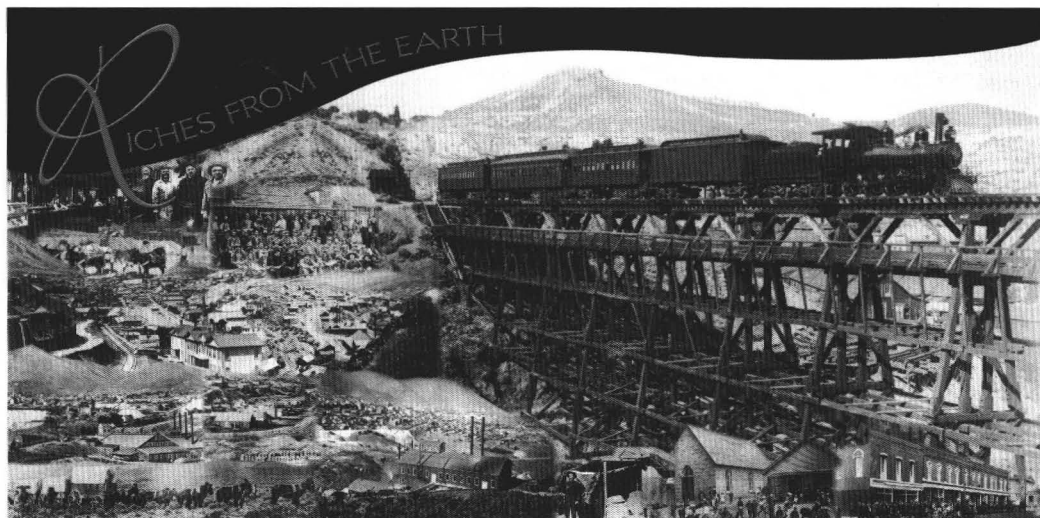
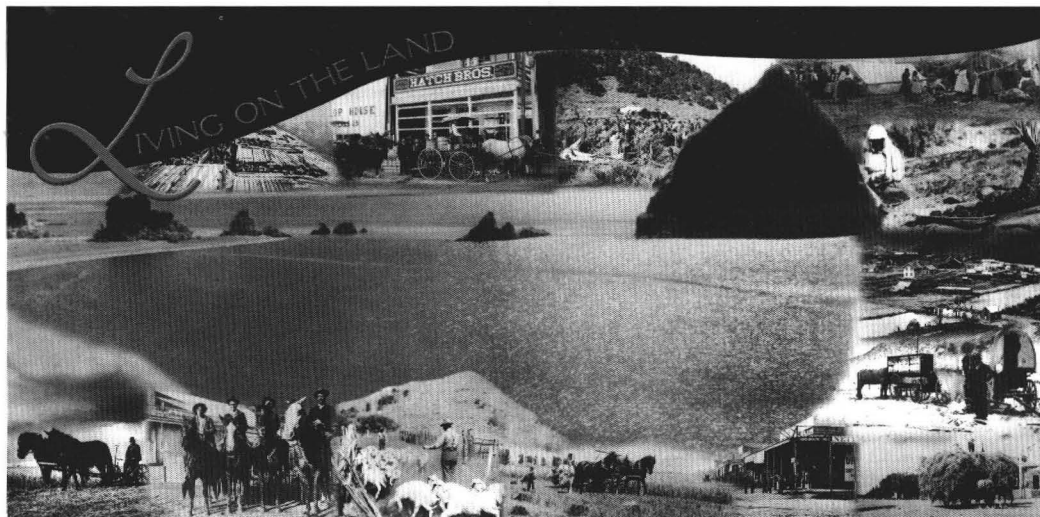


Nevada

Historical Society Quarterly





Nevada Historical Society Quarterly

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The *Nevada Historical Society Quarterly* (ISSN 0047-9462) is published quarterly by the Nevada Historical Society. The *Quarterly* is sent to all members of the Society. Membership dues are: Student, \$15; Senior Citizen without *Quarterly*, \$15; Regular, \$25; Family, \$35; Sustaining, \$50; Contributing, \$100; Departmental Fellow, \$250; Patron, \$500; Benefactor, \$1,000. Membership applications and dues should be sent to the Director, Nevada Historical Society, 1650 N. Virginia St., Reno, NV 89503. Periodicals postage paid at Reno, Nevada and at additional mailing offices. POSTMASTER: Send address changes to *Nevada Historical Society Quarterly*, 1650 N. Virginia St., Reno, Nevada 89503.

Nevada

Historical Society Quarterly

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Volume 44

Winter 2001

Number 4

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Labor Strife in Las Vegas

The Union Pacific Shopmen's Strike of 1922

ERIC NYSTROM

In 1922, the young railroad town of Las Vegas was hit by the postwar flood of labor turbulence as employees of Union Pacific's repair shops went on strike to secure a livable wage. The Las Vegas walkout was part of a larger national railroad strike that affected not only Union Pacific but the other transcontinental lines as well. At the same time, bitter management-union conflicts were resulting in often violent strikes in the steel and mining industries. Across America, unionized workers were making determined efforts to secure increases after the wage freezes patriotically endured during World War I. Following the war, many employers lacked the profits to award their workers significant wage increases. Businesses faced peacetime cuts in governmental defense spending as well as shrinking demands for agricultural equipment and other goods once European farmers and factories rebounded.

This was the case in Nevada, where George Wingfield in Goldfield and the Guggenheim interests in Ely-McGill worked with Governor Emmet Boyle to employ a carrot-and-stick approach to restless miners seeking a pay hike and willing to support the radical Industrial Workers of the World—the IWW or Wobblies—and other groups capable of winning concessions from the powerful corporations who employed them. For their part, the Union Pacific, Wingfield, and other employers took solace in the anti-socialist crusade of President Woodrow Wilson's attorney general, A. Mitchell Palmer, whose Red Raids effectively weakened America's socialist movement. Fears raised by the fall of Russia to Bolshevism in 1917 and the postwar Red Scare prompted many Americans, including many Nevadans, to seek a "return to normalcy," a yearning that resulted in the election of Warren G. Harding as United States president in 1920. Harding's victory marked the inception of a Republican decade that saw unprecedented prosperity for business and a dramatic weakening of union power.

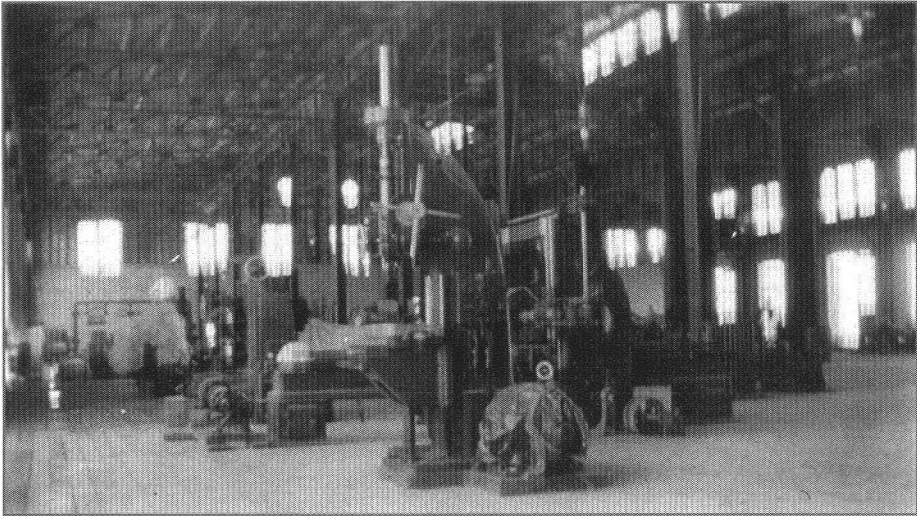
Eric Nystrom is currently a Masters degree candidate at the University of Reno, Las Vegas. He would like to thank Dr. Hal Rothman, Dr. Eugene Moehring, and Rachel D. Land for their invaluable support.

Nevada, and especially Las Vegas, reflected these events. During the railroad strike of 1922 the United States Railroad Labor Board and Harding's attorney general, Harry Daugherty, were to provide the transcontinentals with more support than had Wilson and Palmer during the height of the Red Scare. Las Vegas hardly seemed a likely site for a contest between the Union Pacific and its shopmen. In 1905, William A. Clark, Montana's former senator, had carved the townsite out of Helen Stewart's former ranchlands as a division town where trains could take on crews, ice, oil, and water. A decision to build repair shops in 1909 created hundreds of new jobs and helped reinforce the state legislature's decision two years later to incorporate Las Vegas as a city.

The need for a major repair facility between Los Angeles and Salt Lake City was obvious, given the numerous repairs and maintenance requirements of modern trains. For example, every metal-on-metal joint in the complex locomotives required frequent lubrication and care. Because self-lubricating bearings had yet to be invented, every wheel on every railroad car had to be carefully checked at frequent intervals during a run. In an era prior to the introduction of diesel-electric engines, locomotives ran on steam, and had to take on water frequently. The groundwater pumped into the locomotives along the San Pedro, Los Angeles, and Salt Lake route through the desert was particularly alkaline, and mineral corrosion and encrustation on crucial boiler parts resulted. The railroad shops addressed these and other maintenance requirements.

Shop facilities varied in size, with small shops handling light maintenance wherever engines were based, larger shops able to address all maintenance needs located at division points, and the largest shops, with the same capability as the division-point shops but more capacity, located only at the most important railroad hubs.¹ The largest shops on the Los Angeles and Salt Lake route were at the two termini at Los Angeles and Salt Lake City. This was logical, since these were by far the two largest cities on the line and also served as major junctions with other railroads. Smaller shop facilities were essential between the two large yards. Railroad management chose Las Vegas for the largest of these, because of its status as a division point. Other smaller shops were located in Caliente, Nevada, and in California at Kelso, Yermo, and San Bernardino.

Its designation as a division point and home of railroad shops gave Las Vegas a significance that raised it above the other desert whistlestops. When they opened in 1911, the shops instantly awarded the city more than three hundred jobs.² A decade later, in 1921, when the Union Pacific took full control of Clark's line, Las Vegas at first suffered. Sixty men were cut from the shop payroll, but the Union Pacific's maintenance facilities still represented a significant portion of the town's employment. There were 2,304 people in Las Vegas in 1920, and the shop employees accounted for more than fifteen percent of the total population.³



The Union Pacific's Las Vegas shops are newly completed in this 1911 photo. (*UNLV Special Collections, Charles P. Squires Collection*)



The scope of the Union Pacific's shops and yards is evident in this early 1920s photograph of Las Vegas. The long white building perpendicular to the tracks is the main shop building, and the roundhouse is visible as a dark semicircle south of the shops. The Union Pacific's six-foot wooden fence around the shops can be seen angling south then southeast at the far left. (*UNLV Special Collections, Logan Collection*)

Railroads across the country were heavily unionized in 1922, and Las Vegas was no exception. In fact, some contemporary observers estimated that 90 percent of the town's adult male residents were members of various labor unions.⁴ The most powerful unions had been in existence for half a century, and represented the workers who actually ran the trains. These unions, whose members included the engineers, firemen, brakemen, and conductors, were commonly called the Big Four. In contrast, shop employees, who repaired and maintained railroad equipment, were mostly unionized just before or during World War I. This occurred during the pro-labor climate of the Woodrow Wilson administration that followed enactment of the 1914 Clayton Antitrust Act. That act declared labor unions not to be "combinations in restraint of trade" as defined by the 1890 Sherman Antitrust Act. The relative youth and political inexperience of these organizations contributed to their weakness in the face of a political showdown with railroad management and anti-labor forces in the Harding administration.⁵

During World War I, the transcontinental railroads had been nationalized by the federal government and were centrally coordinated by the United States Railroad Administration for maximum wartime efficiency. Under the mostly pro-labor policies of Wilson, the war years were generally prosperous ones for railroad workers, many of whom were unionized for the first time. Despite the favorable political climate, wages still did not keep pace with inflation. Out of a sense of patriotism, many labor leaders postponed negotiations over pay, fringe benefits, and other issues until after the government disbanded the Railroad Administration. A year after the Treaty of Versailles, Congress passed the Transportation Act of 1920 to simplify railroad regulation and untangle the railroads, whose rolling stock and property had become intermingled with that of other railroads during the period of wartime government control. To address the needs of employees, the act authorized creation of the Railroad Labor Board.⁶

With the change of administrations came a change in policy. After President Harding appointed more management-friendly businessmen to the Railroad Labor Board in 1921, the agency became more conservative and hostile to labor unions. It soon dissolved wartime labor agreements and called on individual railroads to negotiate with union executives for new wage scales. This action, followed by a 12 percent wage reduction several months later, sparked conflict between railroad labor and management nationwide. A strike that year was averted only after the companies made concessions to the Big Four unions. Other railroad employees were unable to prevent wage cuts; appeals to the Labor Board fell on deaf ears.⁷

These events demonstrated the growing hostility of Harding's agency toward organized labor, and union leadership braced itself for more confrontations. As the pro-labor *Las Vegas Review* reported in June 1922, "organized Labor is becoming more and more convinced that the United States Railway

Labor Board with its continuous six-to-three decisions is not carrying out the purpose for which it was created—namely, justice and equity for all.”⁸

In spring 1922, the Federated Shop Crafts national leaders anticipated approvals of further wage cuts. The leaders mailed a strike ballot in April, to have an affirmative strike vote ready to use if the need arose. They did not have long to wait. The union leaders’ prediction came true in June 1922 when the Labor Board approved wage cuts for all railroad workers except those covered by the Big Four.⁹

The rank-and-file shopmen were upset not only about wage cuts, but also about the “farming out” system, which allowed railroads to circumvent laws calling for minimum union wages. Managers of many of the transcontinentals, inspired by studies of scientific worker management, instituted the piecework system, whereby workers were paid according to their production, rather than their time. This prompted considerable protest from labor, since it amounted to both a wage cut and a threat to safety. Other railroads, though not the Union Pacific, also implemented the practice of contracting with other companies to do their shop work. These companies would lease the shops and tools from the railroad. Because the shop workers were thus employed, not by the railroad itself, but by these sham companies, the national legislation that guaranteed railroad workers’ wages or benefits did not apply.¹⁰

Nationally, union literature portrayed the transcontinental railroads as heartless corporate entities bent on destroying the forces of unionism by engaging in vendettas. In some cases, this was true. The Pennsylvania Railroad’s management, for instance, publicly rejected the idea of any accommodation with strikers, and went to great lengths not only to stop the strike, but to destroy the power of the shop workers’ unions. Other railroads also responded with overly harsh measures. However, the Chicago, Burlington, and Quincy Railroad management attributed the strike to union rabble-rousers rather than to the legitimate demands of their workers, because the company was convinced that it had treated its workers fairly before the strike.¹¹

Strikers in the West painted the Union Pacific in this same unfavorable light, perhaps unfairly. Like any corporation, the railroad sought to maximize its advantage wherever possible, and pursued a careful legal strategy to end the strike on its own terms. The Union Pacific operated under a presumption of power, not afraid to delay action to solidify its legal standing, choosing to prosecute only those cases that would receive positive rulings. The railroad certainly was not timid about exercising power, but was careful to use it with surgical precision.

At the same time, however, the Union Pacific’s strike management strategy was not the well-timed response of a ruthless machine. Elements of non-cooperative government, ill-timed communication, and a wildcat strike by the operating unions all disturbed the careful plans of the Union Pacific executives. Ultimately, the railroad prevailed, its assumption of power justified. However,

that ultimate victory was not always assured. The power of the unions in Las Vegas pushed the railroad closer to defeat than the strikers themselves recognized.

In Las Vegas, organized labor had been steadily gaining power since World War I, and the town's population was staunchly pro-union. Both in Nevada and nationally, the Labor Board's actions roused union supporters, who came to recognize that organized labor needed to flex its political muscle. To this end, union officials in Las Vegas formed the Big Sixteen, a political organization of the sixteen railroad labor organizations, in late 1921. Later, in April 1922, they helped union members up the line in Caliente form a similar group. In local, state, and federal elections, the Big Sixteen endorsed pro-labor candidates from both parties; United States Senator Key Pittman, for example, was a particular favorite, described in glowing tones by one doting editor as "unparalleled in the history of Nevada statesmanship."¹² The unions also formed alliances with the American Legion, with the Las Vegas post setting "the pace in the United States in officially endorsing Union Labor," and the Big Sixteen reciprocating by endorsing the American Legion.¹³ In places like Las Vegas, where the voting constituency was composed primarily of union members and their families, politicians willingly cooperated. Clark County's district attorney, Harley A. Harmon, even served as chair of the Las Vegas Big Sixteen.

The stage was thus set for a confrontation in 1922 that would literally split the community. When the call came from national leadership for shop workers to walk out at 10:00 a.m. on Saturday, July 1, the response was overwhelming. All 54 boilermakers, 27 blacksmiths, 63 carmen, 17 electricians, and 22 sheet metal workers in Las Vegas laid down their tools and walked out. Only one machinist stayed behind, as the other 122 walked out of the shops, thus earning that union the distinction of being the only Las Vegas shopmen's local without 100 percent participation. Evidently caught up in the excitement, track maintenance workers and storehouse laborers also walked out, even though no strike had been called for them. The 37 Japanese toiling for the Union Pacific in Las Vegas and an unknown number of Mexican workers walked out as well. This surprised the Anglo union members, who in April had suspected these minority employees of being retained by the Union Pacific to act as the core of a potential strikebreaking force.¹⁴

The walkout posed immediate consequences for Las Vegas. The Union Pacific provided electricity for the town from its generators in the shops. When the walkout occurred, strikers agreed to keep three switchboard operators and three firemen (who stoked the boilers) on the job, as long as strikebreakers could not use the power. The Union Pacific, however, imported strikebreakers almost immediately. This action prompted these men running the power plant to walk out as well. They left only one volunteer behind to run the plant. Unfortunately for Las Vegas, he fell asleep on the first night, and awakened to a shower of "electrical fireworks" as a burned-out bearing dropped into the

coil on a 200kW generator he was supposed to be watching. As a result, the railroad cut off power to the town, a move that the *Las Vegas Review* characterized as an effort to turn public opinion against the strikers. The outage cut telephone service as well, because the Consolidated Telephone Company also relied on Union Pacific power. The strikers scurried to restore service to the town. In the absence of the railroad's cooperation, all they could do was fix a generating plant that had been out of service since 1916. This provided electricity to portions of the town for up to two hours per day on a rotating basis.¹⁵

The first week of the strike was marked by worker optimism, spurred by the community's support for the strikers and by the almost complete walkout of the shopmen. After they were fired by the Union Pacific for refusing to do the work that would ordinarily have been performed by striking workers, C.E. Miller, L.H. Hilke, and John H. Lightfoot became heroes and only promoted the feeling of union solidarity. Lightfoot took the opportunity to file his candidacy for justice of the peace, and knew he could count on the votes of the striking workers. Reports of Mexican and Japanese workers walking out, alongside the shop employees they were supposed to be replacing were also cause for optimism. The *Las Vegas Review* reflected this early sense of elation when it published a front-page article with a Chicago by-line, which predicted that the strike would be over within two weeks, that "the railroads are ready to cry quits."¹⁶

The unions had reason to be optimistic. On July 6, Leo McNamee, the Union Pacific lawyer in Las Vegas, advised his supervisors about an attempt by strikers to storm the yards. They had been stopped, but McNamee was unhappy about the situation. In his telegram, he made a point of emphasizing that any legal action would have to be in federal courts, because all local authorities supported the strikers.¹⁷ The Las Vegas officials took this sensible position because the union members accounted for most of the voters in town. When McNamee suggested seeking federal, rather than local, governmental aid, he was responding in a way that was typical of big business. Corporations had learned in the late nineteenth century that federal action, whether it be a court injunction or a police action by troops or marshals, was usually preferable. Federal judges, who were not locally elected, were more likely to be sympathetic to employers' interests in the face of labor unrest, and even state authorities were usually judged to be better than their local counterparts. In Nevada, the 1907 strike in Goldfield by the Western Federation of Miners and the Industrial Workers of the World had illustrated both of these trends: Governor John Sparks injected a federal authority when he convinced President Theodore Roosevelt to send troops into Goldfield. Their presence not only crushed the Wobblies but also the wider union labor movement in the town. Under criticism from labor, Roosevelt regretted his actions and quickly pressed for a state police force to replace federal troops. This was accomplished in February of 1908.¹⁸



Leo A. McNamee, a Union Pacific lawyer in Las Vegas, decried the largely pro-union position of local officials and concluded that only federal action would solve the crisis. (*UNLV Special Collections, Elizabeth Harrington Collection*)

The Union Pacific did not aggressively pursue federal action at the start of the Las Vegas strike. A.S. Halsted, general solicitor for the Los Angeles and Salt Lake Railroad, conservatively managed the railroad's legal response in Las Vegas, Caliente, and other striking railroad towns along the Salt Lake route. Halsted responded to Leo McNamee's telegram on the same day, advising that in his opinion federal action was "inadvisable at present."¹⁹ The local authorities in Las Vegas proved remarkably evenhanded, despite groushings about bias in favor of the strikers. Leo McNamee wrote on July 8 to relate the bad news that the Las Vegas sheriff, Samuel Gay, had already appointed several strikers as deputy sheriffs. However, the sheriff also promised to deputize any qualified men that the railroad recommended. "I will say this for the Sheriff, he will do what he can to keep down violence," observed McNamee. The local magistrate was deemed worthy of McNamee's "sufficient confidence" when he told the railroad official that he would indeed issue an injunction against violent strikers, if the situation warranted it.²⁰

Frank McNamee, assistant general solicitor for Union Pacific, reporting from Caliente, was not so sanguine. He lamented to W.H. Comstock, the railroad's general manager, that as of July 9 there were "not sufficient grounds here as yet to procure federal injunction" since no overt acts had occurred in Caliente. Still, Frank McNamee felt exposed and telegraphed his colleague: "Very urgent that injunctive or other relief be furnished quickly as we are isolated and without adequate protection."²¹ E.E. Calvin, vice-president of the Union Pacific System, agreed from Salt Lake City with the need to secure an injunction against the strikers, noting that strikers were intimidating employees and that, as of July 10, three assaults had already occurred in Las Vegas. He too urged a federal injunction, but was cautioned by Halsted to ensure that the railroad had as strong a case as possible before proceeding to court, "as failure to secure injunction would be detrimental."²²

Halsted's insistence on strong evidence of overt acts prompted Comstock to relate several incidents that had already taken place, including the story of a boilermaker who had been "shanghied" in Las Vegas. Comstock also predicted that Halsted would soon have the overt act he wanted. The general manager was shipping a carload of Mexican strikebreakers into Caliente on July 11, and he expected violence. Frank McNamee reported from Caliente on July 10 that he was drawing up affidavits to cover picketing activity and intimidation by strikers and that he was prepared for the affidavits that would result from an attack on the Mexican strikebreakers the following day.²³ The attack never materialized, and Comstock reported on July 12 that the Mexicans had arrived safely and "everything quiet here."²⁴

Meanwhile, Union Pacific lawyers prepared affidavits about the incidents that had taken place thus far, mostly in Las Vegas, with the goal of securing a temporary restraining order from a federal judge in Carson City to severely limit picketing and other striking activity. The railroad cited threats made to strikebreakers, intimidation of new workers by strikers, and a generally

tense atmosphere as grounds for the restraining order. Railroad officials bemoaned the lack of action from Las Vegas city and county officials, who in the executives' eyes were not doing enough to protect the Union Pacific and its employees.

Halsted's office in Los Angeles had been busily preparing affidavits and attempting to find a judge to whom Fred E. Pettit, assistant general solicitor, could petition for a temporary restraining order in Nevada. Pettit made plans to leave Los Angeles on July 11, but talking to a United States district court judge did not prove to be as easy as it sounded. The sitting judge in Carson City, Judge Edward S. Farrington, left Carson City on July 1, and was not scheduled to return for three weeks, and his substitute, Judge Frank S. Dietrich, was to leave town on July 12. Pettit instead went to San Francisco to see if a judge would be willing to travel to Carson City, but none was available.²⁵

Pettit may have had all of the affidavits necessary to secure a federal temporary restraining order, if he could have found a judge, but in the meantime the Union Pacific executives had reconsidered seeking a restraining order. On July 11, Comstock suggested to Calvin that filing for an injunction be delayed until Calvin heard from Governor Emmet Boyle about his plans for the strike or until the strikers committed another overt act. Calvin agreed, and sent Pettit to San Francisco with the explicit understanding that he would not file for the injunction unless directed to do so.²⁶

They did not have long to wait. On the morning of July 12, fifty Las Vegas strikers met train No. 20. They boarded the train, dragged off six men who had been traveling to Las Vegas for work, and beat them up. In a case of mistaken identity, they also grabbed a traveling businessman and delayed his trip for several days. Comstock wired immediately to Pettit in San Francisco to proceed to Carson City and file for the temporary restraining order.²⁷ Comstock then boarded a train at Caliente for Las Vegas.

Overnight, probably after talking with Governor Boyle, Calvin changed his mind about the injunction and decided to let state authorities handle the problem first. He contacted Halsted and Comstock, ordering them not to file the affidavits for a temporary injunction. Comstock followed Calvin's telegraph with one of his own, reiterating the same instructions. Halsted frantically wired Pettit in northern Nevada, sending telegrams to the Western Union offices in Reno and Carson City, and also one care of the clerk of the United States district court.²⁸ After receiving no response, Halsted again telegraphed Pettit in Carson City to see if he had received Halsted's earlier telegrams. He also elaborated on the situation: "This change due to General Managers desire to afford state authorities opportunity to stop disturbances which they have agreed to do. Probability no action will be filed for day or two if at all."²⁹

By then it was too late. Judge Dietrich and Clerk E.O. Patterson had met Pettit in Reno at his insistence, and by 11:00 a.m. the temporary restraining order had been issued. One can imagine Pettit's shock when he stepped into

Reno's Western Union office to wire Halsted and Comstock about his triumph, only to find that he was not supposed to do what he had just accomplished. Pettit prefaced his remarks to Halsted by declaring, "No telegram here from you on my arrival." After describing the minor changes made in the terms of the temporary restraining order, he concluded with a reminder that "yours just received after order made."³⁰

The railroad executives had trapped themselves, and they could not back down now. Upon hearing of the outcome of Pettit's meeting in Reno, Halsted immediately wired Comstock and Calvin, and urged them to proceed with serving the injunction on the parties named in the complaint. He pointed out that the "order was issued at our special insistence. Feel we are not justified under circumstances in refusing to proceed with service."³¹ Calvin wired that the railroad should proceed with the legal action, and Pettit and Comstock were notified.³² Shortly thereafter, Comstock wired Calvin that he spoke further with the governor's representative in Las Vegas, Nevada State Police Inspector Dan Renear. The inspector suggested that "perhaps the governor would be glad to have the injunction issued," and encouraged the railroad leadership to proceed.³³ Renear's comment hints that in the conversation the previous night between Governor Boyle and Calvin, the railroad executives may have strong-armed the governor to get an agreement that the state would take care of the problem. An agreement of this nature would explain why the Union Pacific had a change of heart on the previous night.

Renear was correct in his assessment of the governor's reaction. Boyle saw the temporary restraining order as an ideal opportunity to avoid a potentially difficult situation. Since the injunction was a civil procedure, it did not require that state or local authorities become involved in the actions of the railroad or the strikers. According to the governor's logic, police had to take care only of criminal, not civil, violations. With a little legalistic tap dancing, Boyle had sidestepped the issue and removed the state from any responsibility in the strike. This prompted howls of protest from Union Pacific managers, who constantly reminded the governor and his supporters, such as United States attorney George Springmeyer and local law enforcement in Las Vegas, of the duty of the state and local law enforcement to prevent disorder and keep the peace.³⁴

State officials were not the only ones who had to be prodded into carrying out the court's order. The United States marshals had cooperated fully in serving defendants with the temporary restraining order and notice of injunction hearing that the railroad had received from the federal district court. However, the marshals were reluctant to act as a police force to protect the Union Pacific property. A series of frenzied telegrams from railroad officials regarding the need for deputy marshals to enforce the terms of the injunction and maintain law and order were sent to J. H. Fulmer, United States marshal in Carson City.³⁵ On July 20, Fulmer capitulated and agreed to send deputized men to southern Nevada to enforce the injunction. The first left for Las Vegas the following day.³⁶

Union Pacific officials carefully exercised legal options to stop the strike. Fred Pettit returned to Carson City and received a permanent injunction against the striking unions. Copies of the injunction, printed in large type, were posted throughout Las Vegas and Caliente, and certified copies were served by marshals to individuals explicitly named in the injunction. As a result, tensions briefly eased. It seemed that in the hot July sun, both sides had reached a sweaty, uneasy stalemate.

The temporary lull did not last long. As the strike continued and family savings began to run low, some men tried to force the issue. On July 24, strikers assaulted a foreman in Caliente in broad daylight while he was on his way to work. This incident confirmed Frank McNamee's views that the strike-breaking shopmen should have a cache of arms, in case trouble erupted. More violence followed. On August 3, several pro-union women accosted a Mrs. Andrews, the wife of a strikebreaker, as she took lunch to her husband at the Union Pacific yards. She escaped thanks to being "long on foot work," but not before she had pitched a quart of milk and several peaches at her assailants. The same day, pro-union men kidnapped Las Vegas trainmaster George Zentmyer, took him to the edge of town, where they liberally coated him with tar and excelsior, and left him to walk home.³⁷ When he heard of this incident, an outraged Governor Boyle offered a \$1,000 reward to anyone who discovered the identity of Zentmyer's assailants.

The *Las Vegas Review* reported that Zentmyer was willing to let the matter drop, but the Union Pacific pushed the case as a violation of the permanent injunction.³⁸ Frank McNamee traveled to Carson City shortly after Zentmyer's attack to attempt to secure a citation of contempt against the assailants. The trainmaster had been able to identify one man, who had already been served with the permanent injunction. McNamee, like Pettit, went to Carson City with instructions to wait; other railroad officials were investigating further in Las Vegas in hopes of discovering the identities of more of Zentmyer's attackers. This time, management was taking no chances. As an underlined memo to McNamee read, "Mr. Halsted asks that you take no actions whatever with reference to this affidavit until you hear from him."³⁹ Railroad officials chose not to pursue a citation against the attackers of Mrs. Andrews because it would have been too difficult to prove that her assailants knew of the injunction.⁴⁰ The reluctance of the railroad to act except when assured of success indicates management's decision to engage only in court battles it could win. The strategy was to project an aura of invincibility, by fighting only winnable cases and avoiding needless defeats in court.

The Union Pacific attempted to use the carrot strategy as well, and took an expedient step to ease relations between the strikers and itself. N.A. Williams, an employee who rose through the ranks and still carried his conductor's union card, was appointed general superintendent on August 9, and spoke to the strikers upon his arrival in Las Vegas. The pro-union press lauded this move,



N.A. Williams rose through the Union Pacific employee ranks to be appointed general superintendant in Las Vegas during the strike, where his reputation was crucial to ending a wildcat strike of the operating unions. (1939 photo) (*UNLV Special Collections, Union Pacific Railroad Collection*)

and Williams seemed to enjoy an unusual amount of popularity. "Local striking Shop Craftsmen were elated at hearing the news," reported the *Las Vegas Review*.⁴¹ This was in stark contrast to the attitude toward W.H. Comstock, Williams's ostensible predecessor.⁴²

Williams's appointment came at an opportune time. On the evening of August 11, railroad operating crews (members of the Big Four) declined to take a train out of Caliente because of defective equipment, and shortly thereafter other men refused to enter the yards so long as armed guards were employed.⁴³ The presence of armed guards, who were really more like thugs than security personnel, antagonized nonstriking railroad employees throughout the nation. This was especially true of the August 9 walkout of Big Four employees in Joliet, Illinois, after the death of several pickets shot by company guards. Within days, the walkout spread across the country, though not every railroad was affected by the wildcat strike of the operating unions.⁴⁴

A wildcat strike of the Big Four on the Union Pacific carried a real threat to the railroad company. The striking shopmen were maintenance laborers, whose efforts kept trains and rolling stock in working condition over time. Thus, a shopmen's strike would not have strained railroad operations severely until unaddressed maintenance needs piled up. A walkout of the Big Four, however, was much more immediately serious, because if the trains stopped moving, food supplies on board would spoil, and revenues cease.

The walkout of the operating brotherhoods at Caliente soon spread to the rest of the Salt Lake-Los Angeles route, as the Big Four struck at Las Vegas, Yermo, Barstow, and San Bernardino. Comstock went to Caliente immediately upon hearing of the walkout and negotiated an agreement with the Big Four to take stalled trains to their final destinations. In exchange, the railroad agreed that it would remove its armed guards from Caliente. The railroad also promised not to carry strikebreakers on those trains. Comstock then attached his private car to the westbound train, which had been forcibly parked in Caliente, his intent being to return to Las Vegas. When the train arrived at Las Vegas, however, the Big Four leaders reminded Comstock that detaching any cars from the train would be a violation of the agreement he had just made, so crews took him on to Los Angeles, "amid the booing of several hundred persons."⁴⁵

In the meantime, the crisis deepened, and railroad management responded quickly to prevent total paralysis. Williams traveled to San Bernardino on August 13, prompted by a complete walkout of Big Four personnel and reports of violence. After two days of successful negotiation with the operating personnel there, he traveled up the line seeking an agreement with their counterparts in Las Vegas. Williams had to negotiate a pact with the wildcat strikers in each city, because the strike was not coordinated nationwide by the Big Four leadership. He was helped by the national chairmen of two of the unions in the Big Four, the trainmen and the conductors, who traveled to Caliente to meet with Comstock before traveling to Las Vegas for a session with Williams.⁴⁶

Conflicting reports by Union Pacific management and state officials in Las Vegas led Governor Boyle to drive to Las Vegas to study the situation. He soon became personally involved in the conflict. On Sunday night, August 13, two striking workers entered the Union Pacific stockade to retrieve their work clothes, and were stopped by a railroad guard who fired his weapon in the air and ordered the strikers to throw up their hands. Other guards overzealously fired their guns as well. The sound of firearms from the railroad yards brought the townspeople running, and Governor Boyle, who was nearby, raced to the scene, where he met with Renear, district attorney Harley A. Harmon, and the United States marshals. They questioned the guards, who admitted to firing their weapons because they thought the strikers were about to scale the railroad's fences. Hours later, reports of strikers massed at the yard gate brought Renear and Boyle, who were inside the stockade after meeting with local officials, to investigate. Renear arrested seven men and confiscated two revolvers, one of which he handed to Governor Boyle. Sheriff Gay and the marshals then joined Boyle and Renear before arresting ten more men outside the gate. Before these strikers were disarmed, Salvadore Madrait drew a pistol and ordered Boyle to throw his hands up. Boyle pulled the revolver that he had been given moments before by Renear and disarmed Madrait. An alarmed Boyle immediately ordered state police officers to come to Las Vegas from Carson City to restore order.⁴⁷

Along with the rising tide of violence, Halsted was also concerned about dwindling food supplies in the Union Pacific stockade. With no trains moving to or from Las Vegas because of the Big Four walkout, the railroad could not supply the strikebreakers from its commissaries in Los Angeles. It was not possible to buy supplies from Las Vegas merchants, since they unanimously supported the unions. As food ran low, management grew anxious. On Monday, August 14, Comstock wired Halsted, warning that supplies were only "sufficient to last until Wednesday evening."⁴⁸ Plans were drawn to send food to the shops in Las Vegas by offloading it onto trucks at Lund, Utah, or Saint Thomas, Nevada, and shipping it overland to the city. Three trucks, accompanied by a state police escort, were supposed to make the trip, but the escort was late getting started, and the railroad agents had a difficult time finding enough drivers willing to haul food to the strikebreakers. As an emergency measure, Halsted confiscated the cargoes of several boxcars on a siding in the Las Vegas railroad yards. One car held butter, another fruit, one was a refrigerated car full of beef, and others held flour and corn. These supplies were brought inside the stockade, the protective fence the railroad had erected around the yards in Las Vegas to keep out strikers, but Comstock made it clear that the foodstuffs were for emergency use only.⁴⁹

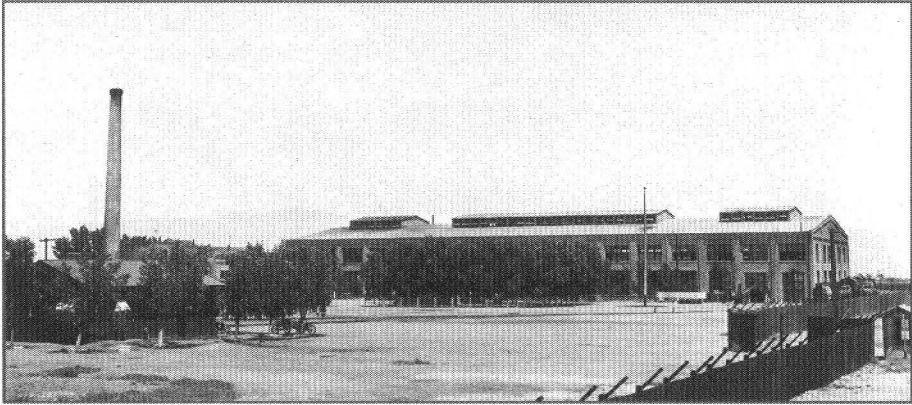
Williams's negotiations with the Big Four bore fruit on August 17, when the operating brotherhoods at Las Vegas consented to move the trains again, thus removing the last barrier to restoring service between Los Angeles and Salt

Lake City. The respect of the operating crews for Williams was evident, as the trains were running within twenty-four hours of his arrival in Las Vegas.⁵⁰ The national leadership of the operating unions had also helped resolve the wildcat strike. The president of the Order of Railway Conductors instructed local leaders on August 12 that railroad guards must be tolerated as long as "conditions are not so unsafe as to jeopardize their lives."⁵¹ With the resolution of the wildcat strike of the Big Four, the Las Vegas shopmen lost the best chance they had of bringing the strike to a successful conclusion, because stopping the trains, depriving strikebreakers of supplies, and drying up Union Pacific revenues were vital to the shopmen's ability to bargain from a position of power.

The Union Pacific also acted to deflect public animosity away from the railroad and toward the union and thus diminish community support for the strikers. On August 18, Governor Boyle met in Las Vegas with Williams, Halsted, and Frank McNamee. Boyle reported that he had canvassed the community, and noted much bitterness toward the railroad on the part of the strikers and the community at large. The threat of removal of the Union Pacific shops had been used by railroad officials many times, from 1909 when Senator Clark owned the company until the strikes in 1922, to splinter community solidarity and force Las Vegas officials to comply with the railroad's wishes. The governor suggested that a denial of such plans and a statement of support for Las Vegas by the railroad would go a long way toward easing tensions and promoting good will in the community.⁵² Calvin composed a telegram emphatically rejecting any intentions of moving the shops. In its August 25 issue, the *Las Vegas Review* printed Calvin's statement in its entirety in type ordinarily reserved for headlines. Calvin garnered a lot of positive publicity with his gesture, even in the columns of the usually negative *Review*. Undoubtedly, Calvin's reassuring statement helped erode some of the community support that the striking shopmen had enjoyed.

Some shop employees began returning to work, encouraged by local railroad executives. Walter Bracken, head of the water company in Las Vegas and a special agent of the Union Pacific's president, and other top executives persuaded many minority workers to return to the shops. Within a few days, the Japanese railroad workers, lauded in the initial days for refusing to be strikebreakers and walking out along with the shopmen, became among the first to return. Jubilant managers then pressured other ethnic minorities. On July 26, Bracken related to Calvin that "the Japs all returned to work and Mr. Comstock and I are working on the colored shop men today, and I hope can induce them to return to work."⁵⁴ That the Japanese shop assistants would return to work is not very surprising, considering that they had lost not only their jobs when they struck, but also the heavily subsidized housing the company had given them next to the yards.

On the national front, the railroads gained a sweeping injunction against strike activity on September 1, issued by a federal judge in Chicago at the



The smokestack from the Union Pacific's powerhouse stands to the left of the shop building in this photograph. Note the fence and guard post at far right. (UNLV Special Collections, Sunnie Gillette Collection)

behest of President Harding's anti-union attorney general, Harry M. Daugherty. This injunction, which had little effect upon Las Vegas because of the injunction already in place there, contributed mightily to the demoralization of strikers nationwide; they were frustrated that the sweeping power of the federal government was being used against them despite their patriotic efforts to move the trains and supply troops without wage increases to counter inflation during World War I. At the same time, the workers also knew that they would not be given a fair hearing if the railroads consented to mediation.⁵⁵

These events led to the disintegration of the national organization of the shopmen's unions. The Railway Employees Division of the American Federation of Labor, the unit in charge of united strike activity, squandered thousands of dollars from its treasury in a vain effort to fight the injunction. Weakened by the unsuccessful legal battle, it attempted to get what it could, by entering into a separate pact with a few of the transcontinentals, including the Baltimore and Ohio Railroad, on September 12, 1922. Settlement of a portion of the strike further disheartened those workers who were not covered by the agreement, and left them feeling abandoned, particularly because the Railway Employees Division settled for considerably less than the shop craft union leadership had originally wanted.⁵⁶ The Union Pacific, however, did not sign, and the strike continued. But the workers had lost considerable leverage in the process.

With union members on the ropes, Union Pacific's management cleverly lured more strikers back to work by addressing the very issue that initially drove them to strike. Effective September 18, 1922, Comstock increased the wages paid to shop employees all along the line by amounts ranging from two to fifteen cents per hour above the rates fixed by the Railroad Labor Board. Some observers pointed out that this simply proved that the shopmen were right in

striking for a living wage in the first place.⁵⁷ Nevertheless, the railroad's move further eroded the solidarity of the unions on strike.

A sign of the crumbling level of local support for the strike came when the unions lost their only newspaper ally. Beginning with the October 6 issue of the *Las Vegas Review*, the staunchly pro-union editor, T. S. Trebell, was replaced by John H. Lightfoot. Lightfoot held initial promise as a pro-labor editor, as he had been discharged from the railroad when he refused to perform the duties of striking workers. For this, he had been lauded in the press, and his later candidacy for justice of the peace won the approval of Las Vegas's mostly pro-labor electorate. However, once Lightfoot became editor, he changed the focus of the paper from the championing of class issues to the promotion of Las Vegas. In general, Lightfoot portrayed the strike as a black stain on an otherwise marvelous town, and he worried that a pro-union, violent reputation in this staunchly conservative decade was limiting Las Vegas tourism. Other columns suggested that, once defeated in the courts and, more important, in the court of public opinion, the remaining strikers should concede, return to work, and allow residents to get back to the important task of boosting the city.⁵⁸

Hobbled by the injunction, hounded by the courts, and no longer assured of victory, most of the striking shopmen went back to work by the early fall. But lingering bitterness fueled tensions within the community for months. Editorials chastising parents for teaching their offspring to be mean to the children of strikebreakers ran in several newspaper editions in late 1922.⁵⁹ The strike hung on like a bad cold, so much so that other historians have written that it never came to a formal end.⁶⁰ The final vote among the shop craft unions, which were now mere shells of their former selves, took place during August 1923, and a formal announcement of the strike's end was made in October.

The triumphant Union Pacific had vanquished the shopmen's unions, and then it sought revenge on the town. After the strike, railroad executives, still smarting from the anti-union behavior of Sheriff Gay, other public officials, and town residents, reneged on their earlier promise and moved their main repair shops to Caliente, which cost Las Vegas hundreds of jobs and even reduced its population.⁶¹ The railroad's decision to offset this action by expanding the Las Vegas stockyards hardly contributed to the town's efforts to attract tourists. While much of urban America prospered during the roaring twenties, Las Vegas drifted into a period of stagnation occasioned by the loss of its shops and the union's disintegration. Ironically, as America slid into the Great Depression after the stock market crash of 1929, Senator Clark's desert whistlestop was roused from its slumber by the passage of the Boulder Canyon Act. Over the next few years, the construction of Hoover Dam and Nevada's 1931 relegalization of casino gambling spawned a renaissance of growth, railroad prosperity, and, oddly enough, union activism.

NOTES

¹For an excellent discussion of the size of railroad shops, the equipment they contained, and the sorts of work done in them, see Cohn J. Davis, *Power at Odds: The 1922 National Railroad Shopmen's Strike* (Urbana: University of Illinois Press, 1997), 11-25.

²David F. Myrick, *The Railroads of Nevada and Eastern California: Volume 2, the Southern Roads* (Berkeley: Howell-North Books, 1963) notes that more than 400 men were eventually expected to be employed in the shops; 306 workers walked out on July 1, 1922, not including the Japanese and Mexican workers. Myrick, 662; *Las Vegas Review*, 7 July 1922, p. 1.

³Phillip I. Earl and Guy Louis Rocha, "The National Railroad Strike of 1922 and the Decline of Organized Labor in Nevada," *Journal of the West*, 25 (April 1986), 44-51. For 1920 census figure, see Florence Lee Jones and John F. Cahlan, *Water: A History of Las Vegas* (Las Vegas: Las Vegas Valley Water District, 1975), 55. On the day of the strike 306 shopmen walked out, plus the 60 that the railroad fired in 1921 ($366/2304 = .1589$), or 15.9 percent.

⁴*Las Vegas Review*, 21 April 1922, p. 3.

⁵Irving Bernstein, *The Lean Years: A History of the American Worker, 1920-1933* (Boston: Houghton Mifflin, 1960); Davis, *Power at Odds*, 1-2.

⁶For background on the United States Railroad Administration, the Transportation Act of 1920, and the formation of the Railroad Labor Board, see Maury Klein, *Union Pacific: The Rebirth 1894-1969* (New York: Doubleday, 1989), 227-30, 236, 240.

⁷Davis, *Power at Odds*, 57.

⁸*Las Vegas Review*, 3 June 1922, p. 1. This issue is mis-dated as 1923 on the front page masthead, but is dated correctly on the other pages.

⁹Davis, *Power at Odds*, 60-62.

¹⁰*Ibid.*, 23-25.

¹¹James Rourke Flynn, "The Railroad Shopmen's Strike of 1922 on the Industry, Company, and Community Levels" (Ph.D diss., Northern Illinois University, 1993).

¹²*Las Vegas Review*, 21 April 1922, p. 1; 19 March 1922, p. 1.

¹³*Ibid.*, 9 June 1922, p. 1.

¹⁴For walkout totals, see *Las Vegas Review*, 7 July 1922, p. 1; for anti-Japanese sentiment, see *Las Vegas Review*, 28 April 1922, p. 1; also see "Japs Refuse To Scab on Local Shopmen," *Las Vegas Review*, 14 July 1922, p. 1.

¹⁵*Las Vegas Review*, 7 July 1922, p. 1; Earl and Rocha, "National Railroad Strike," 46.

¹⁶*Las Vegas Review*, 7 July 1922, p. 1.

¹⁷Leo McNamee telegram to A.S. Halsted and Frank McNamee, 6 July 1922, Folder 10-[2], Box B1, Law Department, Union Pacific Railroad Collection, University of Nevada, Las Vegas, Special Collections. References are to this folder and collection unless otherwise noted.

¹⁸Sally Zanjani, *Goldfield: The Last Gold Rush on the Western Frontier* (Athens, Ohio: Swallow Press, 1992); Russell R. Elliott, *Nevada's Twentieth-Century Mining Boom, Tonopah, Goldfield, Ely* (Reno: University of Nevada Press, 1966), 103-152.

¹⁹Halsted telegram to Leo McNamee, 6 July 1922.

²⁰Leo McNamee to Halsted, cc: Frank McNamee, 8 July 1922.

²¹Frank McNamee telegram to W.H. Comstock, 9 July 1922.

²²Comstock telegram to Halsted, E.E. Calvin, 10 July 1922; Halsted telegram to Comstock, 10 July 1922.

²³Comstock telegram to Halsted, 10 July 1922; Frank McNamee to Comstock, Halsted, and C.P. Smith, 10 July 1922.

²⁴Comstock telegram to Calvin, cc: Halsted, Smith, 11 July 1922.

²⁵Telegram exchange between Halsted and E.O. Patterson, U.S. district court clerk in Carson City, 11 July 1922; Halsted telegram to Comstock, 11 July 1922; Halsted telegram to Fred E. Pettit in San Francisco, 12 July 1922.

²⁶Comstock telegram to Calvin, cc: Halsted, Smith, 12 July 1922; Calvin telegram to Comstock, 11 July 1922; Halsted telegram to Comstock, 12 July 1922; Halsted telegram to Pettit, 12 July 1922.

²⁷Comstock telegram to Halsted, Smith, 12 July 1922; Pettit in San Francisco telegram to Halsted, 12 July 1922.

²⁸Smith telegram to Comstock, cc: Calvin, 13 July 1922; Halsted telegram to Pettit c/o Western Union, Carson City, 13 July 1922; Halsted telegram to Pettit c/o Western Union, Reno, 13 July 1922; Halsted telegram to Pettit c/o Patterson, Carson City, 13 July 1922.

²⁹Halsted telegram to Pettit c/o Western Union, Carson City, 13 July 1922.

³⁰Pettit telegram to Halsted, Comstock, 13 July 1922.

³¹Halsted telegram to Comstock, cc: Calvin, 13 July 1922.

³²Calvin telegram to Smith, Comstock, 13 July 1922; Calvin telegram to Halsted, Smith, Comstock, 13 July 1922; Halsted telegram to Pettit in Carson City, 13 July 1922.

³³Comstock telegram to Halsted, cc: Smith, 13 July 1922.

³⁴Pettit telegram to Comstock, Halsted, 13 July 1922; Pettit telegram to Comstock, Halsted, 14 July 1922; Halsted telegram to Pettit, cc: Comstock, Frank McNamee, 18 July 1922.

³⁵Pettit telegram to Halsted, 18 July 1922; Smith telegram to Comstock, cc: Calvin, 19 July 1922; Pettit telegram to J.H. Fulmer, 19 July 1922; Halsted telegram to Fulmer, 20 July 1922.

³⁶J.H. Fulmer telegram to Halsted, 20 July 1922; Fulmer telegram to Halsted, 21 July 1922.

³⁷The name appears as "Zentmyer" and "Zentmeyer" in approximately equal numbers; I will use the first spelling.

³⁸*Las Vegas Review*, 4 August 1922, p. 1.

³⁹Halsted (writing in the third person) to Frank McNamee, c/o E.O. Patterson, Carson City, 5 August 1922.

⁴⁰Halsted to Frank McNamee in Carson City, 7 August 1922.

⁴¹*Las Vegas Review*, 11 August 1922, p. 1.

⁴²Williams did not actually replace Comstock, although the community seemed to think so—he took over Comstock's duties and held a similar job title and level of responsibility, while Comstock was temporarily reassigned elsewhere. Comstock's presence was often considered to have done more harm than good.

⁴³*Las Vegas Review*, 18 August 1922, p. 3.

⁴⁴Davis, *Power at Odds*, 112-113.

⁴⁵*Las Vegas Review*, 18 August 1922, p. 3.

⁴⁶See *ibid.*, p. 1 for the Big Four negotiations; *Las Vegas Review*, 11 August 1922, p. 1.

⁴⁷*Las Vegas Review*, 18 August 1922, pp. 1,3; Earl and Rocha, "National Railroad Strike," 48.

⁴⁸Comstock telegram to Halsted, 14 August 1922.

⁴⁹Comstock telegram to Halsted, 19 August 1922; Smith telegram to Halsted, 12 August 1922; Comstock telegram to Halsted, 14 August 1922; Halsted telegram to Calvin, 14 August 1922; Comstock telegrams to Halsted, 15 August 1922; Comstock telegrams to A. Maguire, 16 August 1922.

⁵⁰*Las Vegas Review*, 25 August 1922, p. 1.

⁵¹WHC telegram to C.M. Hoffman, cc: Halsted, relating contents of telegram from Order of Railway Conductors President Sheppard to Calvin, 12 August 1922.

⁵²Halsted telegram to Calvin, relating conference with governor, 18 August 1922.

⁵³*Las Vegas Review*, 25 August 1922, p. 1.

⁵⁴Walter R. Bracken to Calvin, 26 July 1922, File R-3 1, Walter R. Bracken files, Las Vegas Land and Water Company, Union Pacific Railroad Collection, University of Nevada, Las Vegas, Special Collections.

⁵⁵Davis, *Power at Odds*, 128-32.

⁵⁶*Ibid.*, 133-47.

⁵⁷*Las Vegas Review*, 8 July 1922, p. 3.

⁵⁸*Ibid.*, 1 December 1922, p. 4; 22 December 1922, p. 3.

⁵⁹*Ibid.*, 22 December 1922, p. 3; 29 December 1922, p. 3.

⁶⁰Earl and Rocha, "National Railway Strike," 50.

⁶¹Jones and Cahlan, *Water*, 58.

The 1873 Fire at Hamilton, Nevada

Finding the Culprit

JOHN P. MARSCHALL

Fire often struck the combustible, crowded wood-frame buildings of Nevada's mining towns. It brought disaster and hardships to such a degree that townspeople reflexively sought explanation by blame and punishment. Studies of reactions to disasters suggest that placing blame yielded a cause and relieved a community of helplessness in the face of disaster. The process restored control, power, and safety, and could result in a miscarriage of justice.¹

A blaze that produced major damage beyond the confines of the structure in which it originated was cause for an almost maniacal desire to punish someone. The passion was intensified by the fact that so few alleged arsonists were brought to justice. Many who suffered losses in the fires were unwilling to admit that a substantial conflagration could be accidental. In Nevada, the case of one Alexander Cohn and his 1873 arson conviction during the waning years of the White Pine County silver boom that centered around Treasure Hill and Hamilton may be a glaring example of a town's need to seize upon a scapegoat for its losses and misery. In a review of this case, Cohn's conviction also raises questions about possible antisemitism in a small, transient mining town of the American West.²

The ever-present summer and fall winds in arid Nevada could turn a brush fire or a tipped kerosene lamp into a monumental inferno. Newspapers carried stories of fires in towns nearby and as far away as New York City. Invariably after a fire of any size, citizens were urged to exercise greater caution with live embers and flammable materials. Stovepipes touching wooden roofs were a

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common source of combustion. In every reported case of fire, whether in a pile of oily rags or in a mine shaft, suspicions arose about the cause—intentional arson, criminal neglect, accident, or plain stupidity. Although most of the fires in Nevada mining towns were accidental, there were at least five arson-related fires in each of Virginia City's first twenty years. Some were presumed to have been set by burglars to distract the authorities; others may have been set for reasons of personal revenge or to obtain an insurance settlement. Although few perpetrators were brought to justice, the smell of oil in a fire was enough to convince some that a blaze was the work of an incendiary. Coal oil found on a man's clothing after a fire was enough to render him suspect.³

This was the case of William Willis, who was arrested in the investigation of three fires at Virginia City early in 1871. Within a day of his incarceration, armed vigilantes spirited Willis away from the jail and brought him to a charred beam in Piper's Opera House. A noose was placed over the beam and around Willis's neck. He quickly confessed to having set several fires and implicated others who were members of the local fire department. One of the accused was Arthur Perkins Heffernan, who was then in jail for the suspected murder of William Smith at a local saloon. Willis was returned to his cell, but later a vigilante group stormed the jail, apprehended Heffernan, and summarily hanged him at an old mining site. Although the local judge valiantly railed against vigilantism, a grand jury indicted none of the alleged participants. Willis's guilty plea drew him a sentence of twenty-one years for arson in the first degree. His attempted escape in 1872 added to the sentence, but he was pardoned in 1879.⁴ During the period 1864 to 1879 only five suspected arsonists were tried, convicted, and sentenced to Nevada State Prison, and William Willis was the only prisoner who served time for arson in the first degree. The remainder were convicted of second-degree arson, *viz.*, the malicious setting of fire to one's own home or place of business. No one was serving time for arson at the Nevada State Prison in 1880, in spite of hundreds of fires reported throughout the state during the previous fifteen years. Those fires of unknown origin were routinely attributed by newspapers to the "rascals," "idlers," "youths," and "mischief makers" who eluded detection. Two hundred and fifty miles east of the prison, the local newspaper of booming Hamilton recommended that "any of these scoundrels being detected in their nefarious designs, . . . should be treated to an overdose of lead."⁵ This epitomized the popular statewide sentiment concerning the disposition of discovered arsonists.

Hamilton, Nevada—"made up chiefly of old Comstockers"—in the late 1860s was the center of a rich but short-lived strike of silver-lead in the White Pine Mountains about forty miles southeast of Eureka.⁶ It became the seat of White Pine County in its boom days of 1868, when the newspapers wildly exaggerated its population as being nearly twenty thousand. An 1870 list of Hamilton's 2,400 registered voters included thirty-five Jewish males—all of whom were merchants with some mining interests. One of these was twenty-seven-year-



Hamilton, Nevada in the late 1860s was the center of a rich but short-lived strike of silver-lead. (*Nevada Historical Society*)

old Alexander Cohn, who, in 1873, was brother and partner in the tobacco and cigar store of Morris Cohn and Brother on Main Street.⁷ Business had been better. Hamilton's best annual ore production was \$2,137,801 in 1870, but it dropped steadily thereafter, as had its population. In fact, Jacob Cohn and Brother Clothiers was selling out, closing its doors, and promising to vacate the property by the Fourth of July, 1873.⁸

In bad times as in good, the town was making elaborate preparations for the Independence Day festivities, which included the 1873 annual Firemen's Ball. The gala's invitation committee included Jacob, Morris, and Alexander Cohn. They were among the twenty-one merchants, attorneys, and other professionals deemed by the firemen to be influential in the advancement of ticket sales. Included in this group was Frederick Cole, an attorney who would later play an important role in Alex Cohn's defense.

Hamilton had experienced several small fires resulting in damages ranging from \$200 to \$5,000. Consequently, elaborate precautions had been taken to provide an adequate water supply with which to avert a future disaster. The White Pine Water Company had responsibility for providing water to the local fire companies of Hamilton and nearby Treasure Hill. Prudent and prosperous merchants built "fire-proof" brick structures. One of these was Jacob Cohn, who had \$18,000 of insurance coverage on a retail inventory valued at \$33,000. Morris and Alexander Cohn's cigar and tobacco store had an inventory of \$3,000. Lawyers would later address whether or not it was properly insured.⁹

The *White Pine Daily News* reported that at 5:30 a.m., June 27, 1873, a fire broke out "near the store of M. Cohen [*sic*] & Bro. on Main street." A telegraphic dispatch from Hamilton to regional newspapers stated that a "strong

southerly wind" quickly spread the flames to both sides of the street. The fire was never under control. According to an eyewitness "substantiated by the evidence of nearly every man, woman and child in Hamilton," the White Pine Water Company was negligent in providing water to douse the flames. Within an hour the firehouse itself had burned down, and not a drop of water had yet been applied to the fire. Half-dressed women and children were seen running in all directions. As flames moved from roof to roof, the merchants attempted to save their inventories. Water finally was forthcoming after two hours, but by then the entire business district from the Withington Building on the south to the Smokey Mill on the north had been reduced to ashes. Within hours after the flames had subsided, however, the saloonkeepers had moved their saved stock and were open for business "in the primitive style of '49."¹⁰

The loss in personal property at Hamilton was estimated to be in excess of one hundred thousand dollars, and the real estate loss was computed at more than a half million. The only major injury was sustained by Logan Birch, "a very respectable colored man," who—after the flames had subsided—revisited his workplace and fell, breaking a leg, which had to be amputated. There were many less serious casualties and no reported loss of life. In spite of the devastation, most of the leading merchants were selling merchandise out of their homes and planning to rebuild. Rumors were rampant that the fire was the work of arsonists. In less than two weeks, the White Pine County Grand Jury was interviewing suspects.¹¹

The newspaper account distinguished between the suspected arsonists on the one hand and the agents and managers of the White Pine Water Company, who "were culpably negligent," on the other. There was an unsubstantiated allegation that sometime during the night the water had been turned off at the edge of town, thus permitting the uncontrolled spread of the blaze. Understandably, angry individual victims as well as insurance companies wanted the facts and speedy justice. The *White Pine Daily News* considered itself the people's tribune when it editorialized that if the accused parties were to be found guilty, it was "certainly the wish of all good citizens that they may receive the fullest punishment known to the law."¹²

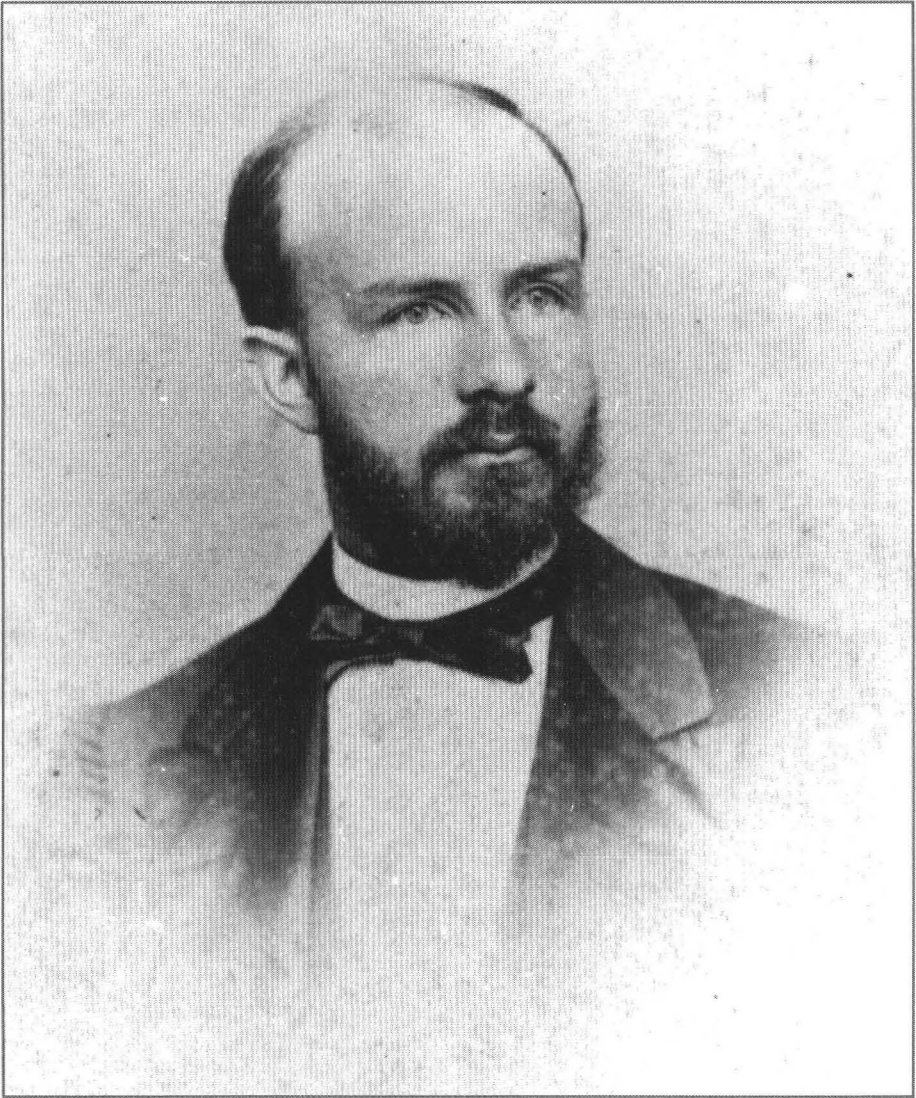
By July 12 the grand jury found sufficient evidence to issue a warrant for the arrest of Alexander Cohn. The empaneled group had just completed its term and Cohn's case was to be reviewed further by the next appointed grand jury. Meanwhile, authorities apprehended Cohn without incident and the district court set bail at \$3,000. Among the six men putting up bonds for Cohn were Reinhold Sadler (future governor of the state, 1896-1903) and M. Ballenberg, a member of the first grand jury. Cohn was free on bail until August 9, when one of the six bondsmen withdrew his portion of the bail, and Cohn was then "locked up in default of the necessary amount."¹³ It was not until October 7 that the second grand jury was impaneled. Based on a post-trial appeal and later petitions in support of Cohn, it is likely that the delay was the result of bias chal-

lenges against grand jury members and potential trial jurors.¹⁴

According to the state law enacted in March of 1873, a judge had the discretion of exempting from jury duty anyone whose residence was distant such that he could not be "conveniently summoned" by the sheriff. Because many potential jurors had left town after the fire, the sheriff would have been hard pressed financially to pursue jurors in neighboring Eureka or in outlying mining camps. In addition, the law allowed payment of three dollars per day for jury duty plus travel compensation at the rate of fifteen cents per mile. If there were insufficient funds in the Jury Fund, jurors were to be paid out of the County Treasury—but only after all claims against the latter were satisfied. In view of demands to rebuild public facilities, jurors had no assurance of receiving any payment for their services.¹⁵ If the presiding judge, William Beatty, had attempted to find jurors who were unbiased in the Cohn case, he would have had to search outside of Hamilton. Because of the inconvenience, outsiders would have willingly paid the required twenty-five dollars for exemption from jury duty, while many Hamilton citizens would have begged to serve on this particular jury. The 1873 law allowed Judge Beatty to restrict jury selection to within a fifteen-mile radius of the trial site.

The circumstantial evidence in the case "tended to prove" that a fire "more fierce and sudden than natural cause would ordinarily produce, attended by a volume of very black smoke and a pronounced smell of coal oil" broke out in a room of Alexander Cohn's store "where he alone was sleeping." The fire destroyed his store and the adjacent home of Andrew Jackson, who had been sitting on the grand jury that brought the indictment. During the trial, Alexander Cohn freely spoke in his own defense and was subjected to cross examination. The fact was established that "there was a fire at a certain place, under certain surroundings, with [Cohn] present at its inception." Because Cohn consistently denied any complicity or wrongdoing, the prosecution next attempted to establish a motive.¹⁶

The district attorney brought to the stand Alex's brother, Morris Cohn, who testified that the inventory was insured under three policies "for \$3,000 in each of the 'Commercial Union,' 'Fireman's Fund,' and 'State Investment' insurance companies." These policies were in the hands of the Cohn brothers' San Francisco creditors. Whether the total amount of insurance was \$3,000 or three times that amount and whether the policies were still valid at the time of the trial were issues ruled moot by the judge. The prosecution now merely attempted to prove that Alex Cohn *believed* the stock to be insured. This was established with the defendant himself as a witness for the prosecution! The trial then turned to the examination of witnesses as well as testimony from Cohn himself about anything he might have said in the past connecting fire to insurance indemnification. The prosecution claimed (and the jury agreed) that there was evidence "tending to show acts and language . . . before and after the fire" which were deemed "suspicious." Having established that Cohn was at the scene of the



William Beatty was the presiding judge in the Cohn case. (*Nevada Historical Society*)

fire's inception, using suspicious language and believing the property to be insured, the prosecution convinced the jury that the amount of insurance was well beyond the true value of the inventory. The insurance documents themselves were never brought into evidence.¹⁷

The trial dragged on: It was not until October 23, 1873, that Alexander Cohn was convicted of arson in the second degree and sentenced by Judge William H. Beatty to seven years in the Nevada State Prison. All the jurors were persons who had suffered in the terrible fire. Cohn never wavered in his protestation of innocence. "He wept like a child upon hearing his sentence," reported the *Pioche Daily Record*.¹⁸ Judge Beatty, himself, was widely known to have been influential in passage of the 1873 jury-selection law, which aimed to simplify the empaneling of juries in poor and sparsely inhabited counties. One editor likened the "accursed jury law" to an illegitimate child "born on the bench" of Judge Beatty.¹⁹ Alex Cohn's attorney requested a new trial based on grounds of jury bias and of indicting Cohn on the basis of one statute and trying him under another concerning insurance fraud. Judge Beatty denied the request, and Cohn was off to prison in Carson City.

Detailed accounts of the trial have not been preserved, and the trial records themselves were destroyed in 1893 after the district court had moved to Ely. However, an 1881 chronicler reported that some local residents believed the rumor that Cohn had "turned the stop cock in the main [water] pipe, near the edge of the town, shutting off nearly all the water."²⁰ Such a rumor—if validated by a conviction—would have exonerated the White Pine Water Company of any negligent act. There were those who had wanted to hang Cohn straight away—once they believed the act to have been premeditated. The *Reese River Reveille* editorialized the day after the trial that the evidence against Cohn was "entirely circumstantial." The writer left further room for doubt about the justice of the verdict when he observed that if the evidence were truly "conclusive," Judge Beatty had shown "unusual leniency." The sentence of seven years was too little if he was guilty and "if innocent, too much."²¹ The day after Cohn's sentencing an editorial in the *Eureka Daily Sentinel* judged that "two-thirds of all the fires which occur on the Pacific coast are due to the carelessness of Chinamen." Consistent with local prejudices, the paper recommended that the Eureka town government require that all Chinese, with their businesses, be removed to a remote ravine "where they can burn their shanties, and themselves too . . . as much and as often as they feel like it." Fear of fire produced an agitation that could spawn this puerile level of journalistic opinion.²²

The Nevada State Prison itself had been in turmoil for more than a year before Cohn arrived in October of 1873. According to Nevada state law, the lieutenant governor was ex officio warden of the state prison. Elected officials, however, did not uniformly possess the fiscal and personnel skills required to run a prison, which the legislature wanted to keep on a lean budget while maintaining maximum security. Under pressure to cut costs, the wardens had found

ways to commute prison time in exchange for good behavior. A prisoner could earn up to five days each month of commuted time by avoiding any misconduct. The wardens also required prisoners to engage in work beneficial to the state. During the wardenship of Lieutenant Governor Frank Denver (1868-72), prisoners were put to hard labor quarrying stone for the state capitol and other buildings. In spite of the incentives for good behavior, two major prison breaks occurred in 1870 and 1871—resulting in the wounding of Denver and several guards. In the last of these breaks more than twenty-nine men (about one fourth of the prison population) escaped into the hills around Carson City and were eventually killed while fleeing or returned to prison for execution or extended sentences. Turmoil and fiscal difficulties precipitated a change in how wardens were to be selected.²³

The 1873 legislature enacted a law providing that the warden be appointed by the Board of Prison Commissioners, composed of the governor, attorney general and secretary of state. Accordingly, on March 12, 1873, the commission chose the former mayor of Hamilton, P.C. Hyman, as temporary warden pending his formal installation. Because of a conflicting interpretation of the new law, Warden Denver refused to allow Hyman, Governor L. R. Bradley, or the Board of Prison Commissioners to gain entrance to the prison. The Governor thereupon ordered an armed force of sixty National Guardsmen and others under General Jacob L. Van Bokkelen to proceed, with a piece of heavy artillery, to install the new warden. The prisoners doubtless enjoyed the confrontation. Denver responded to the storming of his "Bastille" by capitulating in the face of superior force. "If I should stand by my rights by meeting force with force," he is reported as stating, "innocent blood might be shed, and the convicts escape, I hereby surrender."²⁴ Soon thereafter, Warden Hyman announced the establishment of a boot and shoe factory within the prison to help pay prison expenses. Alexander Cohn was put to work in the facility shortly after his arrival in October of 1873.

After the denial of a new trial by Judge Beatty, those supporting Cohn's innocence organized an appeal to the Nevada Supreme Court. Thomas H. Wells, former district attorney for Ormsby County, assisted by Carson City attorney W. F. Anderson, were Cohn's spokesmen. The supreme court heard the case expeditiously in January of 1874. The defense attorneys claimed that the verdict in the case was biased because the trial jurors and at least two members of the grand jury were all victims of the fire. They argued that the allegation of Cohn being over insured was never verified by looking at the policies themselves, and that the prosecution's use of Cohn as a witness against himself was an illegal procedure. Their final argument was that the circumstantial evidence of Cohn's presence at the fire site should not be conjoined with the possibility of a motive based on insurance reimbursement. Attorney General Luther A. Buckner made his case against all of the defense's objections, and the high court sustained the district court's conviction.²⁵

In the few months after his lost appeal in the supreme court, Cohn was disciplined with a night in the "dungeon" for fighting with another inmate. He lost ten days of credit for playing cards "in violation of prison rules" and forfeited another five days on two occasions for talking in the dining room and in the shoe shop. Thereafter, there was not a single negative comment in his prison record. Less than eighteen months later, Warden Hyman, the former mayor of Hamilton, which was still in ashes, characterized Cohn's conduct as "uniformly good."²⁶

There had been some mismanagement of the boot and shoe factory in its early years, and Warden Hyman was consequently suspended for five months. The problem persisted, and when Hyman was reinstated, he fired the incompetent supervisor and hired a seasoned veteran, Charles W. Holbrook. Shortly after arriving in April of 1876, Holbrook noticed that Alex Cohn "took particular pains to do his work expeditiously and well." Holbrook moved Cohn to a position supervising the final product. "From the first," stated Holbrook, "he gave perfect satisfaction." Holbrook needed someone who could stamp, package, and exhibit the footwear to potential customers as well as handle final sales and bookkeeping. "And out of all the men under me, Cohn was the only one whom I felt that I could trust [with] that responsible position." Cohn recognized that there was more work to do than regular hours permitted, and so he worked overtime—arriving early and leaving late. The order was given to allow this *convicted arsonist* into the shop at 5:00 a.m. to light all the fires during winter months as well as the leather-processing heat lamps year-round. While all of the other convicts would quit their work at "bell time" (4:30 p.m.), Cohn had authorization to extinguish the fires and to work until six o'clock in the evening.²⁷

Hamilton's businesses never fully recovered from the fire or from the continued decline in ore production. By 1875 it was unincorporated, and many of its townspeople had moved to more promising venues. In May of 1876, thirty-nine citizens from nearby Eureka signed a petition requesting that Alexander Cohn be pardoned. The first of the signers was Reinhold Sadler, who had previously befriended Cohn with bail support. Sadler had been a Hamilton grocer at the time of the fire and was now prospering as a rancher and in the sales of all kinds of merchandise, including insurance. Twelve more petitioners noted that they were from Hamilton or were "one of the sufferers" in the blaze. The remainder were other merchants both Jewish and gentile. The petition proved, however, to be a form of damnation with faint praise. It implied that Cohn may have been guilty in some fashion but was still worthy of pardon. It acknowledged Cohn's four to five years in Hamilton as a person of good character. The petitioners stated that Cohn's punishment "had been sufficient to satisfy the ends of Justice."²⁸ Such a statement was a clear indictment of Judge Beatty's sentencing decision. However, when some other citizens of Hamilton along with their neighbors in Eureka heard of the petition, they were outraged.



One of the first to sign a petition requesting that Alexander Cohn be pardoned was Reinhold Sadler, (a prominent Eureka businessman, future governor of Nevada, and consistent defender of Alexander Cohn) who had previously befriended Cohn with bail support. (*Nevada Historical Society*)

Sentiment against Cohn was still running high—even three years after the tragedy.

"DON'T PARDON HIM," screamed a headline in the *Eureka Sentinel*. It agreed with the *White Pine Daily News* editor that "not another community on the Pacific coast . . . would have allowed Cohn to go to prison; knowing all the facts in the case they would have hung him immediately." In fact it was suggested that if the current petition had had as its purpose to hang Cohn, "a very large majority of our people would have signed it most willingly."²⁹ The five-person pardons board was composed of the governor, the attorney general, and the three justices of the supreme court. One of these justices was the recently elected William H. Beatty, who had adjudicated Cohn's trial three years before. The request to the pardons board was, not surprisingly, denied on May 24. Meanwhile, Cohn was impressing his supervisor by doing the work of "two men." At the end of 1876 the annual cost of maintaining prisoners was \$107,049. The prison, however, was actually off setting this cost with contributed earnings of \$74,417, and Alexander Cohn was the trusted prisoner at the business end of its profitable boot and shoe operation.³⁰

Cohn had become not only a model prisoner but also an indispensable contributor to the prison's solvency. Over the next eighteen months a virtual who's who of White Pine, Storey, and Ormsby counties rallied in support of Cohn's innocence. It took the form of yet another petition, dated June 11, 1877, calling for Cohn's immediate pardon and declaring the 1873 evidence against him as "entirely circumstantial." His trial took place, the petition stated, "in a community that had suffered sorely by the fire, the supposed incendiary origin of which was the basis of the charge" and at a time when the town's resentment was still "hot and burning." The petitioners claimed that "circumstances quite trivial in their nature would thus weigh fearfully against the accused, and bear him down." At the heart of the petition was the fact that Judge Beatty "had established certain geographical boundaries providing for exemption from jury duty, under the law of 1873." This provision, they argued, had been pronounced "constitutional but pernicious by our Supreme court." The result was that selection of jurors was confined "to the sufferers by the alleged arson."³¹

While one might have suspected such a defense from Alexander Cohn's friends, these petitioners represented the power structure of central and western Nevada. The first signer of the petition was Frederick Wadsworth Cole, successor to William Beatty as judge of District Court no. 6 for Eureka and White Pine Counties. Under Cole's signature were those of P.P. Canavan, former assemblyman from White Pine; J. D. Patterson, sheriff of White Pine County in 1873 (when the fire took place); and his successor, Sheriff Edward Raum. Thirty-two other signatures followed, including those of county commissioners, state treasurers, educators, and legislators from two other counties. These prominent men of differing political persuasions had come to believe Cohn, who "still solemnly insists upon his entire innocence."³²

The June 11 petition started in Eureka, made its way to Virginia City, and then on to Carson City, where Cohn's prominent legal representatives indicated the expectation of a pardon hearing on October 8.³³ The petition materials were, however, not notarized until October 9 and presumably were unavailable for the board's consideration on October 8. Thereafter, the conditions at the prison were not stable enough for such deliberations. On October 29, 1877, there was an uprising of nine knife-wielding prisoners in the prison's boot and shoe factory. In the melee which followed, Deputy Warden J. H. Mathewson and a prison officer were wounded. One of the perpetrators, Ole Johnson, was shot twenty-seven times and died a few hours later.³⁴ Cohn was doubtless an eyewitness to the entire debacle, since he had worked in the factory all but twenty days of his entire incarceration. Although Cohn was in no way implicated in the rebellion and escape attempt, there was still no action on the most recent pardon request, which had been signed by the thirty-two distinguished Nevadans. The Board of Pardons met in January, April, June, and July of 1878, but there is no evidence that it ever considered the petition filed on Cohn's behalf. It appears, in retrospect, that the prominent supporters of Cohn had misjudged the effect of a petition that openly criticized a sitting justice of the Nevada Supreme Court. It was time for a new strategy.

In September of 1878, Cohn had a new lawyer, Tamerlane W.W. Davis. Davis was a highly respected attorney and an easy winner in the forthcoming election for Nevada State Assembly from Ormsby County. Davis first notified Judge Frederick W. Cole of the (White Pine and Eureka County) Sixth Judicial District that he planned a petition to the Board of Pardons based on Cohn's service credit in the shoe factory. Cole sent a supportive letter to the board but made no reference to Judge Beatty's management of the original case. The manager of the shop, Charles Holbrook, wrote a separate letter to the pardons board praising Cohn's excellent performance in the essential tasks of quality control and sales. He noted that Cohn worked overtime "65 Sundays and 5 Hollidays [*sic*] and not taking into account the hours of labour performed every other day, more than performed by the other men in the shop." "If," he wrote, "I am obliged to fill his place it will require two men to perform the labour now being done by him and then I am convinced the work will not be done as well as now, for I have never been obliged to report him since he has been with me for slighting his work or not attending to his duties." Holbrook went on to recapitulate Cohn's work as constituting 354.5 extra working days. He bolstered his support of Cohn by adding that he (Holbrook) had worked prisoners at San Quentin and Carson for the last thirteen years and "I have never had a more diligent worker or one who has proven so carefull [*sic*] watchful and trustworthy." He concluded by noting that Cohn was expected to report any poor workmanship. Such monitoring, he added, was sure to "gain the ill will of nearly every convict in the Shop . . . and the fear of their displeasure does not deter him from performing this unpleasant duty."³⁵

Cohn himself signed a detailed four-page petition to the Board of Pardons in which he acknowledged the 1874 instances of misconduct. However, the emphasis of his signed petition was to demonstrate that his extra duty time, totaling twenty months and another two months of credit for good conduct, when added to the more than five years he had served in prison was, in fact, in excess of his seven-year sentence term. The correctness of the document was corroborated separately by former Warden Hyman and Warden Christopher C. Batterman.³⁶

The materials packaged by Cohn and his attorney Davis carefully avoided any allusion to possible mishandling of the case by Judge Beatty, who was now serving on the supreme court and was one of five members of the pardons board. In retrospect, one can understand why the influence of the signatories in 1877 would not necessarily have prompted capitulation from members of the highest court in the state. While the rationale of the pardon petition signed by Judge Cole and thirty others may have been factually correct, Judge Beatty was not going to eat crow, as the expression goes, by supporting Cohn's pardon. Beatty's judicial colleagues on the supreme court were probably of the same mind. The state was less than fifteen years old. Established law and order were important to protect. To allow Cohn's release because of judicial error—concerning circumstantial evidence or jury selection—would have established a precedent the pardons board could not allow. In addition, Cohn was a valuable asset to the state in his present position.

In order to succeed, the 1878 argument for pardon would have to be the epitome of humility rather than a criticism of the legal process. Cohn and Davis stated that they were not asking for pardon and release as a "legal right" but rather as a gracious act recognizing Cohn's "extraordinary service." Perhaps as an indication that Cohn's intentions were honorable and his rehabilitation complete, the petition welcomed a restoration of his civil rights. It appeared that ever since 1876, those most knowledgeable about the case and who also knew Cohn personally were convinced of his innocence. The stumbling block all along had been the coincidence of the sentencing judge ending up as a supreme court justice and, as a member of the Board of Pardons, being challenged to overturn, in effect, what had likely been—at the time—a popular decision.

Finally the pardon efforts succeeded. Cohn was pardoned November 9, 1878, and released from the Nevada State Prison.³⁷ He promptly disappeared from the written record. He was not to be found in any Nevada city or county directory or in the 1880 United States Census. While there were a number of "A. Cohn" listings in the census, their data did not match that of this thirty-five-year-old-man. He may have remained in Nevada under another name. Changing names was not uncommon for Jews from Prussian Poland. For a person starting afresh like Alexander Cohn, the process may have been even less complicated than for someone with debts and credits.³⁸

A basis for speculation about Cohn's disappearance after his prison release

may be imbedded in the *White Pine Daily News* editorial which had opposed the original 1876 pardon petition. The writers had warned that if, under any circumstance, Cohn should get out of prison, "we would advise him beforehand that this would be the most short-lived climate that he could possibly live in, and that he had better chose some more congenial residence." One tantalizing piece of information occurred in the *Eureka Daily Sentinel*, which reported that on July 24, 1880, Reinhold Sadler (prominent Eureka businessman, future governor of Nevada, and consistent defender of Alexander Cohn), departed Eureka for San Francisco on the Eureka and Palisade Railroad with a person described only as "A. Cohn."³⁹ Whether Sadler provided temporary sanctuary for Cohn on one of his remote ranches near Eureka or whether Cohn remained in Nevada under an assumed name is a matter of speculation.

Although Cohn himself remained an enigmatic figure, his brief appearance in the Nevada record set in relief some generalizations that can be made about immigrant Jews and early Nevada culture. Like most of the six hundred Jews living in Nevada in its first decade as a state, Alexander Cohn was a native of Prussian Poland, literate, a United States citizen, and a merchant in partnership with other family members. He participated in civic affairs and was respected enough to be part of the planning committee for Hamilton's annual Firemen's Ball in 1873. The Jewish citizens of Nevada were often singled out for their enterprise, morality, and good character. The *Carson Daily Appeal* editorialized that the Jewish people were "among the foremost in the more active enterprises of our social and business life [and], as a class are less chargeable with crime or that improvidence which leads to pauperism."⁴⁰ Alexander Cohn appears to have been the first Jew to be imprisoned for a felony in the state of Nevada. As such, he was either a shameful exception to the perceived high benchmark of Jewish citizenship or an innocent victim of a state whose laws and procedures were still coming of age.

Although Cohn's alleged felonious activity might have been thought to have triggered some antisemitic backlash, the opposite was true. In the complex proceedings and publicity surrounding the Cohn case, there does not appear to be a single example of any overt or even ambiguous anti-Jewish sentiment. On the contrary, those who rushed to support Cohn's innocence and petition for his pardon were mostly prominent non-Jewish men: an extraordinary list including a judge, attorneys, sheriffs, congressmen, and educators from the scene of the fire itself.⁴¹

What may be more significant for future research is that Cohn was one of the few alleged arsonists who was actually brought to trial, found guilty, and sentenced to prison. One aim of the present study has been to emphasize the large number of fires throughout the state, the fear of catastrophic fire accompanied by a casual indifference of many frontiersmen to fire safety, the common assumption that a fire causing substantial damage was the work of a malevolent incendiary, the natural human inclination to want to find and blame

a perpetrator, and the shocking paucity of apprehended arsonists. The Cohn case raises a question as to whether the common presumption of arson was not a convenient denial of carelessness by the local citizenry.

One institution affecting Alexander Cohn was the 1873 jury law indisputably choreographed by a sitting judge, who would use it to empanel a jury of hostile witnesses. It took two sessions of the state legislature to rid the law of its most offensive provisions. Further research may uncover other questionable jury verdicts which were based on this flawed piece of legislation. The Nevada State Prison was in its infancy when Cohn arrived. The state legislature expected it to offset its costs and keep prisoners within its walls all under the guidance of an elected official who wanted to be governor rather than a prison warden. Changes in the law led to the appointment of a proven administrator, P. C. Hyman, who doubtless knew Cohn when the former was the mayor of Hamilton. Hyman may well have considered Cohn an asset worth keeping in the revenue-producing boot and shoe factory. Cohn's only immediate way out of prison, however, was through the state's Board of Pardons, which included the judge who had presided over his trial. To have pardoned one of the few people indicted and convicted for arson would have sent the wrong message to potential arsonists—who were assumed to be numberless and slippery. Alexander Cohn—whether arsonist or scapegoat—served his time, and the purposes of others, in the Nevada State Prison.



NOTES

¹This study is a venture into "microhistory," according to which the biographical character's experiences provide the backdrop for uncovering the cultural conditions and popular presumptions affecting him. Alexander Cohn's plight serves, therefore, as a kind of "allegory for the culture as a whole." See Jill Lepore, "Historians Who Love Too Much: Reflections on Microhistory and Biography," *The Journal of American History*, 88: 1 (2001), 141. There is a vast literature relating particular disasters to a scapegoat as well as general scholarly treatments of the psychological need to place blame for natural or human-caused calamities. See, for example, Tom Douglas, *Scapegoats: Transferring Blame* (London: Routledge, 1995). On victims and victimology, see George W. Albee, Justin M. Joffe, and Linda A. Dusenbury, *Prevention, Powerlessness, and Politics: Readings on Social Change* (Newbury Park, Calif.: Sage Publications, 1988). The Scapegoat Society, formed in 1997, is a psychologically oriented group with a website (www.scapegoat.demon.co.uk) providing links to scholarly resources.

²The entry "fire" occupied the longest index listing of any subject in Alfred Doten's diaries covering the last half of the nineteenth century. Doten, a Virginia City fireman, cited more than 150 fires in Nevada, of which 19 were believed to have been the result of arson. Of these latter, three persons were identified as suspects and none was convicted. Alfred Doten, *The Journals of Alfred Doten, 1849-1903*, 3 vols. (Reno: University of Nevada Press, 1973), vol. III, 2317. Thomas Harold Kinnersley, *Virginia, Nevada, 1859-1890: A Study of Police, Water, and Fire Problems* (Ann Arbor: University Microfilms International, 1978) is a thorough doctoral dissertation but limited to the Comstock area, as is the monograph of Steven R. Frady cited below. The monumental works of Stephen J. Pyne such as *Fire in America: A Cultural History of Wildland and Rural Fire* (Princeton: Princeton University Press, 1982) focus technically on the ecology, behaviors, management, and prevention of fire. Nevada fires do not figure prominently in his works. W. Turrentine Jackson's study of Treasure Hill (adjacent to Hamilton) briefly mentions the 1873 fire and accepts, without comment, the guilty verdict against Cohn. See *Treasure Hill: Portrait of a Silver Mining Camp* (Reno: University of Nevada Press, 2000), 149.

³*Pioche Daily Record*, 23 October 1873, p. 2, col. 2; Steven R. Frady, *Red Shirts and Leather Helmets: Volunteer Fire Fighting on the Comstock Lode* (Reno: University of Nevada Press, 1984), 140.

⁴Frady, *Red Shirts*, 140-45. Frady cites thirty Comstock fires of which at least twenty were clearly accidental. He incorrectly states that Willis served out his long sentence. For Willis's pardon, see Report of the Warden of the Nevada State Prison in *Appendix to Journals of Senate and Assembly of the Tenth Session . . . 1881* (Carson City: J. W. Maddrill, 1881), 46. The 1881 *History of Nevada* edited by Myron Angel overlooked this example of vigilantism by simply recording that Heffernan was hanged at Gold Hill for the crime of murder. Myron Angel, editor, *History of Nevada, with illustrations and Biographical Sketches of Its Prominent Men and Pioneers* (Oakland: Thompson and West, 1881), 350. See also, Kinnersley, *Virginia, Nevada*, 238-39, on Virginia City ordinances designed to discourage incendiarism motivated by the expectation of an insurance payment.

⁵*The Daily Inland Empire*, 13 July 1869, as cited in Jackson, *Treasure Hill*, 141. While Virginia City's tragic fire of 1875 raged out of control, rumors of arson abounded. Police were forced to shut down what was left of the town—including the saloons—to avoid violence and retribution based on hearsay. The fire was later judged to have started during a drunken brawl in the basement of Kate Shea's boardinghouse, but there was no hint of intentional wrongdoing in the matter. Similarly, Eureka had three devastating fires in 1873, 1875, and 1879—all of which were deemed to have been accidental. Reno suffered four major fires in the 1870s, only one of which was considered to have been started maliciously. This was the February 1877 fire, which originated in the Depot Hotel. The local "601" vigilante committee rounded up several possible suspects and issued them "free passes" out of town before their presence could lead to violence. According to one early commentator, "these notices to quit the place were often more effective than suits at law." Angel, *History of Nevada*, 299, 440-41, 637-39; Ronald M. James, *The Roar and the Silence: A History of Virginia City and the Comstock Lode* (Reno: University of Nevada Press, 1998), 111-17, 170-71. For the Eureka fires, see *Eureka Daily Sentinel*, 22 April 1879, p. 3, col. 2. Arson in the second degree included the wilful and malicious burning of an abandoned building or one's own property. For this crime H. Van Winkle of Lander County received a sentence in 1870 of three years, J.F. Rhodes of Esmeralda County was sentenced in 1871 to eight years in prison, and Edward Dettling of Ormsby County

received a five-year sentence in 1875. All except Alexander Cohn served out their prison terms.

⁶*White Pine Daily News*, 12 July 1873, p. 2, col. 2.

⁷*White Pine Daily News*, 30 May 1870, p. 1, cols. 3-5. The official 1870 U.S. Census enumeration of Hamilton inhabitants totalled 3,913. The 1875 Nevada Census placed the entire population of White Pine County at 1,858. Cohn's age is based on Table No. 22 of Report by Warden P. C. Hyman to the Nevada Legislature, 1 January 1877, in *Appendix to Journals of Senate and Assembly . . . 1877* (Carson City: John J. Hill, 1877), I, 41. The affiliation with Morris Cohn and Brother is based on a telegraph message from Hamilton to the *Reese River Reveille*, appearing Saturday, 28 June 1873, p. 2, col. 3, the affiliation is more substantially shown in *State v. Cohn*, in *Reports of Cases Determined in the Supreme Court of the State of Nevada, During the Year 1873-74* (San Francisco: Frank Eastman, Printer, 1874), IX, 181.

⁸Russell R. Elliott with William D. Rowley, *History of Nevada*, 2d rev. ed. (Lincoln: University of Nebraska Press, 1987), 104; *White Pine Daily News*, 21 June 1873, p. 2, col. 6.

⁹*White Pine Daily News*, 5 July 1873, p. 2, cols. 1-2.

¹⁰The newspaper building appears to have survived the inferno and was providing details within hours. *White Pine Daily News*, 28 June 1873, p. 2, cols. 1-2 and *Reese River Reveille*, 27 June 1873, p. 2, col. 3. Angel, *History of Nevada*, 660, which contains a few factual errors about the fire.

¹¹*White Pine Daily News*, 5 July 1873, p. 2, cols. 1-2.

¹²*Territorial Enterprise*, 28 June 1873, p. 3, col. 2; *White Pine Daily News*, 5 July 1873, p. 2, col. 2.

¹³*White Pine Daily News*, 9 August 1873, p. 2, col. 2. The motives for someone withdrawing a bail bond could be as different as moving to another location or becoming convinced of Cohn's guilt. Cohn was likely soon free on bail, for when he later was pardoned, there was no pre-trial "time served" noted in connection with his sentence.

¹⁴*State v. Cohn*, 9 Nev. 179 (1874).

¹⁵*Statutes of the State of Nevada . . . 1873* (Carson City: Charles A. V. Putnam, 1873), 126-28. The law was altered in the legislatures of 1875, 1877, and 1879 to remove some of its more offensive provisions. See *Statutes . . . 1875*, 137-38; *Statutes . . . 1877*, 176-78 and *Statutes . . . 1879*, 33-35.

¹⁶*State v. Cohn*, 9 Nev. 186-87 (1874). While the actual records of the trial were destroyed by fire in 1893, portions can be reconstructed from this later Nevada Supreme Court account.

¹⁷*State v. Cohn*, 9 Nev. 186-88 (1874).

¹⁸*Pioche Daily Record*, 24 October 1873, p. 2, col. 3. Coincidentally, this issue of the *Record* carried several stories of Pioche fires in the same column of news. Fires were reported in virtually every issue of the newspaper—whether they were local or across the country. The supreme court report of Cohn's case quotes the definition of arson in the second degree specified in section 57 of the crimes-and-punishment act: "Every person who shall wilfully and maliciously bum, or cause to be burned, any dwelling house or building owned by himself, or the property of another, in the day time . . . shall be deemed guilty of arson in the second degree." *State v. Cohn*, 9 Nev. 186 (1874).

¹⁹Petition to the Board of Pardons, 11 June 1877, 2-3. Judge Beatty (1838-1914) studied at the University of Virginia but never received a degree. He served as a justice of the Nevada Supreme Court from 1874 to 1881 and also on the California Supreme Court from 1888 to 1914. See Beatty file in Russell McDonald Collection, Nevada Historical Society, Reno. For an example of Beatty's interest in the issue of impaneling juries, see his lengthy letter on the subject to the *Territorial Enterprise*, 22 January 1873, p. 2, cols. 2-4. For evidence of the law's unpopularity, see *Pioche Daily Record*, 16 January 1874, p. 2, col. 1. The editor of the *Record* noted Judge Beatty's involvement in its passage—referring to it as Beatty's bantling (derived from the medieval German word *bankling* meaning a "child born on a bench" or "bastard").

²⁰*White Pine Daily News*, 12 July 1873, p. 2, col. 1 and Angel, 660.

²¹*Reese River Reveille*, 24 October 1873, p. 2, col. 1.

²²*Eureka Daily Sentinel*, 24 October 1873, p. 3, col. 2. The day before the announcement of Cohn's conviction, the *Eureka Sentinel* reflected the common suspicion of arson even though there were many clear cases of fire-related negligence. It warned its readership (many of whom were refugees from Hamilton) that "several attempts have been made of late to fire the town [of Eureka], and beside this, there are a great many people who are criminally careless about fire matters." *Pioche Daily Record*, 23 October 1873, p. 2, col. 2., quoting the *Eureka Daily Sentinel*.

²³*Appendix to Journals of Senate and Assembly . . . Sixth Session [1873]*, 16, 19; Angel, *History of Nevada*, 547-48.

²⁴Minutes of the Meeting of the Board of Prison Commissioners, 12 March 1873, Nevada State Archives, Carson City; Angel, *History of Nevada*, 548. For an editorial opinion supporting the proposed law changing the selection procedure for state prison warden, see *Territorial Enterprise*, 22 January 1873, p. 2, col. 2.

²⁵*State v Cohn*, 9 Nev. 186-92 (1874).

²⁶The dates of the offenses run from March 16 to October 19, 1874. Deputy Warden Mathewson to the Hon. Board of Pardons, 6 October 1877, Nevada State Archives. See also Warden P.C. Hyman to the Hon. Board of Pardons, 24 May 1876, Nevada State Archives.

²⁷Holbrook to the Board of Pardons, 6 November 1878, 2, Nevada State Library and Archives.

²⁸R. Sadler *et al.* to the Hon. Board of Pardons of the State of Nevada, n.d. (ca. 1 May 1876); R.H. Taylor [legal applicant for Cohn] to Judge F. W. Cole of the sixth Judicial District and J. B. Barker, district attorney of White Pine County, 8 April 1876, giving notice that Cohn would be requesting a pardon based on doubt of the defendant's guilt and on his behavior while in prison, Nevada State Archives. Col. Robert H. Taylor was an experienced attorney and former district judge of the Seventeenth Judicial District in western California.

²⁹*Eureka Sentinel*, 14 May 1876, p. 3, col. 3.

³⁰"Pardon Application of Alexander Cohn, Denied," 24 May 1876, Folio 17, Nevada State Archives; Report of Warden P.C. Hyman to State Legislature, *Appendix to Journals of Senate and Assembly . . . Eighth Session [1877]*, 1-2. A pardon required a majority vote of the pardons board with the governor voting with the majority.

³¹*State v. Cohn*, 9 Nev. 190 (1874). The Nevada Supreme Court admitted that the exemption clause of the 1873 jury-selection law was "pernicious," because it tended to impose undue jury duty upon poor men and to foster "that most baneful parasite upon the body politic—the professional jurymen." In spite of its regrettable side effects, the law was considered "constitutional." See, however, note 15 above for the many attempts to change this law.

³²Among the remaining signers were H. Mau, White Pine County commissioner in 1873; Dr. H. S. Herrich, superintendent of schools since 1864; J. Liddle, county commissioner in 1874; H. Bush and P. Wagner, officers in Hamilton's Order of Odd Fellows; Louis A. Hauck, mining official; Jerry Schooling, member of the state's first Board of Regents and twice elected state treasurer; former Douglas County assemblyman, Henry F. Dangberg; prominent Presbyterian trustee, William H. Corbett; former Storey County assemblyman, O. T. Barber; J. R. Mason, Ormsby County commissioner in 1864; Jacob Tobriner, Ormsby County assemblyman; George W. Kitzmeyer, prominent Carson City businessman; former state senator and future Ormsby County commissioner, Israel Crawford; Charles Harris and Frank Boskowitz, Carson City merchants; and Carson City druggist, O.P. Willis. F.W. Cole and others "To the Honorable, the Board of Pardons . . .," 11 June 1877, in Nevada State Archives.

³³Ellis and King to Honorable Board of Pardons (copy), 29 September 1877, followed by an 9 October notarization. The lawyers were most probably Col. A.H. Ellis, prominent Confederate officer and Democratic candidate for several offices, and Samuel Davis King, former prosecuting attorney for Ormsby County.

³⁴*Carson Appeal*, 29 October 1877, as quoted in Angel, *History of Nevada*, 548.

³⁵T. W. W. Davis to F. W. Cole, district judge of the Sixth Judicial District, 12 September 1878, and Holbrook to Pardons Board, 6 November 1878, Nevada State Library and Archives. See also F. W. Cole to the Hon. Board of Pardons, n.d. (ca. October 1878).

³⁶Alexander Cohn to Honorable Board of Pardons, n.d. (ca. 1 November 1878), written by Davis (signed by Cohn), two copies, containing signed corroborations of accuracy by Hyman and Batterman.

³⁷Prison Records, folio 47, Alexander Cohn, Nevada State Archives. It was reported publicly that prison officials Batterman, Mathewson, and Holbrook convinced the pardons board that Cohn had been "compelled to do over-work" amounting to twenty months of incarceration. The only dissenting vote against Cohn was that of Justice Thomas Porter Hawley. See *Eureka Daily Sentinel*, 14 November 1878, p. 3, col. 3, quoting the *Carson Daily Appeal*.

³⁸See, for example, in the *Territorial Enterprise*, references to an "A. Cohn" in Virginia City on 17 June 1870 (with a tobacco stand), p. 3, col. 4, and same on 17 January 1871, p. 3, col. 4. The paper also briefly notes (6 May 1877 p. 2, col. 5), in Gold Hill a son born to the wife of Alex Cohn. Also (1 May 1879, p. 2, col. 5), the paper notes that A. M. Cohn of Pioche was married in Exin, Prussia,

to Miss Valeria Cohn of Exin. There are some explanations as to why these are not references to the convicted Alex Cohn. Several of his petitioners noted that he had been a resident for four years in Hamilton before the 1873 fire. Hence he likely was not in Virginia City during 1870-71. Cohn had been in prison for three and a half years at the time of the Gold Hill birth. Finally, there is an A.M. Cohn noted as having a bill received by the county commissioners in the *White Pine Daily News* just one paragraph below a reference to the bail of "Alex Cohn," who is clearly a different person. 9 August 1873, p. 2, col. 2.

³⁹*Eureka Daily Sentinel*, 14 May 1876, p. 3, col. 3, quoting the *White Pine Daily News* (issue not extant); *ibid.*, 25 July 1880, p. 3, col. 1. There is no evidence of an "A. Cohn" residing or doing business in Eureka in that year.

⁴⁰*The Carson Daily Appeal*, cited in *The Hebrew*, 19 November 1869, p. 4, col. 2. See also *The Nevada Tribune*, 19 September 1876, p. 3, col. 2; *Nevada State Journal*, 20 September 1873, p. 3, col. 3.

⁴¹Examples of overt antisemitism were virtually unknown in nineteenth-century Nevada and eastern California, and the Cohn case is consistent with this generalization. For California, see Robert E. Levinson, *The Jews in the California Gold Rush* (New York: KTAV Publishing House, Inc. 1978), 79, and for Nevada, see John P. Marschall, "Jews in Nevada: 1850-1900," in *Journal of the West*, 23:1 (1984), 70. Future studies might ponder the reasons why the American West's mining communities were more egalitarian with respect to Jews. One avenue of research would be to document the essential presence of Jewish merchants at the outset of a mining town's boom and their acceptance as insiders from the start. In many other parts of the Midwest and South, migrating Jews had to break into an already existing power structure.

Beyond the Margins

Abortive Farming Endeavors on Submarginal Land in Northeastern Nevada

MARSHALL E. BOWEN

INTRODUCTION

Farming in Nevada has always been a challenge. Through the years, a few favored irrigated areas have done well, but from one end of the state to the other, abandoned houses, collapsed wells, and fields left uncultivated for decades speak silently of the hope that prospective farmers and their families brought to these lands, and the despair that soon followed. Nowhere in Nevada is this more applicable than in the northeastern part of the state, where a highly publicized irrigation project and seven dry farming districts came into existence in the first two decades of the twentieth century (fig. 1). Although some farmers in these areas occasionally produced satisfactory crops, most of them eventually failed in the face of enormous obstacles, which included inadequate rainfall, small and undependable supplies of irrigation water, and devastating invasions of jackrabbits and other pests.¹

These events did not take place in a spatial or temporal vacuum. During these years, men and women throughout the intermountain West were responding to the appeal of a popular back-to-the-land movement, growing confidence in the effectiveness of dry farming methods, and assurances that irrigation water would transform bleak desert flats into productive farmland.² All of these forces played into the hands of real estate promoters, whose advertisements promised prosperity and a good quality of life for those who took a chance on developing farms in places that had been largely uninhabited just a few years earlier.³ The result was an influx of settlers into areas ill-suited for agriculture, which produced what Richard White, studying another marginal part of the West, has described as communities of "poor men on poor lands."⁴

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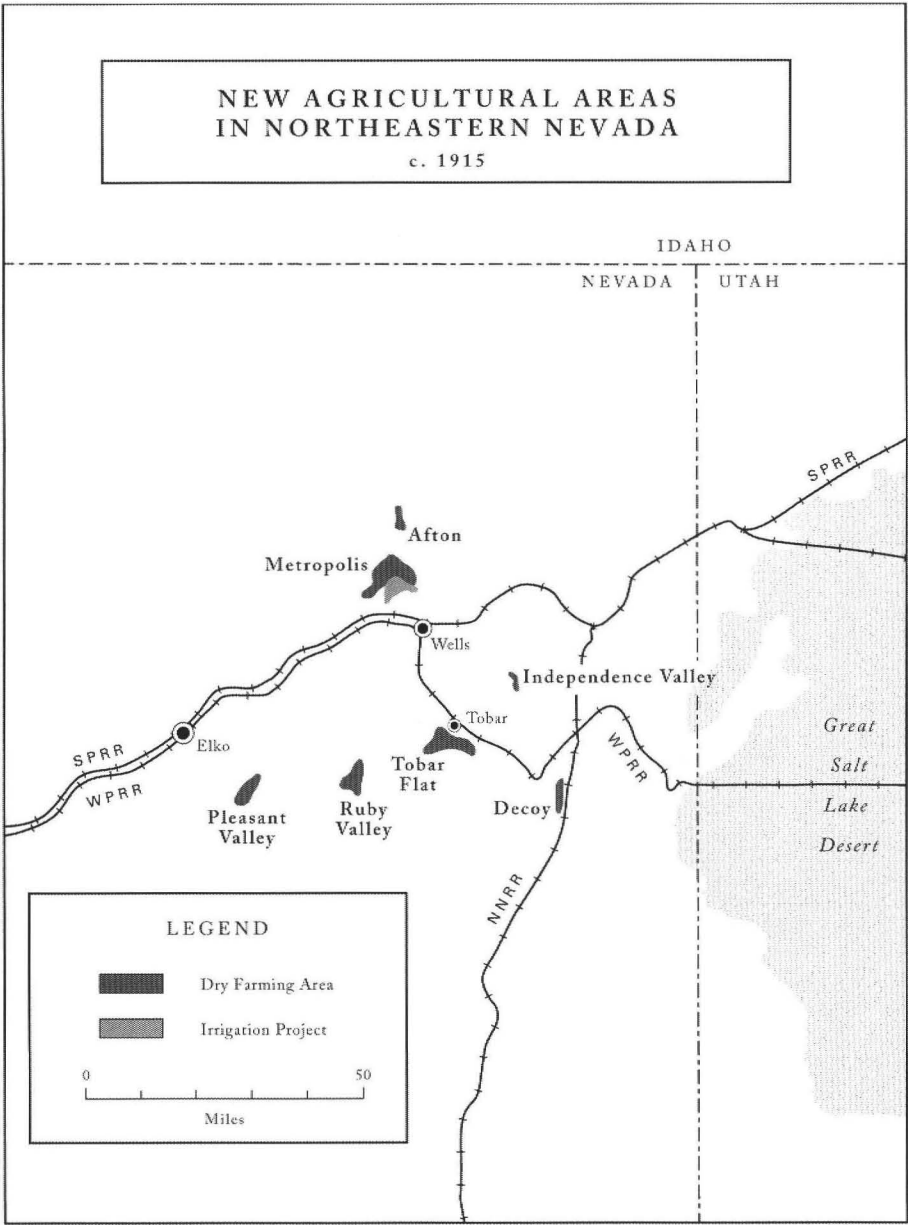


Figure 1

The sequence of settlement and subsequent abandonment was particularly heartbreaking on northeastern Nevada's poorest lands, where rates of failure were extreme. It is easy to say that settlers should never have ventured into such forbidding places, and that they got what they deserved. But this dismissive view ignores the significance of individual homesteaders' backgrounds and personalities, their motives, and the circumstances that encouraged them to try farming in dry areas with inferior soils. To clarify the process of settlement, utilization, and abandonment of the state's submarginal lands, this article examines attempts made by two groups of family members and friends to establish farms near the lower end of an intermittent watercourse known as The Slough, at the southeastern end of Tobar Flat, some twenty miles from the town of Wells (fig. 2). It describes their plans and efforts, explains why they chose to farm in such an unlikely place, and identifies the factors that led to their downfall. It also suggests that when seen at this microscopic scale, distinctions between types of farming were often blurred, and that settlers here were neither irrigators nor dry farmers in the strictest sense of either term, but were simply people trying to produce crops, by whatever means, in an extremely harsh land.

THE LOWER SLOUGH COUNTRY

The Slough is formed by the coalescence of several small streams carrying runoff from the northern reaches of the towering East Humboldt Range. Six miles northwest of Tobar it enters the floor of pluvial Lake Clover, a contemporary of Lakes Bonneville and Lahontan, and proceeds in a southeasterly direction to a point beyond Black Ridge, a low mound that was once a shoal and then an island in the receding lake.⁵ South of Black Ridge, the principal channel turns to the east and continues through nearly dead-flat country for another four miles before ending at Little Lake, a dismal playa ringed by dunes of sand and silt. On some occasions another distributary channel delivers small amounts of water to the eastern end of Snow Water Lake, which is fed primarily by streams draining the southern part of the East Humboldt Range. Near the mountains, The Slough flows through meadows and irrigated hay fields, and in the vicinity of Tobar its channel is approximately ten feet wide and contains water as much as three feet deep during the spring runoff. But beyond Black Ridge it withers to almost nothing, and ordinarily carries water as far as Little Lake no more than once every decade. Land near the channel's last few miles is called the Lower Slough Country, and it is this area, from the vicinity of Black Ridge to the country around Little Lake, that is the focus of this study.

There is little about the Lower Slough Country to encourage farming. Immediately south of Black Ridge is a small patch of moderately productive soil, but to the east the quality of land deteriorates rapidly. Soils here are heavy and

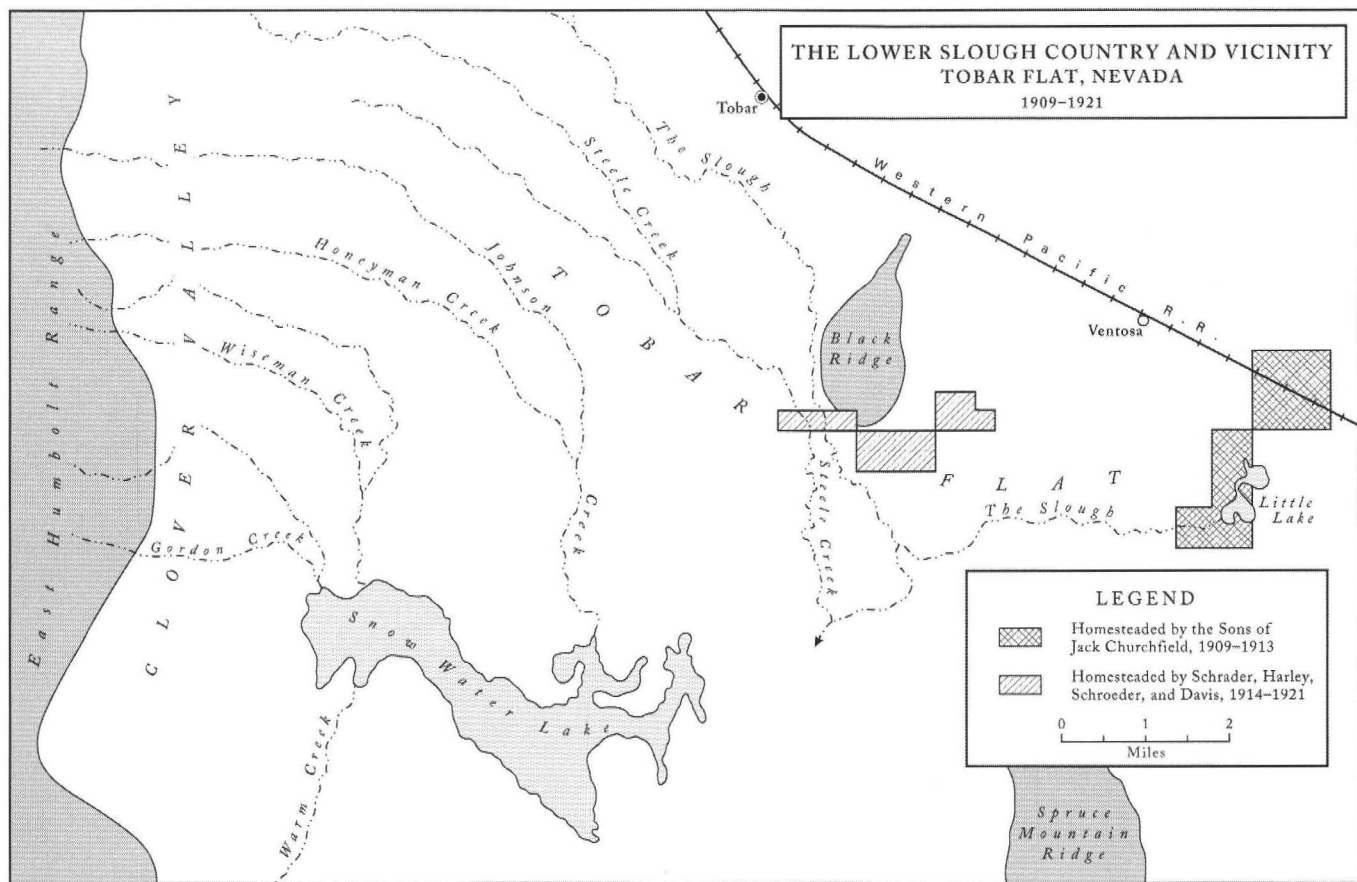


Figure 2

riddled with alkali, and about halfway between Black Ridge and Little Lake their quality diminishes from bad to worse. Sagebrush gives way to greasewood in this drab area, and low dunes become prominent. Few people visiting the Lower Slough Country today would disagree with the assessment made more than sixty years ago by government surveyors, who wrote that most of this land is not suitable for raising crops, and that near Little Lake some of it is no better than third-rate sheep range.⁶

Although no precise accounting of weather conditions in this out-of-the-way locality has been made, extrapolation from the records of stations between ten and thirty miles distant suggests that precipitation averages around eight to ten inches annually, and is extremely variable from year to year. Summer days are hot, with July and August temperatures routinely approaching one hundred degrees, and winters are often bitterly cold, with the mercury plummeting to twenty degrees below zero or lower. It is not surprising that at an elevation of about 5,600 feet, the Lower Slough Country experiences growing seasons that rarely exceed a hundred days, and that below-freezing temperatures can occur even in July.⁷ When combined with a near absence of water in the last few miles of The Slough's channel and the poor quality of the area's soils, these figures reinforce the belief that by almost any measure this part of Nevada is not a good place for farmers.

THE CHURCHFIELDS

Despite its obvious shortcomings, the Lower Slough Country was the scene of several attempts to create viable farms. The first was carried out under the direction of John Churchfield, called Jack, a middle-aged father of twelve who had moved with his family from Nebraska to Deeth, a few miles west of Wells, in 1897. During their first years in Nevada, Churchfield was employed by ranchers near Deeth to erect fences and dig wells, and he ordinarily put his older children to work on these projects, with some of the daughters working alongside their father and brothers.⁸ In 1904 the entire family, which by now included the husbands of two daughters, moved to western Nevada to work on the Newlands Project, a United States Reclamation Service plan that was taking shape near Wadsworth and Fallon. Here, the father, his older sons, and the sons-in-law were employed to level land and construct canals, while two teen-aged sons were initially hired as muleskinners and later worked as canal diggers. A headstrong, domineering man who would not tolerate dissent, Jack Churchfield ran the affairs of his large family with a firm grip, and was not the least bit concerned if his words or actions offended someone. This became particularly evident one day in 1906, when he took pay belonging to his twin sons, who were fifteen years old at the time, and spent the entire amount at a saloon, returning home drunk but unrepentant.⁹

When work ended on the Newlands Project, the Churchfields returned to northeastern Nevada. By 1909 most of the family were living at a ranch in southern Clover Valley, where one of the sons-in-law had obtained a position as manager and his wife was employed as a cook. Jack Churchfield was hired to install fencing and do odd jobs at the ranch, and while performing these duties he became thoroughly familiar with the country between Snow Water Lake and Little Lake. He also saw that water remained in The Slough well into summer, and knew that another Clover Valley rancher was diverting it, without permission to do so, onto property he controlled south and southwest of Black Ridge. Churchfield reasoned that if his family could obtain land near The Slough and get rights to the stream's floodwaters, it would be possible for them to develop an irrigated farm of their own. He was confident that he and his sons could use skills perfected during their years of building canals for the government, and that they would have no trouble putting Slough water in their fields.¹⁰

Between 1909 and 1913 the Churchfield family took possession of six sections of land along the lower end of The Slough and around Little Lake (fig. 3). Homestead claims were made by the four oldest sons, while Jack himself leased 2,560 acres, ostensibly for grazing purposes, from the Southern Pacific Railroad at the cost of one cent per acre. Two additional half-section strips of government land were designated for irrigation in the father's water application of November 1910, but there is no record that this property was ever legally in the Churchfields' hands.¹¹ On New Year's Eve, 1910, when according to one family member he may not have been completely sober, Jack Churchfield arranged with a Wells merchant to purchase, on credit, \$1,041.39 worth of equipment and supplies that he and the boys needed to get started.¹² By March 1911 the father, mother, and six or seven of their children had moved into two cabins near Little Lake, where in April the family was reportedly hard at work "farming and reclaiming a large acreage of land."¹³ Indeed, when the Elko County tax assessor visited the Churchfield place in June, he found that the family had six work horses, valued at \$300, as well as a pair of harnesses and a wagon, sure signs that the project was getting under way. A year later the Churchfields were again taxed for the six work horses, the harnesses, and the wagon, but by now they also possessed several pieces of machinery, which included a Fresno scraper, used by the sons to cut canals and ditches along lines laid out by their father.¹⁴

The irrigation plan devised by Jack Churchfield was imaginative. According to papers filed with Office of the State Engineer, water coming down The Slough during the spring runoff would be impounded in the twin basins of Little Lake by building earthen dams and using low dunes along the lake shore as additional barriers. If this source proved inadequate, Churchfield believed that his sons could dig a canal, four feet wide and a foot deep, from Snow Water Lake over to The Slough, and direct lake water down the last four miles of The Slough's channel into the Little Lake basins. Water held in the basins was to be

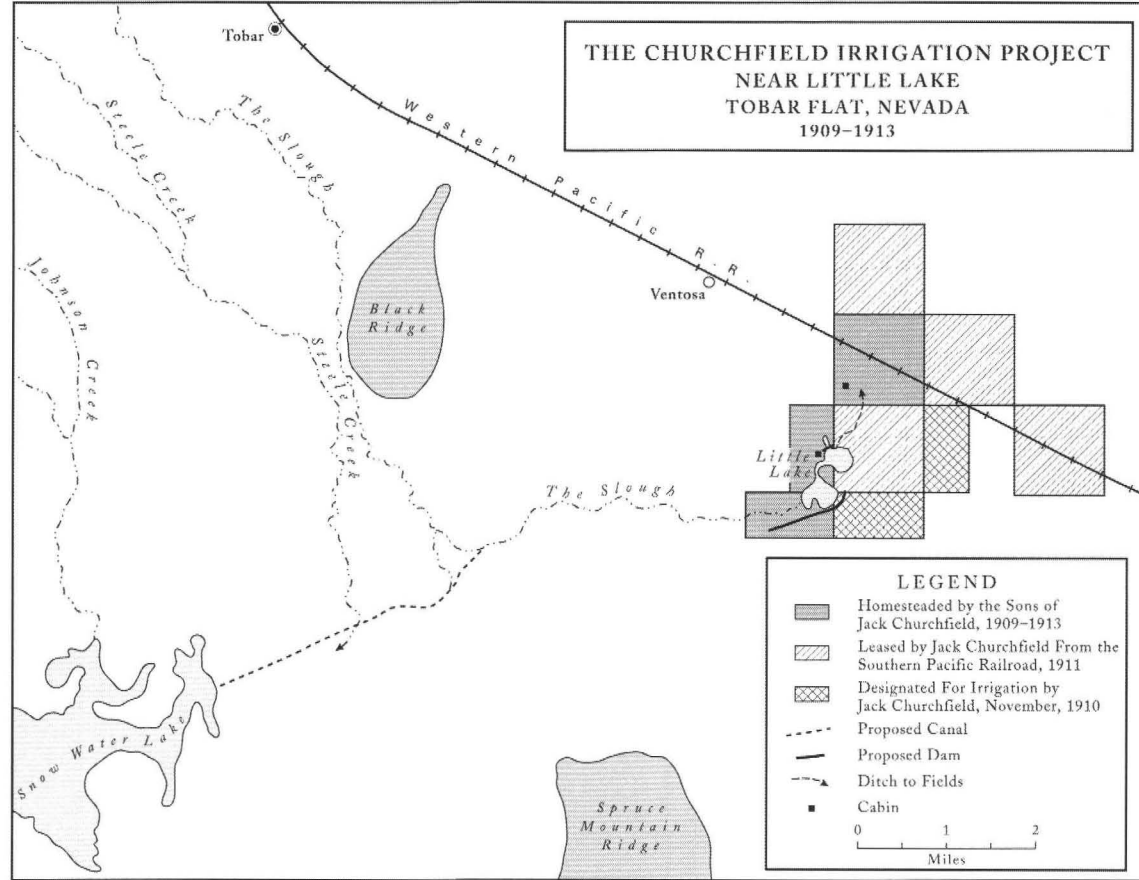


Figure 3

conveyed to fields through a half-mile long ditch curving northeastward to land which one of the sons was already clearing on his homestead property. Later, Churchfield expected to have the boys dig additional ditches to land he planned to irrigate east and southeast of Little Lake, some of it more than a mile from the holding basins. He estimated that his family could complete the project in two years, when they would have 1,600 acres ready for irrigation.¹⁵

Judged by today's conditions, the Churchfield project seems preposterous, for water coming down The Slough rarely reaches Little Lake, and almost no water enters the eastern arm of Snow Water Lake, where the canal was supposed to start. Part of the proposed canal was to follow a distributary channel that runs from The Slough toward Snow Water Lake, but in contradiction to the laws of gravity, it was designed to conduct water slightly upslope, away from the lake and into The Slough. Jack Churchfield "probably walked that line fifty times," recalled his grandson, and he was certain that he could get water to flow in the direction he desired, but it was a daunting challenge.¹⁶

In defense of the plan, old-timers familiar with the area have pointed out that in the early 1900s the irrigation works of ranchers in Clover Valley were less efficient than they are today, and that more meltwater from the mountains got into The Slough and the creeks feeding Snow Water Lake at that time than is possible now.¹⁷ Churchfield assumed that he would have the use of all the water coming down The Slough, for he was unaware that another man had already obtained permission to use a small part of the stream's flow, and he also believed that a settler living a dozen miles upstream had forfeited his water rights by abandoning his farm after being accused of cattle rustling.¹⁸ As for the matter of digging a canal that ran upslope, Churchfield knew that this part of the Lake Clover plain is almost pancake flat, with no more than a few inches separating its highest and lowest points, and he was sure that with careful planning and hard work, he and the boys could construct a waterway that would slope toward The Slough. Even the state engineer, charged with evaluating the feasibility of such projects, saw no reason to question Churchfield's judgment when he approved the plan in October 1912.¹⁹

The Churchfields cleared desert shrubs from close to twenty acres in 1911, started ditching, and in the spring of 1912 they planted grain and potatoes. But soon the project began to unravel. An unusually large amount of water came down The Slough in the spring of 1912, but the Churchfields were unable to take advantage of this unexpected bounty because the ditch running from Little Lake to the fields was not yet ready. Anxious to get water to their crops before it was too late, the father had some of his sons continue with the ditch while others started to dig the canal from Snow Water Lake, which also contained more water than usual. But using a Fresno scraper to cut through the heavy lake-bottom soils was backbreaking, time-consuming toil, much more difficult than the work they had done on the Newlands Project, and it did not take the Churchfields long to realize that they could not finish the job that summer.²⁰

To complicate matters, Jack's wife, Evelyn, who had been cooking for the family, was suffering from heart disease, and wanted to leave the desert to live with a daughter who made her home in Wells.²¹

Much to their surprise, the Churchfields found that their first crops did all right without irrigation water, and in the fall they harvested several sacks of potatoes and a fair amount of grain. This stroke of good luck can be attributed to one of the wettest springs and summers on record in northeastern Nevada, where some stations received more than five inches of precipitation in April alone and most experienced above-average rainfall through the end of August.²² But success in an unintended dry farming endeavor could not obscure the fact that the irrigation project was in trouble. Work had gone much slower than expected in 1912, and Churchfield knew that he could not count on another rainy year to carry them through. The solution, he believed, was to cut back to a more modest scale.²³ A map of the family's holdings, based on a survey done in April 1913, showed that by this time Churchfield had let his lease on the railroad lands expire, and no longer had any intention of developing acreage beyond Little Lake.²⁴ Still, this adjustment did not resolve the water problem. It is not certain if the sons tried to extend the canal beyond where they had stopped in 1912, but if they did, their efforts were brief, and accomplished nothing. All hope rested on getting water from The Slough into Little Lake, and from there to the fields. Churchfield wanted "to go into the big slough and take out the high places so the water would run better" all the way to Little Lake, but he was told by the state engineer to leave the channel alone, and with some reluctance he agreed to heed the engineer's warning. A year or two earlier, he might have ignored this advice and put his sons to work in the channel, but by now the young men were worn out, disillusioned, and becoming rebellious, and the father, despite his ebullient, cocksure nature, was beginning to sense defeat.²⁵ A final blow occurred in May 1913, when the men who had taken over the alleged cattle rustler's property were given permission to divert virtually all water in The Slough into their own fields.²⁶ The Churchfields knew that without this water they had no chance of irrigating anything, and within a matter of days most family members left the area, to become involved elsewhere in prospecting, haying, running a saloon, and, it is said, transporting whiskey for a moonshiner.²⁷

Only John Churchfield, Jr., one of the twins, remained behind. In late May 1913, he married a girl from Clover Valley and, after a brief honeymoon in Elko, the couple made their home in Ventosa, about three miles from Little Lake, where the husband had obtained work on a Western Pacific Railroad section crew. The newlyweds often spent Saturday nights and Sundays at one of the family's cabins, so they planted a garden in the previous year's potato field, irrigated it occasionally with well water, tended it when they could, and were pleased when it produced a satisfactory crop of vegetables. They may have repeated this procedure in 1914, but in 1915 the couple moved to Clover

Valley and then to Buhl, Idaho, and with their departure the Churchfields' involvement with farming in the Lower Slough Country came to an end.²⁸ A reminder of the project surfaced in 1916 when the firm that had sold farming equipment to Jack Churchfield sued him for nonpayment of his bill, and in February, 1917, it was awarded a judgment for more than \$1,600, including interest. Churchfield, of course, had no way of paying, and as late as 1920 the issue remained unresolved.²⁹ After this, family members put the entire succession of unhappy episodes behind them, and never again set foot in the Little Lake area except when some of the men came out to hunt rabbits, and invariably reminisced about what might have been.³⁰

SCHRADER, HARLEY, SCHROEDER, AND DAVIS

Just months after the Churchfields' irrigation project disintegrated, a new sequence of agricultural activity got under way about four miles west of Little Lake. The process began with the arrival of Herman H. Schrader in September 1914, expanded in scope when Arthur G. Harley and Schrader's cousin, William F. Schroeder, joined him in the spring of 1915, and was extended with the inclusion of T. Leslie Davis, who married Schrader's daughter in 1918.

Herman Schrader and Will Schroeder were born to German immigrants in the early 1870s, and grew up on farms about two miles apart in southern Iowa.³¹ As younger sons in large families, the cousins knew that they would not inherit their fathers' farms, so when they were in their early twenties they left Iowa to find opportunities elsewhere. Herman moved to Texas and then to Oakland, California, where he had a job as a carpenter in 1900, before relocating to a rented farm near Greeley, Colorado, and later to a western Colorado mining town.³² Will was less footloose, and between 1898 and 1910 he lived for several years each in Minnesota and Colorado.³³ By 1913 both men were married and living in Los Angeles, where Herman was once again working as a carpenter and Will was employed as a streetcar motorman.³⁴

In the spring of 1914 Will Schroeder, responding to widespread publicity about the prospects for dry farming in eastern Oregon, claimed a homestead in a settlement called Stauffer, about eighty miles southeast of Bend, where distant relatives of his wife, Edna, were living. The Schroeders were latecomers to Stauffer, which was largely settled between 1910 and 1913, and had to take land on the northern fringe of the community, near the foot of Glass Butte, an ancient volcanic mass rising nearly two thousand feet above the surrounding plain. The couple established residence in September, living in a tent while Will prepared to build a house and clear land.³⁵ Within days of when the Schroeders moved into their tent, Arthur G. Harley, a fifty-three-year-old laborer who had been employed at a warehouse in the San Francisco Bay area, acquired an adjoining homestead.³⁶

It did not take long for Schroeder and Harley to discover that their land was unsuitable for farming because they had located too close to Glass Butte. The topsoil, though thin and a bit stony, seemed good enough, but, to use Schroeder's words, "the subsoil was so hard and rocky that it could not be plowed or cultivated without breaking it up with a pick, bar, powder, or dynamite."³⁷ Harley added that because dry farming "requires cultivation of the soil to a considerable depth," their land was "absolutely unfitted for dry farming purposes."³⁸ Convinced that they faced insurmountable odds, the two men relinquished their claims at Stauffer, but were unwilling to return to California.³⁹ They decided instead to try their luck in northeastern Nevada, where Herman Schrader had obtained a homestead and was already getting settled.

Schrader had been lured to Tobar Flat by the words of unscrupulous California-based promoters who used the slogan "Tobar: Where the Big Red Apple Grows" to attract settlers. No fruit trees would ever grow near Tobar, but Schrader did not know this, and he was anxious to have a place of his own, where he and his wife, Minnie, could resume farming after an interruption of a half dozen years, and raise their three daughters in a wholesome rural setting. But like his cousin, Schrader was slow to leave California, and by the time he arrived at Tobar in 1914 most of the better parcels had been taken, and he had to settle for less desirable land between the southern end of Black Ridge and The Slough.⁴⁰

Will Schroeder and Harley came to Nevada to look for land in the winter of 1914-15. Harley found a soon-to-be-vacated homestead immediately east of Herman Schrader's place, and purchased the improvements, including a two-room frame house built by the original occupant. He and his wife, also named Minnie, established residence in April 1915, and two months later, when complications about the land transfer were cleared up, he acquired legal rights to the property.⁴¹ Will Schroeder was less fortunate. He wanted to be near Harley and his cousin, but was unable to find a homestead in the immediate vicinity of their land that contained fairly good soil, or that was close enough to The Slough to make irrigation a possibility. The best he could get was a tract northeast of Harley's property that contained a mixture of alkali soils and gravel in its western portion, and sandy land that blended with a line of dunes to the east. Schroeder could have obtained 320 acres here under provisions of the Enlarged Homestead Act, but he could find only 200 acres worth taking, and limited his acquisition to this amount when he filed his claim. He and Edna set up housekeeping in the spring of 1915 in the tent that he had brought from Oregon, and in the fall they moved into what Schroeder called a "two room house built of railroad ties in log house style" that he had constructed.⁴² Schroeder and Harley could see that their land was not the best, but at least it was tillable, which made it preferable to the property they had claimed in Oregon, and with renewed hope they prepared to make fresh starts.⁴³

The three men spent much of 1915 clearing and plowing land, and in the

spring of 1916 they put in their first crops, with Will Schroeder's thirteen acres of wheat, planted out near the sand dunes, accounting for slightly more than half of the cultivated land.

The results were not encouraging. Although the year was somewhat wetter than usual, all of their crops failed. Herman Schrader said nothing about the cause of this disaster, but Harley and Will Schroeder reported that none of them had gotten around to fencing their fields, and that jackrabbits had swarmed in from adjacent tracts of uncultivated land and ate everything. Art Harley put it bluntly: "The results were good, but rabbits destroyed the crop."⁴⁴ The next year was little better. Herman Schrader had enclosed some of his grain and potatoes with wire-mesh, "rabbit tight" fencing, and these crops escaped complete destruction, but he lost all of his alfalfa. The others still had no fencing, and they paid dearly for this oversight. Once again, rabbits overran their unprotected fields, and completely ruined Harley's alfalfa and the twenty-six acres of grain that Will Schroeder had planted.⁴⁵

In 1918 the trio planted about seventy acres in grain, potatoes, and garden crops (fig. 4). By now Herman Schrader had erected a rabbit fence around forty acres, enclosing all of his cultivated land and about sixteen acres that he hoped to plant at some future time. Harley had rabbit fencing around two acres just west of the farmstead, while Will Schroeder provided similar protection for a small garden behind his house. Despite these precautions, none of the men enjoyed satisfactory harvests. Herman Schrader filled twelve sacks with potatoes dug from a two-acre plot, and had a "nice garden," but got nothing from twenty acres of speltz.⁴⁶ Still, he did better than the others. Neither Harley nor Will Schroeder harvested a thing from their fields of grain. This time, rabbits were not blamed for the troubles, although most of the land planted by the two men remained unprotected. Instead, drought was seen as the principal culprit. Writing in July 1918, Will Schroeder reported that all of his grain had failed because "the season has been unusually dry," an assessment echoed by Harley, who said that "no crop resulted owing to too little moisture."⁴⁷ After three years of dry farming in the Lower Slough Country, the men had produced just a ton of hay and some potatoes and garden produce, prompting a friend of Harley's to conclude that "not much stuff is raised there and it is difficult to say what would do best."⁴⁸

Medical emergencies were a further drain on each family's energy and meager resources. The Schroeders, for example, had to go to northeastern Colorado for several weeks in 1917 to care for Edna Schroeder's ill sister and her children, an undertaking that kept Will from doing anything about the rabbits that invaded his fields in Nevada during his absence.⁴⁹ A year later, both the Harleys and the Schraders were obliged to spend extended periods of time away from home so that Minnie Harley and Herman Schrader could be treated by doctors. Neither case prevented these families from returning to the Lower Slough Country, but each involved expenditures of time and money that poor

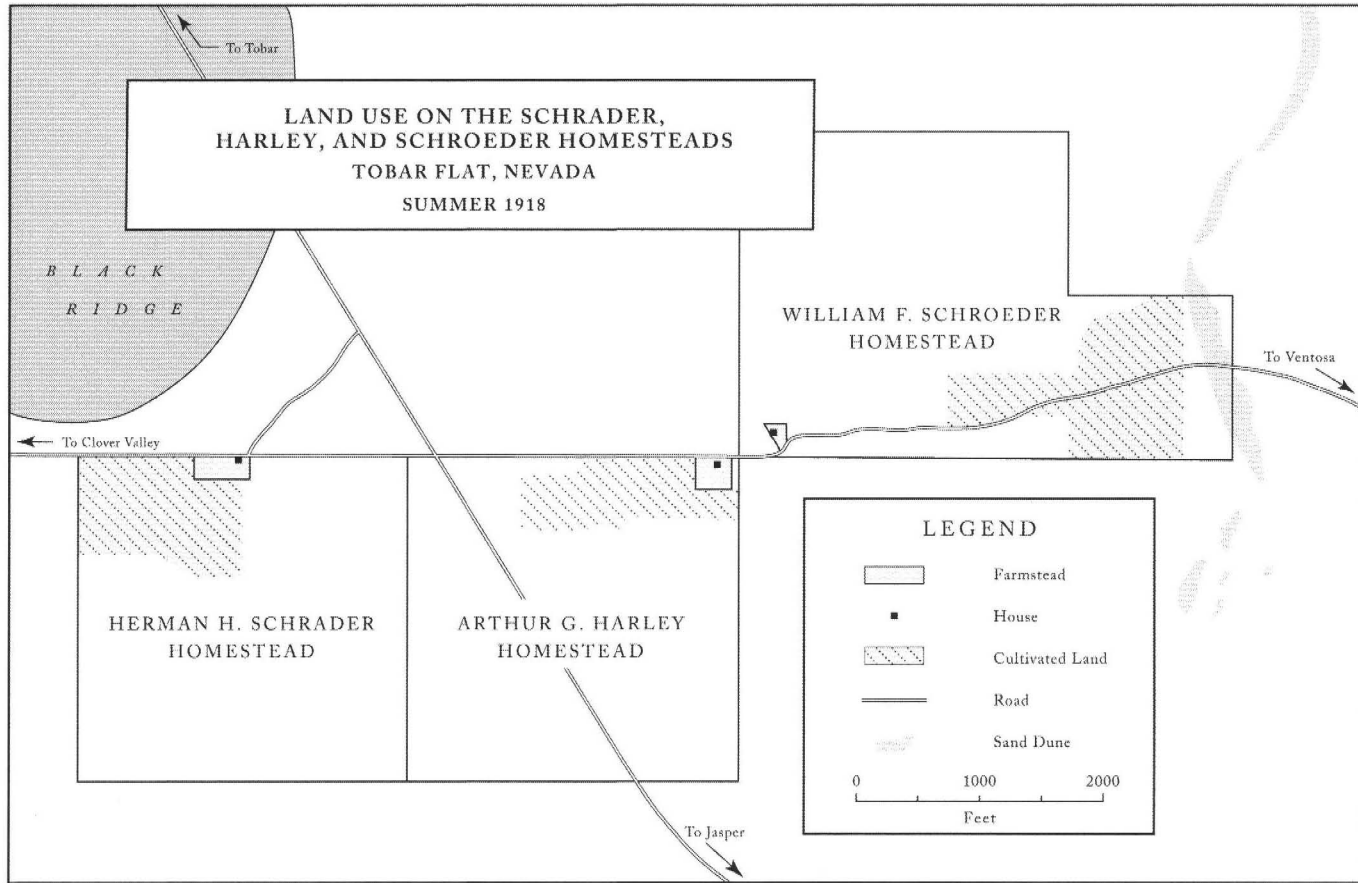


Figure 4

settlers, already on the brink of defeat, could ill afford.⁵⁰

Under these circumstances, it is not surprising that each of the men had to work away from their homesteads to make ends meet and continue farming. Herman Schrader found employment as a carpenter in Tobar, earned a few dollars by serving as a constable in 1914 and 1915, and on more than one occasion worked in Idaho and other parts of Nevada, ordinarily leaving Minnie and the children on the land.⁵¹ Harley and Schroeder, who were both childless at the time, took their wives with them when they were away at work, with the Harleys generally going back to California and the Schroeders returning to Colorado, where they stayed with Mrs. Schroeder's family while Will was employed nearby.⁵²

Working away from the farms only delayed the inevitable, for it could not fully offset the consequences of persistent crop failure and hand-to-mouth homestead living. The Schroeders were the first to give up. In the fall of 1918, shortly after Edna became pregnant with the couple's first child, the Schroeders moved to Greeley, Colorado, where Will worked as a carpenter, then went to Fort Lupton for a year, and returned permanently to Greeley in 1921.⁵³ The Harleys left in 1919, and went back to California, where Art worked on the farm of his brother-in-law and was later employed at a sawmill in the northern part of the state.⁵⁴ The Schraders held on a little longer, and did not leave until 1920, when Herman rented a house in Twin Falls, Idaho, where he found steady employment as a carpenter. But Schrader, described by his niece as stubborn, hardworking, and always a farmer at heart, was not yet ready to give up completely on his land in the Lower Slough Country, and in 1921 the family came back to Nevada to make one last try, this time with the use of irrigation water.⁵⁵

The return of Herman Schrader and his family coincided with the move of his eldest daughter, Leah, and her husband, T. Leslie Davis, from Elko to an abandoned homestead just west of the Schrader place. Schrader was aware that Jack Churchfield's application to irrigate from The Slough had been canceled and that a similar plan had fallen through, freeing some of the stream's flow for legal appropriation by others. He believed that by combining his building expertise with that of his son-in-law, who was also a carpenter, the two men could construct an effective irrigation system that would enable them to develop viable farms where others had failed.⁵⁶ Schrader made his initial inquiry about irrigating with Slough water in early March 1922, received an encouraging reply from the state engineer two weeks later, and before the month ended he filed a formal application, outlining his plans, with the engineer.⁵⁷

The cornerstone of the men's project was an earth and timber dam, forty feet wide and three feet high, to be built across The Slough on Davis's property at a point where the channel is slightly incised (fig. 5). From here, water impounded behind the dam would flow through a headgate into ditches running to their fields. Schrader declared that they could irrigate all of his and Davis's land, a total of 320 acres, in this way, but his estimate was probably unrealistic because

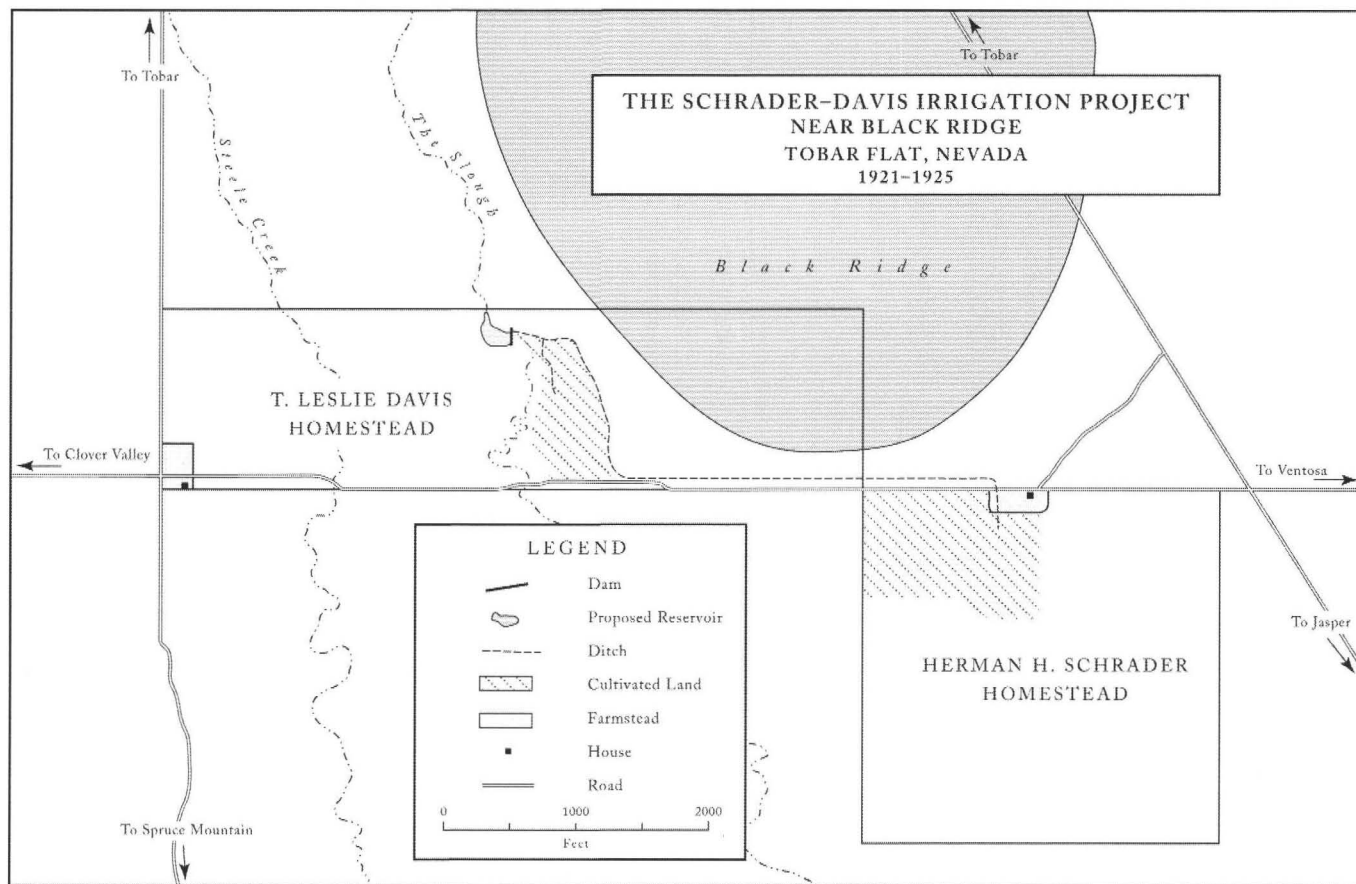


Figure 5

of the generally small volume and erratic nature of The Slough's flow and because the western part of Davis's property lay slightly upslope from the dam, beyond the channel of another intermittent stream. It is more likely that, in order to secure rights to as much water as possible, Schrader said they would irrigate this large amount of land, but that he and Davis actually would be satisfied if they succeeded in irrigating just a fraction of the specified acreage.⁵⁸

The men began work on their project around the beginning of April 1922. Schrader thought that they could complete the dam and ditches in less than a month, and start irrigating their fields when runoff from the mountains came down The Slough, but they found the work to be slow going. The ground remained frozen much later than usual, making it difficult to build the dam properly and almost impossible to dig ditches. Then, as Schrader explained, there came a "sudden thawing which brought the water sooner than usual," and since neither the dam nor the ditches were ready, the water flowed unimpeded all the way to Little Lake.⁵⁹ Discouraged but not yet defeated, the men continued their work, and by the end of summer the dam was completed as planned and ditches running to fields on both properties were, they believed, in good shape.⁶⁰

The winter of 1922-23 was cold, but snowfall was light, and when spring arrived almost no runoff reached the dam, and little if any water entered the ditches. To make matters worse, the men discovered that because they had been using a faulty transit, five hundred feet of the ditch leading to Schrader's land did not slope sufficiently, so they had to reconfigure the route and do some more digging. They also doubled the height of the dam, extended its length, and built a concrete spillway that would better direct water from behind the dam into the main ditch.⁶¹ Most of this was finished by July, when Davis left to find employment that would sustain the two families for a while longer.⁶² In November 1923, Schrader informed the state engineer that all work on the project had been completed, and the men looked ahead to the spring of 1924, when irrigation water would surely flow into their fields.⁶³

Despite all of this effort, Schrader and Davis were no more successful than the Churchfields. The Slough remained nearly dry in 1924 and again in 1925, and not a drop of irrigation water reached the men's fields. Recalling the problems that they had encountered from 1922 through 1925, Davis declared that "there was only one year [1922] in which I could have gotten water and was not then prepared [because] I did not have my ditches ready." His only attempt to raise crops took place in 1923, when he planted eleven acres of wheat and oats a short distance southeast of the dam. But without irrigation, reported Davis, "nothing [could be] harvested. The crop burned up before it matured [and I] used it for green feed for chickens."⁶⁴ After this, Davis never planted another crop, but Schrader, who had dry farmed here for four years, may have tried to raise some feed without irrigation from 1923 through 1925, when he kept about three dozen chickens, two milk cows, and, in the first two of these years, a pair of hogs.⁶⁵

The failure to put irrigation water in their fields, and their inability to produce more than what must have been, at best, a small amount of feed, spelled utter defeat. The Davises moved to Wells in the fall of 1925, and observed a year later that "since filing on the homestead [we] have made nothing out of it. Everything [we] earned came from outside the homestead, and the entry [has been] a constant source of expense."⁶⁶ Schrader, stubborn to the end, remained on the land with his family in 1926 and through part of 1927, but he disposed of all of his animals in 1926, and during their last months in the area the family used the house as a nonfarm residence, with Schrader traveling in an old Ford truck to jobs in Tobar and Wells. Finally, in 1927, the Schraders rejoined the Davises in Wells, where the men borrowed money and went into the lumber business.⁶⁷ The Schraders lived in Wells until 1935, when they moved back to Colorado and settled in Greeley, not far from the home of Will and Edna Schroeder.⁶⁸ The Davises remained in Wells until 1945, went to California for five years, and then also moved to Greeley, where, like the Schraders and the Schroeders, they spent the remainder of their lives.⁶⁹

RETROSPECTIVE

No one has lived in the Lower Slough Country since Herman Schrader and his family moved away in 1927. The passage of time has obliterated much of the evidence that aspiring farmers once made their homes here, but a careful search will reveal that some remnants of this unfortunate episode in Nevada history still exist. Part of the Davises' house and scars of Herman Schrader's grain field, last cultivated more than seventy-five years ago, interrupt the monotony of an expansive sea of desert shrubs. The Schrader-Davis dam has been breached, but most of the structure, including the concrete spillway, is intact, and stands as a tangible reminder of what went into one attempt to put water on this dry land. Only faint traces remain of the men's ditch to Schrader's field, but to the southwest, between Snow Water Lake and The Slough, a section of the abortive Churchfield canal, cut by Fresno scraper in 1912, stands out almost as sharply as if it had been completed yesterday. And near Little Lake, a piece of an old rusty shovel lies near the site of a cabin built by the Churchfields, where it may well have been flung in disgust by one of Jack's sons when he finally came to the realization that his father's irrigation scheme was nothing but an obstinate man's impossible dream. Each of these remnants is a testimony to careful planning, staunch determination, and an enormous amount of hard work, but each is also a symbol of failure in this unyielding land, where planning, determination, and hard work were not enough.

Close examination of the activities of these settlers provides us with better understanding of the processes that were at work when people chose to live and farm in what we now recognize are submarginal lands. The Lower Slough

Country is not a place for the fainthearted. The men who tried to irrigate here were resourceful individuals who had reason to believe that they possessed the skills needed to get Slough water into their fields, while those who came to dry farm were intent on making fresh starts after unrewarding experiences elsewhere. No one had much to lose if these activities did not work out, for farming in Nevada was just one of a succession of blue-collar occupations pursued by each man in an effort to support his family. It was a rural interlude, perhaps a bit too full of unreasonable hope, in lives that also involved digging ditches, working as carpenters, prospecting for ore, cutting and stacking hay, and laboring in warehouses and a sawmill. The men moved readily from one occupation to the next, just as they shifted back and forth between irrigation and dry farming, depending on the conditions they encountered and what seemed practical at the time.⁷⁰ If anyone could have succeeded here, it would have been these people, who were accustomed to physical labor, had the assistance and support of friends and family members, and were prepared to accept modest levels of living. But in the Lower Slough Country, where soils are poor, precipitation is low, and supplies of irrigation water are small and unreliable, they were up against more than they could handle, and when farming failed they moved on to new places and other occupations that seemed to promise something better, with scarcely a backward look at this hard land that had exacted such a high cost in time and effort, and had given nothing in return.

NOTES

¹The most comprehensive account of this process is Marshall E. Bowen, *Utah People in the Nevada Desert: Homestead and Community on a Twentieth-Century Farmers' Frontier* (Logan: Utah State University Press, 1994). This is supplemented by J. Carlos Lambert, *The Metropolis Reclamation Project*, Agricultural Experiment Station Bulletin no. 107 (Reno: University of Nevada, 1924); William L. Moran, "A Dam in the Desert: Pat Moran's Last Water Venture," *Utah Historical Quarterly*, 50 (Winter 1982), 22-39; Marshall E. Bowen, "Running on Empty: The Dry Farming Settlements of Northeastern Nevada," *Focus*, 43 (Fall 1993), 17-21; *idem*, "Bitter Times: The Summers of 1915 and 1916 on Northeast Nevada's Dry Farms," *Northeastern Nevada Historical Society Quarterly*, 93 (Spring 1993), 2-26; and *idem*, "Jackrabbit Invasion of a Nevada Agricultural Community," *Ecumene*, 12 (October 1980), 6-16.

²The back-to-the-land movement is analyzed in Stanford J. Layton, *To No Privileged Class: The Rationalization of Homesteading and Rural Life in the Early Twentieth-Century American West* (Provo: Brigham Young University, Charles Redd Center for Western Studies, 1988). Important studies of dry farming settlement beyond northeastern Nevada include John Edwin Lambom, "A History of the Development of Dry-Farming in Utah and Southern Idaho" (M.A. thesis, Utah State University, 1978); George Macinko, "The Ebb and Flow of Wheat Farming in the Big Bend, Washington," *Agricultural History*, 59 (April 1985), 215-28; Barbara Allen, *Homesteading the High Desert* (Salt Lake City: University of Utah Press, 1987); and Marshall E. Bowen, "Crops, Critters, and Calamity: The Failure of Dry Farming in Utah's Escalante Desert, 1913-1918," *Agricultural History*, 73 (Winter 1999), 1-26. For colonization of new irrigation projects, see John M. Townley, *Turn This Water into Gold: The Story of the Newlands Project* (Reno: Nevada Historical Society, 1977), 31-46; Mark Fiege, *Irrigated Eden: The Making of an Agricultural Landscape in the American West* (Seattle: University of Washington Press, 1999); and William R. Jensen, "Canals and Canards: Three Case Studies of Land and Water Speculation in Utah, 1905-1920" (M.S. thesis, Utah State University, 1971), 78-98.

³The role of promoters is described in Marshall E. Bowen, "Promoters and Pioneers: A Perspective on the Settlement Process in the Utah-Nevada Borderlands," *Pioneer America Society Transactions*, 15 (1992), 23-31; Craig L. Torbenson, "The Promontory-Curlew Land Company: Promoting Dry Farming in Utah," *Utah Historical Quarterly*, 66 (Winter 1998), 4-25; and Jensen, "Canals and Canards," 85-86.

⁴Richard White, "Poor Men on Poor Lands: The Back-to-the-Land Movement of the Early Twentieth Century—A Case Study," *Pacific Historical Review*, 66 (February 1980), 105-31.

⁵Details on Lake Clover are found in M.D. Mifflin and M.M. Wheat, *Pluvial Lakes and Estimated Pluvial Climates of Nevada*, Nevada Bureau of Mines and Geology Bulletin 94 (Reno: University of Nevada, Mackay School of Mines, 1979), 53 and plate 1.

⁶*Northeastern Nevada Cooperative Land-Use Study* (Washington: U.S. Dept. of Agriculture, Soil Conservation Service, 1939), map 17.

⁷John G. Houghton, Clarence M. Sakamoto, and Richard O. Gifford, *Nevada's Weather and Climate*, Nevada Bureau of Mines and Geology Special Publication 2 (Reno: University of Nevada, Mackay School of Mines, 1975), 26-35, 44-53; U.S. Dept. of Agriculture, *Climatic Summary of the United States* (Washington: U.S. Government Printing Office, 1932), data for Clover Valley, Wells, and Metropolis; U.S. Dept. of Agriculture, *Climate and Man* (Washington: U.S. Government Printing Office, 1941), 979.

⁸Nawny McDermott, "Great Grand-Ma Mac: Bertha May Churchfield McDermott," *Northeastern Nevada Historical Society Quarterly*, 86 (Summer 1986), 87; John Churchfield, Jr., "Some of John and Laura Churchfield's History," dictated in 1977 to Mrs. Marian Churchfield, in possession of Mr. and Mrs. Sim Churchfield, Elko, Nevada; U.S. Census of Population, manuscript schedules for Elko County, Nevada, 1900, National Archives (NA), Washington, D.C.; Sim Churchfield (grandson of John Churchfield and son of John, Jr. and Laura Churchfield), author's interviews, Elko, Nevada, 26 June 1979, 16 July 1982.

⁹S. Churchfield, 1982. For a description of the Newlands Project at the time that the Churchfields were working there, see Townley, *Turn This Water into Gold*, 31-36.

¹⁰Edwin E. Caine, letter to Emmet D. Boyle, state engineer, 8 August 1910, and John Churchfield, letter to Boyle, 21 September 1910, both in File 1722, Nevada Division of Water Resources (NDWR), Carson City; U.S. Census of Population, manuscript schedules for Elko County, Nevada, 1910, NA; S. Churchfield, 1982.

¹¹General Land Office (GLO) tract books, Record Group (RG) 49, NA; Unpatented Homestead Files 0254, 0255, 0305, and 01189, Elko Land Office, U.S. Bureau of Land Management (BLM), Reno, Nevada; Transaction Records, Southern Pacific Land Co., San Francisco, California; John Churchfield, Application for Permit to Appropriate the Public Waters of Nevada, 14 November 1910, File 1850, NDWR.

¹²Deposition filed by Herbert Badt, 2 January 1917, *Badt v. Churchfield*, District Court Case File 2465, Clerk's Office, Elko County Court House (ECCH), Elko, Nevada; S. Churchfield, 1982.

¹³*Nevada State Herald* (Wells), 24 March, 7 April 1911; S. Churchfield, 1979, 1982.

¹⁴Elko County Tax Assessments, 1911, 1912, ECCH; S. Churchfield, 1982.

¹⁵John Churchfield, Application for Permit, and accompanying maps, File 1850, NDWR.

¹⁶S. Churchfield, 1982.

¹⁷Judge Joseph O. McDaniel (a former resident of Tobar Flat), Elko, Nevada, author's interview, 27 June 1979; Ferris Brough (a Clover Valley rancher), author's interview, Clover Valley, Nevada, 28 June 1979; Gene Pengelly (former mayor of Wells and a friend of the Churchfields and other settlers in the Lower Slough Country), author's interview, Wells, Nevada, 22 June 1982.

¹⁸Churchfield to Boyle, 21 September 1910; George W. Malone, state engineer, letter to Milton B. Badt, 10 December 1929, File 1722, NDWR; John Churchfield letters to William Kearney, state engineer, 7 April 1913, and Kearney, letter to Churchfield, 9 April 1913, File 1850, NDWR; *Nevada State Herald*, 27 December 1912, 17 January 1913, 3 October 1913.

¹⁹Malone to Badt, 10 December 1929, File 1722, NDWR; S. Churchfield, 1982; G. Pengelly, 1982.

²⁰S. Churchfield, 1982. High water in The Slough in 1912 is described by Andrew E. Scott in Homestead Patent Application (HPA) 421395, RG 49, NA.

²¹*Nevada State Herald*, 24 March, 1 September 1911; Norma Pengelly (granddaughter of John (Jack) Churchfield), author's interview, Wells, Nevada, 14 July 1982. Mrs. Evelyn Churchfield was so ill that she had to be brought to Wells for treatment in August 1911, but later returned to the family's cabins at Little Lake.

²²S. Churchfield, 1979; *Climatic Summary*, data for Wells, Metropolis, Clover Valley, Arthur, and the state's dry farming experiment station near Elko.

²³S. Churchfield, 1982.

²⁴F.R. Jacoby, "Map of Lands of John Churchfield & Sons," 21 April 1913, File 1850, NDWR; Transaction Records, Southern Pacific Land Co.

²⁵Churchfield to Kearney, 7 April 1913, and Kearney to Churchfield, 9 April 1913, File 1850, NDWR; S. Churchfield, 1982.

²⁶Certificate 102, issued 13 May 1913, File 1201-1202, NDWR; Malone to Badt, 10 December 1929, File 1722, NDWR; *Nevada State Herald*, 3 October 1913.

²⁷John Churchfield, Jr., "Some of John and Laura Churchfield's History"; S. Churchfield, 1979, 1982; *Elko Independent*, 11 February 1915, 12 July 1918; *Elko Free Press*, 2 February, 13 November 1917.

²⁸Beulah Thompson, "Life of John Churchfield, [Jr.]," 1978, in possession of Mr. and Mrs. Sim Churchfield, Elko, Nevada; S. Churchfield, 1982.

²⁹Deposition by Badt, 2 January 1917, testimony given on 19 February, 28 February 1917, and 9 January 1920; and court decisions of 28 January 1917, 19 January 1920, *Badt v. Churchfield*, ECCH; *Elko Independent*, 28 February 1917.

³⁰S. Churchfield, 1979.

³¹U.S. Census of Population, manuscript schedules for Marion County, Iowa, 1880, NA; Iowa State Census, manuscript schedules for Marion County, 1895; *Atlas of Marion County, Iowa* (Philadelphia: Harrison and Warner, 1875), 39, 41; *Atlas of Marion County, Iowa* (Chicago: Arthur M. Hovey, 1901), 27, 35; *Greeley Tribune* (Greeley, Colorado), 17 February 1961.

³²U.S. Census of Population, manuscript schedules for Alameda County, California, 1900, and Twin Falls County, Idaho, 1920, NA; *Greeley Tribune*, 17 February 1961, 19 May 1969; *Greeley City Directory and Rural Route Directory* (Greeley: *Greeley Tribune*, 1908); Don Schrader (nephew of Herman H. Schrader), author's interviews, Cheyenne, Wyoming, 11 June 1982; Faye Schrader (niece of Herman H. Schrader and second cousin of William F. Schroeder), author's interview, Milo, Iowa, 20 June 1984.

³³*Knoxville Express* (Knoxville, Iowa), 13 July, 2 November 1898; F. Schrader, 1984.

³⁴*Milo Motor* (Milo, Iowa), 26 January 1911; *Greeley Tribune*, 19 May 1969; *Los Angeles City Directory*

(Los Angeles: Los Angeles Directory Co., 1912-14); D. Schrader, 1982; F. Schrader, 1984.

³⁵GLO tract books, RG 49, NA; William F. Schroeder, testimony, U. S. Land Office, Elko, Nevada, 21 January 1915, HPA 668319, RG 49, NA. For the process of dryland settlement in eastern Oregon, see Allen, *Homesteading the High Desert*, 34-37, and Raymond Robert Hatton, "Climatic Variations and Agricultural Settlement in Southeastern Oregon" (Ph.D. diss., University of Oregon, 1989), 82-89. The Stauffer community and Glass Buttes are described in Don Van Home, "Stauffer," *Oregon Geographer*, 10 (1976), 1-19; Raymond R. Hatton, *High Desert of Central Oregon* (Portland: Binford and Mort, 1977), 73-75, 78-81.

³⁶GLO tract books, RG 49, NA; U.S. Census of Population, manuscript schedules for Contra Costa County, California, 1900, 1910, NA.

³⁷Schroeder, testimony, Nevada, 21 January 1915; *idem*, 13 April 1915, HPA 704575, RG 49, NA.

³⁹GLO tract books, RG 49, NA; Maude M. Stauffer (former postmistress at Stauffer, Oregon) letter to John E. Robbins, U.S. Land Office, Elko, Nevada, 4 January 1915; Schroeder, testimony, 21 January 1915.

⁴⁰Statements of Herman H. Schrader, 14 May 1914 and 30 June 1919, HPA 715492, RG 49, NA; F. Schrader, 1984. The settlement process on Tobar Flat, including the questionable practices of promoters and locators, is described in Bowen, *Utah People*, 27-38, and *idem*, "Promoters and Pioneers," 25-28.

⁴¹GLO tract books, RG 49, NA; Arthur G. Harley, statement, 23 April 1919, HPA 704575, RG 49, NA; Unpatented Homestead File 01604, Elko Land Office, U.S. Bureau of Land Management, Reno, Nevada.

⁴²William F. Schroeder, statement, 19 July 1918, HPA 668319, RG 49, NA; *Northeastern Nevada Cooperative Land-Use Study*, 1939.

⁴³Schroeder, testimony, 21 January 1915.

⁴⁴Schroeder, statement, 19 July 1918; Harley, statement, 23 April 1919; H. H. Schrader, statement, 30 June 1919, supplemented by statement of Arthur G. Harley, 19 July 1918, HPA 668319, RG 49, NA. The impact of jackrabbits on the farms of northeastern Nevada is discussed by Bowen in *Utah People*, 75-76; *idem*, "Jackrabbit Invasion," 6-16; *idem*, "Bitter Times," 8-10, 15-16.

⁴⁵Schroeder, statement, 19 July 1918; Harley, statement, 23 April 1919; H. H. Schrader, statement, 30 June 1919.

⁴⁶Schrader, statement, 30 June 1919. Spelt is a variety of wheat.

⁴⁷Schroeder, statement, 19 July 1918; Harley, statement, 23 April 1919. The Clover Valley station, situated a dozen miles to the southwest, recorded 0.52 inches of precipitation in July and just 10.71 inches for all of 1918, while Metropolis, a short distance northwest of Wells, reported that only 0.86 inches fell from June 1 to the end of August.

⁴⁸Arthur L. Harris (a homesteader living southwest of Black Ridge), statement, 8 November 1918, HPA 704575, RG 49, NA. All but a tiny fraction of the harvested crops, including a four-acre field of grain that was cut for hay, was raised by Herman H. Schrader.

⁴⁹Schroeder, statement, 19 July 1918; C.H. Atkins, M.D., Peetz, Colorado, letter to U.S. Land Office, Elko, Nevada, 14 November 1917, HPA 668319, RG 49, NA.

⁵⁰Harris, statement, 8 November 1918; Harley, statement, 23 April 1919; H. H. Schrader, statement, 30 June 1919; Thomas L. Davis, statement, 13 June 1919, HPA 715492, RG 49, NA.

⁵¹H. H. Schrader, statement, 30 June 1919; H. H. Schrader, statement of 15 October 1914, and testimony 16 January 1915; James A. Dysart, affidavit filed 30 January 1915, *Sweeney, Rutherford, Wardvogle (sic), and Starr v. Jasmin and Schrader*, District Court Case 2225, ECCH; *Elko Independent*, 16 February 1915; F. Schrader, 1984.

⁵²Schroeder, statement, 19 July 1918; Harley, statement, 23 April 1919. Both couples were childless at this time, but a son would be born to Will and Edna Schroeder in the spring of 1919.

⁵³U.S. Census of Population, manuscript schedules for Weld County, Colorado, 1920, NA; Elko County Tax Assessments, 1919-25, ECCH; *Greeley City and Rural Route Directory*, 1920-26.

⁵⁴U.S. Census of Population, manuscript schedules for Yolo County, California, 1920, NA; Elko County Tax Assessments, 1920-30, ECCH; Harold Nieson (a local historian), author's interview, Elk Creek, California, 30 June 1982. The Harleys lived for several years in Alder Springs, a community of loggers and sawmill workers located just up the road from Elk Creek.

⁵⁵U.S. Census of Population, manuscript schedules for Twin Falls County, Idaho, 1920, NA; Elko County Tax Assessments, 1920, 21, ECCH; F. Schrader, 1984.

⁵⁶T. Leslie Davis, statements, 27 June 1921, 18 January 1927, HPA 999906, RG 49, NA; Seymour Case, state engineer, letter to John Churchfield, 9 March 1918, File 1850, NDWR; H.H. Schrader, letter to J.C. Scrugham, state engineer, 2 March 1922, File 6656, NDWR; Unpatented Homestead Files 03474 and 03537, Elko Land Office, BLM; *Elko Independent*, 27 May 1918.

⁵⁷H. H. Schrader to Scrugham, 2 March 1922; Scrugham to H. H. Schrader, 14 March 1922; and H.H. Schrader, Application for Permit to Appropriate the Public Waters of Nevada, 27 March 1922, File 6656, NDWR.

⁵⁸H. H. Schrader, Application for Permit, supplemented by H.H. Schrader, Affidavit of Labor and Improvements, 18 December 1922, File 6656, NDWR. The state engineer had informed Schrader that he could appropriate no more than 1.0 cubic foot per second for each 100 acres to be irrigated, so by declaring that he and Davis would irrigate 320 acres, Schrader could ask for the right to use as much as 3.2 cubic feet per second, the exact amount specified in his application. Scrugham to H. H. Schrader, 14 March 1922, File 6656, NDWR.

⁵⁹H. H. Schrader, Application for Permit; H.H. Schrader, Affidavit for Extension of Time on Permit No. 6656, 18 December 1922, File 6656, NDWR.

⁶⁰H. H. Schrader, Affidavit of Labor and Improvements, 18 December 1922.

⁶¹*Ibid.*; H.H. Schrader, Affidavit of Completion of Work, 24 November 1923, File 6656, NDWR.

⁶²Clarence M. Barton, statement, 16 July 1926, HPA 999906, RG 49, NA.

⁶³H. H. Schrader, Affidavit of Completion of Work, 24 November 1923.

⁶⁴Davis, statement, 18 January 1927.

⁶⁵Elko County Tax Assessments, 1923-25, ECCH; Gene Pengelly, 1982.

⁶⁶C.C. Smith, General Land Office inspector, letter to Commissioner of the General Land Office, 23 November 1926, HPA 999906, RG 49, NA.

⁶⁷Elko County Tax Assessments, 1926-27, ECCH; *Greeley Tribune*, 8 February 1966; Gene Pengelly, 1982.

⁶⁸Elko County Tax Assessments, 1928-34, ECCH; *Greeley City and Rural Route Directory*, 1931-60; *Greeley Tribune*, 17 February 1961.

⁶⁹*Greeley Tribune*, 17 February 1961, 8 February 1966, 19 May 1969; Pengelly, 1982.

⁷⁰This point is emphasized by Marshall E. Bowen in "A Backward Step: From Irrigation to Dry Farming in the Nevada Desert," *Agricultural History*, 63 (1989), 231-42, and was expressed succinctly by Carl Vrooman, assistant secretary of agriculture, who wrote in 1916 that "very few practical farmers till the soil to demonstrate principles of agronomy. They produce crops to live rather than live to produce crops." Vrooman, "The Agricultural Revolution," *Century Magazine*, 93 (1916), 112.

Notes and Documents

Water: Life in a Dry Land

PETER L. BANDURRAGA

For the better part of a decade Nevada Historical Society staff pursued the goal of establishing galleries in the downtown Reno area. Although the society's facilities on the University of Nevada campus are well situated for the library and educational functions the society carries on, it is a difficult location for attracting visitors to the exhibitions, especially out-of-town visitors. Furthermore, at just under twenty-five thousand square feet, the two society buildings are rather small, especially considering the size of the library, manuscript, and photography collections. Although the collections of historical objects are not extensive, there are several very large pieces of furniture. Moving the galleries downtown seemed a good solution to both the visibility and space problems.

Several sites downtown were considered over the years, and any number of meetings with Reno Redevelopment Agency boards, committees, and staff were attended. Funding was always a problem, but not the only one. Eventually, society staff decided to concentrate efforts on improving the existing facilities. The result was a million-dollar capital improvement appropriation from the 1997 session of the legislature, which funded a complete overhaul and remodeling of the museum/library building and major additions to the collections storage building. With an additional \$100,000 from the Board of Museums and History, the new permanent exhibition, *Nevada: Prisms and Perspectives*, was installed in the Wilbur S. Shepperson Gallery.

As so often happens in life, good things take shape only after one has stopped wishing for them. In this case, while the remodeling project was under way, the Historical Society was invited by the Circus Circus casino in Reno to install a small interpretive exhibition in the visitors' center the casino had just opened

Peter Bandurraga is the director of the Nevada Historical Society. He was responsible for the interpretation of the exhibition, *Water: Life in a Dry Land*. The Nevada Historical Society received a Tourism Development Award for the exhibition at the 18th Annual Governor's Conference on Travel and Tourism in Las Vegas on December 12, 2001.

at an Interstate 80 exit inside the state line west of Verdi. For the first time since the early 1980s, when attorney Bill Thornton offered gallery space in the old Montgomery Ward building on Sierra Street, the Nevada Historical Society had a substantial off-site presence.

That was not to be the end of things, however. Early in 2000, Mike Scott of Circus Circus called to say he was leaving that casino and offered to arrange a meeting with Phil Bryan, CEO of the Club Cal Neva*Virginian, who was interested in having the Historical Society install a new exhibition in the hotel lobby. After a couple of friendly and productive discussions, Club Cal Neva and the Nevada Historical Society reached a verbal agreement on a long term loan of half of the lobby of the First Interstate Bank Building at the corner of First and Virginia streets, which had become the lobby for the Virginian Hotel, now managed by the Club Cal Neva. Not unexpectedly it took several months and a number of lawyers to put together the written agreement. In the meantime, a number of society exhibition photos, mostly from the Neal Cobb Collection portraying downtown Reno as it was in the middle of the twentieth century, went up on the walls. For the first time in Nevada's history, a major casino was partnering with state government to benefit the cultural life of the community and to help attract more visitors to the state. It was a truly historic agreement.

Once the agreement was worked out, the Board of Museums and History, which has statutory responsibility for the society's private funds, allocated \$50,000 in reserves to design, fabricate, and install a wholly new exhibition in the lobby of what was now being called the Chamber Building (it houses the offices of the Chamber of Commerce). Lexicon, Inc., of Reno, a local exhibits firm, was chosen to do the work. In close cooperation with society staff, designer Lamise Carano and her expert artists and technicians reached deep into the well of innovation and produced an exhibition unlike anything ever seen in Reno. Utilizing the society's extensive collections of historical photography, the exhibition immerses the visitor in the history of Reno, centered around the importance of water to civilization in a desert. There are images on the ceiling, in the old bank vault, and hanging on the pillars. Central to the interpretation of the theme are four giant collages, each portraying a distinct period in the history of Reno and the Truckee Meadows. Because of the photography and because the 1961 International style building is rather minimalist in concept, black and white are the dominant colors. The visitor is immediately captured by the boldness of the design, drawn into the exhibition, and is led back in time, to the beginning.

Water is essential for all life. Humans can live only where there is a dependable supply of water. Nevada, of course, is a land of deserts, where the dependability of water is itself a gamble. Many have said that all life in Nevada, not just in the casinos, is a matter of chance. Ironically, most of the geographical region known as the Great Basin (Nevada and Utah and parts of Idaho and

Oregon) was once under water, the gigantic inland sea called Lake Lahontan. As the land rose over the eons, and the climate dried, what was left were the hundred or so mountain ranges and hundred or so valleys that make up the modern landscape. Ancient rivers, beginning in mountains, flow through the valleys and end in ancient lakes. Prominent among these rivers is the Truckee, flowing from Lake Tahoe, high in the Sierra Nevada, to Pyramid Lake. It is the presence of water, such as in the Truckee River, that has determined the flow of human life in what is now Nevada.

Reno is the most prominent community in the Truckee Meadows. Humans have lived here for more than 10,000 years, taking what they needed from the land and surviving as best they could. With the arrival of the Euroamericans about 150 years ago, humans began to change the land and to take more from it. The result is what you see outside the doors, a richly dynamic community that continues to evolve and develop, and continues to depend on the water that flows through it.

Drawing on the rich resources of the Nevada Historical Society's photographic collections, this exhibition seeks to show a little bit of what life was like in and around Reno at different times in the past. The show is divided into four sections, "Living on the Land," "Riches from the Earth," "Mr. Wingfield's Reno," and "Reno's Golden Age."

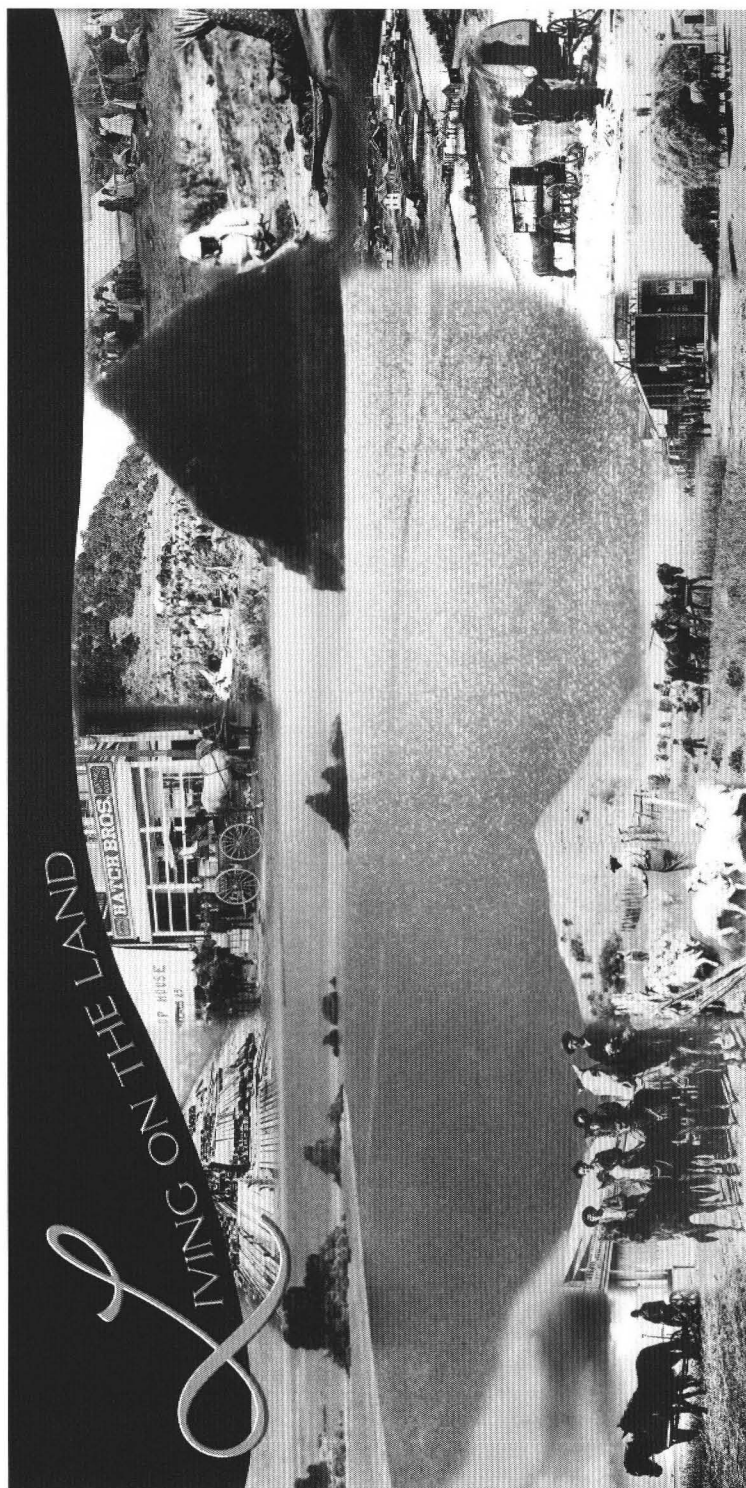


Virginia Street, looking north at the intersection of First Street in the late 1930s. The First National Bank of Nevada was on the northeast corner; it was replaced in the early 1960s by the current office tower, now called the Chamber Building. (Neal Cobb Collection, Nevada Historical Society)

Living on the Land

Although the land of the eastern Sierra Nevada and the Great Basin appears to be a hard place to survive in, people have been taking their living from the land here for more than 10,000 years. From the earliest times Native Nevadans learned to live lightly on the land, taking only what they needed and not hurting what they left. About a thousand years ago in the southern part of this region, the Anazazi built adobe towns and farmed the rich bottom lands of the Virgin and Muddy river valleys. More recently, four major groups have occupied what is now Nevada. The Washoe are in the corner around Lake Tahoe, which is the center of their spiritual world. The Northern Paiute range stretches up into what is now Oregon and Idaho, and down to the southwest toward the Owens Valley. To the east, the Western Shoshone fill the middle section, and the Southern Paiute range includes parts of both Nevada and Utah.

When Euroamericans began arriving in the Great Basin in the second quarter of the nineteenth century, they first sought wealth in the form of beaver pelts to be used in the making of fashionable hats. As some came to stay, they turned to farming and ranching, both beef and dairy cattle and, later, sheep. By the last part of the century, traditional Native American life was no longer possible in Nevada, and many of the state's indigenous inhabitants turned to the new ranches and towns for jobs. The Truckee Meadows supported a thriving ranch industry, often owned by immigrants from northern Italy. Today ranching and farming continue to prosper in Nevada, especially in nearby valleys, such as Carson, Mason and Smith. The Newlands Project in Churchill County, the first federal reclamation project, takes water from the Truckee and Carson rivers to water thousands of acres of farmland. The desert has indeed bloomed.

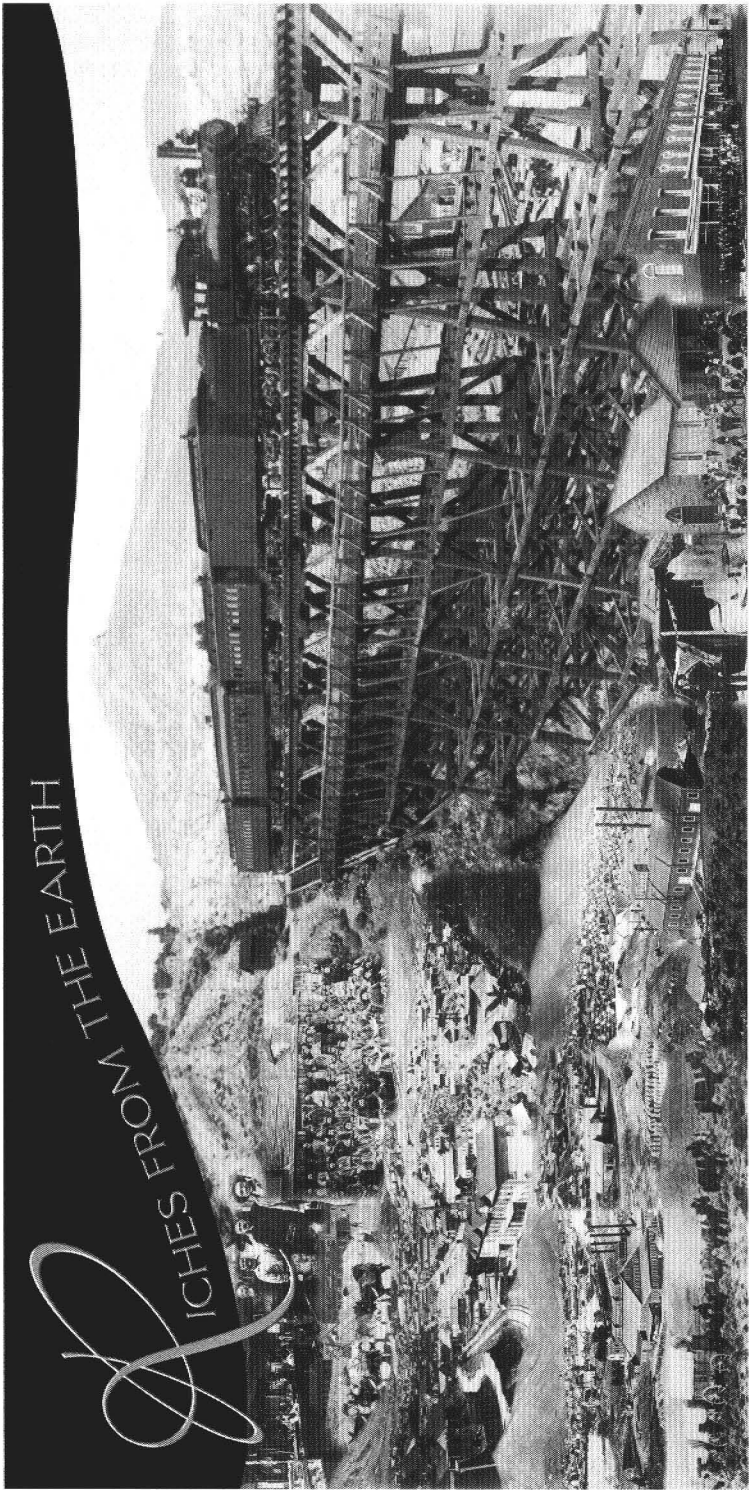


Riches from the Earth

The Great Basin has been the source of fabulous mineral wealth for thousands of years. From the earliest times native Nevadans mined salt and turquoise. More recently, soldiers returning from the Mexican-American War and prospectors from the first wave of the California Gold Rush found traces of the yellow metal in streams on the eastern slope of the Sierra Nevada. Real excitement began in 1859, when placer miners panning the streams of Gold Canyon in the Virginia Mountains discovered that the blue clay that had been seen as a nuisance was really remarkably rich silver ore. The "Rush to Washoe" brought thousands of 'forty-niners flocking in the renewed hope of finding their fortunes. Mining in Nevada was different from in California, and it soon became apparent that large amounts of capital and new technology were going to be needed to extract the silver from the Comstock Lode. New cities—Virginia City, Gold Hill, Silver City—were built to house, feed, and entertain the thousands of miners and their families who came to work in the mines. Owners and speculators got rich, and everyone else worked for wages, good wages of four dollars per day, but wages, nonetheless.

In the 1870s Virginia City, Nevada, was the largest metropolis between Saint Louis and San Francisco. Mining brought modern American civilization to Nevada. Comstock Lode silver and gold built the stock exchange in San Francisco, helped pay for the Civil War, and fostered statehood for Nevada. All over the state—from Treasure Hill to Eureka to Austin to Belmont to Candelaria to Columbia to El Dorado Canyon—mining camps boomed, grew into instant cities, and then went bust, sometimes in the space of a few months. Men and women from all the continents of the earth came to make their fortunes; the fortunate made a living.

At the same time the Union Pacific and the Central Pacific competed with each other to cross the continent with a railroad. Reno was one result of the competition. The Central Pacific (later the Southern Pacific and now the Union Pacific), founded the town on the Truckee River in 1868 as a terminus to handle the silver ore being shipped out from the Comstock Lode and the passengers and goods being shipped in. Soon after, the shortline Virginia & Truckee linked Reno and Virginia City. Although the ore did not last, Reno has, growing into a commercial and recreational center for northern Nevada, northern California, Oregon, Idaho, Utah, and indeed the world.

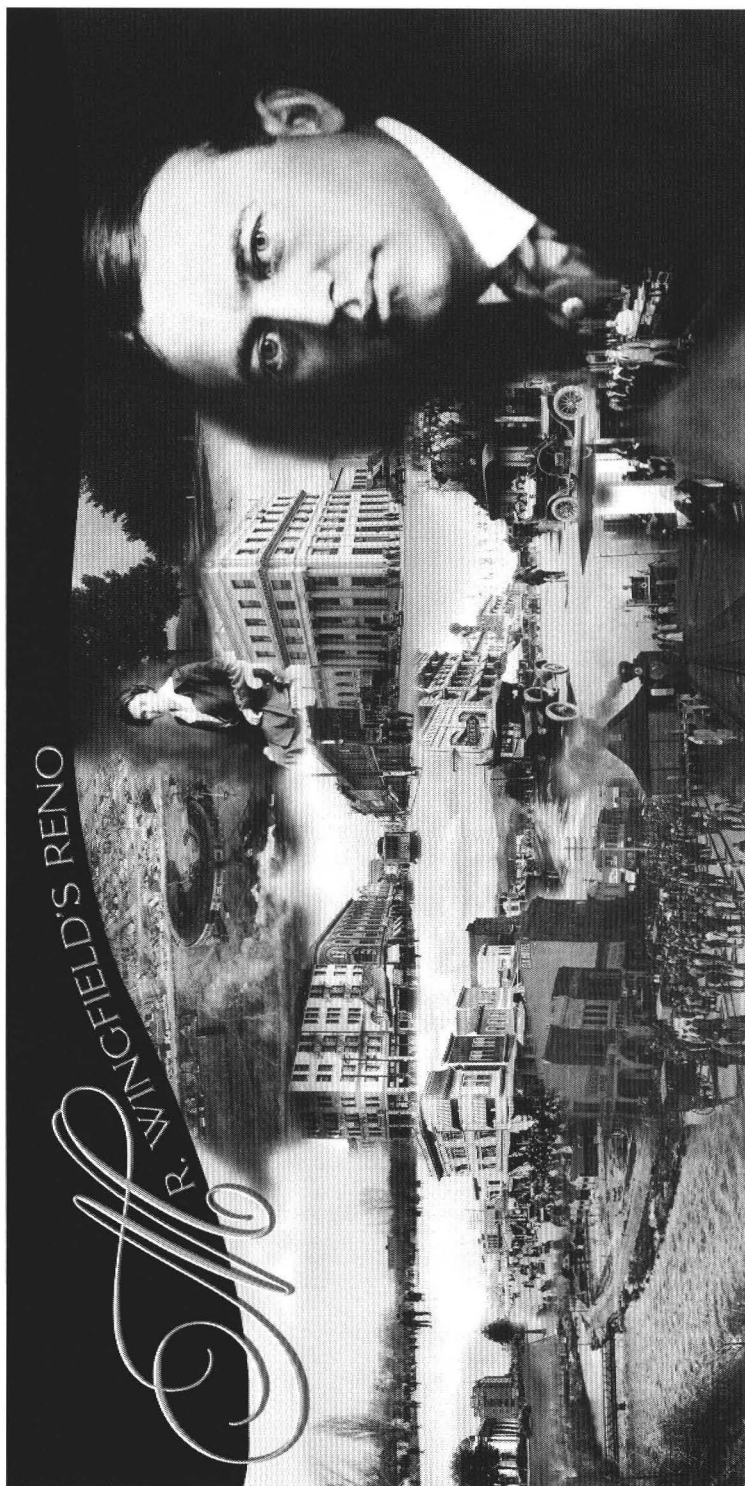


Mr. Wingfield's Reno

Although the Comstock Lode and the other nineteenth-century mining booms produced fabulous wealth, they could not last forever. In the last two decades of the century, Nevada entered a prolonged borasca (bust). So many people left the state that newspaper editors in the East called for the revocation of statehood. But then, in 1902, Tonopah in central Nevada began to boom. Within just three or four years the even more fabulous Goldfield followed. By 1907 open pit copper mining had begun in White Pine County. Once again the Silver State was producing great fortunes.

The undisputed leader of the fortunate few was George Wingfield, a sometime cowboy and card dealer from Oregon who parlayed investments in Goldfield mines and mills into enough wealth and power to be called "The King of Nevada." In 1910 Wingfield moved to Reno and began to build a chain of banks throughout the state, which he used to acquire rich holdings in mining and agriculture. Operating out of his office on the second floor of the Reno National Bank on the corner of Second and Virginia streets (Planet Hollywood occupies the ground floor today), he used his immense wealth to operate a bipartisan political machine to ensure things went his way. Denying the existence of his machine, he used to say that his friends knew what he wanted. Wingfield employed the state's leading architect, Frederick DeLongchamps, to build his banks and the new Riverside Hotel, raised champion race horses on his ranch in Spanish Springs, and dominated life in Reno for two decades. His string of luck ran out in 1932 when the national banking crisis caught him short and his political enemies were able to gang up on him.

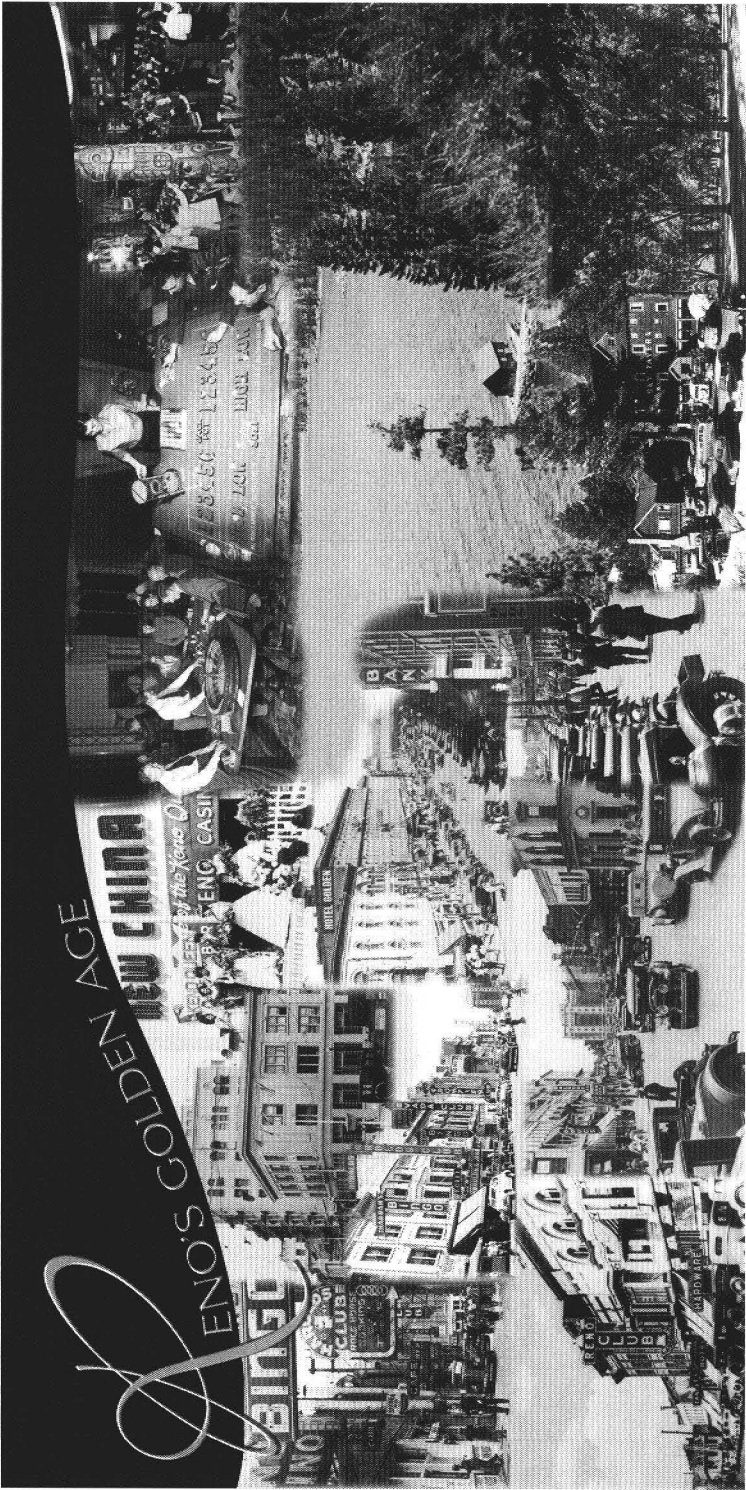
During Wingfield's reign, Reno's reputation for being the place to experience what was forbidden everywhere else reached the national consciousness. The Corbett-Fitzsimmons prize fight in Carson City in 1897 was the first step (it had been banned in San Francisco), and the Johnson-Jeffries fight in 1910 took Reno to a new level. In the meantime, the short residency requirement of the frontier state had made divorce easily available to easterners, who created the tourist industry in Reno as they spent three months in rooming houses, hotels and dude ranches waiting to be "Renovated." Gambling had always been enjoyed in Nevada's countless saloons. It continued to thrive along Commerical Row and Center Street long after a new Progressive reform movement made it illegal in 1910.



Reno's Golden Age

In 1931 the Nevada Legislature took steps to protect the state against the economic slump of the Great Depression. The residency requirement for a divorce was reduced to six weeks. The waiting period for a wedding was eliminated. And casino gambling, now called gaming, was brought out of the back rooms and made legal. A few years later the Smith family developed Harolds Club into the first major resort casino, followed by Bill Harrah, who turned a bingo parlor on Virginia Street into a corporate empire. National advertising for the first time lured visitors to the Biggest Little City to have some fun, safe fun. During World War II the Smiths' "Harolds Club or bust" campaign carried the casino's name to every theatre of operations. Soldiers and sailors passing through Reno on the way to embarkation ports for the Pacific provided a new market for expansion, even if they didn't tell their loved ones everything that had happened.

After the war, enough vets kept fond memories of the good times in Reno that the tourist market continued to grow. Along with it came the growth of the city. In 1947 Charles Mapes opened the first multi-story casino resort, just across the street. It became a model for the megaresorts that have followed—including all that Las Vegas has to offer. By the 1950s Nevada had become the fastest growing state in the nation, a position still held in the twenty-first century. In the golden age, Reno had a size and scale that offered accessibility and a level of comfort. Decades later, Reno is still a place of wonderment and great joy, a place to have some fun, and to remember how it all came to be.





A sunny afternoon in Douglas Alley in 1944. (Neal Cobb Collection, Nevada Historical Society)

Book Reviews

The Personal Writings of Eliza Roxcy Snow. Edited by Maureen Ursenbach Beecher (Logan: Utah State University Press, 2000)

Mormon Healer and Folk Poet: Mary Susannah Fowler's Life of Unselfish Usefulness. Margaret K. Brady (Logan, Utah: Utah State University Press, 2000)

At first glance, Maureen Ursenbach Beecher's *Personal Writings of Eliza Roxcy Snow* and Margaret K. Brady's study of Mary Susannah Fowler have much in common. Both discuss Mormon women who wrote poetry about their experiences. Both were plural wives. Both were respected leaders.

A closer examination shows the differences. Eliza R. Snow represents a first generation of Mormons who traveled from Ohio to Missouri to Nauvoo, Illinois, to Utah. Eliza was an "elite" lady, the plural wife of both Joseph Smith and Brigham Young and the first president of the women's organization, the Relief Society, in Utah. Her husbands had many wives, so she lived an unusual form of Mormon polygamy. Mary Susannah Fowler represents a second generation of Mormon. She was born, lived, and married in the Mormon communal village of Orderville in southern Utah. When the order dissolved, she moved to Huntington in central Utah. Her husband had only one additional wife, a more typical pattern for the minority of Mormons who practiced polygamy. Only 20 to 25 percent of Mormons were part of plural families. Fowler was a Relief Society leader and faith healer in her community, but she was never as well known as Snow. She would have been flattered to have her history reviewed with Snow's.

The books are as different as the women. Maureen Ursenbach Beecher, who spent a professional career in trying to piece together Eliza R. Snow's life and in developing an understanding of Mormon women's diaries, starts her book with an insightful look at "the life writings of ordinary women." She examines why women write and the type of events they record. She then describes why Snow wrote an autobiography, a version of which was published in Edward W. Tullidge's *The Women of Mormonism* and was revised for Hubert Howe Bancroft's research on western territories. Beecher then publishes Snow's "Sketch of My Life," follows with careful histories of various aspects of Snow's life, and adds Snow's Nauvoo journal and two trail diaries. Snow included poetry in these writings, so the reader meets the Mormon poetess. Beecher's research provides valuable details about an important Mormon woman's life that are missing from Snow's available personal writings.

Margaret K. Brady did not have as much information about Mary Susannah Fowler. She had a brief diary covering parts of 1899 and 1900. The journal entries, like those of Pulitzer Prize winner Laurel Thatcher Ulrich's *A Midwife's Tale: The Life of Martha Ballard*, were often short and raised more questions than they answered. Brady also had poems that Fowler collected in a book, Mormon church auxiliary minutes that mentioned Fowler, and examples of Fowler's discourses. Brady spent three years studying these sources and trying to fill in the details. In the process, she met and befriended Virginia Fowler Rogers, Mary Susannah Fowler's granddaughter. Brady uses Fowler's writings as a jumping-off point to examine Mormon community and folk medicine and the role of writing in a postmodern world. Brady carefully points out that she writes from the perception of a non-Mormon living in Utah and invites the readers to have their "own separate experience . . . and conversation with these multiple discourses." (p. 6)

The styles for the books are so different that on a first reading, they appear to have very little in common except they both quote Laurel Thatcher Ulrich, "Opening a diary for the first time is like walking into a room full of strangers; the reader is advised to enjoy the company without trying to remember every name." (Brady, p. 7) Yet, there is more commonality in the approaches. Both Beecher and Brady took the material available to them, conducted extensive research in all available sources, and then provided their interpretations of the women's lives. Both recognized their own biases and took care to explain them to the reader.

The authors themselves also have differences and similarities. Religion is the most noticeable difference, but the similarities are more important. Both come to the historical figures with an English background. Beecher's Ph.D. is in literature, but she spent years editing and writing Mormon history for the LDS History Division, later the Joseph Fielding Smith Institute for LDS Church History at Brigham Young University. Brady, a professor in the English Department at the University of Utah, is "a folklorist by training, cultural historian by interest, and literary cultural critic by academic affiliation." (Brady, p. 3)

Both strongly adhere to the postmodern belief that history should be allowed to speak for itself and that readers will come to different interpretations. This theory is an underlying tone in both books. Occasionally it gets in the way, but usually the authors try to just tell the story. Beecher succeeds a little better because she publishes the actual writings. The theories made Brady's book interesting, but they were far too heavy to read out loud to my eighty-six-year-old mother. But since my mother's mother grew up in Huntington, she felt a connection and enjoyed Brady's telling of Fowler's life.

As with any studies, there are minor points with which I disagree. Brady was surprised, for example, that Fowler became so active in the Relief Society in Provo, since she would only be there for a short time. Yet, as a Mormon steeped in current LDS lifestyle, I expect to be active in all the church meetings

wherever I live regardless of the length of stay. That is the way I have built friendships, and it was also the way that Fowler established the women's communities in Orderville and Huntington and even Provo.

Beecher's publishing of Snow's writing is a valuable service. Like others who write Mormon history, I have read excerpts from Snow's writing but never the complete record. But I also long for the more complete type of interpretation of the writings (especially the poetry) and the insights about Snow that I know Beecher was starting to develop and that I find in Brady's book. We can hope that Jill Mulvay Derr, to whom Beecher has passed the torch of the Snow biography and who has an English background, will be able to use Brady's ideas as a model.

But these are just the little complaints that all reviewers have. No one writes a book exactly the way we would like it to be written. I enjoyed reading both these books for very different reasons. I appreciated seeing Beecher's insights on Snow, a woman I have heard about all my life. I also learned about Snow's feelings directly rather than having them filtered through someone else's eyes. Brady allowed me to meet a woman that I would have never heard about, giving a voice to a local leader. Although there will continue to be books written about the elite women of Mormondom like Eliza R. Snow, Beecher's study will always be one of the best. But there need to be more books about people like Mary Susannah Fowler in order to provide a better understanding of how Mormonism affected ordinary women like me.

Jessie L. Embry
Brigham Young University

Out of the Woods: Essays in Environmental History. Edited by Char Miller and Hal Rothman (Pittsburgh: University of Pittsburgh Press, 1997)

One sign of an historical field's vitality is a rapid proliferation of scholarship that editors package in anthologies. Such has been the case in western American and environmental history in recent years, as university and even some trade presses have served up a growing number of essay collections for public and scholarly edification. Unfortunately, some of these otherwise excellent compilations follow a rather hasty, scattershot approach, and the usual criticism of such works applies: The collected essays lack coherence, and the logic of their selection and arrangement is not entirely clear. Happily, this is not the case with Miller and Rothman's *Out of the Woods*. In this volume, two of the most dynamic, prolific, and talented editors in environmental history have gathered a series of essays around a clear theme, and they have arranged the pieces in a

logical, compelling way. The theme is the birth, maturation, and coming of age of modern environmental history, especially as practiced in the United States and as reflected in the first nineteen volumes of the American Society for Environmental History's journal, *Environmental Review*, later *Environmental History Review* (and now *Environmental History*). The arrangement moves from the realm of ideas through local settings, politics, cities, and outward to the global stage. Drawn from the premier environmental history journal in North America, all of the essays are outstanding. Many are acknowledged classics and reflect the work of some of environmental history's leading practitioners.

Miller and Rothman open the book with a fine introduction that briefly and clearly explains the origins and development of modern American environmental history, from Walter Prescott Webb and James Malin down to the present. Situating the founding of the American Society for Environmental History and its journal (the inaugural issue appeared in 1976) in the context of the field's history allows them to connect their chosen essays to the major trends in the field. "Ideas Matter" features classic works by Donald Worster on ecology, Carolyn Merchant on ecological revolutions, and William Cronon on wilderness. "Place Settings" includes I.G. Simmons's essay on early cultural landscapes in England, John R. Stilgoe's meditation on "*landschaft* and linearity," and Robert MacCameron's look at environmental change in colonial New Mexico. Essays by Samuel Hays, Richard Vietor, and Robert Gottlieb give the reader a view of "Green Politics." In "Urban Fields," Joel Tarr examines industrial waste, Raymond Smilor assesses noise pollution, and Martin Melosi discusses eco-racism. Next comes "Water Works," with Mart Stewart on rice production in the South, Brian Donahue on the Concord River in Massachusetts, and Donald Pisani on Indians and water rights in the West. Last is "Global Village," with essays by Alfred Crosby on New Zealand, Thomas Dunlap on Australia, and Stephen Pyne on India.

Together, these essays successfully show the ways in which environmental history changed over a period of about twenty years. By the late 1990s, the field no longer emphasized agriculture, wilderness, forests, and wildlife alone; by then it had also acquired nuanced treatments of cities, politics, the urban scene, and global processes. Despite the success of this volume, a few criticisms are in order. Some readers will no doubt think that the editors have overlooked or left out important articles from *Environmental Review* or *Environmental History Review*; among other outstanding pieces, Miller and Rothman might have included Dan Flores's "Place: An Argument for Bioregional History," or Mike Davis's "The Case for Letting Malibu Burn." Furthermore, by leaving out essays that appeared elsewhere, the editors perhaps offer a somewhat narrow view of the field. Richard White, for example, for all his influence on environmental history, is absent from this anthology largely because he published his best work in other journals and in books. Finally, and this is less a criticism of the editors' choices than a commentary on the rapidly changing state of

the field, *Out of the Woods* does not reflect recent work that has attempted to combine environmental history with fields such as labor or social history. Still, with this volume, environmental historians have much they can celebrate. And they owe a debt to Miller and Rothman, who have produced one of the best, and perhaps the best, anthologies of American environmental history to date. This work will be of interest to a range of professional historians, students, and general readers alike.

Mark Fiege
Colorado State University

The Literary West: An Anthology of Western American Literature. Edited by Thomas J. Lyon (New York: Oxford University Press, 1999).

If someone asked me to choose an editor for an anthology of western American literature, I would name Thomas J. Lyon as my first choice. Past editor of the journal *Western American Literature*, senior editor of the two major critical overviews of the literary West, *A Literary History of the American West* and *Updating the Literary West*, and author of an important study of American nature writing, *This Incomperable Land*, Tom Lyon is ideally suited for the task of editing *The Literary West: An Anthology of Western American Literature*.

Because of his background, Lyon has written an introduction and chosen selections that well demonstrate the scope and the sweep of this very broad field. He sets the historical context, he describes the key genres, he examines the inherent diversity, and he discusses the recurrent themes. His precision lends coherence to an otherwise impossible task. Which authors to include? Which works to select? At the outset, Lyon codifies his own definition of western American literature. "The writing that is coming out of the West today leans strongly toward what is distinctive in that region ecologically, topographically, climatically, culturally—in short, toward the specifics of *place*." That definition then leads naturally to the editorial decisions he makes. Every piece—whether fact or fiction, poetry or prose—reflects an affinity with place and in one way or another helps clarify the significance of place in the western experience.

Lyon orders his selections chronologically, beginning with the oral tradition, moving on to early diaries, highlighting some of the major figures of the past—John Muir, Mary Austin, Owen Wister, and Zane Grey, for example—and then focusing on works by today's best-known western authors. Wisely, he opts for pieces that are culturally diverse and that demonstrate the richness of genres. For anyone unfamiliar with the breadth and depth of western writing, *The*

Literary West would be an excellent starting point. There, for example, a reader can become acquainted with Sarah Winnemucca's life among the Paiutes or John Steinbeck's Joads or Denise Chavez's *Menu Girls* or Amy Tan's *Joy Luck Club* or Sam Shepard's dramatic flair. A reader can see, in words, Clarence Dutton's canyon country or the Big Sky country of A. B. Guthrie, Jr., or May Swenson's Logan Canyon or Gretel Ehrlich's Wyoming or Rick Bass's Yaak Valley. Strong choices, every one.

As with most anthologies, however, this one's strength—its enormous range—is also its weakness. In order to include enough material to demonstrate the range, the breadth, and the depth, each individual offering must be short. Lyon decided to use excerpts, which are necessarily brief and, at times, are unfortunately truncated. To read one or two chapters from the middle of a novel may whet a reader's appetite for more, but too often such an excerpt is more confusing than revealing. Who are these characters and what are they doing and why? The goal, I think, is to encourage a reader to follow up by going to the library, finding the complete text, reading it in its entirety. The effect, I'm afraid, is of a scattered approach, a magnet that may repel rather than attract. I myself wanted more wholes than parts, an entire Willa Cather short story rather than book chapters, for example, or a coherent sequence of Gary Snyder poems.

Despite this reservation—a reservation that may stem as much from my own lack of enthusiasm for anthologies in general as from an over-all response to this particular one—I find many things to like about *The Literary West*. The introduction is astute; the choices well considered. I especially like the Time Line, a western chronology that sets two hundred significant titles in an historical continuum. In truth, I wish Lyon had not stopped with two hundred. Why not three hundred titles? Or four?

Choices, of course, are at the heart of an anthologist's task. In *The Literary West*, Lyon has set forth those works, those excerpts, that he thinks most representative. Although I might quarrel with some of his decisions, I agree that he has put together a package that will be well received by many, many readers. He has produced a necessary corollary to our understanding of western American literature, both past and present, and he has done so in a coherent and affordable way.

Ann Ronald
University of Nevada, Reno

The Great Arizona Orphan Abduction. By Linda Gordon (Harvard University Press, 1999)

Every once in a while you come across a meticulously researched historical work that is at once both readable and engaging in its style while at the same time offering a valid worldview even though it is encapsulated in a specific time, place, and event. Fortunately for us, Linda Gordon has written a true page-turner in her careful chronicling of the 1904 orphan abduction in the Arizona mining community of Clifton-Morenci. In the retelling of the orphan incident Gordon spotlights Anglo-Mexican race relations as they are entangled with gender, religion, economics, and politics—and at a moment when all these intersected the powerful human emotions inherent in parenting. Gordon argues that the wholesale abduction of the white orphans by the local Anglos was an act that the white population justified on the basis that the economic and social status of the Mexican adoptive parents precluded adequate opportunities for the education and social advancement of the orphans as they grew to their own adulthood. However, Gordon demonstrates that the adoption of the white orphans by the Mexican families sounded the warning alarm of social mobility and the consequent economic and political power that come with it. The Anglo women convinced themselves that, once placed in the iniquitous Mexican hovels, the orphans had indeed fallen into the hands of evil. Rescue and redemption fell to them—the “white mans’ burden.” To this end the women whipped the town into a moral frenzy with morbid predictions of innocent white waif captives suffering certain physical and sexual abuse at the hands of morally depraved “dark” Mexican parents. The imperative for the white population of the community, the women argued, was to intervene in this child abuse and rescue the foundlings. The white males formed a vigilante group and swept into the dark October night. And so it was with the late night knock on the door and the unthinkable act of the vigilantes that Gordon opens the door to a bitter struggle for justice, loyalty, and redemption. According to Gordon, the orphan abduction revealed that nowhere was racism more zealously evident in the mining community than in parenthood. Here racism was “motivated tragically by parents’ very love for their children.” (p. 318)

As the coincidence of timing would have it, in the year prior to the orphan incident, the Mexican mine workers had staged a labor strike, leaving a bitter taste with the Anglos of the area. The strike, of course, was all about social/economic upward mobility for the Mexican laborers. The orphan abduction was a means of settling the score, as well as teaching a timely lesson. Yet, such an outrageous act as kidnapping demanded justification. Both Gordon’s research, as well as her recounting of the actual abduction and its aftermath, rightfully focus on the role played by religion in this dastardly act of overt racism. In fact, the lines among religion, race, and politics blurred to the point that religion and race worked together to determine the political/judicial

outcome. Gordon states, "everyone in Clifton-Morenci found race, used it, experienced it as irresistible and, by not resisting it, reproduced it . . . in the kitchen and the bedroom, in churches and stores, at fiestas, as well as at board meetings." (p. 318) In Clifton, as throughout most of the American Southwestern frontier, there were two races: American and non-American. The Mexican immigrant laborers were non-American. The Foundling Home personnel who had accompanied the orphans to Clifton, as well as the newly arrived French immigrant parish priest, failed to understand this distinction and its inherent ramifications.

Coupled tightly with the labor strike, the orphan incident of 1904, therefore, served as a paradigm for the Mexican-American experience of racial prejudice and all the social and economic discrimination that accompanies such prejudices. The occasion of the abduction itself clarified the social strata while it also created a mirror for the responsibilities of powerful institutions such as the mine itself, the concerned Anglo women, the local church, and the territorial judicial system. The Anglo families argued that white children must grow up in white homes. Only there would they be safe from the bad influences of the dark people. To the Mexican families, their adoption of white waifs almost guaranteed a giant step toward their own socioeconomic goals. For the nuns from the Foundling Home, religion was the issue, not race. They possessed the single overriding concern that each orphan be placed in a Catholic home. Sixty Mexican families had applied for the forty orphans. Thirty-three were selected simply because they met the criterion of being practicing Catholics. And although the nuns noticed that the Mexicans who stepped forward to claim the children were "ragged dark skinned people," they were nevertheless Catholic and so the nuns relinquished the children to them. Effectively, three groups of women formed: the Anglos, the Mexicans, and the nuns. Each mobilized the men, who in turn aligned themselves according to race, religion, and then to the law.

The cry from Clifton reached the territorial supreme court in Phoenix. The court understood that to allow the Mexicans to prevail would not help the territory's petition for statehood. Therefore, the white orphan affair became a major interdiction on social fluidity, and the territorial courts chose to suppress Mexican ambition and adjudicate whiteness. (p.105)

What happened in Clifton could happen only in the American Southwest, where rules of race, religion, gender, and politics were written by the place and event. The nuns from New York and the young pastor fresh from France failed to comprehend the rules and unwittingly exacerbated a volatile situation. The characters introduced by Gordon and their humanity add a dimension to this work not usually present in an historical monograph. In a clear, clean style Gordon accumulates details of the abduction and its aftermath with amazing exactitude. This is a must read for anyone who seeks to understand the dynamics of race, religion, gender, and politics in the American Southwest.

Through captivating drama that offers bone-deep truth about what is right and what is wrong in human society anywhere, anytime, Gordon makes the reader care what happens as she makes us privy to values gone awry, dark secrets, religious preconceptions, and courtroom drama.

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Frontiers of Historical Imagination: Narrating the European Conquest of Native America, 1890-1990. By Kerwin Lee Klein (Berkeley: University of California Press, 1997)

In his 1891 essay "The Significance of History," Frederick Jackson Turner, the father of American West studies, wrote of himself, the historical profession, and popular culture, that "The story of the peopling of America has not yet been written. We do not understand ourselves." That is, Turner recognized his own failure and that of others to reach beyond contemporary cultural conditioning to grasp "real events" as they had actually occurred within any given age. About one hundred years later, Patricia Limerick, the leading proponent of the emergent "new western history," declared in her 1995 essay "Turnerians All" that "historians of the late twentieth century have not reached a plateau from which we can look down smugly on Turner's struggles." Despite the belated caution from their leader, new western historians did look down smugly on Turner and had been gradually developing the networks to do so for the past half century, from Henry Nash Smith onward. The reason for this smugness arose from the fact that, despite their claims for cultural relativism, the new western historians had imposed upon the historical profession an absolute and unflinching moral measure by which to judge the validity of historical interpretation. If an interpretation measured up to the moral implications propounded by the new western history, it received accreditation. If not, it received ridicule. Therefore, in order for one's work to be accepted as a legitimate piece of scholarship, all one had to do was emplot it with the appropriate moral measure. This moral measure, although itself a purely aesthetic cultural derivation as opposed to a scientific historical construct, served as the mechanism to discredit Turner.

In the midst of this hypocrisy, Kerwin Lee Klein's book *Frontiers of Historical Imagination* emerged as a viable attempt to unravel the purely moral distinctions that had ultimately been responsible for creating the division between Turnerian and post-Turnerian history. Turning to the linguistic theory in Hayden

White's *Metahistory: The Historical Imagination in Nineteenth-Century Europe*, Klein argued that the fabrication of an American past depended on whether the historian assumed a comic or tragic moral overtone. Events were never intrinsically comic or tragic; subjective historians emplotted them that way into their texts. As Klein noted, any choice for fostering one of these two literary styles rested solely on "aesthetic and moral tastes" rather than "verifiable scientific knowledge." Comedy, as defined by White, functioned on the premise that historical action ultimately resolved into hope for the "triumph of man over his world by the prospect of occasional reconciliations of the forces at play in the social and natural worlds." In contrast, tragedy offered no such hope of reconciliation; the states of "division among men" simply became more and more "terrible." Kerwin Lee Klein, subtitled his book *Narrating the European Conquest of Native America, 1890-1990*, proceeded to demonstrate that the historical picture of the conquest of the American Indian radically shifted throughout the century based on which literary emplotment the scholar utilized. Read comically from Frederick Jackson Turner's nineteenth-century view, the destruction of American Indian tribes represented a natural and inevitable extension of the making of a glorious frontier democracy. By the mid-twentieth century, this reading had undergone major revision. More recent scholars maintained that democracy had not been achieved nor could it be achieved while the divisions among men and the exclusion of American Indians from the social as well as natural world of their homeland remained unsuccessfully harmonized with twentieth-century industrialized America. Treating comedy and tragedy as the two fundamental moral measures through which historians integrate their own sense of ethics into an historical framework, Klein proposed that history was not so much a "scientific discourse" as it was an "artistic convention" for making a message conform to a particular moral meaning.

Dividing his book into four parts, Kerwin Lee Klein traced historical dialogue through those key points at which "suspicion" of historical discourse "converged with doubts about the social justice of Europe's sweep across the globe." The dilemma faced by those involved in the historical dialogue quickly surfaced. While post-Turnerian scholars, including historians, philosophers of history, and anthropologists, recognized that Turner's "metaphor and emotion" had distorted his interpretation into a comic contrivance, they were confronted, despite a gradual move towards a more empirical scientism, with a tragic cultural conditioning that thwarted any objective analysis of the American Indian. This confrontation resulted in an alternative interpretation, but a "mythic" construction nevertheless. Scholars suspected that Turner's cultural conditioning had dictated his concept of social justice for the westward sweep of Europeans across the American landscape, but they, like Turner, remained impotent in preventing cultural conditioning from overtaking and undermining their own historical discourse.

In part one, "The Language of History," Klein introduced Frederick Jackson

Turner and the attempt of historians to escape his idealism. Ironically, as historians transitioned out of that idealism into the hard sciences, science itself first engendered the same artistic problems that historians thought they had left. Thus, the shift ended in a stalemate. In part two, "From Spirit to System," Klein explored this stalemate. Whereas Turner's frontier of "savagery" and "civilization" received a comic emplotment because the interaction of "free land and settlement" appeared to produce desirable results, John Dewey, Turner's archnemesis, did not so much contradict the facts as encode into them a different "narrative resolution." This narrative resolution owed its foundations to the "tragic sense of life" at the heart of Deweyan pragmatism. For Dewey, this tragic emplotment signified an advance over Turner toward a reliable methodology. Adding to the stalemate was the entrance of Merle Curti onto the historical scene. He argued that both Turner and Dewey introduced empiricism, thereby ending the "bad old days of idealist abstraction." A funny sort of empiricism this must have been—one which used the same set of data yet arrived at antithetical conclusions. With part three, "Time Immemorial," this unhappy division between comedy and tragedy led to what Klein regarded as the breaking in half of American history. As anthropological and ethnological studies developed into an historical language of structuralism and functionalism, Ruth Benedict's concept of "culture" replaced reliance on history as an explanation form. Tragedy became the key emplotment style; the American Indians had been mercilessly and viciously conquered. But there was trouble with tragedy. The facts actually demonstrated that American Indian identity had endured through various cycles of conquest. The theme of conquest proved far more malleable than it initially appeared. Tragedy, like comedy, reflected a literary style and not actual facts. Part four, "Histories of Language," tracked the historical profession, focusing on the work of Henry Nash Smith and Leo Marx, as it engaged in neo-Marxian theory and the fragmentation of historical dialogue. While the likes of Frederic Jameson declared neo-Marxist critical discourse to be the final horizon of interpretation, Marxian history, like all others, failed to relinquish its own moral literary form.

In hindsight, Kerwin Lee Klein's book, *Frontiers of Historical Imagination*, is a masterpiece of satire. Man is a captive of his culture, completely inadequate to convey an accurate vision of the world. As Mark Twain, the greatest satirist of all, wrote, "The very ink with which all history is written is merely fluid prejudice."

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Distant Horizon: Documents from the Nineteenth-Century American West.
Edited by Gary Noy (Lincoln and London: University of Nebraska Press, 1999)

For a long time courses in the history of the American West lacked a good collection of primary source readings to supplement the textbooks. Government documents, eyewitness accounts, and reminiscences are often quoted all too briefly or relegated to footnotes in history books. *Distant Horizon* provides what has been missing; Gary Noy has collected readings that capture the spirit and the myth of the nineteenth-century American West, the hopes and dreams of its people, and their expectations and disappointments. He has provided a good road map to the study of the West.

The book is organized into eleven topical chapters that could accompany any history text or just be enjoyed by the interested reader. The first chapter begins with Thomas Jefferson's instructions to Meriwether Lewis in 1803. The spirit set by President Jefferson at the beginning of the century was echoed in the writings of Walt Whitman, Willa Cather, and Mark Twain. Much of the myth described in the first chapter is derived from cowboy myths. Noy's West is not only a romantic one, populated with cowboys, explorers, and miners, but also Native Americans, Asians, women, and Latinos. Following this comes the traditional course outline, which includes explorers and mountain men, farmers and townsfolk, miners, railroads, native Americans, lawmen and outlaws, soldiers, and cowboys. There are also separate chapters that add the voices of women and, "westerners of color" to the story. Each chapter and each selection has a short introduction to place it in historical context. The book also has an excellent bibliography, guiding the reader to the sources of the readings.

The chapters on women and people of color are a welcome inclusion, and the readings were chosen well. Some of the readings on women are descriptive of everyday life, but most of the chapter is devoted to women who acted as reformers in abolition, temperance, and suffrage. Chapter 9, "Westerners of Color," contributes other views of the West—those of Asians, blacks, American Indians and Latinos, and includes not only the perspective of nonwhites as victims, but also the record of their accomplishments. The mining chapter recounts the stories of prospecting and discovery, as well as documenting the organization of labor unions and the confrontations that followed. In all, it is a well-balanced presentation of western history sources.

Nevada historians will welcome the inclusion of the recollections of Sarah Winnemucca, the Northern Paiute interpreter, author, and teacher; James Mooney's interview with Wovoka, the Paiute prophet from Mason Valley, a healer and creator of the Ghost Dance, so misinterpreted by other natives; and the comments of Mary McNair Matthews, a widow making do in Virginia City, commenting on the suitors available in a western mining town in the 1860s.

There are twelve modern documents of later historians who have examined and interpreted the nineteenth-century events. Sometimes they are necessary,

especially when a document reader is being used to supplement a course in western history. Students can get bound up in the readings and be unable to apply the source criticism necessary to put the documents in an historical perspective. These interpretive readings are good, but their inclusion makes the title and the reader's expectations a little misleading. If modern readings are going to be added, it should be done with more consistency. Each chapter would have benefited from a modern interpretation and consistency would be maintained.

Anthologies like this one always leave the reader wanting more. Although the selections were chosen well, are illustrative and accurate, all historians have favorites when it comes to primary sources, and they are often disappointed when a particular selection is not included. Several important sources are missing from this book. In the chapter on mining, there should have been a mention of the 1872 mining law that is still in force and is much debated today. There should have been mention of the urban West, of the mining cities that were the equivalents of the factory towns of the East. Just one description of the noise and the traffic congestion of one of the many industrial mining towns would have romanticized the topic less. The organization of a mining district or company in order to benefit the discoverers and take advantage of those who came later is also important. There were placer miners, hard-rock miners, prospectors, and mining speculators, and there were many out-and-out frauds.

The response to the chapter on Native Americans might have been better if it included a quotation from Senator James Rood Doolittle's 1867 report on the condition of the Indians and a reprint of one of the many treaties with the American Indians such as the 1863 Ruby Valley Treaty with the Shoshone, a treaty still cited today by Native American ranchers trying to graze their cattle on the public domain.

In chapter 10, "Soldiers in the American West," the experiences of the military are mostly descriptions of battles, treaties, and forts. There is no mention of the army's primary function of exploration. John C. Frémont's expeditions were the beginning rather than the end of the exploration period. Lieutenant Edward Beckwith's railroad survey in 1855 and Captain James Hervey Simpson's wagon road survey in 1859 deserve note. Most of the geographical knowledge of the West was added under the "Great Surveys" begun in the 1860s under Clarence King and George Montague Wheeler.

The omissions do not really flaw the book, however. It is an excellent supplement to any western history course and necessary to an understanding of the West and its past. Noy intended the book to function as a road map to the study of the West, with each reading being a signpost of sorts or a landmark, and he has succeeded.

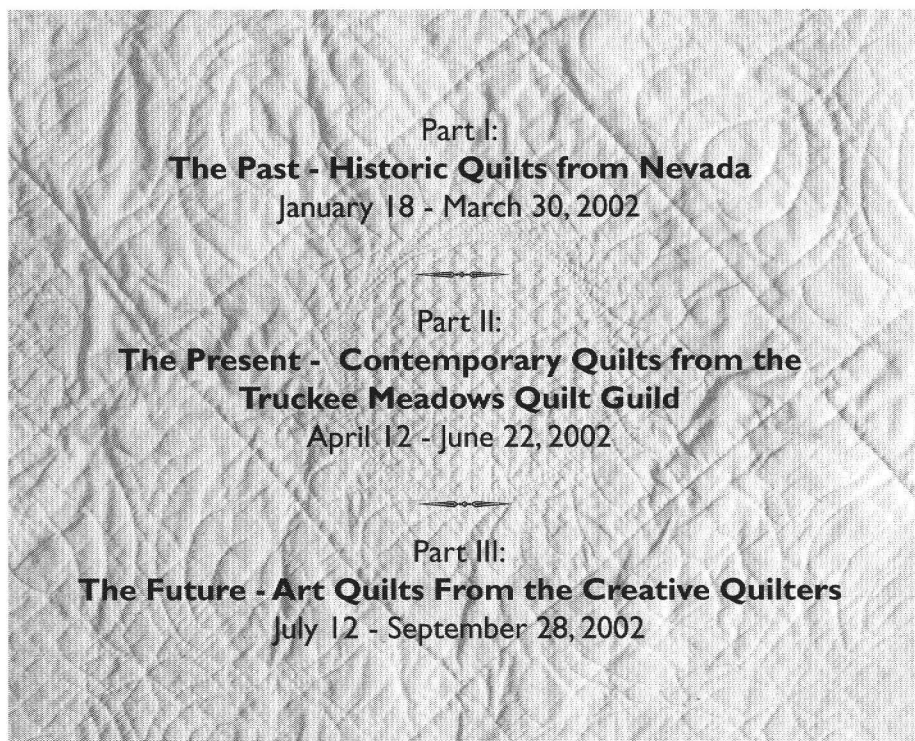
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