G. Chrystal

Editor Sam Davis of the *Carson Appeal* had fun with Edward Payson Lovejoy in print. From May of 1889 until Lovejoy's death on August 26, 1891, Lovejoy was a favorite target for Davis's barbs. The two had probably met in Wabuska, where Lovejoy owned the store and a small hotel, when Davis was there showing some of his prize cattle.

Davis probably felt an affinity for Lovejoy, who had himself been a newspaper owner and editor in Trinity County, California. Lovejoy hailed from the Midwest, where Davis spent part of his youth. In fact, Sam Davis even worked as a reporter for a paper in Saint Louis, the town where Lovejoy was born.<sup>1</sup>

Thus the fictional newspaper, the *Wabuska Mangler*, was born, "edited" by Edward P. Lovejoy, who, Davis said in the pages of the *Appeal*, was responsible for many "misdeeds."

About six months ago a man came to this office from Wabuska and purchased a lot of damaged pica type on tick, and a Washington hand press with half the parts gone. He then started the Mangler with the old type, not yet paid for, began denouncing the Appeal editor as a political refugee from Iceland and an enemy of the commonwealth. We hope the old liar who runs the Mangler will come up here and settle for his type and also return the melting pot he borrowed of us to make the roller composition in. Last week we caught him stealing an electrotype of George Washington and he agreed to return it as soon as he ran his weekly off, so that we would have it in time for the centennial issue. He still holds on to it as he never lets go of anything once he gets his claws on.<sup>2</sup>

Nevada journalism has known many hoaxes. The Virginia City high jinks of Dan DeQuille and Mark Twain are celebrated chapters. Yet the *Wabuska Mangler* tops them all, because the real joke was on Samuel Post Davis. Edward Lovejoy, "editor" of "one of the spiciest of our country exchanges," was the only child of

William G. Chrystal is the minister at the First Congregational Church in Reno. A specialist on Reinhold Niebuhr, he is the author of several works of intellectual history, especially a biography of Niebuhr's father. Edward Lovejoy represents his first foray into Nevada history.

Elijah Parrish Lovejoy (1802–37), a celebrated journalist who died defending his printing press from an angry mob in Alton, Illinois, when Edward was still a baby. And Sam Davis didn't know it.

John Quincy Adams called Edward's father "the first American martyr to the freedom of the press and the freedom of the slave."<sup>3</sup> An uncompromising opponent of slavery, Elijah Lovejoy's death opposing it sent shockwaves through the nation. A plate honoring him was posthumously issued in Sheffield, England.<sup>4</sup> Money rushed in to fight slavery. Some was even sent for Elijah's widow and orphan, one contribution coming from the First Colored Presbyterian Church of New York. "Although Lovejoy had not considered himself an abolitionist, the colored people did," historian Benjamin Quarles explains. "His sacrifice strengthened their high regard for crusaders against slavery. . . . Now Negroes could witness the labors and the sacrifices of white men and women in a cause inseparably linked with their own."<sup>5</sup>

Books by Elijah's brothers Owen and Joseph, and by his close associate Edward Beecher, brother of Harriet Beecher Stowe and Henry Ward Beecher, made Elijah Lovejoy's name "a symbol for reformers."<sup>6</sup> Yet for Elijah's wife and infant son that name became a heavy burden. By the time Edward Lovejoy moved to Nevada in middle age, he had distanced himself from his father's reputation. Even as a California newspaperman, Edward never mentioned his father. His only printed mention of his father's activities was a veiled reference in an editorial tolling his beloved mother's death.<sup>7</sup>

In the West, Edward Lovejoy found relief from the epithet *abolitionist*, a term Edward said "conjures up raw-head and bloody-bone visions of ogres and can-



Wabuska in 1870. (*Nevada Historical Society*)

nibals.”<sup>8</sup> On the frontier, a son’s industry and integrity counted for more than a father’s name. Still, Edward’s activities reveal a man who resembled his father in many ways. As a jurist and journalist, Edward Lovejoy wasn’t afraid to stand up for what he thought was right. He possessed his father’s conscience and passion, and for this, his mother, Celia French Lovejoy, gets all the credit.

## I.

Celia Lovejoy collapsed when news of Elijah’s death, on November 7, 1837, reached her. Their struggles had begun more than two years earlier. Elijah published the *St. Louis Observer*, a religious newspaper, known for its attacks on Catholicism. Yet Elijah’s focus shifted. Slavery replaced the papacy as the object of his wrath. “Slavery,” he said, “is like the vampire, it slowly and imperceptibly sucks away the lifeblood of society.”<sup>9</sup> The *Observer* office was ransacked and the printing press destroyed. Lovejoy decided to relocate the *Observer* in Alton, Illinois, across the Mississippi River from St. Louis. He thought that Alton would be more receptive because Illinois was a free state, not a slave state like Missouri.

Three more presses were destroyed in Alton. Determined to defend his newest press by force if necessary, Elijah and a group of supporters barricaded themselves in a warehouse. Elijah fell, mortally wounded, a victim of multiple gunshot wounds.

Never physically robust, Celia Lovejoy was not strong enough to visit her husband’s grave for several days. “She wept freely,” one of Elijah’s brothers wrote. “She said on her return that she hoped she might live to train up her little son to imitate the example of his father.”<sup>10</sup>

According to Edward Beecher, Elijah Lovejoy was devoted to Edward, born on March 12, 1836.<sup>11</sup> “His inexpressible love for his son . . . I shall never forget,” Beecher wrote. “It seemed to open a channel for the full tide of a father’s emotions, quickened perhaps even then by the thought that soon he might be deprived of a father’s care.”<sup>12</sup>

Elijah was equally devoted to Celia, who had refused to leave his side during all of his trials. “My dear wife is a perfect heroine,” Elijah wrote to his mother.

Though of delicate health, she endures affliction more calmly than I had supposed possible for a woman to do. Never has she by a single word attempted to turn me from the scene of warfare and danger—never has she whispered a feeling of discontent at the hardships to which she has been subjected in consequence of her marriage to me. . . . She has seen me shunned, hated, and reviled, by those who were once my dearest friends. . . . When I told her that the mob had destroyed a considerable part of our furniture . . . “No matter,” said she, “what they have destroyed since they have not hurt you.” Such is woman! and such is the woman whom God has given me.<sup>13</sup>

Celia was lost after Elijah’s death. Her mother came from a slaveholding family. Senator Paul Simon of Illinois, one of Elijah Lovejoy’s biographers, says



that Celia's family "maintained strong feelings against the abolitionists." "Four years after Lovejoy's death, Celia Ann was seriously ill for about 10 weeks. . . . 'Mother did not come near me, only three or four times,' Celia wrote. 'She said it was all the doings of the Abolitionists. She expected they would kill me.'"<sup>14</sup>

Though Elijah's brother Owen was an Illinois congressman and a well-known abolitionist who advised Abraham Lincoln on issues of slavery, the Lovejoy family offered the widow little support either emotional or financial. Near the end of his life, Edward confessed this fact. "I felt in years long gone by that my father's kindred and my own ought and might have stretched forth a helping affectionate hand and greatly alleviated her [Celia's] lot. While it might have changed my whole career, my regret was only for her sake."<sup>15</sup>

Celia and Edward moved many times. Edward recalled living in Ohio in both Cincinnati and Oberlin, as well as Canada, Illinois, and Iowa. For a short time, Celia and Edward were centerpieces for the antislavery movement.<sup>16</sup> They eventually moved to Upper Alton, Illinois, where Edward attended Shurtleff College for two years. Education was important to Celia. As a child, Edward read the entire Bible. He also recalled reading Plutarch's *Lives* over and over.

While at Shurtleff College Edward came down with cholera and bilious fever, prompting another move before he finished school. Celia ran a hotel in Keosauqua, Iowa, and later, a boarding house in Keokuk. She was "a very nervous woman," Edward recalled, "which was hardly to be wondered at considering the trials and tribulations she had gone through."<sup>17</sup>

Celia did everything for Edward. He was seventeen before she allowed him to milk their cows. "The relations of this mother and son were peculiar," he wrote in the *Weekly Trinity Journal*, a Weaverville, California, publication. "For more than twenty years they were all in all to each other. By day and night they were constant companions. Between them there existed an exclusive and unreserved confidence. They lived in a world of their own, baring their inmost hearts to each other, but to none else."<sup>18</sup>

In the fall of 1856, an Iowa neighbor, "who was more like a father to me than anything else," begged Edward to go to California and bring back his daughter and grandson, Edward's namesake, who had been carried there by the daughter's gambler husband. Edward could not refuse.

## II.

Edward Lovejoy arrived in San Francisco on January 5, 1857. "As it happened," he wrote, "the man was killed in a drunken brawl about the time I started, and the lady passed me in midocean on the incoming steamer of the same line."<sup>19</sup>

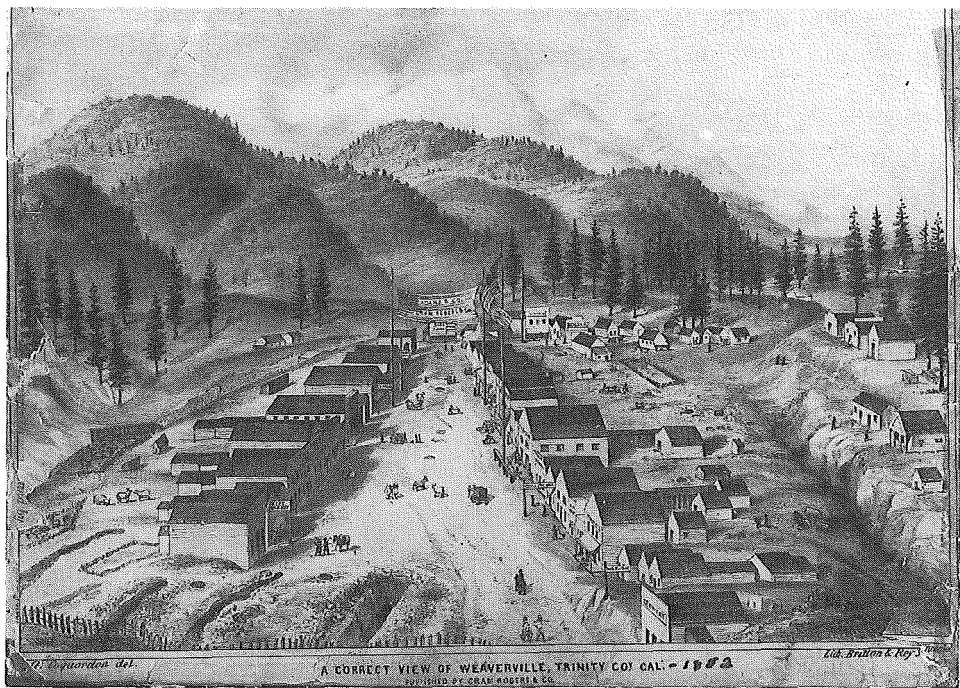
Edward never intended to remain in the West. But it was too late to return to Iowa and put in a crop, so he decided to enjoy the summer. He found the "country and climate very attractive," and urged his mother, who suffered from

"bronchitis and hysteria" and was also "approaching the change of life," to join him. Celia sold everything and arrived in the spring of 1859, the first woman, Edward believed, to arrive on the overland stage.<sup>20</sup>

Like most young men in California, Edward tried his hand at mining, but without success.

In 1863, I was mining near a little town and a poor fellow who was arrested for "an assault with intent to commit murder" and against whom the whole community were violently prejudiced came to the claim where I was at work and begged me to go with him before the justice and say a good word for him. I went and was able to bring out and establish the fact that the prosecution was purely malicious and without foundation. The jury by their verdict acquitting my client, and condemning the prosecuting witness to pay the costs. After that in every case in the Justice Court there would be a race to see which party would get to me first. This turned my attention to the law.<sup>21</sup>

Edward Lovejoy went to Weaverville, seat of Trinity County, and read law. He was admitted to the bar in 1865, elected district attorney in 1867, and re-elected in 1869. In 1871, he was elected county judge and served a two-year term. "Lovejoy has never called upon his friends and been disappointed," he wrote at the time of his election, "never has he thrown a friend, and never will."



The earliest-known view of Weaverville, California, 1852. (Courtesy of the Trinity County Historical Society)

He also served as United States court commissioner and bought and sold real estate.<sup>22</sup>

Near the end of 1868, Edward, in partnership with Julius Andrews, bought the *Weekly Trinity Journal*, a newspaper that had been established in 1856 by David Gordon.<sup>23</sup> Andrews did the printing, and Lovejoy was editor, "an able auxiliary in every emergency where vital interests may be affected."<sup>24</sup>

Edward Lovejoy was a scrappy editor. "We have an abiding faith in the intelligence and honesty of the masses," he wrote.<sup>25</sup> Dueling regularly with the *Sacramento Union*, he called it an "artful dodger."<sup>26</sup> He also called a political spade a spade, sometimes as far away as Nevada. "A. J. Doolittle is an independent candidate for the Assembly in Nevada," Lovejoy wrote. "He is rightly named. He did little when at Douglas City, and we imagine he will do little in the election."<sup>27</sup>

Lovejoy championed Republican Party interests. For him, there was "but one party." "In 1856, the pro-slavery feeling of the United States was drawn within the Democratic organization—disrupting the Whig party."

Men were tarred and feathered for no other offense than that of attending Republican Conventions; newspaper offices were destroyed for the crime of expressing anti-slavery sentiments. . . . If the American people had not revolted at this, they would not have been worthy of the name of freemen, and would have been dominated by a despotism. But, in spite of all that party leaders could do or say; regardless of party feeling or discipline; they did revolt—and the pro-slavery aristocratic Democracy was forced to the wall.<sup>28</sup>

Though slavery had been smashed, Edward Lovejoy strongly believed that the Democratic Party still marched to the beat of the same drum. He attacked Assemblyman W. J. Tinnan for "arguing that the Japanese 'were links of the same sausage and made out of the same dog' and had the 'same smell' as Chinese."

The "flat nose," "wooly head," "long heel," "crooked shin," and "strong smell" of the negro, although for a long time the burden of Democratic appeals to the prejudices of the American people, have lost their effect. . . . Opposition to the Japanese in the character of visitors to these United States should be founded on a more substantial basis. . . . The past teaches us that mere appeals to prejudice yield no lasting victories. There is a sense of right written on the hearts of all men that, tardy though it be, renders a final verdict on the side of reason and of justice.<sup>29</sup>

On one occasion, Lovejoy defended the rights of African Americans living in California. His spirited defense occurred when an African-American child was not allowed to attend school with other children in the community. "We occasionally hear of some locality," he wrote,

where the community gets on its high horse, and insists upon the rigid adherence to the State Law which the wisdom of the Code Commissioners framed, prohibiting Negro and

Indian children from being educated in the same school with those of the pure Caucasian blood. . . . In one of the districts, there was a solitary darkey child. The parents of the juvenile African demanded, as they had the right to demand, that their able scion should be instructed in the rudiments of an English education. There was a school being taught there, but the parents of the noble Caucasians cared not to expose their children to the contamination which the solitary little nigger would bring to the classical regions of the school room.

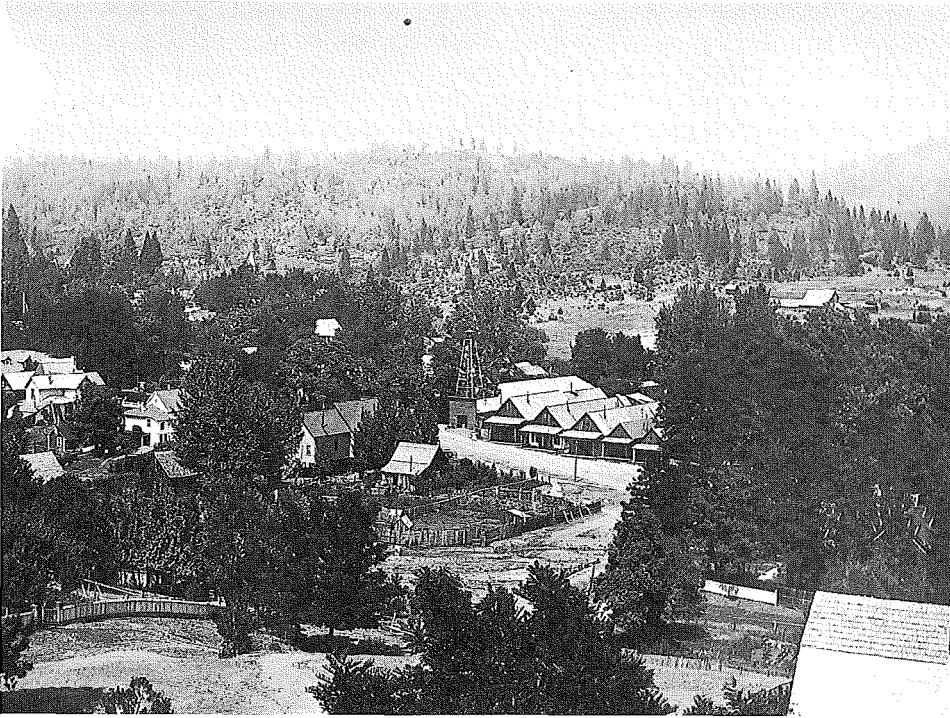
"The Trustees," Lovejoy explained, "hired a house, employed a competent teacher and opened a school for the lone darkey. All went merry as in a marriage bell till the financial question came in, when the county Superintendent declined to recognize the little 'culled pusson' as a school. The District Attorney and the State Superintendent, however, when appealed to, decided that the Trustees were right," Edward announced. "This is nothing more nor less than nullification in a small way . . . of the National law."

"The old time prejudice which grew out of the relations of Freedom and Slavery," he wrote, "which extended into the North until the people of every State became imbued with it, asserts itself now in the form of a denial of civil rights to negroes."<sup>30</sup> And Edward Lovejoy, whose father had died for the emancipation of the slaves, would have none of it.

Edward also waged bitter local battles over the so-called Chinese Question. Like most of his contemporaries, Edward believed the Chinese were "half-civilized pagans" who "cannot amalgamate with civilized white races." Despite this, Edward Lovejoy admired the Chinese in many ways. He readily acknowledged that the "Chinese are an industrious, frugal, ingenious, patient people." But their very presence in the United States, an exploited group willing to work for inadequate wages, Edward feared, would lead to their enslavement. "The intelligent industry of a nation is in the foundation of its prosperity," he wrote, "while a system of underpaid labor is productive only of crime and bloody wars against the government which fosters it."

Because the Chinese worked for so much less money than other workers, "the Asiatics can only occupy the position of an inferior, servile, dependent race. This requires but one step more to constitute slavery and degrades labor and the laborer." Immigration must be stopped, Lovejoy argued. But "in relation to the Chinese already here, as a humane civilized people, we cannot ignore the fact that they are human beings."

The outcry against the Chinese made by politicians is but a repetition of the old cry that "the black man had no rights that the white man was bound to respect." This was the slogan of the Democracy through many campaigns. For a while truth was crushed to earth by the mingled hosts of ignorant prejudice and an educated aristocracy. But at last the foundations of the great moral deep were broken up, justice claimed its own and the American people trod the infamous sentiment out of sight forever. The Democratic party of this State are pursuing exactly the same course in relation to the Chinese that they did



Weaverville's Chinatown district occupied both sides of Main Street on the south end of town. The buildings to the right are Chinese businesses still active early in the twentieth century. (*Courtesy of Douglas McDonald*)

on the slavery question, with the single difference that they have not as much material out of which to manufacture capital.

Edward Lovejoy stood up for the Chinese in Trinity County. He was the closest thing to a champion they had. Yet he publicly announced that he had never hired one: "The editor of this paper has never employed a Chinaman in any capacity during a residence of six years in Weaverville."

"Bring on your leading Democrats," he taunted. "Those who fixed the primaries, ran the Conventions of the Democratic party during that time and were the loudest in denouncing the African and Chinese. Strange as it may seem," he mused, "hardly a man of them employed a white servant in or out of the house. At the time the writer of this article was paying a white man \$3 a cord for sawing his wood, the leading Democrats of this town employed colored labor for the same purpose because it was cheaper."

Every hotel in Weaverville employs Chinamen. A great deal is said and done to create a sentiment that will result in the expulsion of this objectionable part of our population. It is the barbarism, the utter lack of humanity and justice in such a course that Republicans

condemn. The disposition in man which leads him to attack a fellow creature because he is too weak to resist, is the trait that brings him nearest the brute creation. The Chinaman pays an onerous, oppressive tax, such as few white men could or would. His testimony is refused in our Courts, and he is therefore an easy prey for spoilation and abuse. Even the Digger Indians demand a share of John's hard earnings. Many Chinamen own mines and other property purchased from white men, for which they paid full value, perhaps more. Can these men turn around and drive them from it? We say no man with a conscience will. Give the Chinamen justice at least.<sup>31</sup>

### III.

As a newspaper editor, Edward Lovejoy spoke freely on a wide range of subjects, including women's suffrage, temperance, religion, and the lodge movement. He also wrote verse. His editorial positions were generally liberal and well reasoned for the age. On the subject of women's suffrage, for example, Edward's views mirrored those held by scholars like John Stuart Mill and Horace Bushnell. Edward understood that "woman suffrage" was being "eloquently advocated in the lyceum and on the stump as a measure of justice and prosperity." It was an issue that, like it or not, was going to be settled "in this generation."

Lovejoy was certain that "women voting will have a tendency to purify our politics and promote order and good conduct at the polls." Yet he worried that the cost would be high. "What will be the effect upon woman herself?" he asked.

Is putting the ballot in her hands necessary to elevate her in society or to place her upon an equality with man? Will the feminine character be benefited by the mixed associations and bitter prejudices resulting from an active participation in politics? How is she to appear in the role of a politician save at the expense of those traits of femininity and domesticity which constitute her chiefest attraction and wherein lie her greatest influence for good upon the better nature of man?

Edward Lovejoy, posing questions that seem quaint and naïve today, was, in spite of the questions themselves, a realpolitiker. The tide was changing. "It may be that all objections can be shown to be fallacious," he concluded his editorial, entitled "About Woman Suffrage." "But whether such be done or not whenever the sex demand the ballot they will get it."<sup>32</sup>

Although Edward Lovejoy had an interest in religion, there is no indication that he ever joined a church. He always found space in the *Journal* to announce the presence of circuit-riding preachers. He also applauded local advances in observing the Sabbath. "We noticed with pleasure that several of our businessmen did not open their stores on Sunday last," he wrote early in 1873. "In early times in California it was customary for miners to do nearly all their trading on Sunday," he wrote, "but that time has passed. . . . Let all resolve to observe the

Sabbath and at the end of the year they will find themselves as well off as though they had kept their places of business open on that day."<sup>33</sup>

Lovejoy seldom missed an opportunity to preach to his readers. He wrote aphorisms and verse stressing the importance of being truthful and doing right. "Let me tell you, little boys, what is a great deal better than money, and what you may be earning all the time you are waiting to grow large and earn a fortune," Edward wrote in a brief column entitled "Better Than Gold." "The Bible tells us that 'A good name is rather to be chosen than riches, and loving favor rather than silver or gold.' A good name," Lovejoy explained, "does not mean a name for being the richest man in town, or for owning the largest house. A good name is a name for doing good deeds; a name for wearing a pleasant face, and carrying a cheerful heart; for always doing right, no matter what we may be."<sup>34</sup>

Though Edward possessed many puritanical traits, he was an enemy of religious intolerance. In one article, he decried the notion that the Pilgrims afforded people "freedom to worship God."

That is exactly what they didn't do. . . . They came from England, set up their own form of worship, and declared that everybody in the colony should worship their way or suffer for it. . . . Those old Pilgrim Fathers were exceedingly excellent old gentlemen, and deserve all the credit in the world for the good they did, but don't let us talk about "liberty of conscience" in connection with them.<sup>35</sup>

In another essay, Edward discussed "Progressive Religion," fixing on "some points of belief still taught by the church which could well be expunged from its practice." Lovejoy was especially appalled by "such horrible dogmas as infant damnation and a literal hell of fire and brimstone" that "excite but one feeling—that of pity for the clergyman who had so poor an opinion of the reasoning powers. . . . Sooner or later," Edward believed, "the words of Holy Writ will be invested with a meaning which will appeal to the understanding rather than to the fears."

We have not yet reached that era, but will ere many generations shall have passed away. Then the teachings of Divine Revelation will be given in their true spirit—that of charity, of mercy, of love; of "peace on earth and good will to men." There yet lingers in the pulpit some of the relics of old time superstitions and dogmas—of the kind which tells us that a death bed repentance will atone for a lifetime of sin, and other absurdities of like character, but the days of such beliefs are numbered. At present the gallows may almost be regarded as a means of saving grace. Red-handed murderers are ushered into eternity with (to use the cant phrase), the "confident hope of a blessed immortality," until it would seem that about as sure and safe a road to heaven as any is to kill a fellow human being.

Judge Lovejoy, who doubtless delivered death sentences, believed a better path lay ahead. "To us it seems that a life devoted to works of charity and

brotherly love, even though not accompanied by the outward forms of religious observances, is more in accordance with the teachings of the great master, than is the religion of form and substance, "Lovejoy explained, "and it is certainly more in consonance with reason to believe that the reward of the future will be proportioned to the work of the present."<sup>36</sup>

Edward Lovejoy sought practical religion, and he found his church in the lodge movement. Lovejoy belonged to the Masons and the I.O.O.F., the International Order of Odd Fellows. For him, lodges were on the cutting edge, helping those who needed help. In a poem about the Odd Fellows, Edward explained

Its foes are Nature's enemies,  
Disease, and Death, and Woe;  
In its camps there are no orphans,  
No widow's tears can flow;  
It soothes the couch of suffering,  
The friendless feeds with bread,  
Protects the famished living,  
And consecrates the dead.<sup>37</sup>

In Edward's mind, lodges did what churches were supposed to do: They encouraged high-mindedness and took care of the less fortunate.

Edward's view of religion mirrored the character of his mother Celia, who was, in his words, "charitable to a fault."<sup>38</sup> In an essay entitled, "An Old-Fashioned Mother," one sees how Edward's religion was formed. "Blessed is the memory of an old-fashioned mother," he wrote. "It floats to us now like the beautiful perfume from woodland blossoms. The music of other voices may be lost, but the entrancing memory of her echoes to our soul forever. Other faces may fade away and be forgotten, but hers will shine on until the light from heaven's portals will glorify our own."

When the fitful pauses of busy feet wander back to the old homestead, and crossing the well-worn threshold, stand once more in the low, quaint room, so hallowed by her presence, how the feeling of childhood innocence and dependence come over us, and we kneel down in the molten sunshine streaming in the western window, just where years ago, we knelt by our mother's knee, lisping "Our Father." How many times when the tempter lured us on, has the memory of those sacred hours, that mother's words, her faith and her prayers, saved us from the deep abyss of sin. Years have filled great drifts between her and us, but they have not hidden from our sight the glory of her pure, unselfish love.<sup>39</sup>

As an editor, Edward supported temperance, though he was not a teetotaler, and, while living in Wabuska, operated a bar. He believed that the temperance movement was awakened by "the evils of intemperance,"<sup>40</sup> and he addressed it most effectively in a short poem called "A Musing."



I passed by an ancient house of prayer;  
The sill of the door seemed new,  
As if very few had lingered there,  
And over it gone a few.

I passed by a recent whiskey-mill—  
Which some friends of mine can't do—  
I happened to look at the oaken sill  
And lo! it was worn clear through.<sup>41</sup>

Edward supported the San Francisco-based "individual drink association." "Not strictly a temperance movement," Lovejoy argued, but nonetheless "one of its most efficient allies." As he explained, "Each member is at liberty to drink as much as he pleases, but he must pay for it himself, and not ask anyone to join him. . . . Much of the dissipation in California arises not from the love of drink, but from the convivial nature of the manner in which drinking is usually carried on. Men who care nothing for liquor for itself, often join a crowd when invited, and after partaking with the others, feel in duty bound to invite the others to take a social glass . . . scenes of intoxication follow which would be avoided if each man were pledged to drink only that for which he pays."<sup>42</sup>

Edward married Julia Holland, an Irish American eleven years his junior, originally from New Hampshire, on October 30, 1869. But his happiness was soon shadowed: On July 11, 1870, Celia died in his arms. "The world can never know or understand the sorrows of the survivor," Edward wrote in the *Journal*. "It only remains to speak the last sorrowful words of parting. Beloved mother, pleasant companion, cheering comforter, faithful friend, father, mother, brother, sister, more than all combined, a sad, a last, a long farewell."<sup>43</sup>

As might be expected, it was not his final word. In a number of poems, Edward again and again remembered his mother's virtues, and, as in the poem "Have You a Mother?" urged others to keep the Fifth Commandment.

Have you a mother? Love her well,  
While she is spared on earth,  
Wait not till death shall call her hence,  
To know her precious worth.  
  
Wait not till she lies cold and still,  
Most beautiful, though dead,  
To think of what you should have done  
Before her dear life fled.  
  
Think how much she should be loved,  
And prize her as you ought;  
Or else your life, when she is done,  
With sorrow shall be fraught.

Oh, watch her, guard her with your love,  
 While with you she is left,  
 For when she leaves you life will seem  
 Of every joy bereft.

Oh, soothe her in her hours of pain,  
 Be gentle and be mild;  
 How sweet 'twill be for you to think  
 You've been a faithful child.<sup>44</sup>

The loss of Celia was catastrophic enough. Yet in the following year, 1871, death again visited the Lovejoy house, when doctors tried to deliver Edward and Julia's baby. They "killed it in the womb," he later wrote. "I was heartbroken. It was such a large, strong infant and the picture of me."<sup>45</sup>

Edward continued to prosper. He completed his term as county judge, and carried on with his practice of law and extensive dealings in real estate. Yet his mind was no longer focused on the same things. His poetry became more concerned with death and the meaning of life.

Encouraged in 1877 to run again for district attorney, an office he held twice before, Edward campaigned but was defeated. He had previously been considering leaving Trinity County, and this now seemed like a good time. He disliked the new district judge, before whom he frequently appeared, and, in addition, friends like Senator John P. Jones had for some time been urging him to move to Nevada, where great fortunes had been made in mining.<sup>46</sup>

#### IV.

In the fall of 1877, Edward sold everything and moved to Virginia City. He could not have picked a worse time. "The bottom had dropped out of the stock market," he wrote, "and all my friends were broke."<sup>47</sup>

Edward bought the American Exchange Hotel, on the northwest corner of E and Washington streets, but soon lost it.<sup>48</sup> The 1880 census lists him as a forty-four-year-old "laborer" living in a lodging house on South C Street. Julia is described as a "seamstress" and "visitor," staying several blocks away, on South Howard Street.<sup>49</sup>

Edward was lucky enough to get on as a laborer for the Carson and Colorado Railroad, a line that was laying track from Mound House to Hawthorne. Serving remote Nevada locations and using three-foot narrow-gauge track, the Carson and Colorado Railroad was built to carry cargo and passengers transferred from the Virginia and Truckee Railroad's standard-gauge line in Mound House.<sup>50</sup>

Edward Lovejoy quickly attracted the attention of the railroad's president and superintendent and was placed in charge of a work gang. When the railroad



Carson and Colorado Railroad equipment, c. 1880. (*Nevada Historical Society*)

began operating in 1881, Edward was appointed agent at Wabuska, about thirty miles southeast of Virginia City, at the north end of the Mason Valley. He was given materials to build a house and recommendations that enabled him to borrow money and go into business. "E. P. Lovejoy, General merchandise and Produce," his letterhead read. He also was appointed postmaster.

Edward and Julia's Wabuska years were pleasant. He owned about fifteen hundred acres, on which he grazed cattle and horses. "The trains stop here for dinner both ways," he said. "I carry a small stock of goods and entertain travelers." He also kept a bar.<sup>51</sup>

Edward died suddenly on August 26, 1891, so unexpectedly that Julia was visiting friends in Virginia city when it happened. He was buried in Dayton, following Masonic services.<sup>52</sup> Julia put a headstone for herself next to Edward's, but when she died, in 1904, she was buried in Los Angeles.<sup>53</sup>

The year before his death, Edward received a letter from his father's sister, Elizabeth Hammond, of Chicago. It awakened feelings that Edward hadn't known he had. "I can recall no incident or event in my whole life that came upon me so suddenly, was so foreign to my thoughts and anticipations, stirred my being so deeply, brought my past life before me, reminded me of who I am so forcibly as your letter. It was the greatest surprise of my life," he wrote.

When he wrote to his Aunt Elizabeth, Edward was fifty-four years old. He had known "extremes of toil, want, and privation, luxurious ease with hardly an ungratified desire." He had been up and down so often that he believed he was "almost indifferent to fortune's kaleidoscope." Yet one thing was certain.

Though Celia had been dead for nearly twenty years, Edward missed her terribly. He had been Celia's reason for living after Elijah's death; in the end, Celia had also been Edward's. "Single-handed she battled with poverty to rear and educate her boy," he wrote. "Whatever there may be of good in him, he owes to her teaching and example."<sup>54</sup>

It is an irony that one of Sam Davis's fictional pieces described an attack on the *Wabaska Mangler* office by "Soel Noel's Holstein bull." Lovejoy, Davis reported, fought off the bull with "No. 8 shot." "If any of the gang come here again," the *Appeal* reported the *Mangler* as saying, "they will be treated to something a little heavier."<sup>55</sup>

The joke was on Sam Davis. If he had known the manner in which Edward Lovejoy's father died, he wouldn't have made light of newspaper offices stormed and presses defended with guns. The joke was on Sam Davis, who didn't know Edward Lovejoy as well as he thought he did.

#### NOTES

<sup>1</sup>Daniel Edward Small, "Sam Davis of *The Morning Appeal*" (M.A. thesis, University of Nevada, Reno, 1978), 187.

<sup>2</sup>*The Morning Appeal*, 3 May 1889, p. 3. Small, "Sam Davis," provides extensive information about Davis, as does "An Appreciation by a Lifelong Friend," published at the time of Davis's death. See Sam C. Dunham, "In Memoriam: Samuel Post Davis," *Nevada Historical Society Papers, 1917-1920* (Reno: A. Carlisle, 1920), 241-46.

<sup>3</sup>John Quincy Adams, "Introduction," in Joseph C. Lovejoy and Owen Lovejoy, *Memoir of the Rev. Elijah P. Lovejoy* (New York: John S. Taylor, 1838), 12.

<sup>4</sup>One such plate is pictured in Eric Foner and Olivia Mahoney, *A House Divided: America in the Age of Lincoln* (New York: W. W. Norton, 1990), facing page 53.

<sup>5</sup>Benjamin Quarles, *Black Abolitionists* (New York: Da Capo, 1991), 40-41. Edward Magdol, *Owen Lovejoy: Abolitionist in Congress* (New Brunswick, New Jersey: Rutgers University Press, 1967), 30, says that "between five hundred and a thousand dollars . . . had been subscribed in different parts of the country for the benefit of Elijah's widow."

<sup>6</sup>Quarles, *Black Abolitionists*, 40-41. See Lovejoy and Lovejoy, *Memoir*; and Edward Beecher, *Narrative of Riots at Alton in Connection with the Death of Rev. Elijah P. Lovejoy* (Alton: George Holton, 1838).

<sup>7</sup>"A Dead Mother," *Weekly Trinity Journal*, 16 July 1870, p. 2. The author thanks the Bancroft Library, University of California, Berkeley, for making available files of the *Weekly Trinity Journal* on microfilm.

<sup>8</sup>"Tinnan's Speech," *Weekly Trinity Journal*, 24 February 1872, p. 2.

<sup>9</sup>The quotation from Elijah Lovejoy is found in Lovejoy and Lovejoy, *Memoir*, 127-28.

<sup>10</sup>*Ibid.*, 293.

<sup>11</sup>Edward's birthday is established in a letter he wrote to his aunt, Elizabeth Lovejoy Wiswall Hammond, 4 March 1890, a copy of which is in the Colby College Library, Waterville, Maine. The author thanks Robert Tabscott, president of the Elijah Lovejoy Society of Saint Louis, Missouri, for making a copy of this letter available and for help in the research.

<sup>12</sup>Beecher, *Narrative*, 144.

<sup>13</sup>Lovejoy and Lovejoy, *Memoir*, 185.

<sup>14</sup>Celia Lovejoy to Elijah's mother, Elizabeth, 10 April 1841, Wickett-Wiswall Collection, Texas Technical University, Lubbock; quoted in Paul Simon, *Lovejoy the Martyr* (Saint Louis: Concordia, 1963), 123-24.

<sup>15</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890. Edward was probably thinking along these lines when he wrote one of his "Ripples on the Tide of Thought" in the *Journal*: "Rich relations are generally distant acquaintances; like the great bear in the museum, to be looked at and admired, but not approached." *Weekly Trinity Journal*, 29 May 1869, 1.

<sup>16</sup>Merton L. Dillon, *Elijah P. Lovejoy: Abolitionist Editor* (Urbana: University of Illinois Press, 1961), 178, explains that "Owen Lovejoy arranged to send his brother's widow from Illinois to visit the Lovejoy family in Maine. 'Celia will be a great lion in the places through which she passes,' he predicted. 'If she is partly unwell I doubt not that the impression she makes will be good.' "

<sup>17</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>18</sup>"A Dead Mother." Magdol, *Owen Lovejoy*, 30, sheds additional light on why Celia and Edward were so close. He states that Celia "gave birth to a daughter on March 5 (1838) in St. Charles." Lovejoy and Lovejoy, *Memoir*, 293, indicate that, at the time of publication, Celia, "If she lives . . . will probably give birth to another child. Her health is now, February, 1838, comparatively good." Apparently the child she was carrying at the time Elijah was killed later died.

<sup>19</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890. In the *Weekly Trinity Journal*, Edward supplied a different arrival date, 25 January 1857 ("San Francisco Letter," *Weekly Trinity Journal*, 24 May 1873, p. 2). In this letter he reports landing at the "Pacific Mail Steamship Co.'s warf[sic] in this city, a verdant emigrant from the Hawkeye State."

<sup>20</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>21</sup>*Ibid.*

<sup>22</sup>Advertisements for both purchase and sale appear frequently in the *Weekly Trinity Journal*.

<sup>23</sup>"The Pioneer Press," *Weekly Trinity Journal*, 13 July 1878, p. 2.

<sup>24</sup>"To Our Patrons," *Weekly Trinity Journal*, 2 January 1869, p. 2.

<sup>25</sup>"A Passing Word," *Weekly Trinity Journal*, 10 June 1871, p. 2.

<sup>26</sup>"The 'Union' as an 'Artful Dodger,'" *Weekly Trinity Journal*, 2 September 1872, p. 2.

<sup>27</sup>*Weekly Trinity Journal*, 16 August 1873, p. 2.

<sup>28</sup>"But One Party," *Weekly Trinity Journal*, 29 June 1873, p. 2.

<sup>29</sup>"Tinnan's Speech."

<sup>30</sup>"Equal Rights of Education," *Weekly Trinity Journal*, 9 May 1874, p. 3.

<sup>31</sup>"Will Discussion Do Good?" *Weekly Trinity Journal*, 17 September 1870, p. 2.

<sup>32</sup>"About Woman Suffrage," *Weekly Trinity Journal*, 24 April 1869, p. 2.

<sup>33</sup>"Observing the Sabbath," *Weekly Trinity Journal*, 11 January 1873, p. 3.

<sup>34</sup>"Better than Gold," *Weekly Trinity Journal*, 19 April 1873, p. 1.

<sup>35</sup>"Then and Now," *Weekly Trinity Journal*, 20 June 1874, p. 1.

<sup>36</sup>"Progressive Religion," *Weekly Trinity Journal*, 19 September 1874, p. 2.

<sup>37</sup>"Odd Fellowship," *Weekly Trinity Journal*, 16 September 1871, p. 4.

<sup>38</sup>"A Dead Mother."

<sup>39</sup>"An Old-Fashioned Mother," *Weekly Trinity Journal*, 29 August 1874, p. 4.

<sup>40</sup>"The Temperance Movement," *Weekly Trinity Journal*, 21 March 1874, p. 2.

<sup>41</sup>"A Musing," *Weekly Trinity Journal*, 17 January 1874, p. 4.

<sup>42</sup>"The Temperance Movement."

<sup>43</sup>"A Dead Mother."

<sup>44</sup>"Have You a Mother?" *Weekly Trinity Journal*, 9 May 1874, p. 1.

<sup>45</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>46</sup>Edward doesn't mention losing the election in his letter to Elizabeth Hammond. Mention of it is in the *Weekly Trinity Journal*, 22 September 1877, 3. Edward followed John P. Jones's Nevada career closely, occasionally writing stories about him. Of Jones, Edward said, "We knew him when his 'bottom dollar' was his 'top dollar' also. We know him now when his wealth is counted by millions. Yet we can see no difference in the man." "U.S. Senator from Nevada," *Weekly Trinity Journal*, 3 August 1872, 3.

<sup>47</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>48</sup>"Death of E. P. Lovejoy," *Lyon County Times*, 29 August 1891, 2, names the hotel.

<sup>49</sup>Tenth United States Census, Virginia City, Nevada, 1880. The author thanks Ronald M. James, Nevada historic preservation officer, for access to these records.

<sup>50</sup>Douglas McDonald, *Virginia City and the Silver Region of the Comstock Lode* (Las Vegas: Nevada Publications, 1982), 122.

<sup>51</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>52</sup>"Death of E. P. Lovejoy."

<sup>53</sup>Information about Julia's death, in Los Angeles in April 1904, was provided by the Trinity County Historical Society. The author is especially grateful to Mr. and Mrs. Herbert Woods of Weaverville, California, who searched for Celia Lovejoy's grave and located obscure references to Edward Lovejoy in the press and in local records.

<sup>54</sup>Edward Lovejoy to Elizabeth Hammond, 4 March 1890.

<sup>55</sup>*The Morning Appeal*, 2 May 1890, 3.

# THE WESTERN SHOSHONES OF SMOKY VALLEY, NEVADA, 1900–1940

Steven J. Crum

Up to the early twentieth century, Big Smoky Valley in central Nevada had one of the largest populations of Western Shoshones in the Great Basin. In 1873 Levi Gheen, federal agent (farmer-in-charge) for the Shoshones in Nevada, estimated 150 Shoshones in the valley. The Bureau of Indian Affairs (BIA) identified 123 living there in 1917.<sup>1</sup> In fact, Smoky Valley, as it is popularly called, had the second largest number of Western Shoshones in 1917. Only the Duck Valley Reservation in northeastern Nevada had a larger community of Shoshones. But while the valley had the second largest number in 1917, this sizable population no longer exists. There are probably fewer than ten Shoshones living in the valley today. Three major reasons can be identified to explain why nearly all the Smoky Valley Shoshones left their native valley and moved elsewhere in Nevada in the first half of the twentieth century: the creation of national forests, the decline of the mining economy in central Nevada, and the Indian Reorganization Act (IRA) of 1934. It must be stressed that none of these reasons was connected to a revived Indian removal policy.

In the name of conservation, Theodore Roosevelt's presidential administration set aside millions of acres of land as national forest land in 1907. Specifically, in March 1907, his administration created twenty-one new national forests in five western states.<sup>2</sup> In central Nevada alone, the government created the Toiyabe National Forest, consisting of 2.1 million acres and covering much of the area between Austin and Tonopah. It included the mountain ranges lying between the Reese River Valley, Big Smoky Valley, and the Monitor Valley.

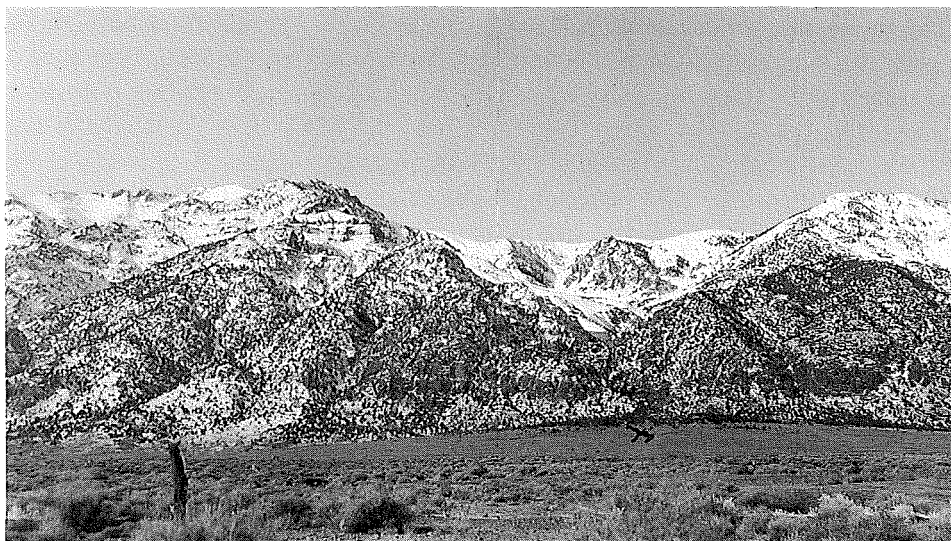
The creation of the new forests in 1907 happened so quickly that critics called them "midnight reserves." One historian called Roosevelt's forest policy a "massive land grab."<sup>3</sup> Certainly, his administration did not bother to determine if people currently lived on the land set aside as national forests.

The creation of the Toiyabe National Forest in central Nevada disrupted the

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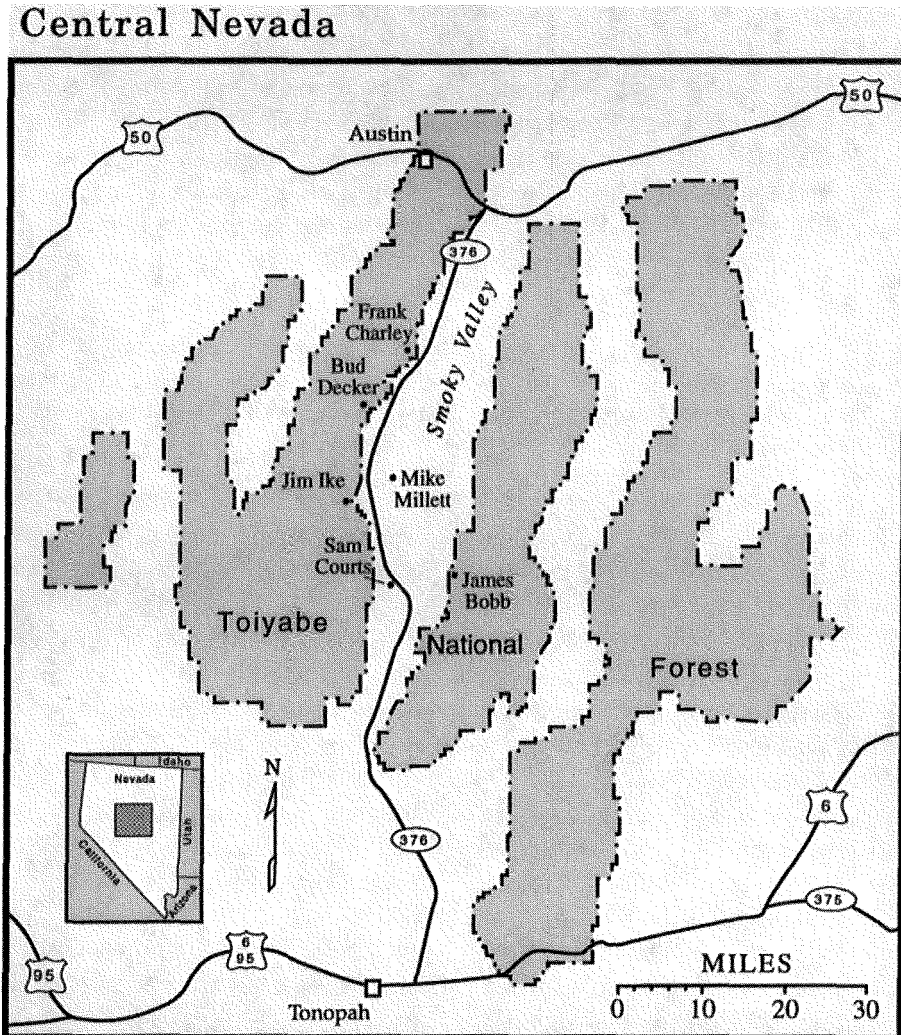
Smoky Valley Shoshones' lifestyle in several ways. The Shoshones could no longer hunt in the newly created forest. Hunting deer and other animals in the mountains surrounding Smoky Valley had been part of their ancestral way of life. Some Shoshones later remarked that the "wild games [*sic*] were opened but now it is in the hands of the law and closed on us."<sup>4</sup> Also, the Shoshones could no longer graze their horses in the forest unless they paid a grazing fee. Living at a low economic subsistence level, the Shoshones could not muster enough funds to pay the fees. Therefore forest officials killed Shoshone-owned horses. The Shoshones also commented on this action later by stating: "When the forest reserve came we were taxed for our horses[;] when we were not able to pay taxes in later times the reserve man came and killed all of our horses."<sup>5</sup> Since they could no longer survive entirely on traditional hunting and gathering, the Shoshones adopted herding horses as a new economic mode of existence at the turn of the century. They captured, tamed, and branded wild horses and sold some for profit. They kept others as stock animals and grazed them in the foothills near Smoky Valley at the time the forest was created.<sup>6</sup> Third, those Shoshone families who lived inside the boundaries of the new forest land were told that they could not remain there unless they provided proof of continuous and permanent occupancy predating the formation of the forest land in 1907. These Shoshones had established small homesteads and grew gardens for subsistence purposes. On occasion they sold their surplus to the whites. One Shoshone acquired the name "Rutabaga" after selling this root vegetable to the settlers in Belmont, Nevada. His son was called Rutabaga Bobb.<sup>7</sup> Now they were told to leave.

The creation of the Toiyabe National Forest stunned the Shoshones in central



A view of the Smoky Valley. (Boak Collection, Nevada Historical Society)





The federal government created the Toiyabe National Forest in 1907. The Indian allotments were established in Smoky Valley from 1919 to the mid-1920s.

Nevada. They now became fully aware that the federal government did not acknowledge their ownership of the land. Those families living inside the forest boundaries, along the foothills of Smoky Valley and other places, became classified as aliens with no land rights, even though their ancestors had lived on the land since time immemorial. Some Shoshones decided that, like the Anglo-American settlers, they must secure title to plots of land by filing the necessary paperwork. Thus, over a fifteen year period, from 1910 to the mid-1920s, dozens of Shoshone families throughout central Nevada, including those in Smoky Valley, filed for homesteads, both inside and near the Toiyabe National Forest.<sup>8</sup>

The process of applying for homesteads was a difficult one for the Shoshones.

They had to deal with three separate federal agencies: the General Land Office, the Forest Service, and the Office of Indian Affairs (today's BIA). The Shoshones had to convince these agencies that they had occupied their dwelling places on a more-or-less permanent basis up to the present. Even further, after filing for specific plots, they had to prove that they were worthy of land ownership by making improvements.<sup>9</sup> During the application period, various Shoshones testified that they had lived at particular places for more than one generation. Bud Decker stated: "My maternal grandfather had land. We stayed there."<sup>10</sup> Another Shoshone, James Bobb, stressed:

Prior to my living on the land, it was occupied and used by my Grandmother. When I came and took up residence on the land, she moved to Round Mountain. My Grandfather who is dead lived with my Grandmother on the land before Round Mountain was discovered [1866] . . . . My Mother was born on the land.<sup>11</sup>

The above federal agencies examined all the Shoshone applications for land. It rejected some because the applicants did not meet the criteria of having lived in particular places or having improved the land. But they had solid evidence that other Shoshones were entitled to land allotments. From 1919 to 1925, and even later in one instance, the government established fourteen allotments in central Nevada for Shoshone heads of household. Six were located in Smoky Valley. Two persons, Mike Millett and Sam Courts, acquired 160-acre allotments outside, but near the Toiyabe National Forest. The remaining four were much smaller allotments inside the forest: James Bobb (80 acres), Frank Charley (37 acres), Bud Decker (54 acres), and Jim Ike (70 acres).<sup>12</sup> These were created under the authority of the Dawes Allotment Act of 1887 which allowed some Indians to secure title to individual allotments on so-called public domain land. In all, the Shoshones of Smoky Valley acquired title to 561 acres, of which 241 were located inside the forest boundaries. This was a small figure compared to the 2.1 million acres of land the government set aside when it established the Toiyabe National Forest in central Nevada.

It appears that few if any Shoshones left Smoky Valley immediately after the formation of the Forest. However, life in general became more difficult. The Indians' hunting activities were now restricted. Some lost their stock horses because of the new grazing regulations. Most Shoshones had no legal title to land since they could not secure title to land allotments. Certainly, the creation of the Forest only worsened the Shoshones' already sparse economic existence. One Smoky Valley Shoshone, James X Darrough, summed up the hard times in the following words in 1917: "One thing I would like to know about livestock. If feller has ten horses on range and these Forestrys make us pay the grazing fee on it. They know well the Indians always having a hard time to get their money to live on it."<sup>13</sup> In the end, some Shoshones left Smoky Valley for good in the 1920s as a result of forest policy.

The second factor that pressured some Shoshones into leaving was the decline

of the mining economy in central Nevada. During the boom various companies discovered and extracted deposits of silver and other mineral wealth near Round Mountain and Manhattan, two white communities on the east side of Smoky Valley. The Shoshones became a principal labor force in these mines. Of the workers employed by the Round Mountain Mining Company, 60 percent of them were Native American, mostly Shoshones of central Nevada with some Paiutes from western Nevada. The company paid the Indians five or six dollars per day.<sup>14</sup>

The Shoshones turned to wage labor in increasing numbers because of the need for food and other basic necessities. It must be remembered that they could no longer hunt wild game on forest land. Additionally, they had to pay a fee to hunt elsewhere in central Nevada when the state amended its hunting and fishing laws in 1909. The amendments specified that all non-citizens of the United States had to pay \$25 annually to secure hunting and fishing licenses. Although the 1909 law never mentioned the natives in Nevada, it affected them directly, for nearly all were not U.S. citizens at this time (Indians in general did not become citizens until 1924). Thus, the Indians, including those in Smoky Valley, had to purchase their hunting licenses.<sup>15</sup> Clearly wage labor as miners was essential for many to subsist.

The Shoshones also found new kinds of employment associated with the mining boom. Some carried the U.S. mail from Tybo to Reveille in central Nevada. Others sold native piñon wood to the white settlers. A few became mining prospectors by filing for their own mining claims.<sup>16</sup> These new sources of income made it possible for the Shoshones to remain in Smoky Valley.

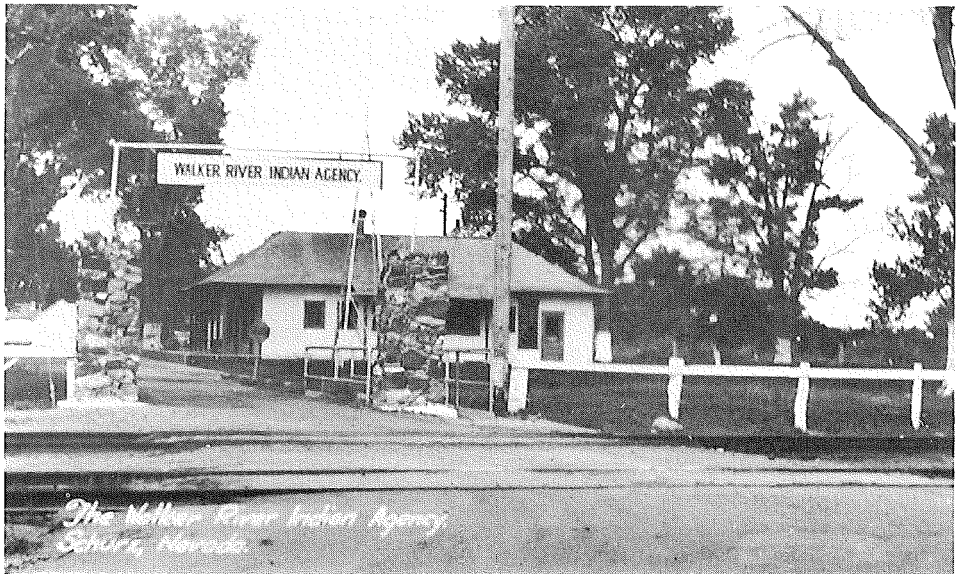
Unfortunately, central Nevada experienced the boom-bust cycle commonly associated with mining. From 1920 to the mid-1930s the mining industry declined.<sup>17</sup> Most mining companies shut down, part of the white population moved elsewhere, and jobs withered away. A large number of the Shoshone population was left jobless in the 1920s. The fact that their native economy had already been disrupted compounded their plight. The Shoshones responded to their worsened economic situation in one of three ways: some left Smoky Valley temporarily to seek jobs elsewhere; a few others moved away permanently; but most remained and turned to the limited jobs available on the white-owned ranches in the valley.

In the second half of the 1920s, at least nine young men temporarily left Smoky Valley at different times and secured employment in Death Valley, California, some 140 miles to the south. Along with other Indians and a larger number of whites, they helped build the well-known Scotty's Castle, constructed between 1926 and 1931. Some built fences using concrete poles, whereas others worked as carpenters. All the Indian employees created their own camp separate from the whites. They lived in tents and some brought their families with them. Besides those Shoshones from Smoky Valley, the camps included some from Beatty, Nevada and Death Valley itself. In addition, some

Paiutes came from Lone Pine, California. The Smoky Valley Shoshones and others left Scotty's Castle around March of each year and returned home when the temperature became too hot.<sup>18</sup>

Some Shoshone families permanently left Smoky Valley in 1926 and moved to the Walker River Reservation in western Nevada. The government established this reservation for the Northern Paiutes in the mid-nineteenth century, located 180 road miles away from Smoky Valley. Some Shoshones moved there at the invitation of BIA superintendent Ray Parrett. In 1925 the area of central Nevada had fallen under his jurisdiction, and he became fully aware of the Shoshones' economic plight. Parrett therefore invited them to move to Walker River where life might become easier. Forty-nine Shoshones accepted his invitation. Twelve came from Smoky Valley, including Bud Decker, James Darrough, and Rutabaga Bobb. Decker and Darrough secured title to small, 20-acre allotments. Yet, life did not become better at Walker River because the Paiutes already occupied much of the land. In 1932 the Shoshones formed an organization, drafted a petition, and asked for land, cattle, and farm implements so they could become self-sufficient.<sup>19</sup>

Most Shoshones, however, did not leave Smoky Valley at this time. When the BIA took a census of the Shoshone population in central Nevada in 1932, it identified sixty-nine individuals living in Smoky Valley and another fifty-two living in the white community of Round Mountain. Many Shoshones had found jobs on the white-owned ranches in the late 1920s and early '30s. The men worked as cowboys and ranchhands, and the women as housemaids and gar-



The Indian Agency building on the Walker River Reservation at Schurz. (*Nevada Historical Society*)

deners. Others continued to hold onto mining and related jobs that were gradually disappearing.<sup>20</sup>

Despite the fact that times had become difficult, the Smoky Valley Shoshones continued to practice their native ways. They still held the traditional round dances and hand games. These two activities were part of an annual gathering held in late August at Blue Springs near Millett, Nevada in Smoky Valley. The gathering became labeled the "fandango" which is a Spanish word for celebration or festivity. As their ancestors had done, the Shoshones held the fandango for two significant reasons: to thank the creator for bringing forth native foods, including the pine nuts, and "for the purpose of gathering to have a good time among themselves."<sup>21</sup> The Indians placed their tents in a circle with a pole in the middle of the arena where they held their traditional round dances. Joe Gilbert, Jim Farrington, and other noted singers of central Nevada sang the traditional songs from dusk to dawn for five nights. In the early years of this century, the Smoky Valley Shoshones added new American activities to the fandango, including card games, horse races, and even baseball games played between all-Shoshone teams of the larger region.<sup>22</sup>

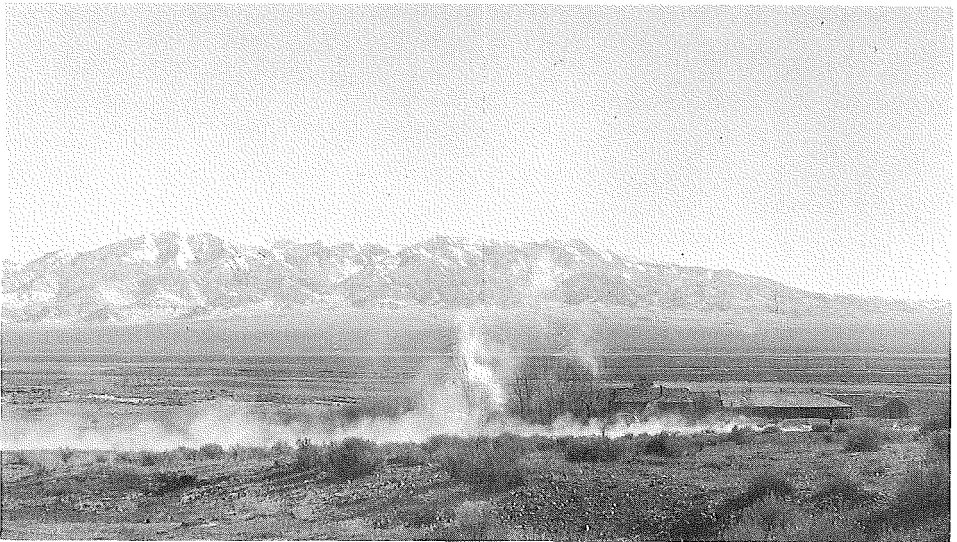


A stick game played during a fandango on the Duck Valley Reservation at Owyhee in the 1940s. (Velma Truett photo, Nevada Historical Society)

The Smoky Valley Shoshones also remained active in native politics in the late 1920s and early 1930s. In November 1931, some of them traveled over the mountains to Austin for a Shoshone political meeting. They chose Alex Gilbert of Austin as the new chief of central Nevada. They also selected six subchiefs including three from Smoky Valley: Mike Millett, Oscar Mike, and John Sunday.<sup>23</sup> These Shoshones had been practicing hereditary leadership for decades in recognition of the noted nineteenth-century leader, Chief Tutuwa of Reese River. When Tutuwa died in 1897 he was succeeded by his son Tom Tutuwa. When Tom died in 1918 he was replaced by his nephew Joe Gilbert, the father of Alex Gilbert. Joe had been chosen as the chief some years earlier, in 1919, when the Shoshones held their annual fandango at Blue Springs in Smoky Valley.<sup>24</sup>

There was however a third major factor which finally induced most of the remaining Shoshones to leave their native valley. This was the Indian Reorganization Act (IRA) of 1934. This congressional act was part of President Franklin D. Roosevelt's New Deal for the Native Americans. It sought to improve the living conditions of the tribes across the country. The IRA had many provisions, including the following: It provided funds to purchase new reservation land for those who had never lived on reservations; it allowed the tribes to organize tribal governments with constitutions, by-laws, and tribal charters; and it created a revolving credit loan fund to allow the tribes to secure loans to purchase cattle and other essentials for economic self-sufficiency.<sup>25</sup>

The first group of Western Shoshones of central Nevada to hear about the IRA were those who had earlier settled on the Walker River Reservation. They lis-



A view of the Farington Ranch in the Smoky Valley in the 1940s. (*Boak Collection, Nevada Historical Society*)

tened to BIA officials discuss the provisions of the act with the Walker River Paiutes in late 1934. The Shoshones became enthusiastic about the IRA and favored it for at least two reasons. First, they liked the land provision which could possibly bring into existence a new Shoshone reservation somewhere in central Nevada. It must be remembered that they never considered Walker River as their home, and they wanted to leave. To them, the IRA was a means to return to Shoshone country. Second, they favored the revolving loan fund provision which could help them purchase cattle and other essentials.<sup>26</sup>

Inspired by the reorganization talks, the Shoshones at Walker River created a five member council called the Nye County Shoshone Committee (NCSC). They gave their organization this name because they had come from Nye County, which included the Reese River Valley, Smoky Valley, and Monitor Valley. Additionally, they wanted to return to this area and live on a new IRA reservation. The committee included three members native to Smoky Valley: James Darrough, Bud Decker, and Willie Bobb.<sup>27</sup>

Over the next two years the NCSC wrote letters to Senator Key Pittman of Nevada and officials of the BIA, asking for government support. The committee emphasized the depressed economy in central Nevada and that the only available jobs were temporary summer haying jobs with minimal pay. It therefore wanted the federal government to purchase land, cattle, horses, and tools for the Shoshones. On the subject of a location the committee favored a reservation in the Reese River Valley in central Nevada because this valley was considered to be the best land for cattle ranching. The members asserted that "we think it is the best cattle country," that "Reese River is picked by most of the Indians," and that "Reese River is going to be our Home Sweet Home."<sup>28</sup>

The committee rejected other central Nevada locations considered less suitable for cattle. They vetoed Smoky Valley and wrote: "Smoky Valley is no good nothing but alkli [*sic*] country not cattle country . . . we are not going where we do not want to go where we can not make our living."<sup>29</sup> Of course, three of the five committee members ruled out their former native place because of the vivid memories of the economic decline of a decade earlier. They now viewed the Reese River Valley, over the mountain range west of Smoky Valley, as a better area for future economic existence. Unlike Smoky Valley, Reese River had a small river that flowed for much of the year along with some good range land.

BIA officials in Nevada responded to the NCSC. Since no funds were available under the IRA's land acquisition program in 1935, Superintendent Ray Parrett of Walker River turned to another New Deal agency, the Submarginal Land Program. The submarginal division sought to purchase ten to twelve thousand acres of reservation in Reese River. The objective was to create one large reservation which could be the future home for all the Shoshone native to central Nevada. However, because of limited funds, no land was purchased in 1935.<sup>30</sup>

In October 1935 the region of central Nevada fell under a new BIA jurisdiction, the Carson Indian Agency headed by Superintendent Alida Bowler. She inher-



ited the efforts started by the NCSC, Superintendent Parrett, and the submarginal program. Bowler assumed that the NCSC was representative of all the Shoshones of central Nevada. Because the committee wanted land in Reese River, she assumed that the rest of the Shoshones still living in central Nevada also favored this proposition. To her, a centralized Indian community would make it possible for the BIA to provide adequate services for the Shoshones.<sup>31</sup>

Finally, in 1936, Congress appropriated funds for the IRA's land acquisition program, and the BIA channeled \$65,000 to acquire land in Reese River. But before any action was taken, the Shoshones still living in Smoky Valley opposed the plan for only one reservation in central Nevada. Danny Millett (Dan Mike) wrote to Bowler, stressing that the Shoshones of Smoky Valley wanted reservation land in their own ancestral area. They did not want to move to Reese River. He asked if Bowler could come to Smoky Valley and listen to Shoshone concerns.<sup>32</sup>

Bowler responded to Millett and told him that the government's plan to acquire land in the Reese River Valley was drawn up earlier before central Nevada fell under her jurisdiction. She pointed out that her agency was "led to believe" that the NCSC was the representative body of all Shoshones in Nye County, and that all the Shoshones of central Nevada wanted to move to Reese River. She supported Millett's idea of having a meeting with the Shoshones of Smoky Valley to discuss the subject of additional reservation land.<sup>33</sup>

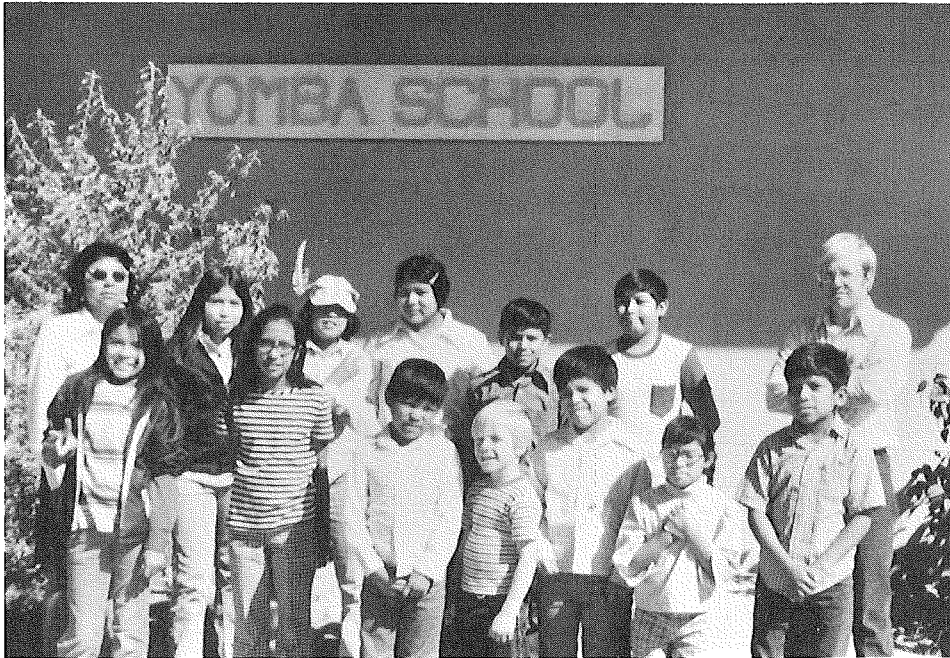
In September 1936 Superintendent Bowler held a meeting with thirty-four Shoshones at Blue Springs, the place where they held their annual fandango in Smoky Valley. These Shoshones were not familiar with the IRA, so Bowler explained the provisions of the act, including the land acquisition clause. Although the Shoshones favored the IRA, they stressed no desire to move to Reese River. Instead, they wanted the government to purchase for them two white-owned ranches in Smoky Valley. The minutes of the meeting reported that the "Smoky Valley Indians preferred to have land in that valley rather than move into Reese River Valley." Bowler then told them it would be better if they could organize in "larger groups," implying that they should move to Reese River and that a reservation should not be established in Smoky Valley. If the Shoshones merged into larger groups, she maintained, the government could provide them with services, including health care, educational benefits, and extension services. Finally, sensing that the Smoky Valley Shoshones would not move to Reese River, Bowler told them that a government agent would inspect the two ranches they desired as reservation land.<sup>34</sup>

Later, Douglas Clark, a BIA land agent, inspected Smoky Valley and recommended that reservation land not be purchased. He gave several reasons why, including the following: There was too much alkaline soil in the valley which would reduce crop yield; the valley was unsuitable for cattle grazing because the foothills were too rugged and steep and lacked natural vegetation; there was

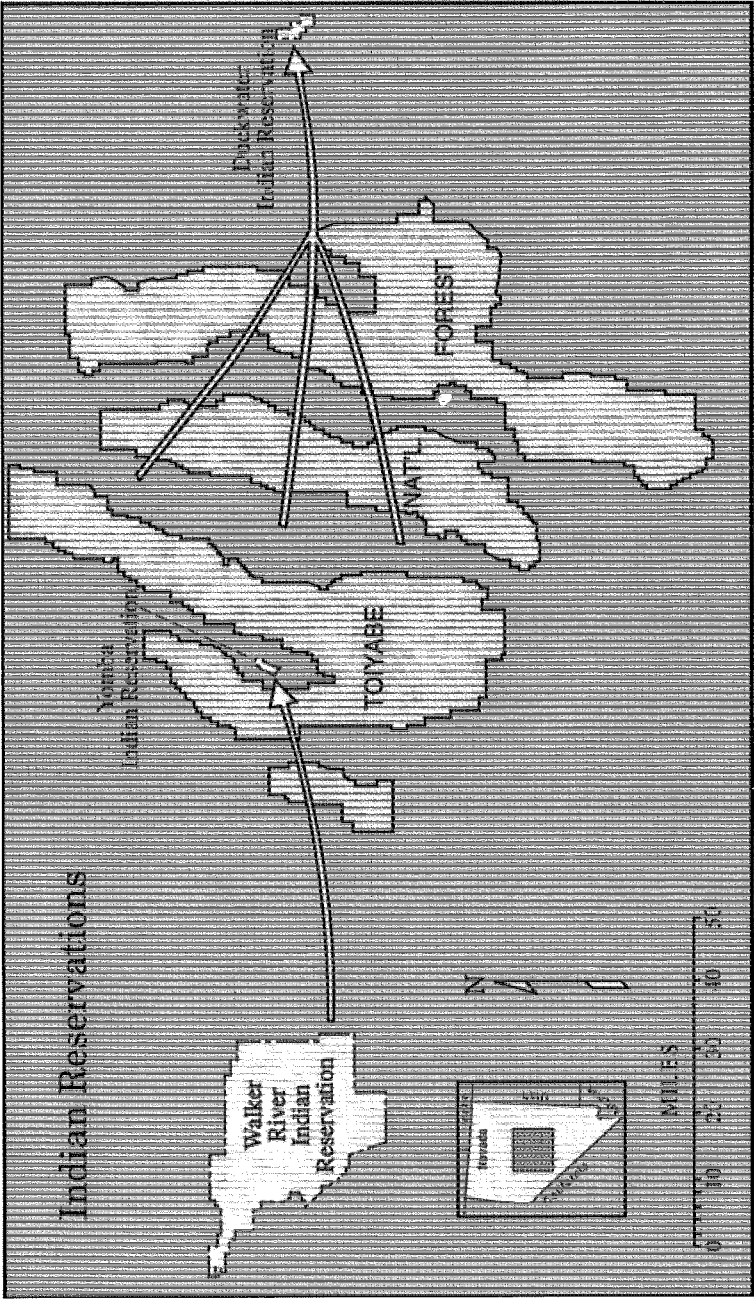


undesirable plant growth in some places, such as the poisonous loco weed, harmful to cattle; a centralized reservation could not be created because the white-owned ranches considered for purchase were too far apart in the sixty-mile-long valley; the BIA could not afford the ranches because they were too expensive, one totalling \$59,000; and it would be unwise to purchase reservation land in Smoky Valley for only a handful of the larger number of Shoshones who lived in central Nevada, or Nye County. Clark listed only one advantage the valley had over the Reese River Valley. Its elevation was 1,200 feet lower than the Reese River Valley with a longer growing season. But Clark concluded his report by writing that "the purchase of land in Big Smoky Valley is not favored." Therefore, the BIA took no action, and no reservation was ever created in the valley.<sup>35</sup>

In the end, the BIA created a new reservation in the Reese River Valley when it purchased two white-owned ranches in 1937. The following year sixteen Shoshone families moved to the new reservation which was named the Yomba Reservation (*yampa* [Yomba] is the Shoshone word for wild carrot, found in abundance in the valley). These families were chosen by the NCSC and Superintendent Bowler. Later, five other families moved to Reese River when the BIA purchased two more ranches in 1940 and 1941. The entire reservation totalled



School children on the Yomba Reservation in the Reese River Valley in the 1970s.  
(*Nevada Historical Society*)



Movement of Shoshones after the creation of the Yomba and Duckwater Indian Reservations in the late 1930s and early 1940s.

4,681 acres by the early 1940s with a population of twenty-one families or 107 individuals.<sup>36</sup>

In examining the new Yomba Reservation population, the presence of former Smoky Valley Shoshones became readily apparent. Nearly all who had lived earlier at Walker River, members of the NCSC, moved to Yomba. They brought with them their families and friends. When the BIA conducted a census of the reservation in 1940, it identified twenty-four out of 107 individuals who were born in Smoky Valley. When the Yomba Reservation created its first tribal council under the IRA in 1940, four of the six members had been native to Smoky Valley: James Bobb, Willie Bobb, Wixon Charley, and Bud Decker. Of course, these Shoshones favored their new home because they wanted to secure reservation land and government funds. Having secured IRA revolving credit loan funds, they boosted their cattle herds from 300 to 1,554 between 1938 and 1944. They had also returned to ancestral Shoshone country in central Nevada. Their economic existence was at least better than the earlier days when they had lived in Smoky Valley.<sup>37</sup>

The remaining number of Smoky Valley Shoshones living in their native valley finally accepted the fact that the government would not create a reservation for them. However, because times were still hard in Smoky Valley, they now wanted reservation land and funds under the IRA. For this reason, they considered leaving their valley and moving elsewhere in central Nevada, if the government would purchase land for them. The first to suggest this idea were Brownie Sam and Wagon Johnnie, who worked as ranch hands on the Florio Ranch in the Duckwater Valley, some 80 miles east of Smoky Valley. In April 1937 their employer, Angelo Florio, lost all his sheep after a blizzard. Unable to pay enough on the mortgage of his ranch, he suggested to Sam and Johnnie that perhaps the government could purchase the ranch for the Indians. Immediately, the two became excited about the possibility of a new reservation in Duckwater since the valley had natural spring water and grazing land. Sam traveled throughout central Nevada generating enthusiasm for Duckwater. He gained the support of another Smoky Valley Shoshone, Raymond Graham, who was educated and spoke fluent English. These Shoshones then turned to Superintendent Alida Bowler of the Carson Agency.<sup>38</sup>

In late April and May 1937 Bowler held two meetings with about fifty Shoshones, the majority coming from Smoky Valley, the rest from Duckwater and other places in central and east-central Nevada. In the first meeting they provided Bowler a list of nine white-owned ranches that could be purchased in the Duckwater Valley, including the Florio. She was in favor of their request but informed them the BIA would have to inspect the ranches before making any decision. In the second meeting Bowler encouraged the Shoshones to organize a committee to urge Nevada congressmen to pressure Congress into providing funds for the IRA land acquisition program. Following her suggestion, they

organized the "Committee of Southern Shoshone Indians of Nevada." It consisted of nine members with six from Smoky Valley: Willie Smith, Raymond Graham, Mike Millett, Henry Sam, Brownie Sam, and Wagon Johnnie. Over the next three years the committee wrote letters to federal offices, asking that the government provide funds for a new reservation in Duckwater.<sup>39</sup>

Because of limited funds, the BIA purchased only two ranches in 1940 and incorporated them as the Duckwater Reservation. Later, with the purchase of a third ranch, the entire reservation totalled 3,642 acres. The Committee and the Carson Agency selected the twenty families to move to Duckwater. Of the above number, twelve families came from Smoky Valley: Wagon Johnnie, Charlie Mike, Raymond Graham, Louie Sam, Danny Millett, Weaver Millett, Willie Smith, Oliver Ike, Frank Sam, Brownie Sam, Henry Sam, and Gene Boots. As in Reese River, the Smoky Valley presence became highly visible on the new Duckwater Reservation. When the reservation organized its first IRA tribal government in 1941, four of the five council members were former residents of Smoky Valley: Wagon Johnnie, Raymond Graham, Brownie Sam, and Johnnie Charles. With the use of IRA credit funds, the Shoshones at Duckwater acquired a cattle herd of 375 by 1944.<sup>40</sup>

In the end, it was the Indian Reorganization Act (IRA) of 1934 that pulled nearly all the remaining Shoshones out of Smoky Valley. There were several reasons why they favored the move to Duckwater. The overall economy did not improve in Smoky Valley, except for temporary mining activity after the mid-1930s. However, unpredictable mining jobs were not enough to keep them in the valley. Second, they knew the federal government would not help them if they remained in Smoky Valley. Third, they were fully aware the BIA strongly favored the idea of reservation land in Duckwater. Fourth, by moving to Duckwater and accepting the IRA, their economic being might be improved. As events unfolded, they did receive IRA funds to purchase cattle at their new home. Fifth, they had never lived on a reservation before the passage of the IRA. By becoming reservation Indians, they could at least receive more attention from the BIA. It must be emphasized that the Shoshones of central Nevada were largely ignored by the government in the pre-IRA period. Lastly, their new home in Duckwater was still inside Shoshone country, and only eighty miles from Smoky Valley. Therefore, the decision to move was not a difficult one.

Thus by the early 1940s, Smoky Valley became almost void of its former native Shoshone population. Only a handful, perhaps fewer than ten, remained there after World War II. On occasion, some Shoshones returned to visit the home of their ancestors. One of these persons is Bernice Rogers of Austin who visits the valley regularly, since her current home is just over the mountain range. In the closing decade of this century, the former Big Smoky Valley Shoshones can be found in a number of places in Nevada, including the Duckwater Reservation, the Yomba Reservation, the Elko Colony, the Battle Mountain Colony, and the Fallon Reservation. Even though they no longer live in their native valley, they



School facilities on the Duckwater Reservation in the 1940s. (*Nevada Historical Society*)

have not forgotten their native roots. As a case in point, when the Shoshones settled on the Yomba Reservation in the late 1930s and early 1940s, they brought with them the round dances and handgames (fandango) which had been an important part of their lives earlier at Blue Springs in Smoky Valley.<sup>41</sup>

## NOTES

<sup>1</sup>Levi Gheen to H. A. Morrow, 15 April 1873, Letters Received (LR), Office of Indian Affairs (OIA), (Roll 540, F 955-957), Record Group (RG) 75, National Archives (NA); James E. Jenkins to the Commissioner of Indian Affairs (CIA), 1 May 1922, Carson Agency, RG 75, NA-Pacific-Sierra Branch (PSB), San Bruno, CA.

<sup>2</sup>Harold K. Steen, *The U.S. Forest Service: A History* (Seattle: University of Washington Press, 1976), 84, 99; Richard White, *"It's Your Misfortune and None of My Own": A History of the American West* (Norman: University of Oklahoma Press, 1991), 407, 409; William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A & M University Press, 1985).

<sup>3</sup>John Milton Cooper, Jr., *Pivotal Decades: The United States, 1900-1920* (New York: W. W. Norton, 1990), 111.

<sup>4</sup>Nye County Shoshone Committee (NCSC) to Pittman, 18 February 1935, Box 73, Key Pittman Papers (KPP), Library of Congress (LC), Washington, D.C.

<sup>5</sup>*Ibid.*

<sup>6</sup>"Indian Prosperity," *Elko Independent*, 7 September 1900, 2; Dave Clifford to Key Pittman, 18 February 1935, Box 73, KPP, LC.

<sup>7</sup>Interview with Marie (Bobb) Allison, 5 September 1991, Fallon, Nevada.

<sup>8</sup>William Gomma to C. H. Asbury, 3 December 1911, Sam Courts file, Box 30, Reno Agency, RG 75, NA-PSB; C. H. Asbury to Jim Ike, 17 June 1912, Jim Ike file, Box 31, Reno Agency, RG 75, NA-PSB.

<sup>9</sup>L. A. Dorrington to L. F. Clar, 23 March 1918, Carson Land Office file, Box 28, Reno Agency, RG 75, NA-PSB.

<sup>10</sup>Interview with Bud Decker, 24 August 1982, Battle Mountain, Nevada.

<sup>11</sup>Statement by James Bobb, 6 October 1926, Central Classified Files (CCF), 56927-25-Carson-313, RG 75, NA.

<sup>12</sup>This information was extracted from various documents on Indian land allotments filed in the Realty Division, Western Nevada Agency, BIA, Carson City, Nevada.

<sup>13</sup>James X. Darrough to Pittman, 2 April 1917, Box 65, KPP, LC.

<sup>14</sup>Lorenzo Creel to Dorrington, 8 July 1921, Box 288, Carson Agency, RG 75, NA-PSB.

<sup>15</sup>*Statutes of the State of Nevada, 1909* (Carson City: State Printing Office, 1909), 38-40.

<sup>16</sup>NCSC to Pittman, 18 February 1935, Box 73, KPP, LC.

<sup>17</sup>Martha H. Bowers, Hans Muessig, *History of Central Nevada: An Overview of the Battle Mountain District* (Reno: Bureau of Land Management, May 1982), 35-37.

<sup>18</sup>Maribeth Hamby interview with Danny Millett, 10 April 1988, Duckwater, Nevada; Beth Sennett-Graham, *Basketry: A Clue to Panamint Shoshone Culture in the Early 20th Century* (unpublished Master of Arts thesis, University of Nevada, Reno, 1989), 182-192; Richard E. Lingenfelter, *Death Valley and the Amargosa: A Land of Illusion* (Berkeley: University of California Press, 1986), 448, 463-464.

<sup>19</sup>Statement by Ray Parrett, 1926, CCF, 6370-26-Walker River-053, RG 75, NA; Walker River Census (M 595, Roll 63I), RG 75, NA; *Survey of Conditions of the Indians in the United States*, Hearings before a Subcommittee of the Committee on Indian Affairs, U.S. Senate, 72nd, 1st sess., Pt. 28, Nevada (WDC: Government Printing Office, 1934), 15147-15148.

<sup>20</sup>"Scattered Indians-Nye County, Nevada" (1932), Carson Agency, RG 75, NA-PSB; Interview with Pansy (Owens) Weeks, 5 September 1991, Fallon, Nevada; Interview with Nelson Sam, 3 September 1991, Elko, Nevada; Interview with Marie (Bobb) Allison, 5 September 1991.

<sup>21</sup>"Indians hold 'high-jinks' at Millett," *Manhattan Mail*, 1 September 1909, 1, 4.

<sup>22</sup>"Shoshone fandango was a howling success," *Reese River Reveille* (RRR), 23 August 1919, 1; "Indians having annual fandango," RRR, 4 September 1920, 1; Interviews with Pansy (Owens) Weeks, Nelson Sam, and Marie (Bobb) Allison; Maribeth Hamby interview with Danny Millett, 10 April 1988, Duckwater, Nevada.

<sup>23</sup>"Gilbert declared hereditary chief of Shoshone Tribe," RRR, 5 December 1931, 1.

<sup>24</sup>"Death of the Shoshone Chief," RRR, 21 April 1897, 3; "Shoshone fandango," RRR, 12 July 1919, 2; "Indians will have fandango," RRR, 31 July 1920; Julian H. Steward, *Basin-Plateau Aboriginal Sociopolitical Groups* (WDC: GPO, 1938), (reprinted by the University of Utah Press, 1970), 108.

<sup>25</sup>For more information regarding the IRA, see the following sources: Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977); Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934-35* (Lincoln: University of Nebraska Press, 1980); Elmer R. Rusco, "The Organization of the Te-Moak Bands of Western Shoshones," *Nevada Historical Society Quarterly* 25 (Fall 1982): 175-196; Richard O. Clemmer, "Hopis, Western Shoshones and Southern Utes: Three Different Responses to the Indian Reorganization Act of 1934," *American Indian Culture and Research Journal* 10 (1986): 15-40.

<sup>26</sup>NCSC to Pittman, 15 December 1934, Box 73, KPP, LC.

<sup>27</sup>*Ibid.* NCSC to Pittman, 18 February 1935, 19 May 1935, Box 73, KPP, LC; NCSC to Parrett, 23 August 1935, CCF, 39224-34-Walker River-310, RG 75, NA; NCSC to Alida Bowler, 11 July 1936, Boxes 131 & 132, Phoenix Area Office (PAO), RG 75, NA-Pacific Southwest Branch (PSWB), Laguna Niguel, CA.

<sup>28</sup>*Ibid.*

<sup>29</sup>NCSC to Parrett, 23 August 1935, CCF, 39224-34-Walker River-310, RG 75, NA.

<sup>30</sup>William Zimmerman to James Scrugham, 27 August 1935; Stewart to Clifford, 7 September 1935; Zimmerman to Scrugham, 24 October 1935, CCF, 39224-34-Walker River-310, RG 75, NA; "Indian land buying ordered suspended," RRR, 5 October 1935, 4.

<sup>31</sup>"1936 Annual Report, Carson Agency," Carson Agency, BIA, RG 75, NA-PSB; Bowler to Zimmerman, 14 July 1937, CCF, 3199-37-Carson-310, Pt I, RG 75, NA; Bowler to CIA, 13 July 1936, Box 131, PAO, BIA, RG 75, NA-PSWB.

<sup>32</sup>Bowler to NCSC, 21 August 1936, Box 131, PAO, BIA, RG 75, NA-PSWB.

<sup>33</sup>Bowler to Mike, 21 August 1936, PAO, BIA, RG 75, NA-PSWB.

<sup>34</sup>Minutes of the Smoky Valley meeting, 21 September 1936, Yomba Tribal Minutes, 1936, BIA, Western Nevada Agency.

<sup>35</sup>Douglas Clark, "Proposed land acquisition in Big Smoky Valley, Nye County, Nevada, in connection with Reese River Project," October 1937, Box 131, PAO, BIA, RG 75, NA-PSWB.

<sup>36</sup>Steven Crum, "The Western Shoshone of Nevada and the Indian New Deal" (unpublished Ph.D. dissertation, University of Utah, 1983), 219-231; for an excellent history on the formation of the Yomba Reservation, see Elmer R. Rusco, "The Indian Reorganization Act in Nevada: Creation of the Yomba Reservation," *Journal of California and Great Basin Anthropology*, 13 (1991), 77-94.

<sup>37</sup>*Ibid.*

<sup>38</sup>Keith Honaker and others, *Duckwater Shoshone History*, (Duckwater: Duckwater Shoshone Tribe, 1986), 7-8; Interview with Brownie Sam, 28 August 1982, Elko, Nevada.

<sup>39</sup>Minutes of the Tonopah meeting, 28 April 1937; Committee to Scrugham, 18 July 1937; Committee to Pittman, 18 July 1937; Committee to Scrugham, 5 November 1937, Boxes 126 & 127, PAO, BIA, RG 75, NA-PSWB.

<sup>40</sup>Honaker, *et al.*, *Duckwater Shoshone History*, 10-11; Mary Lou Moyle interview with Danny and Lillian Millett, 12 May 1976, Tribal History Project, Intertribal Council of Nevada, Reno, Nevada; Crum, "Western Shoshone and the Indian New Deal," 236-242.

<sup>41</sup>"The big fandango at the Bowler Ranch," RRR, 14 August 1937, 6; "Big fandango at Yomba Reservation," RRR, 12 September 1942, 1.

# NOTES AND DOCUMENTS

## DAN DE QUILLE AND *ROUGHING IT*

### Borrowings and Influence

Lawrence I. Berkove

The influence of Dan De Quille (William Wright) upon Mark Twain has been recognized, in recent years, to be considerably more extensive than anyone had suspected. Edgar M. Branch in 1950 acknowledged the importance of De Quille's influence on Twain's Washoe writings, and also on a scene in *Huckleberry Finn*.<sup>1</sup> Walter Blair in 1960 identified De Quille "as a very important literary influence on *Huck*,"<sup>2</sup> proceeded to cite several specific passages in the novel, that display indebtednesses to De Quille's *The Big Bonanza* (1876), and concluded that *The Big Bonanza* is "echoed frequently . . . in realistic scenes in the 1876 portion of *Huck*."<sup>3</sup> I have found two episodes in "Old Times on the Mississippi," later incorporated into *Life on the Mississippi*, in which Twain's borrowing from two separate, previously published pieces by De Quille is virtually certain, and one passage in Twain's essay on "Mental Telegraphy" (1891) that may echo an 1889 De Quille memoir.<sup>4</sup> Two parts of *Roughing It* may now also be added to the list of De Quille's contributions to Twain's writing.

It has never been a matter of doubt that De Quille played some role in the composition of *Roughing It*; he is named explicitly in chapters 42 and 55 as a skilled and respected reporter. Twain's regard for De Quille is further attested to in the book: When Joe Goodman, editor of the *Territorial Enterprise*, for which Twain worked, compliments him by saying that he is as good a reporter as De Quille, Twain's response is "I desired no higher commendation."<sup>5</sup> Beyond the general reportorial lessons Twain learned from De Quille, however, are two instances which may show more direct influence. One consists of Twain's specific use of newspaper material. The other is a literary antecedent by De Quille of Twain's spoof of Horace Greeley's agricultural advice in chapter 70.

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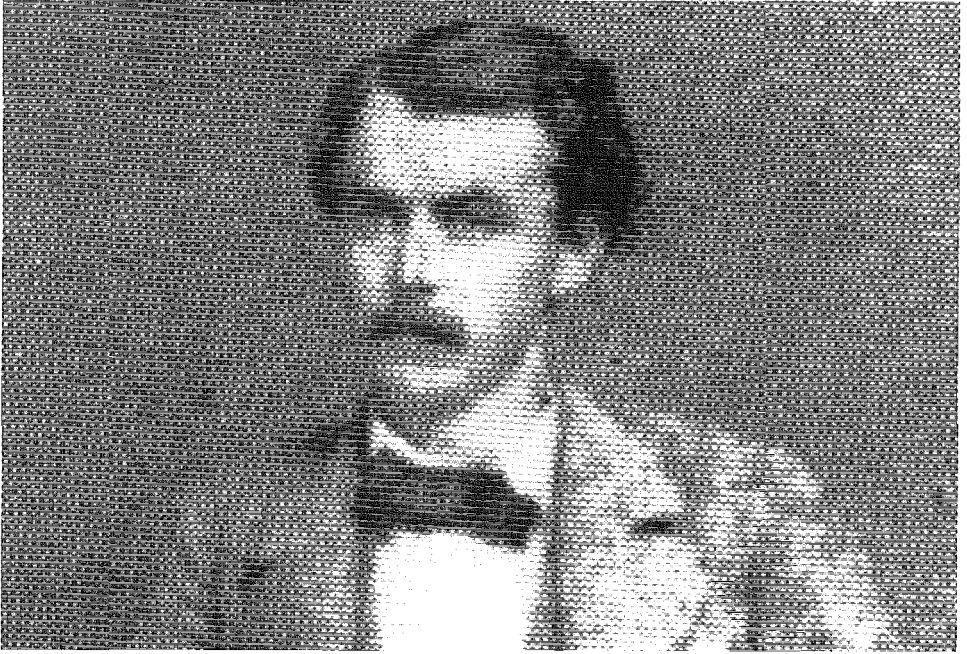


The first instance concerns the three newspaper articles from the *Territorial Enterprise* that Twain quotes in chapter 49. It is possible that De Quille wrote all three, and likely that he wrote at least the last two. All three (plus an extended paraphrased note) refer to incidents of armed violence that occurred in Virginia City, Nevada, in relation to the desperado Jack Williams. Twain promises at the end of chapter 48 to "group together, in the next chapter, some samples of life in our small mountain village in the old days of desperadoism. I was there at the time."<sup>6</sup> The last sentence is a little misleading. Although Twain was in Virginia City during the heyday of desperadoism, only one of the four incidents he refers to in chapter 49 occurred while he was in town—the one he paraphrased.

Twain's point in chapter 49 is to demonstrate how Virginia City's laxity in enforcing law and order actually encouraged more violence. Jack Williams was a gunman who also served as a Virginia City deputy marshal in 1862. The first article, entitled "Fatal Shooting Affray,"<sup>7</sup> reports the sequence of events leading to Williams's shooting dead a disarmed man. No date is given in the book for the article, but information from another newspaper fixes the killing as having occurred on the night of February 6, 1862.<sup>8</sup> The second article, also undated, is entitled "Robbery and Desperate Affray"; it reports how Williams assaulted at gunpoint a German by the name of Hurtzal and robbed him of seventy dollars. No other newspaper has been found with a corroborating story, but, assuming Twain to be accurate in claiming that the event occurred "[f]our months later,"<sup>9</sup>



Mark Twain and Dan De Quille. (Nevada Historical Society)



Joe Goodman. (*Nevada Historical Society*)

then June or early July 1862 would be its date. The third article, "More Cutting and Shooting," deals with a stabbing and shooting which resulted in a death that was a direct consequence of the assassination of Jack Williams two days previously. Also undated in the book except for the general placement of "[f]ive months after the above item appeared," this incident has been positively dated as having occurred on December 10, 1862.<sup>10</sup>

While the authorship of these articles cannot be definitely established, there is good reason to assume that De Quille wrote the last two, and perhaps the first one as well. He began work on the *Enterprise* some time in 1861.<sup>11</sup> De Quille's main job was that of mining editor, but a secondary function as local editor gave him primary responsibility for covering local news, which he usually bunched daily in his personal column on an inside page headed, appropriately, "Local News." These three articles fall into the category of local news and therefore would have been in his bailiwick. He was in Virginia City at the time (Twain did not arrive until September 1862), and the last two articles in particular show evidence of De Quille's style.

The second article, concerning the assault and robbery of Hurtzal in a "hurdy-gurdy house," indulges in a little light-hearted spoofing of the Germans: "The music, dancing and Teutonic maidens awakened memories of Faderland until our German friend was carried away with rapture." De Quille was fond of Germans, and this kind of friendly banter is found with some frequency in his columns when he mentions them.

The third article, "More Cutting and Shooting," similarly opens with a sentence that De Quille had used, with variations, in other of his writings: "The devil seems again to have broken loose in our town."<sup>12</sup> Its conclusion also has a De Quillean literary ring: "The town appears to be perfectly quiet at present, as though the late stormy times had cleared our moral atmosphere; but who can tell in what quarter clouds are lowering or plots ripening?" The *Enterprise* staff was unusually skillful at writing, but each author had his own touches, and these particular ones appear to be De Quille's. When De Quille was absent or involved in more pressing business, Twain normally took over the local news department, but on December 10, 1862, Twain was in Carson City reporting on the legislature. De Quille was almost certainly in Virginia City at the time as he was preparing for his departure, at the end of the month, for his home in Iowa.

Short of absolute confirmation of the authorship of the three articles, therefore, the presumption from the standpoints of responsibility, availability, and style is that De Quille wrote them. If he wrote the last one, moreover, the consequences of it go beyond *Roughing It* to *Huckleberry Finn*. Reeder is being helped away by two or three persons just as Gumbert comes upon them. As Gumbert raises his weapon several people call out to him, "don't shoot," but he fires twice nevertheless, fatally wounding Reeder. The striking resemblance of these details to Colonel Sherburn's murder of Boggs in the second half of chapter 21 of the novel should be apparent. This passage from the *Enterprise* article must be looked upon as a direct ancestor of one of the most poignant and dramatic episodes in *Huckleberry Finn*.

The second instance in *Roughing It* of a possible influence from De Quille occurs in chapter 70 with Twain's spoof of Greeley's agricultural advice. Greeley had for years written articles about his adventures as a gentlemen farmer. Although his pleasure in farming was genuine, he was not very successful at it,<sup>13</sup> and he overrated his expertise. These attributes became the subject of parody by both his political enemies and those who were amused by them. De Quille, apparently one of the latter, published the following piece in the *Enterprise* of June 7, 1871:

In Regard to the Catawba Duck

Our young agricultural friends on the Ophir Grade have just received from the model farm of Horace Greeley six pairs of Catawba ducks. They arrived in good order. In a letter accompanying his gift, written just before his departure for Texas, the farmer philosopher gives his young Washoe friends and disciples some instructions in regard to the cultivation of the new duck. He says: "If herded on upland and salted regularly they generally swarm about the middle, or from that to the 15th of May, and the young ones may be sheared the first year, if not oftener. Except the mumps, the only disease that troubles them is wolf teeth, which may be cured, if taken before a fatal relapse ensues, by boring their horns and splitting their tails, filling the incision with a mixture of pepper and salt, after which their bowels should be kept open by frequent bran mashes. During the time they are under the bran-mash treatment they must not be milked, and each female must be kept haltered in separate stalls in order that her eggs may not be broken by fighting.

To prevent fighting, their tusks may be sawed off, and the sires may be hobbled by means of a leather apron. Should any of them have twins, which they sometimes do—particularly the females—and there should be more than one, kill the strongest, otherwise it will butt the weaker one away from the dough-dish, and of rights will crowd it off the roost, when if it is in blossom and the night cold, it is liable to be frost bitten.”

Twain could have read this piece in the *Enterprise* even though he and De Quille were not in contact in 1871. A major silver discovery on Nevada's Comstock Lode had created a worldwide demand for investment information. The *Enterprise*, being the Comstock's leading newspaper, had a wide circulation, and De Quille's feature articles—both humor and fiction—were frequently reprinted.<sup>14</sup> By June 1871 Twain was still writing chapter 53 of *Roughing It*, and was contemplating, probably for other reasons, including something on Greeley,<sup>15</sup> so there was time for De Quille's piece to have come to his attention and be assimilated.

Twain, of course, did not need De Quille's inspiration to arrive at the idea of parodying Greeley as an agriculturist; he might conceivably have had Greeley in mind in 1870 when he wrote “How I Edited an Agricultural Paper.” Nevertheless, “In Regard to the Catawba Duck” bears consideration as a possible influence on chapter 70 of *Roughing It* because it preceded Twain's composition of chapter 70, because it came from his friend De Quille, because it could have come to Twain's attention either in newspaper exchanges or in letters from Comstock friends, and because there is just enough similarity between the two pieces for the former to have suggested something useful to Twain.

The borrowings and literary parallels here presented in no way detract from Twain's artistic superiority; rather, they remind us that Twain learned from his contemporaries and that the originality and talent of Dan De Quille especially not only inspired Twain but also supplied material that his genius made immortal.

#### NOTES

<sup>1</sup>Edgar M. Branch, *The Literary Apprenticeship of Mark Twain* (New York: Russell and Russell, 1966), 105–9.

<sup>2</sup>Walter Blair, *Mark Twain and Huck Finn* (Berkeley: University of California Press, 1960), 119.

<sup>3</sup>*Ibid.*, 121–27.

<sup>4</sup>See Lawrence I. Berkove, “‘Nobody Writes to Anybody Except to Ask a Favor’: New Correspondence between Mark Twain and Dan De Quille,” *Mark Twain Journal*, 26:1 (Spring 1988), 5–6.

<sup>5</sup>Mark Twain, *Roughing It*, Franklin P. Rogers, ed. (Berkeley: University of California Press, 1973), 270.

<sup>6</sup>*Ibid.*, 311.

<sup>7</sup>*Ibid.*, 312–13.

<sup>8</sup>No complete run of the *Territorial Enterprise* exists, and all of the issues dealing with the events of chapter 49 are missing. Dates for the events can be accurately assigned, however, from articles in newspapers of nearby towns. In this case, the killing was reported in a Sacramento *Union* story datelined 7 February 1862 but appearing on 8 February (p. 2). I am very grateful to Robert Hirst, Edgar Marquess Branch, Harriet Smith, and Lin Salamo, editors of the Mark Twain Project, for their valuable assistance in identifying the back issues of California newspapers used in this article.

<sup>9</sup>Twain, *Roughing It*, 313.

<sup>10</sup>A story on the stabbing and shooting appeared in the *Sacramento Union* of 11 December 1862 (p. 3).

<sup>11</sup>The year 1862 is usually cited for associating De Quille with the *Enterprise*, but, according to his own testimony in "The Story of the *Enterprise*," De Quille began working for the paper in 1861. *The Life and Times of the Territorial Enterprise*, Oscar Lewis, ed. (Ashland, Oregon: Lewis Osborne, 1971), 7–8. This date is substantiated by other accounts, including an unpublished memoir by his daughter Mell and an obituary notice in the *Salt Lake City Tribune* on 26 March 1898 (p. 5) by his friend and former colleague, C. C. Goodwin.

<sup>12</sup>For example, in De Quille's column in the Cedar Falls (Iowa) *Gazette* of 8 November 1861 (p. 1): "A man shot last night in Carson, through jaw, breast and loins; another killed—cut to pieces—at Gold Hill, and a rape on the person of an immigrant girl at 'New York House'; the devil was abroad last night."

<sup>13</sup>William Harlan Hale, *Horace Greeley: Voice of the People* (New York: Harper, 1950), 178, 304.

<sup>14</sup>For evidence of how even Mark Twain's hometown newspaper, the *Hartford Courant*, republished De Quille, see "New Information on Dan De Quille and 'Old Times on the Mississippi,'" *Mark Twain Journal*, 26:2 (Fall 1988), 15–20. Examples of the stories, essays, and humorous pieces that made De Quille an author with a national reputation in his own time may be found in his anthology, *The Fighting Horse of the Stanislaus*, Lawrence I. Berkove, ed. and intro. (Iowa City: University of Iowa Press, 1990).

<sup>15</sup>Twain wrote Greeley a letter on 17 August 1871 asking him to verify or refute the authenticity of the well-known anecdote about him and Hank Monk. I am grateful to the Mark Twain Project for supplying me with a copy of this unpublished letter. For additional information about Twain's attitude toward Greeley, see also Lawrence I. Berkove, "Mark Twain and Horace Greeley: Penpals," *Thalia*, 11:2 (1991), 3–11.

## BOOK REVIEWS

*Our Limits Transgressed: Environmental Political Thought in America.* By Bob Pepperman Taylor. (Lawrence: University Press of Kansas, 1992. xiii—151 pp., end notes, sources, index.)

*Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics.* By R. McGreggor Cawley. (Lawrence: University Press of Kansas, 1993. xi—195 pp., end notes, index.)

These books probe different facets of environmentalism in the United States and are worthy additions to the University Press of Kansas series on "Development of Western Resources." Taylor provides a critical analysis of the evolution of environmental thought in the United States, using a pastoral/progressive dichotomy to trace what he believes is the erosion of political vision in both mainstream traditions. Cawley examines the course and impact of the Sagebrush Rebellion, an episode ridiculed by many and generally regarded as an extremist failure. His provocative argument is that it has had a lasting success at the level of ideas. For a century, a richly nuanced and malleable concept of progressive conservationism had provided shelter for diverse perspectives on public land policy. Cawley argues that during the 1960s the environmental movement staked a preemptive claim to the concept which challenged the legitimacy of traditional notions of wise use and husbandry. The Sagebrush Rebellion mobilized a broad coalition to ensure that the bevy of new federal land laws enacted in the 1960s and 1970s would be implemented in a way that took into account the interests of traditional users and local communities.

Taylor's work is the more ambitious. What is at stake in Taylor's topic is the very integrity and viability of the progressive tradition which underpins, informs and, when coherent, gives vitality to activists associated in recent decades mainly with the Democratic Party. Progressivism provided the rationale for major amendments to the original dominant American political creed or culture.

Taylor develops insights by providing rich detail on the dialogue between pastoralists and progressives in the United States. This is not mere intellectual history, because Taylor has a normative standard which he uses to assess and critique those whose thought he catalogs. For Taylor, Henry David Thoreau and Gifford Pinchot are not simply giants within their respective pastoral and progressive traditions; they are heroes precisely because their visions were pro-

foundly democratic. The case for Thoreau is made well; that for Pinchot, the political activist, is tendentious and to this reviewer unpersuasive.

Taylor's critiques find the mark and identify fundamental weaknesses in environmental thought not yet resolved. But his own vision will not provide answers to the problems he illuminates. Taylor's distinctive notion of progressive democracy may escape the casual reader. It is the source of both the book's central contributions and of its flawed concluding analysis. One clear revelation occurs in a passage regarding the Pinchot/Muir battle over Yosemite water for San Francisco.

For Taylor, "What is perhaps most striking about Muir's defense of the Hetch Hetchy Valley is the degree to which he was either blind to the progressive democratic commitments that lay behind much of the national backing of the project, or unwilling to distinguish these commitments from unholy support for capitalism, commercialism, and money worship." Hetch Hetchy was a *public* project; its embrace by Pinchot therefore was democratic. How could Muir not understand the pure ethics and motives of Pinchot?

This is hardly an isolated outburst against Muir. Taylor's central chapters develop the powerful theme of what will save us from the spiritualizers who follow Muir away from democracy? From the biocentrics who want to develop political philosophy without regard to human wants and needs? As noted, the critiques find their mark. But Taylor attempts to assume the burden of savior in his concluding essay, "Restoring Political Vision." Taylor devotes twenty-one consecutive citations to the scientist Barry Commoner, "whose socialism can be reasonably viewed as a contemporary expression of Pinchot's progressive liberalism." Quite an assertion, since the explication of Commoner's writings emphasizes the central theme that capitalism, widely embraced if not warmly loved by Americans, is the ultimate threat to the environment! How can his socialism be reconciled in the American creed with individualism? With antistatism?

Indeed, the distinctive challenge of public land management in the United States has been to reconcile scientific imperatives with democratic imperatives, including especially the beliefs of states, communities, and affected parties. In speaking for these entities, the Sagebrush Rebellion represented forces quite the opposite from those advocating centralization on ideological or scientific grounds. From the beginning, national park bureaucracies sought to build constituency groups to support their endeavors, and willingly encouraged user groups and preservationists alike. Nor did the U.S. Forest Service shun opportunities to expand its supportive coalition in state governments and local communities. Perhaps its most enduring extra-professional support group is the National Wildlife Federation, with strong state and local membership entities. It has earned hundreds of thousands, millions over the years, of empathizers among those who paid nominal fees to camp, hunt, fish, hike, or cut Christmas trees and firewood. Taylor Grazing Act (later Bureau of Land Management or BLM) Boards evolved through accommodations with fish, wildlife, migratory

waterfowl, and other conservation and recreation interests into practitioners of actual multiple use of public lands.

What happened? The answer is not that a democratic consensus developed against the policies utilized to manage public lands. A trend toward improved professional input is obvious in all the federal and state agencies, meaning husbandry improved. Growth of population, especially urbanization in the West, inevitably meant an increased recreational constituency. There also was a concentration of grazing, timbering, and mining properties and operations into corporations. But the balancing and accommodation of interests did not suddenly get upset. On the contrary.

The old question of what to do, other than continue to subsidize undistributed lands resurfaced (The 1929 Public Land Commission had recommended dumping them on the states, without their mineral birthrights, eliciting no takers). So did the desire to prioritize resource attributes among parcels, including wilderness qualities and value to commercial or local governmental interests. What to do? A national commission recommended studying these lands more closely, proposing classifications according to various values, and returning to Congress for mandates. During this study period, agencies practiced "steady state" management, awaiting direction before processing applications from prospective users or those seeking patents that would have changed the status of the public lands. As this very traditional process unfolded, a different and rapidly mobilized Congressional coalition passed the National Environmental Policy Act of 1969 (NEPA).

Robert Nelson, an economist and policy analyst long employed by the Department of the Interior, believes that a fundamental shift in the politics of public lands resulted from the 1975 verdict in *Natural Resource Defense Council (NRDC) vs. Morton*, which mandated application of NEPA in the form of systematic environmental analyses of BLM lands. Effective BLM response required land use decisions which in turn "largely dictated that the grazing EISs would have to be land use plans" ("Economic Analysis in Public Rangeland Management," in John G. Francis and Richard Ganzel, eds., *Western Public Lands*. [Rowman and Allanheld, 1984], 65). The next year, Congress enacted a massive codification of public land laws and policies titled the Federal Land Policy and Management Act (FLPMA).

Three points regarding democratic context need emphasis, and are not addressed adequately by Cawley. A few years earlier, Congress had rejected national land use planning legislation. The issue has not been reconsidered in more than two decades. Second, Congress did not debate and approve the applicability of NEPA to the public land management process in its 1969 deliberations. Given the progression summarized above, it seems clear that such applicability would have been rejected. Third, the Natural Resource Defense Council at the time of its legal victory was not the representative of an aggrieved party that was seeking redress for ill treatment in the resource management



process sketched above. It was then a small, fledgling group of attorneys and researchers funded by the Ford Foundation to pursue "public interest" causes—in this case, expanding the class action features of NEPA through judicial activism.

My own view goes beyond that of Nelson and reflects research efforts for the BLM in the late 1970s while opposition was fermenting in the West. It was apparent that the BLM had no idea how to respond to *Morton*, yet felt compelled to document reasons for its policies to get out from under Court review. It also was apparent that none of the affected parties understood FLPMA—a shocking finding in light of the consensual processes that had prevailed for decades. This confusion extended to the state attorneys general. My conclusion therefore is that Washington also was shocked by the *Morton* decision, at a concluding moment in the hapless caretaker administration of President Ford when it lacked executive leadership. Congressional leaders rushed through legislation they hoped would provide some remedy and then authorized a massive report purportedly explaining what they had done. The short answer was they had added to the confusion and frustration. New legislation governing mining and mine restoration widened the conflict which emerged and explained the prominence of mining companies in the Sagebrush coalition Cawley describes.

Cawley is on the mark in his central argument. The politics of public lands suddenly was being contested in ideological terms, after decades of low-keyed accommodationism. It was not just the special grazing, mining and other narrow interests who were fighting for their lives in states dominated by retained federal lands. If decades of practice could by decree be overturned by a tendentious court rationalization, where could one turn? Would one have to utilize the same legal techniques as the NRDC, a strategy pursued by James Watt with corporate sponsorship? It is from this strategic context that the Sagebrush Rebellion was born.

But there was more to the context, and Cawley's emphasis on actors and arguments does not do it adequate justice. There was, first, the Federal Land Policy and Management Act, revising the Taylor Grazing Act. This reform had evolved out of four decades of effort by the BLM to attain the coveted stature of the Forest Service. The new Act was culmination, not initiation, of a centralization impetus. Its politics were closely linked to efforts to impose new rules on surface mining and to halt public water conservation projects, thereby reinvoking the Muir/Pinchot controversy. FLPMA included provisions which apparently closed BLM lands to public entry, occupation, and privatization, after two centuries of disposal logic. It formalized and rigidified community land acquisition processes—important to communities surrounded by public lands and often built on lands privatized as mining patents. Opportunities for physical expansion were perceived as vital in the booming urban metropolises of the West, many of which were gearing up for large energy production promoted by the same federal government.

Cawley provides a fascinating portrait of James Watt and does an excellent job on the interests and concerns of economic user groups. He does not examine urban or recreational constituencies, perhaps because they are outside his conservation thematic or they were not represented in his early participant-observation research at highly publicized interest association meetings.

Perhaps the most permanent institutional consequence of the Sagebrush Rebellion is state-mandated and facilitated land use planning for national public lands by local governments. This was the most important recommendation of the multi-state research team assembled to consider the issues in dispute. That action followed inexorably from the logic of NEPA and *Morton*, and under willing offices can be made compatible with consensual, incremental multiple use planning. The role of state agencies is to provide leadership and expertise to isolated small communities which otherwise would lack a voice in decisions which impact their lives directly.

Cawley generally dismisses privatization as an extraneous issue and a failure. That is true in national politics, but has not been my personal experience with public land policy. I have written about the sale of public lands in southern Nevada to fund Lake Tahoe Basin public land acquisition, a process still under way a decade later ("Public Land Sales as Innovative Environmentalism?" *Policy Studies Journal*, 14:2 [December 1985], 274-284). As a homeowners' association president, I have shepherded a land exchange initiated by the Forest Service which has privatized a summer home parcel near Grover's Hot Springs, California. This effort, with Trust for Public Lands assistance, consolidated public holdings in the coveted Hope Valley of California. I also have had a small role in ensuring that a Recreation and Public Purposes Act land transfer from the BLM remains committed to the park and recreation purposes stipulated in the original terms of transfer to local government.

All three experiences reflect the vitality of the original progressive mentality: conservation; the priority of views of local interests unless commanding rationales can be formulated; stress on use; protection by regulation. These experiences also corroborate in a small way Cawley's conclusion that traditional public land interests have recovered their stake in both process and outcome.

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*North American Cattle-Ranching Frontiers: Origins, Diffusions, and Differentiations.*  
By Terry G. Jordan. (Albuquerque: University of New Mexico Press, 1993.  
xi—439 pp., illus., maps.)

"Published at the quincentennial of the first introduction of cattle into the Americas," (title page) Terry Jordan's *North American Cattle-Ranching Frontiers* takes its place among the best of the distinguished histories of the American

Frontier series. Writing with the skills and point of view of historical geography, Professor Jordan offers by all odds the most general and thought-provoking analysis of American cattle-ranching yet to appear. Making use of language analysis, blood lines, material culture, geography, nationality, and superb graphic renderings, he works through a vast amount of Old World, Hispanic-American, and United States data.

Taking aim on the tendency of earlier interpretations to overstate the centrality of Texas and misconstrue ranching's relationship with the American frontier, Jordan rejects environmental determinism and proclaims both the multiplicity of North American cattle-ranching's antecedents and its local adaptations to a wide array of physical settings. From Atlantic fringe roots in Iberia and Britain, herder cultures are followed in a vast pincers movement to a triumph of British-dominated Midwestern influences in the last frontier of the Great Plains.

From about 1500 Jordan follows this process successively to the Greater Antilles, through the coastal reaches of the Gulf of Mexico and South Carolina to a three-pronged northward progression in Mexico (Gulf Coast, central highlands, and Pacific thrust). He next traces the movement of "Carolina's children": cattle cultures which took on complex imprints as they extended coast-wise south and west through the Iberian and Antilles-affected states of Georgia, Florida, Louisiana, and east Texas, and interior-wise through the Anglicized regions of Appalachia and the Mississippi Valley. Ironically, ranching Texas takes on a dual kind of centrality as Jordan describes its formation from influences extending diversely from Mexico and Carolina via the Gulf Coast and the Mississippi Valley. He simultaneously makes it central to his argument against the environmentalism of Frederick Jackson Turner and Walter Prescott Webb. He then pursues pastoral California's development, and documents abortive movements into areas he terms "Extended Texas" and "Extended Pastoral California." Most of the West he sees as subject to a wide variety of cattle-related cultural influences. Emanating directly from the Midwest and ultimately from Britain more than Mexico, these include markets, varied environmental conditions, social roots, and a diminished emphasis upon ranching as the frontier passed.

Jordan strikes out boldly, cutting his way through an almost unbelievable mountain of material. His analysis is tightly directed throughout, while graphic material gives dimension and direction that greatly enhance textual analysis. Granting that social scientists are "foundlings" left at the door of science, he claims his approach is that of the "humble humanist" (309). Whatever it is, it succeeds brilliantly, introducing ideas and assumptions that will long occupy students of the American West. One suspects many readers will find his vocabulary new, if indeed not heavily loaded with jargon which the editors seem at perhaps too much pain to deny. His conclusion that nothing like a monolithic "Texas Invasion" ever took place will probably stand the test of time. On the other hand, one suspects that more detailed study will suggest that he depends upon thin or misleading information in arriving at the position he takes on

specific developments in quite a number of Western areas, including parts of the Great Basin.

Charles S. Peterson  
Southern Utah University

*The Nevada State Constitution, A Reference Guide.* By Michael W. Bowers. (Westport, Connecticut: Greenwood Press, 1993. Foreword by Attorney General Frankie Sue Del Papa, 182 pp., \$65.)

As the subtitle discloses, this book presents an annotated description of Nevada's constitution. However, it merits attention from a general reader as well as from a scholar seeking information on some specific aspect of the constitution as written and as interpreted. Bowers makes a valuable contribution to this state's constitutional history, as well as to the series on state constitutions of which it is the eighteenth volume.

Part I, a concise survey of constitutional development from 1848 to the present time, describes problems encountered by the early settlers in the area that evolved into present-day Nevada. In addition to the lawlessness that characterized many parts of the western frontier, Nevada's inhabitants faced persisting conflicts with the Mormon-dominated government of Utah Territory by whom they were controlled.

These and other characteristics of early nineteenth-century Nevada are summarized, as are the circumstances leading to the establishment of Nevada Territory in 1861. Bowers describes the residents' desire for, and efforts to achieve, statehood and analyzes the difficulties besetting the constitutional convention of 1863. Despite widespread support for admission as a state, the voters rejected the constitution drafted by that convention.

However, the drive for statehood survived the dampening effect of the "no" vote, and the following year, 1864, a slightly different constitution secured voter ratification. Drafters of the 1864 document profited by resolving the key negatives of the earlier model—mining taxes and election of state officials—and thereby achieved strong public acceptance.

Part I concludes with a brief review of changes in the constitution. Part II, obviously the heart of the book, presents annotations of most clauses of the constitution, including relevant clarifications achieved through judicial and administrative rulings. Two examples will illustrate the scope and depth of Bowers's appraisal.

Article 5, section 7 requires the governor to "see that the laws are faithfully executed." Bowers notes that "in many ways, the governor's responsibilities

. . . far outweigh his or her authority." He points out that other Nevada executive officers, because they are elected independently, are not accountable to nor beholden to the governor for conduct or retention of their offices. A court decision, and an attorney general's ruling illustrate the foregoing commentary.

Bowers's annotations on the Judicial Department (Article 6) are particularly useful because public opinion in 1863 and 1864 was inflamed not only about the contentious taxation of mines issues (also well analyzed by Bowers) but also over real or perceived misconduct by some of the territorial judges. Drafters of the constitution reflected some of this hostility by making judges subject not only to the general provisions of impeachment and recall applicable to civil officers but added that judges could be removed by the legislature. The Commission on Judicial Discipline, established in 1976, is empowered to censure, retire, or remove a judge after a carefully detailed investigating procedure. Whether these methods of surveillance have produced a superior judiciary, Bowers refrains from saying, but he cites all the relevant cases bearing on uses of judicial authority.

A bibliographical essay discussing sources on Nevada's historical and constitutional development, a table of cases, and a well-constructed index follow the annotated constitution. Bowers has made a solid addition to an understanding of Nevada's polity and law.

Eleanore Bushnell  
*University of Nevada, Reno*

*Owning Western History, A Guide to Collecting Rare Documents, Historical Letters, and Valuable Autographs from the Old West.* By Warren R. Anderson. (Missoula, MT: Mountain Press Publishing Co., 1993. 97 pp., introduction, glossary, bibliography, index.)

Throughout the twentieth century, an ever-growing interest in the history of the American West has prompted enormous competition and record prices for the "hard goods" collectibles associated with this period. Original clothing, Colt revolvers, knives, Concord coaches, saddles, spurs, and many other items have become popular almost out of proportion to their scarcity. In some cases they are even being touted as investment vehicles. Yet the most underrated, and often the most historically-important remnants of the West, are the documents and miscellaneous ephemera generated during that time.

Much of this disinterest has been due to the lack of written references, and a

subsequent shortage of dealers knowledgeable in paper collectibles. The author's fourteen years of experience as both a collector and a dealer in western ephemera prompted this guidebook, the first of its kind to explore all facets of collecting these fragile but important relics of the West.

Anderson begins with a cursory overview of documents as a whole, including general definitions and the most popular places for collectors to locate new items. The ten tips used in evaluating documents will be most helpful to newcomers in this field, as will the sections on document content and autographs.

However, the chapter on fakes, forgeries and theft should be recommended reading for all collectors, dealers and museum curators. Fakes and forgeries are only a minor problem thus far but as interest, and subsequent value, begins to spiral upward, more will certainly appear. The Hoffman forgeries of the late 1980s sent shockwaves throughout the West and still cause depressed interest and values for early-Mormon currency. As more such episodes are bound to happen in the future, this guide offers basic precautions for all concerned.

As with all other collectibles, condition plays an important role in establishing demand and value. For the first time, definitions are presented for such faults as acid burns, pest damage, fold tears, light fading, glue stains, cancellation marks, and others which collectors in general often know little about.

Perhaps the most important chapter deals with the preservation of paper material. Some collectors of old currency have learned to their dismay that many clear plastic holders and pages contain polyvinyl chloride, known as PVC. Over time the softener in the plastic migrates into the paper, often ruining a priceless document or photograph. New materials of archival quality are now coming on the market, as are acid-free paper inserts and filters to block the harmful fading caused by fluorescent lighting.

A lengthy section provides detailed definitions of various types of paper items, which are often confusing to collectors and dealers alike. However, a glaring error occurred in his definition of "site" drafts. While most bank drafts are payable at a specified second institution, they are never referred to as "site" drafts. Common *sight* drafts were payable "at sight," meaning immediately upon presentation, rather than at some future date as specified on a time draft. Other than this one confusing statement, his definitions are accurate and helpful.

Also included is information on photographs, revenue stamps, paper dealers, tips on auction participation, collector organizations, a glossary of pertinent terms, and a good bibliography. Well-illustrated with numerous examples of all the documents discussed, this first-ever guide is an extremely valuable and useful tool for anyone involved in the burgeoning field of western paper collectibles.

Douglas McDonald  
Grantsdale, Montana

*The Osage: An Ethnohistorical Study of Hegemony on the Prairie-Plains.* By Willard H. Rollings. Columbia: University of Missouri Press, 1992. x—320 pp. illus., bibliography, index.)

Willard Rollings has written a fine account of the Osage people during the seventeenth and eighteenth centuries that fits nicely among recent works resisting a traditional, narrative interpretation of Indian history. Like Richard White, Alfonso Ortiz, and Katherine Price, among others, Rollings gives us a portrait that adds ethnohistory and cultural studies to the mix. In doing so his study of Osage hegemony gives important insights into the complex results of contact between Indians and Euroamericans.

His thesis is simple. In the hundred years or so between the end of the seventeenth and the end of the eighteenth centuries, the Osages were the dominant force on the Southern prairie-plains. The keys to hegemony were a large population, strategic location, abundant natural resources, and above all, a resilient and adaptable culture. (p.7) Savvy in their understanding of the evolving political and economic relationships of the era, the Osages managed initially to control the transitions that affected them. But there were limits to the ability to expand and maintain their dominance, and by the early nineteenth century forces were emerging that tested Osage resilience and found it wanting. By 1840, Osage power was in total eclipse, replaced by a new set of cultural and national relationships.

The book is divided into two sections. The first, composed of four chapters on Osage culture and lifeways, establishes the eighteenth-century context of Osage economy, polity, and diplomacy. Working largely from standard secondary texts, Rollings discusses the cultural underpinnings of Osage life. The most telling aspect of this period was a willingness to alter tribal institutions in response to new economic and political realities. "The combination of horses, firearms, and new economic opportunity," notes Rollings, "produced dramatic political change among the Osage." (p.64) The tribe willingly accepted such changes, brought them into line with traditional Osage practices, and thus found new sources of power and hegemony.

This transition, however, also contained the seeds of decline. The book's second half offers explanations for the loss of Osage dominance. Several key elements are clear. The creation of chiefs by various Euroamerican interests, especially the Spanish, tested traditional leadership roles and eventually loosened the complex political system that defined Osage identity. An artificially determined "Osage hierarchy" based on political and economic relationships with Spanish and French interests, for example, encouraged divisions that worsened over time (pp.161–2), and demanded arrangements that were ultimately "inconsistent with Osage political reality." (p.175) Moreover, the relocation of

villages altered patterns of settlement and introduced new economic and political priorities that led to an erosion of tribal unity. Above all, by the eighteenth century the tribe discovered that there were finite limits to the amount of change that could be successfully accommodated.

By the late 1780s the cumulative effects of these limitations became apparent. Although their willingness to adapt had initially placed the Osages in an "interesting, lucrative position" (p.178), by the 1780s the tribe's ability to maintain its dominance began to weaken. The rapidity of change escalated, and intrusions by new powers after the 1790s were especially important. Pressure from other tribes, as well as from the newly established United States, hastened the deterioration of Osage hegemony. "Repeated intrusions into Osage politics," notes Rollings, "helped alter the traditional polity, and this would in time weaken the Osage and help to destroy their economic and military power on the Southern prairie-plains." (p.211)

By 1804, with the opening of the trans-Mississippi frontier and the introduction of massive numbers of white settlers and relocated eastern tribes, "inordinate pressure" (p.255) meant that the tribe was no longer a dominant force in the region. The unity that had previously determined Osage dominance was largely gone; with it went the ability to mount successful military and diplomatic campaigns. In the end, the Osages encountered (and occasionally created) changes that they could no longer accommodate in the face of the European presence. (p.283)

The great strength of Rollings's narrative is that it addresses the native response to contact. The adaptability of native culture is a critically important element in the history of Indian-white relations, and Rollings sheds valuable light on the complex developments that determined Osage hegemony. On balance it is an adroit discussion. Rollings's understanding of political and economic adaptation is particularly good, and from it he creates a brilliant portrait of the socio-economic stresses that were ultimately beyond the tribe's power to control.

The only quibble worth noting is that Rollings's use of ethnohistorical material is limited largely to his discussion of political and economic issues. What's missing is an Osage voice, a sense of change that speaks from an Osage perspective. For example, when Rollings notes that "vital ceremonies that gave meaning to Osage life were altered, abandoned, or performed only when several villages came together" (p.259), some readers will be disappointed to discover that there is no discussion of such practices. In an era during which the very fabric of cultural expression and meaning were dramatically altered, it would be interesting to know more about how Osage religion, ritual, and ceremony changed.

This is a minor quibble, however, and it does not detract from an informative and important work on a critical period in American Indian history. Rollings has



made a substantial contribution to our knowledge of what Richard White has called the "middle ground"; one hopes that it signals a rising interest in such studies.

Clyde Ellis

*East Central Oklahoma State University*

*George Montague Wheeler: The Man and the Myth.* By Doris Ostrander Dawdy. (Athens, OH: Swallow Press/Ohio University Press, 1993. vii—122 pp., illus., maps, bibliography, appendices, index, \$24.95.)

In the 1860s and 1870s four federal surveys, known as the Great Surveys, ranged through the American West. The parties led by Clarence King, John Wesley Powell, Ferdinand V. Hayden and George M. Wheeler explored, mapped, and amassed valuable scientific data. In 1879, Congress, disgusted with the bickering and duplication of effort resulting from the operation of four rival endeavors, consolidated them into the United States Geological Survey. The Wheeler Survey (officially the Geographical and Geological Explorations and Surveys West of the One Hundredth Meridian) covered much of Nevada and the Southwest. As the only Army survey of the four (Wheeler was an officer of the Corps of Engineers), it represented the last major military exploration of the Trans-Mississippi West.

The author has done much research and points out hitherto unknown or overlooked details about Wheeler and his survey. This is, however, neither a full biography of Wheeler nor a comprehensive study of his western expeditions. Dawdy's principal object is to illuminate Wheeler's character flaws. She finds him guilty of secret involvement with mining interests, mistreating Indians, and making misleading statements or omitting mention of embarrassing incidents in his published reports. Some of the latter seem irrelevant to the survey's mission. For example, she faults Wheeler for glossing over the fact that the survey's artist, A. H. Wyant, suffered permanent damage from a paralyzed arm.

As the author acknowledges, earlier scholars of the Great Surveys have noted Wheeler's shortcomings as an explorer (one of them being the small scale of his maps). Neither these writers, nor anyone else, has created a mythic Wheeler; so why does the subtitle suggest that a myth surrounds him? Other than providing a number of new and useful facts about the man and his survey, this work is principally concerned with showing that George Montague Wheeler was not a particularly nice man, and that historians should exercise caution when consulting official reports.

Michael J. Brodhead

*National Archives—Central Plains Region*

*FDR's Moviemaker: Memoirs and Scripts.* By Pare Lorentz. (Reno and Las Vegas, University of Nevada Press, 1992. 243 pp., illus., index.)

In the epilogue to this collection of memories, Pare Lorentz “. . . [h]opes this account . . . will give readers some idea of where [he] came from, what [he] tried to do, what [he] did, and what happened.” Based solely on this account two of these goals have been partially met: We do have some idea of where he came from and what he tried to do. However, we have very little idea of what happened and what he did.

Pare Lorentz is a man who was born in West Virginia, who briefly attended that state's university before rambling about the country and winding up in New York City working as a writer, journalist and film critic. However he is best known as a producer of films of a documentary nature that were used to make the public aware of difficulties confronting the nation and to advance the causes of “social justice.” The Film Service was a creation of the Roosevelt Administration, specifically, the president, according to this account. The purpose of this new agency was to produce films that would be in the best sense of the word “propaganda”: short, stark and documentary, making the public sensible to the background of the problems facing the nation and the efforts undertaken by the administration to deal with those problems. Most notable of these are the films, “The River” and “The Plow that Broke the Land,” each an account of the massive problems facing the midwestern and southern United States during the Great Depression which were in large part the consequence of both misuse of the land and climatological events. These two factors combined during this period to make more severe the agricultural crisis of the time.

The unrevealing portion of this memoir is the recollections of Lorentz. These come in the form of “conversations,” written almost as if he is responding in an extended fashion to questions put to him by an interviewer. The contents of these responses are chatty, witty and interesting, particularly so if one wants to know about John Steinbeck or how Franklin Roosevelt operated. These vignettes are well written, but not very fulfilling, for they do not reveal to the reader what happened, or that Lorentz tried to do the things he recounts. We get bits and pieces of a life in the use of film as socio-political commentary, but not a thread on which to hold. It is as if Lorentz were speaking to an audience that was thoroughly familiar with his work, knowledgeable of what he had done and the popular reaction to that work at the time it was produced. However if one does not know this, as I suspect most readers do not, then this rather reminds me of breaking into the middle of an interview, not knowing anything about the person answering the questions. One quickly goes on to something else. This book is very like the recent set of memoirs of Katharine Hepburn about making the “African Queen.” For those who have seen the movie, know of the actors, and seen other examples of their work, or of the director's, the account is rich in

substance. If one knows none of this then the account is uninformative except to only a few insiders.

The second aspect of this work is the reprinting of the scripts for "The River," "The Plow that Broke the Plains," "Ecce Homo" and "The Fight for Life." These are respectively movies about the Mississippi River, the effects of the drought in the Midwest and Plains states, the factory worker and the conditions facing poor women who are pregnant, and without proper knowledge of health and of the doctors and nurses that help them. These are the most revealing portions of the memoirs, and particularly so when read rather than heard. The first two read as if they were epic poems (Lorentz won a Pulitzer prize for the printed version of "The River") and convey better the intentions of the author than his own account. "Ecce Homo" is a paean to the accomplishments of industrial America and the worker who made that possible, however with a Darwinian and dehumanising quality given the identification of workers only by their "worker numbers." It reminds me of "A Clockwork Orange," but without the violence, and of the human consequences of this form of work. The final script "The Fight For Life" is more "traditional" but no less powerful or chilling, dramatizing the attempts to help those consigned to being unhelpt in depression-era urban American. While this script reads more like a contemporary television or movie script, and is very different from the others, it is no less poetic or evocative than the other three films.

If Lorentz's purpose in writing these memoirs is to reveal his motivations, it comes through most clearly and best in these scripts and not in the text. I would suggest that anyone interested in Lorentz's life or the work of the Film Service go to a library or bookstore likely to have works about this; for those interested in the workings of a poet and great filmmaker's intellect, read this for the scripts and for the chatty anecdotes accompanying them. Or better yet, find the films and watch them.

William Lee Eubank  
*University of Nevada, Reno*

# NEW RESOURCE MATERIALS

*Nevada Historical Society*

## MINING COMPANY RECORDS

The Nevada Historical Society's collection of Tonopah Mining Company records has been substantially enlarged with the donation of forty-eight boxes of documents by the Chancery Court of the State of Delaware. These newly acquired records of the company, which was incorporated in Delaware and had mines in Nevada and elsewhere, consist chiefly of financial and stockholder records for the period 1903–1973. Many of the Tonopah Mining Company records held by the Delaware courts, in which the company was tied up in legal proceedings for years, were transferred earlier to the Hagley Museum and Library in Wilmington, Delaware, and are available to researchers there.

Approximately twelve cubic feet of operational, accounting and legal records, and correspondence of the Goldfield Consolidated Mines Company have been received from Douglas McDonald. These items, from the years 1907 to 1917, more than double the size of our existing collection of the company's records, and, together with Goldfield Consolidated materials in the George Wingfield Papers, have provided the Society with a very important group of research materials documenting the development and activity of one of twentieth century Nevada's most significant mining companies.

Included in a recent donation by Lola Farmer of Reno are records of the Mountain View Mines Company, which operated in the Granite Range Mining District near Gerlach in the 1940s, and the Mazuma Hills Mining Company at Seven Troughs. The latter company's records, which include correspondence, maps, and legal documents, are among miscellaneous papers, 1908–1936, of John F. Heeney, a prominent Reno mining man.

## NEVADA EMIGRANT TRAIL MARKING COMMITTEE RECORDS

During the 1970s and 1980s, this volunteer organization was responsible for definitively identifying and marking the old overland emigrant trail through Nevada. The committee's records, which cover the period 1969–1993 and contain correspondence, legal and financial papers, marker placement permits and printed materials, document the work of the group, and of such individuals as James T. Anderson, Everett W. Harris, and Walter Mulcahy, in preserving the trail, recording its history, and placing permanent markers along its route. The

Society thanks Margaret Anderson of Reno for making these valuable records available to us.

Eric N. Moody  
*Manuscript Curator*

### "BUCK" NIMY MATERIALS

In recent months, the Nevada Historical Society has come into possession of a number of postcards and two large prints executed in the 1930s and 1940s by Buckley Nimy, a cowboy artist who also did a short stretch in the Nevada State Prison, 1935–36.

Born in Rice, Arizona in 1906, Nimy spent several years in an orphanage in Offenbach, Germany during World War I after the death of his parents in Frankfurt. Rescued by relatives in 1919, he cowboyed in the Dakotas and in Canada before showing up in Pine Valley, Eureka County, Nevada in 1930. He later worked on ranches in Paradise Valley and Lovelock Valley, prospected, worked as a maintenance man at the Pershing Hotel in Lovelock, and labored as a trammer for the Nevada-Massachusetts Mine in Golconda, a tungsten operation.

The genesis of Nimy's interest in art is something of a mystery. When he first showed up in Lovelock in June 1932, he was accompanied by another cowboy



"BIRTH OF A BRAND" RUSTLERS BRANDING AND EARMARKING A SLICKHORN. ETCHING BY BUCK NIMY THE COWBOY ARTIST

"The Birth of a Brand," etching by Buck Nimy. (*Nevada Historical Society*)

artist, Billy Kingman. At one point in 1939, he went off to San Francisco to study art, but apparently did not follow through. Much of his early work was done for his friends, but he later turned to postcard prints, calendar art, advertising and painting sets for motion picture production. At the time of his death in San Francisco on October 4, 1959, he was working for the American Outdoor Advertising Company.

Among the contributors to the growing Nimy collection are Ron "Nick" Parker of Hawthorne, Leslie Stewart of Paradise Valley and Louis Negro of Battle Mountain. The Nevada State Library and Archives has furnished information on Nimy's incarceration at the Nevada State Prison and a mug shot taken when he entered the institution on April 23, 1935. Mrs. Opal Allen of Reno has contributed a photo of him taken in Lovelock in June 1940, and Mrs. Dottie Brush of Fernley has come forward with a posed, autographed photograph. Other information has been provided by Virgil Ugaldá, Homer Marcussi, Bob Walker, John Heizer, Paderic Partridge and Carl Segerstrom. Mrs. Elda Gracey of Reno has graciously allowed us to copy a particularly fine illustration, "Birth of a Brand," which is reproduced here.

We wish to thank those who have taken the time to respond to our inquiries. Others who might have known "Buck" Nimy are encouraged to contact us.

Phillip I. Earl  
*Curator of History*

### *University of Nevada, Reno*

William L. Fox is well known in Nevada for his endeavors in the literary arts. He was executive director of the Nevada State Council of the Arts, a panelist for the Literature Program of the National Endowment for the Arts, and co-founder of the small press, *West Coast Poetry Review* (WCPR). Fox has donated to the Special Collections Department his collection of records documenting those activities, including correspondence with other poets and authors, copies of WCPR editions, poetry chapbooks, and his published and unpublished poetry manuscripts dating to his early college years. The collection consists of four cubic feet of papers, 1964-1992.

The department has acquired the work of another Nevada author, historian Edna B. Patterson of Elko. Patterson, the preeminent chronicler of eastern Nevada history, donated a copy of her unpublished autobiography to the Special Collections Department. In "Home Means Nevada," Patterson writes about her childhood, her marriage to Elko County rancher John Malcolm Patterson, life on their Lamoille ranch, and her role in establishing the Northeastern Nevada Historical Society and Museum. Patterson, who was given the Distinguished Nevadan Award in 1984, also delineates the history of her husband's pioneering

family in Nevada and provides family photographs spanning one-hundred years. Another copy of "Home Means Nevada" was deposited at the Nevada Historical Society.

Patty Cafferata, Nevada's first woman State Treasurer and formerly a Nevada legislator, has donated her political papers to the Department. Cafferata has long held an interest in Nevada politics (her mother is U.S. Representative Barbara Vucanovich) and was first elected to the Assembly in 1978. She has also been active in Reno civic organizations, including the Doctors' Wives of Washoe County, the Washoe Medical Center League, and the Republican Women's Club of Reno. Her papers include materials related to her political offices, political campaign management materials, and personal papers. The collection, consisting of fourteen cubic feet, is open to research with the exception of the political campaign series.

Susan Searcy  
*Manuscript Curator*

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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, 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.