Annals of Wyoming

FORT BRIDGER OFFICER'S ROW, 1866
Courtesy National Park Service

April 1963

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Camp Walbach from a sketch made by Assistant Surgeon Ebenezer Swift. Major Williams sent the original to the Adjutant General, who forwarded it to the Topographic Bureau.

Courtesy National Archives

Camp Walbach, Nebraska Territory, 1858–1859: The Military Post at Cheyenne Pass

By

GARRY DAVID RYAN

Early on September 9, 1858, Companies L and M, 4th United States Artillery, escorted by a fifteen man detachment from Company D, 2d Dragoons, and encumbered by a long train of heavy wagons and a herd of forty cattle, marched out of Camp Payne, a temporary military installation located at Fort Laramie, Nebraska Territory, and headed towards Cheyenne Pass, eighty miles to the southwest.[1] Beyond the post, the column swung on to the route traversed by Captain Howard Stansbury of the Topographical Bureau on his return trip from Salt Lake City in 1850. Across Baptists Creek and the Chug, up the left bank of that stream to its source, past the dykes of sandstone to Horse Creek, and, finally, to Lodgepole Creek, the caravan slowly retraced Stansbury's path.[2]

Sometime during the tenth day, Brevet Major Thomas Williams, who commanded the column, halted the march at the intersection of Stansbury's route and Bryan's Road near the head of Lodgepole Creek at the eastern entrance to Cheyenne Pass. After spending the next two days reconnoitering the area, Williams chose "a gentle slope descending from the North to Lodge Pole Creek, sheltered from the north and west, & partially so from the east & south" upon which to erect the camp at Cheyenne Pass.[3] Williams then issued

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1. Post Return, Camp Walbach, Nebraska Territory, September 1858, records of The Adjutant General's Office (hereafter TAGO), National Archives, Record Group 94. Hereafter records in the National Archives are indicated by the symbol NA, followed by the record group (RG) number.

2. "Sketch of Bvt. Major Williams' route from Fort Laramie to Cheyenne Pass, under orders to establish a post, September, 1858." This sketch is filed under "Roads 165," cartographic records of the Office of the Chief of Engineers, NA, RG 77.

3. Williams to the Acting Assistant Adjutant General, Headquarters, District of the Platte, Fort Laramie, Nebraska Territory, September 23, 1858, Letters Sent, Camp Walbach, records of the United States Army Commands (hereafter Army Commands), NA, RG 98.

his Orders No. 1 naming the new camp for Brigadier General John De B. Walbach, who had commanded the 4th U.S. Artillery from 1842 until his death in 1857.[4]

While Camp Walbach's commander was penning his first order, his men were engaged in unloading wagons and erecting the tents which were to shelter them from the fierce winter which lay just ahead. Once emptied, many of the wagons were turned over to Lieutenant John K. Mizner and his dragoons who thereupon bade farewell to the small garrison and began the return journey to Fort Laramie. The short, unhappy history of Camp Walbach, Nebraska Territory, was about to begin.

Major Williams and two companies of the 4th Artillery had been sent to Cheyenne Pass to construct and garrison a post which was to guard an important section of the proposed Fort Riley - Bridger's Pass Road now under construction, and, more important, to protect the War Department's long and vulnerable supply line to the Army of Utah. The Fort Riley - Bridger's Pass Road was one of many road-building projects placed before Congress in the early 1850's. Its proponents argued that the road would provide a more direct route west from the Missouri River settlements and thus shorten the trip to Utah and California by nearly a hundred miles. Instead of curving north from the Platte River to Fort Laramie and South Pass and then south to Fort Bridger, the Fort Riley-Bridger's Pass Road was to run due west from the Platte to Fort Bridger by way of the South Platte, Lodgepole Creek, Cheyenne Pass and Bridger's Pass.

This argument, coupled with easy assurances that the new route would prove no more difficult to travel than the Oregon Trail, so impressed the lawmakers, that in 1855 Congress appropriated $50,000 towards the construction of the road. The following year Lieutenant Francis T. Bryan of the Topographical Bureau made a reconnaissance of the route, reporting an abundance of water but a shortage of fuel along the way. In 1857 Bryan initiated work on the route by leading a party of laborers over its course. This party removed obstacles and graded the banks of streams at the wagon crossings. By 1858 an increasing number of wagons were using the new cut-off.[5]

The same years that saw work begun on the Fort Riley-Bridger's Pass Road also witnessed the steady deterioration of relations be-

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4. Post Orders No. 1, Camp Walbach, September 20, 1858, records of Army Commands, NA, RG 98. This was the second time that Williams had named an army post established under his command for General Walbach. In December 1856, he had named a camp near the present site of Fort Myers, Florida, Camp Walbach. It was abandoned the following month.

5. W. Turrentine Jackson, *Wagon Roads West* (Berkeley: University of California Press, 1952), pp. 122-124, 127-130.

tween the Mormons and Federal officials in the Territory of Utah. To uphold Federal authority in the Territory, President Buchanan sent 5,000 troops into Utah during 1857 and 1858. These troops were organized into the Department of Utah under Colonel Albert B. Johnston. To protect its communications with that department the War Department, in March 1858, created another geographical command, the District of the Platte. Brevet Colonel James Munroe, commander of the 4th U.S. Artillery, was placed in charge of this district which was to comprise "so much of the line of communication [with the department of Utah] as passes through the Territory of Nebraska." Munroe was made responsible for the safety of trains and cattle as far as South Pass where escorts were to be provided by the Department of Utah. For this purpose he was to "occupy, temporarily or permanently, such other points on the line [of communication], and make such disposition of the troops of his command, as the service shall from time to time, indicate to be necessary."[6]

Four months after Munroe had assumed command of the District of the Platte, Secretary of War John B. Floyd decided that the safety of military and civilian trains using the short-cut through Cheyenne Pass required the establishment of a military post at this key point along the Army's line of communication to Utah. Therefore, on July 10, 1858, he had the Adjutant General write to the Commander of the Army, Major General Winfield Scott, directing him to issue the necessary orders.[7]

Scott, comfortably esconced at his summer headquarters at West Point, New York, did not immediately carry out his superior's command. Instead, in a long and well reasoned letter, he tried to dissuade the Secretary of War from his proposed course. Although the establishment of a military post at Cheyenne Pass was highly desirable, Scott wrote, there were two serious drawbacks in attempting to do so in 1858. First, and more important, there was no sizable force of infantry available to garrison the new post. Too sizable force of infantry available to garrison the new post. Too many infantry units were tied down in Utah and Oregon and none could be released from their current duties until the spring of 1859.[8]

Second, and more fundamental, the season was too far advanced to permit a careful examination of the entire area in the vicinity

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6. General Orders No. 6, Headquarters of the Army, New York City, March 27, 1858, records of TAGO, NA, RG 94. The 4th Artillery and two companies of the 2d Dragoons were the only units assigned to the District of the Platte.

7. Adjutant General Samuel Cooper to Scott, July 10, 1858, Letters Received, A 229 (1858), records of the Headquarters of the Army, NA, RG 108.

8. Scott to Cooper, July 14, 1858, Letters Sent, vol. 7, pp. 370-371, *ibid.*

of the pass for wood, water, grass, and building materials. This was a matter of great moment, the General reminded the Secretary, because they, Scott and Floyd, had agreed that "if the route via the Cheyenne and Bridger's Passes should prove good at all seasons, the post at Fort Laramie might be abandoned after this year [1858], or, very much reduced" and the new post at Cheyenne Pass made permanent. In the light of these considerations, Scott advised Floyd to postpone the erection of a post at Cheyenne Pass until the spring of 1859.[9]

Scott's cogent arguments failed to deter the secretary from Virginia. On July 19, 1858, he again sent word to the Commander of the Army that he was "exceedingly anxious that a post should be established, if possible, this season either at Cheyenne or Bridger's Pass - whichever locality may be found the most (sic) suitable."[10] Floyd's curious introduction of an alternate location for the proposed post proved no alternative at all. Bridger's Pass was even more remote and inaccessible than Cheyenne Pass and upon investigation was found to be "destitute of all the essential requisites to sustain a military post."[11]

The peremptory tone of this second letter forestalled any further protest on the part of Scott. He immediately issued orders to Colonel Munroe at Fort Laramie directing him to dispatch two companies of his command to Cheyenne Pass. Munroe selected Companies L and M, 4th Artillery, for this assignment and placed them under the command of Major Thomas Williams.[12]

Munroe's choice of Williams, whatever his reasons, proved an excellent one. Ambitious, energetic, and able, the forty-three year old officer had graduated from West Point in 1838, twelfth in a class of fifty, and far ahead of classmates Joseph Hooker, John C. Pemberton, and John Sedgwick. During the score of years that separated West Point from Walbach, Williams had twice seen service in Florida against the Seminoles, and had spent several years at Fort Mackinac on the Canadian frontier. The high point of his career had been the six years, 1844 - 1850, he had spent as Scott's aide-de-camp, especially the eighteen months he served with the general in Mexico. For his work there, Williams had received high praise in Scott's official reports and had twice been brevetted for gallantry.[13]

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9. *Ibid.*

10. Cooper to Scott, July 19, 1858, Letters Received, A 240 (1858), *ibid.*

11. Munroe to Scott, September 4, 1858, Letters Received, M 510 (1858), records of TAGO, NA, RG 94.

12. Special Orders No. 98, Headquarters of the Army, West Point, N.Y., July 23, 1858; Special Orders No. 9, Headquarters, District of the Platte, *ibid.*

13. Brevet Major General George W. Cullen, *Biographical Register of the Officers and Graduates of the U.S. Military Academy* (Boston: Hough-

Despite a career not without its rewards, Williams was a dissatisfied officer in the summer of 1858. He had gone west early that spring with high hopes of joining the Army of Utah. Instead he found himself burdened with routine garrison duties at Fort Leavenworth and Fort Laramie. During this summer of his discontent Williams wrote the War Department requesting an assignment commensurate with his rank as brevet major. Before his letter could be acted upon in Washington, however, Munroe ordered him to Cheyenne Pass.[14]

At Camp Walbach Williams served as post commander and as the commanding officer of Company L, 4th Artillery. In both roles he proved a tough minded, capable leader. He issued highly unpopular orders without hesitation or explanation. He insisted on strict observance of army regulations despite the abnormal conditions at the post. He refused to temper justice with mercy in dealing with violations of the military code. even though the circumstances might easily have so warranted.

But his unpopular orders redounded to the welfare of the garrison; his strong support of army protocol maintained order and discipline; and his well-known mercilessness as a prosecutor proved an important factor in keeping down the number of crimes and military violations at the post. In the end, even his numerous critics at Walbach testified to his ability and energy and grudgingly admitted that in a savage wilderness, with a group of unruly and hard men to manage, Williams' high-handed actions were not only defensible but necessary.[15]

The garrison which Williams commanded at Camp Walbach numbered six officers and ninety-three enlisted men in September

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ton, Mifflin and Company, 1891), I, 671-672. Brigadier General Williams was killed in action on August 5, 1862, at Baton Rouge, Louisiana. He was in command of the Union forces defending that city at the time.

14. Williams to Cooper, September 23, 1858, Letters Received, W 347 (1858), filed as Enclosure 19, Records and Pension Office File No. 763932, records of TAGO, NA, RG 94. This letter marked the culmination of months of frustration for Williams who had been assigned to the "Utah Forces" but never got to Utah.

15. In May 1859, a general court-martial was held at Fort Laramie in which seven members of the former garrison at Camp Walbach were tried. Witness after witness testified to Williams' iron rule. Except for several of the defendants these same witnesses admitted that Williams' methods were justified. The proceedings of this general court-martial are included in General Court-Martial (hereafter CM) II* 46, records of the Judge Advocate General's Office (hereafter JAGO), NA, RG 153. This file is the richest source of information concerning living conditions at Camp Walbach that the author was able to find in the National Archives. The fact that all the statements made were given under oath enhances the reliability of the information contained within.

* II=Ninth letter of alphabet in both cases. This citation appears in several other footnotes, viz. Nos. 18, 20, 32, 33, 34, 40, 41, 44, and 56.

1858. These figures drifted slowly downward during the next six months until they stood at four officers and eighty-six enlisted men at the time the post was abandoned in April 1859.[16] Four of these officers shared with the major the administrative burdens of maintaining the camp and attending to the welfare of the men. One of these, Lieutenant Charles D. Anderson, served Williams well as the commanding officer of Company M, 4th Artillery, and as one member of the post's two-man council of administration. While at Cheyenne Pass Anderson appears to have been a quiet, efficient, if somewhat docile officer, who at all times followed Williams' lead.

Quite the contrary was Lieutenant Clermont Livingston Best. As post quartermaster and commissary of subsistence, Best engaged Williams in a series of petty squabbles which could only have been engendered by two antipathetic personalities. Much of Williams' official correspondence of September and early October 1858 involved criticisms of Best's actions coupled with curt demands for formal written explanations of these actions, explanations which were almost always rejected as inadequate. After four weeks of squabbling over the repair of a wagon, the verbal chastisement of a herder, and other matters of equal moment, Williams removed Best from his two positions.[17]

By this time, however, Best had become the rallying point of the malcontents at Walbach. On the eve of his departure for Fort Laramie and the East in December, 1858, a delegation of enlisted men of Company M presented him with a petition signed by over half the men of that unit, demanding the removal of Major Williams as post commander.[18] The delegation asked the lieutenant to present their petition to Colonel Munroe at Fort Laramie. Instead of delivering a stinging rebuke or worse, Best openly sympathized with the men, telling them that in his opinion their

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16. Post Returns, Camp Walbach, September 1858 - April 1859, records of TAGO, NA, RG 94.

17. Post Orders No. 13, Camp Walbach, October 10, 1858, records of Army Commands, NA, RG 98. The Camp Walbach, Fort Laramie, and District of the Platte correspondence for September and October 1858 reveal the main outlines of this stormy relationship.

18. Testimony of 1st Sgt. Nicholas Redman, Co. M, 4th U.S. Artillery, given at the general Court-martial of Pvt. Daniel O'Callaghan, Co. M, 4th Artillery, at Fort Laramie, May 11, 1859, CM-1146, records of JAGO, NA, RG 153.

19. Article 35 states in part: "If any inferior officer or soldier shall think himself wronged by his Captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial." *Regulations for the Army of the United States, 1857* (New York: Harper & Brothers, 1857), Appendix, p. 7.

demand was justifiable under paragraph thirty-five of the Articles of War.[19] Despite his apparent agreement with the delegation Best never presented the petition to Munroe. In fact, after its delivery to Best that December night, the petition was never seen again.[20]

When Williams relieved Best from his duties as post quartermaster and commissary of subsistence on October 10, 1858, he assigned Lieutenant George A. Kensel to the two positions. A month later Kensel also succeeded Lieutenant William Abert as post adjutant. The extant records of Camp Walbach do not indicate whether Kensel was more efficient and more amenable than Best or whether he was simply too overwhelmed with work to take issue with the post commander. What is clear, however, is that he managed to carry out his numerous and taxing duties to Williams' satisfaction.

The final member of this administrative quadrumvirate, Assistant Surgeon Ebenezer Swift, was in charge of the post hospital. His staff consisted of a hospital steward, a male nurse, a cook, and a matron. All but the matron, Mrs. Sarah Cronin, wife of the hospital steward, were enlisted men.[21] Swift also doubled as camp artist and cartographer: the sketch of the post and the map of the route from Fort Laramie to Cheyenne Pass which Williams sent on to the War Department in Washington were the surgeon's work.[22]

The enlisted personnel stationed at Cheyenne Pass, like the officers, proved a mixed bag. In a period of opportunity and expansion, the Army's offer of low pay and long hours, dangerous work and wretched living conditions, did not always attract the highest type of individual. And Camp Walbach's garrison included the usual percentage of misfits, malcontents, and adventurers, who, for one reason or another, had joined the colors.

Yet, among this unprepossessing group of enlisted men who wore the Army blue at Cheyenne Pass, there were at least two individuals worthy of some notice. At one end of the enlisted hierarchy stood the imposing figure of 1st Sergeant Richard H. Jackson. Jackson, an Irish immigrant, had enlisted as a private

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20. This entire incident is based on the testimony of 1st Sgt. Redman who had the courage to appear as a witness in defense of one of his former subordinates and the honesty to admit that most of the miseries of life at Camp Walbach resulted neither from Williams' cruelty nor from his incompetence but from the very nature of the situation there. CM - II 46, records of JAGO, NA, RG 153.

21. Muster Rolls, Hospital Detachment, Camp Walbach, September 1858 - February 1859, records of TAGO, NA, RG 94.

22. Williams to Cooper, January 14, 1859, Letters Received, W 40 (1859), *ibid.* The sketch of the post and the map of the route were sent to the Topographical Bureau on February 11, 1859.

in 1851, and was to retire in 1892 as a lieutenant colonel, after having attained the exalted rank of brevet major general of volunteers at the close of the Civil War. At the other end of the enlisted spectrum, the compiler of historical registers of U.S Army officers, Private Francis B. Heitman, was serving his first enlistment.[23]

In addition to the military personnel, the garrison at Camp Walbach included almost a score of civilian employees of the Army. William S. Grux, wagonmaster; Matthew Keller, express rider; and Michael Duvall, guide and Indian interpreter, held the more remunerative positions among this group. In addition, the Quartermaster Department also employed ten teamsters, two mule and two cattle herders at the post. Matron Cronin and a Mrs. Bannon, the camp laundress, comprised the female work force.[24]

That all-important civilian, the post sutler, John Tutt of St. Louis, did not make his initial appearance at Cheyenne Pass until January 1859, and worse, arrived without sutler's supplies. This despite the fact that Secretary of War Floyd had appointed Tutt almost three months before Major Williams and his command left Camp Payne![25] During his unexplained absence Mr. N. R. Fitzhugh of Fort Laramie furnished the garrison with sutler's supplies "from time to time, under circumstances of great difficulty and inconvenience to himself." Ignoring Tutt's belated presence Lieutenants Anderson and Kensel, the post's council of administration, recommended Fitzhugh for the position of camp sutler. Williams approved the recommendation and the Secretary of War formally appointed Fitzhugh in March 1859.[26]

From first to last the garrison at Camp Walbach devoted most of its time, thought, and energy to maintaining itself in the wilderness, while laying the foundations of a permanent post at Cheyenne Pass. To accomplish these tasks Major Williams immediately instituted a six-day work-schedule which took maximum advantage of the precious daylight hours. Reville was at 5:30 A.M., with fatigue call an hour later. Except for a ninety minute pause for

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23. Muster Rolls, Cos. L and M, 4th U.S. Artillery, Camp Walbach, October 1858 - April 1859, *ibid.* Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington: Government Printing Office, 1903), I, 568.

24. Reports of Lts. Best (September 1858) and Kensel (November 1858 and March 1859), Persons and Articles Hired File, records of the Office of the Quartermaster General, NA, RG 92; Post Returns, Camp Walbach, September 1858 - April 1859, records of TAGO, NA, RG 94.

25. Chief Clerk W. R. Drunkard to Cooper, June 7, 1858, Letters Received, W 189 (1858), *ibid.* Floyd appointed Tutt, subject to the approval of the commanding officer of the post to be established at Cheyenne Pass, in order to insure the garrison there an adequate supply of sutler's goods upon their arrival!

26. Williams to Cooper, January 8, 1859, Letters Received, F 16 (1859), filed with W 189 (1858), *ibid.*

dinner at noon, the garrison labored steadily until recall at 5:30 P.M. The arrival of the brief November days forced Williams to reduce the number of working hours a day to eight and a half, but he restored the lost hour to the schedule during the following March.[27]

Acutely conscious of the imminence of frigid weather and snow, the post commander sent work parties off in all directions to gather materials which would be vital in enabling the garrison to withstand the rigors of a winter at Cheyenne Pass. One of these work-parties went into the nearby hills where "sandstone red and white, of good quality, in slabs 3 to 12 inches thick" abounded and was "easily taken out with pick & crow-bar."[28] Mule-drawn wagons hauled the sandstone to camp where the post prisoners carried them to other workers who placed these stones around the canvas tents which quartered the garrison. These sandstone walls, which reached the height of several feet, served the double object of shelter and defense, affording the tents' occupants some degree of protection from the weather and also from possible Indian attacks.[29]

Other work parties sought out timber suitable to be used in the construction of the camp hospital and storehouses. Still others scoured the ravines and valleys in search of the drift wood which was to provide the post's fuel supply during the coming winter. Finally, Lieutenant Best led several hay-cutting parties which met with little success, owing to the lateness of the season.[30]

Except for the hay-gatherers, these work parties left camp every morning of the week but Sunday throughout the fall and winter of 1858-1859. As protection against the ever-present threat of Indians, each man carried his weapon along with his tools and one man in each party was posted as a sentinel.[31] The exigencies of the situation compelled Williams to ignore the weather. Consequently, neither blizzard nor biting cold kept the work parties in camp.[32]

The men who were not assigned to a work party labored almost as hard at some other task. Many of these did the manual work

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27. Post Orders, Camp Walbach: No. 2, September 21, 1858; No. 22, November 4, 1858; and No. 20, March 26, 1859, records of Army Commands, NA, RG 98.

28. Williams to the Acting Assistant Adjutant General, Headquarters, District of the Platte, September 23, 1858, Letters Sent, Camp Walbach, *ibid.*

29. *Ibid.*

30. *Ibid.*

31. Post Orders No. 4, Camp Walbach, September 26, 1858, *ibid.*

32. Testimony of 1st Sgt. Redman, Pvt. Isaac Reese, Co. M. 4th U.S. Artillery, and others given at the general court-martial at Fort Laramie in May 1859. CM -II 46, records of JAGO, NA, RG 153.

involved in erecting the camp structures. Enlisted men with special talents received extra duty as carpenter, clerk, hospital attendant, charcoal burner, butcher or blacksmith. To some of these men extra duty meant an additional twenty-five to forty cents a day, no mean sum in the days when a private received $12.00 a month.[33]

Periodically, every enlisted man put aside his tools for a day and went on guard duty. Privates drew this detail about once a week; corporals and sergeants once a fortnight. The daily guard at Camp Walbach normally comprised twelve privates, three corporals, a sergeant, and an officer. This detail manned the four guard posts at the camp: one at the guard house itself, on a bluff overlooking the camp; another at the corral on Lodgepole Creek; and two in the center of camp, near the post headquarters and in the vicinity of the hospital.[34]

A dreary chore at best, guard duty at Cheyenne Pass during the frigid nights of the winter of 1858-59 often proved a horror. Unable or unwilling to endure the cold, some sentries left their posts for warmer quarters, as did Private Patrick Keighan one cold December night. Unfortunately for Private Keighan the officer of the day chanced by and discovered the sentry in a vacant tent warming himself by a cozy fire. The garrison court martial which soon followed found Keighan guilty and sentenced him to several extra tours of guard duty.[35] This punishment served one good purpose, however. It provided Private Keighan with an opportunity to scribble on the back of the post's guard book the only known extant poetry composed at Camp Walbach:

> Pat Keighan is My name and
> Ireland is My Nation
> Sheyenne Pass is My
> Dwelling Place and
> Hell is my Expectation.[36]

Nevertheless, guard duty at Cheyenne Pass did offer some compensation: it provided the men with practically the only military training they received at the post. Every day the guard detail took target practice and every week Williams issued an order announcing the names of the seven men who had made the best

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33. Post Orders No. 3, Camp Walbach, September 21, 1858, records of Army Commands, NA, RG 98; *Regulations for the United States Army, 1857*, paragraph 883, p. 113.

34. General court-martial of Pvt. Richard Bannon, Co. M, 4th U.S. Artillery, May 6, 1859, at Fort Laramie, CM - II 46, records of JAGO, NA, RG 153.

35. Post Orders No. 32, Camp Walbach, December 8, 1858, records of Army Commands, NA, RG 98.

36. Guard Report Book, December 16, 1858 to March 9, 1859, *ibid.*

shots during the previous week. As their reward they were excused from their next tour of guard duty.[37] The practice of meting out punishment in the form of extra guard duty and of rewarding military skill by exemption from the same duty clearly reveals the attitude of the men at Camp Walbach towards the detail.

Late in March 1859, Williams took steps to increase military training at the post. He inaugurated a daily two hour drill period just after breakfast and substituted drill for fatigue duty on inclement days. Now the men began to receive instructions "in the bayonet exercise . . . , in the manual of arms, & in the loadings and firings, standing & kneeling." This program of military training had hardly been introduced, however, when the post was abandoned.[38]

Sunday was the day of rest at Camp Walbach - but not completely so. At 8:00 A.M. sixteen members of the garrison had to stand guard mount, the prelude to the twenty-four our tour of duty. The rest of the garrison, meanwhile, were making last minute preparations for the weekly inspection. Promptly at 9:00 A.M. Major Williams and Lieutenant Anderson stood before their respective companies and began their man-by-man examination of weapons, clothing and equipment.[39]

One way or another, the garrison at Camp Walbach spent most of its waking hours out of doors. This made the inadequacies of their clothing doubly serious. True, they received all the clothing provided by army regulations but leather booties, forage caps, and great-coats offered little protection against the wind, cold, and snow of Cheyenne Pass. Lacking buffalo boots, several men returned from work details with frozen feet.[40]

The quarters of the men, like their clothing, did nothing to improve their health. Although a few wooden buildings were erected by spring, most of the garrison, officers included, spent the winter in canvas tents. Despite the protection offered by the sandstone walls, snow drifted into the tents and covered the beds inside whenever a heavy storm struck the post. All attempts to prevent this from occurring failed.[41] Each tent boasted a stove but the chance of fire made Williams order the extinction of all fires at

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37. Post Orders and Guard Reports, Camp Walbach, *ibid.*

38. Post Orders No. 24, Camp Walbach, April 4, 1859, *ibid.*

39. Post Orders No. 2, Camp Walbach, September 21, 1858, *ibid.* In addition, the monthly inspection was held on the last day of each month.

40. Testimony of 1st Sgt. Redman, CM - II 46, records of JAGO, NA, RG 153; *Regulations for the United States Army, 1857*, paragraph 1036, p. 134.

41. Testimony of Sgt. John Murphy, Co. M, 4th U.S. Artillery, given at the general court-martial of Pvt. O'Callaghan, May 13, 1859, at Fort Laramie, CM - II 46, records of JAGO, NA, RG 153. Murphy also stated that the enlisted men had stoves in their tents before the officers did.

taps. To see that this was done, he instructed the officer of the day to visit all tents immediately after this call had sounded.[42]

Williams' concern for the health of his troops also added to the bleakness of their quarters. To replace the foul air of the tents in which ten to fifteen men had spent the night, Williams directed that the ventilators of the tents would be open every morning and would remain open until recall in the evening.[43] In another order which the garrison resented, the post commander had the men turn in their warm but dirty comforters which had provided them with a degree of highly dangerous protection from the cold.[44] Much more popular with the troops was Williams' decision, on Surgeon Swift's recommendation, to issue two-thirds of a gill of whiskey to each man every week except those in the guard house or in the hospital. This was one health measure the men could understand and enjoy.[45]

Despite the forebodings of the garrison regarding the ease with which they would develop pneumonia as a result of Williams' orders, the number of men whom Surgeon Swift treated fell sharply from sixty-eight for the last quarter of 1858 to forty-one for the first three months of 1859.[46] More significantly, few of Swift's patients suffered from serious respiratory diseases. Instead the post surgeon diagnosed the majority as follows: "catarrhus," thirty-one cases; "scorbutus," fourteen cases; "diarrhoea acuta" and "contusio," twelve cases each.[47]

Swift's reports indicate that the major cause of sickness at Camp Walbach was not the weather, the work, or the living conditions, but the improper diet. The garrison subsisted on fresh beef provided by the herd of cattle driven up from Fort Laramie in September, bacon, hard bread, coffee, sugar, salt, and vinegar - the staples of the army ration of 1858. Except for a few apples and potatoes, fresh fruit and vegetables were not to be had at Walbach.[48] Moreover, nearly all of the food consumed at the post had been hauled up from Fort Laramie in September 1858 after having been shipped from Leavenworth and points east long before. The

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42. Post Orders No. 32, Camp Walbach, December 8, 1858, records of Army Commands, NA, RG 98.
43. Post Orders No. 28, Camp Walbach, November 22, 1858, *ibid.*
44. Testimony of 1st Sgt. Redman, CN - II 46, records of JAGO, NA, RG 153.
45. Post Orders No. 19, Camp Walbach, October 30, 1858, records of Army Commands, NA, RG 98.
46. Quarterly Sick and Wounded Reports, Camp Walbach, October - December 1858 and January - March 1859, records of TAGO, NA, RG 94.
47. *Ibid.* Swift apparently classified all colds under "Catarrhus," hence the high number. Few, if any, however, appear to have been serious cases.
48. "Provision Book, Regulars, 1854 - 1861," p. 149, records of the Office of the Commissary General of Subsistence, NA, RG 192.

condition of this food by early 1859 can best be left to the imagination.

To treat those ill, Swift had the assistance of his four-man staff; a hospital which, for several months, was a large tent; an adequate supply of the medicines of the period; a wooden ambulance drawn by mules; and his own horse. With his staff, Swift tended the ailments of the military and civilian personnel at the post, as well as those of passing whites and Indians, and managed among other things to deliver a baby.[49] All in all it is somewhat surprising that the post's council of administration convened only six times for the doleful purpose of disposing of the effects of deceased soldiers.[50]

Illness, accidents, and the weather provided the major hazards to life at Camp Walbach. Although the garrison remained constantly on guard against attacks by Indian or Mormon raiding parties, none occurred. Several parties of Indians did pass by the post during late September and October but they evinced more interest in seeking shelter from the oncoming winter than in attacking the small garrison. The largest of these parties, that of the Araphoe sub-chief Left Hand, consisted of fifty warriors, 100 women and children, and 250 horses. Descending from Cheyenne Pass, they encamped barely a half mile from Camp Walbach before departing for the South Platte and the buffalo grounds of the Republican fork of that stream.[51] The Camp Walbach guard reports for October 1858 carry several entries concerning the passage of much smaller parties heading in the same direction as Left Hand's and with the same purpose in mind.[52] Once the heavy snows arrived at Cheyenne Pass the Indians disappeared, and before their return in the spring, Camp Walbach was abandoned.

The rugged winter weather also prevented the arrival of any Mormon raiding parties and most other whites at Cheyenne Pass. Occasionally, teamsters of the Russell, Majors & Waddell firm, heading to or from Utah, stopped overnight at the post. Even these rare visits ceased once Major Williams became convinced that the teamsters were hauling hard liquor to Walbach as well as freight to Utah.

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49. Quarterly Sick and Wounded Reports, Camp Walbach, October - December 1858 and January - March 1859, records of TAGO, NA, RG 94.

50. *Ibid.;* also letter from The Adjutant General to Congressman F. W. Mondell, November 6, 1913, AG 2094570, filed with AG 1628163, records of TAGO, NA, RG 94. According to The Adjutant General, the six enlisted men who died at Camp Walbach were Pvts. William Coleman, John McGowan, Korral Suborstian, Patrick Cullity, John Kennedy, and Daniel O'Neill.

51. Post Return, Camp Walbach, September 1858, *ibid.*

52. *Ibid.;* Guard Reports of October 21 and 23, 1858, Camp Walbach Guard Reports Book, October 6 - December 15, 1858, records of Army Commands, NA, RG 98.

Geography also isolated Camp Walbach. Situated off the Oregon Trail and suspended midway between the westernmost settlements in "the States" and those in Utah, the post at Cheyenne Pass could look only to Fort Laramie for mail and news as well as for orders and supplies. Communications between these two posts, perforce, remained constant throughout the winter months. Occasionally, heavy wagons laden with equipment or food for the garrison at Cheyenne Pass made the ten-day round trip from Fort Laramie. Somewhere along the way the teamsters would pass Major Williams' express riders, Mathew Keller or Private Martin O'Brien, racing to or from regimental headquarters with official correspondence and private mail.[53]

The weekly arrival of these expressmen at Camp Walbach provided a rare touch of excitement and happiness to what must have otherwise been a dreary existence. A bit of conversation by the camp wood-pile; horseplay in the broad company street; and story-telling around the tent stove just before taps - these provided the simple pleasures of life at Cheyenne Pass. There were few others.

There was one "pleasure" at the post which brought down upon the garrison the full fury of Major Williams' wrath: heavy drinking. Some of the men at Walbach sought escape and relaxation from their harsh existence through the consumption of large amounts of whiskey, surreptitiously acquired. Evidently their number increased as the winter deepened because late in December Williams undertook a vigorous campaign against them. He stopped the weekly whiskey ration. He forbade the sale of liquor to any enlisted man without his written approval. He ordered all wagons arriving at the post searched for liquor and the confinement of all implicated drivers. He directed the camp sutler to remove all liquor from his store and to send it back to Fort Laramie. Finally, in an order aimed at the teamsters of Russell, Majors & Waddell, he prohibited all passing parties from remaining more than an hour at the post, and from spending the night encamped within a mile of Walbach.[54] The effects of the strict enforcement of these measures appear most clearly in the sharp reduction of garrison court-martial verdicts which found the defendant "guilty of conduct to the prejudice of good order and military discipline."

These garrison courts-martial, which were held periodically at Camp Walbach, usually tried cases involving disorderly conduct brought on by drink or cases of neglect of duty, typical of which

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53. Post Orders Nos. 1 and 5, Camp Walbach, September 20 and 26, 1858; Special Orders No. 13, Headquarters, District of the Platte, September 15, 1858, records of Army Commands, NA, RG 98.

54. Post Orders, Camp Walbach: No. 39, December 21, 1858; No. 41, December 26, 1858; No. 9, February 9, 1859; and Nos. 11 and 12, February 17, 1859, *ibid.*

was that of Private Keighan. Only one general court-martial met at Cheyenne Pass and that concerned itself with the adjudication of a charge of desertion committed by a member of the garrison while at Fort Leavenworth during the previous summer.[55]

The only serious breach of military discipline at Cheyenne Pass occurred on the evening of April 9, 1859, when three members of the garrison deserted. Two of these deserters were prisoners awaiting trial by general court-martial who had persuaded a member of the post guard to join them in their attempt to flee Camp Walbach. Under the guise of a wood-carrying detail, guard and prisoners boldly strode through camp at suppertime until they reached the willows near the creek. There they discarded all excess equipment and darted up the pass. The fugitive trio succeeded in reaching a point about seven miles from the post before they were apprehended and returned, the task of their pursuers having been simplified by a blanket of snow which covered the ground, the result of a day-long storm.[56]

Ironically, at the time when these three sought to escape from Williams' harsh rule and the wretched conditions at Camp Walbach by deserting, salvation was just a few days away. Four days after their unsuccessful attempt, Colonel Munroe issued General Orders No. 7, Headquarters, District of the Platte, announcing that "in compliance with instructions from the War Department dated Washington, March 23, 1859, the military forts known as Camp Walbach and Platte Bridge will be abandoned as early as practicable, and the troops garrisoning the same will take post at Fort Laramie, N.T."[57]

Although Munroe had received neither a forewarning of nor an explanation for the sudden decision to remove the garrison at Cheyenne Pass, he must have sensed that such a step was imminent. By March 1859, the Mormon War had just about petered out and disenchantment with the Fort Riley - Bridger's Pass Road, owing in large part to its deficiency of water and wood, was widespread in influential military circles.[58] Thus the two major reasons for a military post at Cheyenne Pass had been removed by the early spring of 1859.

Williams learned the news on April 13. He began at once to make preparations for the abandonment of the post. On April 17, the extra wagons which he had requested to haul the quartermaster

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55. Special Orders No. 26, Headquarters, District of the Platte, December 20, 1858, records of TAGO, NA, RG 94.

56. General court-martial of Pvts. Bennett, O'Callaghan, and John Davies, CM - I1 46, records of JAGO, NA, RG 153.

57. General Orders No. 7, Headquarters, District of the Platte, April 13, 1859, records of TAGO, NA, RG 94.

58. Jackson, p. 146.

and commissary goods arrived and the next day all was ready for the return journey to Fort Laramie.[59] At 6:00 A.M., April 19, 1859, the first wagons left Cheyenne Pass and by nightfall Camp Walbach and its garrison had vanished into history.[60]

59. Williams to Lt. Pelouze, Acting Assistant Adjutant General, Headquarters, District of the Platte, April 13 and 18, 1859, Letters Sent, Camp Walbach, records of Army Commands, NA, RG 98.

60. Guard Report, April 18, 1859, Camp Walbach, *ibid.* Although travelers apparently still made use of the post after this date, Camp Walbach was never again garrisoned by units of the Regular Army.

The Congressional Career of Joseph Maull Carey

By

GEORGE W. PAULSON*

PREFACE

Joseph Maull Carey's life was intimately connected with the political and economic history of Wyoming. To illustrate only one example of his political connections, Mr. Carey, while serving his third consecutive term as the lone Wyoming Territorial Delegate, introduced the momentous bill that changed the Territorial status into a Statehood status for Wyoming. To illustrate only one example of his economic connections, Mr. Carey, while serving as the first United States Senator from the Commonwealth of Wyoming, introduced the bill, which bears his name, Carey Act, that was so important to the development of arid states such as Wyoming.

The purpose of this study is to review these two acts as well as other aspects of Joseph Maull Carey's Congressional career in relation to the political and economic history of Wyoming. *The Congressional Career of Joseph Maull Carey* covers the ten-year period from 1885 to 1895.

BIOGRAPHICAL SKETCH OF JOSEPH MAULL CAREY

Joseph Maull Carey was a descendant of English and Scotch families who had arrived in America before the Revolutionary War. His grandfather, Joseph Carey, passed away in Milton, Delaware, in 1838, and was buried at one of the oldest Episcopal churches in Delaware, St. George's Chapel. His father, Robert Hood Carey, was born in Milton, Delaware, in 1811, and died in the same house of his birth in 1891. Both parents of Joseph Maull Carey are buried in the Carey lot in the Methodist Churchyard Cemetery in Milton, Delaware.

The subject of this sketch, Joseph Maull Carey, was born in Milton, Delaware, on January 19, 1845, and became the third son in a family of five boys and two girls. He attended both public

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Joseph Maull Carey

Wyoming State Archives and Historical Department

and private schools in Milton, Delaware, and later entered a high school, which was primarily college preparatory, at Fort Edward, New York. He next studied at Union College in the City of Schenectady, New York, until the end of his sophomore year in 1865. Mr. Carey received the honorary post of chancellor from this institution in 1894, at which time he was awarded the degree of Doctor of Laws. In 1865 he moved to Philadelphia and studied in the law office of Benjamin F. Temple and the law firm of W. L.

Dennis and Henry Flanders, while at the same time attending the University of Pennsylvania, from which institution he received his law degree in 1867.

Politically minded, Mr. Carey participated in Ulysses S. Grant's first campaign for the presidency and was consequently awarded the post of the first United States Attorney for the newly-created Territory of Wyoming in 1869. This appointment was the reason he decided to come to the West. He quickly saw the unlimited opportunities for both political and economic gains in the development of Wyoming as a Territory and as a future State. He actively participated in the organization of the new government of Wyoming Territory and was employed by county governments to prosecute offenders, until county attorneys could be secured.[1]

After two years as a United States Attorney, Mr. Carey resigned in order to serve as a judge of the Wyoming Territorial Supreme Court. During his term on the bench, 1871 to 1876, he wrote fourteen opinions.[2] Thereafter, he held many offices, but "Judge" was the appellation most often applied by his friends.

He was a member of the Republican National Committee from 1876 to 1897. He served as mayor of Cheyenne, Wyoming, from 1881 to 1885. In 1884 he was elected Wyoming Territory's Delegate to the Forty-ninth Congress and was reelected to two more terms. As a tribute to his work in the House, the State Legislature in its first session elected him Wyoming's first United States Senator. He failed to be reelected in 1895 and thereupon resumed his private law practice.

When he sought the Republican nomination for Governor in 1910 but was rejected by the party convention, he accepted an invitation to run on the Democratic ticket and was elected. He took office in January, 1911, and served until January 1915. Mr. Carey was one of seven governors who met with Theodore Roosevelt in 1912 and organized the Progressive party which became known as the "Bull Moose" party.[3]

Mr. Carey very early realized that Wyoming had a wealth of resources and became a leader in the livestock business, organizing the J. M. Carey and Brothers Livestock firm, the "C Y" being one of Wyoming's oldest recorded brands. Subsequently, Mr. Carey bought out the interests of R. Davis Carey and Dr. John F. Carey and became the firm's sole owner.

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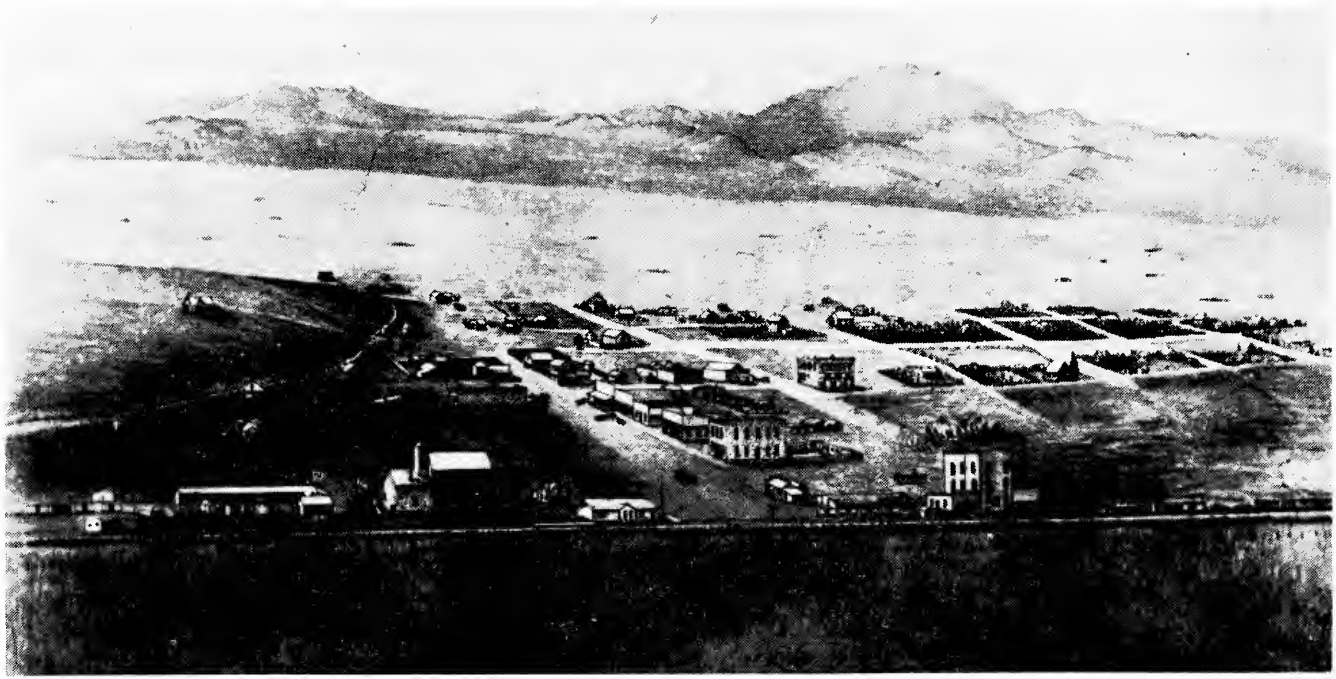
1. I. S. Bartlett, *History of Wyoming*, II (Chicago: S. J. Clarke Publishing Company, 1918), pp. 5-6.

2. Judge Carey's opinions are reported in the *Wyoming Reports: 1870-1878*, I (New York: The Banks Law Publishing Co., 1909), pp. 51, 67, 78, 82, 121, 131, 168, 194, 210, 223, 240, 246, 263, and 277.

3. Marie H. Erwin, *Wyoming Historical Blue Book* (Denver, Colorado: Bradford-Robinson Printing Company, 1946), p. 1311.



Wheatland, 1897—M. D. Houghton Sketch

Wyoming State Archives and Historical Department

In the same year that Mr. Carey was first elected Territorial Delegate to Congress, he originated and helped to organize the Wyoming Development Company for reclamation of lands between Chugwater Creek and the Sybille and Laramie Rivers. He was elected president of this company and later became president of the Wheatland Industrial Company. Both companies were instrumental in developing arid lands.[4]

After he had been in Wyoming for eight years, Mr. Carey married Miss Louisa David of Cheyenne, formerly of Dubuque, Iowa, on September 27, 1877. From this union were born two sons, Robert Davis and Charles David.

Robert married Miss Julia B. Freeman, daughter of Brigadier General H. B. Freeman. From this union were born two children, Sarah Darlington and Joseph Maull Carey III.[5] Joseph Maull Carey II, presently living in Philadelphia, is the son of Theodore Carey, who was a brother to Joseph Maull Carey.[6] Robert Carey's widow maintains a home in Cheyenne, Wyoming, but spends her summers in Jackson, Wyoming.[7]

Charles D. Carey was married, 1901-1902, to Miss Mabel Myers of Denver. His second marriage, 1910-1931, was to Miss Ellen Ellisin Miller of Pennsylvania. From the second union were born three children, Elizabeth M. Carey, Louise D. Carey, and Charles D. Carey, Jr. The last marriage of Charles D. Carey was to Julianne Doane, 1933-1935.[8]

Of the five grandchildren of Joseph Maull Carey, three are surviving. Both children of Robert Carey are deceased. Joseph Maull Carey III died in 1958 and Sarah Darlington Carey Weber died in 1954. Two of the children of Charles D. Carey reside in Cheyenne; they are Elizabeth Miller Carey, now Mrs. Willits Brewster, and Charles D. Carey, Jr. Louise D. Carey, now Mrs. Bon, resides in another State.[9]

Notwithstanding a busy political career, Joseph Maull Carey found time to serve his community and his State in nonpolitical positions. He served on the Cheyenne School Board, was a Trustee of the University of Wyoming, a member and president of the Wyoming Stock Growers Association, and engaged in a host of other activities too numerous to recognize in this study.

Joseph Maull Carey died in his home in Cheyenne, Wyoming.

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4. Bartlett, p. 6.
5. *The Hereford Journal*, July 15, 1938, p. 30. Newspaper in the Carey file in the University of Wyoming Library, Laramie, Wyoming.
6. Personal interview with Mr. Charles Carey, Jr. of Cheyenne, Wyoming, August 28, 1961.
7. *Ibid.*
8. *Hereford Journal, loc. cit.*
9. Charles Carey interview.

at the age of seventy-nine, on February 5, 1924. He is buried in Lakeview Cemetery, Cheyenne.[10]

JOSEPH MAULL CAREY, TERRITORIAL DELEGATE

Territorial delegates to the National House of Representatives introduced bills and spoke on matters pertaining to their respective Territories, served on committees, but had no privilege of voting.[1] Consequently, Joseph M. Carey left no voting record for the Forty-ninth, Fiftieth, and Fifty-first (first session) Congresses while he served as the sole Delegate from Wyoming Territory. Nevertheless, Delegate Carey's record in the House remains quite impressive. He was consistently available to individual grievances and sponsored a great number of private, grievance bills. Also, he authored many bills that built up Wyoming Territory and the development of its municipalities. The purpose of this chapter is to review some of the more important aspects of Joseph M. Carey's bills, resolutions, remarks, and actions during his three consecutive terms as a Territorial Delegate.

The oath of office was administered to Mr. Carey on December 7, 1885. He was appointed to serve on the Committee on Military Affairs and on the Committee on Territories. His first successful bill was one that he introduced one month to the day after he officially took office. This bill (H.R. 2922) made official and legal a controversial reapportionment of the members elected to the Ninth Legislative Assembly of the Territory of Wyoming. The bill was passed by both houses and signed into law by President Cleveland on January 19, 1886.[2] The Ninth Wyoming Legislature had been elected November 4, 1884, but was not scheduled to meet until January of 1886.[3]

Three other bills that Mr. Carey introduced on the same day, January 7, 1886, became law: $25,000 was allotted for the improvement and repair of the United States Penitentiary at Laramie, Wyoming; a new land district was established in Wyoming called Buffalo; and the Secretary of War was directed to instruct the Army quartermaster to issue a duplicate check for $4,608.50 dated April 26, 1884, in favor of J. M. Lobben, on the Stock Growers National Bank, Cheyenne, Wyoming Territory, to replace one lost

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10. Charles Carey interview.

1. Frederick A. Ogg and P. Orman Ray, *Introduction to American Government* (New York: Appleton-Century-Crofts, Inc., 1956), p. 266.

2. U. S., *Congressional Record*, 49th Cong., 1st Sess., January 7, 1886, XVII, Part 1, pp. 530, 538, and January 25, 1886, p. 863. See also U.S., *Statutes at Large*, XXIV, p. 2.

3. F. B. Beard, *Wyoming from Territorial Days to the Present*, I (Chicago: American Historical Society, Inc., 1933), p. 381.

on or about May 3, 1884.[4] The latter bill is a prime example of one of the many bills of a private nature successfully sponsored by Mr. Carey. Because of the very limited importance of private bills, most of those pertaining to the granting of pensions, no further reference will be made to them; this study will set forth the more general bills and issues which have a wider appeal and importance.

LAND POLICIES IN THE WEST.

The main chore of Joseph M. Carey, during the early part of his Congressional career, was to try to stop unfavorable land legislation. He endeavored at the same time to secure favorable land laws for the West. A concomitant task was to educate the Eastern members of Congress about the unique problems pertaining to Western land. Time after time, he spoke in Congress in defense of the land practices of Westerners—cowboys, cattlemen, and other residents.

In June, 1886, the House had under consideration a Sundry Civil Appropriations bill on which there was much debate. One pending amendment was to pay $2.50 per day to government agents who adjusted conflicting land claims for swampland, watched for depredations of public timber, and protected the public lands. Mr. Carey proposed an amendment to the amendment to pay such agents a $2,500 annual salary. In support of his argument that a government officer was not paid enough, he compared the $2.50 per day with the wage of a mechanic in Wyoming who was paid $5.00 per day. The government officer, unless he had other means, with such low wages, must "either steal or starve." His amendment to the amendment was not considered, because the chair sustained a point of order raised against it.[5]

Another provision of the Sundry Civil Appropriations bill allotted $10,000 for surveys of abandoned military reservations. Mr. Carey proposed an amendment to increase the amount to $20,000. He stated that about ten thousand acres of land needed to be surveyed in the Fort Fetterman and Fort Sanders reservations. Settlers had settled on the land and their rights could not be adjusted until a survey was made. He understood no survey had been made, because the Commissioner of the General Land Office did not have adequate funds. An objection to the amendment was made, as $20,000 had been available during the first six months of 1886 and not a cent had been spent for surveys.

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4. U.S., *Statutes at Large,* XXIV, pp. 252 and 526.

5. U.S., *Congressional Record,* 49th Cong., 1st Sess., June 29, 1886, XVII, Part 6, p. 6291.

6. *Ibid.,* pp. 6294-6295.

The vote was Yea—32, Nay—48, hence the amendment was rejected.[6] One part of the bill to which Delegate Carey objected pertained to land frauds, the pending paragraph being "for the protection of public lands from illegal and fraudulent entry or appropriation $90,000." He objected particularly to the word "appropriation." Delegate Carey took this opportunity to educate the Congressmen upon conditions in the West:

> Mr. Chairman, during this entire session I have listened to the abuses which have been heaped upon the men engaged in the cattle industry in the Western States and Territories, and thus far no man has on this floor defended this class of people. I am familiar with the men who are engaged in that business in an area of country at least 600 miles wide and 1,000 miles long. I am personally acquainted with very many of them. I have had the honor to be a member of and the presiding officer of probably the largest active stock-growers association in the world. This association represents at least one hundred million dollars of wealth invested in cattle, horses, and sheep in the arid regions of the United States. The members of this association come from twenty-five States and Territories.
>
> The men who conduct this business are just as honorable and upright, have as much business honor, and love their country just as well as the members of this House. They have as high a regard for the sanctity of an oath as either of you. They would no sooner attempt to induce others to commit perjury than would honest men elsewhere.
>
> I defy any man to produce any testimony except that of liars and perjurers to show where any man has been prevented from settling on any section of land in my Territory where he has a right to settle, by any combination of cowboys or cattlemen.
>
> Mr. Chairman, we speak of the "iron age," the "golden age," and various periods in the history of the world. This present age, I believe, will be spoken of as the "age of demagogism."
>
> A Member: The "age of brass."[7]

Delegate Carey ignored the remark by a fellow Congressman and continued his speech. He spoke of men who would change their party and their platform without a moment's hesitation. One day they might belong to an anti-national-bank party, and the next day to an anti-greenback party; then, they might slide the following day into the ranks of a labor party and as quickly change into the ranks of a major political party. These capricious government representatives, Delegate Carey contended, were anti cattle-kings, anti cattle-syndicates, and anti cowboys.

There was no clash, according to Delegate Carey, between cattlemen and farmers. The only time any person heard of a clash was by reading the speeches and newspapers from the East. In regard to the men called cowboys, there was too much misconception about them and the role they had in the West. The cowboys were too fond of fair play to interfere with any class of settlers.

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7. U.S., *Appendix to the Congressional Record*, 49th Cong., 1st Sess., June 30, 1886, XVII, Part 8, p. 240.

They were too intelligent to be made dupes by their employers for foul and evil purposes.

No doubt, Delegate Carey conceded, land frauds had been committed every year since the United States Government commenced to dispose of its land. The percentage of the frauds was too small to warrant much attention. In answer to land fraud accusations made by Congressman Holman of Indiana, it was Delegate Carey's belief that more frauds were committed under the swamp acts in the State of Indiana than all the frauds ever committed under the preemption, desert-land laws, and timber-culture law west of the Missouri River. Delegate Carey remarked, "A frog pond or a puddle of water was sufficient out of which to make four sections of swampland," and laughter was recorded in the Journal by the Clerk.[8]

Mr. Sparks, Commissioner of the General Land Office, in his first annual report, 1885, claimed that a great many land frauds were being committed in the West, especially in the regions dominated by the cattlemen. Commissioner Sparks charged that land frauds, committed mostly by cattlemen, usually followed a definite pattern. The cattlemen would pay their employees, cowboys, to file for lands under the preemption and desert-land acts. When they supplied the initial twenty-five cents per acre, the cattlemen would have control of desert land for three years. The rental of the land, then, would amount annually to eight and one-third cents per acre. If, at the conclusion of the three years, the land was proven to be valuable, the cattlemen would pay an additional dollar per acre. Nevertheless, they had to demonstrate that the land had been reclaimed by having irrigation ditches. A furrow or two going in any direction with no regard to the lay of the land was usually satisfactory to the local land officials. Circulars were issued reminding the local land officials that where land had wild hay growing it was not to be considered desert land.[9]

The House Committee on Public Lands in a report on a bill calling for the repeal of the preemption, timber-culture and desert-land laws, also pointed out that many land frauds had been committed. Under the Preemption Act of 1841, the Homestead Act of 1862, and the Timber-culture Act of 1873, a person could obtain title to 480 acres (160 acres under each act) plus an additional 640 acres under the Desert-land Act of 1877, making a total of 1,120 acres. This was entirely too much land for any one person, thought Congress. Ultimately, the Preemption Act and the Timber-culture Act were repealed; the Desert-land Act was amended, reducing the amount of acreage per person from 640

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8. *Ibid.*, p. 241.
9. E. S. Osgood, *The Day of the Cattlemen* (Minneapolis: University of Minnesota Press, 1954), pp. 204-205.

acres to one-half that amount. Most of the entries ultimately proved to be fraudulent.[10]

Delegate Carey's observation was that when any great rush at a Western land office occurred, the Easterners interpreted this kind of myriad as evidence that land frauds were under way. This Eastern point of view simply was not true, as the population in the West increased and moved forward rapidly. In regard to limiting the acres to too small a number, the Eastern people should have taken heed of the nature of the Western land. In the West, one had to do more than "tickle the surface" in order to secure a crop. To emphasize this point, Delegate Carey quoted from the *Salt Lake Tribune*:

> It is a sadly comical spectacle to see the American Congress undertake to handle the desertland question. Members approach the question with a vague fear that the country will discover how little they know of the business, but in a day or two they are declaring with a mighty pathos against the policy which is so swiftly transferring the public domain in vast block to greedy land speculators. If the spectacle is sadly comical in Washington it would be a comically sad one to see one of the eloquent members compelled to make a living from 640 acres of desert land. What new ideas he would obtain if put to the test; how his respect for the public domain would break down; how he would change his views; how much his pocket would be depleted and his brain expanded by a year's trial of reclaiming desert land. With what pertinacity these men of the East assume that if Western people are not out and out thieves, they are at least playing for unjust advantages.[11]

In spite of the fact that there was much difficulty and misunderstanding on the part of so many people, the region in the Rocky Mountain area was making rapid strides forward, Delegate Carey emphasized. Land in the West was simply neither fertile nor valuable. When an entry for land was made and a deposit of twenty-five cents was given, this deposit represented about four times what the land was worth. The land bills were not unfair to the government; if anything, they were unfair to the land purchaser.[12]

CHINESE OF ROCK SPRINGS, WYOMING

The most disturbing event which occurred during the first Congressional term of Delegate Carey was what became known as the Chinese Massacre at Rock Springs, Wyoming, on Wednesday,

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10. U.S., Congress, House, *Repeal of Preemption, Timberculture, and Desert Lands,* 49th Cong., 1st Sess., April 15, 1886, Serial Set 2440 [Volume], H.R.1679.
11. U.S., *Appendix to the Congressional Record,* 49th Cong., 1st Sess., June 30, 1886, XVII, Part 8, p. 241.
12. *Ibid.,* pp. 7169-7170.

September 2, 1885. Tension had been building up between the Caucasian and the Chinese coal miners ever since the first Chinese miners were brought to Rock Springs by the general superintendent, Mr. S. H. H. Clark in November, 1875, through Beckwith, Quinn, and Company, whose main office was in Evanston, Wyoming. The Caucasian miners wanted to strike against the Union Pacific Coal Company, and it was alleged that the Chinese miners refused to join in the strike. Without the cooperation of the Chinese, it was felt by the members of the miners' union, Knights of Labor, that the strike was doomed to failure.

What consequently happened on that fatal Wednesday was an armed attack on the Chinese miners while they were at work in the mines or in their village. The number of Chinese killed is not definitely known, as the sources disagree on the number, but all the sources examined for this study have agreed on at least twenty-six. The Chinese died by rifle bullets or in the ruins of their burning homes. The listed grievances of the Caucasian miners were enumerated, as follows:

> (1) That false weights were used by which miners were defrauded of 4 to 500 pounds of coal per car.
> (2) That the presence of Chinese at Rock Springs made it unsafe for women to venture out alone.
> (3) That the Chinese miners were favored in the assignment of rooms in the mines, being given rooms located for easy working.
> (4) That Superintendent Tisdal sold privileges to Chinese workmen.
> (5) That miners were compelled to trade at the store of Beckwith, Quinn, and Company.[13]

All of the alleged grievances were denied categorically by the coal company.

Mr. Ralph Zwichy, manager of a Rock Springs store of Beckwith, Quinn, and Company, blamed the trouble on the fact that many Caucasian miners were unemployed, and that Chinese were continually being imported and constituted a threat to the economic welfare of the white citizens. He stated that after the trouble, Chinatown presented a horrible sight. There were burned bodies. One body, roasted by the fire, had been almost devoured by hogs.[14]

The Chinese who had managed to flee into the surrounding countryside suffered hardships. A representative of the *Salt Lake Tribune* reported that one Chinaman came into Rock Springs several days after the incident and reported that his two comrades had died and had been eaten by coyotes.[15]

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13. *History of the Union Pacific Coal Mines: 1868-1940* (Omaha: Colonial Press, 1940), p. 85.
14. U.S., Congress, *Message from the President of the United States Relative to Chinese Treaty of Stipulation*, [Cleveland], March 3, 1886, Serial Set 2398 [Volume], House Executive Document 102, pp. 16-17.
15. *Ibid.*, p. 25.

The postmaster at Rock Springs, Mr. O. C. Smith, blamed the trouble on the miners' union. Also, Mr. W. H. O'Donnell, a fifteen-year resident at Rock Springs, and most of the time employed by the coal company, insisted that no successful strike against the coal company could have been nor could be instigated as long as the company employed Chinese laborers. The Caucasian miners were so extremely disturbed that the attackers attempted no concealment of themselves. They also could have been easily identified, as the trouble happened mostly in daylight.[16]

Mr. James H. Dickey, employed by Beckwith, Quinn, and Company, had charge of the store at number six mine. He stated that no Americans were involved in the attack. The attackers were all foreigners; Welsh, Cornish, Swedish, and men from other foreign areas. He further stated that the attack on the Chinese resulted because they refused to participate in a strike against the coal company. This opinion was shared by Mr. A. C. Beckwith, a member of the coal company.[17]

According to the report sent to His Excellency Chang Tsao Ju, Chinese Minister, Washington, D. C., the attack upon the Chinese for the reasons stated was completely unwarranted. Both the Caucasians and the Chinese worked under the same terms and were governed by the same regulations. Those who were arrested for the outrage were tried by a judge who was, it was charged, a member of the Knights of Labor; so, judicial proceedings were a burlesque. Minister Ju therefore sought a payment of $147,748.74 for the Chinese survivors or their kin for damages rendered. The Chinese had always been law-abiding, quiet and peaceful. Minister Ju recognized that the Federal Government had no legal obligation to pay but pleaded for justice, reciprocity, and generosity. Those guilty must be punished and measures must be taken, the Minister maintained, so that such an event could never happen again.[18]

Minister Ju's report, received by President Cleveland, was acted upon immediately by the President. The President, shocked by the evidence against the Rock Springs miners, sent a message to Congress asking that Minister Ju's request for payment be honored. President Cleveland referred to the third article of the treaty between the United States and China on November 17, 1880, which provided:

> If Chinese laborers, or Chinese of any other class, now either permanent or temporary residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures

16. *Ibid.*, pp. 13-15.
17. *Ibid.*, pp. 15-16.
18. *Ibid.*, pp. 4-13.

for their protection, and to secure to them the same rights, privileges, immunities and exempitons as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.[19]

The President referred to the September 2 activities at Rock Springs as a ghastly mockery of justice, an outrage and a massacre. He stated that there was a palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to protect the rights of the Chinese. The Chinese were entirely blameless and the whole episode brought discredit to the United States. In order to redeem the United States, the President asked Congress to pay the sum requested, even though the United States did not have to make the payment.[20]

Congress was quick to act upon the Presidential request through a joint resolution. The House Resolution, Number 147, pertinent to the request, read:

That the sum of $147,748.74 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885, the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government.[21]

Delegate Carey rose to amend the resolution in the following manner: after the word "appropriated," he recommended that "or so much thereof as may be necessary" be inserted. There was no objection to the making of the amendment, and Delegate Carey was granted the right to be heard on his amendment. This was one of the longest speeches Congressman Carey made during his terms in the House and is important because it presented a great deal of his philosophy and outlook upon the problems, conditions, and prospective future of the West.

Delegate Carey believed that the sum stipulated was about double the amount needed for actual property damages. The Chinese survivors after the incident dug up much of the treasure which had been designated as a total loss.

Nor were the Caucasian miners totally to blame as stated in the President's message. Congress and the treaty-making power of the government had attempted to restrict Chinese immigration into the country, and the law had been flouted time and time again. The Caucasian laborers felt that they had genuine grievances and that discrimination against them in favor of the Chinese workers had been practiced. Delegate Carey did not agree with the part

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19. *Ibid.*, pp. 1-3.
20. *Ibid.*
21. U.S., *Congressional Record,* 49th Cong., 1st Sess., May 13, 1886, XVII, Part 4, pp. 4474-4475.

of President Cleveland's message that the authorities were lax and that there had been legal discrimination against the Chinese.

Delegate Carey pointed out that the riot did not have its origin at Rock Springs. The population of the Pacific States and Territories was estimated as being about ten percent Mongolian. Chinese labor not only had largely undermined the labor of those of foreign birth, but of those of this country. The Mongolians were pushing Eastward, and the American laborers were extremely uneasy about it.

Difficulties between the two races were more frequent. American labor could not compete with Chinese labor. A Chinese, due to centuries of deprivation, could live on far less than what an American could possibly live on. A Chinese could exist and enjoy good health in a space not larger than an ordinary closet; was not burdened by a wife and children in America; and added nothing to the wealth of the States and Territories but sent the proceeds of his labor to his mother country. The Territories of the United States wanted more population, but a population that was of a contributing kind.

Men were needed in the West who would bring families, build homes, become good citizens, and take a part in the development of the country. Those who possessed these qualifications received a hearty welcome in the Territories, regardless of race. It was such men with such qualifications who asked that their labor be not in competition with that of the Chinese who were brought into the American States and Territories under contract and were little removed from the status of a slave.

This nation had, since its beginning, protected industries from unfair competition abroad and, now, had to protect laborers from unfair competition with a race that would never identify and assimilate itself with the American people. Delegate Carey estimated that ten thousand miners would be needed in Wyoming Territory within a very short time, due to expanding railroad building and the opening of more coal mines. If these miners were to be Chinese, then nothing would be added to the wealth of the Territory; and the very life of the Territory would be sapped by the Mongolians. If the miners were white, then there would be great wealth added to Wyoming Territory. The families of the miners would add an additional forty to fifty thousand people, and instead of villages of Chinese huts, there would be well-built towns and all would prosper.[22]

Delegate Carey's amendment was defeated, and the full sum was voted upon by Congress and became law on February 24, 1887.[23]

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22. *Ibid.*
23. U. S., *Statutes at Large,* XXIV, p. 418.

TARIFFS

Congressman Carey was a protectionist with regard to American tariffs. He particularly wanted tariffs on goods that would compete with goods produced in Wyoming. Protection was needed, he asserted, for glass, soda, coal, lead, copper, iron ores, sheep, wool, and hides. He claimed it did little good to keep the Chinese out of the country, if the United States let in, practically unhindered, the products of cheap labor such as the Chinese. The American Government could not raise up the standard of living for the Asiatic hordes to the same standards which prevailed in America. "God forbid," he exclaimed, " that we should attempt to drag our standards of living and wages to theirs, or that we should take away the employment and the livelihood from any of our people to send abroad to them."[24] Joseph M. Carey did not, however, sponsor any bill or introduce any amendment in regard to a tariff while he was a Delegate in the House.

CATTLE DISEASES

As a representative for a Western Territory and an owner of cattle, Congressman Carey was concerned about the cattle industry and the threat to the industry by animal diseases, such as pleuropneumonia, foot-and-mouth disease, and rinderpest. He introduced during the Forty-ninth Congress, second session, House bill 10359 which was intended to extirpate these contagious and ruinous diseases. The bill was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

Delegate Hatch from Missouri proposed an amendment (H.R. 7208) to the Animal Industry Act (approved May 29, 1884) that would establish a Bureau of Animal Industry under the Department of Agriculture and requiring an appointment of a chief of the bureau who had to be a competent veterinary surgeon, and whose duty would be to investigate and report upon the conditions of the domestic animals of the United States, their contagious, infectious, and communicable diseases, and the means of prevention and cure of same, and to collect information on these subjects. Delegate Carey supported the amendment and spoke for twelve minutes on the importation of diseases from abroad. These diseases, Delegate Carey contended, were exotic. Their rapid spread through interstate shipment of cattle was very much cause for alarm. American exports had fallen off due to other nations, as England, becoming aware of diseases in America's cattle. Delegate Carey maintained

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24. U.S., *Congressional Record,* 50th Cong., 1st Sess., July 18, 1888, XIX, Part 7, pp. 395-396.

that the States and Territories had to have Federal help in order to curb this menace. The amendment was passed.[25]

The sum of $100,000 was authorized for the establishment of a Bureau of Animal Industry. A sum of $30,000 was allotted to fight animal diseases of which Delegate Carey had spoken by the establishment of quarantine stations. Any part of the $100,000 could be used to destroy infected cattle and to prevent the spread of cattle diseases.[26]

SUNDRY BILLS

Some of the bills which Congressman Carey sponsored in the House passed with little, if any, opposition. The bills were usually of a noncontroversial nature, and they were of slight importance to Congressmen from areas other than the West. Most of such bills pertained to Wyoming.

Thirty thousand dollars was allocated for the completion of quarters and barracks at Fort D. A. Russell (H.R.4367).[27] Settlers who had made settlement in good faith previous to the time when the Wind River Valley, Wyoming Territory, was included in the Wind River Reservation were allocated $9,371.20 (H.R. 2920).[28]

University lands could be leased in the Territory of Wyoming, if said lands were devoid of timber and known mineral deposits, and all moneys became a part of school funds of the county where such lands were situated. The money obtained was to be used for school purposes only. No lease was granted for longer than five years, and all leases were to expire within six months after Statehood (H.R.5714).[29]

Abandoned military reservations, Forts Fetterman, Laramie, Sanders, and Steele, and a portion of Fort Bridger, were made subject to disposal under the homestead law, but right of preemption was to remain.[30] Public lands were allowed for entry by incorporated cities and towns for cemetery and park purposes.[31] Ten thousand dollars was allotted to construct a bridge across the

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25. U.S., *Congressional Record*, 49th Cong., 2d. Sess., December 20, 1886, XVIII, Part 1, p. 290.
26. U.S., *Statutes at Large*, XXIV, p. 103.
27. U.S., *Congressional Record*, 49th Cong., 1st Sess., January 18, 1886, XVII, Part 1, p. 735. See also U.S., *Statutes at Large*, XXIV, p. 372.
28. U.S., *Congressional Record*, 49th Cong., 1st Sess., January 7, 1886, XVII, Part 1, p. 530.
29. U.S., *Congressional Record*, 50th Cong., 1st Sess., January 23, 1888, XIX, Part 1, p. 638. See also U.S., *Statutes at Large*, XXIV, p. 393.
30. U.S., *Congressional Record*, 51st Cong., 1st Sess., March 15, 1890, XXI, Part 3, p. 2285.
31. *Ibid.*, April 8 and September 30, 1890, pp. 3155 and 10746.

Big Wind River on the Shoshone Indian Reservation.[32] Lastly, with respect to Delegate Carey's sundry bills, Buffalo, Wyoming, was allowed to purchase certain lands to be occupied for school purposes.[33]

STATEHOOD FOR WYOMING

As Delegate from Wyoming Territory, Joseph M. Carey's biggest and most important Congressional work was introducing, defending, and seeing the passage of the bill that converted Wyoming from a Territory into a State with full equality with the other States of the Union.

On February 27, 1888, during the Fiftieth Congress, Congressman Carey introduced in the House a bill to admit Wyoming as a State; but the bill was not reported out of the committee. Senator Teller, from the State of Colorado, introduced a similar bill in the Senate on March 19, 1888, and nothing was heard of the bill for approximately a year. During the first two months of the following year, Representative Springer of Illinois had twice introduced an omnibus bill which called for the admission as States for the Territories of Arizona, Idaho, and Wyoming. Both bills failed to receive the necessary support for adoption. On February 27, 1889, the Teller bill to admit Wyoming as a State was reported favorably out of the Committee on Territories. Congress, however, went into adjournment without passing the necessary legislation, in order for the people of Wyoming to write a constitution and to vote on it.

Governor Francis E. Warren, on April 9, 1889, in his inaugural address, urged the people of Wyoming to prepare for Statehood. Sentiment and enthusiasm for Statehood grew after the Governor's address, and the commissioners of seven of the ten organized counties in Wyoming adopted resolutions requesting the Governor to call a constitutional convention. Governor Warren, by a proclamation, called for an election of fifty-five delegates to a constitutional convention. The Wyoming Constitutional Convention was held in 1889 from September 2 to September 25, and immediate steps were taken to have the constitution ratified by the people.[34]

Fifty-five delegates had been elected; fifty-one electors qualified by taking the oath; forty electors actually signed the constitution; and nearly all the other delegates requested that their names be signed to the constitution. Some of the delegates had to leave the constitutional convention because of other presing obligations and

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32. U.S., *Statutes at Large,* XXV, p. 234.
33. U.S., *Congressional Record,* 51st Cong., 1st Sess., January 20, 1890, XXI, Part 1, p. 410. See also U.S., *Statutes at Large,* XXVI, p. 158.

commitments made prior to the convention's adjournment. It was Congressman Carey's belief that all the delegates elected were in favor of the constitution and all would have signed it if they could have remained until the final revision.[35]

On February 5, 1890, the House Committee on Territories listened to a lengthy address by Delegate Carey in favor of Wyoming Statehood. Delegate Carey's remarks were well prepared and documented by maps and pictures which had previously been procured for the purpose. After the meeting, Congressman Carey was quoted as saying that he felt more sanguine than ever before that Wyoming would be admitted by that session of Congress.[36] On February 12, 1890, the Committee on Territories brought the Wyoming admit bill out of committee with a favorable report and a recommendation for adoption.[37]

On March 26, 1890, the Committee of the Whole of the House of Representatives heard Delegate Carey's prepared remarks and arguments on why the admission of Wyoming as a State would be a beneficial event for the Nation as well as for Wyoming itself. For this particular occasion, he reserved the longest speech that he had ever made during his Congressional career.[38]

Delegate Carey stated to the members of the House that since his first introduction into Congress he was motivated to do what appeared best for the interests of the people of the Territory of Wyoming. He was their representative not because of any constitutional right but only because of the sufferance of the legislative branch of the government. His treatment, during his five sessions of Congress, had always been most cordial, and it was for that reason that he had previously occupied the time of the members of the House with great reluctance. "If today I should be more generous in the use of your time than has been my custom, my excuse shall be that the question under consideration is of importance beyond measure to my people." He further stated, in a poetical sense, "Two thousand miles away I can see the outlines of a new star that is about to take its place in the constellation of States."[39]

Wyoming's sole Delegate to the House began his argument for admitting Wyoming into the Union by citing the Ordinance of 1787

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34. Velma Linford, *Wyoming, Frontier State* (Denver, Colorado: The Old West Publishing Company, 1947), p. 303.
35. U.S., *Congressional Record,* 51st Cong., 1st Sess., December 18, 1889, XXI, Part 1, p. 261.
36. *Cheyenne Daily Leader,* February 6, 1890, p. 1.
37. *Ibid.,* February 13, 1890, p. 1.
38. Beard, p. 468.
39. U.S., *Congressional Record,* 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2672.

as setting the precedent and pattern for the admission of States into the Union. Article V of the Ordinance, in regard to population, stipulated:

> And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever; and Provided, the constitution and government so formed shall be republican and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the Confederacy such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.[40]

Delegate Carey claimed that of the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, which were formed out of the Northwest Territory, only Wisconsin met the 60,000-population requirement. The Ordinance of 1787 was a pattern for the admission of future States into the Union, so it followed that it was also a pattern for Wyoming.

In regard to the United States Constitution, one provision stated:

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State to be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.[41]

The question was, then, were the boundaries of the Territory of Wyoming clearly defined and of a suitable area? Wyoming's boundaries, Delegate Carey explained, had been defined for a temporary government in 1868 and remained unchanged. None of Wyoming's residents had asked for a division and attachment to an adjoining State or Territory, nor did any of the residents wish to encroach upon a neighbor for even one foot of territory. All of the Territory's boundaries were clearly defined, had been surveyed, and had been marked. Delegate Carey then presented a table depicting the fact that Wyoming would not be too large nor too small in order to make a State. Wyoming proved to be about one-third the size of Texas and nearly eighty times as large as Rhode Island (see Table 1).

Seldom was the question of population of a prospective State ever a major consideration. Prior to the Civil War, the chief question was the extension of slavery. Only a minority of the Territories equaled or exceeded a population of 100,000 when admitted as States. If Maine and West Virginia which shared the government of mother States and the States admitted under the

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40. *Ibid.*, p. 2763.
41. *Ibid.*, p. 2764.

TABLE 1. "Summary of areas of States, Territories, etc., in square miles."*

	Gross areas.	Coast waters (bays, gulfs, sounds, etc.).	Rivers and smaller streams.	Lakes and ponds.	Total water surface.	Total land surface.
Alaska	577,390	.....				
Alabama	52,250	440	260	10	710	51,540
Arizona	113,020	.....	80	20	100	112,920
Arkansas	53,850	.....	540	265	805	53,045
California	158,360	540	240	1,600	2,380	155,980
Colorado	103,925	.....	270	10	280	103,645
Connecticut	4,990	25	80	40	145	4,845
Dakota	149,100	.....	610	790	1,400	147,700
Delaware	2,050	30	60	.....	90	1,960
Dist of Columbia	70	.....	10	.....	10	60
Florida	58,680	1,800	390	2,250	4,440	54,240
Georgia	59,475	150	300	45	295	58,980
Idaho	84,800	.....	200	310	510	84,290
Illinois	56,650	.....	515	135	650	56,600
Indiana	36,350	.....	330	110	440	35,910
Indian Territory	64,690	.....	600	.....	600	64,090
Iowa	56,025	.....	450	100	550	55,475
Kansas	82,080	.....	380	.....	380	81,700
Kentucky	40,400	.....	375	25	400	40,000
Louisiana	48,720	1,060	540	1,700	3,300	45,420
Maine	33,040	545	300	2,300	3,145	29,895
Maryland	12,210	1,850	500	.....	2,350	9,860
Massachusetts	8,315	125	60	90	275	8,040
Michigan	58,915	.....	260	1,225	1,485	57,430
Minnesota	83,365	.....	360	3,800	4,160	79,205
Mississippi	46,810	30	340	100	470	46,340
Missouri	60,415	.....	630	50	680	68,735
Montana	146,080	.....	410	360	770	145,310
Nebraska	76,855	.....	630	40	670	76,185
Nevada	110,700	.....	35	925	960	109,740
New Hampshire	9,305	.....	80	220	300	9,005
New Jersey	7,815	205	120	35	360	7,455
New Mexico	122,580	.....	115	5	120	122,460
New York	49,170	350	300	900	1,550	47,620
North Carolina	52,250	3,260	250	160	3,670	48,580
North Dakota	.....	.....	.....	.....	.....	.....
Ohio	41,060	.....	140	160	300	40,760
Oregon	96,030	50	500	920	1,470	94,560
Pennsylvania	45,215	.....	200	30	230	44,985
Rhode Island	1,250	135	10	20	165	1,085
South Carolina	30,570	215	180	5	400	30,170

TABLE 1 (Continued)

	Gross areas.	Coast waters (bays, gulfs, sounds, etc.).	Rivers and smaller streams.	Lakes and ponds.	Total water surface.	Total land surface.
South Dakota	.....	.....	.....	.....	.....	.....
Tennessee	42,050	.....	200	100	300	41,750
Texas	265,780	2,510	800	180	3,490	262,290
Utah	84,970	.....	80	2,700	2,780	82,090
Vermont	9,655	.....	50	380	430	9,135
Virginia	42,450	1,780	520	25	2,325	40,125
Washington	69,180	1,380	560	360	2,300	66,880
West Virginia	24,780	.....	135	.....	135	24,645
Wisconsin	56,040	.....	420	1,170	1,590	54,450
Wyoming	97,890	.....	85	230	315	97,575

* U.S., *Congressional Record*, 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2674.

TABLE 2. Population of Ten States When Admitted.*

State.	Population when admitted
Ohio	45,000
Indiana	63,000
Mississippi	35,000
Illinois	35,000
Alabama	40,000
Missouri	66,000
Oregon	45,000
Kansas	100,000
Nebraska	100,000
Colorado	100,000

* U.S., *Congressional Record*, 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2675.

omnibus bill of 1890 were excluded,[42] there would have remained twenty-three States; and only six of them, Texas, Wisconsin, Minnesota, Kansas, Nebraska, and Colorado, could claim a population of 100,000 people. Delegate Carey then presented a table of ten States that averaged 60,000 population when they entered the Union (see Table 2). He estimated the population of Wyoming in 1890 as somewhere between 110,000 and 125,000.[43] In 1887

TABLE 3. Votes Cast at Presidential Elections in the States.*

States.	Years after admission.	Votes cast.	Members of Congress.
Tennessee	28	20,725	9
Indiana	8	15,725	3
Illinois	10	8,344	1
Do	14	19,576	3
Missouri	15	5,192	2
Do	19	19,332	2
Mississippi	15	5,007	2
Do	19	19,667	2
Arkansas	....	3,638	1
Do	4	11,209	1
Do	12	16,888	1
Do	16	19,357	2
Michigan	....	11,360	1
Louisiana	28	18,914	4
Florida	3	4,963	1
Do	7	7,193	1
Do	15	14,345	1
Texas	3	15,177	2
Do	7	18,647	2
Iowa	3	24,303	2
Wisconsin	....	39,166	3
Oregon	2	12,410	1
Do	14	14,649	1
Nebraska	2	15,168	1
Do	6	26,141	1

* U.S., *Congressional Record*, 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2675.

42. For the States admitted under the omnibus bill of 1890, See R. B. Morris, *Encyclopedia of American History* (New York: Harper and Brothers, 1953), pp. 433-434.

43. U. S., *Congressional Record*, 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2675.

Wyoming's population was estimated as approximately 86,000; in the following delegate election the vote was 18,210. Delegate Carey predicted that 23,000 voters would turn out for the next delegate election.[44] But on November 5, 1889, when the special election to have Wyoming's constitution ratified by a vote of the people, the turnout was extremely light. The total number of votes cast both for and against the constitution was 8,195. Those in favor of adoption were 6,272. Those Congressmen against adoption were 1,923. The majority for adoption was 4,349, or about five-sixths of the total vote cast.[45]

Delegate Carey's position was obvious. He had to explain and to justify the light vote to the members of the House and also to members of the Senate. The light vote was due to the fact that settlements in Wyoming were widely separated, distances were great, and the polling places were far removed from each other. The population of Wyoming was scattered over a territory of nearly 100,000 square miles. To secure a very large turnout even in well-settled areas was nigh an impossibility. To illustrate his point, Delegate Carey presented a table depicting the number of votes cast at presidential elections in fourteen States which were well-settled areas (see Table 3).

When the ratified Wyoming Constitution was sent to Congress, a memorial (petition for Statehood) written by Mr. John W. Hoyt was also sent. In this memorial, Mr. Hoyt had answered some of the anticipated arguments against the admission of Wyoming as a State. He claimed the small turnout of voters was due to inclement weather.[46]

Delegate Carey feared that some opposition to the admission of Wyoming as a State might be based on the idea that Wyoming's Senators and Representatives would not represent a large enough population in comparison to Congressional representatives from other States. He cited that the Constitution of the United States made no reference to a particular number of inhabitants a Territory must have in order to become a State, nor had Congress passed any law pertaining to population. He presented a table showing the inequality of representation in Congress among the States based upon population at the time of admission into Statehood (see Table 4).

The vast and seemingly unlimited resources of Wyoming were next enumerated as proof that Wyoming would become a great and wealthy addition to the Union. These resources, herein briefly related, were listed in the following order by Delegate Carey.

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44. U.S., *Congressional Record,* 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2679.
45. Beard, p. 466.
46. Linford, pp. 311-312.

There were ten to twelve million acres of land with water supply which could be successfully cultivated. Four to five million acres could be cultivated without the need of irrigation. There were vast grasslands for the cattle herds which had become a vital part of Wyoming's economy. Four great rivers with numerous tributaries were in Wyoming: Big Horn River to the north, Platte River to the east, Green River to the south, and the Snake River to the west. If the great agricultural, irrigable lands could become productive in Wyoming, they would support a combined population of the irrigated area of Egypt and Italy which supported ten million people. Wyoming had eight to ten million acres of forests, comprised mostly of pine and spruce trees. The minerals were almost too numerous to be listed: gold, silver, lead, tin, asbestos, mica, graphite, keolin, fire-clay, salt, inexhaustible supplies of marble, petroleum, iron, soda, and coal.

TABLE 4. "Population of certain States at the time of admission into the Union."*

States.	Date of admission.	Representative ratio on previous census.	Estimated population when admitted.	Population by following census.
Vermont	1797	33,000	85,425	154,446
Kentucky	1792	33,000	73,677	220,955
Tennessee	1796	33,000	67,000	105,602
Ohio	1802	33,000	45,365	230,760
Louisiana	1812	35,000	76,556	152,923
Indiana	1816	35,000	63,897	147,178
Mississippi	1817	35,000	35,512	75,448
Illinois	1818	35,000	34,620	55,162
Alabama	1819	35,000	40,000	127,901
Missouri	1821	40,000	66,557	140,444
Arkansas	1836	47,700	52,240	97,574
Michigan	1837	47,700	65,000	212,267
Florida	1845	70,680	64,000	87,445
Iowa	1846	70,680	78,819	192,214
Wisconsin	1848	70,680	180,000	305,391
California	1850	93,423	92,597	379,994
Minnesota	1858	93,423	120,000	172,023
Oregon	1859	93,423	50,000	62,405
Kansas	1861	127,381	107,206	364,399
Nevada	1864	127,381	40,000	42,491
Nebraska	1867	127,381	100,000	122,993
Colorado	1876	131,425	100,000	194,640

* U.S., *Congressional Record*, 51st Cong., 1st Sess., March 26, 1890, XXI. Part 3. p. 2675.

But, what about the people themselves? Were they ready for the privileges and obligations of Statehood? Delegate Carey answered these questions in the affirmative. The people had consistently and willingly taxed themselves for the maintenance of public schools. Notwithstanding the influx of immigrants, the illiterate class over the age of ten had not increased over 2.6 percent which was disclosed in the 1880 census. The University was supported at public expense. Not a single public building was provided by Congress. The people of Wyoming, themselves, had provided on a State level with qualified directors: a water department, a mineralogy department, a veterinarian, a fish hatchery, a University, a deaf and dumb asylum, an insane asylum, a poor-farm establishment, a capitol building, and a penitentiary which was being constructed at an estimated cost of $100,000. The cities were well built and provided good business blocks. Delegate Carey also stressed that the cities were filled with comfortable homes, churches, and school houses. The banking interests were sound, and the growth had always been advancing. During the entire history of the Wyoming Territory, not a single defalcation of a Territorial officer had occurred. In the expending of hundreds of thousands of dollars on public buildings, there had been not a "whisper of scandal" or corruption. All Territorial obligations had been paid in full, and after such payment, the treasury on January 10, 1890, showed a surplus of $230,000.

It became obvious from the stated facts that the people of Wyoming were indeed ready and willing to accept the privileges and to asume the obligations of Statehood. Delegate Carey announced that the wealth of the Territory exceeded $100,000,000

TABLE 5. Wealth of Wyoming, 1890.

	Actual value.	Assessed value.
The railroad property	$35,000,000	$6,163,000
Irrigation works and improvements	10,000,000	Not assessed.
Live-stock	40,000,000	9,000,000
Improved farms and ranches	15,000,000	3,000,000
Developed mines	15,000,000	Not assessed.
Churches and schools, county, city, and Territorial property	2,500,000	Do.

in actual wealth and exhibited a table substantiating his statement:[47]
Delegate Carey submitted a second table comparing Wyoming with other States and thereby affirmed that Wyoming was not a poor State (see Table 6). Also, Delegate Carey quoted postal and railroad statistics to emphasize Wyoming's growth rate.

His last argument on the question of admission of Wyoming into Statehood pertained to the State constitution. He stated that the constitution was progressive, yet conservative enough to insure a good republican form of government. It made no distinction in civil and political rights with regard to race, sex, or color. It provided for an economical government, because it did not create any unnecessary or ornamental officers. Safeguards were set up to curtail unwise legislation. It limited the indebtedness of the State and all political divisions of the State to the annual revenue, unless an exception was authorized specifically by a vote of the people. It made ample provision for schools and protected school moneys from uses other than educational purposes. The part of the constitution that was of most merit was that provision which

TABLE 6. Comparison of Wealth among Several States.*

	Years after admission.	Actual wealth.	Assessable wealth.
Wisconsin	2	$ 42,000,000	$31,200,000
Arkansas	14	39,000,000	23,400,000
Florida	5	23,000,000	13,800,000
Iowa	5	24,000,000	13,200,000
Oregon	2	19,000,000	11,400,000
Minnesota	2	52,294,000	32,087,730
California	....	22,161,000	13,296,000
Kansas	....	31,327,000	22,500,000
Wyoming, in 1889	....	100,000,000	31,500,000

* U.S., *Congressional Record,* 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2678.

47. U.S., *Congressional Record,* 51st Cong., 1st Sess., March 26, 1890, XXI, Part 3, p. 2688.

allowed no discrimination on account of sex, so far as political rights were concerned. The time for Delegate Carey's talk on advisability of Statehood for Wyoming expired, and the opponents to the bill then had their say.[48]

The longest speech against the Wyoming admit bill was spoken by Congressman Oates of Alabama. He did not like Section 9 of the education article, whereby compulsory education was required. It smacked of Prussianism, the Alabama Congressman declared. Section 29 in the bill of rights was objected to, because noncitizens could own land. That provision was an invitation to the lords and capitalists of Europe to buy and to control large tracts of land in Wyoming. He objected to woman suffrage and believed it would demean womanhood and take her off the pedestal where she stood, revered by all.[49]

Congressman Washington of Tennessee objected to the shortage of time between the constitutional convention and the election for ratification. He objected to the fact that there was no provision to keep Mormons from voting if they practiced polygamy. Congressman Washington stated:

> There is nothing here or elsewhere to show how many of these votes were cast by women. It is said there are a large number of Mormons in Wyoming; that the women largely outnumber the men. If that be so, no doubt more women than men voted for my friend Mr. Carey, when he was elected. (Laughter.)[50]

Congressman Washington intimated fraud had been committed in the election. He stated that he had information that in a town, Newcastle, in Crook County, Wyoming, there were 300 votes cast in favor of the constitution in a back room of a saloon and were put into a cigar box by three men. One of the three men, after casting nearly 300 votes marked "Yes" for the constitution, was reported to have said, "Boys, I am d--d tired of voting for the same man all the time. I am going to vote for the other fellow," and accordingly dropped in seven votes marked "No." Delegate Carey challenged Congressman Washington's allegation demanding a reputable source. Thereupon, Congressman Washington cited an editorial which appeared in the *Sundance Gazette,* published in Crook County, Wyoming.

Congressman Washington, as had Congressman Oates, objected to woman suffrage, and ridiculed the idea of women voting and what might follow—women representatives in the Halls of Congress:

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48. *Ibid.*, pp. 2678-2679.
49. *Ibid.*, pp. 2683-2687.
50. *Ibid.*, p. 2688.

> If Wyoming should be admitted with Article VI, sections 1 and 2, of this proposed constitution in force, it is not impossible or improbable that in the future some woman will sit in the chair now occupied by the Delegate; she will come with frills and flounces, with bonnet and bustle. (Laughter.) And when she rises and addresses the Chair, how will the Speaker recognize her? Sir, will it be the gentleman from Wyoming or the lady from Wyoming? (Renewed laughter.) Will the rules have to be amended again so as to furnish the proper term of recognition, or will you, Mr. Speaker, recognize her under general parliamentary law? (Laughter.)[51]

Congressman Washington believed this new innovation was a very dangerous course to pursue.

Another Congressman, Mr. Outhwaite of Ohio, suggested that there should be a modification of the education clause for voting, under which "illiteracy is to be punished." Male citizens who spoke German, Scandinavian, Dutch, French, and other languages, would be disfranchised, and at the same time women would be allowed to vote.[52]

Arizona's Delegate, Mr. Smith, opposed to Wyoming Statehood, contended that the Arizona Territory had more population, wealth, resources, and more square miles than Wyoming. Arizona hitherto had been denied Statehood.[53]

The closing argument against approving Wyoming Statehood came from Congressman Springer of Illinois. Congressman Springer had put up an unavailing fight to bring into the Union Arizona and New Mexico in his omnibus bill. He compared Idaho's Statehood constitutional provision for disfranchising the Mormons with Wyoming's constitutional arrangement allowing the Mormons to vote, as well as the wife or wives and daughters of a Mormon. The basis for this provision in the Wyoming Constitution might have resulted because the Mormons (in Wyoming) voted the Republican ticket. Mormonism then might have been objectionable, only if they appeared to have voted on the Democratic ticket.

Congressman Springer then turned to the point made in the memorial to the Wyoming Constitution, which memorial was submitted by Mr. Hoyt, and mentioned by Delegate Carey about inclement weather having kept the vote on the constitution so light. The Illinois Congressman introduced into the pages of the *Congressional Record* reports of the weather bureau at Cheyenne and at other locales in Wyoming. A member of Congress asked about the official report of the weather in Wyoming during election day. The dialogue and remarks exchanged by Congressman Springer and Carey were:

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51. *Ibid.*, pp. 2687-2688.
52. *Ibid.*, p. 2698.
53. *Cheyenne Daily Leader,* February 23, 1890, p. 1.

Mr. SPRINGER. At Cheyenne, Wyo., the capital of the Territory, the day before the election the maximum temperature was 25° above zero; at 8 p.m. it was 7.2° above zero. The maximum temperature on the day of the election was 30°.

Mr. CAREY. Where was that?

Mr. SPRINGER. At Cheyenne.

Mr. CAREY. I want to state that in the southern part of the Territory this has been the worst winter ever known.

Mr. SPRINGER. I prefer to take the report of the Weather Bureau to your statement, because I am going to discredit your statement about the weather at that time.

Mr. CAREY. That was in the southeast corner of the Territory.

Mr. COVERT. That was "the winter of their discontent."

Mr. SPRINGER. Yes, it seems to have been "the winter of their discontent," but you will see before I get through that it was made "glorious summer" by the official reports of the Signal Service Corps. The temperature went up to 25° by noon on the day before the election and on the day of the election the temperature was 30° above, which would not be considered very cold in a dry atmosphere. In other parts of the Territory the thermometer indicated 46° above zero on the day of the election.

Now, as to the storm of wind blowing. At 8 o'clock in the morning at Cheyenne it was blowing at 5 miles an hour and at 8 o'clock in the evening it was blowing at 3 miles an hour. At other stations in the Territory there was a dead calm or a velocity of 2 miles an hour. (Laughter.)

At 8 o'clock in the morning the weather at Cheyenne was "cloudless" and at 8 o'clock in the evening there was a "cloudless" sky. On the day of the election it was even warmer than this, and even more cloudless and if possible a velocity of wind. At Fort McKinney, in the northern part of the Territory, there was snow at 8 a.m. on the day before the election to the extent of six-one-hundredths of an inch. (Laughter.)

Mr. CAREY. Fort McKinney is the lowest part of----

Mr. SPRINGER. I will show you what your statement is worth. At Fort McKinney the precipitation was .06 of an inch, and the weather was cloudless the whole of the day before the election. (Laughter.) At Fort Washakie the thermometer went up in the course of the day to 28° above zero. The weather at Washakie was cloudless on the day of the election, and no precipitation whatever. (Renewed laughter.) It was cloudless nearly all the way through, as you will see by this statement, till we get down to Rapid City, in South Dakota, where the thermometer at 8 o'clock a.m. on the day before election registered 17.6, and at 8 o'clock p.m. 20.2, and where we found by meteorological observation a trace of snow—one-hundredth part of an inch of snow had fallen. (Laughter.)

There was a fierce gale blowing at the rate of 1 mile an hour at 8 p.m. the day before the election. (Renewed laughter.) The thermometer went up to 55° on the day of the election.

Mr. CUTCHEON. Has not the snow melted since it came into the hands of the gentleman from Illinois?

Mr. SPRINGER. No; but your facts have melted away in view of the official reports. (Laughter.)[54]

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54. U.S., *Congressional Record,* 51st Cong., 1st Sess., March 26, 1890, p. 2704.

Delegate Carey evidently knew that his inclement-weather argument was weak, because prior to Congressman Springer's report of the true status of the weather, the Wyomingite defended the light vote by stating that "voters are gotten out to vote for men; rarely will they turn out except in small numbers for or against a constitution." Delegate Carey stated there was no contention in regard to the constitution, averring that people in Wyoming would exclaim, "Everybody favors the constitution, so why vote."[55]

Congressman Springer indicated he would not oppose the admission of Wyoming into the Union if he got his omnibus bill passed. He proposed an amendment to the Wyoming admit bill, in the form of an enabling act, which would allow only male voters a choice of delegates who would draw up a new constitution. The amendment came close to passing. The vote was Yeas—131, Nays—138, with 60 not voting.[56]

Congressman Springer next proposed another amendment requiring that woman suffrage be stricken from the Wyoming Constitution. This amendment, too, was defeated. It did come one more vote closer to passing. The vote was Yeas—132,, Nays—138, with 59 not voting.

Congressman Breckinridge of Kentucky moved to recommit the bill. This amendment lost. The vote was Yeas—129, Nays—142. with 58 not voting.

Since all tactics failed to amend the Wyoming admit bill, the House took up the question of passage of the bill, and it was passed. The vote was Yeas—139, Nays—127, with 63 not voting. The bill passed by a safety margin of only six votes. Passage by the House was secured and became effective March 26, 1890.[57]

Basically the same arguments pro and con to admit Wyoming as a State were heard in the Senate. The Senate Committee on Territories reported the bill out of the committee with a favorable report and a recommendation for passage:

> Your committee finds much to praise and nothing to condemn in the constitution which has been adopted, and believes that the highest and best interests of the people as well as the strength and glory of the republic will be subserved by its immediate admission as a State.[58]

Senator Platt of Connecticut was the chief champion of Wyoming in the Senate. Senator Morgan of Alabama was the chief opponent. On June 27, 1890, the Senate approved the bill by a vote of 29-18. By President Harrison's signature at 5:30 p.m. on July 10, 1890, Wyoming officially became the forty-fourth State

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55. *Ibid.*, p. 2680.
56. *Ibid.*, p. 2708.
57. *Ibid.*, pp. 2710-2712.
58. Beard, p. 470.

of the Union. Idaho had preceded Wyoming into the Union by seven days.[59]

Joseph Maull Carey's work as Wyoming Territorial Delegate was terminated. He was so successful that he had helped to legislate himself out of a job.

The reason for the lateness of the hour when the President signed the Wyoming Statehood bill was that a House bill to open to the settlers several abandoned military reservations in Wyoming came to the point of final passage also on July 10, 1890. Certain provisions in the latter bill were necessary for it to be signed while Wyoming was still a Territory.

Delegate Carey, as was perhaps fitting, was the only person present when President Harrison signed the Wyoming Statehood bill. The President gave Delegate Carey the pen as a souvenir of the occasion.[60] Thus ended Joseph M. Carey's work in the House of Representatives, for he was soon to begin his work as Wyoming's first State Senator, to the United States Senate.

JOSEPH MAULL CAREY, UNITED STATES SENATOR

Wyoming became a State in the Union of the United States on July 10, 1890. Joseph Maull Carey, by that time, was a proven astute politician and had pushed hard in the House of Representatives as Wyoming's sole Territorial Delegate for the admission of Wyoming as a State. Both the executive and the legislative branches of the Federal Government were in the hands of the Republican party when Wyoming became a State. His success, the apex of his Delegatorial career, meant that he had legislated himself out of a job. The Republicans had strong campaign material—claiming credit for changing the status of Wyoming from a Territory into a State.

WYOMING'S FIRST UNITED STATES SENATORS

Francis E. Warren defeated his Democratic rival, Mr. G. W. Baxter, in the race for the governorship. The Governor's first duty was to convene the Wyoming State Legislature, and it met in the Capitol Building in Cheyenne on November 12, 1890. The State Legislature's most immediate duty was to elect two United States

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59. *Ibid.*, pp. 470, 471.
60. R. C. Morris, *Collections of the Wyoming Historical Society*, I (Cheyenne, Wyoming: Sun-Leader Publishing House, 1897), pp. 132-133.

Senators within ten days after its organization. On November 15, the Legislature held a joint session, and Mr. Carey gained the honor of being the first United States Senator from Wyoming, winning on the first ballot. The Democrats gave their complimentary vote to Mr. Warren's defeated gubernatorial rival, Mr. Baxter.

The Republicans, the controlling party in the State Legislature, had split into several factions on their choice for the second Senator. On November 19, twenty-nine of the forty-eight members of the joint session, on their fourth ballot, presented the State of Wyoming's Governor, Mr. Warren, with the honor.

Governor Warren, on November 24, 1890, resigned and accepted the second Senatorship for Wyoming. The Secretary of State, Mr. Amos W. Barber, then became Acting Governor of Wyoming. This replacement was in accordance with the State Constitution which stated, "If the Governor's office becomes vacant because of death, resignation, or other causes, the Secretary of State becomes the Acting Governor until the vacancy no longer exists or the disability is removed."[1]

OATH AND TERM OF OFFICE

On December 1, 1890 (during the Fifty-first Congressional session of the Senate), the two Senators-elect had their credentials presented, read, and ordered to be printed. Senators George F. Hoar of Massachusetts and Leland Stanford of California escorted Messrs. Carey and Warren to the desk of the Vice-President where their oath of office was administered, and subsequently the two men took their seats as Senators. Drawing by lot to determine their length of terms, Senator Carey drew a four-year term and Senator Warren drew the two-year term.[2]

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1. Beard, p. 477.
2. Resolution presented by Mr. Hoar and adopted by the Senate:

   Resolved, That the Senate proceed to ascertain the classes to which the Senators from the State of Wyoming shall be assigned in conformity with the resolution of the 14th of May 1789, and as the Constitution requires.

   Resolved, That the Secretary put into the ballot box three papers of equal size, numbered respectively 1, 2, 3.

   Each of the Senators from the State of Wyoming shall draw one paper. The paper numbered 1, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 3d day of March, 1893; the paper numbered 2, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 3d day of March 1895; and the paper numbered 3, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 3d day of March 1891.

   U.S., *Congressional Record*, 51st Cong., 2d Sess., December 1, 1890, XXII, Part 1, pp. 1-2.

THE SILVER ISSUE

The acid test in Joseph M. Carey's Senatorial career was his position on the very controversial issue of free coinage of silver. The issue, to many Senators and Representatives, as well as to the President of the United States, resolved itself in the form of a question: Should a politician be true to his own convictions, if being true to his convictions might possibly mean political suicide? This issue and question faced Senator Carey almost immediately upon entrance into the United States Senate.

Prior to Senator Carey's involvement, though, a great deal had occurred with regard to the background of gold and silver. The United States Government in 1873 demonetized silver, and historians and text writers have referred to the demonetization of silver as the "Crime of 1873." Why was this legislation passed? Why was there no great public outcry at the time of the demonetization?

Demonetization was enacted because most nations were either on the gold standard or were in the process of going on the gold standard. The importance of gold as the monetary standard of value was recognized by all nations, whereas silver was not so recognized.

However, there had been difficulties in the adjustment of the relative values of gold and silver. From 1792 to 1874, the gold in a gold dollar was worth less than the silver in a silver dollar, but following that eighty-two-year period, gold was to be overvalued. The silver dollar was becoming an obsolete coin. The total amount of silver which had been issued by the United States Government was $5,492,838 and was primarily for exportation.[3]

American citizens did not foresee that silver would be demonetized. There was no public outcry, though, because silver was worth more at the silversmiths than what the Government could legally purchase it for; and the demonetization by Congress was not enacted secretly nor done by chicanery, although such accusations were made by a few antagonists.[4] Therefore, the demonetization of silver was erroneously called the "Crime of 1873."

Within five years after the demonetization of silver, new legislation (Bland-Allison Act of 1878) was enacted, because discoveries, during the middle of the 1870's, were made of new silver deposits in Nevada, Colorado, and Utah. Consequently, the law of supply and demand had set in—when the supply exceeded the

3. John Sherman, *John Sherman's Recollections of Forty Years in the House, Senate, and Cabinet*, II (Chicago: The Werner Company, 1895), pp. 615-616.

4. Reform Club, *Sound Currency 1895* (New York: N. Y. Reform Club, 1895), pp. 128-130.

demand, the monetary value of goods went down. Since the gold standard was being adopted, the decline in international market prices for silver bullion produced pressure on the American government to do something. Hence, the Bland-Allison Act was the resulting piece of legislation.[5]

The Bland-Allison Act had been passed to placate the silver miners but did not wholly satisfy them nor the backers of the gold standard.[6] Under the Bland-Allison Act, the United States Government was empowered to purchase two to four million dollars of silver per month, and the purchases made were always the minimum, legal requirement.

Silver continued to decline in price; the country was going into a recession; and more Western States had been added to the Union, all resulting in agitation for revision of the Bland-Allison Act. The Sherman Silver Purchase Act of July 14, 1890, was a compromise measure between the pro-silverites in the Senate and the pro-goldites in the House. Senator Sherman helped to enact some changes proposed by the House; instead of purchasing $4,500,000 worth of silver per month, the change was made to purchase 4,500,000 ounces of silver per month. The government, in this way, would be purchasing a smaller amount. Even with the minimum allowance, however, the amount the government would buy would probably exhaust silver production in the United States. Backers of the bill claimed it would prevent depreciation, advance the market value of silver, and cause a rise in the value of silver so that the government would realize a profit. In short, who could lose? Benefits would flow in and from every direction, maintained the advocates. The Ohio Senator, John Sherman, and other Republicans voted for the bill primarily to prevent the passage of an alternative, namely free coinage of silver.[7]

Thus, the Sherman Silver Purchase Act was passed in July, 1890. Senators Carey and Warren, inaugurated in December, 1890, henceforth became embroiled in "The Silver Question" and were soundly condemned, by Wyoming Democrats as well as many Republicans, for their performance in the silver issue, for the Sherman act did not work out as the backers of the bill had said and hoped.

As after the Bland-Allison Act of 1878, likewise after the act of 1890, neither the silver miners — cheap-money-men — nor the sound-money-men were satisfied. Both adversaries began to agitate for repeal, but for different reasons. For a brief time after the

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5. *Encyclopedia of American History,* pp. 261-262.
6. John D. Hicks, *The Populist Revolt* (Minneapolis: University of Minnesota Press, 1931), p. 305.
7. Theodore E. Burton, *John Sherman* (Boston: Houghton Mifflin Company, 1906), pp. 370-373.

passage of the Sherman bill, the price of silver increased. This augmenting was due to speculation by those who hoped to make a profit from the act. Within a few months, however, prices again began to decline displaying the ill-founded thinking of the advocates who advised that there would be a larger use of silver. It was obvious no permanent settlement had been reached.[8]

Again, the battle line arose between the free-coinage-of-silver-men and the sound-money-men. The first to take action were the advocates of the free and unlimited coinage of silver.

Senator John Sherman, on the 18th of December, 1890, reported from the Committee on Finance an omnibus bill which included a provision designed to prevent contraction of the currency. It was recommitted and presented to the Senate for the second time on December 23, 1890. Senator William Stewart from Nevada gave notice of and read a prepared amendment to the bill calling for the free coinage of silver. Senator Sherman stated that he would not mind if the Sherman Silver Purchase Act were repealed, but not in this manner—the substitution of a free-coinage bill. Senator Stewart's amendment passed the Senate on January 14, by a vote of 42-30. Any further changes in the bill had to conform to the Stewart proposal.[9] Senators Carey and Warren voted against the amendment. After an extensive debate on the free coinage of silver in the House, Congressman Bland said, "It is quite evident that at this hour in the morning, with so many members absent, no fair vote can be had upon this question, and I therefore move that the House do now adjourn." Accordingly, "at 12 o'clock and 35 minutes a.m., Friday" the House adjourned on March 24, 1892; and the House did nothing more on the silver issue until July, 1892.[10]

On January 17, an article appeared in the *Cheyenne Daily Leader*, a Republican newspaper, which sarcastically asked pointed questions: "Are Senators Carey and Warren supposed to represent their constituents? If they don't to whom do the constituents rely on? Must they go to far away Ohio and plead with the gold bug god, Senator Sherman?"[11]

Another Wyoming newspaper reprimanded the two Senators, too, and pointed out that the State Republican platform of 1890, which the two Senators helped to frame, was pledged in favor of

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8. *Ibid.*, p. 375.
9. Sherman, pp. 1091-1093.
10. U.S., *Congressional Record*, 51st Cong., 2d Sess., January 14, 1891, XXII, Part 2, p. 1299; and U.S., *Congressional Record*, 52d Cong., 1st Sess., March 24, 1892, (H.R.4426), XXIII, Part 3, p. 2555.
11. *Cheyenne Daily Leader*, January 17, 1891, Clipping in Warren Scrapbook, Cheyenne, Wyoming.

free coinage.[12] On February 7, 1891, the *Cheyenne Daily Tribune* contained an article, in which Senator Stewart claimed that both Wyoming Senators were "goldites" and were associated with Eastern business interests.[13]

During the next session of Congress, Senator Stewart again introduced a silver bill:

> That the owner of silver bullion may deposit the same at any mint of the United States to be coined for his benefit, and it shall be the duty of the proper officers, upon the terms and conditions which are provided by law for the deposit and coinage of gold, to coin such silver bullion into the standard dollars authorized by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal tender character," and such coins shall be a legal tender for all debts and dues, public and private. The act of July 14, 1890, entitled, "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," is hereby repealed. . . .
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> Provided, That the Secretary of the Treasury shall proceed to have coined all the silver bullion in the Treasury purchased with silver or coin certificates.[14]

On July 1, 1892, the Stewart bill passed the Senate by a vote of 29-25. Again, Wyoming's two Senators voted against the bill on silver. After the passage of the Stewart bill, a Laramie newspaper published an eye-catching article titled "Hung in Effigy." The article expressed how indignant Wyoming people felt toward Senators Carey and Warren. They were referred to as the "misrepresentatives" of their constituents in Wyoming. Their conduct against the Stewart bill was called "altogether intolerable."[15]

The Stewart bill confronted difficulty in the House, and the vote was: In the affirmative, 136; in the negative, 154; not voting, 39. The bill failed to pass.[16] After the Stewart bill had been defeated in the House, Congressman McKeighen, a Democrat from Nebraska, a member of the coinage committee, and an unequivocal free-silver-advocate, received recognition from the Chair:

> Mr. SPEAKER: For what purpose does the gentleman rise?
> Mr. McKEIGHAN: To make a motion.
> Mr. SPEAKER: The gentleman will make it.
> Mr. McKEIGHAN: I move to adjourn if Wall Street---

Before Congressman McKeighan could finish the sentence, his

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12. *The Evanston Register,* Saturday, January 17, 1891, Clipping in Warren Scrapbook.
13. *Cheyenne Daily Tribune,* Saturday, February 7, 1891, Clipping in Warren Scrapbook.
14. U.S., *Congressional Record,* 52d Cong., 1st Sess., July 1, 1892, XXIII, Part 6, p. 5718.
15. *The Boomerang,* "Hung in Effigy," Wednesday, July 6, 1892, Laramie, Wyoming.
16. U.S., *Congressional Record,* 52d Cong., 1st Sess., July 13, 1892, XXIII, Part 6, p. 6133.

voice was lost in shouts of "Rats" and other unseemly names from the "Wall Streeters." The Speaker, meanwhile, banged his gavel trying to restore the decorum of the House.[17] Thus ended another debate on silver leaving victory to the sound-money-men.

The major issue in the national election of 1892 was the tariff. The Republican platform ignored the Sherman act completely, while the Democratic platform called the law a "cowardly makeshift" and demanded its repeal. The Democrats insisted the use of both gold and silver be without any discrimination—against either metal (gold and silver) and in charge (cost) of mintage.[18]

On June 30, 1893, President Cleveland convened Congress into special session in order to consider and to do something about the financial plight of the United States Treasury. There was an excess of $90,000,000 in gold exports over imports in the fiscal year of 1892-1893. Public confidence was beginning to appear shaken.[19] The drain of gold from the United States by purchasing foreign silver was undermining the Nation's credit. A choice had to be made—cheapening United States currency or repealing the Sherman Silver Purchase Act.[20] On August 8, the President sent a message to Congress calling for outright repeal of the Sherman act.

The leading Democrat west of the Mississippi River, Mr. William Jennings Bryan, severely criticized the President's action and called it a violation of the Democratic platform of 1892. In a speech, Congressman Bryan claimed it was not enough that the President was honest in what he was trying to do, "but so were the mothers, who, with misguided zeal, threw their children into the Ganges." The real question was, stressed Congressman Bryan, "Is he right?"[21] The silver-gold issue had become a series of battles in Congress, and this last-mentioned battle caught in the swirl of debate and political ramifications the President, Senator Carey, as well as other Congressmen, and a Presidential aspirant, William Jennings Bryan.

Worry about the gold reserve of the United States explained, in part, Senator Carey's assertions on the silver issue. Senator Francis M. Cockrell of Missouri sponsored a bill which would have paid off some bond indebtedness with legal tender notes, commonly known as greenbacks. In a running debate with Senator Cockrell, Senator Carey requested to know how the Missouri Senator pro-

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17. *The Daily Boomerang*, Friday, July 15, 1892, Laramie, Wyoming.
18. Richard L. Metcalfe, *Life and Patriotic Services of Hon. William J. Bryan* (Baltimore, Maryland: Edgewood Publishing Company, 1896), pp. 127-128.
19. Burton, pp. 387-388.
20. Jeanette Paddock Nichols, "Silver Repeal in the Senate," *American Historical Review*, 41:26-53 (Cleveland: The Arthur H. Clark Company, October, 1935), p. 26.
21. Metcalfe, pp. 128-129.

posed to redeem the greenbacks. Senator Cockrell explained "in gold," if necessary, but there was no worry, because the money would be in circulation and not presented to the government for redemption:

> Mr. CAREY. Does the Senator propose to increase the gold reserve?
>
> Mr. COCKRELL. There is enough gold in the Treasury; an abundance. Who has ever presented any greenback for redemption?
>
> Mr. CAREY. That kind of money is being presented to get gold.
>
> Mr. COCKRELL. I beg the Senator's pardon. Silver certificates are being taken as quickly as gold; silver dollars are being taken as quickly as gold dollars. The Senator has not heard of a man, woman, or child on this earth demanding one specified kind of money in preference to another, unless it be some gold shark and Shylock in New York. (Laughter and applause in the galleries.)[22]

Senator Cockrell asked Senator Carey how much gold did the United States have to back up the outstanding greenbacks which totaled $346,000,000. Senator Carey replied, "about $100,000,000." Senator Cockrell then asked, what percent of gold on deposit was there to the total amount of outstanding greenbacks? Senator Carey replied by saying about four percent, and Senator Cockrell satirically complimented Senator Carey on being such a "great mathematician." Senator Cockrell believed that if $100,000.000 was not more than four percent of $346,000,000, then he had forgotten his arithmetic, saying, "That may be Wyoming arithmetic, but it is not Old Ray. (Laughter and applause in the galleries)."[23]

In spite of Senator Carey's personal feelings, he did represent his constituents by presenting their petitions and memorials on the free coinage of silver. Because these petitions, in official form, indicated the feeling of persons and groups in Wyoming, a few were presented:

> August 30, 1893
>
> Mr. CAREY presented the petition of John Charles Thompson, ex-surveyor general; of A. C. Campbell, ex-United States attorney, and of John F. Carrol, editor of the *Democratic Leader*, and 33 other citizens of Cheyenne, Wyoming, praying that the silver-purchasing clause of the so-called Sherman law be not repealed, and that a more extended law for free silver be enacted; . . .
>
> He also presented three petitions of citizens of Rock Springs, Wyo., containing 97 signatures, praying for the passage of the Stewart bill providing for the free coinage of silver at a ratio of 16 to 1; . . .[24]
>
> September 1, 1893
>
> Mr. CAREY presented two memorials of the American Bimetallic

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22. U.S., *Congressional Record*, 53d Cong., 1st Sess., August 22, 1893, XXV, Part 1, p. 609.
23. *Ibid.*
24. *Ibid.*, August 30, 1893, p. 1047.

League of Cheyenne, Wyo., remonstrating against the unconditional repeal of the so-called Sherman silver law; . . .[25]

September 4, 1893

Mr. CAREY presented two petitions of citizens of Rock Springs, Wyo., praying for the passage of what is known as the Stewart bill, providing for the free and unlimited coinage of silver at a ratio of 16 to 1; . . .[26]

October 27, 1893

Mr. CAREY presented memorials of representative Republicans of Wyoming; of Local Assembly, Knights of Labor, No. 2487, of Cheyenne, Wyo.; of Advance Assembly, Knights of Labor, No. 3261, of Rawlins, Wyo.; and Wasatch Assembly, Knights of Labor, No. 3274, of Evanston, Wyo., remonstrating against the repeal of the so-called Sherman silver law; . . .[27]

All of the petitions and memorials were ordered to lie on the table.

On the day of voting to repeal the Sherman law, October 30, 1893, Senator Carey defended the way he was going to vote. In a speech and debate with his fellow Western and Southern Senators, he stated that he was never in favor of unconditional repeal of the Sherman Silver Purchase law. But, in the absence of any compromise, such as he had tried to arrange,[28] there was only one way he could vote and remain true to his convictions. This vote would be a correct vote, he said, to any thinking person who gave any consideration to the situation of the public Treasury.

Thereupon, Senator Wolcott of Colorado stated that those were grave days for Colorado; that the adjoining State of Wyoming desired repeal; and that Senator Carey's vote had been proffered to Senator William D. Washburn of Minnesota. Senator Carey objected to the words used by Senator Edward O. Wolcott and denied the accusation, asserting he, for one, always voted his convictions. His convictions, Senator Carey maintained, as in New England were the same in Wyoming. The Western people had built up an empire and it was not done on silver.

Senator Carey went on to point out that no compromise had been offered in place of the repeal of the Sherman law. He stated there was an impassable gulf between the Republican and the Democratic parties. The Democrats wanted cheap-money which would fluctuate in value depending on in what part of the country the money was spent. The Republicans wanted sound-money which would be the same value in any and every State. The gold reserves should have been increased to about two hundred to two hundred fifty million dollars. America had maintained more silver

25. *Ibid.*, September 1, 1893, p. 1125.
26. *Ibid.*, September 4, 1893, p. 1184.
27. U.S., *Congressional Record*, 53d Cong., 1st Sess., October 27, 1893, XXV, Part 3, p. 2880.
28. Nichols, pp. 38-39.

and more paper at a parity with gold than any country in the world. The people of the United States neither believed in nor wanted a cheap-dollar. They would not abandon a one hundred-cent dollar for a fifty-eight-cent dollar. The West had been built up without silver. Even Colorado was a great agricultural State with farm products which were worth double the production of precious metals.

Then, Senator Stewart from Nevada claimed, on the Senate floor, that he could not vote for a compromise. Furthermore, Senator Wolcott made no effort to secure a compromise.

Senator Carey realized there was an effort under way to defeat him in the next election because of his stand on silver. He remained true to his own convictions, though, no matter what the cost, which he declared in an eloquent statement:

> Mr. CAREY. . . .
>
> It is true, Mr. President, that there is being an effort made to stir up the people west of the Missouri River. It is true that Colorado has had her missionaries in my State. It is true that parties from Colorado have been up in my State trying to fire the prairies in the rear. But the people up to this point have shown no great desire to have me vote against the unconditional repeal of this law. I have confidence that they will uphold me in voting the way I believe to be right. I know an attempt has been made to bring the West to sectional alliances. The governor of Missouri and the governor of Kansas did what they could in this direction; but, be it said to the credit of the governor of Nebraska and the credit of the governor of Utah, they without mercy condemned it.
>
> Mr. SQUIRE. So did the governor of Washington.
> [Watson C. Squire, Senator, State of Washington]
>
> Mr. CAREY. The governor of Washington, too. I am glad to accept the addition. . . .
> If my votes here result in my overthrow, I shall accept it like a man. I would rather be a free man and be allowed to do that which I believe to be right than a United States Senator compelled to listen to a clamor every time there is a stir in any section of the country.[29]

A fear of Senator Carey's was that if the Sherman law was not repealed, the country might go on the silver standard. If the United States could not have both gold and silver, it should have gold. With regard to Senator Carey's principal adversary, it certainly was not a necessity for Colorado to have the government purchase silver. Colorado was admitted as a State in 1876, and the government was not purchasing silver at that time. Yet, Colorado grew into a great State.

Senator Wolcott claimed that Senator Carey had offered no amendments or compromisebut "sat on his hands" in the Senate and uttered no word upon the subject until the day of the vote.

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29. U.S., *Congressional Record*, 53d Cong., 1st Sess., October 30, 1893, XXV, Part 3, p. 2950.

Making several statements, the Colorado Senator went on to attack Senator Carey. When it became certain that all amendments would be lost, then—and only then—did Senator Carey vote for an amendment that was certain to lose, so he could return to Wyoming pretending that he had tried to look out for the people's interests. The great Commonwealth of Wyoming, whose people were in complete agreement about silver, were represented in the Senate by a man who uttered no word on their behalf. "If the Senator from Wyoming is content with his position, I have no objection to make of it. I leave him to his constituents," announced Senator Wolcott.[30]

The charge was made by Senator Carey that he had letters on his desk from people in Colorado asserting that if he did not vote as they wanted him to vote, then the influence of the State of Colorado, as well as the money of Colorado, would be used to ruin him.

Senator Washburn of Minnesota denied the charge of proffering the vote of Senator Carey. It was obvious to all members that Senator Carey was very capable of speaking for himself.

Charges and countercharges were hurled back and forth. Senator Carey read from a recent magazine an article written by Horace White, wherein it was claimed that a deal was made between the Senators from Nevada and Colorado and the Southern Senators to defeat the force bill,[31] in order to gain the Southern Senators' support of free coinage of silver. Senator Isham G. Harris of Tennessee denied the charge. Senator Carey said he was only quoting from the article and did not make the charge on his own authority. Senator Henry M. Teller of Colorado stated that Senator Carey had intended it for a charge and that it would be treated as a charge, saying, "[Senator Carey] would have been a good deal more manly if he had made it as a charge and not as an innuendo." Senator Fred T. Dubois of Idaho said he regretted Senator Carey's adamant stand on silver, believed it was not a representative stand for the people of Wyoming, but recognized that the Wyoming Senator was sincere in believing his stand was rightful. "His [Senator Carey's] vote, no doubt, will come back to plague him in after days," Senator Dubois added.

When debate ended, the vote to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," was: In the affirmative, 43; in the negative, 32; not

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30. *Ibid.*, p. 2951.

31. The Force Bill provided for supervision of federal elections. It was designed to protect the Negro voter. It passed the House on July 2, 1890, but failed to pass the Senate. Morris, *Encyclopedia of American History*, pp. 260-261.

32. U.S., *Congressional Record*, 53d Cong., 1st Sess., October 30, 1893,

voting, 10.[32] President Cleveland signed the measure on November 2, 1893.[33]

However, the silver issue was far from dead. It was brought up in Congress many more times. It was renewed once more during Senator Carey's one and only term as Senator. A bill was introduced to coin all uncoined silver bullion that the government had within its vaults. Senator Carey, as could be expected, was adamant in opposing the measure, for it would cost the government money to coin silver. It would take about one to two cents to make a silver dollar, and then, there would also be added cost to the government due to loss by abrasion. He urged that keeping the silver in a bullion status would be best, because in case of an international agreement or if a ratio to gold was kept other than a 16:1, America would be in a better position. He, also, read to the Senate a letter, written December 21, 1893, from Charles F. Adams of the distinguished Adams family of Massachusetts, which stated, in part:

> MY DEAR JUDGE CAREY: I know well that expressions of respect never come amiss to public men, even though, as in your case they come from one residing in what are supposed to be the capitalist and monometallist regions. Nevertheless, the course you took in the silver discussion of last Autumn so impressed me by its manliness—it was so in contrast with what we are accustomed in our public men—that, even at this late day, I cannot refrain from writing to you about it. It is not often that public men have, in the face of an opposing constituency, the courage of their convictions. When they do show that courage it is a public duty in others to recognize the fact.
>
> . . .
>
> (signed) CHARLES F. ADAMS[34]

The contents of the letter were read to Congress only because it revealed that Mr. Adams believed along the same lines as Senator Carey did in regard to the silver issue; therefore, the remarks were pertinent to the bill at hand. The vote was taken and the measure passed. The vote was: In the affirmative, 44; in the negative, 31; not voting, 10. Senator Carey voted "Nay."[35]

Thus, the foregoing history, briefly, was the story of Joseph Maull Carey and the silver issue. Playing the challenging role of a man and losing the next election, ex-Senator Carey left in the records of Congress a fine manifestation.

Beyond any question, the silver issue, more than anything else,

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XXV, Part 3, pp. 2945-2958.

33. *Ibid.*, November 2, 1893, p. 3100.

34. U. S., *Congressional Record,* 53d Cong., 2d Sess., March 14, 1894, XXVI, Part 3, p. 2946.

35. *Ibid.*, March 15, 1894, p. 2981.

caused Joseph Maull Carey to lose his Senate seat in the next election. Senator Carey wrote, during the silver debate, a letter to two critics in Colorado. It expressed his personal philosophy so very well. The letter was dated September 6, 1893, and was addressed to Amos Steck and John E. Seet, of Denver, Colorado:

> Gentlemen:
>
> My chief purpose now is to call your attention, not to a standard of money, but to the low standard by which you measure men.
>
> In political and public life, as well as in business life, honesty is the best policy. I do not concede that it is better for a man in public life to waive his convictions formed after careful study and thought to the passing demand of the hour. I shall not yield to clamor on either side of the silver question. I shall not take a zigzag course. If I cannot be a United States Senator and a man, I prefer to be a man only. On each question as it arises, I shall vote my convictions and shall abide by the consequences. In voting my convictions I shall vote for the best interests of my State and my country as I see them. I am a Republican—but my Republicanism means my country.
>
> I propose to move forward in a straight path. I will not leave my conscience behind me, nor will I be diverted from performing my duty as I understand it, by flattery or by threats. There is not enough silver and gold in the Rocky Mountains to move me one jot or one tittle from that course.[36]

Many friends and acquaintances of the ex-Senator believed that it was the silver issue that cost Joseph Maull Carey his Senate seat. Fred H. Blume, presently Chief Justice of the Wyoming Supreme Court serving longer than any other man with the sole exception of Oliver Wendell Holmes, on a court of last resort) knew ex-Senator Carey. [Judge Blume retired in January, 1963. Ed.] Justice Blume opined that Joseph M. Carey's reelection was forfeited as a result of the Senator's resolute viewpoint and vote on the silver standard and gold standard.[37]

Delivering a eulogy in 1924, upon the death of ex-Senator Carey, the Governor of Wyoming, William B. Ross, stated that the silver issue was the paramount issue of that time, and if the Honorable J. M. Carey had not been true to his convictions, he very likely would have been reelected to the United States Senate.[38]

JOHNSON COUNTY WAR

A less troublesome event than the silver issue, yet bothersome, was an episode that happened not in Congress but in Wyoming.

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36. *Wyoming State Tribune and Cheyenne State Leader*, February 17, 1924, p. 2: Clipping from the Carey File in the University of Wyoming Library, Laramie, Wyoming.

37. Personal interview with Chief Justice Fred H. Blume of the Wyoming Supreme Court, Cheyenne, Wyoming, June 11, 1962.

38. *Wyoming State Tribune and Cheyenne State Leader*, p. 2.

The event has historically become designated as the Johnson County War.

After the Johnson County War in April, 1892, the ramifications were felt by both Senators Carey and Warren. The war affected Senator Warren more than Senator Carey. Sources agreed generally that both Senators Carey and Warren were involved in this infamous incident. Their implications were threefold—as United States Senators, as cattlemen and as members of the Wyoming Stock Growers Association.[39]

The war was not a war in the usual sense of the word. It was true that a group of armed civilian men were ultimately pitted against a second group of armed men, but only two men were killed. The Johnson County War was an invasion of Johnson County, Wyoming, by the cattlemen and their hired out-of-state gunmen. The cattle owners' objective was Buffalo, Wyoming, where, it was believed, the cattle rustlers were concentrated. Buffalo residents received word of the planned invasion; a posse was organized; and the invaders were subjected to a siege. Order was finally restored in Johnson County after the appearance of Federal troops.[40]

When the Wyoming Senators in Washington received word of the invasion, they called President Harrison out of bed, in the night, so that official orders could be, and were, relayed to Douglas, Wyoming, along the only telegraph line to Fort McKinney. Federal troops were sent from Fort McKinney to the scene of the conflict and order was restored.[41]

Neither Senator Carey nor Senator Warren ever admitted any complicity in the affair. There was, however, circumstantial evidence that both men were involved in a behind-the-scenes manner. This part of the thesis is concerned with any such involvement only on the part of Senator Carey. Senator Carey was supposed to have contributed $1,000 as his share of the cost of the invasion.[42]

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39. 39. See Marie Sandoz, *The Cattlemen from the Rio Grande across the Far Marias* (New York: Hastings House Publishers, 1958), pp. 361-368; Asa S. Mercer, *The Banditti of the Plains* (San Francisco: Grabhorn Press, 1935), pp. 22, 35, 52, 68, 105, and 116; Mrs. D. F. Baber, *The Longest Rope*, "The Truth about the Johnson County Cattle War, as told to Mrs. Baber by William Walker, an Eyewitness to the Affair," (Caldwell, Idaho: The Caxton Printers, ltd., 1947), pp. 45, 55, 145, 146, 227, 265, 301, 317, and 318; and *Speech of Hon. Henry A. Coffeen of Wyoming on the floor of the House of Representatives*, U.S., *Appendix to the Congressional Record*, 53d Cong., 2d Sess., August 15, 1894, XXVI, Part II [Appendix], pp. 1419-1423.

40. Osgood, pp. 247-254.

41. Sandoz, p. 387.

42. Mercer, p. 22.

Direct participants in the event had, by word-of-mouth, implicated Senator Carey.[43]

Also, Senator Carey's general range manager, Ed David, had been involved, and by association of the employer-employee relationship, Senator Carey became highly suspected. One source, pertaining to this part of the affair, unkindly reported:

> In the Johnson County invasion the range boss from Senator Carey's outfit, supposed to cut the one telegraph line north, apparently got cold feet, or the Senator objected, glad, as always, to let others do his dirty work for him. The hired man who was sent instead had protested but he needed his job mighty bad.[44]

Many people believed that Senator Carey had been one of the cattlemen encouraging the invasion. They believed this assumption even more after the vote on the Stewart bill in the Senate, and their attitude was that any man who would vote against the free coinage of silver must not be a friend of the West.

After Senators Carey and Warren voted in opposition to the Stewart bill, some person or persons hanged the two in effigy in Salt Lake City, Utah. A placard was attached to the image of Senator Carey, and in the clothes was found a paper, which alluded to the Johnson County War, containing the following:

> Be it enacted by the Senate and House of Representatives of the United States Congress:—
>
> Whereas. The honest settlers in the State of Wyoming are in open rebellion against the cattle barons of that state who have a just right to feed their herds upon the crops of the settlers, therefore,
>
> Resolved, That we recognize the right of the President of the United States to order troops into the State of Wyoming to compel submission of the people to the wishes of the cattle barons.
>
> Resolved further, that the honest settlers of the West have no rights which monopoly should respect. "Damn the people."[45]

In *The Cattlemen from the Rio Grande across the Far Marias,* authoress Mari Sandoz agreed with and endorsed what was stated on the placard. A contention was made that the cattlemen used the excuse that their cattle had been stolen in order to have a war on small ranch interests to oppose the Federal Government's policy allowing 160 acres of land for each bona-fide homesteader.[46] Not all but most of the books examined were condemnatory of Wyoming's two Senators' connection with the Johnson County War.[47]

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43. *Ibid.*, p. 35.
44. Sandoz, p. 361.
45. *Salt Lake Times,* July 6, 1892: Clipping from Warren Scrapbook.
46. Sandoz, p. 46.
47. For a very sympathetic account to the cattlemen, the herein listed book is recommended: Robert B. David, *Malcolm Campbell, Sheriff* (Casper, Wyoming: Wyomingana, Inc., 1932), pp. 142 to end of book.

The Republicans in Wyoming suffered politically from the uproar. Wyoming's first electoral vote went to Benjamin Harrison, but James B. Weaver fell only 700 votes short of winning in Wyoming. The State Legislature refused to send Mr. Warren back to the Senate at the expiration of his two-year term, but because of a deadlock, it adjourned without making a choice. The Governor's appointee did not serve, and Mr. Carey was Wyoming's sole Senator for two years.[48]

A charge was made that Senators Carey and Warren made a deal with the "money bags of Wall Street and the Manufacturers' League of New England and Pennsylvania" and that in exchange for support of the Wyoming admission bill, the two men would vote against silver. If there were anything to the charge, to this writer's mind, it worked to the benefit of Senator Warren; since the Johnson County War was largely responsible for Mr. Warren's not being elected at the expiration of his first term, he was not in the Senate to vote for repeal of the Sherman law and thereby was relieved of his obligation. Senator Carey was not reelected after the expiration of his first and only term, because he went against the wishes of the Wyoming people and voted for repeal of the Sherman law. By the time that Mr. Carey's term had expired, the Johnson County-invasion furor had subsided, and the Republicans nominated Mr. Warren and Mr. C. D. Clark as standard bearers to the Senate. Among the telegrams congratulating Mr. Warren, was one sent by Mr. Beckwith of Evanston, "We congratulate you and the State on your election. Stand pat on silver or six years hence the people will send you after your old associate."[49]

So much in life, in Mr. Carey's day and also today, depends upon chance or accident. The academic question that is fun to speculate upon is: Suppose that Mr. Carey had drawn the slip of paper determining the length of his term with the number 3; what would have been the ultimate result? He probably would have been reelected quite easily, thereby receiving a full six-year term, and could have, perhaps, ridden out the furor of the Johnson County War and his votes on the silver standard. If Mr. Carey had drawn the slip marked number 1, then what consequently happened to Mr. Warren's reelection situation to the Senate could have been Mr. Carey's story, or vice versa.

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48. Osgood, pp. 254-255.

49. *World-Herald*, Omaha, Nebraska, January 9, 1895; Clipping in Warren Scrapbook; and *The News-Register*, Evanston, Wyoming, January 26, 1895; Clipping in Warren Scrapbook.

TARIFF

Senator Carey's views on tariff had not changed since his days as a Territorial Delegate. He remained a protectionist. The last major tariff passed was the McKinley Tariff of October 1, 1890; it was passed prior to Mr. Carey's becoming a Senator and after his leaving the House. He did, however, favor the protective provisions of the McKinley Tariff and believed its provisions should remain on the books. A discussion was presented and opinions aired on a new bill, the Wilson Bill, to reduce taxation and to provide revenue for the government (and for other purposes unnecessary to mention). It was contended by the backers of the Wilson bill, primarily Democrats, that the McKinley Tariff was wrong in principle and unjust in its operation. Tariff reform was a consistent demand since 1872, but the Republicans, instead of considering the demand, consistently raised tariffs. The greatest industrial growth of America flourished during periods of low tariffs, argued reform advocates.[50]

Senator Carey believed the contrary—the benefit of a tariff went to many people, not simply to the person making the product. He visited an industry in Newport News, Virginia, and saw great shipyards which employed four to five thousand men. If these men lost their jobs, they would have to compete elsewhere, creating even a bigger problem.[51]

The McKinley law, he said, not only helped industry but labor as well.[52] He opposed the Wilson-Gorman bill which proposed reductions of the McKinley Tariff. He argued to keep the rates on barbed wire.[53] He did the same for wool, for after passage of the McKinley Tariff, many young men had gone into the wool industry believing that the tariff would remain on wool. The Western States had over 24,500,000 sheep, and putting wool on the free list would severely hurt and hinder the wool industry.[54] Senator Carey's arguments, on this particular bill, were in vain.

The Wilson-Gorman Tariff passed the Senate on July 3, 1894, by a vote of 39-34. Not a single Republican voted in favor of the bill, and only one Democrat voted against it. Of the Yea vote,

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50. U.S., Congress, *To Reduce Taxation, To Provide Revenue for the Government, and for Other Purposes,* 53d Cong., 2d Sess., December 19, 1893, Serial Set 3269 [Volume], H.R.234.

51. U.S., *Congressional Record,* 53d Cong., 2d Sess., April 30, 1894, XXVI, Part 5, pp. 4268-4269.

52. U.S., *Appendix to the Congressional Record,* 53d Cong., 2d Sess., April 30, 1894, XXVI, Part 5, p. 4268.

53. U.S., *Congressional Record,* 53d Cong., 2d Sess., July 3, 1894, XXVI, Part 7, pp. 7114-7115.

54. *Ibid.,* p. 7099.

there were 37 Democrats and two Populists. Of the Nay vote, there were 31 Republicans, two Populists and one Democrat.[55]

The Wilson-Gorman Tariff, amended by the Senate, passed the House on August 13, by a vote of 182-106. Not a single Republican voted in favor of the bill. In the Yea vote, there were 176 Democrats and six Populists. In the Nay vote, there were 94 Republicans and 12 Democrats.[56]

PUBLIC BUILDINGS

After the introduction of several bills, both as a Territorial Delegate and as a United States Senator, Mr. Carey finally achieved getting one passed and enacted into law which granted authorization and money for the selection of sites and construction of public buildings, located at Cheyenne, Wyoming; Boise City, Idaho; and Helena, Montana. Stipulations in the bill were: The site had to contain at least sixteen thousand square feet of land and at least forty feet of open space around the building, including streets and alleys; the sites were not to cost over twenty thousand dollars; and the cost of building, which had to be fireproof, including the site, heating, ventilating apparatus, elevators, fireproof vaults, et cetera, was not to exceed one hundred and fifty thousand dollars.[57]

YELLOWSTONE NATIONAL PARK

Yellowstone National Park was created by an Act of Congress on March 1, 1872. When Wyoming was admitted as a State, there was a reservation of authority to the United States Government for the park. This Federal-reserved-land circumstance was not extended to the States of Idaho and Montana. Their laws applied in their portions of this park, but Wyoming's law did not apply within its portion, which encompassed almost all of the park.

Senator Carey's bill (Senate bill 166) remedied the situation. The bill allowed Wyoming, as well as Idaho and Montana, to serve civil and criminal process within its portion of the park.[58]

His bill (Senate bill 159) to allow leases within the boundaries of the park was also enacted into law. The lease was granted for a ten-year period. The amount of land to be leased was not to exceed ten acres for private lease and not over twenty acres for any

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55. Edward Stanwood, *American Tariff Controversies in the Nineteenth Century*, II (Westminster: Archibald Constable & Company, Ltd., 1904). p. 339.

56. *Ibid.*, p. 353.

57. U.S., *Statutes at Large*, XXVIII, p. 913.

58. *Ibid.*, p. 73.

one company (the company's buildings could consist of and include hotels and the necessary outbuildings).[59]

FEDERAL RELIEF TO FLOODED AREAS

In 1895, the Mississippi River overflowed its banks and left serious damage to crops. A pending bill, authorizing $20,000 for the purchase and distribution of seeds in the localities which were made destitute by the flood, was opposed by Senator Carey. His fear was that the bill would set a precedent, so that every time there was a flood, drought, or catastrophic fire, the people would run to Congress for a handout. Such appropriations did harm to the West and were not good, maintained Senator Carey.[60]

The bill was defeated.

ADMISSION OF NEW STATES

Senator Carey authored bills to admit New Mexico, Utah, Arizona, and Oklahoma as States into the Union, but all of them failed to pass while he was Senator.[61]

FOREIGN AFFAIRS

The years 1891 to the first part of 1895 were relatively quiet in regard to foreign affairs. The big issues, therefore, in Congress were domestic ones. Senator Carey introduced no bill pertaining to foreign affairs.

Senator Carey voted affirmatively on a bill which provided that Hawaii had the right to establish and maintain its own form of government, and the United States would follow a policy of noninterference, unless some other nation intruded. If interference occurred, the United States would not remain neutral and would view such undesirable actions as unfriendly.[62]

SUNDRY BILLS

Senator Carey introduced a number of bills that had limited appeal and application, therefore they brought little or no opposition in the Senate. Senate bill 168 granted to Wyoming 160 acres of land in the Fort D. A. Russell Military Reservation (today, Francis

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59. U.S., *Statutes at Large*, XXVIII, p. 222.
60. U.S., *Congressional Record*, 53d Cong., 3d Sess., February 18, 1895, XXVIII, Part 3, pp. 2339 and 2341.
61. U.S., *Congressional Record*, 53d Cong., 1st Sess., August 8, 1893, XXV, Part 1, p. 212.
62. U.S., *Congressional Record*, 53d Cong., 2d Sess., May 31, 1894, XXVI, Part 6, p. 5500.

E. Warren Air Force Base, located in Cheyenne, Wyoming) for agricultural fair and industrial exposition grounds.[63] Bridges erected on the Fort Laramie Military Reservation were donated to the County of Laramie, Wyoming.[64] All outstanding soldiers' certificates for homesteads were validated.[65] Fifty thousand dollars was allotted to provide for the completion and repair of quarters, barracks, and stables at Forts McKinney and Washakie.[66] And, of course, there were many private bills, most of them of a pension nature.

CAREY ACT

The most valuable piece of legislation to Wyoming and the West which Senator Carey sponsored and fought to get enacted into law was the act which bears his name, the Carey Act. Because of its prime importance, the act is cited from the United States Statutes:

> That to aid the public land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President, be, and hereby is, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the act entitled "An act to provide for the sale of desert land in certain States and Territories," approved March third, eighteen hundred and seventy-seven, and the act amendatory thereof, approved March third, eighteen hundred and ninety-one, binding the United States to donate, grant and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed, occupied, and cultivated by actual settlers, within ten years next after the passage of this Act, as thoroughly as is required of citizens who may enter under the said desert-land law.
>
> Before the application of any State is allowed or a contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agriculture crops and shall also show the source of water to be used for irrigation and reclamation, and the Secretary of the Interior may make necessary regulations for the reservation of the lands applied for by the States to date from the date of the filing of the map and plan of irrigation, but such reservation shall be of no force whatever if such map and plan of irrigation

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63. U.S., *Congressional Record,* 53d Cong., 1st Sess., August 8, 1893, XV, Part 1, p. 212, and U.S., *Statutes at Large,* XXVIII, p. 946.
64. U.S., *Congressional Record,* 53d Cong., 1st Sess., November 1, 1893, XXV, Part 3, p. 3035; *Ibid.,* p. 91.
65. U.S., *Congressional Record,* 53d Cong., 1st Sess., October 14, 1893, XXV, Part 2, p. 2503; and *Ibid.,* p. 397.
66. U.S., *Congressional Record,* 52d Cong., 1st Sess., January 13, 1892, XXIII, Part 1, p. 284; and U.S., *Statutes at Large,* XXVII, p. 376.

shall not be approved. That any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation and settlement.[67]

Joseph Carey, both as Senator and Territorial Delegate, consistently spoke out on behalf of the West concerning the unique problems of making productive farmland out of arid land, of which the West was so much composed. He reviewed, from time to time, the history of the previous land laws passed by Congress and exposed their weaknesses. The law which drew the most venom was the one and only arid-land law, called the Desert Land Act of 1877. What the West really needed, and vitally so, was a realistic arid-land law that would take into account the actual existing conditions of the Western States, and the Carey bill was designed to do so.

Senator Carey introduced a bill (Senate bill 1544) granting transfer of lands to the States and certain Territories when they shall become States, and it was referred to the Committee on Public Lands but never reported, favorably, out of committee.[68]

Twelve days later, February 12, 1894, he again introduced a similar bill (Senate bill 1591) for the reservation, sale, and settlement of certain lands located in several of the States and Territories. This bill was reported out of the committee with a favorable report and included slight changes.[69] The bill was then referred to the Senate and passed therein on July 18, 1894.[70] The House Committee on Irrigation received the bill but never reported the bill out of committee.[71]

The Senate, meanwhile, discussed a Sundry Civil Appropriations bill, and Senator Carey moved to amend the bill.[72] This amendment became known as the Carey Act. Senator Carey explained the amendment was quite a conservative measure. The States to which the amendment pertained would receive only about two-fifths of the amount of land some States had received under the Swampland Act. Not one acre of land was to leave control of the Federal Government until the land had been reclaimed. No person could lose, Senator Carey assured, by passage of the act. The

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67. U.S., *Statutes at Large,* XXVIII, p. 422.
68. U.S., *Congressional Record,* 53d Cong., 2d Sess., February 1, 1894, XXVI, Part 2, p. 1761.
69. U.S., *Congressional Record,* 53d Cong., 2d Sess., February 12, 1894, XXVI, Part 3, p. 2079.
70. U.S., *Congressional Record,* 53d Cong., 2d Sess., July 18, 1894, XXVI, Part 8, p. 7613.
71. *Ibid.,* July 20, 1894, p. 7751.
72. *Ibid.,* July 18, 1894, p. 7612.

Senate accepted the amendment.[73] After some debate, the House acquiesced and appended the Carey Amendment to the appropriations bill.

However, unexpected opposition to the Carey Amendment was presented by Henry A. Coffeen, Wyoming's sole Representative in the House. Representative Coffeen made claims that the procedure for the adoption of such a measure was entirely wrong. The bill should stand on its own merits. The originator of the bill, he said, had used the deplorable tactic of attaching it to the appropriations bill. It was Representative Coffeen's fear that vast syndicates of land speculators would be enriched by this too hasty piece of legislation. The Federal Government used up the good land and wanted to shove the burden of reclaiming the poor land onto the States. The idea of liens on property was not a good idea. The settlers were not protected. The title to the land followed the liens, and the investment companies controlled the land. Then, Representative Coffeen attacked Senator Carey directly and also made a peculiar tie-in of the Johnson County War with the Carey bill:

> The people of Wyoming were greatly aroused at the last Congressional election and alarmed at the threatened waste of the public domain when they beheld their Representatives, especially in the Senate (Carey and Warren) formulating and urging laws for the cession of the unreclaimed arid lands to the States; and the known policies of leading Wyoming landlords and movements toward the organization of land-grabbing syndicates elsewhere led them to the conviction that it was best to retire at least two of their Representatives in Congress favoring such bills, and in the face of this bill and knowing well its origin and intent, I am convinced that they will retire another advocate (Carey) of cession of arid lands at the next election.
>
> . . .
>
> The same parties, officials, and political leaders that were in general working to secure, or at least urged national legislation in favor of the cession of the arid lands to the States, were also interested in large cattle syndicates and stock ranges and seemed unwilling to encourage the proper settlement upon our public lands of farmers and small stock-growers.[74]

At this point Representative Coffeen briefly related to the members of Congress the history of the Johnson County invasion. He then continued his remarks which implicated Senator Carey:

> The people of my State are unwilling to voluntarily take any further risks in the direction of permitting the public lands to be seized upon and fenced in and held in large bodies under the pretense of reclaiming these lands or in any other way giving cattle companies or other corporations power over the public lands.
>
> I should perhaps not have referred to these matters, and the un-

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73. *Ibid.*, p. 7613.
74. U.S., *Appendix to the Congressional Record,* 53d Cong., 2d Sess., August 15, 1894, XXVI, Part 10, pp. 1420-1421.

happy events connected with the cession of arid lands if this effort to railroad such a proposition through as an amendment to the Sundry Civil Appropriations bill had not been made.[75]

In spite of Representative Coffeen's opposition, the bill passed the House on August 15, 1894.[76] It was signed into law by the President on August 17.[77]

The act gave to each arid State the right to select one million acres of land and to control its irrigation and settlement. This was a concession to the States of Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.[78] Passing this bill, Senator Carey contended, the Federal Government would not lose but only profit. The Federal Government would maintain title to said lands, until the lands were fully reclaimed and settled in tracts of 160 acres. Explaining why the Federal Government would not lose, Senator Carey stated:

> If the States, or any of the States, should undertake the reclamation of any of the lands under the provisions of this bill and should fail to accomplish the purposes of the act the lands would, by proclamation of the President, be released from such reservation and become a subject to disposal as other lands of the United States.
>
> If the States complied with the conditions of the act, the lands would be reclaimed, settled upon and disposed of to actual settlers in small tracts, thereby accomplishing the same purpose as is contemplated by the homestead laws of the United States.[79]

Senator Carey displayed a table showing the approximate amount of arid lands in twelve Western States, of which acreage shown per State each State would be entitled to reclaim one million acres, under the act:

TABLE 7. Approximate lands in the Arid States to which the Carey Act may apply.[80]

States.	Acres.
Arizona	49,000,000
California	47,000,000
Colorado	41,000,000
Idaho	37,000,000
Montana	74,000,000
New Mexico	54,000,000
North Dakota	18,000,000
Oregon	37,000,000
South Dakota	13,000,000
Utah	35,000,000
Washington	18,000,000
Wyoming	53,000,000

75. *Ibid.*, p. 1421.

The act was superior to other acts, because it was designed to both reclaim and settle the lands reserved. The States accomplished what the Federal homestead and desert-land laws each separately provided.[81] According to the act, the following desert lands did not qualify:

> First, lands bordering upon streams, lakes, or other natural bodies of water, or through which or upon which there is any river, stream, arroyo, lake, pond, body of water, or living spring, until the clearest proof of their desert character is furnished.
>
> Second, lands which produce native grasses in sufficient quantity, if unfed by grazing animals, to make an ordinary crop of hay, in usual seasons.
>
> Third, lands which will produce an agricultural crop of any kind, in amount to make the cultivation reasonably remunerative.
>
> Fourth, land containing sufficient moisture to produce a natural growth of trees.[82]

After applying and attempting applications of the Carey Act, it became obvious that it, too, had shortcomings, and objections soon arose. The act was amended several times to overcome some of the more serious shortcomings and to make it accomplish what the author had intended it to accomplish.

The act, apparently, was designed so that the States themselves could undertake the actual reclamation by furnishing the necessary capital for the construction of reservoirs, dams, and canals, or so that the States could lend their credit to groups of settlers or companies to accomplish the same result. This State action was quite unlikely to occur, as the States did not have the available funds, or their constitutions had prohibiting provisions forbidding such action.[83]

The Wyoming Constitution read:

> Article XVI, Section 6. Neither the state nor any county, city, township, town, school district, or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association, or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any

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76. U.S., *Congressional Record*, 53d Cong., 2d Sess., August 15, 1894, XXVI, Part 8, p. 8541.

77. *Ibid.*, August 20, 1894, p. 8622.

78. Walter Prescott Webb, *The Great Plains* (Chicago: Ginn & Company, 1931), p. 356.

79. U.S., Congress, Senate, *Reservation, Sale, and Settlement of Certain Lands*, 53d Cong., 2d Sess., April 17, 1894, Serial Set 3183 [Volume], Senate Report 332.

80. *Ibid.*, p. 4 of Senate Report No. 332.

81. *Ibid.*

82. Charles F. Davis, *The Law of Irrigation* (Denver, Colorado: Publishers Press Room and Bindery Company, 1915), p. 262.

83. George Thomas, *The Development of Institutions under Irrigation* (New York: The Macmillan Company, 1920), p. 236.

association or corporation. The state shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.[84]

But, this provision of the Wyoming Constitution was changed:

Article XVI, Section 10. The provisions of Section 6 of Article XVI of this Constitution prohibiting the state from engaging in any work of internal improvements, unless authorized by a two-thirds vote of the people, shall not apply to or affect the construction or improvement of any works designed, constructed or operated for the purposes of conservation or utilization of water, but the legislature shall have the power to provide for the construction or improvement in whole or in part, of any works designed, constructed or operated for the purposes of conservation or utilization of water, either directly or by extending aid to legal subdivisions of the State of Wyoming, duly organized irrigation, drainage, soil conservation, and public irrigation and power districts, and any public corporation legally organized for the purposes of the conservation, distribution or utilization of water or soil; and notwithstanding said inhibition as to works of internal improvement, whenever grants of land or other property shall be made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works of internal improvement and shall devote thereto the avails of such grants, and may likewise pledge or appropriate the revenues derived from such work in aid of their completion.[85]

Most of the other arid State constitutions had similar prohibiting clauses, and they had to make changes in their constitutions in order to take advantage of the Carey Act.[86]

Even if these obstacles to the fulfillment of the act were overcome, the time period of ten years was too short to complete a project of such magnitude. There was too much red tape cutting into the ten-year period. It took two years for the Federal Government to work out the preliminaries and the State legislatures to introduce, discuss, and pass the necessary legislation before any action on the Carey Act provisions could be taken. Another objection was, when word got out that a Carey Act project was about to get underway, speculators would locate on the land in order to enjoy the enhanced price when water became available thereon. An entry on the land prior to being withdrawn under the provisions of the act prevented a lien being placed on it.[87]

Regarding consideration of the stated objections, the Carey Act underwent a series of amendments. In 1896, an amendment allowed for State liens securing moneys advanced, such as to construction contractors. Under the original act, no patent was

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84. *Constitution of the State of Wyoming* (Including all Amendments adopted to January 1, 1957), Compiled and Reprinted by Everett T. Copenhaver, Secretary of State.
85. *Ibid.*
86. Thomas, p. 236.
87. *Ibid.*, pp. 236-238.

allowable until the land was cultivated and in the hands of the settler. Under the amendment, the State could get patent and the right of a lien if a substantial ditch or canal was constructed.[88] In 1901, a second amendment stated that the ten-year period would run from the time the Secretary of Interior gave his approval of the project. If more time were yet needed, the Secretary could give an additional five-year extension, using his own discretion. In 1910, a third amendment was added. If the State official requested, the Secretary of the Interior could, for one year, withdraw the lands subject to a Carey Act project. This amendment was needed in order to prevent speculation.[89] There were, too, charges of much fraud committed under the Carey Act.[90]

The first step for a State to participate in the provisions of the act was that the legislature accepted the terms and made provisions for reclamation work. All the arid States had completed this step. The proper officials of a State entered into a contract with a company to build the necessary irrigation works. The company had to secure a water right for the irrigation and then build the works which brought water to the land. Control over the water rights was under the direction of a State Engineer, or board so appointed.[91] Mr. Clarence T. Johnston, in his book, *Irrigation in Wyoming,* gave a step-by-step procedure on how the act was administered in Wyoming:

> The company proposing to carry on such development first makes its surveys and plans for this work; then secures the necessary permits from the State Engineer's office; then makes its request and proposal to the State Board of Land Commissioners, composed of the governor, the secretary of state, and the superintendent of public instruction. This request and proposal describe the lands that are to be irrigated and contain the proposition of the company to the State as to price of water rights and a permanent interest in irrigation works, the form of contract to be used, and other particulars. If the State board of land commissioners approves of the proposition, maps and a request for the segregation of the lands are transmitted to the proper local land office. The lands designated are immediately withdrawn from entry and the local land office submits the request to the General Land Office at Washington, where the approval of the Secretary of the Interior finally places the State in control of the land. The works are then completed by the company. The land cannot be taken up until the settler shows the State that he has entered into contract with the company for a sufficient water right for his lands and a perpetual interest in the irrigation works, proportioned in the ratio of the area of his land to the entire tract to be reclaimed. When the irrigation works are completed the State engineer makes an inspection, and, if they are found to comply with the plans and specifications which have

88. Davis, pp. 265-266.
89. Thomas, p. 238.
90. Randall R. Howard, "Irrigation Frauds in Ten States," *Technical World,* 17:504-514 (July, 1912).
91. Davis, p. 267.

> been already passed upon by him, the State board of land commissioners is so notified; whereupon the board makes a request to the Government that a patent be issued. The patent comes to the State and the lands are sold and patented for water rights being made to the company building the works.[92]

When Wyoming accepted the Carey Act, some administrative features were introduced which proved to be such a success that other States followed them. No Carey Act project was permitted unless the water supply was ample, and no one, except shareholders, could file on the lands having irrigation ditches. The settlers, then, were part owners of the canals. The settlers received transfer of the property when 70 to 90 percent of the water rights were purchased. The construction company, until that time, operated and maintained the canal, and charged the settlers the expense of such operation. There were advantages to both parties. The settlers had experienced management during the early years of the project, and the company or the investor had control of the property until the property was sold.[93]

In Wyoming, settlement of farms under the Carey Act near Wheatland, Torrington, and Douglas, became a reality. The three communities owed their development, growth, and prosperity, to a considerable extent, to the Carey Act.[94]

END OF SENATOR CAREY'S CONGRESSIONAL CAREER

In spite of the passage of the Carey Act and because of his stand on the free coinage of silver, Joseph Maull Carey failed to secure the support of Wyoming's Republicans and their recommendations to the State Legislature in selection of Wyoming's next Senators. The State Legislature met from January 8, 1895, until February 16, 1895. It was largely composed of Republicans. This State Legislature, Wyoming's third, met in a joint session on January 23 and elected Francis E. Warren for a six-year term replacing ex-Senator Carey. The four-year term was given to Clarence D. Clark. Complimentary votes of the Democrats went to William H. Holliday and Samuel T. Corn.[95]

Thus, Joseph Maull Carey's Congressional career terminated. His political life with its concomitant contributions to the people of Wyoming, however, was certainly not over; for Statesman Carey was elected Governor of Wyoming in 1910 and also was one of seven governors, in 1912, who helped Theodore Roosevelt organize the Progressive Party.

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92. Clarence T. Johnston, *Irrigation in Wyoming* (Washington: Government Printing Office, 1909), pp. 57-58.
93. Elwood Mead, *Irrigation Institutions* (New York: MacMillan Company, 1903), pp. 273-274.
94. Linford, p. 330.
95. Beard, pp. 514-515.

SUMMARY

Joseph Maull Carey came West from Delaware as political appointee to the post of United States District Attorney for the newly-created Territory of Wyoming. He was appointed by President Grant. He became a judge on the Territorial Supreme Court of Wyoming, hence the oft-used appelation, "Judge Carey." He was elected for three consecutive terms to serve as Wyoming Territorial Delegate in the House of Representatives. His chief job, as stated by Delegate Carey himself, was to educate the members of Congress on the problems of the West, so that sensible legislation would result. The most important piece of legislation that Delegate Carey sponsored, debated, and saw enacted into law during his terms in the House of Representatives was the Wyoming Admission Bill. Because of his success, he had helped to legislate himself out of a job.

The newly-elected, first State Legislature honored him by electing him on its first ballot the first United States Senator from Wyoming. During his four-year term as Senator, Joseph Carey became involved in two very controversial issues, namely the free coinage of silver and whether or not he had anything to do with the Johnson County War. Senator Carey was a firm believer in the sound-money principle and consistently voted his convictions against the issue of free coinage of silver. His stand on silver resulted in Senator Carey's not being reelected to the United States Senate in 1895. He never once admitted any involvement in the Johnson County War, but many Wyoming people believed, "where there was smoke, there was fire."

The most important piece of legislation to Wyoming and the West during his Senatorship was the Carey Act. This act gave to each arid-land State up to 1,000,000 (later changed to 2,000,000) acres of free land, if the lands were properly reclaimed. Today, there are communities which exist in the arid States owing their existence, primarily, to the provisions of the Carey Act.

CONCLUSIONS

Joseph M. Carey, quite rightfully, is called the "Father of Wyoming Statehood." He is identified with the development of not only Wyoming but the West as well. He made his mark and left his mark indelibly upon the history of the pioneer days of Wyoming, both as a Territory and as a State.

His honor has not only been recorded and recognized within the confines of his own State but in other Western States as well. Joseph Maull Carey was recently voted into the Cowboy Hall of Fame, located in Oklahoma City, Oklahoma. Selecting him was a joint venture of seventeen Western States. The Cowboy Hall of

Fame's symbol of Western migration and development is expressed through the figure of a man seated on a horse.

Two of the members of the board of trustees of the Cowboy Hall of Fame are from Wyoming. They helped to add to Joseph Maull Carey's multitudinous honors. The two men are R. J. Hofmann, President of the American National Bank of Cheyenne, Wyoming, and State Senate-President Norman Barlow (R-Sublette County).

Only two other men from Wyoming thus far have received this recognition—John B. Kendrick and Francis E. Warren. All three men have been Wyoming United States Senator and Governor of Wyoming. Also, all three Wyoming men are permanently memorialized by sculptured plaques and mementos.[1]

To say that Joseph Maull Carey was a man motivated by personal selfish desires is of great doubt. To say that Joseph Maull Carey was a man with high principles is of little doubt. To say that Joseph Maull Carey did a tremendous amount of good for Wyoming and the rest of the West, from which the benefits are still being derived, is of *no* doubt. As Mr. I. S. Bartlett said in his book, *History of Wyoming*, "Judge" Carey may be truly called "the grand old man of Wyoming."[2]

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1. *Wyoming State Tribune*, March 11, 1959, Cheyenne, Wyoming.
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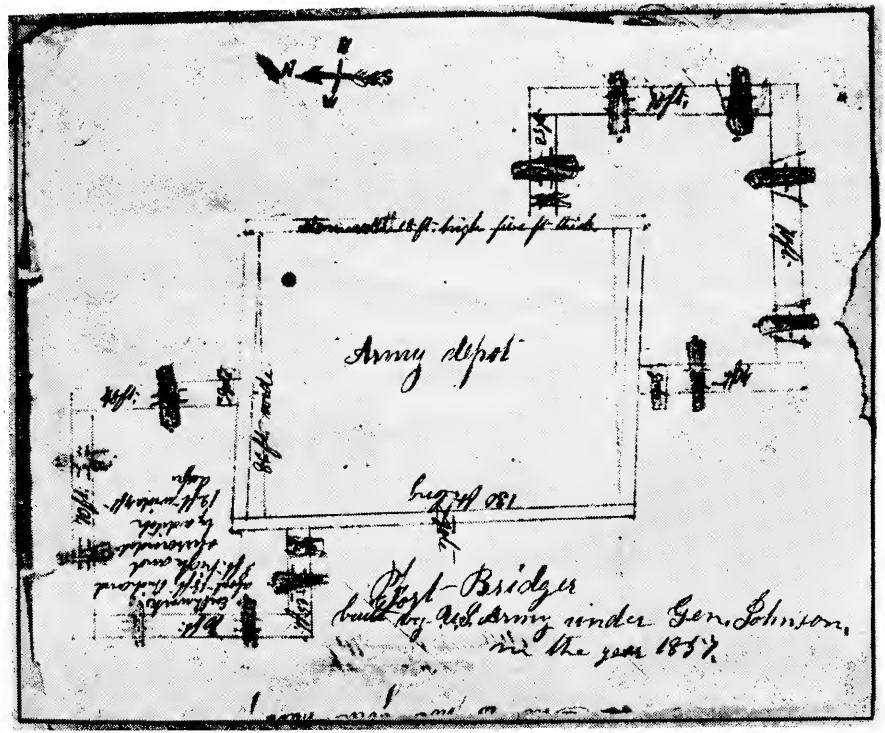

Fort Bridger, 1857. Sketch by C. E. Gould
Wyoming State Archives and Historical Department

Soldiering on the Frontier

The following letter was written by C. E. Gould to his brother, Frederick H. Gould, Battle Creek, Michigan, in September, 1858. The envelope which accompanies the letter is stamped with the date April 23, so it apparently took nearly seven months to reach its destination. Spelling and punctuation are that of the author. The letter and the sketch of Fort Bridger are located in the files of the Wyoming State Archives and Historical Department.—Editor.

Camp Floyd U. T. Sept. 24, 58

Brother Frederic:

I begin to think that you are waiting for me to write a letter to you *personally,* and urge you to write to me before you can even begin to think of writing one to me —or perhaps you think a *soldier* is wholly unworthy of notice if so write to me for the sake of relationship, I think that I have said perhaps too much—at any rate enough to make you write if talking will do it— so I will say something else—.

Something concerning present business: Our present occupation is building quarters for winter out of dobies—or sun dried brick— it would supprise you to see what a pile of them it takes to build quarters for this regiment alone—you might give a guess, perhaps, when I tell you it takes over three million and every brick is one foot long six inches wide and four inches thick. There is ten buildings one hundred and thirty feet long each, and forty two feet wide, thirty buildings twenty two by sixteen and seventeen buildings eighteen by sixty three. They all contain two hundred and fifty one rooms— This for only one thousand men. Just think what it would be for the whole command, or nearly five thousand men. Do you ever think of going to Frazier's ever if you do at all events don't go till next summer for according to all accounts the Indians are very troublesome and you might get into difficulty. This army is ordered to Oregon—except the sixth Infantry—but will *probably* stop here this winter—as the mormon difficulty is far from being settled I think. Government thinks so too I reckon or it would not be sending such an army out here and so much artillery to. We have now thirty pieces of artillery—24 pieces of light artillery—nine and twelve pounders—six pieces of heavy twenty-four and thirty-two pounders all brass guns—You would hear more noise in one day here, when the whole army is at target practice, than you would there in a dozen fourth of July's. Our Sunday consists in dress parade at eight o'clock—that is the whole command is paraded in full uniform—and two o'clock P. M.,

Divine service. Wouldn't you like to know what I think of soldiering. In the first place it is as bad a place as you can find for morals—you frequently hear people say if you are too lazy to work enlist,—now if they think that a soldiers life is a lazy one they will find themselves much mistaken—out here—at least— I have found it exactly the opposite. I dont know much about it in or about cities. Here we have reville at four o'clock in the summer and five in the winter, at work at six recall at twelve—and fatigue call at one and recall at six P. M. again—when not at work we have drill about six hours a day, then you mount guard ever fourth night or so, and you cannot turn out with an old dirty rifle or belts your belts and shoes have to be blackend till they shine like patent leather and your rifle not the least bit of dust on it so that it would not soil the whitest handkerchief ever was. I am well enough satisfied, *but Frederick never enlist.* I must stop writing soon, I am going to send you a plan of Fort Bridger as I thought perhaps you would like to see what kind of a thing this renownd fort is—the stone fort or our depot—was built by the mormons to resist the troops—we put earth works and mounted them with cannon, out-side edge of the ditch is defended by pointed stakes inclined outward all-together it is a pretty strong work. Now write to me the very day that you get this,— if you are at Uncle Wilders get some of them to write too if you can. I want to hear from all very much. Write direct to Camp Floyd, U. T. Co. C, 10th Infantry..

Your brother, C. E. Gould

Jack Ellis Haynes–A Tribute

By

HORACE M. ALBRIGHT

When, on May 12, 1962, Jack Ellis Haynes passed away in Livingston, Montana, after a brief illness, there was a loss of monumental proportions suffered by his family and friends, and by the entire National Park Service in general and the organizations—public and private—in Yellowstone Park in particular.

Jack Haynes was not only the Dean of National park concessioners, he had been rated for nearly a half century as one of the best of all the individuals engaged in furnishing travel facilities, accomodations and services in the national park system. The high regard in which he was held by Government officials and fellow concessioners was the natural appraisal of a man who placed public service—and service to the public—above personal interests—profit and prestige. His father was already in business in Yellowstone National Park when he was born in Fargo, Dakota Territory, September 27, 1884. Of his long and successful life, Jack Haynes spent 75 of his 77 years in the Park. His love of the Yellowstone was a part of him from earliest childhood.

He was ever ready to aid the Park as he was to safeguard his family and his business. No man in business in a national park was ever more cooperative, more generous, more unselfish.

He was educated as a mining engineer, graduating from the University of Minnesota in 1908, but he was a born artist, historian, explorer, author and business man. He was a talented musician. Photography was a skill attained early in life. Following in the footsteps of his father, whom he adored, he continued the famous Haynes Guide to Yellowstone National Park, improving it year by year, always keeping it up-to-date and constantly seeking new features to make it indispensable to park visitors who seriously sought information that would enable them to get the utmost enjoyment out of their trips. Long ago, the Haynes Guide was declared to be the Official Guide of the Yellowstone. Jack was also the author and editor of other important publications on the Park.

Following the trail his father blazed for him, he continued the collection of books, pamphlets, souvenirs, artifacts and other memorabilia of Yellowstone National Park, and the pioneer days of the

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surrounding country. No item was too small or too insignificant for Jack's attention if it had historical, archaeological or anthropological value.

When the museums were being established in Yellowstone National Park, Jack Haynes acted as director of the one at park headquarters and devoted much time even in the midst of busy tourist seasons to the planning and installation of exhibits. And he generously contributed not only essential pictures but many objects from his own collections for the museum displays. He also, as a consultant, without any compensation, advised the Park Service naturalists and museum specialists who later developed the museums in other sections of the Park.

He loved to explore the wilderness Yellowstone and probably no man, except a few rangers and old-time scouts, covered more of the remote parts of the Park by horse and packtrain, boat and even afoot than Jack Haynes. He heartily supported the proposed boundary revisions and extensions of the Park, and the creation of the Grand Teton National Park. In these legislative programs, his pictures and material from his collections were important aids to the Interior Department and the National Park Service officers.

When landscape restriction policies and new building programs were adopted by the National Park Service, the Haynes shops and their grounds were promptly rebuilt to meet the new conditions. When other concessioners failed to respond to a plan for tourist facilities at Tower Falls, the risks were assumed by Haynes as a public service without much hope at the time that they might ultimately be profitable.

The Haynes Picture Shops at all points of interest in the Yellowstone have been outstanding for the variety and quality of the objects offered for sale, and for the superb taste with which Mr. and Mrs. Haynes planned the exhibits.

Jack Haynes' personality naturally contributed to his success and great popularity as a business operator, and as a personal friend to all of us who were privileged to know him. He was a kindly, gentle, soft-spoken man. His wit enlivened parties of all kinds whether they were at home, on a pack trip, or "cook-outs" of the "Scientific Committee" or just riding or walking along with this charming fellow.

Jack's father, F. Jay Haynes, who had been in business in the Yellowstone since the very early 1880's, died in 1921, but he had succeeded the founder of the House of Haynes in 1916. The previous year—1915—I had the opportunity to meet Jack, but it was the year that he was taking over the management of the photographic business that I came to know him well. The stage coaches were still on the Yellowstone roads. My first trip with Jack was in an automobile and I recall our observing the special rules governing auto travel to avoid the horse-drawn coaches. There were times when we just had to sit and wait for the time to

move on the tight schedule, and it was then—46 years ago—that I came to appreciate the fine qualities of Jack Haynes. Every year since then my interest in him and my affection for him has continued and grown stronger.

I shall always be grateful for the opportunity accorded me to act as master of ceremonies at the dinner in tribute to Jack Ellis Haynes in Yellowstone Park, September 3, 1959, when our friend approached his 75th birthday. A host of Jack's friends were present and spoke in praise of his life and work. Among them were Director Conrad L. Wirth, former Assistant Secretary of the Interior Wesley D'Ewart, Lon Garrison, Yellowstone's superintendent, Edmund Rogers, his predecessor. It was a great night for Jack, but in his mind it was by no means his last birthday party.

He had helped organize the celebration of the 50th anniversary of Yellowstone Park's creation in 1922, and the similar recognition of the 75th anniversary in 1947. At his 1959 dinner, Jack made many of us promise to be at the big party he was planning for March 1, 1972, when Yellowstone National Park will be 100 years old.

Like Jack, some of us won't be there. However, there will be tributes to Jack Haynes, eloquently expressed along with those paid to Hedges, Langford, Clagett, Jackson, Hayden, President U. S. Grant and others responsible for the creation of Yellowstone National Park and the marking of the beginning of the world's greatest national park system.

Wyoming's Frontier Newspapers

By

ELIZABETH KEEN

THE NEWSPAPER AS HISTORICAL RECORD

ECONOMIC AND POLITICAL MATTERS

Newspapers of the territorial period picture vividly the growth of the cattle and wool industries from which Wyoming was to derive its greatest wealth. The *Cheyenne Leader* was perhaps the first newspaper to note that opportunities awaited the stockman if he cared to take advantage of them:

> Among the least known of all the beautiful and rich lands waiting for our people to enter in and possess it, is the rich and charming valley of the Big Horn. . . . Those that have been there speak of it as the garden spot of all the country west of the Missouri river. . . . The valley is well watered. For a grazing country for either cattle or sheep, the Big Horn Valley and mountains cannot be excelled in the world. . . . All the sheep flocks in the world could graze winter and summer on the slopes of these mountains.[57]

The earliest pictures show the pioneer simply turning his steers out to graze on prairie grass through the winter and then in the summer shipping his "beeves" east at profits so phenomenal that they soon attracted foreign capital, chiefly British, to the new country. Cattle-rustling and horse-thieving were by-products of the new industry as shown by the number of rewards for the apprehension of such thieves printed, for example, in the *Frontier Index*. Cattle ranches grew in size, and stockmen organized themselves into powerful associations. By December 3, 1886, Mercer was writing in the *Northwestern Livestock Journal*:

> Thousands of men have grown rich by the conversion of grass into flesh and blood during the past double decade and thousands more will do the same during the twenty years next to come.

Wyoming residents were discovering, too, that their own beef was of a high quality:

> The Wyoming Meat company is now slaughtering 150 head of hay-fed beeves purchased from Booth & Crocker of Evanston. They averaged 1,461 pounds and are pronounced finer than the corn-fed beeves which the company has been shipping in from Nebraska[58]

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57. *Cheyenne Leader,* Dec. 28, 1869.
58. *Northwestern Livestock Journal,* May 27, 1887.

By 1887 huge roundups were being reported in the *Northwestern Livestock Journal*:

> On Sunday next . . . the round-ups in seven different districts in Wyoming will start on the annual spring hunt for cattle. Of these No. 2 will start at Durbin's crossing on Pole creek, and work down to Julesburg; No. 19, the northern round-up, will start at the mouth of Logging creek, working Tongue river, the Rosebud, etc.; No. 22 works in two divisions, the first starting at the mouth of Fifteen-mile creek and the second division from the lower Big Horn Canon; No. 23 starts from Bridger crossing on South Powder and No. 25 at Merritt's crossing; No. 27 starts from the mouth of Fifteen-mile creek with No. 22, and No. 35 starts at Black Rock working down Little Bitter Creek.[59]

At the end of the year the newspaper was forecasting a steady growth of the cattle industry "notwithstanding the fearful depression of the past two years . . . out of which we are just beginning to emerge."[60]

Another valuable record left by early-day Wyoming newspapers is to be found in the political stories—stories that deal with maneuvers leading to the formation of Wyoming as a territory, and others that cover the granting of the vote to women, the founding of state institutions, and the admitting of Wyoming as the forty-fourth state. As early as December 7, 1867, the *Cheyenne Leader* described a "monster mass meeting" the evening before at which

> . . . an immense concourse of citizens assembled at Martin's Hall to take into consideration the project of certain politicians at Washington to annex us to Colorado. . . . The proposed annexation scheme was indignantly hooted and spurned; and a resolution "solemnly protesting" against having any Colorado "in ours" was unanimously adopted. Petitions were at once put in circulation expressive of the will of this people, and Gen'l Casement left for Washington this morning, in order to represent our citizens in the matter. May he succeed.

Less than two years later, despite bitter opposition from Utah and Dakota territorial delegates to Congress, Wyoming became a territory by an act approved by that body July 25, 1868.[61] The first legislative assembly, convened in Cheyenne October 12, 1869, by Governor John A. Campbell, took the unprecedented step of conferring full political rights upon women residents of Wyoming.

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59. May 13, 1887.

60. *Northwestern Livestock Journal*, Dec. 2, 1887.

61. Coutant, p. 622, credits Editor Legh Freeman with "doing more to popularize the name Wyoming than any other man." The historian states: "He had numerous articles in his 'Pioneer Index' advocating the name and there is no doubt that such editorial work had its effect on the people in this country and those who afterwards inserted the name in the bill creating Wyoming Territory. This editor says: 'The word Wyoming was taken from Wyoming Valley, Pennsylvania, rendered famous from Campbell's beautiful poem, "Gertrude of Wyoming"'."

In March, 1870, the district court at Laramie, for the first time in the nation's history, impaneled women for service on a grand jury, a sensational event that sent newspapermen from all over the country to the small Wyoming town. J. H. Hayford left a picture of much that happened on that historic occasion in his retrospective review written thirteen years later:[62]

> It would be impossible to describe . . . the excitement which this event created, and the fact was telegraphed, not only throughout the country, but over the whole civilized world. The following are the names of the lady jurors selected for that term of court:
>
> GRAND JURY
>
> Sarah W. Pease — Eliza Stewart
> Agnes Baker — Mrs. G. F. Hilton
>
> PETIT JURORS
>
> Nettie Hazen — Retta J. Burnham
> Jennie Lancaster — Mary Wilcox
> Lizzie A. Spooner — Mrs. J. H. Hayford
> Mrs. Rowena Hutton
>
> . . . Some three or four weeks were to intervene after the selection of the jury before the term of [duty] commenced, and the SENTINEL and its editor used all their influence to induce the ladies named to serve, and to educate public sentiment up to the point of regarding the innovation with favor, and endeavoring to give the experiment a fair trial. In this we were materially aided by a letter from Chief Justice Howe, who was to preside at the term of court, and who, in this letter pledged to the ladies all the support, aid and encouragement which the court could give them in the discharge of these new and novel duties of citizenship. A reluctant consent was at last obtained from the ladies to discharge their duties as jurors. In view of this interesting event, Sheriff Boswell had made special exertions to fit up the rough, primitive court house and jury room with neatness and taste, in honor of our lady jurors.
>
> . . . the court was a lengthy term, and very many important cases, both civil and criminal were tried, in all of which . . . women served as jurors. At the close of the term the universal verdict was that even-handed and exact justice had been done in every instance; law and order established; crime punished; persons and property protected, and rights enforced effectually, honestly and impartially.
>
> Some idea of the interest which this event awakened abroad may be gathered from the fact that . . . all the material facts together with the judge's charge were telegraphed throughout the country by the associated press, and also by cable to all the civilized countries abroad, and within twenty-four hours afterwards King William of Prussia sent a congratulatory dispatch to President Grant, upon this evidence of progress, enlightenment and civil liberty in America.[63]

As year followed year, territorial newspapers, now becoming more numerous, recorded such important events as the creation in 1872 of Yellowstone as the nation's first park, the launching in

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62. Previously mentioned as being used in this study because no copies have been found of the earliest issues of the *Daily Sentinel.*

63. *Laramie Weekly Sentinel,* May 5, 1883.

1876 of the Cheyenne and Black Hills stage line, and the formation of the Powder River Cattle company, a million-and-a-half-dollar, British-American, stock-raising venture. Newspaper files show that the territorial legislature of March, 1886, provided for the erection of a capitol building at Cheyenne and for the establishment of a territorial university at Laramie.

When the university opened its doors September 1 of the following year, the *Laramie Weekly Sentinel* described the affair as attended by the "Teachers institute, the public generally and several distinguished gentlemen from abroad." Dr. J. H. Finfrock, president of the Board of Trustees, presided; former Governor J. W. Hoyt, the university's first president, gave the inaugural address; and the Laramie brass band provided music. Another speaker, Dr. Moore, president of Denver University, "closed with an eloquent peroration in which he transferred to the care of President Hoyt several Laramie youths who have heretofore been attending his institution in Denver."[64]

A few days later it was still apparent that the jealous rivalry between Cheyenne and Laramie was far from being dead. The *Cheyenne Sun* made some slighting remarks about the new university. In the *Sentinel* Hayford replied with great dignity and an awareness that the new school after all was not a local but a territorial institution:

> We regret to see in our esteemed contemporary . . . an article . . . which asserts that the "Wyoming University is destined for a considerable time to come . . . to be . . . a high school or college . . . for the Laramie city scholars, and will not in any very important way be of much benefit to the rest of the territory."
>
> If we should retort that the Capitol at Cheyenne, which has cost the territory already three times as much as the University and isn't yet half completed, is merely a local institution, that it was located in the extreme corner of the territory and that Cheyenne people, from the man who sold the lot for the building to the one who should put on the last touch of varnish, were all making a fat job of it at the expense of the territory, our neighbors over the hill would not like it.
>
> In the location of the Capitol and the University Cheyenne had her choice and ought not to be the first to try to create local prejudice. We only got $50,000 for the University and our citizens, by their public spirit, actually put as much more up with it—in land and labor—to build up a *Territorial University*. We have studiously . . . avoided everything which would tend to make it a local institution . . .
>
> . . . the people of Cheyenne are sending a dozen pupils away to schools in Colorado and elsewhere, to poorer institutions of learning and at more cost than the University of Wyoming. How much of this is due to their jealousy we don't know.
>
> The *Sentinel* has in the past done considerable to commend the University to the public . . . We want it (the university) to be re-

64. *Laramie Weekly Sentinel,* Sept. 3, 1887.

garded as a *Territorial* institution and want the whole territory to enjoy its benefits and feel an interest in it.[65]

In one great, common, territorial cause, however, petty jealousies and picayune rivalries were forgotten: newspapers of the eighteen-eighties united in urging and even demanding statehood for Wyoming. They carefully reported the convening at Cheyenne September 2, 1889, of the constitutional convention and the work of its delegates.[66] They gave full coverage to the election of November 5, 1889, when the people of Wyoming, ratifying their constitution by only a light vote, expressed the common wish for statehood.[67] After some bitter disputes in Congress, a bill admitting Wyoming to the union was passed July 10, 1890. Wyoming newspapers, as might be expected, wrote jubilantly of the great event, but perhaps the most jubilant of all the rejoicers was Hayford of the *Laramie Weekly Sentinel*:

WYOMING ADMITTED

To one who, like the writer, (and there are a great many such here) for 30 years and more has been politically disfranchised, who, during the most trying and perilous period of the country . . . has not been permitted any voice or vote upon the questions which have shaped the nation's destiny, the news that our political disabilities have been removed, that we . . . are once more American citizens, comes "like the rush of mighty waters" . . .

The admission of Wyoming to statehood marks an epoch in the history of our nation. No state has ever come into the Union with such a constitution . . .

Equal rights are guaranteed to all.

No condition is attached to the right of citizenship but the possession of the necessary intelligence to exercise it properly.

No distinction on account of race or sex. We invite our wives, mothers, sisters and daughters, who are most of all interested in good government, to help make the laws they are required to obey and the government under which they are to live.

Our constitution has called forth words of praise and exclamations of surprise from such men as . . . the grand old statesman—Gladstone.

A wonderful future opens before Wyoming.

It is larger than England, Ireland, Scotland and Wales combined.

Its air is purer and its sky brighter than Italy.

It has more coal, iron and oil than Pennsylvania.

It contains all the precious and valuable minerals known on the globe.

It has less illiteracy than any other state or territory in the Union. . . .

The "New Star" which blazes forth from our National flag today

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65. *Laramie Weekly Sentinel*, Sept. 17, 1887.

66. Two previously mentioned newspaper men, W. E. Chaplin and M. C. Barrow, were the respective delegates from Albany and Converse counties.

67. Newspapers published in the days following the election show that the weather was generally bad on Nov. 5, so few people bothered to go to the polls.

is the brightest which has shed its beams upon the nations of the earth since the rising of the "Star of Bethlehem."

SELAH![68]

SUMMARY AND CONCLUSION

The most vivid and possibly the most accurate record of the transformation of what is now Wyoming from a continental trail to homesteads and towns exists in the files of territorial Wyoming newspapers. How lonely men must have longed for any news, however meager, is suggested by the initial effort at journalism within Wyoming borders—a news sheet put out in 1863 by a telegraph operator at remote Fort Bridger on the progress of Civil War campaigns. It was altogether appropriate that the first Wyoming newspaper should have appeared at Jim Bridger's fort and supply station: thus the name of Bridger serves as a link between the earlier period of news exchange at rendezvous and trail fort and the new era inaugurated by the introduction in 1861 of telegraphic news transmission. The initiative of Hiram Brundage, the telegraph operator, illustrates the importance of the telegraph as a medium for maintaining a tenuous line of communication between the national scene and lonely, news-hungry people on distant frontiers.

With the coming of the Union Pacific Railroad, towns and newspapers sprang up in great profusion, sometimes with the newspaper preceding the founding of the town itself. Union Pacific towns—Cheyenne, Laramie, Rawlins, Green River, Evanston—were especially productive incubators for news sheets. Perhaps the most colorful of all the papers accompanying the building of the railroad was the migratory *Frontier Index,* which moved west across Wyoming as the Union Pacific's vanguard.

Of the possible score of papers which appeared in Cheyenne before 1890, only six lived to see statehood attained, and only one survives today. In Laramie at least nine, if not more, dailies and weeklies with frequent changes of names and editors appeared before 1890; today only one survives. What is now Uinta County in western Wyoming fostered at least six territorial papers, and the Carbon County area had five or six publications before statehood. The brief gold-mining fever in the South Pass region was responsible for the appearance there of two short-lived newspapers. And it was fitting that in what was to be the "Equality State" the Huntington sisters should pioneer as women editors on the eve of statehood.

In central, northern, and eastern Wyoming newspapers came in the eighteen-eighties with the growth of "cow towns" and railroad

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68. *Laramie Weekly Sentinel,* July 12, 1890.

towns in communities like Sheridan, Sundance, Casper, Douglas, Glenrock, Lusk, and Newcastle. Thus by 1890 at least seventy-three daily and weekly newspapers had been established, some to live briefly and die of financial starvation, others to survive sturdily the many hazards in the way.

Newspaper editors, often producing their papers single-handedly, were a colorful and versatile lot. Courageous, optimistic, of considerable cultural and educational stature, many editors contributed notably to the development of their respective communities as voices urging community pride and stability and as civic and political leaders. A roll of the public offices held by territorial editors covers almost every possible post from that of town councillor or justice of the peace to that of United States Commissioner and federal judge. Their extra-journalism occupations and professions extended from mining and storekeeping to teaching and practicing law.

At least three editors were nationally known: Barrow of Douglas, Mercer of Cheyenne, and Nye of Laramie. Others like Nathan Baker, J. H. Hayford, Judge Bramel, and E. A. Slack performed such substantial services as citizens of their respective communities that their influence on Wyoming history was perhaps more significant and permanent than that of the three who were more widely known outside the region. If, as it appears, they believed the newspaper to be the voice of progress, they also thought of progress as synonymous with hyperbolic prophecies. Often, as Barrow wrote in his *Budget,* "to sorter toy with the truth in prophetic spirit for the good of the country or community in which he lives is with him [the editor] a labor of love."

Actually two kinds of editors can be distinguished: those like Nye and Barrow, who maintained a philosophic, humorous view of themselves, their rivals, and life itself, and those like Hayford and Baker, who took themselves and their community roles very seriously. Most of these early editors expended sufficient mental and physical effort on their newspapers to have made them successful in almost any other business or profession, yet few of them amassed any considerable competence from journalism. Doubtless, then, these men chose to edit newspapers because, as W. E. Chaplin wrote of Judge Bramel, they were "so constituted" as to be unable to resist the smell of printer's ink.

In the beginning years editors put out their papers in hand-to-mouth fashion. Solvency was usually a major problem. Machinery was primitive, and handpresses did the work until steam and gasoline presses could be bought. Make-up was crude, if judged by today's standards, and led to a drab appearance of virtually all early-day newspapers. Fortunately for the historian, however, make-up did not blot the lively wit and human interest to be found in so many territorial newspapers.

These newspapers tell the story of the building of railroads, of

Wyoming's brief and abortive mining boom, of the growth of mushrooming tent and shack towns into permanent communities, and of the spirited civic campaigns for schools, churches, law and order, and some semblance of social and cultural amenities. They record the economic ups and downs of the territory and the fierce rivalries between growing towns for territorial institutions and for business and political leaderships. They also record an increasing sense of unity in this sprawling and sparsely settled area, a concerted effort to achieve statehood, and, as Editor Hayford wrote, a supreme joy at being re-enfranchised as citizens of the United States.

A CHECKLIST OF TERRITORIAL WYOMING NEWSPAPERS

Key to Symbols for Depositories

ACL	Albany County Library	Laramie, Wyoming
BL	Bancroft Library	University of California, Berkeley, California
CCM	Carbon County Museum	Rawlins, Wyoming
CPL	Casper Public Library	Casper, Wyoming
DPL	Denver Public Library	Denver, Colorado
LC	Library of Congress	Washington, D. C.
LNO	Local Newspaper Office	
SPL	Sheridan Public Library	Sheridan, Wyoming
UNCL	University of North Carolina Library	Chapel Hill, North Carolina
UWA	University of Wyoming Archives	Laramie, Wyoming
WSA	Wyoming State Archives and Historical Dept.	Cheyenne, Wyoming

Place of Publication	Name of Newspaper	Dates of Extant Copies	Depository
Buffalo	*Big Horn Sentinel*	1887-1890	LNO
	Buffalo Echo	1884, 1885, 1890	UWA
		Jan. 7, 1887	WSA
Casper	*Casper Weekly Mail*	Jan. 25-Nov. 15, 1889	CCM
Cheyenne	*Argus*	Sept. 8, 1868	UNCL
		Nov. 12, 1869	WSA

Place of Publication	Name of Newspaper	Dates of Extant Copies	Depository
	Cheyenne Leader(d)	Sept. 19, 1867-July 10, 1890	WSA
		April 21-Dec. 29, 1869; Feb. 11, 1870-June 27, 1871 (some copies missing)	LC
	Cheyenne Review	Jan., 1889	WSA
	Cheyenne Weekly Leader	Sept. 25, 1875-Jan. 17, 1884 (some copies missing); June 16, 1887-Aug. 28, 1890	LC
	Cheyenne Weekly Sun	March 20, 1890	WSA
	Daily Advertiser	Feb. 20, 1878	WSA
	Daily News	Aug. 31, 1874; Jan. 11-July 9, 1875	WSA
	Daily Rocky Mountain Star	May 2, 16, 18, 1869	LC
	Daily Sun	Mar.-Sept., 1876; Jan., 1877-Jan., 1883; Jan., 1884-Feb., 1890; Mar. 28, June 28, July 9, 1890	WSA
		Jan. 3, Nov. 2, 3, 6, 1884	BL
	Daily Tribune	Sept. 14, 1887	WSA
	Democratic Leader	Jan. 19, 1884-June 12, 1887	WSA
		Jan. 31, 1884-June 9, 1887 (some copies missing)	LC
		Nov. 4, 5, 6, Dec. 4, 1884	BL
	Hornet	March 10-April 11, 1878	WSA
	Northwestern Livestock Journal	Feb. 1, March 21, Apr. 14, 18, 25, May 2, 16, June 6, July 4, Aug. 15, 22, Sept. 12, Oct. 10, 17, 24, 31, Nov. 7, 14, 1884; Feb. 27, 1885; Mar. 5, 12, 19, May 28, June (all), July 2, 16, Sept. 17, 24, Oct. (all), 1886	BL
		June 27, 1884; Apr. 10, 1885; Nov. 18, 1887	WSA
		Dec. 18, 1885-Nov. 19, 1886	CCM
		Dec. 1886-Dec. 1887	UWA
	Weekly Rocky Mountain Star	Jan. 13, 27, May 26, June 2, 9	LC
	Wyoming Daily Morning News	April 30, 1871	WSA

Place of Publication	Name of Newspaper	Dates of Extant Copies	Depository
	Wyoming Tribune	Nov. 20, 1869-Apr. 15, 1871	WSA
		Jan. 7, 1871-Nov. 2, 1872 (two copies missing)	LC
	Wyoming Weekly Leader	Jan. 2,-Dec. 25, 1869; Dec. 22, 1881; July 5, 1882-Dec. 27, 1883	WSA
Douglas	*Bill Barlow's Budget*	June, 1886-July, 1890	UWA
		July 9, 1890	WSA
Evanston	*Age*	Dec. 2, 1876	WSA
	Uinta County Argus	May 9-Sept. 5, 1878	BL
	Uinta County Herald	1879, 1881, 1882, 1884, 1887 (some copies missing)	LNO
Fort Fetterman	*Rowdy West*	June 23, Aug. 8, 1886	WSA
Glenrock	*Graphic*	Sept. 30, 1887	WSA
		Sept. 13, 1889	BL
Green River	*Sweetwater Gazette*	Feb. 10, 1887	WSA
Lander	*Fremont Clipper*	Oct. 29, 1887	WSA
	Wind River Mountaineer	June 4, 1884; Jan. 8, 1885; Aug. 19, 1886	WSA
		Jan. 21, 1886	DPL
Laramie	*Daily Boomerang*	Jan., 1884-July, 1890	UWA
		Apr. 24, 1884	WSA
		Oct. 21, Nov. 2, 1885; Nov. 12, 1886	BL
	Daily Chronicle	Nov. 3, 1876	UWA
	Daily Independent	Dec. 26, 1871-May 5, 1875	WSA
	Daily Sentinel	May 2, 1870-Dec. 31, 1878 (some copies missing)	ACL
		May, 1876-Dec., 1878	UWA
		Mar. 14, 1871-Dec. 30, 1874 (some copies missing)	LC
	Daily Sun	Jan. 2-Aug., 1875; Nov. 1, 1875-Feb. 22, 1876	WSA
	Daily Times	Jan. 1, 1879	UWA

Place of Publication	Name of Newspaper	Dates of Extant Copies	Depository
	Weekly Boomerang	Jan., 1886-July, 1890	UWA
		Sept. 24, Oct. (all), Nov. 5, 12, 19, Dec. (all), 1885; Jan.-Feb., Mar. 18, April 1, 8, 15, 29, May 6, 13, July 8, Sept. 16, Oct. 7, Nov. 11, 18, Dec. 9, 16, 30, 1886; Jan. 6, 27, Feb. 3, Mar. 3, 24, April 14, 28, May 12, Aug. 18, Sept. 7, 29, Oct. (all), 1887; Jan. 12, Feb. 9, Sept. 6, Nov. 1, 8, 22, 1888	BL
	Weekly Sentinel	May, 1875-July, 1890	UWA
		Aug.-Oct., 1877; May 2, 1885-Apr. 24, 1886: May 3-July, 1890	WSA
		1878-1890	ACL
Lusk	*Herald*	May 20, 1886-May 18, 1888	LNO
Rawlins	*Carbon County Journal*	Nov., 1879-July, 1890	CCM
		1884	UWA
		May 17, 1889	WSA
	Carbon County News	Jan. 12, 19, Feb. 2, 16, 23, Mar. 2, 9, 16, 23, Apr. 6, 13, 20, 27, 1878	WSA
Sheridan	*Sheridan Enterprise*	1887 (a few copies); 1888-July, 1890	LNO
	Sheridan Post	1889-July, 1890 (some copies missing)	SPL
South Pass City	*South Pass News*	Oct. 27, 1869	DPL
		Apr. 9, Aug. 31, Dec. 28, 1870	WSA
		1871	UWA
	Sweetwater Mines	Mar. 21, Apr. 15, May 27-July 11, 25-Aug. 8, Nov. 25, Dec. 2-5, Dec. 23, 1868; Jan. 9, Jan. 23, Apr. 7, June 19, 1869	BL
		July 14, 1869	DPL
Sundance	*Board of Trade Journal*	July, 1888	WSA
	Gazette	Oct. 25, 1884	WSA
	Wyoming Farmer	July 4, 1888	WSA
Varied Imprints: (Fort Sanders, Laramie City, Green River City, Bear River City)	*Frontier Index*	July 26, 1867; Mar. 6, 24, Apr. 21, 28, May 5, 19, July 7, Aug. 11, 18, Oct. 13, 30-Nov. 17, 1868	BL

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Wyoming State Historical Society

PRESIDENT'S MESSAGE

By

CHARLES RITTER

It was my honest thought when elected President of the Wyoming State Historical Society to visit every county chapter. So far I've visited Laramie, Goshen, Natrona and Carbon County Chapters. In March I expect to visit, the weather permitting, the Uinta County Chapter. It is a pleasure to make these visits, to learn each chapter's problems and the manner in which they are handled.

But the one thing I find lacking in the various chapters is the absence of young people. Without them our organization is doomed to die. I believe that they should be encouraged to attend and take part in each chapter's activities. We cannot expect the youth to fight for our democratic ideals without knowing some of the background of the founding of these United States and especially Wyoming. I find too many recent graduates of our high schools know all too little of Wyoming, past or present. However, our ability to grow does not of necessity belong alone to the younger generation; but depends on wholehearted and total cooperation of both the various county chapters and the state organization whose officers must supply the leadership.

I wonder how many people realize that in most cases Wyoming's start at settling was by people nearly destitute of clothing. Those coming by covered wagon had worn out their leather footwear, both the men and women, and their clothing was beginning to be tattered and torn. If they drove a herd of cattle up the trail, their clothes also were nearly gone. Food had turned into a sameness that was nearly revolting. Water was different at each watering hole and at times caused much sickness. Settlement meant work for the spinning wheel and the mail order catalogue. People were happy though and as long as the neighbor was likewise dressed, the lack of refinement was overlooked.

All too often the TV, most stories and the movies give the wrong impression of the life as it was. There was fun and people travelled great distances going and coming for a dance or play in the school house, when there was a school. And the weather wasn't always a deterrent. People still go many miles for a dance or a school play, but now they use warm cars over paved roads instead of horses over a prairie devoid of good roads. The Indian was a bother, but eventually they too were conquered.

Now it is getting along in that time of the year when most chapters have their new officers for 1963 installed and the new officers are beginning to think of the spring and summer activities. Some will have picnics, and some will arrange a day's trip to an interesting point in the community. It would be great if each chapter would have a representative group travel down the old Bozeman trail which the State Society sanctions. Each chapter will be notified of the time and the starting point—probably Douglas or Fort Fetterman. These trips are two days long and if the weather is favorable, it will be warm. Everybody has a good time and a chance to learn a little of the history of the country travelled.

Then in September is the State Convention—this year in Sheridan. As your president, I urge that each chapter send a representative to the convention, but what would be better, a good delegation should be present from the various county organizations. There is always a large representative group from the local chapter, but over the past few years some of the chapters have been absent. Try and be there this year.

Hope to see you all in Sheridan in September.

NINTH ANNUAL MEETING

Laramie, Wyoming September 8-9, 1962

From 9 to 11 o'clock coffee and rolls were served informally as the state society members assembled and registered in the American Studies Lounge on the University of Wyoming campus.

NINTH ANNUAL BUSINESS MEETING

The Ninth Annual Business Meeting of the Wyoming State Historical Society was called to order at 11:30 a.m., on Saturday, September 8, 1962, in the American Studies auditorium of the University by the president, Mrs. Edness Kimball Wilkins. Sixty-eight members were present.

Mrs. Wilkins asked the secretary to send a note to Vernon Hurd expressing regret that he had found it necessary to resign from his office of first vice president. She stated that his resignation is a decided loss to the Society.

It was moved and seconded to accept the minutes of the Eighth Annual Meeting as printed. The motion was carried.

The president asked for the reading of the Treasurer's report which was given as follows:

TREASURER'S REPORT

September 16, 1961-September 8, 1962

Cash and investments on hand September 16, 1961		$10,497.15
Receipts		
Dues	$3,156.00	
Hunton Diaries	180.47	
Bishop Memorial	144.77	
Gift	10.00	
Interest	424.75	3,915.99
		$14,413.14
Disbursements		
Annals	$1,704.00	
8th Annual Meeting	192.51	
Award certificates, envelopes, committees, phone, postage	89.75	1,986.26
		$12,426.68

ASSETS

September 8, 1962

Stock Growers National Bank, Cheyenne	$ 478.22
Federal Building and Loan Association, Cheyenne	8,872.91
Life Memberships, F. B. and L., Cheyenne	2,806.48
Bishop Memorial Fund, Cheyenne National Savings	269.27
	$12,426.88
Hunton Diaries	
Cost, 100 Vol. 1, 100 Vol. 2, 62 Vol. 3	$685.00
Receipts from sales	637.47
	$ 47.33

MEMBERSHIP

September 8, 1962

34 Life members
18 Joint life members
582 Annual members
385 Joint Annual members

1,018

Top five counties for membership in State Society

120-Laramie County
98-Goshen County
96-Carbon County
71-Sheridan County
63-Fremont County

Dr. Larson, of Laramie, moved that the Society buy 30 Volume 3 Hunton Diaries. The motion was seconded and carried.

The president appointed George Mitchell, of Wheatland, and George Robb, of Casper, to audit the treasurer's books.

The secretary gave a short report of the last Overland Trail Trek which was held under the auspices of the Wyoming State

Archives and Historical Department and sponsored by the Wyoming State Historical Society, the Sweetwater County Chapter and the Uinta County Chapter. She announced that the Bozeman Trail will be followed next year and asked for assistance from the counties through which it passed.

CHAPTER REPORTS

Reports were given by the presidents of eight county chapters. It is hoped that all 16 county chapters will be represented next year. State meetings are inspiring, and members can receive ideas for programs, projects and money making plans while enjoying good fellowship.

Merely a few brief highlights reported by the eight counties will be given here. However, the secretary has the complete reports on file.

Albany County Historical Society officially dedicated the Fort Sanders Recreation Center and turned it over to the City of Laramie at an open house in January, 1962. When the building was about to be destroyed, the Society in a short time raised over $12,000 and had the building moved to LaBonte Park—a splendid community endeavor.

Fremont County Historical Society holds its meetings in different towns and ranches in the county. The Chapter is working with the Shoshone and Arapahoe Tribal Councils and the Shoshone Indian Reservation superintendent to establish a modern museum at Fort Washakie, hoping to preserve the priceless artifacts of the ancient Sheep Eaters.

Goshen County Historical Society displayed its attractive new letter heads. Histories of small communities in the county are being written. A very successful booth at the county fair was sponsored by the chapter

Laramie County Historical Society has just published an excellent book, "Early Cheyenne Homes". This chapter has been the first to place a new style cast aluminum marker furnished by the Wyoming State Archives and Historical Department. It is located near Granite on Highway 30.

Natrona County Historical Society is working on its second marker—the site of Robert Stuart's cabin. A chapter newsletter is mimeographed and sent to each member to keep them up to date on the activities of the chapter.

Platte County Historical Society is working on a bill to provide money to preserve Register Cliff. Members are working on biographical records. Pat Flannery spoke at one of their meetings

and showed the group one of John Hunton's diaries in his handwriting, dated 1891.

Sheridan County Historical Society saw color slides which had been taken at the Eighth Annual Meeting as one program for the chapter. When the marker for General George Crook's camp of 1876 was dedicated, Simon Old Crow and Chester Medicine Crow, sons of Crook's Crow scouts, were honored guests.

Weston County Historical Society is collecting many historic items, including the grand piano which belonged to Congressman Frank Mondell. They have been given the use of an old school house by the local school board. They entertained with a Valentine party for residents of the old folks home and they have had a pot luck supper.

REPORTS OF COMMITTEES

Glenn Sweem, Sheridan, chairman of the Archaeological Committee, gave a fine report. He and his committee have investigated the following:

a. Soldiers' graves (1866) near Crazy Woman Crossing
b. A burned wagon train near the backwaters of Pathfinder Dam
c. "The Chimney", early day landmark, on the north bank of Crazy Woman Creek
d. A sword blade found near Dayton has been identified as part of a 17th century Spanish rapier
e. A proposed Fossil Butte National Monument near Kemmerer
f. The committee is working on an archaeological bill to be presented to the 1963 legislature
g. The committee has worked hard to stop vandals who have taken many artifacts from historic sites and sold them.

Henry Jones, Laramie, chairman of the Historic Sites and Markers Committee reported the following: During the present biennium, historical marker signs have been completed as follows: 10 counties have ordered and received two markers each. They are Albany, Big Horn, Campbell, Carbon, Fremont, Goshen, Natrona, Sheridan, Uinta and Weston. Eleven counties have ordered and received one marker each. They are Converse, Hot Springs, Johnson, Laramie, Niobrara, Park, Platte, Sublette, Sweetwater, Teton and Washakie. Of these, six counties have been corresponding with the Department about their second sign. Only five have not indicated their plans. Two counties, Crook and Lincoln, do not have any signs. Lincoln County has been corresponding with the Department about plans for two markers. A total of 31 markers have been completed to date. All marker orders have been completed and sent from the penitentiary to the counties as

of September 4, 1962. Mr. Jones stated that there is general misunderstanding about who does what in carrying out the marker program. To help clarify this, he emphasized the following points: Markers are paid for by the Department, not the State Historical Society or the county societies. The Department obtained the appropriation from the legislature which makes the program possible. The Department handles all the required correspondence to each county group in planning for markers, ordering the work from the penitentiary, ordering supplies and establishing the cooperation of the Wyoming State Highway Department, and in some cases, of the County Commissioners. The Department appreciates the cooperation of the counties in determining the sites to be marked and getting clearance for the location of the sign itself, and its erection.

William McInerney, Cheyenne, chairman of the Legislative Committee, said his work would soon begin, when the legislature convenes.

Dr. T. A. Larson, Laramie, chairman of the Scholarship Committee, wishes to encourage the writing of more county histories. He suggested throwing this open to any qualified person, not just those working on a master's thesis, as is now specified. He asked that the next Executive Committee make new arrangements and the counties be notified.

Mrs. Irene Patterson, Casper, chairman of the Esther Morris Statue Committee, reported that the replica of the statue for Wyoming should be ready this fall. The society will be asked to help dedicate it in an appropriate ceremony.

RESOLUTIONS

The following resolutions were presented and acted upon:

I. WHEREAS the Wyoming State Park Commission is a new and relatively unknown agency of the State government, and lacks the necessary budget for an effective state-wide program, and

WHEREAS there is duplication of effort by several state agencies in the creation and administration of state parks, and

WHEREAS the program could be more effectively carried out under one state agency, which would formulate an over-all program in regard to historic, scenic, recreational and other sites, and coordinate its work with other state departments for specific and specialized purposes, such as planning and administration of museums and interpretation of sites by the Wyoming State Archives and Historical Department, and

WHEREAS Wyoming, as an area which is becoming a national recreational center, must now plan for the future and the greatest benefit to be derived from this trend,

THEREFORE BE IT RESOLVED that the Wyoming State Historical Society support a legislative budget, and laws which will further the most effective development of a Wyoming State Parks Commission and make its needs and functions known to the public.

Mr. Henry Jones moved its adoption as read. The motion was seconded and carried.

II. WHEREAS the Wyoming State Archives and Historical Department, under the Wyoming State Library, Archives and Historical Board, has made marked progress in growth and development of the Historical Department, Historical Society, Archives and Records, and the Historic Sites programs, and is endeavoring to meet the demands of the people of Wyoming, and

WHEREAS the salary schedule has always been below the average of that of other western states, resulting in the Department's inability to attract professionally trained persons for professional positions, and

WHEREAS the Director of the Department is required by law to be professionally trained, and effective work within the Department requires high standards for all personnel who serve as heads of divisions, and

WHEREAS future progress in the various divisions of the Department and further service to Wyoming people is dependent upon higher standards for personnel.

THEREFORE BE IT RESOLVED that the Thirty-Seventh Wyoming State Legislature be requested to revise the legislative salary limitations and to provide an adequate budget for trained professional personnel to head the various divisions within the Department.

Dr. Larson moved the adoption of the resolution as read. The motion was seconded and carried.

III. WHEREAS the present decade, 1960 to 1970, includes the centennial anniversaries of significant events in the history of Wyoming, including its territorial status, the arrival of the railroad and establishment of towns along its route, Indian uprisings and the resultant military actions and the gold rush to the South Pass region, and

WHEREAS comprehensive state-wide planning for the observance of these anniversaries, with no duplication or division of effort must be made and carried out so that the impact of these observances may be felt by the public

THEREFORE BE IT RESOLVED that a Centennial Commission be established by the Thirty-Seventh Wyoming State Legislature for effective planning, with an appropriation to defray the necessary expenses.

It was moved, seconded and carried that this resolution be tabled.

IV. BE IT RESOLVED that the Wyoming State Historical Society wishes to express thanks to Albany County Historical Society and the persons and organizations who worked to prepare this meeting. Those who have been hosts to a meeting of this kind appreciate the work and planning that is necessary, and the State Society is grateful. Violet Hord, Chairman, Resolutions Committee.

The above resolution was presented by Violet Hord, Chairman, Resolutions Committee. The motion was made, seconded and carried for its adoption.

The secretary read a resolution from the Sheridan County Chapter informing the State Society that they were opposed to the replacement of the present principal monument in the Custer Battlefield National Monument and to the demolition of the present stone structures.

The auditing committee reported that the treasurer's books were found in order.

Robert Larson, Cheyenne, moved that the expenses of the state president be paid as he travels to visit county chapters. The motion was seconded and carried.

The meeting was adjourned at 4:15 p.m.

TEA
FORT SANDERS COMMUNITY CENTER

Everyone enjoyed seeing the restored Fort Sanders Community Center, where tea and punch were served by the Albany County Chapter after the business session adjourned. The Albany County Chapter should be very proud of this contribution to Laramie.

DINNER MEETING
Connor Hotel

On Saturday evening 124 persons attended the annual banquet held in the Connor Hotel. After the invocation by Mr. Henry Jones, Laramie, all enjoyed a typical Wyoming dinner of roast beef. Mrs. Alice Stevens, toastmistress, introduced the dignitaries at the head table.

The speaker, Dr. S. H. Knight, head of the Geology Department of the University of Wyoming, told the history of the University. It has grown from six students, 17 acres and one unfinished building in 1887 to 4,500 students, 400 acres and 30 fine buildings in 1962. Little difference is noted in the youth who attend now except that they marry earlier, he said. Football men now wear head guards instead of just long hair, and the golf course has expanded from three holes.

The slides he showed of classes and activities taken during the University's earlier years were enjoyed by many in the audience as they recognized themselves or friends. The beautiful colored slides of the campus today showed clearly the progress which has been made.

The president introduced Mrs. Helen Rouse, Torrington, chairman of the Nominating Committee, who, in turn, announced the results of the election and introduced the officers for 1963. They were:

President .....Mr. Charles Ritter, Cheyenne
First Vice president .....Mr. Neal Miller, Rawlins
Second Vice president .....Mrs. Charles Hord, Casper
Secretary-Treasurer .....Miss Maurine Carley, Cheyenne

Mr. Charles Ritter, Cheyenne, chairman of the Awards Committee, announced the following awards for accomplishment in the field of history during the past year:

Historical Awards:

Laramie County Chapter, Wyoming State Historical Society. Activities. Outstanding Educational Project. For the book, *Early Cheyenne Homes.*

Mrs. Elsa Spear Byron. Fine Arts. Photography. For an individual preserving the history of Wyoming through photography.

Louis Steege and Warren W. Welch. Publications. Nonfiction. For their book, *Stone Artifacts of the Western Plains.*

Mary Read Rogers. Publications. A Wyoming newspaper. For her articles on Wyoming libraries.

L. A. Barlow. Special Fields. Contribution in the field of Archaeology or Paleontology. For his collection in the above field.

Honorable Mention:

Goshen County Chapter, Wyoming State Historical Society. Activities. Group Promotion. For helping in the restoration of Old Fort Laramie.

Mrs. Percy Ginn. Fine Arts. Poetry. For her outstanding series of poems dealing with Wyoming history.

Adrian Reynolds, Publisher and Editor. Publications. A Wyoming newspaper. For *Green River Star,* Centennial Edition.

Art N. Wall. Publications. Biography and Autobiography. For *Peace River Red.*

SUNDAY, SEPTEMBER 9, 1962

All the state society members were guests of the Albany County Chapter at a buffet breakfast at the Connor Hotel at 8 o'clock.

Dr. T. A. Larson gave a short history of Laramie, which was founded by the Union Pacific Railroad in 1868. However, there was much activity on the plains and at nearby Fort Sanders before that time.

He mentioned the first woman jury of March, 1870, Bill Nye, who lived in Laramie from 1876 to 1883 and put Wyoming on the map, Esther Morris, who often walked up and down the railroad tracks picking up coal which she gave to the poor and Edward Ivinson, Laramie's first philanthropist, who built Laramie's first mansion in 1890.

He then read several very humorous selections written by Bill Nye.

TOUR OF LARAMIE

Dr. Robert Burns led a tour to the historic sites of Bill Nye's *Boomerang* office, the site of the building where the first all-woman jury met, the Ivinson home, the Esther Morris residence and Fort

Sanders. The Commerce and Industry building, one of the newest buildings on the University campus, was also visited by the tour group.

The Albany County Chapter is to be complimented upon prompt execution of all their carefully planned program.

MAURINE CARLEY
Secretary-Treasurer

Book Reviews

Rebel of the Rockies: The Denver and Rio Grande Western Railroad. by Robert G. Athearn. (New Haven and London: Yale University Press, 1962. Yale Western Americana Series No. 2. xvi + 395 pp. maps, index, illus. $10.00.)

The historian who embarks on the task of recording the history of any American railroad is immediately faced with the problem of focus, for a railroad was, and is, many things to many people. We have had a host of railroad books constructed of glamorous photographs of steam engines and rolling stock; we have had others that dwell lovingly on scenic rights-of-way; and others geared mainly for the specialists who grow misty-eyed over technical descriptions of roadbeds and engineering triumphs. Illustrations have tended to crowd textual material into ever-smaller corners of these volumes, until they become albums rather than histories. Although richly illustrated with photographs and sketches, Professor Athearn's history of the Rio Grande Western Railroad is not this sort of book. Taking position at or near the central offices of the road, he has written a genuine history of the construction, management, and financing of a unique transportation system.

This is the story of the men who built and maintained a rebellious railroad in the Rocky Mountains—an upstart of a road that built its spine along the "wrong" axis, operated on narrow-gauge "baby" tracks, and dared to challenge the supremacy of such giant transportation systems as the Union Pacific and the Santa Fe. It is the story of General William Palmer, the road's founder, and Frederick Lovejoy, who later controlled it, and George Gould and Wilson McCarthy and many other men. These are the actors in the drama that begins in 1870 and ends with the day before yesterday. Some of the actors are heroes, particularly those who labored valiantly, and often without success, to retain local (i.e., Colorado) control of the road. Others are villains, especially the "Wall Street" financiers like Gould who kept the road in "captivity" to earn profits for themselves without regard for condition of road or service. Like all good melodramas, the story of the Denver and Rio Grande Western begins with pioneers of noble dreams and aspirations who are challenged by manipulators with sordid motives. But the inevitable happy ending brings the reader to modern times, as "right" finally triumphs in the closing scenes, and the local heroes defeat the "foreigners" and regain control of the railroad.

It is unfair to complain at length about the author's definition of his topic, yet the reader might be informed that Professor Athearn is not much concerned about the official "climate of opinion" regarding railroading, either locally or nationally. Only

rarely does he mention either state or federal restrictions or regulations (or their absence) that may have played major roles in the story of the Rio Grande.

The writing, although sprightly, is not inappropriate to the subject. Maps of the emerging Rio Grande system help guide the reader through the development of the railroad, although there are no comparable guides to competing or allied lines. Photographic illustrations are well chosen and handsomely reproduced, and the chapter-heading sketches are very well done. Ten dollars is no longer a large price for a big book, but in this case the purchaser receives fuller value for his money than is sometimes true.

University of Colorado CARL UBBELOHDE

Probing The American West. Nineteen papers from the Santa Fe Conference with an introduction by Ray A. Billington. Edited by K. Ross Toole, A. R. Mortenson, John A. Carroll and Robert M. Utley. (Museum of New Mexico Press, Santa Fe, 1962. index. 216 pp. $5.00.)

In October 1961 three hundred persons met in Santa Fe for a three day Conference on the History of Western America. In the usual pattern of historians' meetings there were papers and shop talk. Nineteen of the papers are here published. On the whole it is a good collection, one in which anyone attracted to Western History can find much of interest and entertainment.

Dale L. Morgan offers thoughtful generalizations about a subject on which he is a leading authority, "The Significance and Value of the Overland Journal." He makes the valid point that historians of the West have made small use of overland journals.

John C. Ewers in "Mothers of the Mixed-Bloods: The Marginal Woman in the History of the Upper Missouri" brings together fascinating lore about three Indian women who served as intermediaries between Whites and Indians: Sacajawea, Medicine-Snake-Woman, and Deer-Little-Woman.

Lessing H. Nohl's article on "Mackenzie Against Dull Knife: Breaking the Northern Cheyennes in 1876" is the best available account of that battle which was fought on the Red Fork of the Powder west of present Kaycee.

Walter Rundell's article on "The West as Operatic Setting" is an entertaining discussion of an off-beat subject. Rundell ranges from grand opera to musical comedies, with attention to music and plot. He treats western operas in three categories: mining, agriculture and Indians.

John T. Schlebecker in a paper on "The Federal Government and Cattlemen on the Plains, 1900 to 1945" presents the thesis that the biggest development for cattlemen in the 20th century lies

in their seeking and obtaining more and more help from the Federal Government. He recalls that the cattlemen obtained federal aid against prairie dogs, the beef trust, ticks and foot-and-mouth disease; that they wangled emergency credit after World War I; and that they were saved by Government emergency programs in the Great Depression. Thus the Iowa State University historian rejects the image of the cattlemen as self-reliant, rugged individualists who spurn federal aid.

N. Orwin Rush, former Director of the University of Wyoming Library and now at Florida State University, in "Frederic Remington and Owen Wister: The Story of a Friendship, 1893-1909," quotes copiously from the correspondence between these two famous men.

Merrill J. Mattes in "Exploding Fur Trade Fairy Tales" renews his long and persuasive campaign to establish that John Colter, though he passed through part of the Yellowstone Park area, did not see extensive thermal activity (Colter's Hell) there but rather along the Shoshone River just west of present Cody. Mattes also brands as fairy tales the notions that there was ever a fur trade rendezvous in Jackson Hole and that there was a steamboat on the North Platte in western Nebraska and Wyoming in 1854. The steamboat myth he traces to the confusion between two Fort Mitchells. Steamboats passed Fort Mitchell at the mouth of the Niobrara but not Fort Mitchell near Scotts Bluff.

There are other first-rate articles calculated to please anyone who goes down this cafeteria line of Western History. And the 16-page introduction by Ray A. Billington is a bibliographical tour de force of greater value than any of the articles which follow.

Laramie, Wyoming T. A. LARSON

The Unregimented General. By Virginia W. Johnson. (Boston, Houghton Mifflin Co., 1962. illus., index, 401 pp. $6.95.)

Nelson A. Miles, Civil War volunteer soldier, Indian fighter and finally commanding general of the Army of the United States, was one of the most controversial figures in the military history of our country.

During his long army career, from 1861 to 1903, he criticized, protested to and antagonized most of the top army men of his time, as well as cabinet members and presidents, notably Theodore Roosevelt.

He disagreed with campaign strategy, the choice of commanding officers for specific engagements, and especially with the quartermaster corps of the army. He was outraged with the policies of the Indian Bureau during the final stages of subduing the western and southwestern Indians and placing them on government reser-

vations. His controversy with the Roosevelt administration over the Spanish-American War was as bitter as any he ever engaged in.

However, in spite of the ill feeling he brought upon himself from those in high places, he was a gifted military strategist and scrupulously fair and honest in his relationships with the men in his command. His outstanding success in his assignments eventually brought him the recognition and advancement he deserved. But tact he never learned, and never practiced.

Much of the material in the book is based on Nelson Miles' letters to his wife, written from their engagement in 1867 to the middle 1890's. Many were written from the field during the Kiowa-Comanche, Sioux, Chief Joseph and Apache Indian campaigns.

The letters expressed his frank military opinions and also his devotion to his wife and son and daughter. They were given to the author by Nelson Miles' son, Sherman Miles, Major General, U.S. A., Ret., in 1958, for her use in the biography.

The character of Nelson Miles is so strongly delineated that his personality is more strongly impressed upon the reader than the events in which he participated. His opinions about the hardships brought upon the army through ignorance and inexperience are bourne out, although perhaps less emphatically, in most recorded accounts of those years, and have considerable value to the student of western history in understanding people and events of that time.

Cheyenne KATHERINE HALVERSON

Fort Phil Kearny- An American Saga. By Dee Brown. (New York: G. P. Putnam's Sons, 1962. illus. index. 251 pp. $4.95)

The writing skill of Dee Brown is known to most readers of Western historical material and they will welcome his latest exercise of this talent. Those reading for pleasure only will be held by the gradual unfolding of the story of the fort while the students of the field can not help but be impressed by the extensive bibliography and careful documentation of the facts which are included.

Brown has a real feeling for the characters and times of this story and he is particularly sympathetic to Col. Henry B. Carrington, its leading figure. The reader can only admire this commander who managed to construct Ft. Phil Kearny under the severest natural handicaps, without adequate supplies, thwarted by an unsympathetic superior and insubordinate juniors and the constant harassment of a crafty enemy with vastly superior numbers.

His actions are vindicated here if they need be. In Fetterman, Carrington had another Custer to deal with, and only the irre-

sponsibility of the press at the time and the inaccurate accounts from the Indian Service made the topic controversial at all. It is clear that it was not Carrington's fault that this was the only war fought by the United States which concluded with a peace "which conceded everything demanded by the enemy and exacted nothing in return."

The reader new to the West and its geography might be confused by the author's frequent references to Ft. Laramie as Laramie and Ft. Reno as Reno. Line diagrams of the various important engagements between troops and Indians would help to understand the descriptions in the text.

Author Brown is to be congratulated on an accurate and very readable book on this important phase of Wyoming History.

Laramie LLOYD R. EVANS, M.D.

A History Of Steamboating On The Upper Missouri. By William E. Lass. (Lincoln: University of Nebraska Press. 1962. illus. index. 215 pp. $5.50.)

Most people today think of the development of the West in terms of stage coaches, covered wagons, the Pony Express or the handcart brigade. Only in rare instances does the steamboat come under consideration.

Mr. Lass' book will provide a new picture for those who have not studied the part played by the river and its people.

Lass traces the development of navigation on that part of the Missouri which lies above the mouth of the Big Sioux from about 1819 to 1936, when the last of the navigation companies disappeared from the scene.

The river, with its shallow water, seasonal rises and long period of closed navigation due to ice, presented many problems but not all were due to the river itself. Strong prairie winds blew boats onto sandbars and into banks, officers were often forced to tie up their boats to keep them from capsizing, and the wind rippled the waters so that snags and sandbars were obscured, making it difficult for boats to follow the channel.

From its beginning account of the ill-fated Yellowstone Expedition through the fur trading era, years of Indian unrest, buffalo hunting, gold discovery and the settlement of the territories, to the last days of steamboating under the colorful Issac Baker, the book is filled with interesting and well documented history.

In this book one finds tales of illicit liqour traffic with Indians (usually without the knowledge of the steamboat owners), the story of the removal of the conquered Santee Sioux to "an area outside any state", a story which is enlightening but not exactly conducive to pride, the history of the part the river played in the

development of the Black Hills and many other tales of the steamboat era.

River improvement for the past quarter century has dealt mostly with flood control, irrigation and power production. The dream of a completely navigable river from Ft. Benton to the mouth of the river was killed when the Ft. Peck Dam was built in Montana. The dam had no lock.

The *History Of Steamboating On The Upper Missouri* is authentic and well told. The reader will enjoy it.

Newcastle, Wyo. MABEL BROWN

Gold Camp. By Larry Barsness (New York: Hastings House, 1962. index. bibliog. 312 pp. $5.95)

An easy reading, very interesting, thorough exploration of one of Montana's richest gold beds and its leading city, this is *Gold Camp.*

Larry Barsness has taken many of the best readings from *The Montana Post,* other newspaper sources, and diaries and books, and combined them into this exciting book. The local color and vivid scenes which he paints force even the most unimaginative person to feel that he is living right in Virginia City, the only one of the Montana Territory mining settlements which has never been a ghost town.

The book is divided into twenty chapters, each one taking a particular phase of life in the area.

Chapter one deals with the discovery of gold in the gulch; chapter two discusses the early days of the settlement. Of particular interest are the sections dealing with the men and the filth in which they existed, the nationality quarrels which sprang forth expecially when the whiskey had flowed too freely, and the fights of the Southerners against the Northerners despite Montana's removal from the actual conflict of the Civil War.

In the next two sections the stories of the Innocents, a group of notorious outlaws, and the Vigilantes, the group that took it upon themselves to quell the Innocents and any other lawbreakers, are told in an exciting fashion. Stage holdups, midnight murders, and hangings at dawn color this part with a blood-red hue.

The culture of this city was unbelievable considering the above. The theatre was in full swing, local bands and orchestras were available, and for a time even a literary group made some progress. The churches managed to function even though Sunday was, for many, a day for more drinking than Saturday. Dancing was the main amusement, after drinking that is, and there was always the availability of the prostitutes in the red light district.

Fascinating to this reviewer were the fantastic wages and prices

which existed in Virginia City. Much money was made, much money was lost, but most went away richer than when they arrived.

Other interesting chapters deal with the Chinese and their influences and problems in a frontier town, and with children or "Small Fry" as they are called and the free and exciting life which they lead.

Certain sections in the book are devoted to interesting accounts of politicking, women and their freedom, entertainments, and transportation to and from Virginia City. One chapter dealing with the stage lines is appropriately entitled "Bounces Unlimited."

Anyone who enjoys reading stories of the West and of western culture and civilization will enjoy reading *Gold Camp*. The fact that Virginia City's people were real, and the fact that their struggles really took place give this book additional interest and excitement.

Cheyenne WILLIAM R. DUBOIS

The Great Iron Trail by Robert West Howard. (New York: G. P. Putnam's Sons, 1962. index. 357 pp. $6.50)

The result of 20,000 miles of travel and 18 months of research by Robert West Howard is this comprehensive history of railroading. In 1832, the *Emigrant* of Ann Arbor, Michigan, proposed editorially a railway from New York to Oregon. New inventions and determined men made the undertaking possible. From one hundred miles of railroad in 1836 grew the thousands of miles of track that spanned a continent by May 10, 1869. At that time the Golden Spike was driven into the last rail and the Atlantic and Pacific coasts were at last connected by rail.

Mr. Howard describes the childhood years of the men who were instrumental in building the railroad as if they were predestined to work together. The Central Pacific was created in Sacramento in January, 1863, while the Union Pacific had its beginning in September, 1862. In spite of hardships from floods, blizzards and Indians the tracks moved steadily toward a meeting point. Many new words and phrases such as "Chinaman's Chance," "high-ball" and "gandy dancer," were coined by construction workers and trainmen and are still in use today, some as a means of conveying signals of procedure on the tracks.

Promotion schemes by speculators often slowed down construction. The lowest element of humanity followed track workers, creating the first "Hell-on-Wheels" at North Platte, Nebraska. Payrolls which were delayed for many reasons created work for the vigilantes.

Incidents along the right-of-way ranged from the bizarre to the disastrous. Chief Turkey Foot of the Sioux ordered his braves to

lasso a locomotive. A Union Pacific official was kidnapped for ransom in back wages.

Credit for the success of the venture is given to the lowest paid coolies, the Irishmen, the Mormons, the surveyors and engineers, as well as to the officials. Because of the efforts of thousands of men, East and West were joined to complete a nation of states united.

Cheyenne VIOLA A. MCNEALEY

UNIVERSITY PRESS REPRINTS

The University of Nebraska Press is performing a valuable service in the field of Western Americana. Many books on the West have been out-of-print, difficult and expensive to obtain for a number of years. Nebraska is making such items, many of which have become classics, available again and at reasonable prices.

The following reprints in paperback editions are now off the press and may be obtained through bookstores.

UNIVERSITY OF NEBRASKA PRESS

Bison Books, Paperback Editions

Westward the Briton. By Robert G. Athearn. The Far West, 1865-1900, as seen by British sportsmen and capitalists, ranchers and homesteaders, lords and ladies. (First published by Charles Scribner's Sons, 1953) 208 pp. index bibl. illus. $1.60

Pinnacle Jake. As told by A. B. Snyder to Nellie Snyder Yost. (First published by Caxton Printers Ltd. 1951) illus. map. $1.60

Febold Feboldson. Tall Tales from the Great Plains compiled by Paul R. Beath. New edition including Nebraska Strong Men and Olof Bergstrom: Swedish. By Louise Pound. (First published by University of Nebraska Press, 1948.) 137 pp. illus. by Lynn Trank. $1.30

Home Below Hell's Canyon. By Grace Jordan. (First published, c by Grace Jordan, 1954.) 243 pp. map. $1.60

Contributors

GARRY D. RYAN has been archivist, Office of Military Archives, National Archives, Washington, D. C., since 1956. A native of Turner Falls, Massachusetts, he attended school there, earned his B.A. degree at Boston University, his M.A. at Columbia University, and is presently working toward his doctorate at American University.

GEORGE W. PAULSON, history teacher in the Cheyenne school system, holds a master's degree in history from the University of Wyoming (1962.) He also attended the University of North Dakota (PhB., 1951) and the University of Minnesota (M.A. Ed. Adm. 1956). He is a member of numerous educational and professional social studies organizations. He has served as secretary-treasurer of the Wyoming Council for the Social Studies and as president of the Southeast District of the Council. Paulson has been a resident of Wyoming since 1955. His hobbies include reading, traveling and hiking.

HORACE M. ALBRIGHT, now retired, devotes much of his time to matters relating to the conservation of natural resources, especially national and state parks, recreational resources and preservation of historic structures. He has served as Assistant Director, U. S. National Park Service, Superintendent of Yellowstone National Park, Director of the National Park Service, Executive Vice President and President of the United States Potash Company, and Consultant for the U. S. Borax and Chemical Corporation. His degrees include a B. L. from the University of California at Berkeley, LL.B. from Georgetown University and the honorary degree of LL.D, University of Montana. He belongs to countless organizations devoted to the conservation of natural resources. He was awarded the Pugsley gold medal, American Scenic and Historic Preservation Society in 1933, the Alumnus of the Year award of the University of California in 1952, the Frances Hutchinson Medal of the Garden Clubs of America in 1959, the Theodore Roosevelt Distinguished Medal of Conservation Achievement in 1959 and the Gold Medal of the Campfire Club of America in 1962. With F. A. Taylor he co-authored the book *Oh, Ranger,* and has had articles on conservation published in the *Saturday Evening Post, Colliers,* and *New York Times Magazine.* Mr. Albright now lives in Los Angeles.

ELIZABETH KEEN. See *Annals of Wyoming,* Vol. 33, No. 2, October, 1961 and Vol. 34, No. 2, October, 1962.

WYOMING STATE ARCHIVES AND HISTORICAL DEPARTMENT

The Wyoming State Archives and Historical Department has as its function the collection and preservation of the record of the people of Wyoming. It maintains a historical library, a museum and the state archives.

The aid of the citizens of Wyoming is solicited in the carrying out of its function. The Department is anxious to secure and preserve records and materials now in private hands where they cannot be long preserved. Such records and materials include:

Biographical materials of pioneers: diaries, letters, account books, autobiographical accounts.

Business records of industries of the State: livestock, mining, agriculture, railroads, manufacturers, merchants, small business establishments, and of professional men as bankers, lawyers, physicians, dentists, ministers, and educators.

Private records of individual citizens, such as correspondence, manuscript materials and scrapbooks.

Records of organizations active in the religious, educational, social, economic and political life of the State, including their publications such as yearbooks and reports.

Manuscript and printed articles on towns, counties, and any significant topic dealing with the history of the State.

Early newspapers, maps, pictures, pamphlets, and books on western subjects.

Current publications by individuals or organizations throughout the State.

Museum materials with historical significance: early equipment, Indian artifacts, relics dealing with the activities of persons in Wyoming and with special events in the State's history.

Annals of Wyoming

FORT McKINNEY, 1903

Stimson Photo
Wyoming State Archives and Historical Department

October 1963

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The Wyoming State Historical Society was organized in October 1953. Membership is open to anyone interested in history. County Historical Society Chapters have been organized in Albany, Big Horn, Campbell, Carbon, Fremont, Goshen, Johnson, Laramie, Natrona, Park, Platte, Sheridan, Sweetwater, Washakie, Weston, and Uinta counties.

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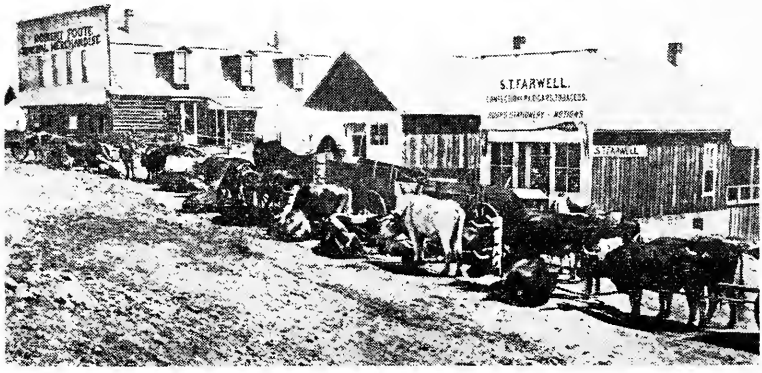
Occidental Hotel, 1880
Courtesy of Burton S. Hill



East Side of Main Street, Buffalo, about 1883
Wyoming State Archives and Historical Department

South Buffalo in 1896 Showing Water Tank Which Supplied the City with Water *Courtesy of Burton S. Hill*

Buffalo–Ancient Cow Town

A WYOMING SAGA

By

BURTON S. HILL

Buffalo began to appear along Clear Creek during the late spring of 1879 in the nature of a civilian adjunct to the uncompleted Fort McKinney on the mesa three miles westward in Wyoming Territory. On July 18, 1878, Captain Edwin Pollock of the 9th U. S. Infantry had laid out and started construction on the new fort designed to protect emigrants on the nearby Bozeman Trail. Contracts had been let to a number of civilians to provide forage from the adjoining valleys for the post livestock, and these contractors established their camps along Clear Creek where Buffalo now stands. Soon this brought tradesmen and merchants to serve these workers, as well as beer halls and saloons where liquor could be bought and enjoyed on the premises. The new town was just off the military reservation which made for a greater license than would be allowed near the post. This situation was quickly taken advantage of.

While the new town soon gained considerable prominence along the trail, the spot where it stood, and the environs, were well known long before. Just east of the mouth of Clear Creek Canyon, with the tall and shining Big Horns rising to the immediate west, the locality had long been a favorite one. First the Indian tribes, and later the early day white explorers and trappers found their way there to rest and enjoy the clear cold water of the creek, the shade trees, and the wide valley abounding with game of all kinds.

Prior to the time white men made their appearance, the Sioux called Clear Creek *Tu Shu Wakpala,* meaning Lodge Pole Creek, and it went by the latter name until some of the first explorers commenced calling it Clear Fork, and pronounced it the largest tributary of Powder River, which it still is. One of the first of these explorers was Wilson Price Hunt, who, on August 31, 1811, made his camp on the flat just west of where Buffalo now stands. He had earlier been employed by the great fur trader John Jacob Astor to make an overland trek from St. Louis, Missouri, to Astor's fort at the mouth of the Columbia River. His party consisted of fifty-six persons, including partners, guides, packers, and hunters, with eighty-four horses. While in camp they met and conferred with a number of Indians who afterward led them to their village sixteen miles to the southwest, where some vigorous trading was done for two full days. Afterwards, the Hunt party moved on over the Big Horns.

During the following years many trappers and fur traders crossed and recrossed Clear Creek a little east of where the still unnamed settlement, afterwards to be known as Buffalo, sprawled out. It was never recorded what incidents took place in the vicinity until 1859, when Captain Raynolds and exploring party also camped just west of Buffalo, on September 17th of that year. As far as can be determined, his camp was on the same spot used by Wilson Price Hunt forty-eight years earlier. During the next several days while resting, Raynolds was called upon by several important Indian delegations, but not with warlike intent. On the contrary, these red men furnished him quantities of valuable information concerning the surrounding country. He also was visited by a party of Crows lead by an English speaking Spaniard on their way to trade at the Reshaw settlement adjacent to the Reshaw bridge spanning the Platte. In his report, Raynolds makes many references to Clear Fork, since it did not take the name Clear Creek for some years afterwards. Before leaving their camp, the Raynolds party visited Lake De Smet to make soundings and other scientific observations.

The vicinity again came into prominence in 1866, when Captain Palmer, late of General Connor's Powder River Expedition, and the great guide Mitch Bouier established a trading post on the Bozeman Trail near the confluence of Rock Creek with Clear Creek, a mile and a half east of Buffalo. They had just commenced a thriving business with the emigrants on the trail when a Sioux delegation came by to demand their immediate departure. They did not remain long afterwards.

During the succeeding years, until Captain Pollock decided to build his fort on the mesa at the mouth of Clear Creek Canyon, there is no record of any development, since the entire vicinity was teeming with hostile Indian tribes. Although, by 1877, peace had commenced to prevail. At all events, the environs were not entirely without previous exploration, and Captain Pollock selected wisely.

While the new town, afterwards to be known as Buffalo, sprang up quickly enough, even before it made its appearance, a lively settlement had commenced four miles south to be known as the Six Mile Ranch. It took that name since it was just off the military reservation six miles southeast of the fort, where there would be no restrictions covering liquor sales, and various forms of entertainment. It was a haven for the soldiers at the post when on leave, and for pleasure seeking civilians passing that way. A man by the name of Ed O'Malley ran the place. He is not to be confused with St. Clair O'Malley, a highly respected early resident of Buffalo, a member of the then fledgling Johnson County Bar Association and editor of the *Buffalo Voice* in 1884.

As the new settlement to the north got under way, O'Malley was quick to visualize a much broader and more lucrative field for his

endeavors. Consequently, he abandoned his Six Mile Ranch operations, and in no time was conducting a rollicking dance hall called the "Lone Star" on the spot where the Johnson County Court House now stands. O'Malley's guests, including the ladies, were not selective, elegant, or refined, but all willing and ready to have a rowdy time until the break of day, drinking, dancing and jostling about.

Just how long O'Malley held out does not appear to be remembered, but during the summer of 1880 Charles E. Buell and A. J. McCray erected the Occidental Hotel at its present location, where it has since been rebuilt and improved upon several times down through the years, but never moved. Although it maintained all the facilities of frontier hotels, it was well managed in an orderly manner which appeared to have been appreciated over most of the other favorite meeting places. It soon became the center of activity for the newcomer, the soldier, the gambler, and afterward, for the cattle baron and the cowboy. In the famous Occidental bar they drank, conversed, played faro, and came and went; but nobody ever asked the other fellow's real name, anything about his business, or inquired of his past, or his family. These subjects were not dwelled upon since everybody knew it would be healthy to remain less inquisitive.

During his life time, the late John C. Van Dyke, an early day clothing merchant of Buffalo, used to enjoy recalling his memorable experience at the Occidental. A well-known salesman called one day and invited him to the hotel after supper to see his samples, which he had brought on the overland stage from Rock Creek on the Union Pacific. When Mr. Van Dyke showed up, he at once observed a strange impatience on the part of his host, who kept anxiously looking in the direction of the bar room, which was resounding with activity, the clatter of poker chips, and the whir of the roulette wheel. When the salesman was finally called upon to explain his demeanor, he quickly replied:

"Say, friend, here's an order book and the key. Look the stuff over and write down what you want. When you leave, drop the key off at the desk where I can pick it up later on, but right now you're holding up a poker game I'm supposed to be in. I'll see you tomorrow."

But the Occidental bar was not the only attraction. The Buells were gracious hosts and threw the hotel parlor open to public meetings, social gatherings, weddings, and even funerals when required. Charley Buell, as he was known, conducted the hotel until 1886 when he turned it over to McCray. He then became a Johnson County rancher on Shell Creek northwest of Buffalo, where he resided until his death on January 24, 1916. On that day, he and Mrs. Buell were killed in an automobile accident on their way home from town.

Before the end of 1879 another very important event took place which was to have a profound influence on the new town. It was the moving of August Trabing to Buffalo. During the previous two years, he had successfully conducted a trading post on the Bozeman Trail near the crossing at Crazy Woman Creek, and the place had become known as Trabing. But, in the fall of 1879, he pulled up stakes and hauled his entire belongings to the new town on Clear Creek. As the site for his store he selected a location where the Masonic Building and First National Bank now stand, and there built a good-sized log structure to house his wares. To hold the logs together, wooden pegs were used instead of nails, and so expertly was the work done that his building remained in steady use for thirty years. It was erected on high ground a considerable distance south of Clear Creek on the advice of Charles Buell, who warned against the danger of high water. But before he fairly got under way in serving the trade, he was bought out by John A. Conrad, James B. Lobban, Charles W. Hines and William E. Hathaway, all of whom were to wield tremendous influence in the settlement of the community. At the location selected by Trabing, they started a general store long to be remembered as John H. Conrad and Company. Afterwards, they started a store at Sheridan, and one at Powder River Crossing. For several years, Hathaway ran the one at the Crossing, and when Conrad replaced E. U. Snider as post sutler at Fort McKinney, Lobban and Hines conducted the company business in Buffalo, and three years later in Sheridan. However, when William R. Stebbins, a New Yorker, arrived and became interested in the community, the banking house of Stebbins & Conrad made its appearance, with Mr. Lobban in charge. Although the bank was quartered in a small log structure adjacent to the store, its management was actually a part of the mercantile business.

In 1883, the First National Bank of Buffalo bought out Stebbins and Conrad, and in 1885 became the first chartered bank in northern Wyoming. Mr. Lobban became its first president. Although it was not planned that way, the present modern First National Bank building rests very near the site originally occupied by Stebbins & Conrad in its early banking venture.

In later years, the Conrad Company was taken over entirely by Messrs. Lobban and Hines, but from the first, this store was a dominent influence in the entire community, and served it well for many years. The Conrad Company was a remarkable institution and did thriving business from the start. For a frontier store, it carried a stock so large and varied that it was more than able to fulfill even the unusual demands of the area. In this connection, early residents of Buffalo used to tell of a minstrel show put on by the soldiers at Fort McKinney where this fact was amusingly brought out. Turning to one of the end men, the interlocutor asked:

"Rastus, if the Devil ever lost his tail, where would he get another?"

" 'Y, at J. H. Conrad's, 'course," came the ready response, followed by the appreciative applause of the audience.

One reason the Conrad Company had a good business was that the owners never overlooked an opportunity to improve it. Very early it was apparent to Mr. Conrad that the place was on a hillside, surrounded only by a healthy growth of sagebrush. There was scarcely a path to the front door, not to mention a trail; but Mr. Conrad found a way to remedy that. He had often admired the fine bull team outfits of Fort McKinney freighter George Washbaugh, and envisioned a resulting roadway in front of the store if two or three of those teams and heavy wagons could pass along that way. With this in mind, he lost little time in contacting Mr. Washbaugh, and promising him a fine suit of clothes if he would slightly change his ordinary route and move along in front of the Conrad establishment. Arrangements were made, and within a few days the store of John H. Conrad and Company was on a well-defined trail. George Washbaugh not only got his suit, but gained the distinction of laying out Main Street of Buffalo, although a bit crooked in places. This peculiarity it still has. Not too long ago a newcomer failed to understand how the fine and progressive town of Buffalo had such a crooked street, until he learned about John H. Conrad's arrangement with a well-known early day freighter. Mr. Washbaugh afterwards settled on a ranch in Johnson County and became a frequent visitor to Buffalo, where he did his trading and educated his children. Some of his descendents still reside in the community.

Just how long Mr. Conrad was post sutler at Fort McKinney, and remained in or about Buffalo is not clearly remembered, but before 1890, he sold out to James B. Lobban and Charles W. Hines and left the west for his old home in Connecticut. He never returned. Many stories have been handed down from the earliest settlers concerning the numerous generous and kindly acts of John H. Conrad and his gracious, well-born wife. To the needy and deserving, long-term credit was often extended, and no opportunity was ever overlooked to do some beneficial acts for the community.

Another important event in 1879 was the re-christening of Pease County, of which, a short time later, Buffalo was to become the seat. Prior to the time Wyoming became a territory, Dakota had created Laramie, Albany, Carbon and Carter counties. These counties were adopted by the new territory, although the name Carter was soon changed to Sweetwater. Uinta County was created on December 1, 1869, providing five counties, running from north to south the full length of the territory.

On November 20, 1875, a bill came up in the Fourth Legislative Assembly to create two new counties out of the northern portions

of Laramie, Albany and Carbon, to become known as Pease and Crook. The area extended from the Big Horn River to the eastern boundary of Wyoming Territory, taking in what is now part of Big Horn and Washakie, and all of Sheridan, Johnson, Campbell, Crook and Weston Counties. Pease County was formed out of the northeastern portion of Sweetwater, the entire northern portion of Carbon, with a small portion out of Albany; and Crook out of the northern portion of Albany and Laramie, still leaving for Pease County a wide area east of the Big Horn River to the western boundary of Crook County in the upper northeast portion of Wyoming Territory.

Quite a lively discussion came up in the committee of the whole of the Legislative Council as to the naming of the new counties. Many names were proposed until finally Representative James France, of Carbon County, arose and with much gravity said: "I have a name to propose for one of these counties significant of a much relished and highly palatable vegetable. It is said, however, that in no particular does it propagate in Uinta County. Yet I feel assured that among the noble red men of these new counties it could be made prolific. I have reference to the name Peas(e)." E. L. Pease, of Uinta County, was president of the Council. Amid prolonged applause, Representative France took his seat, all appreciating the happy hit. At that, the names given to the new counties were Pease and Crook.

Pease County was never organized under that name, since on December 13, 1879, the Sixth Legislative Assembly changed it to Johnson County. This was done in honor of Edward Payson Johnson, an outstanding and highly respected attorney of Wyoming Territory. He died October 3, 1879, just weeks before the amendment went into effect.

Previous to 1879, no concerted effort had been made to organize either one of the new counties, since they both were occupied by hostile Indian tribes. However, the instant Johnson County obtained its present name, near the close of 1879, it became well assured that an early effort would be made to organize it. This was important to the new town on the banks of Clear Creek since it wanted to be the county seat. And, during the following weeks, considerable thought was given in an effort to devise some means to choose a suitable name for the city. Yet, all failed until one evening late in 1880, Charley Buell, of the Occidental Hotel, came up with the solution. It happened in the Occidental bar after the matter again had been discussed by a group of the frontier citizens. It was Mr. Buell's suggestion that those present should write a name on a slip of paper to be deposited in a hat, and the one withdrawn would have the desired name.

A young fellow by the name of Will Hart, of Buffalo, New York, wrote on his slip the name "Buffalo," after his home town. His slip was lifted from the hat, and without further ado that name was

selected. Some of the other slips contained such names as Conrad, Pollock, Lodge Pole, Absaraka and De Smet, but the name Buffalo took precedence, and has never been changed. The name was not taken on account of the buffalo herds always close at hand as so many have thought.

On account of his part in the naming of the town, Hart gained some prominence, and was appointed to become the first postmaster of Buffalo by President Rutherford B. Hayes. However, his position brought him more distinction than salary, since that was only $16 a year, and he had to furnish his office. After a time Charles Buell became postmaster and Hart dropped out of sight. Some years ago an effort was made to get some trace of him in Buffalo, New York, but nothing about him could be learned. It is only known that he came to Buffalo, Wyoming, before it was named, with August Trabing, Charles Buell, Alex Bauman and Fred Alkie. No particular prominence was ever attached to Bauman and Alkie. Apparently, they were not heard of again.

After the naming of the adolescent town, an effort was made toward the organization of the recently named Johnson County. The necessary 300 electors therein had petitioned the territorial governor to appoint three residents to act as commissioners for the organization. John R. Smith, of Crazy Woman, W. T. Peters of Powder River, and Charles A. Farwell, of Goose Creek, were selected by E. S. N. Morgan, acting territorial governor. Since it became their immediate duty to arrange for an organization election, it was held on April 19, 1881, and the county was duly organized on May 10th, of that year.

At this election, Buffalo was chosen as the county seat, which pleased most of the electors, although there was some opposition. William E. Hathaway, W. E. Jackson and Henry Devoe were elected county commissioners. Nat James was named sheriff, and N. L. Andrews county and prosecuting attorney. W. E. Holleman was high for county clerk, and Ken M. Burkett for assessor. E. U. Snider was chosen county treasurer and probate judge, while J. T. Wolf was ahead for superintendent of schools, and J. W. Daw for surveyor. Stephen T. Farwell, G. E. A. Moeller, H. R. Mann and M. L. Sarvin were named justices of the peace.

The commissioners appointed to organize the county were all substantial citizens and well known throughout the Territory of Wyoming. John R. Smith in particular had been a prominent rancher since 1878 on a place twenty-two miles south of Buffalo, and well known as frontiersman and Indian fighter. His ranch was one of the first, if not the first, to be established in what is now Johnson County, and is presently owned and operated by his grandsons, Alfred L. and Robert C. Smith, the former now serving as one of the commissioners of Johnson County.

In the general election of 1882, only J. T. Wolf was returned to office. It is not remembered why this was, since all the original

officers apparently did well, except Nat James as sheriff and N. L. Andrews as county and prosecuting Attorney. Andrews, at the age of fifty-eight, was beyond the years when he relished dealing with the rowdy law breakers of that day, many of whom were highly vindicative when reminded of their errant conduct. More than that, he was not too well versed in the law.

Nat James, the sheriff, and his deputy, Tom Farrell, had been cowboys for Frewen Brothers on Powder River, and not used to city ways. They were good men, but the high life of expanding Buffalo was too much for them, and their administration of law enforcement suffered. Since the county commissioners could not put them out of office, they made Frank M. Canton a deputy and stock inspector, and allowed him to hire as his deputy a little Texan named Jim Enochs. Canton and Enochs may have been somewhat blunt in their approach, and at times went beyond the accepted methods of law enforcement, but they had not been in office long before conditions improved amazingly.

Canton, who was to play a stellar role in the affairs of Buffalo and Johnson County, made his appearance in 1880 as a field inspector for the Wyoming Stock Growers Association. He remained in this position for a time, but eventually took a ranch eleven miles south of Buffalo and raised cattle. He was elected sheriff of the county in the general election of 1882, and appointed John McDermott as his undersheriff. He turned out to be a loyal and brave officer. Enochs was not appointed, since he had taken up ranching and did not want the job.

At the same election, Henry S. Elliott was elected county and prosecuting attorney, which brought much greater force and strength to that office. He was a young man of marked ability and worked well with Sheriff Canton. And, it was well that this could be the situation, since improving conditions made better law enforcement a necessity. Johnson County was rapidly becoming the headquarters for many big stock raising concerns, and their protection against cattle thieves and other outlaws became of prime importance.

One of the largest and best known of these outfits was the Powder River Cattle Company, managed by Moreton Frewen, an Englishman of high birth and superior education. Their most important brand was "76", and the company was generally known as the Seventy-Six. They ran in excess of 10,000 head of cattle.

In 1882 the widely acclaimed live stock company of Hackney, Holt and Williams came to Johnson County. It was later to be known as the Wyoming Land & Cattle Company. This concern bought out Hi Kelly on Crazy Woman for $100,000, and established the Cross H Ranch four miles south of Buffalo, by homesteading all the land they could in the vicinity. This covered the location formerly occupied by the old Six Mile Ranch, and their road leading to Buffalo became known as the "Six Mile Lane".

The old roadhouse erected by Ed O'Malley and his associates became the headquarters building of the Cross H Ranch, and is so used today. At all times a long, low log structure, it is now of stucco finish and in a fine state of preservation. The shape and architecture have never changed, but frequent reconditioning has taken place. The Cross H also ran 10,000 head of cattle, or in excess of that. Hackney was a nephew of Sie Doty, of the Platte River country, who also maintained great herds of cattle. George A. Holt became an early day and highly respected druggist of Buffalo, and W. F. Williams, the third partner, was equally as well known and as highly respected. The descendents of both Mr. Holt and Mr. Williams still reside in Buffalo, and are all superior citizens.

Some of the other huge outfits were Pratt & Ferris, whose brand was U Cross; the Western Union Beef Company, branding E K; the Murphy Cattle Company of the Flying E, whose range was a short distance northeast of Buffalo; and Pfeiffer & Copps of the Bar OP. Both E. W. Copps and W. C. Copps at one time resided in Buffalo, and the latter never moved. His descendents are also important and highly respected people.

Although Buffalo was rapidly becoming the headquarters for many cattle companies, contact was never lost with Fort McKinney. Contractors residing in town still procured many tons of hay for the fort, and that enterprise was depended upon, but not in the same degree as formerly. Many stories have been handed down about these men who cut and hauled wild hay from the surrounding natural meadows. From these recollections it appears that some of the contractors did not consider it dishonorable to cheat the government, and did it in various ways. It was not uncommon to have a false bottom to a hay wagon filled with rocks to increase the weight of the load. Little checking at the post was ever done, and at $15 per ton, some contractors got away with much. Another operation was not to use the bridge across Clear Creek but the ford instead. This would thoroughly wet the bottom part of the hay load and cause a greater tonnage. There were, however, many honest contractors, and in the end these prospered the most.

The year of 1882 undoubtedly saw a renewal of some of the original occupations, like serving Fort McKinney, as well as the approach of new and healthy enterprises such as caring for the needs of large stock companies. Moreover, a county had been organized and a general election held. All of this attracted wide attention, and one of those who quickly visualized an opportunity was Robert Foote, never to be forgotten as long as there is a Buffalo, or a Johnson County. It was in 1882 that he established an expansive mercantile establishment in Buffalo, at a place just across the street from the present location of the Johnson County Court House.

The merchandise for the Foote store was freighted a distance of 350 miles to Buffalo from Rock Creek, a depot on the Union Pacific Railroad, by a firm of freighters consisting of George A. Munkers and Eugene Mather. This firm was noted for its fine, sleek mule teams, its strong, shining sets of harness, and its handsome, well-conditioned wagons. Its best known and most skillful drivers, or "mule skinners," were William P. Adams, John Adams and John King. On account of bad weather and muddy roads, it took thirty days for the trip, and often double teaming had to be resorted to—that is, two mule strings to pull one set of wagons. When one set of wagons could be brought in the clear, return was made for the second set.

After reaching Buffalo these freighters sold their freighting business and settled down in the new town. The name Munkers & Mather soon afterwards became well known as hardware merchants, and dealers in tools, guns, camp equipment and wagons throughout a wide area. The wagon they handled was the Bain, which was generally considered as the very best. The store these gentlemen established has never closed, but it has gone under different names and been operated by different owners.

In 1884, Eugene Mather was one of the founders and the first master of the Masonic Lodge in Buffalo, Anchor Lodge No. 7, A. F. and A. M. It still is strong and thoroughly founded.

For a time W. P. Adams was employed by Robert Foote, and became so popular that he was urged to go into business for himself, which he finally did. He opened a grocery store in a building directly north of the Occidental Hotel, which eventually grew into the large grocery firm of Adams & Young. For years before the day of automobiles and trucks, this company outfitted all the large livestock outfits in the area with provisions. But, with the coming of the motor vehicle and hard surfaced highways, many of the former business concerns gave way to a newer type, and so it was with Adams & Young.

John King was a prosperous rancher all his days in Johnson County, and owned a place very near Buffalo. His reputation for honesty and fair dealing was well known to everybody, and his friends were many. He was an unassuming man, and never strove to gain the spotlight, but still was widely known.

The Foote store was a large log structure with a false front which bore the proclamation that Robert Foote was a dealer in "general merchandise". The building had an upstairs, and on its top sides there were rows of dormer windows to bring light to display the wares. On the first floor most of the selling was done, and there, from six in the morning until eight at night, busy clerks waited on trade. On the south side was a cool veranda for the accomodation and comfort of the Foote customers. During the afternoons on a nice day, it was not uncommon for the ladies of

the town to assemble there, too, for a rest and visit. They were invited to do so.

Robert Foot was born in Scotland in 1832, and was fifty years old when he reached Buffalo. Although he had lived in the United States for many years, he had never lost his broad Scotch burr when speaking, and was noted for it. Shortly after 1870, and before he settled in Buffalo, he had been the sutler at Fort Halleck in Carbon County, Wyoming. While holding this position, he had occasion to be freighting some wares to his store, when he was set upon by a band of thieving Indians. Since he was completely overpowered, he was quickly robbed of everything and left stranded. While sometime later the Government covered his loss, he never forgot the ruthless leader of the Indians who had taken his merchandise. He hoped the time would come when they would meet again, and it did. It came at Fort Laramie one summer afternoon. While he was resting, and looking from an open window of one of the barracks, he saw this Indian crossing the parade ground. With little ado, Mr. Foote shot him dead with his heavy dragoon pistol. Under the circumstances, nothing came of the incident. Afterwards he became a hay contractor in the Elk Mountain country near Fort Halleck, and was so occupied when he decided upon the move to Buffalo.

In sharp contrast to the habiliment of the cowboys in high heeled boots, tight overalls and broad brimmed hats, and the frontier costumes of the bull workers and mule skinners, Mr. Foote was always a specimen of highly tailored splendor. Anytime he appeared on the dusty streets of Buffalo, he was attired in top hat, Prince Albert coat and striped trousers. He was, moreover, an object of tonsorial magnificence with his long white beard carefully combed, and his footwear highly polished. And he never appeared without his fine walking stick, which he handled with deft and natural ease.

The Foote store was destroyed by fire in 1895, and from then on the family fortune dwindled until all its members moved to other parts. However, Byron, the youngest son, returned to Buffalo in 1931 to become county treasurer of Johnson County, which office he held until 1936. Afterwards he dropped from sight and died about 1950. Robert, the oldest son, lived in Ashland, North Carolina, for many years, and recently died there at the age of ninety. Both Foote and his wife died in Arizona about 1925.

In the early days of Buffalo, Robert Foote was a leader and a dominant character, but in the spring of 1883, he was to become acquainted with a staunch opponent in the person of Charles Henry Burritt. Suave and confident, yet personable, Mr. Burritt came to Buffalo to open a law office, and was successful from the beginning. He was a native of Vermont and a product of Brown University. Black-bearded, tall and straight, he immediately de-

manded attention and respect. Always garbed in black frock coat, neatly fitting vest and striped trousers, he bore the stamp of training and polish, and exhibited it without effort or exertion. A heavy plain gold ring on the little finger of his left hand glittered as he frequently swept the air to emphasize a sharply worded point, and when speaking he was generally heard.

Although only twenty-nine years old when he came to Buffalo, he soon became attorney for John H. Conrad and Company, as well as for several of the larger Johnson County cattle companies, which did not endear him to Mr. Foote. The Foote enterprises never catered to the mighty stock barons, nor to Mr. Conrad, who was their friend and backer. Mr. Burritt had no fads. His greatest ambition was to further the interest of his clients and those represented, but Mr. Foote was never his client. Charles H. Burritt became the second mayor of Buffalo, in which capacity he served fearlessly and energetically for eleven years. Largely through his efforts, Buffalo had water works and electric lights at an early date, as well as a flouring mill.

In 1889 he was a member of the Constitutional Convention in which he took a leading part in preparing the constitution for the new State of Wyoming. He also served as chairman for two committees: Rules, and Emigration and Agriculture. There was one committee member from each county, and he was selected as chairman of each. Coming from far-off Johnson County, 125 miles from a railroad, this was considered quite a feat and a singular honor. For the benefit of his stock raising clients at home, he sought to become a member of the Stock Raising and Stock Laws Committee, and served with distinction. While exceedingly busy with his many duties, he still had time to serve as one of the leaders in advocating woman suffrage.

In 1891 he served in the last Territorial Legislative Assembly and in 1897 he served as the representative of Johnson County in the Fourth State Legislature. In this group he was the Democratic leader, and one of the principal members of a committee to propose a criminal code for Wyoming. It was carefully prepared and remedied several defects in the operating statutes.

The official records of Johnson County exhibit many specimens of Mr. Burritt's skill in drafting legal documents of all kinds. Each is a model of arrangement and clarity, as well as precision and accuracy. No errors have ever been found.

It cannot be denied that Buffalo had unusually capable citizens even in 1883. Robert Foote, and Charles Henry Burritt were two of them. They operated in different fields, and were not close friends, but as individuals their efforts were noteworthy and powerful. Although Buffalo was famous for its many saloons, its dance halls, and other resorts of pleasure and recreation, it could boast of many substantial citizens, and business concerns and energetic enterprises.

On August 2, 1883, the *Echo* was established in Buffalo by a stock company. It was the oldest newspaper north of the Platte River, and the only one in a radius of several hundred miles. Its first editor was T. V. McCandish.

Dr. R. E. Hollbrook became Buffalo's first dentist in 1883, and had a flourishing practice. C. P. Organ & Company established a hardware and implement store, and soon became well known dealers. George L. Holt, of the Cross H Ranch fame, started the first drug store, which was managed by W. A. Feiser. R. H. Lynn was the first saddle and harness maker, while Billy Hunt and James Convery conducted rival livery and feed stables. A barber shop was set up by Webster and Platt, and a restaurant by R. V. Stumbo. S. T. Farwell had conducted a cigar and tobacco store since 1881, and two years later was still doing well.

Another noteworthy event took place August 9, 1883. This was the birth of Helen Buell Pool at the Occidental Hotel, a daughter of Charles E. and Jennie Herrick Buell. She was the first white girl born in Johnson County, and of course, the first in Buffalo.

All of these events were taking place, or had taken place, before Buffalo was incorporated, and before it had any legal governing body. But on March 3, 1884, a charter was approved by the Territorial Legislature, and Buffalo officially became a city, at least in name, with provisions for a council and other officials. It also was empowered to pass ordinances, and to conduct its affairs in a regular and orderly manner.

Harvey A. Bennett was elected the first mayor and served one term of two years. He was a native of Tennessee. It appears that he did not seek a second term, but moved away from Buffalo, and within a short time dropped from sight and was not heard about. Charles H. Burritt was elected the second mayor, and held the office until 1897.

On July 3, 4, and 5, 1959, Buffalo celebrated the 75th anniversary of its incorporation with a giant jubilee, and entertained over 22,000 guests. Provision was made for the reunion of all the old timers who could come, and Helen Buell Pool was one of them. During the three days of this event the entertainment was continuous all day and most of the night. The event will very long be remembered, and some of the young people are talking about the one to take place on the same dates in 1984, when Buffalo will be 100 years old.

Until 1884, there had been no plan for laying out streets or for locating building sites. There had been some semblance of doing both, but all efforts had been primitive and without regard to regularity or arrangement. Most of the building had been done on the desert claim of Major Verling K. Hart. He was commanding officer of Fort McKinney from 1882 until the time of his death at the post on February 17, 1883. His claim was just east

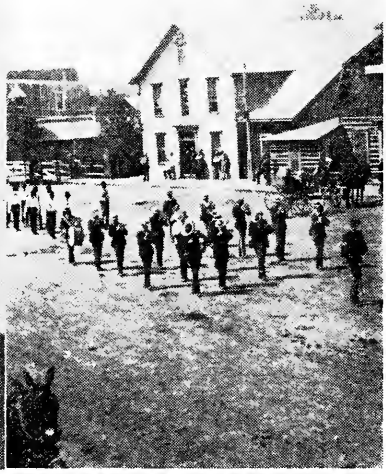
of the military reservation, and proof was made by his widow, Juliet W. Hart, who was granted patent on June 19, 1884. She wasted little time in platting what is now known as the original city of Buffalo, and on July 29, 1884, dedication was legally effected and the plat filed.

Adjoining the Hart Desert on the south was one of Nathanial G. Carwile who received final receipt on June 5, 1884, and platted Carwile's Addition to the City of Buffalo before receiving patent. Dedication was made and the plat filed on August 4th of that year, but patent was not received until August 10, 1889.

To pattern these plats to conform to the crooked streets and irregular building sites was a feat of civil engineering. When buildings were erected, little attention had been given to location and measurements, which later on brought to light considerable overlapping, or places where lots did not meet and join. As the town grew and more building was done, pie shaped pieces of no man's land often turned up, or at times there was not land enough to comply with the measurements on the plat. For many years these irregularities kept the abstractors and lawyers busy.

In 1884, the problem of furnishing water to the people of the town was a problem, but was solved by the construction of a high wooden tank on a high knoll in south Buffalo, for years affection-

Harvey A. Bennett, First Mayor of Buffalo
Courtesy of Burton S. Hill



July 4th, 1888, in Front of Occidental Hotel
Courtesy of Burton S. Hill

ately known as Tank Hill. Even today this mound is occasionally still so designated. Water was brought to the tank by the Carwile Ditch, and transported to barrels at everybody's back door. For years a very large, black-bearded man named Norman Davis hauled the water, and those of us in the seventy year bracket can well remember his daily visits with the water wagon.

With the exception of furnishing an addition to the city of Buffalo and ditch water to the tank, Nathanial G. Carwile, generally known as "Nat", shows up only occasionally. He and James B. Lobban were brothers-in-law, and lived side by side in two of the finest homes in south Buffalo. Carwile married Lizzie Green and Lobban married her sister, Fannie, two very popular and prominent young women, first of Big Horn and later of Buffalo. The Carwiles and Lobbans had business dealing, and probably worked together, but Mr. Lobban always took the lead. However, Carwile was county clerk of Johnson County from 1882 until 1886. He moved from Buffalo during the early nineties.

It was also in 1884 that the Johnson County Court House was erected. It is still very much in use for the offices of the county, and the district court of the Fourth Judicial District. Over the years many repairs and improvements have been made, but its general design has never been changed. Coal stoves have been replaced by central heating, and oil lamps by electric lights. Also, many modern devices have been installed to keep the county records. Title to the land upon which the building rests, and where Ed O'Malley's Lone Star dance hall once stood, was conveyed to Johnson County by warranty deed from Juliet W. Hart on August 6, 1884, and recorded in Book 1 of Deeds, at page 97, records of Johnson County.

Some years back the recollection of many settlers was often turned to a community dance given on the first floor of the court house during the summer of 1884. No partitions had yet been installed, and the building was otherwise in an uncompleted state. Light was provided by lanterns, and a platform was erected for the orchestra at the west end of the floor. The sun was just topping the Red Hills when the party broke up, after an unusually long remembered occasion had come to a close. All of the old timers used to like to talk about it, none of whom are living today.

Many famous cases have been tried in the court room of the Johnson County Court House, and many noted outlaws brought to justice. Many able judges have presided over these proceedings, and have heard the arguments of numerous splendid lawyers. Yet, of all the many trials held in the Johnson County Court House, one of the longest to be remembered was the prosecution of William Booth in 1885, with Judge Jacob B. Blair presiding. Booth had murdered an old German bachelor by the name of Jake Smearer, who had lived in the Red Hills, eight miles southeast of Buffalo on a little hay ranch.

After Jake's body had been found by a colored man named Burrell Madden, better known as Nigger Steve, Frank Canton, then sheriff of Johnson County, tracked Booth down and brought him to jail in the county court house. In Canton's autobiography, entitled *Frontier Trails,* he related the several schemes of the murderer to escape before being brought to trial, but no prisoner ever escaped the jail of Sheriff Frank M. Canton. Moreover, this wily officer got a written confession out of Booth.

Attorney H. S. Elliott, who had been appointed to defend Booth, was able to get a ninety-day stay of execution to the verdict of guilty of murder in the first degree, but no error was found. Accordingly the death sentence handed down by the court was carried out just before noon on Friday, October 2, 1885. A gallows had been erected just outside the west door of the court house, and from it Booth was hanged, with Sheriff Canton in charge. Booth was the only convicted man ever hanged in Johnson County.

In telling the story of Buffalo, of course the boisterous and turbulent frontier part of it cannot, and should not, be omitted, but there was another side. At an early date, many of the townspeople were cultured and refined, and lived in modern, well appointed homes. In some cases they were the families from the large cattle companies, and in others, those who had chosen a new country in which to make a start.

Almost from the beginning it was not uncommon to see stylishly dressed ladies down in town with lace fringed parasols and fine mesh face veils. With ease and grace they wore the fashions of the far away cities from whence they had come, and carried with them an air of respectability and superior grace. And at some of the benefits and affairs given in the parlors of the Occidental Hotel, the gentlemen would appear in white tie and tails. This was not an uncommon attire in those days.

By precept and example the high standards at Fort McKinney may have had something to do with the conduct and manners of the better class in town, but it was remarkable. During the long summer evenings it was not uncommon to view a string of shining, well turned out rigs drawn by spans of smartly groomed horses headed for the fort. They were making haste to be on hand to witness a snappy dress parade at sundown, or perhaps to hear a band concert by the renowned 5th Cavalry band. Following the music, there were often other forms of entertainment, which the officers provided for their city friends. Throughout the entire existence of Fort McKinney there was a rare feeling of comradeship between the military personnel and the townsfolk, and there was much mingling between them.

The first chaplain at Fort McKinney was George Simpson, who was well known and well liked in Buffalo where he occasionally held service. Major Terrill, the post surgeon, occasionally collaborated with the local doctors in cases of serious illness, and after

1884, Dr. John H. Lott, a contract post doctor, answered emergency calls in town. He became a resident in 1895, and for many years afterwards was a leading physician in Johnson County.

At a very early date Dr. John A. Watkins commenced the practice of medicine in Buffalo and was looked upon as one of the leaders of the community. The Watkins family occupied one of the fine houses of Buffalo where they lived in dignified Victorian aloofness. Both Dr. Watkins and his wife came from New England where they had been fastidiously brought up and educated. They had been trained to accept only the best, which they received in Buffalo in the truest frontier effort. In spite of their lofty manner and New England accent, they were accepted and respected. Dr. Watkins was frequently called upon to collaborate with the medical men at Fort McKinney when serious sickness occurred there. All considered, Buffalo was fortunate in times of illness or disease to have trained help both from town and the fort.

To Harriet Watkins, and Mary, her sister-in-law, together with Peter and Jennie Lothian, can go a great part of the honor for the establishment of the Union Congregational Church in Buffalo. Their efforts commenced in January of 1883, when Reverend George C. Rock was sent to investigate and recommend.

Rev. Rock turned out to be a very congenial person, and during his short stay rapidly became acquainted with many people, one of whom was fun-loving Sheriff Nat James.[1] During one of their visits, Nat asked the young minister if he would not like a horseback ride, which invitation was readily accepted. Since the matter had been carefully prearranged, many cowboys were on hand to witness what was anticipated to be quite a spectacle. Nat's outlaw cayuse, called Whiskey Tim, was to be Rev. Rock's mount, and with polite ceremony the grinning cowboys helped with the bridle and saddle. "Hold his head up", was Nat's only warning as Rock climbed aboard, but before he had an opportunity to heed any warnings, made seriously or otherwise, he was high in the air on a real bucker. But as Whiskey Tim pitched in a vicious circle, the boys did not witness what they confidently expected would happen. Rev. Rock rode the horse like a master, and when the bucking was over, he stepped to the ground as if nothing unusual had happened. Instead of an object of ridicule, as had been intended, Rev. Rock became the center of congratulations and a frontier type of respect.

Even without solicitation, contributions flowed in from all sides for the benefit of the new church. Nat James passed the hat throughout the town, and nobody contributed less than a dollar for the cause of the popular young minister.

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1. Although Frank M. Canton succeeded Nat James as sheriff, James retained this title for a long time.

After the Rev. Rock episode, Rev. Addison Blanchard, superintendant of admissions for Colorado and Wyoming, made several visits to Buffalo in the interest of the Congregational Church. The first of these was in December of 1883, and on October 12, 1884, the church was organized, being the first in Buffalo. Its first members were: G. E. A. and Clara Moeller, Peter and Jennie Lothian, Harriet and Mary L. Watkins, Gabriel Scott and Thomas B. Hutton.

The first minister of the newly organized church was Rev. J. E. Sparrow, who remained from January 11 to June 30, 1885, but during those six months, he gained such unusual respect throughout the entire community that he still is remembered and revered. He was followed by Rev. J. E. Smith, who remained two years and matured plans for the building of a church. While he remained in Buffalo, the church organization purchased the lots upon which the present day church stands. They purchased them from Juliet W. Hart for $150 but it was not until July 3, 1887, that the church was completed, and on that day welcomed the first meeting. This was during the term of Rev. W. J. Skelton, who had the honor and distinction of preaching the first sermon in the new church.

Before the summer of 1887, the parish held its meeting in the log school house which stood adjacent to the northwest corner of Main and Fort Streets, a location now occupied by the Pioneer Lumber Company. It was here one Sunday while a communion service was being held that an Indian, shading his eyes with his hands, fitted his face against a window pane and intently peered in. This gave the congregation considerable concern, but when he walked in, came to the front, drank the sacramental wine and ate the bread, nobody so much as moved a muscle. Relief came only when the intruder departed as solemnly as he had entered.

St. Luke's Episcopal Church was the next to get under way. It had its beginning in 1884 when Bishop John F. Spalding, of Colorado, came and made an effort to organize an Episcopal mission to be known as St. Luke's. The first service was held in a private home, after which Henry S. Elliot, second county attorney, Richard Daley, a business man, and Major Stone, of the 21st U. S. Infantry of Fort McKinney, acted as lay readers.

The St. Luke's Guild, still very alert and capable, was founded with Mrs. Earnest W. Copps as president. To assist her was appointed Mrs. Ephram Smock, Mrs. Terrill, wife of the post surgeon, Mrs. E. U. Snider, wife of the post sutler, Juliet W. Hart, widow of Major Veiling K. Hart, and others. Mrs. H. R. Mann, one of Buffalo's early teachers, was elected treasurer.

Similarly to the founding of the Congregational Church, the first meetings of St. Luke's were held in the log school house. Bishop Spalding held a service there as early as 1883. Sometime later than that, Post Chaplain G. W. Simpson, of Fort McKinney, held

services at the same place every Sunday at 3:00 o'clock in the afternoon.

After St. Luke's was organized, many schemes were evolved to raise money to keep it going. One of these, often talked about, was a masquerade ball given by the Guild in 1885. It was held at the court house, and music was furnished by a band from Fort McKinney. It was a brilliant affair, with the officers and wives from Fort McKinney as guests. Quite a neat sum was raised.

Rev. F. C. Eldred was the first rector, and the church was completed in 1889. The grounds came from Juliet W. Hart for $500, but, for the building and furnishing, much credit must be given to the personnel at Fort McKinney. The bricks which went into the structure were made in Buffalo by Curran Brothers, and the massive beams in the ceiling were hewn at the sawmill of Martin Woodard in the forests of the Big Horn mountains. The church today is much as it was in 1889. It has been well kept up and improved.

At an early date, several fine churches were organized at Buffalo, such as the Catholic and Methodist, but credit must be given to the Congregational and Episcopal for being the first.

Several references have been made to the log school house just north of the Fort McKinney road on Main Street. It was demolished so long ago that no recollection of it now remains, but once it was an important edifice. Besides church meetings, it was frequently used as a town hall and a court house. Early weddings took place there and even an occasional funeral when the parlor of the Occidental Hotel was not used. But after 1884, when a large addition was built to the hotel, providing greater facilities, the school building was not in great demand. Early meetings were also held in Ed O'Malley's dance hall after the county acquired the property, and before the court house was erected. It was, in fact, the first county building.

The earliest available school records, going back to 1883, show Mrs. Minnie F. Mann to be the first Buffalo school teacher. However, there is reliable evidence that a man by the name of Wolf conducted classes for a few pupils earlier than 1883. The late Alfred M. Smith was one of them. School was held in a small building on a site just across the street, opposite the present First National Bank Building.

Mrs. Mann was the wife of Horace R. Mann, a prominent civic leader, an early county commissioner, and court official. Next came Mary S. Watkins, sister of Dr. Watkins, highly respectable and proficient. Her pupils used to be awed by her New England accent and queenly manner, but apparently they liked her. If she felt out of place in the little log school house, the fact was never known.

At a slightly later period, Minnie Whittington conducted the classes. Even during her tenure one teacher administered to the

educational needs of some twenty pupils ranging in ages from six to sixteen years. Following her came soft-spoken, gentle Mary Winters, still quite fondly remembered by a remaining few of her former pupils, all now in the eighty year bracket.

Some of the students of this frontier school were Robert and Byron Foote, sons of Robert Foote the merchant; Alonzo Taylor, of Johnson County War fame, although then only a boy; Albert Holland, father of William C. Holland, a present day Buffalo attorney, and a son of W. H. Holland, a county commissioner in 1882, and one of the promoters of the first Johnson County fairs in 1884; Roy Munkers, son of George Munkers, early day freighter and hardware merchant, and Antone Fischer, whose father was one of the first Buffalo residents. He came very early in 1879.

Classes were held in the little log school house until 1887 when a larger brick structure was erected on the present site of the sprawling school plant of District No. 2, with its wide auditorium, its well stocked library, its numerous class rooms, and its yellow school buses to carry many of the school children to school in the morning and home in the evening.

Buffalo suffered its first major set-back during the devastating winter of 1886-87, when long periods of sternly severe and unsparing sub-zero weather decimated the cattle herds of Johnson County. When spring finally came, and the enormous losses were definitely known, all of the big companies were required to lay off numerous cowboys and other employees. After a time some of these men found employment in other states, while others searched the range for mavericks to brand for their former employers at a stipulated fee. Still others branded mavericks with their own irons, and after a time did not even stop at that, but included cattle known to belong to the big companies. In many cases when arrests were made for this type of stealing, the thieves were not prosecuted, or were released by the juries. The big companies bitterly complained about these lax and remiss conditions. They caustically referred to the enormous taxes they paid to the counties while receiving little in return, and scarcely any protection whatever against the growing number of range thieves. One of the results was the Johnson County War, coming on in 1892.

Another situation not looked upon with favor by the big companies was the homesteads being taken up along the streams where the grass had been the best. Yet, many of the homesteaders were honest law abiding citizens who were attempting to get a start in the new country. What they had brought together was often accomplished only by hard work and fair dealing; but they, along with others who were not so fair in their dealings, became generally known as rustlers. They were often not in the favor of the cowmen.

In some of the other western states the same conditions had prevailed, but were worked out to a mutual advantage. Since

there were capable and intelligent Wyoming men on both sides, it has been an unanswered question why they could not have worked it out, bringing justice and fairness to all. Yet, along with the lawlessness, the devastating effect of an overgrazed range was another unwelcome condition.

Along with suffering the evil effects of range conditions in Johnson County, the growing town of Buffalo was doomed to become further and more extensively involved. Fort McKinney, one of its most reliable assets, had dwindled to two troops of the Ninth Cavalry and one company of the 21st Infantry. And then Troop H of the Ninth Cavalry was withdrawn. When the company of the 21st Infantry had been replaced by a company of the Eighth Infantry, it had become generally known that the post was scheduled for abandonment to become effective in the summer of 1890. Orders finally disposing of the garrison were painfully awaited when help came from an unexpected source.

Without warning the Messiah craze appeared among the Indians of the Northwest who became convinced that a Messiah was coming to restore their lost domains. They believed that the ghosts of their dead would return to life on earth and that the country would be restocked with game. Then the white man would become overwhelmed, and a happy paradise would be provided for the red man.

Along with troops from other forts, the troop of the Ninth Cavalry, accompanied by a pack train organized by Charlie Round, left Fort McKinney November 21, 1890. Only Captain Savage, with a solitary company of the Eighth Infantry remained at the fort, which gave rise to alarm in town. Many of the citizens were giving serious thought to what might happen in case of an attack by some of the crazed Indians not too far away. And their fear became intensified at the appearance of clouds of black smoke from behind the hills to the north. Many took this to be Indian smoke signals and felt that momentarily something of a dreadful nature would happen. But when it was learned that the smoke came from brush being burned by some ranchers up that way, great relief settled down and a few bright faces began to appear. Soon afterwards came the report of Sitting Bull's arrest and death by the heroic Sioux scouts, their rescue by Major Fechet of Fort McKinney, and the battle of Wounded Knee, in which the Seventh Cavalry took a prominent part. They avenged the Custer defeat of 1876.

On February 4, 1891, the Fort McKinney troops returned and there was great rejoicing in Buffalo. Not only was the Indian scare over, but the fort was saved from abandonment, at least for the time being. However, some of the credit for its staying should go to the telling efforts of the *Buffalo Bulletin,* a newspaper established not long before, and to the Wyoming delegation in Congress.

Hardly before the townspeople of Buffalo had recovered from

their fears of renewed Indian trouble, another shock was in store for them. This came with the news of the death of Orley E. (Ranger) Jones who was shot from ambush on November 28, 1891, at the Muddy Creek crossing about fifteen miles south of Buffalo. He was a popular young man of 23 years, with plans soon to be married. Two days later John A. Tisdale, 39, another popular rancher, was killed at Haywood's Gulch, now known as Tisdale Gulch, eight miles south of town. He was on his way home from Buffalo with Christmas gifts for his wife and three children. Many of the townspeople took these killings to be a resumption of the bitter feeling between the cowmen and rustlers, and thoroughly believed that the two murders were committed by gunmen hired for the purpose by the big stock owners. But nothing could ever be proved. Frank M. Canton, former Johnson County sheriff, was accused of the two murders, but particularly of Tisdale's. This was partly because there was known to have been a bad feeling between the two men dating back to their days in Texas. Moreover, while passing along the saddle path across the gulch that morning, Charles E. Bash heard the shots that killed Tisdale, and immediately came upon a man masked with a handkerchief whom he took to be Canton. But, close by was an unmasked man standing by his horse whom he could never identify. In his autobiography, Canton says he was arrested at his own instance, "to refute the slander" that he was guilty. He claims that he was able to account for every minute of the time during the day Tisdale was killed. At all events, the case against him was dismissed.

The feeling in Buffalo was still running high when the Johnson County Invasion really got under way the morning of Tuesday, April 5, 1892, with the arrival of a train at Cheyenne from Denver. It was a special train, with the blinds pulled down in its passenger coach. There was also a baggage car, and a flatcar loaded down with wagons and camp equipment, and three stock cars carrying horses.

In the passenger coach there were twenty-five men who had been hired for the occasion. They were mostly Texas gunmen, including former sheriffs, deputies, marshals, and others with iron nerves and expert with a rifle.

At Cheyenne, twenty-five[2] Wyoming men got on the train. They were cattlemen, ranchers, top foremen and live stock detectives. Among them was a doctor, a Chicago newspaperman and one from Cheyenne.

As originally planned, the hired mercenaries were to undertake

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2. Asa Mercer in *The Banditti of the Plains* states that 30 were hired and 20 men got on the train at Cheyenne. Other sources give no definite numbers.

the invasion, but later an equal number of ranchers and cowmen agreed to go. Often in later years, some of the members of the Wyoming group took pains to explain their actual purpose. They were to take Buffalo, seize the arms of the militia in the courthouse, arrest those known to be rustlers and call a mass meeting of law-abiding citizens. They expected to confess their opposition to the settlers coming into the country, and offer to make amends for their wrong doing. They planned to gain the cooperation of the honest settlers in protecting property then being stolen almost without restraint. It was further their plan to post a list of the confirmed thieves and give them twenty-four hours to leave the country under penalty of death.

In his book, Canton tells that the invaders had warrants for the arrest of certain rustlers, but there was never any other evidence of it. However, the invaders did have a list of nineteen[3] men whom they considered ringleader rustlers, and whom they considered the country would be better off without.

As the little army moved along, telegraph wires north of Douglas were cut to prevent the sounding of an alarm. At Casper, 120 miles south of Buffalo, the train was unloaded of its passengers, wagons and equipment, and a start was made northward toward Buffalo.

After two difficult days of traveling, with sundry mishaps, the invaders arrived at Tisdale's TTT Ranch on the South fork of Powder River.[4] While they rested there Mike Shonsey, foreman of the Western Union Beef Company ranch, brought the news that he had slept the previous night in a cabin on the KC Ranch where Nate Champion and Nick Ray were staying. He said that about a dozen of the men whose names were on their list had been at the cabin that night.

After hearing Shonsey, a lively discussion arose among the invaders as to the advisability of stopping off at the KC Ranch, 18 miles northward, before moving on to Buffalo. It was argued by a few that the opportunity of doing away with some of their most wanted enemies at Nate Champion's cabin should not be overlooked. Among these was Major Wolcott, in command of the expedition, while Fred G. S. Hesse, former manager of Frewen's "76" Ranch, and Frank M. Canton, stoutly opposed it. F. H. Labertaux, C. S. Ford, A. C. Cambell and one or two others sided with Hesse and Canton, but a vote of the cattlemen taken by Wolcott proved to be in favor of going to the Nolan KC Ranch. Canton still maintained that it would be a serious error, which for them it turned out to be. It led to the complete failure of the

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3. Robert B. David in *Malcolm Campbell, Sheriff,* states that Major Wolcott had a list with seventy names typed on it.

4. John N. Tisdale, State Senator from Johnson County.

expedition. When the original plan was abandoned, a Johnson County rancher, H. W. Davis, and Dr. Charles B. Penrose, of Philadelphia, left the group, and some of the Texans were showing obvious signs of restlessness. Faced with the reality of shooting men trapped in a cabin gave rise to a serious and revolting contemplation. But that night in a howling April blizzard[5] the main body, including the Texans, rode out toward the KC Ranch. They plodded along in small groups, cold, quiet, lonely and irritable.

When the invaders finally reached their destination on the Middle fork of Powder River they succeeded in taking their one and only objective. They got Nick Ray, surprised and trapped, and finally Nate Champion. After Ray was killed, the story of Champion's all day defense against overwhelming odds has become a western classic.

During the day while the invaders were trying to dislodge Champion, Jack Flagg, who was considered to be a rustler, passed along his way to the Democratic State Convention at Douglas. He was riding leisurely along about fifty yards behind a wagon driven by his seventeen-year-old stepson, Alonzo Taylor, when fired upon by the group at Champion's cabin. Upon realizing the seriousness of the situation, he fled to the wagon, slashed the tugs holding the team, and with Alonzo made a miraculous escape.

The wagon Flagg had left behind was then pushed against the cabin with a load of burning hay and pitch pine wood. This fired the cabin and forced Champion out, who tried to reach a little draw to the southward, but was felled by a rifle fusillade from the nearby invaders. From his blood-soaked body they took his gun and other belongings, and in his bullet riddled vest they found the famous diary he had been keeping during the long day he held his cabin.

While the firing was going on at the K C Ranch, Terrence Smith, a nearby rancher, rode to Buffalo to give the alarm, and before long Jack Flagg also appeared to tell his story. In the morning, which was Sunday, April 10th, when it was learned that the invaders were on their way to town, mounting apprehension and anxiety took possession of the people. Robert Foote, the well known merchant, mounted on his celebrated black horse, with his long white beard flying in the breeze, dashed up and down the streets exhorting the citizens to take up arms against the approaching enemy. Even more, he threw open his store, inviting them to load up with supplies, ammunition, stickers, blankets, flour—anything he had they could use for the defense. Within an hour a hundred men were under arms, and Buffalo had taken on the appearance of a military camp, with churches and schools turned

5. Accounts differ as to the weather, but all agree that it was bad.

into headquarters for the steadily arriving recruits. The women of the town baked bread and cake for the growing civilian army, and other preparations were made for their needs and comforts.

In the meantime, a rider on a lathered horse rode out from Buffalo to warn the invaders that the town was in a state of aroused excitement and uproar, and that they had better turn back if they valued their lives. Riding far in advance of their supply wagons, from which they were cut off, and being close to the TA Ranch 15 miles south of Buffalo, they hurriedly turned in and took refuge in the large ranch house. Here as well as possible they prepared themselves for the seige by cutting portholes in the walls of the outbuildings, and deploying their forces.

At this same time a tensely determined and well armed deputation from Buffalo under the direction of Sheriff W. S. ("Red") Angus was on its way to effect a showdown. But by the time they arrived, their number had grown to 250 or more, and soon the seige was on. Almost at once Arapahoe Brown had made himself the sheriff's chief lieutenant, and from the beginning was able to keep the minds of assembly at a high pitch of hostility as the hours moved along. Since Brown was not noted for his generosity or compassion, the situation soon developed into one of giving no quarters.

As the plight of the invaders became more desperate, one of their number was able to slip through the lines on the night of April 12th and get word to Cheyenne of their hapless stand. And, on the morning of the 13th, three days after the seige had started, troops of the 6th Cavalry from Fort McKinney, under the command of Colonel J. J. Van Horn reached the scene. This was done on orders from President Benjamin Harrison. The invaders surrendered to the troops and the seige was over.

An attempt was made to prosecute the forty-six prisoners of the troops for murder, but after Johnson County ran completely out of funds for their care and maintenance, the case was dismissed. Another reason was the inability of the Cheyenne court to empanel an unbiased jury. A change of venue had been taken from Johnson to Laramie County, and after January 3, 1893, when the trial commenced, over 1,000 veniremen had been examined. Still, only eleven men were able to qualify.

Two days after the surrender at the TA Ranch, the funeral of Champion and Ray took place in Buffalo, as did that of Dr. John A. Watkins, the coroner, who died while holding an inquest over the remains at the KC Ranch. Tension was running so high that when the regular church organist failed to appear, the organ was played by Lillian Hogerson Baker, then a girl of only fifteen, but unafraid. The funeral of Champion and Ray was so large that it was held in a store building down in town. Before her death in 1953 Mrs. Baker often told of her experiences at this memorable funeral, and how the remains were escorted to the cemetery by a

hundred well-armed and well-mounted men. And even now Champion and Ray are fondly remembered, since each Memorial Day at Willow Grove, their graves are decorated with a profusion of flowers.

When George A. Wellman was murdered, May 10, 1892,[6] tension again was running high. Wellman was foreman of the Hoe Ranch, and a United States Marshal. He was generally very popular except by the range thieves, which included the Red Sashers, so named because they wore strips of red flannel under their cartridge belts to keep the bullet grease off their clothing. They swore they would kill Wellman, and one of them did. They even let it be known that they would prevent his Masonic funeral from being held at St. Luke's Episcopal Church. But this did not prevent the members of Anchor Lodge No. 7, A. F. & A. M., at Buffalo, from proceeding in regular form, although they wore guns concealed under their white aprons. And Rev. Charles E. Duell, who conducted the Episcopal service, wore a brace of guns under his vestments. The funeral went ahead as scheduled.

It was not known who killed Wellman until 1938 when dark-skinned William Hill, known to the Red Sashers as "Black Billy", paid a visit to his old home in Johnson County. During his stay in Buffalo, Sheriff Mart Tisdale drove him to Kaycee to call upon old friends, and enroute Billy called attention to a cluster of rocks on top of a high hill. He said Ed Starr, a Red Sasher, had told him in 1892 that after he killed Wellman he took his gun and hid it there until the talk died down. Mart remembered that James Potts had found a gun up there in 1895, which was then in the possession of his son, Joe Potts. When asked about it, Billy claimed he could identify the gun any place, having often seen it in Wellman's possession. He said it was a DA Colt .45, pearl handled and nickel plated, with a ring in the butt of the grip, which fit the description of the gun in Joe Potts' possession. Billy readily identified it upon their return to Buffalo. He said it was Wellman's gun and no doubt about it. So did Tommy Carr and Joe LeFors who were well acquainted with Wellman and his Colt, which was a novelty in Johnson County. Starr had killed Wellman and Wellman's .45 proved it. Ironically, Starr was killed in Montana by his own murderous ilk who tricked him by loading his gun with blanks. Afterwards they provoked him to go for it and then shot him down.

Thus ended the Johnson County War, but never forgotten by the story tellers and historians, whose writings are all too often fantastic and bizarre. In most of these efforts the cattlemen are portrayed as gentlemen of wealth and education who failed as

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6. There is some conflict in this date as to whether it was May 9 or 10.

vigilantes against a less favorably endowed group of settlers and small ranchers. Hubert E. Teschemacher and Fred DeBillier, two leaders of the cattlemen, were Harvard men, class of 1878, and much is made of that. The implication usually is that the cattlemen, with their superior background and training, should have known better. There are also those who say that an unbiased account of the Johnson County War has never been written, and that the rustlers always have the best of it. But whatever view is taken, the unadorned and ungarnished facts are not pretty, and can never be made so for either side.

On account of the unpleasantness in 1892, Buffalo was denied the railroad then being laid across Wyoming from the South Dakota state line to Montana. A change of plans took the rails around the northeast corner of Johnson County to avoid an area so heavily in debt. The line was then a part of the Burlington system, as it is now.

In 1915 a spur was laid from Clearmont, in Sheridan County, to Buffalo, by private investors. But, it was junked some thirty-five years later when paved highways and fast moving trucks became a reality. It does not matter any longer.

Buffalo had not recovered from the shock of losing the railroad when orders came to abandon Fort McKinney. This occurred in the fall of 1894 as something of a surprise to the townspeople. Many were positive the end had arrived for their little city, and there was deep anxiety and solicitude when the last of the troops passed out of sight over the hills to the north. From the beginning, Fort McKinney had furnished Buffalo with many of its enlarged enterprises, and most of the soldiers' pay had been spent in town as soon as received. But now all this had come to a painful halt. Within a short time afterwards many good citizens moved elsewhere, and it was a long time before their numbers could be replaced.

Yet a brave attempt was made to bridge the gap, which was eventually done, but not easily. In 1895 Johnson County was still in debt for more than $17,000 on account of the Invasion. It was a never ending source of embarrassment, but before much progress could be hoped for, the people knew this obligation had to be paid—and it was. Aided by Charles H. Burritt, lawyer extraordinary, W. J. Thom, also an influential citizen and cashier of the First National Bank, sponsored a relief bill in the legislature for its payment, and it passed. Burritt was mayor at the time, and had given succor and relief to the unpopular cattlemen, but his influence in getting the county debt paid had renewed his popularity.

Those of us now in the seventy year bracket were just beginning to appreciate life in Buffalo during those memorable days. The streets were as crooked as ever, and very dusty during the long, hot summer season, or ankle deep with mud if it happened to rain,

which was not often. Unever plank sidewalks were strung along in front of the stores, with wooden steps at intervals where the changing grade made it necessary. Some pretense was made to keep the business houses attractive, but most of them had the ordinary slab sides and the habitual false front. Where, presently, parking meters are to be found along the streets on both sides, there were then hitching racks to which were tethered rows of cow ponies or teams harnessed to rigs of every kind. But they have all been replaced by automobiles and trucks. Since then concrete walks built on grades have replaced the wooden ones, and most of the streets are hard surfaced. Dust and mud are now not so much of a problem.

We remember Buffalo as being quite wide open, still with many saloons, of which Zindel's was by far the finest and best conducted. Bill Zindel, the owner, was a fabulous character. Always impeccably attired in the latest fashions of the times, with starched white collar and black bow tie, he patronized Jim Wright's barber shop every day for a tonsorial workover. Jim carefully shaved him, combed his heavy black mustache, and curled its ends into tight little rolls. In those days haircuts were thirty-five cents and shaves a quarter. Zindel was popular in a way, but never quite accepted. Before he left Buffalo about 1920, he had lost everything.

And then there was Laurel Avenue. For the youngsters it was quite off limits, and probably should have been for many others. In a large house towards the end of this thoroughfare there was music and dancing every night, and over the festivities presided a gaudily attired matron known as Maggie Jess. But she kept her girls in line and gave but little trouble to anybody. While she was never recognized by the socially prominent, she did donate generously to many good causes, and provided for the needy at holiday times. When institutions like hers began to disappear, Maggie married Paddy Shields and they migrated to Pennsylvania. She was forty years old at the time.

But Buffalo was no worse than any other frontier town, nor steeped in sin to any greater degree. It had many worthwhile institutions, and even then prided itself on its reading clubs, its literary societies and its church organizations. Many of us can remember our first years in school at the little square brick school house on Fort Road. Wilson McBride was the principal and made our studies vivid and interesting. We were always glad to have him visit our rooms with his cheerful smile and helpful words. Most of us can remember the coal stoves around which we clustered on cold winter days to say our lessons. Many times the teacher had to call upon the larger boys to throw in more coal or to do a stoking job, but that added to the interest. Today it is all much different with natural gas and steam heat to keep many classrooms warm and comfortable for many pupils. But in those old days it did not matter too much, since all told there were only

about seventy-five of us, and our well-being was more easily provided for.

And who of us has forgotten our trips to Adams' Grocery store to get fuel for the coal oil lamps, and how we used to help with the wick trimming and chimney cleaning every Saturday morning. We also remember how the grocery clerk used to stick a small potato over the spout of the can to keep it from spilling out on our way home. Frequently we would stop along the way to look in at Perce Wilkerson's. He was a famous saddle maker, and furnished a very wide area with his splendid wares. A P. A. Wilkerson saddle in those days was a possession to be treasured by cowboys and ranchers even into Montana and the Dakotas. After this visit we might linger to visit with Baldy Fay or Twenty Horse Hoagland who were just in with a load of freight from Clearmont. They were jovial freighters and liked kids.

And so it was down to the turn of the century, or for a while thereafter, but everything is different now. Electric lights and water works came even before then, and Buffalo has become a truly modern town with all modern facilities. But that is another chapter, although perhaps not so thrilling as the story of pioneer days. And for the pioneers let it be said that they were men of vision, strength and honor. They were truly generous, and thoroughly loyal to the institutions they sponsored and to their friends.

Buffalo School in 1895.
All of the pupils are in the picture
Courtesy of Burton S. Hill

Among these men and women there was a frontier aristocracy of which they could be abundantly proud, since it was based on mutual helpfulness and a friendship equaled no place else. In those days a man's spoken word was enough, and much of the business was done on that basis. Some of them were rough on the exterior, but inside they were noble, courageous and gentle. To have been a pioneer of Buffalo, or of Johnson County, is a privilege.

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Interviews with Buffalo and Johnson County pioneers, now deceased, and personal experiences and recollections.

Moreton Frewen and the Populist Revolt

By

DAVID M. EMMONS

In the unfolding drama of American westward expansion, speculation, and its companion evil, absentee ownership, were destined to play a continually corruptive role. Viewing the West as a vast commercial outlet abounding in potential subdivisions, Eastern investors, through abuse and, at times, open violation of the existing land acts, gathered to themselves immense acreages.[1] Tolerable when good land was readily available, the practice of speculation and absentee ownership assumed insufferable proportions as marginal lands became increasingly the common reward of the homesteader. It was only natural, then, that when the Populist Party should finally codify the multitude of agrarian grievances it should include an indictment of the excessive land holdings of "railroads and other corporations," and demand that those lands "not actually used and needed . . . [be] reclaimed by the government and held for actual settlers."[2]

By the 1880's, however, a new element had been added to the long standing, though as yet unorganized, agrarian clamor against absenteeism. Foreign investors were by this date actively engaged in the speculative mania in the West, and "absent" might now mean as many as 5000 miles. Protests against this increased detachment, and the inevitable evils which accompanied it, were added to a predictable appeal to the public domain as the "heritage of the people,"[3] and together formed a potent political weapon. Fortified by these two very real grievances, the Populists demanded that the government "take measures . . . to prevent aliens from acquiring title to lands in the United States and Terri-

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1. It must be admitted that many farmers and other Westerners were also engaging in heavy speculation, oftentimes with no more intention to settle the lands than their Eastern counterparts. See, Richard Hofstadter, *The Age of Reform,* (New York, 1955), pp. 23-60 passim.

2. St. Louis Demands, December, 1889; Ocala Demands, December, 1890; Cincinnati Platform, May, 1891; and Presidential Campaign Platform, February, 1892; Appendices, John D. Hicks, The Populist Revolt, (Lincoln, Nebraska, 1961), pp. 428, 429, 431, 433, 438, and 444.

3. Campaign Platform, 1892, *ibid.,* p. 438.

Moreton Frewen

tories."[4] Solidly supported in the West and South, the farm element was able to hinder in many states the procurement of public lands by foreign investors.[5]

Conspicuous among these alien speculators were the English and Scots. Engaging most actively in the range cattle industry, these men, many of the scions of old aristocratic families, viewed their investment as a symbol of their social position, an indispensable addition to every gentleman's portfolio.[6] Conducting their business "on a system . . . that was a constant surprise even to the most reckless and extravagant American,"[7] these Englishmen became, during the decade of the 80's, the special target of the long suffering farmers and their political organ, the Alliances. It was believed that the English in particular were perverting the aim of the homestead legislation, and it was questioned in the halls of Congress whether it was advisable to allow America's public domain to fall into the hands of those "whose birth and education create and foster sentiments inimical to the country from which they are attempting to derive wealth."[8]

To the Alliancemen, political sires of the Populists, the English intrusion onto the Great Plains seemed to threaten the United States with all the violent evils which had plagued Ireland for so many years. The English economic system of landlordism and social system of aristocracy seemed as alien to the American farmer as they had to his Irish counterpart. Nor was the report of the Secretary of the Interior for 1883 particularly soothing to the already sorely troubled homesteader. The figures for that year showed the United States with 570,000 tenant farmers, highest number anywhere in the world;[9] silent testimony, so thought the Populists, that "English landlordism . . . [had] seized upon the fresh energy of America, and is steadily fixing its fangs into our social life . . ."[10] It was in response to this determined Anglo-

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4. *Ibid.*

5. Roger V. Clements, "British Investment and American Legislative Restrictions in the Trans-Mississippi West, 1880-1900," *Mississippi Valley Historical Review*, vol. 42, September, 1955, pp. 207-228 passim.

6. See W. Turrentine Jackson, *British Interests in the Range Cattle Industry*, Part 3 of *When Grass Was King*, (Boulder, Colorado, 1956), passim.

7. *Cheyenne Daily Sun*, 3 November, 1887, in Ernest S. Osgood, *The Day of the Cattleman*, (Minneapolis, 1929), p. 222.

8. Speech of Representative Lewis E. Payson, *House Reports*, No. 3455, 49 congress, 1 session, p. 4, in Clements, "British Investment . . ." p. 213. Colorado, in 1887, asserted that British ownership of large bodies of land was "contrary to the spirit of independence." *Denver Republican*, 21 February, 1887.

9. Report of the Secretary of the Interior, 1883, (Washington, 1883), p. xxxii-xxxiii.

10. *National Economist*, (Washington, vol. 1, 29 June, 1889), p. 229.

phobia that the Populist Party, as has been seen, adopted their resolutions against any alien possessing land in the United States.

The Populists, and before them the Alliancemen, although hoping to secure retroactive anti-alien laws, were forced to content themselves with legislation, usually of state origin, against any future land grants to foreign individuals or corporations. Coming as they did in the late 1880's and 90's, however, these restrictions were of negligible effect in simplifying the problems of the prospective homesteader. Most of the English cattle concerns had been established long before, and the settler, in attempting to exercise his right to the public domain, oftentimes found himself checked by barbed wire behind which grazed thousands of white faced beeves.[11] This pattern was repeated often during the 1880's as Englishmen and Americans alike began the ambitious task of filling the Great Plains from Texas to Montana with their wide ranging herds of cattle.

One of the first of these investors was Moreton Frewen. The son of an old and eminently respectable South English family, Frewen and his brother Richard had first visited the United States in 1878. Members of the highly fashionable Melton Mowbray Hunting Club in Leicestershire, the Frewens were desirious of engaging in some mountain sheep hunting in Wyoming. Although their success with the big horns was something less than spectacular, they returned to England profoundly impressed with the commercial possibilities of Northern Wyoming as a cattle country. A year later they had occasion to test their theory. A particularly unsuccessful bout with the race horses and the gaming tables left Moreton in an embarrassed position financially, and, after selling his prized string of riding ponies, he returned with his brother to America, determined to establish an empire in cattle in Wyoming's Powder River country. Beginning in 1879, the Frewens enjoyed a prosperous first year. The winter was unusually mild, and their recently imported Oregon stock realized a handsome profit for them in the Chicago yards. By the spring of 1880, the Frewens had acquired a sizeable herd and operations were begun on a ranch house to be modeled upon the hunting lodges in Frewen's native England. Invariably referred to as "Frewen's Castle", the hewn log structure which emerged succeeded admirably in its object, and became a widely recognized landmark in Northern Wyoming.

In 1882 Moreton purchased his brother's share in the enterprise and assumed individual control over the vast herds of cattle which

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11. See Clements, "British Investments . . ." and another excellent article by the same author, "British Controlled Enterprise in the West Between 1870-1900, and Some Agrarian Reactions," *Agricultural History*, vol. 27, October, 1953, pp. 132-141.

Moreton Frewen's Ranch House on the Powder River, 1880
From the Elmer Brock Collection

by then numbered 49,000 head. The following year he succumbed to the corporate craze then infesting the West. Seeking the increased capitalization incorporation would bring, Frewen formed, with a group of London businessmen, the Powder River Land and Cattle Company. A limited concern, the new company had assets of $1,500,000, based on both preferred and common stock. Typical of Frewen, the board of directors included such socially prominent Englishmen as the Duke of Manchester, the Earl of Wharncliffe, and Sir Henry Nevill. Frewen himself was to remain in Wyoming to serve as local manager of the corporation's interests. Though receiving no salary for his services, Frewen retained one-third of the preferred stock with a retirement option at the end of five years. The first and only such concern in northern Wyoming, the Powder River Company began operations with understandable optimism. For the initial two years, at least, such sentiments were indeed justified as dividends climbed toward their peak of 24% in 1884. Two years later, however, the still infant corporation found itself in the throes of liquidation. At that, the company survived Frewen by a year, he having taken his leave in 1885, the victim, in his mind, of unwarranted criticism from fickle associates, both in England and on the Powder River.[12]

During this short tenure as patriarch of the Powder River country, Frewen remained always the aristocrat; his frontier retreat serving as a sportsman's haven for his former English hunting partners, and as an international rendezvous for the younger members of British nobility. In 1881, wrote Frewen in his auto-

12. Herbert O. Brayer, "Moreton Frewen, Cattleman," *The Westerners Brand Book*, Denver, vol. 5, 1949, pp. 1-18.

biography, "came Sir Samuel and Lady Baker, Lord Mayo, and T. Porter Porter . . ." Lady Baker, Frewen found "especially charming . . . and she and [his] wife became great friends . . ."[13] This little amity Mrs. Frewen was well equipped to cultivate. The former Clare Jerome, Frewen's wife was the daughter of New York financier, Leonard Jerome and a sister of Lady Randolph Churchill, mother of Sir Winston. The Frewens obviously relished their role as frontier hosts, and the "castle" became, during these years, world renowned for its wilderness charm and the genial hospitality of its Lord and Lady.

Frewen clearly was a compendium of the most odious type of alien land owner, and as such became the target, at least indirectly, of the assaults of the early Alliancemen who viewed the conduct of Frewen and his compatriots as contrary to the American spirit. And, in fact, there was something slightly incongruous in the picture of this wee Englishman, surrounded by his retinue of Wyoming cowboys, entertaining Old World nobility in an area as yet best described as primitive.

While Frewen was conducting his forays into the Wyoming mountains and paying his due respects to the social amenities of his native land, westward moving settlers were beginning to show an equal interest in the Powder River region. The charm of Frewen's situation, however, was somehow lost on these men who, by choice or necessity, hoped to homestead the valleys over which Frewen and his associates then held suzerainty. Nor was Frewen, despite his later utterances, especially sympathetic to the demands of the farmers and small cattlemen who pushed their way into his personal domain. He little dreamed "how immense was to be the pressure of settlement . . . into that vast wilderness so far beyond the present frontier . . ." Bemoaning the advance of these "irrepressible hordes . . . which [were] about to engulf all of [them] in a common disaster,"[14] Frewen joined with his fellow cattle barons in a determined opposition to those who would threaten their empire. Echoing the cries of the large cattlemen that Northern Wyoming was infested with rustlers, Frewen appealed in 1884 to the Wyoming Stock Growers' Association for aid. That group, controlled by wealthy stockmen, was quick to respond. Assigning detective Frank Canton to work with Frewen, the association also passed in 1884 a maverick law which made it illegal to brand unmarked calves, or mavericks. Under the terms of this law a budding rancher could be convicted for engaging in what had been, prior to 1884, an accepted, even encouraged prac-

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13. Moreton Frewen, *Melton Mowbray and Other Memories,* (London, 1924), p. 123. This is a charmingly written, though unfortunately little used source on life in Wyoming and the West in general during the 1880's.
14. *Ibid.,* p. 172-173.

tice. Obviously the list of rustlers grew, an extension which later would include almost anyone, thief or no, who trespassed on property the stockman considered uniquely his own. The result was that the homesteader, oftentimes the unsuspecting victim of the Maverick Law, began to embrace increasingly the tenets of the Populists and before them the Alliances, and to unite in a firm opposition to those cattlemen who, like Frewen, would usurp their birthright to the public domain.[15]

The inevitable clash between these two so completely incompatible elements occurred in 1892 in the famous invasion of Johnson County by the large cattle interests. The Johnson County "War" was, of course, seven years after Frewen had left the United States, but the former manager of the Powder River company retained a vital, though somewhat curiously inconsistent, interest in the proceedings. Almost all of the cattlemen who took part in the expedition were members of the exclusive Cheyenne Club and the politically potent Wyoming Stock Growers' Association. As a member of each of these organizations,[16] Frewen was a personal friend of these large stockmen, and his sympathies, with some notable exceptions, were with the invaders. The Powder River company, furthermore, had been quartered in Johnson County; indeed, Frewen had been one of the leaders in that area's securing county status.[17] These facts precluded any possibility of Frewen remaining a detached observer as his former neighbors and lodge brothers sought to redress the "grievances" for which they had found no recourse in the courts.

The Johnson County invasion was, basically, a range war. The large cattlemen, finding themselves in a depressed condition economically, attributed their financial ills to a formidable group of cattle rustlers headquartered in Buffalo, seat of Johnson County. As has been shown, the epithet "rustler" often referred to no more serious a transgressor than one who would homestead on a cattleman's grazing land. The ranchers, however, were determined to rid Wyoming of this "undesirable element", and they undertook, in April of 1892, an invasion of Johnson County. The expressed purpose of this action was to dispatch as quickly as possible a previously selected group of "known rustlers." The expedition, however, proved a total failure; the invaders themselves being saved from annihilation only by the opportune intervention of the Federal troops stationed at nearby Fort McKinney.[18]

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15. Osgood, *The Day of the Cattleman*, p. 212.
16. John Clay, *My Life on the Range*, (Chicago, 1924) pp. 105, and 287.
17. Fred Shelley, "The Papers of Moreton Frewen," *Library of Congress Journal*, vol. 6, August, 1949, p. 18.
18. See bibliography in David M. Emmons, "The Causes of the Johnson County War," unpublished seminar paper in the possession of Professor Robert G. Athearn, University of Colorado, 1962.

The significance of this episode lies not in its obvious appeal as an example of western vigilante justice, but rather as a violent, unsubtle hint that conditions in the West were undergoing a profound change. The fast striding homesteader, the object of special and kindly attention by the Populists, had established himself in all areas of Wyoming except Johnson County; everywhere his presence had marked the end of the cattle industry as it had previously been conducted. The larger stock interests were determined to arrest or at least discourage his entrance into that northern county, for range cattle, "as operated by the big companies [could] only be successfully managed on the frontier; and Johnson County [was] the only remaining desirable frontier . . ."[19] The county officials, however, were proving particularly uncooperative; in fact, they welcomed the homesteader, exhalting the fine water, fertile soil, and rail connections of Johnson County, conditions especially conducive to agriculture. "With these inducements," they continued, "the homesteader, the miner, and the sheepowner will surely come and at no distant day."[20] A more odious threesome of neighbors, at least so far as the cattlemen were concerned, can hardly be imagined.

Compounding the ranchers' problems was the appointment in 1887 of Thomas Moonlight to the territorial governorship of Wyoming. Moonlight, a former Allianceman,[21] seconded the sentiments of the majority of Johnson County citizens when he stated that theirs was "beyond any doubt the best agricultural county in the territory and the most fitting place for an agricultural college . . ."[22] This was obviously counter to the arguments of the cattlemen who felt the whole of Wyoming was unfit for anything but stock raising,[23] and did little to endear either Moonlight or the county to the potentates of the Cheyenne Club. Moonlight's obvious proclivity to the anti-stock cause became even more evident in a letter he wrote in January of 1888. "There is a future for this territory," he stated, "as soon as men begin to satisfy themselves that cattle! cattle!! cattle!!! are not the only things . . ."[24] It was sentiments such as these, added to the actual presence of the homesteader, and "a thousand [other] causes which conspired

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19. *Cheyenne Daily Leader,* 9 April, 1892.

20. *Buffalo Bulletin,* 28 May, 1891.

21. Maurice Frink, *Cow Country Cavalcade,* (Denver, 1954), p. 64.

22. Moonlight to General James B. Brisbin, 26 October, 1887, in W. Turrentine Jackson, "The Administration of Thomas Moonlight, 1887-1889." *Annals of Wyoming,* vol. 18, No. 2, 1946, p. 143.

23. See H. B. Teschemacher interview, in Bancroft, "Interviews With Wyoming Cattlemen," microf. Western Range Cattle Industry Study, (hereinafter cited as WRCIS) State Historical Society, Denver, Colorado.

24. Jackson, "The Administration of Thomas Moonlight," p. 145.

. . . to the disadvantage of the cattle barons, all of which [they summed] up in the word rustler . . ."[25]

The settlers also had certain grievances against the larger cattle interests. The most serious has already been mentioned—the cattlemen's rather questionable tactics in gaining control of their lands, and the discouraging practice of speculation. Another significant complaint concerned the establishment of the American Cattle Trust in 1888.[26] The principle feature of the trust, in Francis Warren's mind, was "the controlling of the production or selling price or both."[27] Warren's later position as a Republican Senator from the new state of Wyoming, and his significant influence during territorial days, gave to his statements a note of officiality, and, to the farmers and small ranchers seemed to bode especially ill for their future opportunities.[28] To the beleaguered settlers, it seemed the cattle kings, having encircled "Two-thirds of the rich Wyoming creek bottoms, were [now crying] to the Homesteader—Move on, the world is mine!"[29]

The citizens of Johnson County, partly in response to this aggressive attitude as betrayed by their more wealthy neighbors, formed in the spring of 1891, the Northern Wyoming Farmers and Stock Growers Association. The inclusion of the word "Farmer" is indicative of the conditions in the county, conditions quite different from those desired by the state association. This new agency pledged "equal protection to the man with one cow as him having one thousand," and proceeded to register brands and organize round-up dates.[30] This direct challenge to the authority of the Wyoming Stock Growers' Association could not go unanswered, and a year later the cattlemen, supported by a group of hired Texas gunmen, began their desperate and ill-fated invasion of Johnson County.

That this conflict was part of the Populist Revolt seems clear. The anti-stock elements, allied with the smaller ranchers, made common cause against the larger cattle companies, many of which, as has been seen, were foreign owned. It was, then, according to one Western newspaper, "essentially a conflict between range monopoly and the homesteader; between the existence of the

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25. *Buffalo Bulletin,* 17 December, 1891.

26. Another would be the use of the blacklist by the cow outfits against any recalcitrant cowboys who decided to take out a homestead claim, or in certain cases, engaged in some nocturnal branding of stray calves.

27. Letter from Warren to Thomas Sturgis, 18 August, 1887, in *Warren Trust Book,* Minutes and Proceedings of the Wyoming Stock Growers' Association, Coe Library, Laramie, Wyoming.

28. Warren and Joseph Carey, his Republican colleague in the Senate, both condoned the invasion of Johnson County. Clay, *My Life* . . . pp. 282-283.

29. *Buffalo Bulletin,* 17 December, 1891.

30. *Ibid.,* 30 April, 1891.

farmer and the profits of the cattle syndicate . . . the old fight between the toiling many and the monied few."[31]

Moreton Frewen, in New York at the time, viewed the events in Johnson County with mixed emotions.[32] Two of the invaders, Fred Hesse and Horace Plunkett, had incurred Frewen's anger for alleged mistreatment when all three were in the Powder River country. Hesse, his erstwhile foreman, Frewen accused of opportunism following the dissolution of the Powder River Company.[33] Plunkett and Frewen had had a disagreement when both were actively engaged in stock raising, a rift which only widened when Plunkett was chosen to manage the company following Frewen's departure. These two gentlemen Frewen could wish only the worst, predicting that "no one who treated [him] badly about Powder River will have any luck . . . ,"[34] and that Hesse, in particular would suffer financial ruin, a prospect "which certainly [didn't] break [Frewen's] heart."[35]

Toward those members of the invading party with whom he had had no personal difficulties, Frewen was a good deal more charitable. He seems to have sincerely sympathized with their situation, bemoaning the fact that "they [would] all have to leave (Wyoming)—they can none of them ever go back again." As for the defenders of Johnson County, they were branded "squatters . . . plundering and [stealing] calves where they got a chance."[36] At no time did Frewen condemn the invaders (as did the Populists and most of the Wyoming press)[37] nor did he seem to recognize the fact that, with few exceptions, Johnson County did not house only roving bands of rustlers, as was then universally believed among the larger stockmen of the state.

Further evidence of Frewen's position is seen in a wire sent to him by one of the stockmen which expressed the predicament of the invaders and appealed to his earlier allegiance to the interests of the cattlemen. "We are held here by the rustlers," it stated, ". . . unless relieved we will certainly all hang. There are 20 of

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31. *Rocky Mountain News*, 1 June, 1892. Like the toiling many of the rest of the country during the 1890's, the defenders of Johnson County were accused of flying the red and black flag symbolic of European anarchy and socialism. This charge they most vehemently denied. *Cheyenne Daily Leader*, 24 April, 1892, and 1 May, 1892.

32. The *New York Times* gave front page headline coverage to the invasion. 19 April, 1892 through 17 May, 1892.

33. Hesse gained control of many of Frewen's cattle, changing them from Frewen's "76" brand to his own "28". Frewen was still a shareholder in the Powder River Company and looked upon such action with disfavor.

34. Frewen to his wife, 26 April, 1892, in *Frewen Papers,* microf., WRCIS.

35. Frewen to his brother, 18 May, 1892, *ibid.*

36. *Ibid.*

37. The newspapers of Sheridan, Lusk, Laramie, and Evanston all

your old friends, can you help us with the president?"[38] Utilizing his influence at the White House,[39] Frewen allegedly interceded with President Harrison and Secretary of State Blaine, and an executive order was issued summoning the troops at Fort McKinney to intervene in the conflict then in progress in Johnson County. Although this intervention rescued the invaders from almost certain capture, it must also be mentioned that similar wires were sent directly to Harrison by Wyoming Governor Amos Barber,[40] and there is reason to doubt the importance of Frewen's intercession with the President. The very fact that Frewen should be contacted in this regard, however, seems ample proof that the stockmen, at least, had confidence in his ability, and his desire, to relieve their situation.

In light of Frewen's obvious aristocratic leanings as evidenced by his personal conduct, his equally obvious aversion to the Wyoming brand of Populism as manifested in the Johnson County War, and the determined Anglophobia of the agrarian class, it is indeed puzzling to read of "Moreton Frewen . . . of silver fame . . . [yelling] louder than Bryan himself in the direction of a depreciated dollar . . ."[41] This description, as shall be seen, was not entirely accurate. Although Frewen's fame as a bimetallist was widely recognized (at least among those of like persuasion) his advocacy of the monetization of silver was based on beliefs quite dissimilar to those held by Bryan and most of the other American silverites. This is not to say that Frewen was working counter to, or even independently of, the Populists in their championing of free silver; only that he had in mind different goals. As Frewen explained, "I came toward early middle life to the conviction that there was but one problem that really mattered—the great problem of foreign Exchange . . ."[42] As such, Frewen's bimetallism was premised on the necessity of a multilateral re-monitization of silver among those commercial nations of the Western World then on the gold standard. "If only the great gulf fixed by restless legislation, between the money of the East and the money of the

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roundly condemned the cattlemen for their arbitrary brand of justice.

38. Teschemacher to Frewen, 22 April, 1892, reprinted in Casper newspaper, 13 April, 1922, in Miscellaneous; *Johnson County War*, Coe Library, Laramie.

39. Frewen had once mentioned to Woodrow Wilson, "Mr. President, it has been my privilege to shake the hand of all your predecessors since Buchanan." *Melton Mowbray . . .*, p. 21.

40. *Cheyenne Daily Leader*, 22 April, 1892.

41. Clay, *My Life . . .*, p. 195. Clay was past president of the Wyoming Stock Growers' Association. Though not an active participant in the invasion, (primarily, it seems, because he was in England at the time), Clay's attitude was one of support for the invaders. See *My Life . . .*, pp. 278-285.

42. Frewen, *Melton Mowbray . . .*, p. 238.

West [could] be bridged over," Frewen felt, the Western nations would be able to compete profitably with the "silver countries of the East."[43] Without this fixed exchange, there would have to be high tariff walls to protect the domestic farmers from the unfair competition of the silver nations. At that time, however, the lower prices in the West occasioned by the demonetization of silver was placing those nations at a distinct disadvantage. Frewen was not so much opposed to a fall of prices, "so long as that fall is *an universal fall,* [but] what was making Trade, and especially Free Trade, impossible, was Western monetary legislation which has sufficed to force down Gold prices locally, . . . but which as yet has been powerless to alter the level of Silver prices in the great Silver-using Nations of the East."[44]

"The wiseacres of the Wall Street Banks . . .,"[45] however, had assured the American people that such a fixed exchange was impracticable, that there was a law of Gresham as predictable as those of Newton, a law which decreed that legal coins of a "cheaper bullion (silver) would drive out legal . . . coins of the more valuable bullion (gold)."[46] This fear Frewen considered groundless, explaining that "any tendency of silver to depreciate would, at any time, be neutralized by the desire of men to pay their debts in the cheaper metal."[47] This, coupled with the fact that both gold and silver were produced at a "dead loss,"[48] that the cost of producing the precious metals is more than their value when produced, made it clear to Frewen, "that any difficulty as to fixing the ratio between their values is purely [imaginary]."[49]

The American Populists clearly were operating on a different motive. The free coinage of silver had become the panacea of all their ills, the easiest and quickest way to inflate the currency, thereby providing the debtor class with a lighter obligation. Obviously a fixed, stable ratio between silver and gold would negate to a great extent, the inflationary tendencies of their program. This American theory Frewen rejected, realizing at the same time that his own proposal of a fixed exchange—"the making of silver legal tender at its gold value . . . [was] opposed to the orthodox bimetallic platform." On the other hand, he continued, "it has always appeared to me that solution which will attract to the

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43. Moreton Frewen, "Silver in the Fifty-third Congress," reprinted from the *National Review,* December, 1893), London, 1894, p. 24, and Frewen, *Melton Mowbray . . . ,* pp. 214-215.
44. Moreton Frewen, *The Economic Crisis,* (London, 1888), pp. 88-89.
45. *Ibid.,* p. 99.
46. *Ibid.,* pp. 18-19.
47. *Ibid.,* p. 103.
48. *Ibid.,* p. 96.
49. *Ibid.,* pp. 90, 92-96.

monetary reform movement the most ready support from the general community."[50]

In spite of this difference of opinion, Frewen and the Bryanites traveled paths which very nearly paralleled each other. One reason for this was Frewen's realization that "the United States . . . under the tutelage of manhood suffrage, [has achieved] a very advanced condition of political enlightenment, [and] it is now recognized in America that the money power may become a most dangerous tyranny . . ."[51] Nor could the economic blessings of the United States be overlooked. Her "wealth, . . . population . . . , and exporting capacity" rendered the maintenance of a stable exchange between gold and silver in that country "mere child's play."[52] Obviously a citizenry so well informed, and a nation of such tremendous economic potential could not be ignored, and Frewen became an ardent advocate of many of the Populist silver reforms as the first step toward international silver monetization.

Echoing the sentiments of the Populists, and before them, the Greenbackers, Frewen denounced the "Crime of 1873" as a cruel hoax perpetrated by "a handful of 'Gold Bugs' [that] they should build their palaces on Fifth Avenue. Silver had been demonetized by stealth . . . it should at once be brought back again."[53] The result of this bill, "signed by Grant . . . [without] any remote knowledge . . . of what [it] contained,"[54] was a collapse in prices, "a currency deliberately starved, the burden of all debt . . . doubled."[55] The "Crime of '73" and the coincident demonetization in Germany were the causes, in Frewen's mind, of both the internal and international monetary disorders then plaguing the Western World. These two nations, "coming to the market to buy only gold, [drove] that metal to a famine price while forcing down the price of all other commodities."[56] Indeed it was the collapse in prices subsequent to these pieces of legislation which was "beyond all others the *leading economic incident of the ages*."[57]

Frewen could hardly have made his point more clear; unfortunately, however, the wisdom so characteristic of the American electorate seemed to have abandoned them, and, with the excep-

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50. *Ibid.*, pp. 106-107.
51. *Ibid.*, pp. 5-6.
52. Address of Moreton Frewen of England at the Second National Silver Convention, Washington, 26 May, 1892, in *Frewen Papers,* WRCIS.
53. Frewen, *The Economic Crisis,* p. 17.
54. Frewen, *Melton Mowbray . . . ,* p. 126.
55. Frewen, *The Economic Crisis,* p. 28.
56. *Ibid.*, pp. 4, 7-8.
57. Frewen, *Melton Mowbray . . . ,* p. 244. (My underlining)

tion of the Bland-Allison Act of 1878, the "Americans have pursued the policies dictated by the 'Gold Bugs.' "[58]

Frewen's "Populism" was not limited to his advocacy of free silver, however. Expressing his wish that the image of the State should be improved, Frewen bemoaned "the present grievance of the masses everywhere that the State does nothing for them . . . only now and then . . . sending its policemen to break a few heads."[59] It was not so much the breaking of heads Frewen deplored, only that the wrong heads were being chosen. Feeling that "the machinery [of the State was] being used entirely to advance the interests of the middle and upper classes . . . ,"[60] Frewen suggested that government assume control of the railroads, telegraph systems, and banks. The railroads were, he felt, "the arteries of the commerce of the various countries, and "should be operated not, as was [then] the case, to fill the pockets of a handful of shareholders, but . . . for the greatest happiness of the greatest number." Of no less importance to the general welfare would be the state purchase of the banks, and the "consequent control of the Great Money Power, which [was then] deciding, without any reference to national interests of national liberties, the issues of peace and war." The control of these two industries would then give the national governments the power to deal effectively with the other monopolistic corporations. In the United States this would mean the control of those "Rings [which had] become so suddenly and so colossally wealthy, that nothing short of State intervention avail to protect the community."[61]

Frewen was approaching, at least, a socialistic state, where the machinery of government is used "to ensure a less faulty distribution of the future wealth which is destined to be created from time to time."[62] This was not, however, the red spectre of international Socialism which sought the redistribution of wealth already created, but rather a "conception [which], if rightly understood, [was] not necessarily antagonistic, either to Economic Science or to the State . . ."[63] Such a system, in Frewen's mind, would assist especially the "sorely-tried producer, and the assistance [had] to be afforded, not at the expense of the consumer, but

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58. As Frewen wrote, "Without some consideration of the Bland Act . . . it would be hardly possible to make clear from what an acute monetary crisis the world has escaped . . ." *The Economic Crisis,* p. 10. Frewen viewed the Sherman Act of 1890 as "little less than a scandal of finance." Silver in the 53rd Congress," p. 10.

59. Frewen, *The Economic Crisis,* p. 136.

60. *Ibid.*

61. *Ibid.,* pp. 138, 142.

62. *Ibid.,* p. 133.

63. *Ibid.,* p. 132.

. . . of the middle-man . . ."[64] Nor was there a group more deserving of this sacrificial role, for the middle men, "buying from the producer at a price they dictated, could force the consumer to purchase at monopoly prices."[65]

There was one other, less attractive aspect of Frewen's "Populism" which must be mentioned. Consistent with the nativist silverites of the 80's and 90's, Frewen was a "rhetorical anti-Semite."[66] Though obviously ignoring, even combatting, the Populist's Anglophobia, Frewen was never loath to insert a bit of Jew-baiting into his writings and speeches. "The Jew," he once wrote, "is the universal moneylender, the universal middle-man . . . He is the world's mortgagor . . ."[67] Of more significance here, however, were Frewen's statements to the gathered silverites at their second national convention in 1892. There was, he said, one dissenting group in England which continued to maintain that "the Merry Isle owes her supremacy to the gold standard . . . rather than to the industry and frugality of her citizens." This group, he continued, was composed "mostly of foreigners, and foreigners generally of Semitic orgin [sic]."[68] The applause which greeted this statement was not lost on Frewen, and he realized that he stood on common ground with many of the delegates. Whether he continued his anti-Semitism, however mild it might appear, from sincere conviction or from simple political expediency is unclear. Whatever the reason, Frewen's bias afforded him an even closer affinity with some of the Populists, and no doubt mitigated to a certain extent their distrust of him as an Englishman.

Frewen's real devotion, however, was to the cause of restoring silver to its rightful place in the finance of the Western world, and if he sometimes proved a disappointment to the more responsible silverites with his social reforms and his racism, he never ceased to be a valuable political ally where silver was concerned. Evidence of this, and evidence also that he was not operating independently of the American silverites, is seen in the numerous letters exchanged between Frewen and various spokesmen of American bimetallism. As early as December, 1889, one year after the publication of Frewen's *The Economic Crisis,* Senator John Jones of Nevada informed him of the situation in the United States relative to the silver campaign. Commenting on the impending Sherman Silver Purchase Act, Jones boasted of the majority in each House then enjoyed by the advocates of free silver, and predicted

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64. *Ibid.,* p. 154.
65. *Ibid.,* p. 144.
66. The phrase is Hofstadter's; see *The Age of Reform,* pp. 78-82.
67. Frewen, *Melton Mowbray . . . ,* p. 190.
68. Frewen's address to the Second National Silver Convention, 1892, *Frewen Papers,* WRCIS. The word "applause" is inserted after the completion of the sentence in the account of the speech.

that "something by way of legislation that will more fully utilize that metal as money [would] be insisted upon."[69]

Though Frewen's reception of the Sherman bill was something less than enthusiastic, he nonetheless retained his keen interest in the progress of silver in Washington. By May of 1892, he was writing to his wife of the "nearly an hour [he had had] with Blaine . . . about silver." The Secretary, Frewen recorded, "seemed very much interested." After a similar audience with the Secretary of the Treasury, Frewen was "passed on to several silver senators, all of whom seemed to have got everything I ever wrote."[70] Frewen was by then an accepted member of the free silver community, as his invitation to speak at the second national convention readily attests. Nor did he view his responsibilities lightly. Though sorely concerned with the progress of his silver mines in Mexico, Frewen was forced to refuse his business partner who beseeched him to pay a personal visit to his holdings. "I must be in Washington on the 26th," he wrote, "the very crisis of the silver issue is at hand . . ."[71]

A year and a half later, in October of 1893, Frewen received further confirmation of his importance to the American silver advocates. "Jones wants me to throw myself body and bones into the silver struggle," he informed his wife, "and if I should say 'yes' no funds shall be wanting to do it well."[72] This later condition must have seemed especially attractive to Frewen, but, although the same offer was tendered him later,[73] he never entered as actively as the silverites wished into their crusade.

Perhaps the reason for Frewen's reluctance was his determination to resist the inflationist ideas of most of the American silverites. Firmly believing that unilateral re-monetization was infeasible, if not actually dangerous, Frewen began to ally himself increasingly with those Americans with whom he was in more basic agreement. One of these men was Anthony Higgins, Senator from Delaware, and a convinced international bimetallist. It was Higgins who wrote to Frewen that "unless *all nations* give silver its full money function, there will still remain, unfortunately for mankind, a Silver Question."[74] Unfortunately also, however, was the fact that in Higgin's mind "there would be no legislation on the silver question . . . at least not with Mr. Cleveland in the White

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69. Jones to Frewen, 18 December, 1889, *Frewen Papers,* WRCIS.
70. Frewen to his wife, 3 May, 1892, *ibid.*
71. Frewen to Mr. Stead, 11 May, 1892, *ibid.*
72. Frewen to his wife, 17 October, 1893, *ibid.*
73. Richard Bland, author of the Bland-Allison Act encouraged Frewen to "Go on with your good work! We will fight the battles here as best we can." Bland to Frewen, 21 April, 1896, *ibid.*
74. Higgins to Frewen, 11 June, 1894, *ibid.*

House, and a Republican majority in Congress."[75] With this observation Frewen was forced to agree, for it seemed evident to him that the "Democrats [had] saddled themselves with a gold mono-metallist President, who is perhaps, more of an admirer of the English system than can be . . . found . . . outside Lombard Street."[76]

Higgins' predictions, of course, proved correct, but it took a letter from John Altgeld of Haymarket fame, to give this sentiment a note of finality. "I have read," Altgeld wrote in 1897, "that all great reforms require years, and sometimes even a century to get thoroughly rooted and bring forth fruit."[77] In 1897 this seemed a conservative estimate, at least insofar as free silver was concerned. By 1925, however, upon Frewen's death, it seemed safe to assume that a century was insufficient.

Frewen, like his American colleagues, was never to achieve success in his crusade for restoring silver to a position of legal tender. The historical significance of Frewen's career as a bimetallist, however, is in no way dimmed by this failure. The very fact that an aristocratic Englishman, the target of a militant Anglophobia among many Americans, could champion the cause of his chief antagonists, invites some historical speculation. As such, the reasons for Frewen's seemingly strange behavior, no matter how conjectural, are of some importance.

Following his earlier success, Frewen, like many of the Wyoming cattlemen, began to experience more difficult times. One of the reasons for these setbacks, and the factor which Frewen decided to attack directly, was the strangle hold placed on the range cattle industry by the Chicago meat packers, the middlemen whom Frewen so cordially detested. Determined to circumvent the "Beef Trusters," Frewen, in 1883, established his own processing plant outside of Superior, Minnesota. Messrs. Swift and Armour, however, viewed such actions with understandable concern and immediately flooded the Duluth-Superior market with thousands of their own beeves, cutting the prices in this one area and forcing Frewen to abandon what might otherwise have been a highly successful venture.[78] Incidents such as this are hardly conducive to an appreciation of high capitalism and Frewen, as has been seen, continued to view the middleman as a dangerous element in the American and British economic systems.

Following his departure from Wyoming in 1885, Frewen plunged eagerly into a long series of speculative ventures, all of which proved unprofitable. While on a hunting trip in the United

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75. Higgins to Frewen, 18 December, 1895, *ibid.*
76. Frewen, "Silver in the 53rd Congress," p. 9.
77. Altgeld to Frewen, 18 February, 1897, *Frewen Papers*, WRCIS.
78. Herbert Brayer. "Moreton Frewen, Cattleman," pp. 10-12.

States, he missed gaining control of Denver's public-service transportation system. Another time he failed to obtain control of a Western railroad. And on still another occasion he sold his share in an Australian gold mine which later realized a sizeable profit.[79] This succession of reversals left Frewen in an embarrassed position financially and Moreton was reduced to urging his wife to "please God, let the House, sell [her] diamonds, and scramble through as best [she could]."[80] Financial failure, especially of so acute a nature as Frewen experienced, no doubt influenced his later radicalism and his complete reversal insofar as the American farmer was concerned. By 1893, Frewen was complaining of the "upwards of 200 homesteads . . . being sold monthly under foreclosures in the single state of Nebraska." The same man who once described the advance of the settler as an "irrespressible horde" threatening the interests of his foreign owned cattle company, now spoke of the once prosperous "yeomanry [being] either evicted or . . . remaining on as caretakers for the local bank or the *foreign mortgage company*."[81]

Whether it was Frewen's own financial misfortunes which prompted so striking a change is difficult to determine with any finality. Perhaps, he, like Bismarck before him and Teddy Roosevelt and countless others after him, was concerned with the emergence of "scientific socialism," and wished to combat it by usurping its main programs. It is evident that the fall of prices subsequent to the anti-silver legislation seemed to Frewen to be "embittering the relations between the governors and the governed, and to be held to justify the admission into the legislation of methods of a perverted socialism,"[82] a socialism which to Frewen meant only economic chaos.

It is likewise possible, though not probable, that Frewen's radicalism, like his earlier venture into the range cattle business, was directed at satisfying the English dilletantes who viewed the holding of such sentiments as "a kind of amusement." Frewen's progressive ideas might have represented his "biggest luxury . . . making him feel moral and yet not damaging his position."[83] Again, such an uncharitable view seems improbable, though it is not without the realm of possibility.

For Frewen, however, "position" was a thing of the past, a part

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79. Shelley, "The Papers of Moreton Frewen," p. 17.
80. Frewen to his wife, 19 April, 1892, *Frewen Papers,* WRCIS.
81. Frewen, "Silver in the 53rd Congress," p. 18. (My underlining)
82. Frewen, *The Economic Crisis,* p. 80.
83. Henry James, *The Portrait of a Lady,* (New York, 1881), p. 101. James, writing during the period of the 1880's was an acute observer of the English scene. As such, his description of "Lord Warburton" cannot be dismissed as pure fiction.

of his life which by the 1890's seemed irretrievably lost. Perhaps, then, the best explanation is one offered by Frewen himself:

> I had come to think that the stern individualism of [Herbert Spencer's] sociology was anti-social, [he wrote] and that our world was ripe for some new Gospel teaching based not on competition but on love.[84]

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84. Frewen, *Melton Mowbray* . . . , pp. 192-193.

The Rise of Workmen's Compensation in Wyoming

By

EDMOND L. ESCOLAS

The purpose of this article is to set forth the economic, political, and social background of Wyoming in the era when the State passed its original Workmen's Compensation Act, and to record the evolutionary steps of public opinion formation and compromise by which the Statute eventually was enacted.

THE WYOMING SCENE 1900-1915

John B. Kendrick (D.), Wyoming's ninth governor, signed the Workmen's Compensation Act into law in 1915 when Wyoming was preparing to celebrate the silver jubilee of its statehood. Its domain consisted of approximately 98,000 square miles, an area larger than that of all the New England States combined. More than 50 per cent of this land, however, was owned and controlled by the Federal Government.

Although eighth in size, Wyoming, in 1910, was forty-eighth in population with a total of 145,965 and a density of one and one-half persons to the square mile as against over thirty, for the United States as a whole.[1] The State had no navigable streams, only limited railroad facilities, and but one city, Cheyenne, with a population of more than 10,000.[2]

At the time of the 1910 Census, 102,744 persons or 70.4 per cent of Wyoming's population lived in rural areas. Of the remaining urban population, 37,998 or more than 87 per cent were concentrated in five cities namely, Cheyenne, Laramie, Rawlins, Rock Springs, and Sheridan. In trend, the rural population had increased 74.1 per cent or about two and a half times over the 28.9 per cent increase of the urban population since the last Census.[3]

Agriculture. Agriculture was Wyoming's dominant industry in 1910. There were 10,987 farms and ranches employing 24,606

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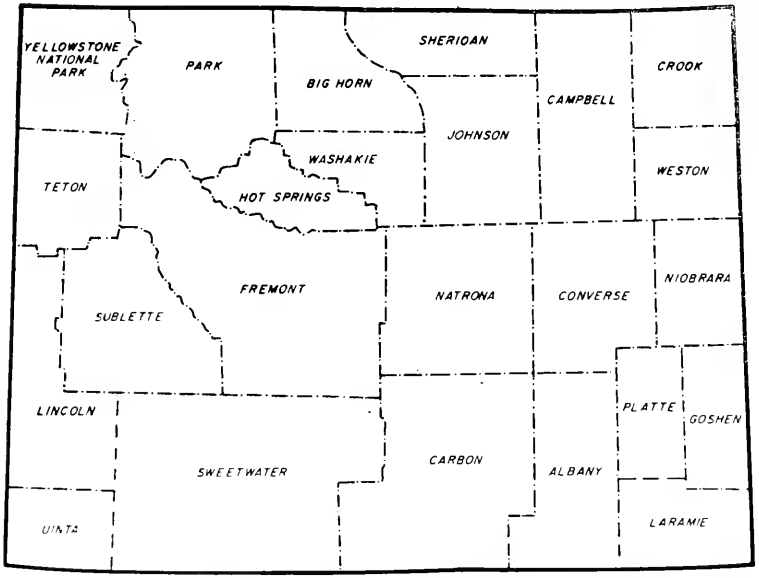
1. United States Bureau of the Census, *Thirteenth Census of the United States: 1910. Population,* Vol. III (Washington: Government Printing Office, 1913), p. 1105.
2. *Ibid.*
3. *Ibid.,* pp. 1105-1106.

persons or about 37 per cent of the State's male labor force of 67,593. Farm capital and property was valued at about $167,189,000.[4] Therefore from the point of view of number of establishments, of total employment, and of invested capital, agriculture was Wyoming's most important single industry.

Both the elevation and the rainfall determine to a great extent the character of Wyoming's agriculture. Because of the rugged terrain,[5] a short growing season generally prevails over the state. The average growing season ranges from 59 days in Teton County to 144 days in Washakie County.[6] West of the Continental Divide, where the principal farming activities are confined to ranching and

FIGURE 1

WYOMING COUNTIES - 1930[a]



[a]United States Bureau of the Census, Fifteenth Census of the United States: 1930. Agriculture, Vol. III (Washington: Government Printing Office - 1932), p. 219.

4. United States Bureau of the Census, *Thirteenth Census of the United States: 1910, Agriculture*, Vol. VII (Washington: Government Printing Office, 1913), p. 939.

5. *Ibid.* "Very little of the state lies at an elevation of less than 4,000 feet and more than one-half of the total area of the state exceeds an elevation of 6,000 feet above sea level".

6. Cf. County Map. Figure 1.

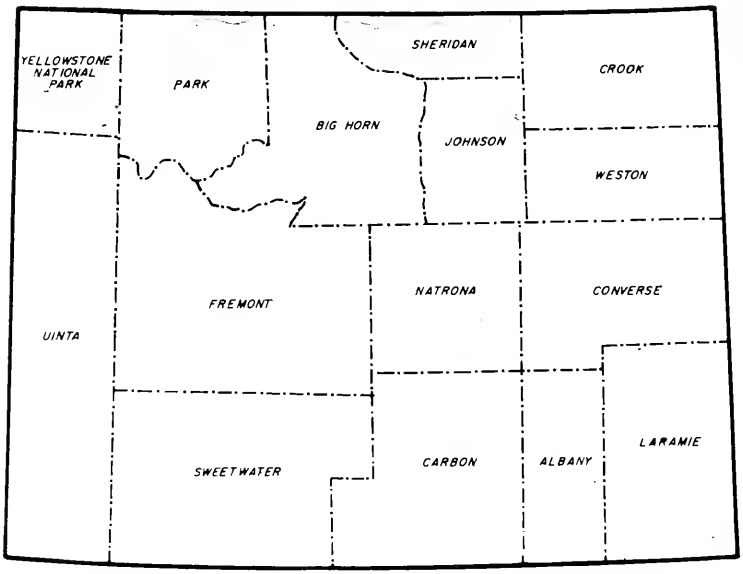
stock raising, the growing season averages 79 days, but in the agricultural areas of the eastern part of the state, the growing season averages 123 days.[7]

In addition Wyoming is an arid state. Except in a few counties in the northwestern part of the state, the rainfall over the state is not usually sufficient for growing crops without irrigation. The normal annual precipitation ranges from ten to fifteen inches. Irrigation is practiced in all sections of the state where water is available. In 1909, 6,297 or 57.3 per cent of all the farms and ranches in Wyoming employed irrigation.[8]

The general character of Wyoming agriculture is indicated by the fact that in the same year somewhat more than one-quarter of the total value of all crops, which was estimated at $10,023,000,

FIGURE 2

WYOMING COUNTIES - 1910[a]



[a] United States Bureau of the Census, Thirteenth Census of the United States: 1910. Abstract of the Census (Washington: Government Printing Office, 1913), p. 572.

7. H. H. Trachsel and R. M. Wade, *The Government and Administration of Wyoming*, (New York, 1953), p. 3.

8. United States Bureau of the Census, *Thirteenth Census of the United States: 1910. Agriculture*, Vol. VII (Washington: Government Printing Office, 1913), p. 940.

was contributed by cereals and about three-fifths by hay and forage.[9] The remainder, representing in value 12 per cent of the total, consisted mostly of potatoes and other vegetables.[10]

In 1909 the leading crops of the state, ranked in order of their importance as judged by value, were: hay and forage, $6,077,000; oats, $1,829,000; wheat, $644,000; potatoes, $524,000; barley, $130,000; and corn, $101,000.[11]

About one-half of the acreage of hay and forage was located in Uinta County.[12] Other large acreages of this crop were situated in three counties in the southeast corner of the state, Laramie, Albany, and Carbon. Oats were quite well spread out although Laramie and Crook Counties had the largest acreages. Nearly one-fourth of the wheat acreages was found in Sheridan County. Although potato acreage was well distributed generally throughout the state, Laramie County contained more than one-fourth of the total. About one-third of the barley acreage was in Sheridan and Crook Counties in the northeast corner of the state. As for corn, Laramie County had more than one-half of the total acreage of this crop.[13]

Another striking characteristic of Wyoming agriculture was the great area of semi-arid land utilized for grazing purposes only. One such area is the western edge of the Great Plains which stretches from Central Wyoming to the eastern border of the state. High, treeless and with few rivers, this land is marked by buttes and flats. "Bad lands", arid regions which man has not yet conquered, spread out for miles, and can be used only for grazing. Another such region spreading from Rawlins to Granger is the Great Continental Divide Basin known as the Red Desert. This land is admirably suited to winter grazing, for the chinook removes the snow from the ground and leaves bare the self-cured, wild hay. Because the grass is more adapted to sheep feeding than cattle, many herds of sheep graze there yearly.[14] Consequently the state in 1909 had 767,427 cattle, 156,062 horses, and 5,397,161 sheep valued at around $64,590,000. To these figures may be added the wool clip which was priced at $8,913,000.[15]

Extractive Industries, Mines, Quarries and Wells. With only sixty-six operating firms in the same year, the extractive industries, mines, quarries and wells, ranked second to agriculture as to total employment and invested capital. These industries employed

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9. The hay and forage crop consists principally of alfalfa, wild salt or prairie grasses, and other tame or cultivated grasses.
10. United States Bureau of the Census, *op. cit.*, p. 948.
11. *Ibid.*
12. Cf. County Map, Figure 2.
13. United States Bureau of the Census, *op. cit.*, p. 949.
14. Velma Linford, *Wyoming Frontier State* (Denver, 1947) p. 19.
15. United States Bureau of the Census, *op. cit.*, pp. 945-946.

about 8,500 wage earners and had capital of some $9,505,365. Bituminous coal mining was the giant in this field. Thirty-five operators working sixty-five mines employed over 92 per cent of the workers and contributed over 92 per cent of the value of the products of all mines, quarries, and wells.[16] These coal mines were located for the most part along the route of the Union Pacific Railroad in such towns as Hanna, Rock Springs, Kemmerer, Diamondville, and the now ghost towns[17] of Almy, Cumberland, Carbon, and Spring Valley.

The corporate form of business enterprise dominated the bituminous coal industry. Seventy-four per cent of the operators were incorporated and they produced 99.2 per cent of the total value of products and hired 98.8 per cent of all wage earners.[18]

Ownership of the bituminous coal industry was highly concentrated in the hands of the Union Pacific Railroad. Most of the extensive outcroppings of coal were on land on which the Union Pacific had been granted the mineral rights through the amended Railroad Act of 1864.[19] The railroad owned and operated mines at Hanna, Superior, Reliance, Winton, Spring Valley, Cumberland, and Rock Springs.

Of the 7,839 wage earners employed in the bituminous coal industry in 1909,[20] 6,447 were members of District 22 of the United Mine Workers of America.[21] Rock Springs had five locals with a combined membership of 1,636; Hanna had 497; Superior, 769 in two locals; and Cumberland, 455. The rest of the membership was scattered throughout the other mining communities. It was these same organized miners, many of whom had been members of the defunct Knights of Labor, who were in a few years to spearhead the workers' drive for workmen's compensation.[22]

Manufacturing. In comparison with agriculture and the extractive industries, manufacturing was not of great importance in Wyoming during this period. The Census[23] reported a total of 268 establishments operating for the most part in seven manufacturing areas. Capital allocated to these industries amounted to some $6,195,000. Value of product totaled $6,249,000 while

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16. United States Bureau of the Census, *Thirteenth Census of the United States: 1910. Mines and Quarries,* Vol. XI (Washington: Government Printing Office, 1913), p. 179.
17. Linford, *op. cit.,* pp. 347-358.
18. United States Bureau of the Census, Vol. XI, *op. cit.,* p. 177.
19. Linford, *op. cit.* pp. 347-358.
20. United States Bureau of the Census, Vol. XI, *op. cit.,* p. 179.
21. United Mine Workers of America, *Proceedings of the Eighth Annual Convention of District 22* (Cheyenne: 1910), p. 28.
22. Linford, *op. cit.,* pp. 356-357.
23. United States Bureau of the Census, *Thirteenth Census of the United States:* 1910. *Manufactures,* Vol. IX (Washington: Government Printing Office, 1913), pp. 1363-1373.

employment averaged 2,867 workers annually of which 58.9 per cent were employed in railroad construction and repair shops. Another 22.6 per cent or some 648 workers were working for the sixty-three firms in the lumber and timber industry. The remaining 18.5 per cent or 529 employees were thinly spread among such enterprises as printing and publishing, bread, butter and cheese, liquor, gristmill products, and others.

Oil. Oil, which was to blossom into a major Wyoming industry in the 1920's, was as yet of little significance. According to the Census[24], there were fifteen petroleum and six natural gas wells. They involved capital of $548,000, produced a value of product of $18,929, and hired on the average twenty-five men during the summer months. Most of the oil wells were located in the Salt Creek field near Casper.[25] An adjacent area, Teapot Dome, was to figure prominently in the oil scandals of President Harding's administration.

Economically youthful, Wyoming was also young in social customs and institutions. A little of the State's frontier flavor may be sampled by reviewing briefly a few of the historical events of this era. The first decade or so of the Twentieth Century found the State wrestling with problems which characterize an area of new settlement. The land-population ratio, generally low rainfall and wide open spaces provided an environment which made cattle grazing an important economic activity. Cattle "rustling" was a problem of the time. The legislature was concerned with the location of major public institutions, definition of counties, the foundation of a state road network, protection of the public against fraudulent promotional schemes, Indians, and control of such "vices" as gambling and alcoholic consumption.

An example of the "rustler" problem is seen in the case of Tom Horn, known as the "Wyoming man killer". Tom Horn was employed as a detective by the Stock Growers' Association to apprehend "rustlers". Finding it most difficult to secure the conviction of a "rustler", Horn adopted the policy of acting as detective, prosecutor, judge, jury, and executioner. He abandoned all efforts to bring suspected persons to justice, and applied the penalty of death by shooting. He usually struck from ambush and his name spread terror among the guilty and innocent alike in 1901. Horn was paid for each victim, his fees ranging from $500 to $700. He indicated his gruesome handiwork by placing a rock beneath the head of the murdered person. In 1903 the saga of Tom Horn ended. He was convicted and hanged in Cheyenne, for the murder of a thirteen-year old sheepherder.[26]

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24. United States Bureau of the Census, Vol. XI, *op. cit.*, p. 179.
25. Linford, *op. cit.* p. 375.
26. *Ibid,* p. 341.

A major feature of the general election of 1904 was the issue dealing with the permanent location of the four principal state institutions, namely: the capitol, the university, the state penitentiary, and the insane asylum. The voters decided by a fair margin that these four institutions should remain in the cities where they had been originally established, that is, Cheyenne, Laramie, Rawlins, and Evanston.[27]

During the midsummer months of 1906, a band of renegade Ute Indians from the White River Reservation in the state of Utah made their appearance in Wyoming. From two to five hundred in number and heavily armed, they traversed the entire width of the state slaughtering cattle, deer, elk, antelope, buffalo, and other wild game. Federal troops were finally called in and the Utes were removed to Fort Meade, South Dakota.[28]

In 1907 the Shoshone Indian lands, located for the most part in northern Fremont county, were opened for settlement and an influx of homesteaders poured into the area.[29]

One result of the increasing population and of the rise in assessed land valuations was the wholesale creation of new counties. In 1911 the Eleventh Legislature added seven new counties to the fourteen already in existence. The county boundaries of Wyoming were thereby defined except for the extreme western counties of Sublette and Teton which were created in 1921.[30]

In 1913, the Twelfth Legislature laid the foundation for a network of state highways by designating precisely the route for twelve roads.[31] These main arteries with feeders, along with the automobile, were soon to solve the old problem of getting speedily from one part of the state to another.

In the same year, the Legislature ratified the seventeenth amendment to the state constitution providing for the popular election of United States senators.[32] Four years later, John B. Kendrick (D.), then governor, became the first Wyoming senator elected by popular vote.[33]

It was during this period, 1911-1915, especially with Governor Joseph M. Carey (R.) in the state capitol that law enforcement was given serious consideration. A "Blue Sky" Law to protect investors from fraudulent promotions in copper mining and oil was proposed but not enacted. The laws against gambling, prize fighting, and the sale of intoxicants were, however, under stricter

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27. Frances B. Beard, *Wyoming From Territorial Days to The Present* (Chicago and New York, 1933), p. 549.
28. *Ibid.*, pp. 561-562.
29. *Ibid.*, p. 567.
30. *Ibid.*, p. 577. Compare county maps Figures 1 and 2.
31. *Ibid.*, p. 581.
32. *Ibid.*, p. 588.
33. Linford, *op. cit.*, p. 324.

interpretation. An attempt, though not entirely successful to this day, was under way to make Wyoming less "wild and wooly".[34]

Primary elections clearly indicate that politically Wyoming was a Republican state. Six of the first nine governors were Republicans.[35] Except for an occasional Democrat, the important state officials, the Representative to Congress, the United States Senators, and the majority in both Houses of the Wyoming Legislature were all members of the Republican party in this era.[36]

This briefly was the broad socio-economic-political atmosphere of Wyoming at the precise time when Workmen's Compensation Legislation was being brought under serious consideration by all interested parties, labor, management, and the public, throughout the entire nation. The adoption of a Workmen's Compensation Law by Wyoming was perhaps less a reflection of the internal economic group pressures of a burgeoning industrial population with its felt needs for relief of the problem of loss of earning power from industrial accidents than it was a response to the stirrings of the labor groups in more industrialized states, most of which had already enacted laws of the kind.[37]

THE RISE OF WORKMEN'S COMPENSATION IN WYOMING

Wyoming's biennial legislatures of 1907 and 1909 make no mention of the popular reform movement which was underway nationally as regards to methods of compensation for industrial accidents and deaths.[38] Historically Wyoming's earliest attempt to adopt a basic new approach to the socio-economic problem of occupational injuries and deaths took place during the 1911 legislative session.

Senate File Number 117 The Eighth Annual Convention of District 22, United Mine Workers of America which met in Cheyenne in June, 1910, favored the introduction of a workmen's com-

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34. Frances B. Beard, *op. cit.*, pp. 585-586.

35. From Francis E. Warren (R.), 1890 to John B. Kendrick (D.), 1915. Although elected on the Democratic ticket in 1911, Joseph M. Carey was by his own admission a life-long Republican. He is therefore tabulated as a Republican governor.

36. Linford, *op. cit.*, p. 324. "Never have the Democrats failed to elect some officials, yet only once in the history of the state, 1934, did the party elect five state officials, the Representative to Congress, the United States Senator, and the majority in both Houses of the legislature. Democrats have controlled the Senate only twice and the House three times." The Democrats controlled the House a fourth time in 1959.

37. Twenty-three States passed Workmen's Compensation legislation before Wyoming's law was enacted.

38. H. M. Somers and A. R. Somers, *Workmen's Compensation*, (New York: 1954), p. 15-16.

pensation statute during the 1911 state legislative session.[39] This law is referred to by President Thomas Gibson as "death and total disability insurance law".[40] Secretary-Treasurer James Morgan termed it a "compulsory insurance law" and suggested review of the recently adopted Montana Act with a view as to the feasibility of adopting a similar statute for Wyoming.[41]

On February 9, 1911, the *Wyoming Tribune*[42], in a front page story. reported that the labor interests of the state would introduce a bill proposing enactment of a workmen's compensation law. The law would:

1. Protect workers engaged in hazardous employments.
2. Establish a schedule of compensation to be paid by employers to to employees injured on the job or to dependents in the event of death. Widows, for example, would receive 1,200 times their husbands' daily wage but not to exceed $3,000.
3. Eliminate the employers' common-law defenses.
4. Serve merely as an additional remedy for the workmen, as the existing law covering personal injury would still be operative.

Labor's request for some system of workmen's compensation crystalized on February 13, 1911. On that day, which was not only the last date for bringing out new bills but also a mere five days away from legislative adjournment, Senator George H. Cross (D.) from Converse County requested and was granted permission to introduce the last bill of the session. Senate File Number 117 was:

> "A bill for an act regulating the liability of employers to employees who are or may be injured while engaged in dangerous employments, fixing a scale of compensation to be paid such employees and providing the procedure by which the provisions of this Act shall be enforced."[43]

The bill was referred to the Committee on Mechanical, Manufacturing and Laboring Pursuits. This committee composed of G. B. McClellan (R.) of Big Horn County, F. A. Hadsell (R.) of Carbon County, and W. H. Holliday (D.) of Albany County, made no report. Secretary-Treasurer James Morgan in his report to the delegates at the Ninth Annual Convention of the United Mine Workers of America, District 22, in July, 1911 commented in this fashion: "The workmen's compensation act [and another

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39. United Mine Workers of America, *Proceedings of the Ninth Annual Convention of District 22* (Cheyenne: 1911), 27.
40. United Mine Workers of America, *Proceedings of the Eighth Annual Convention of District 22* (Cheyenne: 1910), p. 19.
41. *Ibid.*, p. 31 The Montana law was declared unconstitutional in the case of *Cunningham* v. *Northwestern Improvement* Co., 44 Montana 180 (1911).
42. *Wyoming Tribune* [Cheyenne], February 9, 1911, p. 1.
43. *Wyoming Senate Journal,* 1911, pp. 328-329.

bill] are reposing quietly and peacefully in the Senate labor bill graveyard . . ."[44]

Looking back one may point to several reasons why no bill was forthcoming during the legislative session. One was the lateness of the hour of the filing of the proposed bill. Another was the paucity of information and publicity concerning such a vital law. Still another was the fact that labor, although numerous and well organized,[45] chose to go it alone without the employer on an issue which was of such vital economic interest to the majority of the largest employers within the state, namely the coal operators. Still another reason was the indefiniteness of the proposal as indicated by the ambiguity of the Convention Reports[46], the newspaper article[47], and Senate File Number 117[48] itself. In sum, the proposed bill appeared when the times looked more ideally suited for studying, comparing, and surveying the field of workmen's compensation as well as conferring with the interested parties.

House Bill Number 240 By early 1913 Wyoming's Twelfth Legislature seemed intent on pursuing just such a course of study

TABLE I
MEMBERSHIP UNITED MINE WORKERS OF AMERICA
DISTRICT 22[a]
1903-1916

Year	Number of Locals	Membership Paid Up
1903[b]	2	323
1904	3	543
1905	3	471
1906	4	736
1907	26	1972
1908	30	5689
1909	29	6014½
1910	32	6447
1911	34	6461½
1912	32	6885
1913	36	6282
1914	36	6962
1915	35	6061
1916	31	5897

[a]United Mine Workers of America, *Second Biennial Convention Proceedings of District 22* (Cheyenne: 1916), p. 17.

[b]Date of organization of District 22. Until 1910 Montana was part of District 22 United Mine Workers of America. The above figures, however, are for Wyoming only.

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44. United Mine Workers of America, *Proceedings of the Ninth Annual Convention of District 22* (Cheyenne: 1911), p. 28.
45. Cf. Table I.
46. See p. 14.
47. See p. 15.
48. *Ibid.*

and investigation in the area of workmen's compensation legislation. Mr. E. R. Fisher of Diamondville, Republican representative from the mining counties of Uinta and Lincoln, which are located in the southwestern part of the state, introduced on February 11, 1913, House Bill Number 240. In brief this bill provided "for an act for the appointment of a committee to consider and investigate Workmen's Compensation Acts, providing for their compensation, and other purposes."[49]

The original bill was amended by the Senate. The amendment specified that the State Auditor and the State Treasurer should participate in appointing members to the proposed commission. This piece of legislation, quickly and with little opposition, was passed by both Houses and by February 22, 1913 was ready for the Governor's signature[50]. It appeared fairly evident that Wyoming was to join the many other states in conducting a study of workmen's compensation systems.

On March 8, 1913, Republican Governor Joseph M. Carey vetoed House Bill No. 240. "This bill was vetoed," wrote the Wyoming Tribune, "because as passed, it would make the auditor and treasurer of the state participate in the appointment of such a commission. Governor Carey quotes the Constitution to show that this is an infringement upon his authority, and he therefore will not approve the bill."[51] Wyoming was thereby destined not to undertake a comprehensive study of workmen's compensation systems at this time.

House Bill Number 241 While early records did not presage House Bill No. 240, the *Wyoming Tribune* of January 20, 1913 reports the following: "The Sweetwater County delegation in the House, Representatives Young, McAllister, Evers, and Manson, will specialize in labor legislation and will give their support to the measures advocated by the Wyoming Federation of Labor, among them are bills for an employers' liability law . . ."[52]

Subsequently on February 11, 1913, Mr. William McAllister, Democratic representative from the mining county of Sweetwater, introduced House Bill No. 241. The bill provided "for an act to submit to the qualified voters of the State of Wyoming an amendment to the Constitution of the State of Wyoming adding to Section 4 of Article 10 of the Constitution a provision authorizing and requiring Workmen's Compensation Acts."[53]

The reasoning behind the proposal to amend Wyoming's constitution can be explained by the Ives v. South Buffalo Railway

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49. *Wyoming House Journal, 1913,* p. 265.
50. *Ibid.,* pp. 514, 517.
51. *Wyoming Tribune* [Cheyenne], March 8, 1913, p. 1.
52. *Ibid.,* January 20, 1913, p. 4.
53. *Wyoming House Journal,* 1913, p. 265.

decision.[54] In this precedent setting case, New York's compulsory workmen's compensation law of 1910 was held to be unconstitutional, as it violated the due-process clauses of the State and Federal constitutions. Confronted with the possibility of a constitutional challenge, Wyoming legislators chose to propose a constitutional amendment to make unquestionably certain that compensation legislation, if enacted, would be legal.[55]

The choice of the legislators proved to be a wise one if one judges from the events that followed. The shadow of unconstitutionality hung over the workmen's compensation movement until 1917, when in three separate decisions the United States Supreme Court affirmed the constitutionality of the three prevailing types of laws: New York's 1913 compulsory law, Iowa's elective law, and the Washington law which included an exclusive state insurance fund.[56] Thus by employing the constitutional amendment, Wyoming's compensation law was from its inception permitted to develop in an atmosphere free from legal and judicial entanglements.

House Bill No. 241 passed the House on February 19, 1913 with the following vote: ayes, 53; noes, none; absent, one.[57] The Senate concurred three days later with a vote of 26 ayes; noes, none; and one absent.[58] The constitutional amendment had thereby passed both Houses with ease. On February 26, 1913, Governor Carey signed the bill into law which read, in part, as follows: "An Act to submit to the qualified voters of the State of Wyoming an amendment . . . adding . . . a provision authorizing and requiring Workmen's Compensation Acts."[59]

This amendment, if approved by a majority of the electors, would serve as a mandate to the legislators to enact a workmen's compensation act during the next legislative session. The amendment furthermore outlined broadly the framework for the new law, namely: (a) to be an exclusive remedy; (b) to cover extra-hazardous employments; (c) to establish an exclusive state fund.[60]

Passage of the Constitutional Amendment The next step forward in the history of Wyoming's Workmen's Compensation Act was to obtain approval of the amendment by a majority of the

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54. *Ives* v. *South Buffalo Railway Co.,* 201 New York 271 (1911).
55. Seven states, including Wyoming, have amended their constitutions. The others are Arizona, California, New York, Ohio, Pennsylvania, and Vermont.
56. *New York Central Railroad Co. v. White,* 243 U.S. 188 (1917); *Hawkins v. Bleakley,* 243 U. S. 210 (1917); *Mountain Timber Co. v. Washington* 243 U.S. 219 (1917).
57. *Wyoming House Journal,* 1913, p. 413.
58. *Ibid.,* p. 506.
59. *Wyoming Session Laws,* 1913, Chapter 79, Section 1.
60. *Ibid.*

electors at the next general election in November of 1914. Needless to say, propaganda was quickly forthcoming from those parties vitally interested in the legislation, namely, the political parties, the labor organizations, the employers, and the press.

On February 18, 1914, the amendment received the endorsement of the independent Progressive Party. Section fourteen of the Resolutions of the Progressives read as follows: "We favor the adoption of the amendment to the constitution of this state for a workmen's compensation act."[61]

The amendment, of course, continued to enjoy the active support of the Democratic Party and its representatives who sponsored the legislation in the House. In due course on April 7, 1914, the provision concerning enactment of a workmen's compensation act became a plank in the Democratic Party platform. The resolution adopted by the Democratic Committee relating to labor legislation states: "That we favor the enactment of . . . adequate liability and compensation laws."[62]

On September 4, 1914, the Republican Party made it unanimous. A plank in their political platform said: ". . . to facilitate and adjust equitably between employer and employee, injuries sustained by the latter, we favor the passage of a Workmen's Compensation Act. The settlement of questions involving life and limb should be a matter of law, not luck."[63]

With the backing of all political parties assured, the amendment certainly had an excellent chance of being carried by the popular vote at the forthcoming November election.

From July 16 to July 18, 1914, the Wyoming Federation of Labor was scheduled to hold its annual convention in Cheyenne. "One of the chief political questions," reported the Tribune several days before the meeting, "which will come before the labor federation will be the discussion of the employers' liability and compensation bill."[64]

On July 17, 1914, an article in the same Cheyenne newspaper related that the representatives of Wyoming labor were discussing problems involving industrial legislation. "Chief among the movements being discussed," it stated, "is campaigning for . . . the enactment of a compulsory workmen's compensation law."[65]

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61. *Wyoming Tribune* [Cheyenne], February 18, 1914, p. 2.
62. *Ibid.*, April 7, 1914, p. 8.
63. *Ibid.*, September 4, 1914, p. 8. Downey wrote in this manner: "Some seven-eights of all work injuries in the United States were left without legal relief." (E. H. Downey, *Workmen's Compensation*, (New York and London, 1924), p. 144.) Bowers concluded that "employers' liability, under the influence of common-law doctrine, was interpreted to mean exemptibility, rather than responsibility." (E. L. Bowers, *Is It Safe To Work?*, (New York and London, 1930), p. 170.)
64. *Wyoming Tribune* [Cheyenne], July 10, 1914, p. 8.
65. *Ibid.*, July 18, 1914, p. 1.

Later the provision for compulsory workmen's compensation legislation became point three of the labor convention's proposed platform.

The labor assembly, as a body, approved the resolution calling for the adoption of a compulsory workmen's compensation act on July 18, 1914. The State Federation also voted at this time to appeal to the American Federation of Labor for aid in bringing about the desired legislation.[66]

In keeping with its promise to publicize the amendment, the Wyoming State Federation of Labor, in October, 1914, issued a leaflet entitled, "Workmen's Compensation Explained", which summed up the position of organized labor.

> The time has arrived when Wyoming must give acknowledgement of her advancement by placing upon her statute books an act providing for the compensation of workmen injured during the course of industry. This fact is conceded by the employers and the employees of the largest and most hazardous industry of the state - that of coal mining.
>
> The passage of the amendment will enable the legislature to pass an efficient compensation law, so that hereafter when a workman is injured or killed, they or their dependents will receive an equitable compensation. Nearly every mining and industrial community have their quota of human derelicts, who crippled and unable to follow any vocation have become dependents on society. An adequate compensation law will relieve this condition in Wyoming to a large extent.[67]

Wyoming's largest and strongest union,[68] the United Mine Workers of America, District 22 met on July 20 through July 22, 1914 in the Mine Workers' Hall in Cheyenne. Already on record as favoring a workmen's compensation act[69], the Miners pledged to continue [70] their publicity campaign along with the Wyoming Federation of Labor.

President A. G. Morgan in his report to the delegates expressed the opinion that passage of the amendment would require considerable work, not because of employers' objections, but because of the need of securing an unusual number of affirmative votes.[71]

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66. *Ibid.*

67. *Workmen's Compensation Explained* (Cheyenne, Wyoming: undated), p. 1. Probably printed in October, 1914, or earlier by the Wyoming Federation of Labor, as the *Wyoming Tribune* of Cheyenne discussed the booklet editorially on October 13, 1914, p. 4.

68. Cf., Table I. p. 17.

69. Cf., p. 14.

70. Vigorous articles advocating passage of the amendment had appeared in the *Wyoming Labor Journal* of Cheyenne during the months of April, May, June, September and October, 1914. In October of 1914 every issue featured the proposed amendment on the front page.

71. Cf. pp. 27-28 on the matter of votes required for passage of a constitutional amendment.

He further announced that the Miners and the State Federation had employed George E. Bateman, a district auditor for District 22, to make a study of workmen's compensation. Mr. Bateman had completed his task and was using the information acquired in the various publicity notices advocating passage of the amendment.[72]

The following words by President Morgan are of interest as they presage the approach which was later to be used in order to secure a Workmen's Compensation Act which would be agreeable to both labor and management in the coal mining industry.

> "Later on it will be necessary to find out if it will be possible to arrange a meeting of parties concerned to find out if any great difference exists concerning the exact terms of the prospective law.
>
> It is very necessary that no chances be taken by the workers of the state and that their interests be protected just as much as possible. Exact knowledge being the first requisite the study and application of Bro. Bateman should equip him to take the leading part in representing our side of the matter.
>
> The coal operators of the state have signified their willingness to have workmen's compensation in lieu of the present unjust and inefficient system of payment for injury. They are willing to have a conference to see if any possible difference might not be amicable adjusted.
>
> Personally, I favor this system rather than present an ideal measure of our own drafting to the legislature and then have it pursue the uncertain course that I know it will necessarily travel. If a measure can be agreed to before presentation to the legislature, it will in all likelihood more nearly represent the real desires of the workers of this state than if it was subjected to all sorts of unfriendly amendments."[73]

Editorially on October 13, 1914, the *Wyoming Tribune*, a solid Republican newspaper, commented briefly on the leaflet issued by the Wyoming Federation of Labor, and commended the Federation for its interest in the amendment providing for a workmen's compensation law.[74]

The Tribune had previously stated its affirmative position concerning the proposed constitutional amendment with the following editorials: "Workmen's Compensation"[75], "Call attention to the most important amendments yet proposed to the Wyoming Constitution"[76], "Reasons why you should vote Workmen's Compensation Act";[77] "A Most important amendment"[78]; and, "The rising

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72. United Mine Workers of America, *Proceedings of the First Biennial Convention of District 22* (Cheyenne: 1914), p. 9.
73. *Ibid.*, pp. 9-10.
74. *Wyoming Tribune* [Cheyenne], October 13, 1914, p. 4.
75. *Ibid.*, July 7, 1914, p. 4.
76. *Ibid.*, August 6. 1914, p. 4.
77. *Ibid.*, September 18, 1914, p. 4.
78. *Ibid.*, September 28, 1914, p. 4.

tide of Workmen's Compensation Legislation".[79] Moreover, on October 28, 1914, the *Wyoming Tribune* reaffirmed its stand on this issue in unequivocal terms: "One of the most important amendments is that providing for workmen's compensation acts. It is a meritorious amendment and should be adopted."[80]

The attitude of the employers appeared to be one of understanding and cooperation, as was indicated previously[81], and is again expressed in the following exerpt; "We understand that the labor interests are willing to confer with the employers about every detail of the proposed law, hoping that an agreement may be reached, under which the bill when introduced into the legislature will not be made cumbersome or ineffective by hasty and ill-advised amendments."[82]

No organized opposition to the measure ever appeared on the scene.[83] Therefore on the eve of the November election, the proposed constitutional amendment enjoyed the open and active support of th parties most vitally concerned with its passage, namely: the political parties, organized labor, the press, and the employers. However, the proof of the pudding was, to paraphrase a famous saying, in the election returns.

The following appeared without comment in the November 11, 1914 edition of the *Wyoming Tribune,* "Amendment for Workmen's Compensation Adopted."[84] Two days later the Labor Journal had the not so affirmative banner headline, "Looks Like Workmen's Compensation Passed".[85]

Again on November 11, 1914 the Tribune wrote editorially: "Who will be the Man? What member of the next legislature is going to begin now and come prepared with a bill that meets the situation? Such a bill should be introduced by a Republican member and should be passed by Republican votes."[86]

On November 14, 1914, the *Wyoming Tribune* carried the following article:

> Compensation Amendment is Safely Passed - Addition to Constitution has Majority of more than 2,000.
>
> Returns which are virtually complete from 16 of 21 counties on the vote cast on Amendment Number 1, establishing a workmen's compensation law in Wyoming, show that the amendment has carried in these counties by a majority of 2,369 votes.
>
> The compiled vote for the 16 counties give 17,067 for the adoption

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79. *Ibid.*, October 1, 1914, p. 4.
80. *Ibid.*, October 28, 1914, p. 4.
81. Ref. earlier article by author.
82. *Wyoming Tribune* [Cheyenne], October 13, 1914, p. 4.
83. Agricultural employment was excluded from the Act. Therefore the farm vote was not a factor.
84. *Wyoming Tribune* [Cheyenne], November 11, 1914, p. 2.
85. *Wyoming Labor Journal* [Cheyenne], November 13, 1914, p. 1.
86. *Wyoming Tribune* [Cheyenne], November 11, 1914, p. 4.

> of workmen's compensation and 14,689 against. While many did not vote on the amendment, this fact is counted as being against the enacting of the bill, inasmuch as it requires a majority of more than one-half the total number of votes cast. Virtually half of the votes recorded against the amendment were actually written in on the ballot.
>
> To the workmen's compensation act [constitutional amendment] was given the greatest number of votes either for or against.[87] This fact is attributed to the amount of editorial publicity given the amendment in the newspapers over the state and the active campaigning conducted by the Wyoming Federation of Labor and the various political parties.[88]

"Only the amendment to the state constitution establishing a workmen's compensation act carried,"[89] reported the *Wyoming Tribune* on December 17, 1914. The official count was 24,258 votes for the amendment and 3,915 against it. Legally, however, a majority of the votes cast is necessary for passage of a constitutional amendment. On this basis, therefore, of the 44,877 cast, workmen's compensation received 24,258 or 1,819 more votes than the required majority.[90] The amendment to Wyoming's Constitution had been adopted by the electors.

About a week later, Governor Carey officially proclaimed that the workmen's compensation amendment had been incorporated into Wyoming's Constitution.[91] This action now placed squarely upon the Thirteenth Legislature the mandatory duty to enact a law providing for the payment of workmen's compensation.

ADOPTION OF A WORKMEN'S COMPENSATION LAW

The *Wyoming Tribune* on December 28, 1914, commented editorially that it was more or less common knowledge that the labor interests in the coal fields and the large coal operators were working together and preparing for the coming legislature a bill "that would meet the demands of the situation and be generally satisfactory."[92]

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87. Three other amendments had been proposed to the voters at this time: (1) a provision to extend the legislative session to sixty days; (2) a provision authorizing a special tax on livestock for bounty on predatory animals; (3) a proposal authorizing state work on public highways. [Frances B. Beard, *Wyoming* (Chicago and New York : American Historical Society, 1933) I, p. 604.]

88. *Wyoming Tribune* [Cheyenne], November 14, 1914, p. 6.

89. *Ibid.*, December 17, 1914, p. 6. Historically the workmen's compensation amendment was the second constitutional amendment ratified by the Wyoming voters. [Beard, *op. cit.*, p. 604.]

90. *Wyoming Tribune* [Cheyenne], December 17, 1914, p. 6.

91. *Ibid.*, December 26, 1914, p. 1.

92. *Ibid.*, December 28, 1914, p. 4.

Indeed on December 29, 1914, the coal mine operators and the officials of the United Mine Workers of America, District 22, met at the Labor Hall in Cheyenne with the intention of drafting a suitable bill on workmen's compensation for presentation to the members of the convening legislature.[93]

Newspapers[94] of that day do not indicate whether or not the United Mine Workers and the coal mine operators agreed on a bill at this time. But lack of publicity by both parties as well as the press would seem to indicate that very little progress had been made.

A statement issued on December 31, 1914, by the Cheyenne Trades and Labor Assembly would seem to substantiate the point of view concerning a lack of agreement between the parties. The Assembly went on record as favoring "such compensation act as shall be agreed upon between the representatives of organized labor and the representatives of the employers."[95] The Assembly would go along once the principals agreed on a bill. However the article further noted that the proposed legislation was still in process of formulation and not available as yet for discussion.[96]

At this juncture it seemed reasonable to assume that the employers and the labor interests were working together in order to prepare a law that would be acceptable on the whole to both parties. In fact some years later, William C. Deming, editor of the Cheyenne *Wyoming Tribune,* who had in 1914 prepared and helped put across the Republican plank endorsing a Workmen's Compensation Act, noted that, ". . . framing of the law was by tacit agreement left to the coal operators and the coal miners."[97]

The *Wyoming Tribune* predicted on January 2, 1915, that the workmen's compensation act, supported by the Wyoming State Federation of Labor, would be one of the first bills to be presented

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93. *Ibid.*, December 29, 1914, p. 6. "The operators were: Frank A. Manley, Assistant General Manager of the Union Pacific Coal Company, Omaha; Thomas Sneddon of Diamondville, Wyoming; John A. Bennowitz, Omaha: H. C. Campbell, Central Coal and Coke Company, Kansas City; P. J. Quealy of Rock Springs and Kemmerer, Wyoming." No mention is made of union officials but the following must have been present: Arthur B. Morgan, President of United Mine Workers District 22; George E. Bateman, district auditor for District 22 and a student of workmen's compensation systems; W. W. Gilroy, President of the Wyoming Federation of Labor; and Paul J. Paulsen, President of U.M.W. of America Local 2174 at Rock Springs, Wyoming.

94. The author carefully checked the newspapers of Cheyenne, Rawlins, and Rock Springs, Wyoming. Rawlins is located close to Hanna, site of the Union Pacific coal mines. Rock Springs is surrounded by coal mines.

95. *Wyoming Tribune* [Cheyenne], December 31, 1914, p. 3.

96. *Ibid.*

97. *Ibid.*, January 24, 1921, p. 4.

when the overwhelmingly Republican legislature convened on January 12 for its forty-day session.[98] Simultaneously the Wyoming State Federation of Labor hailed the passage of the amendment to the constitution as being the greatest victory and one of the most significant features of the year for organized labor. The Federation also asserted that it was largely because of the efforts of labor itself that the bill passed.[99] This is only partially correct as we have seen earlier the roles played by other interested parties. In addition, with a Republican legislature, labor would especially need the support of the employer groups.

Even before the opening session of the Thirteenth Legislature, interested parties began to issue statements concerning the various ingredients which they believed should be incorporated in the new compensation statute.

The *Wyoming Tribune* favored in form an Act which would employ an administrative commission, in lieu of court administration, and an exclusive state fund. The administrative commission would eliminate ". . . the payment to lawyers, witnesses, and casualty corporations, and the expense and wage loss due to trials and appeals."[100] The appeal for the state fund as an integral part of the compensation system was made by referring to the Ohio law, which operated under a state fund plan, as being "as strong as the New York statute."[101]

In his opening message to the legislature, Governor John B. Kendrick (D.), who had favored the adoption of the workmen's compensation amendment,[102] differed basically with the *Wyoming Tribune* on the administrative features of the Act. It was his belief that from the points of view of promptness, cost, and justice, the court system similar to that of New Jersey was far preferable administratively to the commission. He also cautioned that while he stood for a just compensation for the injured worker or his dependents, he felt that the law should be drafted so as not to work a financial hardship on the employer.[103]

The main ingredients of the proposed statute, a compulsory system for extra-hazardous employments, a state fund like Ohio's, administration by commission or by the courts as in New Jersey, were being supplied from various sources, such as, organized labor, the amendment itself, the press, and even the governor.

It was now apparent that the mine operators and the labor representatives had not succeeded in their attempt of December

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98. *Ibid.*, January 2, 1915, p. 6. The Senate comprised 16 Republicans and 11 Democrats; the House, 41 Republicans and 16 Democrats.
99. *Ibid.*, p. 5.
100. *Ibid.*, January 11, 1915, p. 4.
101. *Ibid.*
102. *Wyoming Labor Journal* [Cheyenne], October 23, 1914, p. 1.
103. *Wyoming House Journal*, 1915, pp. 12-13.

29, 1914, to write a joint draft of a workmen's compensation bill.[104]

The January 25, 1915 *Wyoming Tribune* pointed up the fact that the mine employers and employees were still working on a compensation law, but were temporarily in disagreement over the lump sum to be paid an employee who became totally disabled. Also the possibility of two bills, one embodying the desires of mine operators, and the other, the wishes of the miners, is mentioned once more. However, both parties were well aware of the dangers of presenting a controversial bill on the floor and were working to avoid it.[105]

It is apparent that by this time the coal operators had agreed on a bill. These employers published a circular containing the proposed rates of compensation for various types of work injuries. In order to keep their membership informed and to secure their reactions, officials of the United Mine Workers of America District 22 passed these circulars along to their Wyoming locals. The reaction of the locals was mixed; some favored dropping the entire issue; the majority, however, indicated that most of the employers' proposals were all right, but that the union officials should try to obtain more, namely, higher rates of compensation for work injuries. The union officials, Morgan, Bateman, and Paulsen, reported back that they tried to obtain higher rates, but had failed. The failure was based on the fact that they did not have much in the way of statistical data to substantiate these higher rates of compensation.[106]

Finally after a lull of several days, the long anticipated workmen's compensation statute was introduced in the House on the

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104. *Wyoming Tribune* [Cheyenne], January 16, 1915, p. 7. "The latter [the workmen's compensation act] . . . promises to be one of the most interesting matters of legislation arising during the session. A conference between coal mine operators and representatives of their employees, which was held here in an attempt to evolve a bill satisfactory to both factions, was not entirely successful. Disagreements occurring in regard to several important phases, and the questions left unsettled in this conference presumably will be thrashed out in the legislative halls. Whether more than one compensation act will be introduced cannot at this time be stated, but one that will be introduced will have the endorsement of the Wyoming State Federation of Labor and will receive the support of that organization's influence."

105. *Ibid.*, January 25, 1915, p. 2.

106. *Wyoming Labor Journal* [Cheyenne], February 19, 1915, p. 1. The *Wyoming Tribune* [Cheyenne], January 25, 1915, p. 7 reported that the officials of the United Mine Workers of America District 22 had referred the employers' proposals of compensation to their locals for either acceptance or rejection. All replies from the locals were to be in by the following day [January 26, 1915]. The only evidence concerning the result of this inquiry by the union officials is contained above in condensed form.

TABLE II

COMPARISON OF A SAMPLE OF BENEFITS CONTAINED IN PROPOSED HOUSE BILL NO. 147 AND THOSE PROPOSED BY THE UNITED MINE WORKERS OF AMERICA FEBRUARY, 1915[a]

Schedule of Benefits

Type of Injury	House Bill No. 147	United Mine Workers Proposals	United Mine Workers Proposals more (+) or less (—) liberal Than House Bill No. 147
Loss of Thumb	$ 150.	$ 300.	+$ 150.
Loss of Leg above Knee	$1000.	$1500.	+$ 500.
Loss of an Eye	$ 700.	$1000.	+$ 300.
Temporary Total Disability	Single $15. per month	Single $20 per month	+$ 5.
	Married $20 per month	Married $25 per month	+$ 5.
	$5. per month up to a maximum of $35. total for children	idem	—
Permanent Total Disability	Single $1000.	Single $2000	+$1000.
	Married-No Dependents $1200.	Married No Dependents $2200.	+$1000.

[a]*Wyoming Tribune* [Cheyenne], February 1, 1915, p. 3; and *Session Laws of Wyoming,* 1915, pp. 172-186.

morning of the thirteenth day of the session, January 29, 1915, by the Committee of Labor as House Bill No. 147:[107]

It was:

> A bill for an act providing compensation for injuries or death resulting from injuries of workmen from accidents occurring in extra-hazardous employment, defining extra-hazardous employments and providing for the accumulation, maintenance and administration of funds in the State Treasury for the payment of such compensation and repealing Sections 3526, 4291, and 4292 of Wyoming Compiled Statutes, 1910, and all other laws or parts of laws relating to damages for injuries, or in anywise in conflict with this Act.[108]

A printed version of the proposed statute reached the legislators on January 30, 1915. Immediately the miners declared that they were dissatisfied with the measure as it stood. The main point of contention was that the rates of compensation were too low, especially in comparison with other states. They therefore advocated the adoption of higher schedules as illustrated in Table II.

On February 4, 1915, the standing committee to which it had been referred began serious consideration of House Bill No. 147. At an evening meeting of the committee, the interests of the coal mine operators were reprsented by W. E. Mullen, a lawyer and later Attorney-General of the State, and those of the coal mine operatives by Arthur G. Morgan, President of District 22, United Mine Workers of America and others.[109]

The labor interests expressed very little hope that their amendments regarding compensation awards[110] would be accepted by the standing committee and recommended to the House committee of the whole. They therefore stood ready to propose a long list of modifications when the measure appeared before the House committee of the whole.[111]

The *Laramie Republican* expressed genuine concern about the legislation because of some opposition from labor, ranchers, and

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107. *Wyoming House Journal*, 1915, p. 131. The committee consisted of three republicans and two democrats as follows: H. J. Harrington (R.) of Uinta County as chairman; James O. Marts (R.) of Weston County; Albert E. Campbell (R.) of Laramie County; George D. Young, Jr. (D.) of Sweetwater County; and Harry C. Snyder (D.) of Converse County. [The *Wyoming Tribune* of Cheyenne on that day labelled the bill incorrectly as House Bill No. 157. It was numbered House Bill No. 147.]

108. *Ibid.*

109. *Wyoming Tribune* [Cheyenne], February 4, 1915, p. 2. "Others" would have included F. A. Manley, Assistant General Manager of the Union Pacific Coal Company, Paul J. Paulsen, President of Local 2174 of the United Mine Workers Union in Rock Springs, and George E. Bateman, District Auditor for the United Mine Workers of America, District 22, who had studied workmen's compensation legislation and was chosen to represent the labor interests.

110. Cf., Table II p. 194.

111. *Wyoming Tribune* [Cheyenne], February 4, 1915, p. 2.

corporations. The labor interests were primarily dissatisfied because the rates for benefits were not sufficiently high. Some ranchers were opposed to the bill, because they believed, though erroneously, that they would have to pay in case of injury or death of an employed cowboy. Some corporations opposed it, because they did not want the law at all. With such attitudes prevalent in the background, the editorial concluded rather pessimistically that, "It is not hard to see what will become of the bill".[112]

The Laramie newspaper strongly urged the workers to accept the proposed bill, for [it is] advisable . . . to accept something, even though it does not come quite up to their [workers'] idea of what it ought to be, rather than not get anything at all."[113]

Several questions presented themselves almost simultaneously during the discussion of the legislation in the House. One had to do with the definition of "culpable negligence". Compensation would be paid to injured workers or to the dependents of workers killed in extra-hazardous employments provided that such injuries or deaths were not sustained as the result of "culpable negligence" on the part of the employee. Culpable negligence was defined as:

> The words, injuries due solely to the culpable negligence of the insured employee, mean injuries due to a failure to exercise that degree of care, which is required in a particular instance and which a reasonably prudent and honest man would exercise for his own safety.[114]

The Wyoming Tribune wrote the following:

> The employers who must pay three-quarters of the industrial insurance for which the bill provides, consider the definition as set forth by the bill, entirely - even abundantly - satisfactory. Employees, however, - and particularly the eight or nine thousand employees of the United Mine Workers of America - consider that the definition might be considerably improved. They regard it, in fact, as sinisterly inadequate.[115]

One of the members [unnamed] of the legislature expressed the opinion to the press that "culpable negligence as it is used in the workmen's compensation act, might be construed to cover almost any act of a man except suicide."[116]

A second point of disagreement revolved around the previously mentioned scale of compensations. The coal operators, the em-

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112. *Laramie Republican,* February 4, 1915, p. 2.
113. *Ibid.*
114. *Wyoming Tribune* [Cheyenne], February 9, 1915, p. 1.
115. *Ibid.* The other one quarter was to be paid by the State.
116. *Ibid.*
117. These figures are taken from the *Wyoming Tribune* [Cheyenne], February 9, 1915, p. 1. Paid-up membership in the United Mine Workers of America, District 22, show in Table I. as 6962 for 1914 and 6061 for 1915.
118. *Wyoming Tribune* [Cheyenne], February 9, 1915, p. 1.

ploying class which far more than any other would be affected by the proposed legislation, were satisfied. On the other hand, the coal mine operatives, numbering some eight or nine thousand[117], were far from satisfied, and their representatives were continuing to suggest the possibility of presenting a long list of amendments when the bill came before the committee of the whole.[118]

Thirdly, some concern was expressed as to whether or not the fund would be sufficient to meet emergencies which might conceivably occur. The proposed bill provided for an initial appropriation by the State of $30,000 and an annual appropriation thereafter equal to one-fourth of the amount collected from the employers.[119] Despite this genuine concern, no changes in this feature of the law were forthcoming from anyone at this particular time.

Governor Kendrick proposed on February 10, 1915, that a committee composed of legislators from both Houses journey to Denver, Colorado, to participate with legislative representatives of Arizona, Colorado, and New Mexico in a multi-state conference arranged by Colorado's Governor George H. Carlson for the discussion of uniform compensation legislation. First, the Senate, and then the House promptly voted down the Governor's recommendation. The Senate action was simply explained by the fact that "any action which might be taken at Denver necessarily would be too late for consideration by this legislature".[120] The House concurred with this opinion.

Labor also rejected the proposal of Governor Carlson. The miners were afraid that an agreement by these various states would standardize compensation benefits at too low a rate. The law would be a compromise and the miners would have to accept less than workers received in the more industrialized states.[121]

On February 11, 1915, the House committee of the whole modified slightly the workmen's compensation act as originally proposed by accepting the amendments as recommended by the committee on judiciary including, especially, the striking out of the section defining "culpable negligence".[122] This particular feature had proved to be sort of a stumbling block up to this point, but with its removal the House committee of the whole recommended the Act for passage.[123]

Discussion of the new bill by the legislators was reduced to a bare minimum. Labor's often repeated threats of multiple amend-

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119. *Ibid.*
120. *Ibid.*, February 10, 1915, p. 1.
121. *Wyoming Labor Journal* [Cheyenne], February 12, 1915, p. 4.
122. Although reported in this manner, the term "culpable negligence" remains in the Act to this day although undefined.
123. *Wyoming Tribune* [Cheyenne], February 11, 1915, p. 1.

ments, for instance, never materialized. Neither was a new labor bill introduced. Nor were any amendments to House Bill No. 147 presented. Several explanations may be given for this apparent apathy, namely: (a) the Republicans controlled the Legislature and this was their bill; (b) representatives of labor interests in the Legislature were numerically weak;[124] (c) the Session was fast drawing to a close;[125] labor desired to get some bill now rather than one at all.

Representative George Young, Jr., Democrat from Sweetwater County, member of the House Labor Committee, and Vice-President of the United Mine Workers of America District 22, voiced the laborers' conditional acceptance of the measure, "as the basis for better legislation later on."[126]

Speaking at some length on the proposed legislation Mr. Young said:

> The time for consideration of the bill is short, amendments here might encourage amendments elsewhere, opposition might be excited to the measure and I want no act of mine to endanger passage of the bill.
>
> The rates are too low, I believe, and it is because of this belief that I want to see the present bill passed so that the rates therein, low as they are, will serve to gather complete and accurate data as to the deaths, total disabilities and partial disabilities (and duration) to the end that at the expiration of two years the workmen of Wyoming will have had their stand for higher rates justified.
>
> I would rather see the present bill with its present minor deficiencies, pass and become law than one with higher rates but so worded that it would be almost impossible to get the awards.
>
> Knowing the opposition that would develop if I advanced higher rates, and for the reasons explained in this statement, I refrain from proposing any change.[127]

Morgan, Bateman, and Paulsen were quoted in the *Wyoming Labor Journal* as saying: "We're pleased, but not overpleased. The legislature did no worse than pass it [workmen's compensation]. They might have killed it."[128]

In his report to the delegates at the United Mine Workers of America, District 22 convention in 1916, Secretary-Treasurer James Morgan restated labor's attitude and thinking concerning passage of the workmen's compensation bill in this manner:

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124. Ichabod S. Bartlett, *History of Wyoming* (Chicago: University of Chicago Press, 1918), pp. 634-636. Two years later in 1917 there were but eight members of labor organizations sitting as lawmakers. This was considered as a remarkable gain over the past.

125. The Senate reported the Bill out of Committee two days before adjournment.

126. *Wyoming Tribune* [Cheyenne], February 12, 1915, p. 1.

127. *Ibid.*

128. *Wyoming Labor Journal* [Cheyenne], February 25, 1915, p. 4.

> Those who had active charge of trying to obtain the passage of this bill at the last session of the Legislature have pointed out in the past and explained to the membership some of the difficulties in obtaining its passage; also explained that the measure as passed, in so far as the rates were concerned, was not what they had hoped for or desired. However, the passage of the act at least established the principle that compensation should be paid to workmen injured during the course of their employment, and by taking the results that have obtained during the time it has been in operation, we should be able to plan for the future, so that the weak points of the law may be strengthened and injured men and their families provided for by law as we should like to see them.[129]

In sum, all of this amounted pretty much to 'a half-of-loaf is better than none' capitulation on the part of the labor interests. In fact, the schedule of benefits contained in House Bill No. 147 was that which was adopted in its entirety. The labor proposals shown in Table II were lost along the way. Even "culpable negligence" was returned to its place in the proposed legislation.

The remainder was routine. On February 13, 1915, the House passed the Workmen's Compensation Act without a single dissenting vote although two members were absent and two excused.[130] Six days later and two days before adjournment, the Senate, with but one dissenting vote and two absences, approved House Bill No. 147 in the precise form in which it had won approval in the House.[131] On February 27, 1915, Governor Kendrick completed the cycle, and signed the bill into law.[132]

By adopting a workmen's compensation act, Wyoming legislators had discarded the common-law approach of employers' liability with its employee negligence defenses as well as the employers' liability laws, and had embraced instead a system rooted in the principle of liability without fault for some industrial accidents.[133] As a corollary, since industrial accidents were recognized as one of the inevitable hazards of modern industry, their costs were also recognized as a legitimate cost of production. Therefore, the employer or the corporation was to be assessed in some definite though equitable manner.[134] Basically the theory was founded upon the idea that neither the employer nor the employee was to be burdened with the costs of accidents, but that this cost was to be charged as a part of the cost of production to be borne ultimately by the consumer.

The original Act, in addition, contained the ingredients to achieve several other hoped for objectives, such as:

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129. United Mine Workers of America, *Second Biennial Convention Proceedings of District 22* (Cheyenne: 1916), p. 19.
130. *Wyoming House Journal,* 1915, p. 343.
131. *Ibid.*, p. 473.
132. *Wyoming Tribune* [Cheyenne], February 27, 1915, p. 1.
133. Wyoming, *Session Laws 1915,* Chapter 124, Section 2.
134. *Ibid.*, Section 16.

1. Predetermined, adequate, and prompt benefits.[135]
2. Elimination of wasteful litigation and legal fees by using the existing legal machinery.[136]
3. Certainty of payment of benefits by establishing an exclusive state fund system.[137]
4. The employer could not "contract out" of his liability under system.[138]
5. Provided for enforcement so that all employees engaged in extra-hazardous occupations would be covered.[139]
6. Provision of accident statistics which might serve to focus attention on "danger spots" in employment, and through such to reduce and prevent accidents in industry.[140]

SUMMARY

The state's economy was one dominated by extensive agriculture including livestock and coal mining at the time the issue of workmen's compensation reached the public discussion and decision stage. Although the proposed legislation would be of more significance to coal operators and coal miners than to any other economic interest groups, it was necessary to obtain assent of other groups to such legislation in order to get the political majorities required for adoption. After exploratory introduction of one bill and a governor's veto of a second bill, a constitutional amendment was introduced by legislative action in 1913 and affirmed by popular vote in 1915 after compromises brought wide support from the public press, both political parties, and spokesmen of various interest groups. After the amendment of the constitution removed questions as to the constitutionality of workmen's compensation, a specific bill was passed by the Wyoming legislature. This bill more closely resembled the proposals of the coal operators, and especially the views of the largest single coal operator, the Union Pacific Railroad, than it did those of the coal miners as prescribed through the United Mine Workers of America. The new bill provided compensation for industrial accidents and deaths regardless of fault and with a minimum of legal formality. It became law upon signature of the Governor of Wyoming on February 27, 1915.

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135. *Ibid.*, Section 19.
136. *Ibid.*, Sections 12 and 25.
137. *Ibid.*, Sections 15 and 16.
138. *Ibid.*, Section 9.
139. *Ibid.*, Section 18.
140. *Ibid.*, Sections, 11, 24, and 28.

Notes on Wyoming History

The Grave of Joel J. Hembree, 1843.

By

PAUL HENDERSON

During the month of December, 1961, Mr. Glen Edwards, present owner of the old George Powell Ranch in the LaPrele Creek valley some eleven miles west of Douglas, Converse County, Wyoming, while planning some land leveling operations in a meadow, discovered a pile of stones near the north bank of the stream on the east line of the S. W. ¼ of the S. W. ¼, Sec. 10, T. 32 N., R. 73 W.

Upon one of these stones, larger than the others, of black dolomite with a somewhat flattened side, Mr. Edwards found a date and name: 1843. J. Hembree, crudely chiseled. Thinking that the pile of stones with the engraved one no doubt marked an early pioneer grave, he suspended operations until he had talked to his friends and neighbors about moving the grave so that it would not be obliterated by irrigation and cultivation.

Among those whom Mr. Edwards talked to was Mr. Lyle Hildebrand, of Douglas, an ardent Oregon Trail fan who had spent a great deal of time with the late Mr. Clark Bishop in tracing out the old covered wagon roads across Wyoming.

They gave the story of Mr. Edwards' discovery to the local newspaper, hoping that it would become an Associated Press item and perhaps some one, some place, would read it and give them more light on the identity of the person that lay buried in this long lost and lonely grave.

A clipping from the *Douglas Budget,* with a picture of the headstone, was sent to Mr. and Mrs. Paul Henderson, of Bridgeport, Nebraska, asking if they had anything on it. Having read a story about the death and burial of a boy in the Applegate wagon train many years ago, they looked through their file of copies of early diaries for the year 1843, and found they had three that gave the story of the death and burial of Joel Hembree, a lad nine years of age, a member of the Applegate Company enroute to the Oregon country. This information was forwarded to the *Douglas Budget,* hoping that more information would come from persons reading these facts.

On Sunday, March 24, 1962, a group of interested people from around Douglas gathered at the Edwards ranch for the purpose of moving the grave from its original location to near the site of the Pvt. Ralston Baker grave, situated on a high bank of LaPrele creek, near the old LaPrele stage station grounds.

Among these persons who rendered valuable aid in this task were: Mr. and Mrs. Glen Edwards and family, Mr. and Mrs. Leon Chamberlin and family, Mr. and Mrs. Cushman, Leonard Chamberlin and his four sons, Rodney Sandquist and family, Mr. and Mrs. Bud Dickens, Dr. William Hinrichs and son, Mr. John Waitman, Paul Henderson, Bridgeport, Nebraska, and others whose names were not secured.

It was shortly after lunch time that all gathered at the grave. Mr. Edwards brought his trucks and other machinery. First many photographs were taken by all who had cameras. Then all the stones that had originally been placed over the grave were loaded in trucks to be taken to the new location. Machinery was used to remove the upper three feet of soil and rock. Then hand tools were carefully used until fragments of decayed wood were reached. From this point gentle hand work with trowels soon reached the skeletal remains, which lay on a bed of clay in an excellent state of preservation laying in an east and west direction facing the east.

It seems that the grave had been dug to a depth of about four and one-half feet. Then a bench of earth about six inches in width on all sides had been left. Below this an additional but small excavation had been made in which the body had been placed. What appeared to be an old oak dresser drawer had been placed

The Grave of Joel J. Hembree, 1843

on the earthen benches over the upper part of the body while short branches of trees covered the lower parts, which, when the earth was replaced would form a sort of a crypt to prevent the earth and stones from coming in direct contact with the remains.

In removing the remains Dr. Hinrichs carefully examined the bones and placed them in a sturdy pine box that had been prepared by Mr. Edwards. He expressed the opinion that the skull had been seriously fractured when the wheel of the wagon passed over the boy at the time of the accident.

For the history of this first large emigrant company to Oregon let us quote from the *St. Louis Daily Republican,* May 27, 1843, which in turn was quoting the *Liberty Clay County Banner*; "We are informed that the expedition to Oregon now rendezvoused at Westport in Jackson county will take up its line of march on the 20th day of this month.

"The company consists of some four or five hundred immigrants, some with their families. They probably have about one hundred fifty wagons, drawn by oxen together with horses for nearly every individual, and some with milch cows. They will, we suppose, take as much provisions as they can conveniently carry, together with a few implements of husbandry. There are in this expedition a number of citizens of inestimable value to any community- men of fine intelligence and vigorous intrepid character; admirably calculated to lay the firm foundation of a future empire".

The above is a brief outline of the Applegate company sometimes referred to as the "Cow Column." It was the first immigration of those who were determined to migrate to a distant land to build homes and cities and to take advantage of all the natural resources and make it a part of our young nation.

During these early times the vast Oregon country was under joint control of the United States and England with the advantages being on the English side due to their large fur trading companies and their fur trading forts.

Marcus Whitman, who had been an early missionary to the western Indians for a number of years, fully realized the natural wealth of the country, and during the winter of 1842-43, made his famous ride east in behalf of his mission, and if possible, to persuade our pioneering Americans to come and lay claim to the land by settlement.

Jesse Applegate was elected captain of this large party and among them was Dr. Whitman on his return journey to his Mission at Waiilatpu (near present Walla Walla, Washington). His thorough knowledge of the west was of valuable aid to Capt. Applegate from Independence, Missouri to Fort Hall, where Dr. Whitman left them to hurry on to his Mission.

The company was well managed. They constantly kept on the move, but preserved the Sabbath as a day of rest and devotion to God. There were no deaths from sickness thus far on their jour-

ney. The fatal accident to little Joel Hembree was the cause for the first grave to be made by this large company.

In taking up the incident connected with the death of Joel Hembree it is well that we first refer to the diary of William Thompson Newby, who was enroute to the Oregon country with the Cow Column. Quote:

"July 18-(1843) - A very bad road. Joel J. Hembree, son of Joel fel off the waggon tung & both wheels run over him. Distance 17.

"July 19- Lay buy. Joel Hembree departed this life about 2 o'clock.

"July 20- We burried the youth & ingraved his name on the headstone. Traveled 17." (A note on the margin says, "Mr. Newby engraved the name with such implements as he had, upon the stone".)

From the above it seems evident that the accident happened while the company was traveling westward between Bed Tick and LaPrele creeks; and that they came in to camp on LaPrele creek on the evening of July 18; and that they laid over the 19th, on which date the youth expired; and on the 20th they buried him and went on their way, traveling 17 miles.

John Boardman, who seems to have been a little behind the main company, if he was traveling with them, in his "An Overland Journey from Kansas to Oregon in 1843", states:

"Thursday, 20th,- Pleasant, road very bad, rocky. Crossed 3 creeks and nooned on a creek where Applegate's company had buried a boy that got killed by a wagon. We met Vasquez's men going to Laramie for goods. Left the main company and traveled 5 miles to a creek and camped".

"Friday, July 21st. - Pleasant. Road more sandy. Plenty of water. Came to Platte at 11 a.m. Camped on Platte near Applegate company and sent 5 men ahead to secure a boat to cross the river in."

From the Boardman entries it is quite evident that he came over from LaBonte creek and nooned on LaPrele and went on to night camp on one of the Box Elders. And on the twenty-first went on over to the Platte where he overtook the Applegate company, possibly in the vicinity of the Unthank grave.

The Vasquez men that he speaks of were enroute from Ft. Bridger to Ft. Laramie to secure their Indian trade goods. (Fort Bridger was established on Black's Fork in 1842 by Jim Bridger and Louis Vasquez.)

The next in line comes the Pierson B. Reading journal of 1843. Mr. Reading was enroute to California but traveled the Oregon Road to Fort Boise before turning off to California. In his journal he makes the statement that his company was the first to take this particular route.

Herewith his journal concerning the LaPrele area:

"Thursday, July 20 - Leaving the Platte out of view, camped on Squaw Butte creek about 2 o'clock where we met Messrs. Vasquez and Walker, traders from the mountains, bound for Laramie Fort. Passed on the creek a new made grave over which was a letter informing us it was that of a child killed in the Applegate company by a wagon passing over its body. We have made today considerable ascent and are now finding a very pure atmosphere. A mountain we passed yesterday evening was covered with snow which we saw distinctly and found the air quite chilly. Fifteen miles west."

In following the old trail through the LaPrele country there seems to be no outstanding butte except Table Mountain that is worthy of a special name such as Squaw Butte, from which Reading seems to have derived his name Squaw Butte Creek. The name LaPrele appears not to have been applied to the stream in those times. As in the same year we find that Sir William Drummond Stewart at the head of a large hunting expedition enroute to the upper Green River country, and several weeks in advance of the Applegate company, had a number of old mountain men with him who either forgot to inform Stewart of the name of the creek, or did not have one for it. As later we shall see, after he had visited the Natural Bridge, he bestowed the name Bridge Creek for the want of a name.

Stewart had made a previous trip to the Rocky Mountains in 1837, at which time he took with him Alfred Jacob Miller, a famous artist, who left an invaluable collection of paintings and drawings of the early west at that time.

On this particular tour of 1843 he was joined by such famous mountainmen as William L. Sublette, Solomon Sublette, Joseph Pourier, Auguste Lucier, Joseph Lajeunesse, Francios Clement, a lad killed by accident on the tour who lies buried in an unmarked grave near the Red Buttes, near present Casper, Wyoming, E. F. X. Chouteau and Baptiste Charbonneau, the son of Toussaint Charbonneau and Sacajawea, the Bird Woman of the Lewis and Clark expedition. Others included in the party were botanists, doctors, and Matthew Field, who was the assistant editor of the *New Orleans Picayune* newspaper. The diary that he kept and the stories he wrote for his paper while on this trip are a marvelous contribution to the history of the west of over a hundred years ago. (See *Prairie and Mountain Sketches,* by Matthew C. Field).

In his writings he mentions a visit to the Natural Bridge over LaPrele creek located in the Ayres State Park, Wyoming. And as some early history of the bridge and stream is not amiss at this time it will be well to take up his diary for the date of July 13, 1843:

". . . . Rode off in advance of the camp with Sir Wm, to visit a remarkable mountain gorge—a 'natural bridge' of solid rock, over a rapid torrent, the arch being regular as tho' shaped by art- 30

feet from base to ceiling, and 50 to the top of the bridge—wild cliffs, 300 feet perpendicular beetled above us, and the noisy current swept along among huge fragments of rock at our feet. We had a dangerous descent, and forced our way through an almost impervious thicket, being compelled to take the bed of the stream in gaining a position below. We called the water 'Bridge Creek!' " In the above it is evident that he visited the natural bridge of LaPrele creek (1843). It seems odd that for the want of a name, he named it Bridge Creek.

The name LaPrele, from the early diaries, seems to first show up in 1847. And one wonders why then.

As Sir William and his hunting party were returning during the month of September, back-tracking on their outward trip, Matt Fields records numerous old camping sites of their own, and those of the Applegate company, where the emigrants had abandoned broken wagons and other property, and in the description of all, this is quoted:

"Here the loose riders of our moving camp gathered one morning to examine a rude pyramid of stones by the road side. The stones had been planted firmly in the earth, and those on top were substantially placed, so that the wolves, whose marks were evident about the pile, had not been able to disinter the dead. On one stone, larger than the rest, with a flat side, was rudely engraved: J. Hembree, and we place it here, as perhaps the only momento those who knew him in the States may ever receive of him. How he died we cannot of course surmise, but there he sleeps among the rocks of the west, as soundly as though chiseled marble was built above his bones."

As years passed, Mr. Newby, and other early emigrants to Oregon, occasionally got together and reminisced about old times on the trail. We find that the following made its appearance in the *Portland Evening Telegram,* October 23, 1884.

"One bright little lad, nine years of age, full of life and health, the last of all that party likely to die, was thrown from a wagon and crushed so badly that he lived but a few hours. He was the son of Joel Hembree. A halt was made, and he was buried there on the 18th of July, 1843[1]. Mr. Newby engraved his name rudely with such implements that he had, upon a stone that was placed over his grave while his weeping parents and friends stood by. A note describing the tragedy was also placed in a cleft stick beside the grave, near Squaw Butte Creek. This was the first death in the immigration train and the grave made quite an impression upon the companies following the Applegate train."

Joel now sleeps beside a soldier who lost his life far out in a

1. According to the diaries his death occurred July 19, 1843.

then savage land, near the mountains away from his home in Pennsylvania, while protecting later emigrants from hostile Indians.

From "Chronological List of Engagements, Indian Wars U.S.A. 1790-1892," by the late George Webb, on page 29 is found the short and brief sketch of his death: "May 1, (1867) - LaPrella Creek. Dak. Detachment of Tr. E., 2nd U.S. Cav. Corporal A. Dolfer in command. Soldiers killed, 1."

Other information relative to this incident and the soldier is found in *The Winners of the West,* a magazine published by Mr. Webb, who also was an early Indian fighter: "Ralston Baker of Pa. Pvt. Co. E. 2nd. Cav. killed May 1st., 1867." The story of this engagement is too lengthy to quote at this time.

A Spanish Sword Blade From Dayton, Wyoming

By

DON GREY

In the spring of 1961, Mr. Archie Leland, of Dayton, Wyoming, was digging a flower bed in the rear of his yard. As he dug through the upper levels of the soil, he encountered an old rusty jackknife, some cut nails, and other bits of hardware which were probably relics from the old Dayton blacksmith shop whcih had been located nearby. He laid these aside as souvenirs, and kept a sharp watch for other items as he dug.

Mr. Leland decided to place a tile wall around the flower bed and he began to dig deeper around the edges of the bed. Below a depth of about twelve inches, no more of the blacksmith shop relics appeared. Finally, at a depth of about eighteen inches, he struck the deposit of streambed gravel which underlies all of this part of the town of Dayton.

As Mr. Leland extended the small trench for the tile around the flower bed, he suddenly struck, right on top of the streambed gravel, another piece of iron. He carefully worked the dirt away and saw what appeared to be a part of a blade of some sort. When the item was finally cleared, it was unquestionably a sword blade.

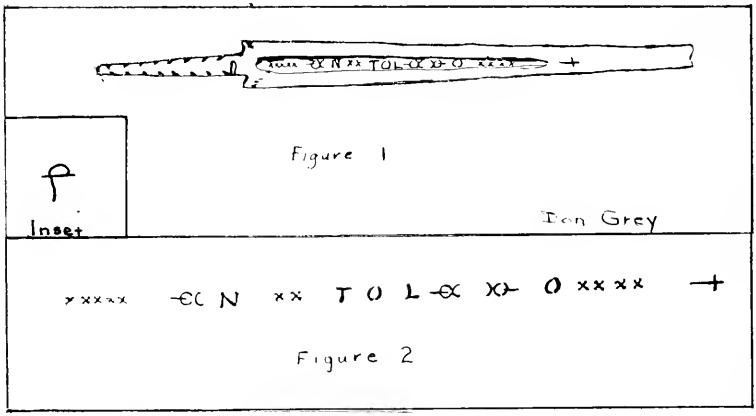
Mr. Leland brought the blade to me at Sheridan College to see what could be learned about its origins. He graciously offered to let me keep the blade for "a week or two" to study it and to make drawings and photographs. The "week or two" stretched into a year before the blade was finally returned, along with a disappoint-

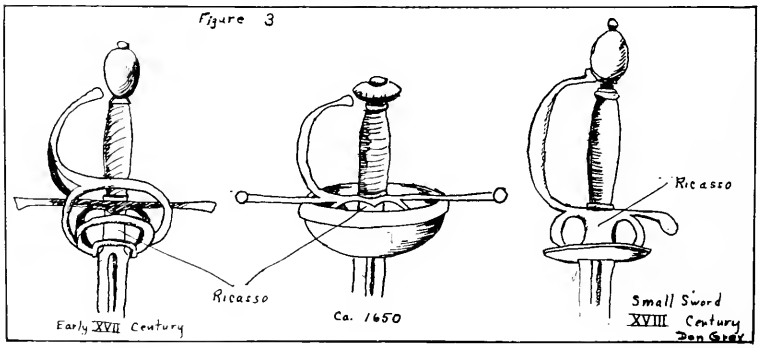
ingly small amount of information gleaned in a year of correspondence with people all over the country.

When Dr. Mulloy returned to the University of Wyoming from his work on Easter Island, the blade was shipped to him for examination. Dr. Mulloy disclaimed any expert knowledge of edged weapons but offered the following comment:

"I think it is a civilian weapon, a so-called small sword, from the late 17th or early 18th century. This was the civilian weapon that developed out of the earlier and considerably heavier rapier that was used during the preceeding period. I think it is probably a Toledo blade, judging from the details of form, but I understand that during this period Toledo blades were sometimes faked by makers elsewhere because Toledo armorers were so famous. One thing that makes me wonder about this one a little is that I understand that most Toledo blades of the period were simply marked with the following sign: (see inset, Figure 1.)"

Dr. Mulloy added that he felt an expert should be consulted and





suggested that the Metropolitan Museum of Art be contacted.

A letter, including photographs and sketches of the blade, was sent to Stephen V. Grancsay, Curator of Arms and Armor at the Metropolitan Museum. Mr. Grancsay's reply stated, in part: "So far as I can determine from your drawing, the blade is Spanish of the seventeenth century. It probably originally formed part of a swept-hilted or cup-hilted rapier. Since the blade has no ricasso, this area was probably filed down and the blade mounted with a small sword hilt."

Mr. Grancsay thus added little to Dr. Mulloy's original statement. Drawings and photographs were sent to several other persons known to be interested in early weapons, but no further information could be elicited. Several letters to the Armeria Real (Royal Armory) in Madrid brought no replies. Further correspondence is being attempted in order to try to get more specific information about the date and place of manufacture of the weapon.

In the eighteen months since the blade was found, Mr. Leland has done a good deal more digging in the vicinity of the find, but has turned up nothing other than a number of relics from the old blacksmith shop, all at shallower depths than that from which the sword blade came.

Speculations about the way in which the blade arrived in Dayton center around the following possibilities: (1) The blade was deposited in fairly recent times, perhaps at about the same time as the blacksmith shop relics. This would require perhaps that the blade was a souvenir in someone's collection in early Dayton and was somehow lost at the site. (2) The blade was lost at the site in pre-white times by an Indian who had obtained it in the American southwest, or had obtained it indirectly by trade from that area. (3) The blade was deposited at the site by early Spanish, or possibly French, explorers.

The possibilities above are indicated in the author's chosen order of preference, but there is little physical evidence to provide any basis for preference of one over another. There may be other possibilities than those mentioned, but these seem to be the more likely ones.

Aside from the opinion that the blade is of Spanish origin and dates from the late 1600's, the origins are as mysterious as the manner of arrival at the place where found. It would seem that the rather detailed inscription should furnish more specific information about the origin if the right person can be contacted about it.

A physical examination of the blade reveals little, except that there is remarkably little rust pitting for a steel item which may have lain in damp ground for some time. No analysis of the steel was made.

The handle tang, Figure 1, shows barbs formed by cutting with

a chisel, probably to facilitate keeping a handle of wood or leather in place. Ashallow groove across the handle on either side near the shoulder may have been associated with the fastening of the hand guard. There is no ricasso as such. No evidence of modification is now visible, and the entire handle portion seems to show evidence of hand hammering.

The inscription, Figure 2, is hand stamped, and is present on both sides. A microscopic examination showed a fleck of what may be gold in one of the impressions, indicating that the inscription may have been inlaid with gold at one time. The letters and other symbols are composite figures, formed from a number of simple strokes.

The present length of the blade is 58.4 centimeters, or about 23 inches, with the tip of the blade broken off. The width of the blade is 1.90 centimeters (¾ inch) at the widest place near the handle. The handle is rectangular in cross-section and about ¼ inch thick.

Figure 3 shows some of the typical hilts of about the time of manufacture of the blade herein described. Notice the presence of a ricasso in each case.

The mystery of the Dayton blade has been raised. Perhaps the solution will never be found, for the clues are few, but the search will continue until all leads are exhausted.

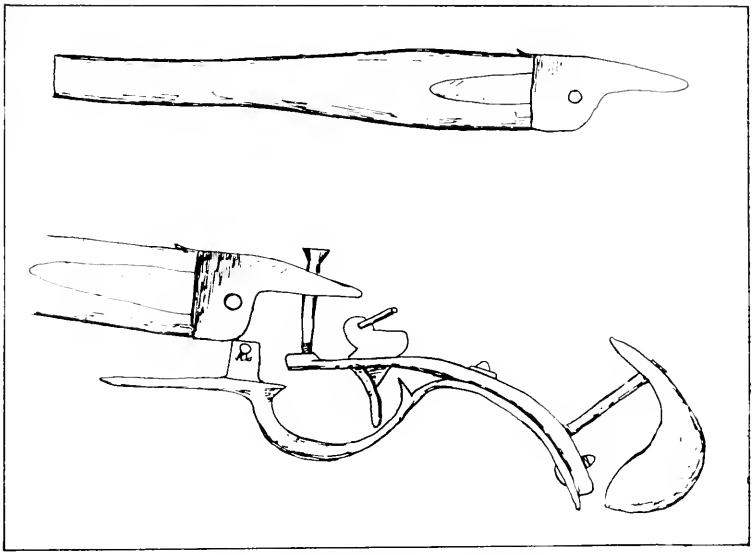
A Flintlock Pistol in the Fred Hesse Collection

By

Don Grey

Among the items in the collection of Mr. Fred Hesse, Sr., of Buffalo, Wyoming, is a flintlock pistol found on the old 28 Ranch, which is the Hesse home place. The author examined and photographed the pistol on two occasions, and felt that the pistol merited further investigation.

The pistol has a 17.5 mm. bore, with a 1.5 mm. firehole. The rear sight is formed by a flap of metal formed from the barrel itself by slicing into the barrel with a sharp tool and turning up a piece of metal. This flap of metal was then notched for the sight. The trigger guard and butt plate are brass. Inside the butt plate tang are stamped the letters PF. The front post in the trigger guard bears the letters AL. A hole cuts off the top of the L. The barrel is 27 mm. in diameter at the breech end, and 23.1 cm. long,



Pistol in Fred Hesse Collection
Courtesy of Don Grey

excluding the 5.5 cm. tang. There is no sign of a breech plug, so the barrel was evidently blind bored.

A description of the weapon was sent to Dr. Carlyle Smith, University of Kansas anthropologist, author of several articles on early firearms, and member of the museum staff. Dr. Smith's reply is quoted in part:

"The sketches of the parts seem to indicate a military style flintlock pistol of about 1800. I doubt if it was made earlier than 1790 or later than about 1830. I am sure it is of European manufacture, possibly made in Belgium or one of the German states. It is not of a standard French military pattern, but some of the parts suggest French inspiration. The brass guard and butt cap, plus the long trigger plate, throw it out of the classification 'French Gendarmerie, Model 1763'. I think it is later and made elsewhere. The French made a Navy Model 1763 with brass mountings but with a longer barrel and a much shorter trigger plate. Both Model '63 pistols had double ring muzzle bands. This gun must have had a band because there is no tenon under the barrel for a pin or key."

How did the pistol arrive on the 28 Ranch? It probably can never be stated with confidence, but several alternatives can be suggested. The pistol may have been lost or discarded by an Indian who had obtained the pistol, directly or indirectly, from the French trade in the north. It is possible that the pistol arrived in

the area long after its time of manufacture and was lost or discarded by one of the early white explorers or trappers. Findings in Indian villages in the Missouri valley seem to indicate that there is a surprisingly short time lag between production and circulation of firearms, but of course some arms were used for long periods after being received by their Indian owners. White trappers and explorers usually kept pretty well up-to-date in their weapons.

The Hunt expedition is the only one that comes to the author's mind as being in this general area at about the time the gun might have been in use, and this might merit some research, but does not seem to be a very probable lead.

Tales Old Timers Tell

By

DICK J. NELSON

Let Young ears listen well
To the tales the Old Timers tell
Of that vanished land,
The West they used to know.

Swiftly now, time's rising tide
Sweeps them toward the Great Divide.
And the Old West must go
With them when they go.

One of the Mercer Girls

Asa Shinn Mercer, pioneer Wyoming newspaperman, author and rancher, had a distinguished career which encompassed much of the frontier West in the last half of the 19th century.

In Wyoming Mercer is best known as the editor and publisher of the *Northwestern Live Stock Journal,* which he founded in 1883, and for his book *The Banditti of the Plains.* This volume tells the story of the cattlemen's invasion of Johnson County in 1892 and is written from the standpoint of the Johnson County settlers. Through it he gained the enmity of the large cattlemen in Wyoming, with the result that he was forced to close his newspaper. He then moved to the Big Horn Basin where he established his own ranch near Hyattville.[1]

One of the best known episodes in the life of Asa S. Mercer is the story of the "Mercer girls" whom he induced to emigrate from the eastern seaboard to the raw, new territory of Washington. Two such expeditions were headed by Mercer, the first in 1864 and the second, and more ambitious, in 1866.

The first venture in 1864 met with great success and the young ladies whom he had induced to come west were soon married and establishing homes. In 1865 he set forth again, this time armed with the following letter of recommendation from Governor Pickering:

Territory of Washington
EXECUTIVE OFFICE
Olympia, January 14, 1865

To all whom these presents shall come greeting

Know Ye, that I take great pleasure in stating that the bearer of this letter, the Honorable Asa Shinn Mercer, of Seattle, in King County, Washington Territory, is a Gentleman of the best standing in Society, is universally respected, as a man of honor, integrity, and moral worth.

Mr. Mercer will visit the Eastern and Western States, to work in the noble and good cause of aiding young women of respectability, to better their condition in life, by securing good homes in a new and exceedingly healthy & productive country.

Entire confidence may be placed in his statements and propo-

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1. For a brief biography of A. S. Mercer, see "Wyoming's Frontier Newspapers", by Elizabeth Keen, *Annals of Wyoming,* Vol. 34, No. 1, April, 1962, pp. 76-79.

sitions, and in all his invitations to young women to accompany him to Washington Territory.

Very respectfully yours &c&c
William Pickering
Governor of Washington Territory

The story of the "Mercer girls" has been told in part, but records of their experiences are somewhat difficult to locate. Recently Mrs. Anita Webb Deininger of Buffalo, Wyoming, granddaughter of Asa S. Mercer, presented to the Archives and Historical Department the following account written by one of the participants in 1866 and published in the *Washington Standard* at Olympia, Washington Territory, on June 9 and June 16, 1866. Mrs. Deininger suggested that the publication here of Miss Stevens' account would be of interest to many.—Editor.

A JOURNAL OF LIFE ON THE STEAMER CONTINENTAL

By

MISS HARRIET F. STEVENS

After almost innumerable postponements, the good ship *Continental* left New York on the 16th of January, at ten minutes past three, P. M. Having got fairly out into the stream, we came to anchor. At 4 o'clock on the following morning we began our voyage in earnest. During Wednesday night a severe storm arose, and many of us experienced for the first time all the horrors usually inaugurated by a storm at sea. The banging and crashing were indescribable. The furniture of the cabin dashed against the staterooms and then recoiled upon the tables. At intervals came what seemed to be the utter destruction of barrels of crockery and indefinite tin ware. A piano minus its legs and a tin bath-tub performed a fandango on the floor above us. But that which most puzzled me and of which I have not yet received any satisfactory explanation, was a series of grand cavalry charges upon our doors, executed by a host of junk-bottles, apparently. This was not the least fearful feature of the night. The dining-room floor and the upper state-rooms were converted into shallow ponds. As I wished to display a greatness of soul worthy of my pilgrim ancestry, I remained very quiet in my berth, carefully analyzing the uproar and comparing my own experience with various descriptions of storms at sea which I had read. The result was that a severe storm was in full career, but the good ship would not succumb. Then,

mindful of the self-control inculcated by the bluelaws, I said very quietly, "Mollie, I think there is a storm." "I know there is," was the confident reply.

During two days we were very sick, helpless and wretched to such a degree that but for the kindness of the physician and the few passengers who were sea-proof, I know not what would have been our fate. On the 18th, being very desirous of seeing the ocean before the agitation of the storm should subside, we contrived to get on deck for a few moments. The gentlemen were staggering about fearfully, but few ladies were visible. In returning to my state-room, the gentleman who escorted me fell down stairs. Fortunately, I was thrown on the opposite side and caught the rail. We were very glad we had been on deck. The grandeur of the scene fully repaid us for the effort. The sea was of an intensely dark-blue, save where the great waves broke into snowy foam. On Friday morning, the 19th, we were able by much effort to get on deck again, and as the sea was comparatively calm, we found it possible to remain. In two hours we were convalescent, and by afternoon quite ourselves. Then followed a series of the most glorious days and nights one could well imagine. The temperature was like that of a New England June. I would fain convey some adequate idea of the glory of the ocean, but never did my poverty of language seem greater than in the attempt to portray the measureless, blue, surging world of waters. I feel that one cannot know the true majesty of our terrestrial home until he has passed many days and nights upon the ocean—until he has seen the awful beauty of its starlit night—the glory of its sunrise and sunset—its moon through all her phases, from the delicate thread of light to her full-orbed glory, reflected in a broad tract of ever-changing sheen. The many-hued, ever-moving, limitless deep, it tells of the Eternal Father as no other feature of Earth can.

As we recover our normal condition we began to look about us. With great satisfaction we found that we had a party of intelligent, amiable, sprightly people. The unmarried ladies are mostly from New England, and boast a fair share of beauty, grace and culture, which characterize the best society of that region. It is impossible that the lovely girls who are with us should have left the East because their chances for matrimony were hopeless. One must look for some other motive. One need only observe their lively appreciation of all that is grand and novel in our experiences, to feel assured that the love of adventure, the ardor and romance of youth are sufficient to account for their share of our Hegira. But are all the unmarried ladies young? Certainly not! Besides your humble correspondent there are several equally vulnerable. Their bright faces, wit and sound sense are, however, such that they cannot fail to be desirable members of society in a new country. Some of the children are, particularly, lovely and well-bred. The avidity with which every one cares for and caresses them is

pleasant to behold. One young married lady is totally blind—a pretty, delicate woman, who entertains us by her intelligent conversation and skill on the piano. She has been educated at an asylum for the blind. Several of the gentlemen of our party have fought for God, the right and the flag. One gentleman tells me that the sum of service rendered by himself and his immediate friends, during the war, amounts to seventeen years. Many of the ladies play, and since the piano has been put upon its legs and secured by heavy wooden cleats against future tossing of the sea, music has become one of our chief amusements. On Saturday Mr. Mercer formed a small choir designed to lead during the Sabbath services. The first Sabbath upon the great deep dawned upon us, grand and calm. The services were appropriate and affecting. Mr. Mercer, who is a regularly ordained clergyman[2] of the Methodist Episcopal Church, officiated at the improvised desk covered with the dear old flag. Your correspondent presided at the piano. All, I trust, raised their hearts in devout gratitude to "the Father of us all." This day and the two preceeding it, were among the happiest of my life. The delays had become to our minds like the heart-sickening telegram—"All quiet on the Potomac!" We were at last really, as our California friend would say, "on the float." I cannot describe the sense of freedom from all the care and constraint of life, the glory and gladness of these days.

During this week something like a regular system of life was established among us. Some were still sick, but the greater part of the ladies had got out working materials and were engaged in sewing, knitting and fancy work, with reading, singing, playing, conversation, and the never ceasing wonders of the world about us for entertainment, when tired of work. Three days of this week the sea was quite rough. The sky continued clear and bright, and much laughter and merriment prevailed. The second Sabbath, January 28th, was as beautiful as the first. Directly after supper we went, as usual, upon the hurricane deck, and a little group of us had established ourselves in a life-boat, and were all happy and gay, when the fearful cry, "child overboard!" sent a thrill of horror through the ship. My friends Miss M---, who was on the

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2. The following affidavit corrects this statement. Dated Hyattville, Wyoming, October 4, 1961, and notarized by Virginia Stoneberg, Notary Public, it reads:

"I, Ralph D. Mercer, eldest son of the late Asa Shinn Mercer, wish to correct a false statement made by Miss Stevens in her account of the trip on the ship *Continental* from New York to Seattle, in the year 1866. She states that Asa S. Mercer was an ordained minister of the gospel. My father was not an ordained minister. She could have received that impression from the competent manner in which he was able to conduct a religious service, for I am sure she did not intentionally falsify. I just want to set the records straight." Signed Ralph D. Mercer.

outside of the boat, looked out upon the water and beheld struggling with the wild waves a human figure. In a moment the captain, officers and men were upon deck. The engine was stopped and the sails furled, and a boat manned and lowered in wonderfully short space of time. It was not a child, but a young sailor, who had fallen from the rigging. As he passed the ship Mr. Mercer had the presence of mind to seize a life preserver and throw it toward him. We hoped that it had reached him, and that he would be able to sustain himself by its aid until the boat could reach him. With feelings that cannot be described we awaited the return of the boat. The sea was so rough that the captain was obliged to recall the boat after a little, lest it should be swamped. It was very sad to see the men return without their comrade. The steamer now made a circuit of the waters as a last effort for his recovery, but all in vain—a few moments had probably closed the mortal career of this soul. For days after this the hurricane-deck became deserted as darkness approached. During this week we saw long tracks and broad spaces of water filled with a very delicate seaweed, of a bright yellowish brown. The gentlemen amused themselves by fishing it up. We were in the Sargossa Sea, the lovely blue of which contrasted charmingly with this beautiful seaweed. One day my friend Miss M--- gave me glowing accounts of rainbow-tinted waves, but as I had seen nothing of the kind I attributed it to the excitement of the imaginative faculties, consequent upon the peculiar devotion manifested by a tall speciman of the genus homo. One afternoon, however, Miss M--- came to me and dragging me out to our favorite corner of the ship, bade me look for myself. Surely there was no denying it,—the waves broke into genuine rainbows much to my delight.

Wednesday, Jan. 31st, we crossed the Equator, preluded by some talk of shaving a la Neptune, and fearful keel-haulings. Thursday, Feb. 1st, we saw the Southern Cross for the first time, realizing in this one of my long cherished dreams. The larger of the Magellan Clouds was pointed out to us by the captain, and the next day read up in Herchel, which our friend Mr. L. had had the good taste to bring along with him. There is a unanimous opinion that we have been particularly favored in regard to weather. After the first storm we have had the most gloriously bright, clear days and nights. Excepting three showers, of the most refreshing character, we have had no rain. The heat of the equatorial regions has been modified by the Trade Winds to such a degree that we might fancy ourselves out upon our own waters in the month of June. The Sabbath, Feb. 4th, came clear and beautiful. On the morning of this day we saw the coast of Brazil for the first time. All day we sailed within about eight miles of the shore. It was a hilly, heavily-wooded country. For more than three weeks we had gazed upon an ocean-bound horizon. Now the solid earth was good to look upon. At night we saw fires along

the shore. How we longed to look upon that savage people! On Monday morning, Feb. 5th, we were informed that a "little stranger" had arrived during the night—a little girl. The mother is a pretty, lady-like Englishwoman, wife of a shoemaker.

The ship itself—the good *Continental*—is a fine sailor. She is a ship of over sixteen hundred tons, with staterooms for about eighty passengers, so that we are all as comfortably situated as people can well be on shipboard. Our food is not luxuriant, but quite varied and abundant. Mr. Mercer presides at the head of our table, easily and gracefully dispensing the substantials. I have the good fortune to sit near him and endeavor to sustain my part of the gay and witty conversation which enlivens our mealtimes.

It rained for three hours on Wednesday, Feb. 7th. Thursday the sea was very rough, but the sky bright above us, the passengers gay and happy, save a few ladies who always become sick when the sea is rough. Poor things! There is a glorious exhilaration in the dash of the great waves. Feb. 10 was a very exciting day. We were rapidly approaching Rio. The scenery was very grand. Some distance outside the Harbor, we saw nestled among the mountains, an old monastery with two towers. We were informed that it was over two hundred years old. Its great relic is a basin in which Christ is said to have bathed. The entrance to the harbor of Rio Janeiro is guarded on both sides by isolated mountain peaks rising directly out of the water. Finally, we came to a passage about half a mile in width, with high rocks on each side, and at their bases forts which look formidable to civilian eyes. From one of these forts our ship was hailed, and having reported satisfactorily, we were suffered to proceed. Immediately after we beheld the broad bay spread out to view. It covers an area of thirty square miles, and is entirely surrounded by hills and mountains, the most lofty of which rises to the height of twenty-three hundred feet. We came to anchor about half a mile from the city, the principal part of which was concealed from view by intervening hills. These hills are occupied by public buildings, churches, convents, and the country villas of the wealthy, forming altogether a lovely picture. There are two towns on the shore opposite Rio. In the evening these three localities are beautifully lighted by gas. From the ship we could see only the lights now stretching off in long regular lines, now scattered over the hills in charming irregularity.

At an early hour on Sunday morning little boats, filled with fruit, came from the shore. It was not the fruit seasons—oranges were not in full glory, but the delicious banana was abundant. Every day parties went from the ship to the city, and returned with accounts of the strange things to be seen there. My immediate friends did not go until Wednesday, Feb. 14th. Of course I went with them. The first object of interest in our route was the market.

We entered it. I had not proceeded far, when I beheld a most queenly figure—a beautifully-developed negress, with a truly royal carriage, an elaborate white turban of great size covered her head, her magnificent arms, bare to the shoulders, were adorned with bracelets, and a white, close-fitting jacket and colored skirt completed her costume. She moved as if fully conscious of her beauty. Stalls were placed near her fruit stand by the gentlemen, and we regaled ourselves with the ever-acceptable banana. We saw in the market and along the streets other negresses, who were picturesquely and neatly dressed, and possessed of beautiful figures, but none who, in my mind, equalled this grand woman. The market was very cleanly; it contained great numbers of living fowl and many other birds of beautiful plumage, and fruits, fish, oysters, innumerable onions and great stores of beautiful crockery ware. Meats are not sold at this market. Having "done" the market to our satisfaction, we proceeded to explore the streets of the city. They are generally very narrow, cleanly and well paved. The houses, mostly of two stories, are built of small stones covered with plaster, which is painted in various colors, blue, green, brown, red and yellow, yet they do not have a gaudy appearance, but as you look down the streets the effect is very agreeable. You step immediately from the street into the shops and houses. The most novel article we saw among the dry goods was the feather flowers. These are very skillfully made and are of great beauty and delicacy. A beautiful little gold and green beetle is also obtained here, which, with a gold setting, makes a very beautiful button. At length our California friend proposed escorting us to a neighboring hill, from whose summit we could obtain a view of the whole city. The most courageous of the ladies accepted the invitation, and after a very agreeable walk we found ourselves rejoicing in the lovely prospect spread out before us. The plan of the city, six or eight neighboring hills and the broad bay, lay there under the bright sky, encircled by mountains. The roofs of the buildings are covered with tiles of peculiar shape and color. Churches, convents and other public buildings arise here and there. The squares of the city are totally destitute of trees and shrubs, but are well supplied with fountains. The hills are clothed with the rich tropical foliage. We gazed with delight upon vegetable forms wholly new to us. The banana, the palm, the bread fruit and many other strange and beautiful trees and shrubs. Some of these are hung with the richest flowers. With wonder and delight we beheld these lovely children of nature. The various shades of green have a brilliancy which is not usual under northern skies. The flowers have the richest coloring and the utmost delicacy of texture. We were not troubled by the heat; indeed the heat of this day is often surpassed in New England. Leaving the hill, we proceeded to a public garden where we enjoyed, through the politeness of our cavalier, a tropical dinner, served up in the open air, with the trees, flowers and birds about

us of so strange and picturesque an aspect that our own identity became somewhat problematical.

Thursday morning, 15th, several officers from the *Shamokin,* an American man-of-war lying in the harbor of Rio, came to visit us. Before leaving, these gentlemen invited the ladies of our party to visit their ship. On the following morning, most of the ladies were in readiness, when boats were sent by the politeness of the commander of the *Shamokin,* who, with his brother officers, received us with great courtesy. Two hours passed delightfully in conversation and the examination of the ship. Everything was in that perfect order and cleanliness which is, I believe, a characteristic of Government ships. The reception of so many American ladies at a foreign port was a novel event. The gentlemen protested that it was a great treat to them—it certainly was to us.

The ship *Onward,* an American receiving ship, was also in this harbor. The officers of this ship gave Mr. Mercer and a party of six ladies an invitation to dine with them on shipboard. The invitation was for the afternoon of this day, and as I had the good fortune to be a recipient of it, I took good care to return in the first boat from the *Shamokin.* The *Onward* lay at anchor about two miles and a half from the *Continental.* We enjoyed this long boat ride. Having been duly presented to our hosts, we passed a few moments in conversation. Dinner was then announced. We found that the gentlemen had removed their dining table to the open deck, and had enlarged and adorned it by the various little expedients so readily suggested by unusual events. It was nicely shaded by awnings, under which, having been disposed in the most social manner, we partook, of the substantials and delicacies provided for the our inner man. [sic] At one end of the board sat our friend Chester; at the other Lieut. Cook. At the right hand of the latter, sat your correspondent. The handsome, graceful Lieutenant did not suffer my plate to remain empty, while my faculties were obliged to be constantly on the alert lest I should make unworthy replies to the running fire of his quick wit. After dinner the Lieutenant showed us pictures of his wife and children. Soon, however, we were obliged to leave this pleasant party that we might meet an engagement at the American Consul's, who resides at Sebastian, one of the little towns opposite Rio. The Lieutenant proposed accompanying us, and having given orders for his boat, he turned to the lady who had sat at his left hand at table and myself, saying, "You shall go in my boat; you have behaved so well." We cannot doubt that the other officers had been equally impressed by the deportment of the ladies whom good fortune had placed by their sides. Gaily assenting to this reward-of-merit arrangement of the Lieutenant's, we were soon in the boat, and a few moments brought us to the shore.

After passing several pleasant hours at Sebastian, we returned to the *Continental* late in the evening—the two miles and a-half

of sail over the dark waters of the bay of Rio being enlivened by merry conversation, which did not, however, wholly prevent our realizing the impressive character of the scene.

On Saturday morning, Feb. 17th the Rev. Mr. Simonton, an American missionary, came on board and held religious services. He gave us an admirable discourse on the moral dangers incident to so great a change of life as that which we had proposed to ourselves. After services we were presented to him individually. In answer to my inquiries, he informed me that he preached to his congregation in their native tongue; that he had been engaged in this work for four years; that his church numbered forty communicants; that the dissolute character of the clergy made it easy to obtain a hearing for another faith, while on the other hand it had the effect of rendering them indifferent to all forms of religion.

On the 18th we sailed out of the harbor of Rio. The day was bright and of agreeable temperature. It was, however, quite rough outside; the ship rolled considerably, and many of the ladies were a little sick. For ten days we sailed along the coast, occasionally in sight of land. This part of the coast is usually stormy, especially off the mouth of the Plata. We are told that the experienced sea captains of California will find it difficult to believe that we sailed from New York to the Straits of Magellan without storms after the first night out. This is the fact, however difficult of belief. For some time I had been engaged in the study of navigation under the direction of the good Captain. Every morning I was accustomed to repair to the front of the ship immediately after breakfast to take the altitude of the sun. It was amusing to see the feeling produced by a lady's undertaking so unusual a study. I was beset by all sorts of playful inquiries respecting our course. One day I found much difficulty in making myself comprehended by a sage masculine, who had great skepticism as to my success. Gravely I announced to him the fact that I had become so accomplished that I could take the altitude of the sun at sunset. He never heard of such a thing; he didn't know the sun had any altitude at sunset! "It is so much," said I, holding up my fingers in the form of a cypher. He did not understand. Finally, I was obliged to tell him that I fully comprehended that the sun had no altitude at sunset.

Along the eastern coast of Patigonia [sic] we saw the famous albatross in great numbers, and great flocks of smaller birds. It was a very general custom to go upon the hurricane-deck after supper, for a promenade. At this time everyone is gay, and the deck presents a very picturesque appearance. If by any preoccupation I lose the sunset, I reproach myself. At a late hour, little parlor plays are engaged in on deck, and little groups gather for conversation, while a gay party is usually in the saloon below determined on beguiling the time with music.

On the afternoon of March 1st we arrived at the Straights of

Magellan. The heavens portended a storm. The captain would not venture within the mysterious portal until morning. All night we hovered about, now nearer, now farther from the great shoal stretching from the base of a promontory far into the Atlantic. At an early hour on the following morning we turned our prow westward, and by the time I had issued upon deck, in cloak and hood, we were fifty miles up the Straits. As we advanced the wind arose. It continued to blow heavily for several hours, but as it struck us directly upon the prow, the good ship moved steadily on, indicating the instability of the waters only by a slight jar. After one month upon the ocean, one can easily understand the pride and affection which a sailor feels in his ship. My idea of the most appropriate prelude to Paradise is a voyage round the world in the *Continental*. Many times I stand at the stern of the ship and, looking along her whole length, watch her stately and graceful motion. Then she is no longer the achievement of man's hand, but a thing of life. The central heart-throbs adding to the illusion. Immediately after dinner great excitement prevailed upon deck; we were in sight of our anchorage—a small penal station belonging to the Republic of Chili. As the water was deep, we anchored near the shore. This station consists of the Governor's house, a guard-house, a church, a government store-house, and about fifteen blocks of long shed-like buildings, used as barracks by the soldiers. Before we had finally come to anchor a boat, bearing the Chilian flag, came from the shore. Our second officer, who speaks the Spanish language, received the Governor of the station at the landing, and conducted him to the Captain's room. After a little, another boat came bringing Chilians, who wished to exchange feathers, ostrich eggs and fur robes for whisky, if possible; if this delectable article could not be obtained they would accept clothing. Three ladies and several gentlemen went on shore and returned bringing flowers, grain, pebbles, skins, feathers and eggs. The Governor and his lady came with them. Both these personages are short and stout, with very black hair and eyes. The Madame was dressed in black silk and, as far as dress was concerned, looked very like a sensible matron of New England. Through our interpreter I propounded a question concerning the climate. The wind had subsided, and the afternoon was like October in New England. The Governor informed me that they had warmer days sometimes. From the state of the vegetation on shore the season seemed to correspond with our July. Peas, lettuce, cabbage, potatoes and raspberries were ready for the table. The soil is said to be rich. The hills are covered with oaks.

During our first day's sail the shores were high and picturesque. On the second day the land arose into lofty hills and mountains clothed with the most beautiful verdure. Behind these towered snow-capped peaks, then came long reaches of bare rocks, rising from one to two thousand feet. The various shades of color—

now grey, now almost snowy white, and again blue and purple—added much to the beauty of the scene. But the object of greatest interest was a true glacier reaching nearly to the base of a mountain, and presenting a peculiar blue, vitreous appearance, such as I had never before seen in any modification of water. Indeed, the innumerable tints of these Straits and neighboring channels enable us to believe in the truth to nature of the most extravagantly-colored productions of art. About 4 o'clock of the next day we came to anchor again. Port Gallant was our haven— a beautiful bay enclosed on three sides by hills. To my great delight I had an opportunity to go on shore at our next port, which was Tamar bay—the last port we made in the Straits. As I neared the shore I perceived what seemed a practicable ascent of the hill before me; but on landing I found the shore covered with a maze of shrubs and vines interwoven in such a manner that one would sink in verdure from one to three feet. I ventured about a yard into this wilderness, enticed by some brilliant flowers. In attempting to return I found myself lying flat on my back, entirely concealed from view by the foliage. The gentlemen of the party come to my assistance, and secured the flowers I could not reach. I went back to the *Continental* with my arms full of flowers, and my pocket full of shells and mosses. On the narrow beach we saw the ruined hulk of a ship and many red bricks lying near it.

The Straits of Magellan are fourteen miles wide at their entrance. Their maximum width is sixteen miles—their minimum one and one-fourth miles. Sandy Point, our first harbor, is one hundred and twenty miles from the entrance of the Straits. Port Gallant is eighty miles from Sandy Point; Port Tamar is but a short distance from the entrance to Smyth's Channel. The whole length of the Straits is three hundred miles. I forgot to mention that at Port Gallant Mr. Mercer planted the American flag on one of the hilltops, making a speech upon the occasion, vigorously applauded by his audience of one. It is Mr. Mercer's belief that the principles indicated by that precious bunting are destined to reach to either extreme of the continent; and although the speech has not been regularly reported, it is supposed to have been "framed" with reference to that glorious future. Before noon of the next day we were sailing northward, feeling that we had looked for the last time upon that marvellous passage which connects the Atlantic with the Pacific. The scenery during the whole length of the Straits is of great interest. The mountains rise one above the other from the water's edge. Hills of enchanting green stand at the feet of snow-clad peaks and bare granite rocks.

On Monday, March 5th, we entered Smyth's Channel. The passage leading from the Straits of Magellan to the island of Chiloe is divided into three channels—Smyth's Mesier and Sarmiento. At its widest part it measures six or seven miles—its narrowest part only forty yards. By this time, however it had become the

general conviction that a labyrinth, of which Captain Winsor had not the clue, was an hypothesis contradictory of all the fundamental laws of the human mind. The highest point of land here is Mount Burney, which has an elevation of fifty-three hundred feet. The hills and mountains on the shore of this passage have an average height greater than those of the Straits. This part of our voyage excelled everything we had yet seen, in grandeur and beauty. It winds in such a manner that we seemed to be during nearly the whole route in a lovely lake. You find yourself in a beautiful broad basin of blue water, surrounded by mountains and dotted with little isles—perfect little Edens of shrubs and flowers. You look north and south—you can see no opening, but as you advance the walls recede. The fair Miss J--- says the waters opened to the Israelites, but the mountains to the Yankee women.

Puerto Bueno was our first harbor after leaving the Straits. Only a poet could do justice to the glory and beauty of the scene as I stood upon the hurricane-deck and looked upon the shadows of the hills in the still waters, across which the moon had woven a bridge of light. Tuesday, the 6th, differed only in an increasing mildness of temperature from the preceding day. We were on deck nearly the whole day; in fact, it is our custom to live out of doors. The second night we passed in Eden harbor. No one could deny the appropriateness of the name. Some gentlemen went on shore and added the charm of a great bonfire to the scene. Our California friend was among these. Next morning I heard a little lady assuring him that she had been in a state of great terror, lest the Patigonians [sic] should find him of so agreeable a flavor that they would forget to extend the courtesy of a slice to his fellow passengers.

Wednesday, the 7th, we arose at an early hour, that we might not loose the sunrise in so lovely a region. We were approaching the narrowest part of the passage, and wished to witness its thridding. [sic] When we remember the shoals laid down upon the chart, whose existence we should never suspect, and our friend Mr. L.'s account of the cannibalism of the Patagonians, we were about to tremble. The captain's unclouded face, as he turned his eye a moment from the prow of the vessel, reassured us. For myself, I confess to sharing the measureless faith in the captain, with one exception. He had informed me that the absence of the ordinary hirsute appendage "on the top of his head" was referable to a sudden gale encountered in a previous voyage. Naturally skeptical I found this too much for my belief; but I remembered the astronomer in Rasselas, and decided that there is undoubtedly a minute region in even the best developed minds, in which the subjective becomes objective.

On Sunday morning, March 11th, we entered what we supposed to be the harbor of Sota. As we were entering this port we saw, in the distance, a steamer rapidly approaching us. As she came

near she fired a blank shot, and soon after a solid shot, which shrieked along the water not far from the side of our ship. I began to feel a little doubtful of their discipline and hoped they were accurate in their aim. Our ship came to anchor immediately. A boat was sent from the Spanish man-of-war—for such was our challenging party. Our neutrality was ascertained, and we were informed that we were not at Sota, but at Carovel, a little town about six miles from Sota. Flag salutes were interchanged by the man-of-war and the *Continental,* followed by hearty cheers. We were delighted with the idea of being blockade-runners. After a little, we steamed up again, and in a short space were in the harbor of Sota, having obtained permission to purchase as much coal as we desired. Sota is a most wretched little Chilian [sic] village, twenty-seven miles from Conception. It is composed of one-story houses; the streets are unpaved and totally destitute of trees or any form of vegetation. Coal mines are near the village, and there are smelting furnaces for reducing the copper ore, shipped from farther up the coast, to a marketable condition. Both these sources of wealth are under the direction of an Englishman, so that there is quite a little settlement of them at the lower village.

The Rev. Mr. Gardiner, a missionary of the Church of England, is established here. His house is back of the upper village and commands a fine view of the sea. We were received with great cordiality by this gentleman and his high-minded lady, whose earnest and intelligent conversation left the most favorable impression on our minds. We can not doubt they are doing a good work and proving themselves true children of our Common Father. They experienced considerable opposition during the early part of their stay here, but they have generally gained the confidence and affection of the people. They described the people as careless and improvident. Agriculture is managed in the most slovenly manner. Potatoes of the finest quality are abundant, but other garden vegetables are almost wholly neglected, while the soil and climate are such as to ensure with little care abundant harvests and much variety in this direction. They are equally careless in regard to fruits, yet nature is so kindly that grapes are plentiful and delicious. The purple grapes are small but sweet, and produced in immense clusters; the white grapes are very large, and more delicious than any I have before tasted. For twenty-five cents I purchased more than I could get for three dollars in New York. The pears and apples are tolerable. The peaches have a rank flavor which shows them but little removed from the wild state. Several German gardners have recently established themselves here, and much is expected from their skill and industry. Before the war the legal restrictions in relation to the possession of lands by foreigners were very severe. Some of them have been removed. At present the Protestant religion has a peculiar sort of toleration. Protestants are permitted churches, minus bells and

steeples. By some sort of legal hocus-pocus, the lands and other property here are under the protection of the American Flag, and a Consul is stationed here to protect our National interests. Mr. Silva, the Consul, occupies a very picturesque mansion, situated on a high bluff and surrounded by grounds rich in flowers. The ladies received much attention from the Consul. We were also indebted to Chilian [sic] officers and several English and American gentlemen who chanced to be here during our stay. Every day the ladies were on shore riding, walking and visiting. Some of the native women of the better class came to visit us on shipboard. They danced and played for us. Their cordiality and gaiety were truly delightful. We decorated the upper saloon with flowers, and every day during our stay at Sota a party of gentlemen came from shore to pass the evening with us. There was much flirtation, very pleasant to witness. Our California friend tells us that the scenery here is like that of California. Under his escort a small party of us passed a day in rambling over the hills. In some places the paths were so steep that I was in fear of falling, perceiving which, our friend declaimed against the helplessness of women, though he did not hesitate to employ his longitude for our benefit whenever the graceful copine was discovered high above our heads. The copine is a vine which twines itself about a beautiful dark green shrub. It has a dark green leaf, and its flower is a large and brilliant red blossom. The Chilian [sic] ladies value it highly as an ornament for the hair.

On Tuesday, March 23, we left Sota. As we came out into open sea we found the Pacific in a mood one would hardly expect to find in anything bearing its name. We pitched and rolled fearfully, and at night were obliged to sleep with our ports closed. When I arose in the morning, I found the air so oppressive that I ventured to open ours. I had taken my bath, and was partially dressed, when a very heavy roll of the ship brought what seemed to be a very respectable ocean upon my devoted head. Our floor was flooded, my room-mate escaping a drenching only by hurrying into her berth, while I stood trembling and gasping. Many of the ladies were sick. My extra bath compelled me to remain so long below that I was among this forlorn group. Early in the afternoon we reached Talcaperana. Saturday was stormy. Sunday, 25th, opened upon us with a dense fog. We left the harbor at an early hour, but were destined not to proceed far this day. In consequence of the great obscurity of the atmosphere, we ran upon a shoal and were obliged to await the floodtide of the afternoon, when. with the help of the good engine, we floated off triumphantly. After two days of rather rough sea, we came upon the genuine Pacific—clear, blue, sunny days, and nights of fabulous beauty. On the evening of March 30th, we were upon the hurricane deck, as usual. The moonlight seemed to surpass in brilliancy anything I had ever before seen. The loveliness of the night tempted us

to remain upon deck longer than usual. One of our friends, who had descended to the saloon, returned with the information that a total eclipse of the moon was to take place on this night, visible from all parts of the American Continent. This interesting phenomenon had already begun. We did not retire to our state-rooms until past one o'clock, at which hour the moon had become partially eclipsed, the eclipsed portion appeared of a dark brown color. When the eclipse became total, it assumed a hue which excited great surprise among us. The whole surface of the moon appeared to be of a bright salmon color. It was so brilliant that had I been awakened from sleep to look upon it, I should have considered it of its usual splendor and never dreamed of eclipse. One lady who had not seen the gradual obscuration, was very sure that we were wrong, that it was no eclipse. The next day we consulted Mr. L.'s "Herchel" for some elucidation of the extraordinary appearance, and were so happy as to find an account of certain concurrent conditions capable of producing such an effect. It was, indeed, one of the most marvelous exhibitions of celestial phenomena.

During the voyage we had amused ourselves with such plays as "spiritual rapping," "throw light upon it," and guessing proverbs. About this time the active mind of Mr. M. invented the "Continental Game." Cards with subjects written upon them are distributed, face down, to those engaged in the play. The first in order reverses his card, rises and immediately proceeds to speak five minutes upon the subject which fate has assigned him. The ladies, who, of course, were "unaccustomed to public speaking," quite surprised themselves by their readiness. Our friend "Sniktaw" has steadily increased in favor. There is a particular group of six ladies which he calls the "constellation." As twilight approaches he may be seen as the central figure of that group. He is externally the ideal Californian, and as he is a favorite with the reading public of that State, I presume he may be considered altogether one of her representative men. He stands before us very tall, broad-shouldered, sandy-complexioned, with a rough, strong face, full of underlying good humor and energy. By birth a Virginian, though bred in Kentucky, he is naturally a clear, independent thinker, to which has been added the polish and accuracy of liberal culture. From a student's life he passed directly to that of a miner, and fourteen years of almost entire seclusion from the society of ladies has made his manners toward them a rather fascinating compound of diffidence, admiration, delicacy and abruptness. No true woman can fail to discern an inner man of sterling justice, kindness and purity. He will suddenly announce a radical view of a subject—will go on to prove himself right with vehemence and force of lungs that only after half an hour of gesticulation and sudden thrusting of sentences in the pauses to take breath can I convince him that we agree perfectly, and that

there is not the slightest chance in the world for an argument between us. Having made this discovery, he will laugh and beg to know why I do not throw myself into the sea because I am so small. He has a passion for cold baths, clean linen and Graham bread. Even under all the disadvantages of life on shipboard, the great, broad, immaculate extent of him is most refreshing to behold. We are much indebted to him for the pleasure of the voyage. We have found him ever available for discussion, fun, declamation, and more substantial service. On the whole, I imagine we have been rather an afflicting party to the officers of the ship, accustomed as they are to great regularity and deference to authority. The wants of so many ladies during so long a voyage have rendered them the subjects of never-ending petitions, which I must do them the justice to say they have listened to with much patience and granted when it was practicable. One day I playfully begged the Captain to stop at an island we were approaching and obtain some turtle. "I would like to do so," he replied, "but should I, in a few days some lady would come to me and say—(here he assumed an inimitable expression of mock distress) — 'Captain, can't you give us something besides turtle soup?' "

April 7th, we came in sight of Gallapagos Islands. As our engine required some repairs, we came to anchor on the north side of Charles Island, one of the most southern of the archipelago. These islands are of volcanic origin. A boat went ashore. The Captain reported the island to consist of lava and volcanic products, resounding to the tread. It is totally destitute of soil, yet some cactus plants and stunted trees were growing upon it, and it was generally covered with grass, apparently perfectly dead, but probably its revivification requires only the return of the rainy season. Although this archipelago lies directly under the Equator, yet we did not find the heat excessive. April 17th, the wind was dead ahead, and the swell heavy. Wednesday, 18th, late in the afternoon, we descried a steamship in the distance. She rapidly approached us. The *Golden Age* we read upon her prow. She is truly a grand ship. Her great crowd of passengers cheered and waved hats and handkerchiefs. It was one of those thrilling events that bring tears. We are determined to believe that she has passed us only at an expense of steam, which threatened to reduce the whole institution to a molecular condition surpassing in rarity that of a comet's tail. The *Continental* is incapable of petty ambition, and will keep on the even tenor of her way through "earthquake's shock" or a whole fleet of Panama steamers.

Monday, April 23rd. Since the 18th we have had much head wind. To-day every one is busy with preparations for leaving the ship. By to-morrow evening we shall probably enter the Golden Gate.

The Tale of a Sloop, a Monitor and a Dreadnought

By

MAE URBANEK

One hundred years ago the *USS Wyoming* was victor in a battle with Japanese forts and warships in the Straits of Shimonoseki, Japan. Under the command of Commander David Stockton McDougal, USN, this 726 ton six-gun sloop sailed to the Straits to investigate the circumstances under which the American steamer *Pembroke*, on her passage to Shanghai, had been fired on by a brig belonging to the Prince of Negato.

When the *USS Wyoming*[1] left the Straits on July 16, 1863, after an hour and ten minutes of exchange of fire, two Japanese ships were burning and the shore batteries were silenced. The *Wyoming's* first shot at the Prince's ship hulled the Japanese steamer. A second shell was planted directly in the center of *Koshin Maru*, one foot above the water line. Shells were then directed to the shore, silencing six batteries. Long afterward the Choshiu clansmen spoke respectfully of the "American devils."

This first and by far the smallest of the three U. S. battleships christened *Wyoming*, was the only one of the three to engage in actual battle. By modern standards her marksmanship was indeed remarkable, since the guns of a sloop were solidly mounted on the deck and the ship herself had to be pointed at the target. The guns could not be moved to compensate for the pitch and roll of the ship. The first *USS Wyoming* was launched on January 19, 1859, nine years before Wyoming became a Territory in 1868. After thirty-three years of duty in the Pacific she was sold in 1892 for $11,311. Her original cost was $323,537.

The second *USS Wyoming* was a Monitor of 3,225 tons displacement launched September 8, 1900. Her two 12-inch guns were mounted in a movable turret so the ship did not need to face the target. She also carried four 4-inch guns. She cruised the Pacific Coast as far as Central America, taking part in target practices, drills and ceremonies.

On January 1, 1909 her name was changed from *Wyoming*

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1. The first USS Wyoming would have been named for Wyoming Valley, Pa., for which the new Territory of Wyoming was named when it was created in 1868.—Ed

to *Cheyenne*. She tested her new oil burning engines and was assigned to duty with the Washington State Naval Militia. In 1913 she was fitted out as a submarine tender and assigned to the Pacific Torpedo Flotilla. In 1914 the *Cheyenne* carried refugees from Mexico to California. Again overhauled, she continued as a training station for submarine personnel. In 1917 the *Cheyenne* served as a flagship and submarine tender in the Atlantic Fleet, patroling the Mexican coast until she was decommissioned in 1919.

The third and most famous *USS Wyoming* was a dreadnought launched May 25, 1911. This was during the naval boom that followed the Spanish-American War of 1898, when the United States became a world power, competing in strength with Great Britain. Navy-loving President Theodore Roosevelt of Rough Rider fame was an empire builder. In 1908 he sent the U. S. Navy around the world. But the British were building battleships of superior size, known as dreadnoughts. So in 1909 Congress authorized an improved type with two steel superstructures that appeared as Eiffel towers on her deck, and could be seen at a great distance even on the ocean. She was a two-stacked, cage-masted triumph of naval architecture.

This queen of the U. S. Navy was christened *Wyoming* by Miss Dorothy Knight, daughter of the former Chief Justice of the Wyoming Supreme Court. Complimented and proud by having the largest battleship afloat named after the state, the 11th legislature appropriated $7,500 for a silver service for her Admiral's cabin. About twelve hundred naval officers and many civilians were present at the Brooklyn Navy Yard when Governor Joseph M. Carey and Representative Frank Mondell presented the silver on behalf of the people of Wyoming. Rear Admiral Charles J. Badger, commanding officer of the Atlantic Fleet received the gift. The *USS Wyoming* immediately became flagship and heart of the Atlantic Fleet and remained so for many years of her long career.

The *USS Wyoming* was 562 feet long, 106 feet abeam, and had a draft of 27 feet and seven inches. Displacing 27,900 tons of water she had a speed in excess of 21 knots. She could sail a distance equal to the length of the state of Wyoming in sixteen hours. Annually her mother state sent her a great supply of water from mountains and snow banks via the Gulf of Mexico to keep her afloat.

For armament the *Wyoming* carried twelve 12-inch 50 caliber guns in four turrets; sixteen 5-inch 51 caliber batteries; eight 3-inch 50 caliber anti-aircraft guns, and four 6-pounders. One 12-inch gun alone weighed 56 tons. It was manned by 48 men in a turret and shot a projectile weighing 870 pounds about 23 miles. If the *Wyoming* could have sailed to the top of Sherman Hill and was so minded, she might have fired two salvos that could have leveled both the Capitol Building in Cheyenne and the University of

Wyoming in Laramie simultaneously. Her initial cost in 1911 was twenty million dollars.

Her crew, 1,100 strong, equal to about half the present population of Wheatland, consisted of sailors, who maintained and sailed the ship, and a detachment of Marines for guard duty and landing expeditions. As flagship, the *USS Wyoming* was home of the Admiral; all commands to the fleet went out of his cabin. Flying the Admiral's pennant, she sailed at the center of the armada, escorted by other huge battleships, usually the *Arkansas, Florida* and *Utah*. Around them in elliptical formation steamed the cruisers, named for cities; farther out raced the destroyers, named for naval heroes; and on the outer rim of the moving fleet were the submarines—about ninety vessels in all.

The *USS Wyoming* visited the Panama Canal in 1913; then made a cruise of the Mediterranean. As watchdog and flagship she continued with the fleet to guard the Atlantic seacoast in tedious patrols of the stormy seas. Boston was her home port, but much cruising and maneuvering was done in the Caribbean area with Cuba's Guantanamo harbor the fleet base, especially in winter months.

In 1917 under command of Rear Admiral Hugh Rodma the Atlantic Fleet sailed to Scapa Flow to join the British Grand Fleet in an attempt to engage the German High Sea Fleet. No naval battle took place, but the American squadron encountered five German submarines. Finally in November 1918 at May Island the *Wyoming* participated in the surrender ceremony of the German Fleet. Next she escorted the *George Washington* with President Wilson aboard from the coast of England to Brest, France.

After the war the *Wyoming* continued as flagship of the Scouting Fleet. In 1925 she cruised to Hawaii with the Battle Fleet. Originally a coal burner, in 1927 the *Wyoming* was modernized at the Philadelphia Navy Yard into an oil burner. New cruising turbines were added, and the latest naval equipment.

Even a huge ship is a small living space for 1,100 men. All enlisted men slept in hammocks, which at reveille they carried to hammock compartments. At meal times cooks converted the sleeping quarters into a mess hall by lowering tables and benches from overhead. Hooking them up again, the men used the same space for a workshop, polishing and maintaining the guns whose working and revolving parts had protruded among the lowered tables and under the swinging hammocks. Card playing and movies were chief diversions aboard. Liberty ashore, when in port, was greatly prized and given to half of the men each night.

In 1928 the *Wyoming* answered the SOS of the *SS Vestris,* a British merchant ship bound for South America. Then about 300 miles off New York, she reached the spot about two in the morning, but the *Vestris* had already sunk. Survivors were in the water, but it was so dark that not many were located. One of the

women recovered was the wife of the Japanese ambassador to Argentina.

In 1931 the *Wyoming* rescued the British arctic explorer Hubert Wilkins, when his ice-cutting submarine almost foundered in mid-Atlantic.

Following the London Naval Treaty of 1931 the old battleship *Wyoming,* after twenty years as the pride of the U. S. Navy, was shorn of most of her armament and converted into a training ship. Shortly after conversion she had the worst encounter of her career—a hurricane! Eugene Metzel, Chief Gunner's Mate, USN, who served aboard the *Wyoming* for 24 years, said, "It was impossible for us to avoid the storm. We headed into the 80-mile-an-hour wind. We listed 36 degrees at times and that's a lot, even for a big ship. Birds actually dropped on our decks, completely exhausted from bucking that wind." But the old ship rode out the hurricane of 1932 without any damage.

After the New England hurricane of 1938 the *Wyoming* set a precedent in the Navy by carrying storm-delayed mail and millions of dollars to beleaguered New Englanders cut off from regular communication channels. She took aboard 14,000 sacks of mail as well as 200 post office clerks who labored for five hours to unload it into a fleet of thirty mail trucks. This was the first time a battleship had been used by the U. S. Post Office in mail delivery.

Shortly after the Japanese attack on Pearl Harbor in December, 1941, the *Wyoming* took up training duties in the protected waters of Chesapeake Bay as an anti-aircraft gunnery school. Although she became known as "Chesapeake Raider" and the "BEF" (Back every Friday), the officers and men who manned her had great pride in her record. Hundreds of flaming Messerschmitts and Kamikazes in the far Pacific were proof of the success of the training program aboard her decks. The Navy's newest equipment was used and tested here before it was sent to front line duty. From the decks of the old *Wyoming,* gun crews of many of the Navy's most famous and gallant vessels fired their first rounds in practice. Although she didn't fire a shot against the enemy, 350,000 rounds were used in training on her decks. The *Wyoming* was the hardest working naval vessel in World War II, firing more shots in a month than most vessels fired in the entire war.

When she dropped anchor at the Naval Base in Norfolk, Virginia in June, 1947, after 35 years of active service in the U. S. Navy, the *USS Wyoming* was writing the final page in her record—the kind of service that does not make headlines or history books, but the plodding, unromantic, useful kind that forms the foundations upon which headlines and history books are built. She was sold for scrap in December, 1947.

The *Wyoming* outlived many ships that were young when she was already old and watched them go, one by one, to the scrap

heap or to the mothballs of the Reserve Fleet. She held the oldest active commission, by many years, of any ship in the United States Navy. Though her guns will never thunder again, the *Wyoming* will live forever in the memory and archives of the Navy as a Grand Old Ship.

A gleaming memorial to her remains in her solid silver service, returned to Wyoming at the request of Governor Lester C. Hunt.[2] It is entrusted to the University of Wyoming, under the provisions of the Congressional bill, where it is kept on display, or in a vault in Old Main. It is used for special events, such as the commencement reception for graduates. Occasionally the Governor asks for it to be brought to Cheyenne for state occasions.

A huge punch bowl is the main piece, designed to represent the growth and progress of Wyoming. Sacajawea, the Shoshone Indian woman guide for explorers Lewis and Clark, stands sculptured on one side. Opposite her is a pioneer woman of the Equality State. An engraving on a third side depicts the development of Wyoming from the time of the Indian tipi to the industrial mining

Silver From the U.S.S. Wyoming
Courtesy of Mae Urbanek

2. When the battleship was retired, Rep. Frank A. Barrett introduced a bill in Congress requesting that the silver set, the ship's name plate and the ship's bell be delivered to the governor of the state.—Ed.

of coal and oil. Pictures of agriculture and manufacturing decorate the other side of this bowl that is more than three feet high.

A platter measuring two by three feet is enhanced by an engraving of the state capitol building. There are two candelabra, a tea pot, coffee urn and a water pitcher beside various dishes, goblets and cups numbering more than fifty pieces, and valued at more than $10,000. The name "Wyoming" is patterned through the length of the large platters. Each large piece bears the state seal. Blue gentian decorates the edges, since the silver was designed before Indian paintbrush was designated as the state flower.

Since all notables who inspected or visited the fleet were entertained in the Admiral's cabin during the many years that the *USS Wyoming* served as flagship of the Atlantic Fleet, many famous lips have touched these silver cups, including those of Queen Wilhelmina of Holland.

Book Reviews

The Last Days of the Sioux Nation. By Robert M. Utley. (New Haven and London: Yale University Press. 1963. Illus., maps, index, 313 pp. $7.50)

The Ghost Dance Uprising, which culminated in the Battle of Wounded Knee, was an important landmark in the history of Indian-White relations. It marked the end of all formidable Indian opposition on the Northern Plains.

Of all the tribes in the region, the Sioux, during the last half of the 19th century, offered the most effective resistance to the inroads of the white man. Beginning with the so-called "Grattan Massacre" of 1854, the opposition of the Sioux continued to be stubborn for over three and a half decades.

The Sioux Uprising in the Dakotas in the 1890's is attributed to a multiplicity of factors. In accordance with the Fort Laramie Treaty of 1868, which was agreed upon by the Government as the result of Red Cloud's continued attacks on the Bozeman Trail, a giant reservation, largely in Western Dakota, was guaranteed the Sioux. The violation of this treaty weakened the confidence of the Indians in the white man's word. In the decade and a half following the Battle of the Little Bighorn in 1876, the condition of the Sioux rapidly deteriorated. The Indians saw their giant reservation repeatedly reduced in size. As the large herds of bison on which they depended for food were destroyed by white hunters, they became more and more dependent on the Government for their livelihood. They were forced by misunderstanding Indian agents to adopt a way of life which was foreign to them; the power of their chiefs was undermined, and their children were forced to live in schools where they were taught to live like the white man. In desperation, many accepted the Ghost Dance Religion which promised to restore to them the purported happy conditions before the Whites made their appearance on the American Continent. Although its more pacifistic tenets were accepted among other tribes, the new religion, when adopted by the resentful Sioux, assumed very militant aspects.

In this volume, Mr. Utley attempts to supplement the ethnological approach to James Mooney in *The Ghost-Dance Religion and the Sioux Outbreak of 1890* (Washington, 1896). He carefully weighs and evaluates all the published and unprinted accounts and evidence, much of which is conflicting, relating to the Sioux Uprising, particularly the killing of Sitting Bull and the Battle of Wounded Knee. As a result, his treatment of the subject is well-balanced and scholarly. For the student of the history of the

Sioux, it complements George Hyde's *A Sioux Chronicle* (Norman, 1956) very well.

The format of the volume is pleasing. In addition, the book has an excellent bibliography, adequate maps and very good illustrations.

National Park Service RAY H. MATTISON

Great Stagecoach Robbers of the West. By Eugene B. Block. (Doubleday & Co., Inc. Index, Illus. 262 pp. $4.50)

This book was written by the author of *Great Train Robberies of the West.* Actually it seems the order of the two books might have been reversed since the stage coach robbers gave way to the train robbers with the advent of the railroad around 1900.

The era of the stage coach robbers began with the discovery of gold in 1848 and continued about 50 years. The locale for this book is contained almost entirely in California.

The stage coach robbers were a bold lot, courageous, ruthless and for the most part, cold blooded. A few were sons of wealthy, cultured families, but most of them were desperate men who turned to robbery usually after their method of earning a living had failed. Some, however, were scoundrels in search of easy money.

The book describes in detail the activities of many of these bandits, but perhaps the most outstanding was Black Bart, who was British born. He robbed eighteen stages (yield $18,000) in eight years. With an unusual sense of humor he twice left verse at the scene of the robbery, signing himself PO8. He neither smoked, drank nor used profanity, he tipped his hat to women in the coaches and never took their valuables.

Joaquin Murietta and Tiburcio Vasquez were the most reckless of all the Mexican outlaws. Both were leaders of desperate bands and both blamed their defiance of the law on the bitter prejudice against Mexicans in their time.

Unless the robbers killed recklessly they were usually given fair trials and sentenced to serve a term in prison. While some of the people would clamour for stiffer punishments, there were those who admired the daring of the highwaymen and openly voiced sympathy for them.

Among the brave drivers of the coaches perhaps the most famous was Hank Monk. He was typical of the drivers of his day, skillful and responsible. Their duty was to protect life and property and they took their work with a dedicated spirit. It was the unwritten law of the bandits never to rob a driver of his personal belongings.

As the increase in gold dust shipments resulted in mounting holdups, shotgun messengers were hired to sit beside the driver

and a new era of gun fights prevailed. Bret Harte was a shotgun messenger, and as such obtained much of the color reflected in his writings.

The search for these bandits was relentless and James Hume was recognized as the ablest investigator of his time. He headed the Wells Fargo force of investigators for thirty years and there is scarcely a report of any major holdup in which his name does not appear.

Great Stagecoach Robbers of the West provides easy and interesting reading of an exciting era.

Cheyenne MRS. JACK R. GAGE

Scotsman in Buckskin. By Mae Reed Porter and Odessa Davenport. (New York, Hastings House, 1963. Illus., index, 306 pp. $5.95.)

Sir William Drummond Stewart, second son of one of the oldest and wealthiest noble families of Scotland, might seem to have been a most unlikely "Scotsman in Buckskin" to become one of the leading figures in the American fur trade. Nonetheless, Stewart was one of the most colorful characters of that era, and he made singular contributions to the knowledge of the Rocky Mountain West during his own time, and to history as well.

Invaluable records from each of Stewart's trips were made possible through the outstanding writer, the artist, and the scientists who accompanied him as his guests.

Among them were Alfred Jacob Miller, whose sketches and paintings made in 1837 were some of the earliest pictorial records of Fort Laramie, the colorful Green River Rendezvous and the spectacular Rocky Mountain scenery.

Matthew Field, assistant editor of the New Orleans *Picayune,* was with Stewart in 1843. He kept a detailed diary, and wrote feature stories for his paper.

Sir William's character was a complex one. In his travels through the West he was the equal of the most seasoned mountain men in practicing the skills required for survival, and in enduring dangers and hardships. However, he brought to his expeditions luxuries from his British life that were utterly foreign to the wilderness.

The equipment and supplies for the 1843 trip were almost unbelievable. Not only did Stewart furnish his invited guests with blooded horses and fine firearms, but also with tinned meats, preserved fruits and rare wines and cheeses. Stewart's own tent was crimson, fourteen feet square, and its appointments included a Persian rug, Irish linen sheets, a sable coverlid and a large brass incense burner.

In like manner, Sir William transplanted to Scotland whatever he could of the American West he so loved. When he returned to his home for the last time he ordered buffalo, white cranes, trees and plants shipped to his estate.

The characters who move through the book are a veritable "Who's Who" of the era. Friends and companions of Stewart, they include Jim Bridger, the Whitmans and Spaldings, Tom Fitzpatrick, Robert Campbell, William and Solomon Sublette, John Charles Fremont, Joe Meek and Father DeSmet, among many others.

The authors of the book are gifted with the ability to write accurate history that is as fascinating as a novel, and they write with a subtle and delightful sense of humor.

Cheyenne KATHERINE HALVERSON

Directory: Historical Societies and Agencies in the United States and Canada, 1963. (Madison, Wisconsin, American Association for State and Local History, 1963. Illus., index, 124 pp. $2.00)

Both scholars and travelers will find the 1963 edition of the *Directory: Historical Societies and Agencies in the United States and Canada* a useful tool. The book contains the addresses, membership figures, founding dates, staff numbers, publications, and the library and museum hours of privately and publicly supported historical societies, associations, commissions, departments, and archives.

Published biennially, the new directory shows that interest in history is reaching a new high. The reader will find nearly two thousand entries, an increase of two hundred over the last edition. The book lists twenty-two historical organizations in Wyoming, including the county societies.

The authors of the 1963 edition made a number of changes in the format of the directory. One major change is that organizations are listed by town within the state, a change especially welcome to the traveler using the directory as a guide.

No attempt has been made to suggest the quality or quantity of each agency's research holdings or educational facilities, and the larger institutions are better described in other publications. The real value of the book lies in the fact that it provides the researcher with the addresses of those small, out-of-the-way societies whose collections consist of the raw materials of history—the family letters, the recorded interviews of early settlers, the clippings from newspapers long extinct—from which broad generalizations can be drawn and comprehensive works written.

Fort Laramie National Historic Site JOHN D. MCDERMOTT

Legends and Tales of the Old West. Edited by S. Omar Barker. (Doubleday and Co., Inc., Garden City, New York, 1962. $4.50.)

With their tenth book, the members of the Western Writers of America present sixty heretofore untold tales, wild stories, and legends, relative to the past glories of the Old West. Ably edited by Mr. Barker, the incidents and episodes are grouped under varied headings dealing with the early Spaniards, mines and miners, Indian tales, ghost legends, stories of famous characters, gamblers and outlaws, and lawmen and gunmen.

No attempt has been made to verify the stories for fact or fiction, or to distingish between the two, but rather, they are offered as entertaining bits of old-west lore for the reader to enjoy and contemplate as he desires. Rugged individualism, direct and lusty characters moving rapidly with their motivations, without regard or worry as to where the chips may fall, are plentiful in this book. Humorous accounts, stories of privation, courage, pain, and rewards, some only a page or two . . . others longer, satisfy the modern readers' hunger for the old days of free action and the uninhibited customs of a raw, new land. Noise, dust, heat, action, and gunfire are spread over the pages in sufficient quantities to please the present day regimented reader, and give him some pleasant relief from a regulated world.

Perhaps the most rewarding feature of the book is that all sixty of the episodes appearing in *Legends and Tales of the Old West* are printed for the very first time, making it an important item on any western bookshelf. The editor and contributing members of the Western Writers of America have assembled a big segment of western lore and atmosphere in a compact, readable volume, and deserve congratulations for the job.

Represented are such authors as Mari Sandoz, A. C. Abbott, Homer Croy, Agnes Wright Spring, Clay Fisher, S. Omar Barker, and a host of others, whose experience in the western field of writing is well established, and whose ability to tell a story is well appreciated. For the reader interested in the west, who wants some light, action-filled, material which he can chuckle over, and remember or forget as he chooses, *Legends and Tales of the Old West* should rate high on his book list.

Buffalo Bill Museum DICK FROST

The Dalton Gang, End of an Outlaw Era. By Harold Preece. (Hastings House, N.Y., 1963. Illus., 320 pp. $5.95.)

In preparing this book, Mr. Preece has clearly aimed at an audience a strong cut above the level of the readers of the popular

western pulp magazines. He has produced the best work in print on this outlaw clan, outlining their background and their individual and collective careers from childhood through early exploits to the climax of Coffeyville and the dying days of the gang, and closes with a chapter on the later days of the reformed Emmett Dalton. Fans of southern plains outlawry will find much of interest in the book.

More serious students of the American West, however, will find fully as much to criticize. Preece's subtitle, *End of an Outlaw Era* hardly rings true once the book has been read. All of his substantial evidence seems to indicate that the Dalton boys had little in common with the two generations of gunmen on the fringes of the law who battled to win or to defend empires. Rather the Daltons appear as little but precursors of the garden variety hoodlum that achieved notoriety during the "Roaring Twenties", and is perhaps not yet extinct as a type. The book is rather heavily footnoted for one of this class, but most of the notes serve only to introduce further undocumented material, rather than to pin down sources of facts which might give rise to controversy.

In short, those who purchase this book for its entertainment value will be more satisfied with their investment than will those who hope to achieve a better understanding of law enforcement problems in Territorial Oklahoma and surrounding states.

Fort Laramie National Historic Site ROBERT A. MURRAY

The Central Pacific and the Southern Pacific Railroads. By Lucius Beebe. (Berkeley, Calif., Howell-North, 1963. Illus., index, 631 pp. $15.00)

This profusely illustrated book (900 illustrations with seven in full color) will be welcomed by the railroad buff.

Once again Mr. Beebe has given us a pictorial history of a railroad. This time it is of the Southern Pacific, which serves the West Coast and the southwest from Los Angeles to New Orleans, and of the Central Pacific which started this vast railroad system.

The book is divided into six chapters covering the early struggle to cross the Sierras, the crossing of Nevada to Promontory, Utah, and the meeting of rails, the reluctance to build into Los Angeles as the railroad extended south and east, San Francisco as a rail center, the Texas era, and the extension to Oregon.

Within each section pictures with excellent captions are arranged to tell the story, but not necessarily chronologically. The author has drawn upon many historical depositories as well as upon private collections for his pictures. Rare, early views including contemporary drawings are shown here as well as modern scenes. Mr. Beebe includes 121 photographs by Richard Steinheimer,

taken during the past twenty years of the disappearing steam era, and he gives him a credit line on the title page.

Also included in the volume are excellent maps, time schedules of some of the crack "name" trains, and an index.

Cheyenne LOLA M. HOMSHER

The Salmon King of Oregon: R. D. Hume and the Pacific Fisheries. By Gordon B. Dodds. (Chapel Hill, The University of North Carolina Press, 1959. Illus. index. 257 pp. $6.00.)

The stories of the so-called "Robber Barons" of the 19th century have been told and retold, but the activities of the smaller, local capitalists have been neglected by historians. An effort has been made to fill this gap by Gordon Dodds' study of an unknown capitalist, R. D. Hume, who, in his limited sphere was as powerful as Rockefeller. Hume was able to build up and reign supreme over a salmon fishing and canning empire on the Rogue River in Oregon beginning in 1876 and ending with his death in 1908. As with Rockefeller's control of every aspect of the oil industry, Hume was able to monopolize every phase of the salmon canning industry on his little private river and even owned the town in which his employees lived.

Hume's business activities illuminate not only the development of the salmon industry on the Pacific Coast but also the extent to which the conservative philosophy of laissez-faire dominated the thinking of business men, both great and small. While Hume probably never read Herbert Spencer's books, he would have agreed with Spencer that government should leave business alone. Yet Hume, like other capitalists of his time, expected government aid in various forms while denying the government's right to regulate his business.

Hume used every available means to maintain his monopoly of the Rogue River. With methods reminding one of Wyoming's pioneer cattlemen who controlled large areas of land by controlling the streams, Hume bought up land along the Rogue River so that he would be able to claim the exclusive right to fish the river. As other companies attempted to break his monopoly by fishing the river, Hume lobbied at the state legislature and in Washington and even entered local politics in an attempt to get a legal basis for his claims to exclusive use of the river. He also sponsored two newspapers to defend his policies. However, Hume's success, as that of Rockefeller's, was due mostly to his experimentation and use of superior equipment and methods. He pioneered in the artificial propagation of salmon by building his own hatcheries and invented

an improved can making machine. But because of the size of his holdings and his complete domination of the area, Hume personally was never popular and his methods were bitterly resented.

The American Association for State and Local History has sponsored the publication of this book, in its program of improving the study of local history. The Association is to be commended on its choice, for Dodds' book is a thorough and competent piece of research and is an important contribution to the growing understanding of the philosophy and methods of the business men of the late 19th century.

University of Alberta GIL STELTER

Arizona Cavalcade. Edited by Joseph Miller. (New York, Hastings House, 1962. Illus., index. 306 pp. $5.95)

This work covering the turbulent times in Arizona is the sequel to two other books, compiled by a very competent editor, *The Arizona Story* and *Arizona, The Last Frontier.* The book is an anthology, a collection of news items and editorials carefully culled from the contemporary press, over the early years of the state. It is broken down into six chapters or divisions, each dealing with some phase of the state's early history, including the establishment of the Mission San Xavier del Bac as well as a ringside description of the Hopi Snake Dance.

The early battles of Apache Pass and Skull Valley with the Apaches make exciting reading, tapering off to the development of the cities of Prescott, Yuma and Phoenix, modern cities today. The closing of the honkey-tonks and gambling houses, and the accepted philosophy of the operators thereof, again prove that this type of ribald entertainment simply became out of date, and died naturally as progress advanced. The story is covered in the chapter entitled "Death of an Era."

The sixth chapter deals with the mining days and lost treasure, the fabled Lost Dutchman Mine, the Lost Gunsight Mine, the Pegleg and others. The accounts are so interesting that it is difficult to put the book down. It has been edited with considerable skill, and the reader will be impressed by the writing ability of the newsmen of the past. One who is an Arizona history fan will certainly find the work a must in his library; in fact any modern historical enthusiast will find the entire story facinating.

The volumn contains fifteen illustrations, the work of that old hand, Ross Santee, which are outstanding. These together with the authenticity of the contents make the book one of eminent value.

Sheridan F. H. SINCLAIR

The Jackson's Hole Story. By Josephine Fabian. (Deseret Book Co., Salt Lake City, Utah, 1963. Illus., index, 189 pp. $2.95.)

Mrs. Fabian's story of Jackson's Hole is really three stories interwoven: the factual account of President Chester A. Arthur's trip to the Jackson's Hole Country and Yellowstone Park in 1883, the fictional love story of Sam Hill and Natuka Pinaquina beginning a year later and the story of the region itself, descriptions of its majestic mountains, clear lakes and virgin forests plus a smattering of the real characters who frequented it, including the Indians who called it home.

President Arthur's vast fishing and hunting expedition at government expense aroused great interest in the uninhabited, uncivilized Indian country of Northwest Wyoming and kindled fires of political criticism. The public was avid for details which, in spite of vivid and wordy communiques to the press, were never disclosed.

The pictures of the expedition, hitherto unpublished, add much to the value of the book as does the description of the spectacular Indian pow-wow in 1890 which was presumably one of the last ever staged along the banks of the Snake River.

Newcastle ELIZABETH J. THORPE

Brides of the Open Range 1875-1887. (From original manuscripts published by the Wyoming Society of the Colonial Dames. Volume II, 1962. $1.00.)

In 1935, The National Society of Colonial Dames of America sponsored a state-wide contest on "The Biography of a Pioneer" to obtain original records of historical events in the state with actual names and dates. Interesting events in the lives of five pioneer women, Mrs. Michael Mullen, Mrs. Theresa Jenkins, Mrs. R. H. Hall, Mrs. John Christian Rees and Mrs. Alice Rhubottom Johnson are recorded in this publication. Great courage was exhibited by these early pioneer women as they worked with their husbands to carve out homesteads in this sparsely populated area.

Mrs. Michael Mullen and her husband left Philadelphia in 1875, right after their wedding, to come to the mining fields in Central City, Colorado. A smallpox scare drove them to Wyoming where they finally settled on a homestead on the Laramie River. Mrs. Mullen and her sons cared for the ranch while her husband worked with the Wyoming Development Company building reservoirs, canals and ditches. This encouraged the Union Pacific to build a

railroad to Wheatland which brought more settlers and more services to the area.

Mrs. Theresa Jenkins was educated at the University of Wisconsin where she met her future husband. She followed him to Camp Carlin, a military depot southeast of Fort Warren, to be married. She was active in the community affairs. This was shown by her interest in the Presbyterian Church, which was only a mission, and in building and equipping rural schools. She was a herald of woman suffrage and the organization of the W.C.T.U. in Cheyenne.

Mrs. Hall had a two-thousand mile wedding trip in 1878 from New York to Lander. She came by train to Green River and by stage to Fort Stambaugh and later to the Eagle Ranch where her husband was employed. At that time, Lander had only a few houses and business buildings. The story tells about the interesting and sometimes frightening experiences that she had and how she watched Lander grow from a little hamlet with a few log houses to a city with several thousand people.

Mrs. Rees met her husband in Zaneville, Ohio, when he came home for a visit after being in the West ten years. The dress she wore when she left with her new husband for the West was far too elaborate for the rough country that was to be her new home. Her experiences at a road ranch on cottonwood creek, one-hundred ten miles northwest of Cheyenne, were exciting and often frightening. They reveal the delightful sense of humor which carried her over the rough times.

In her diary, Mrs. Johnson related the experiences with Indians and Mormons of the emigrant wagon trains going to Oregon.

Brides of The Open Range is a collection of stories relating the experiences of brave pioneer women who exhibited initiative, perseverence, bravery, endurance and industry in establishing homes and building communities in the unsettled Territory of Wyoming. These women had a sense of humor and tolerance that enabled them to endure hardship.

Cheyenne DORRIS L. SANDER

Contributors

DAVID M. EMMONS is a graduate student at the University of Colorado, where he received his B. A. in 1961 and his M. A. in 1963. American frontier history is his field of study. Mr. Emmons is a native of Denver.

EDMOND L. ESCOLAS, associate professor of business administration at the University of Wyoming, has been a resident of Wyoming since 1954. He is a graduate of Assumption College, in his home town of Worcester, Mass., and received his M. A. and Ph.D. degrees from Clark University, Worcester. He is a member of several professional societies and enjoys golf and fishing as hobbies. He is married and he and his wife have three daughters and two sons.

PAUL C. HENDERSON is an authority on the Oregon Trail. He has mapped the entire route, and has a collection of more than three thousand colored slides taken along that Trail and other covered wagon roads. For many years his hobby has been following old wagon trails west of the Missouri River, mapping them and photographing historic sites and landmarks. He has had numerous articles published on western history. Mrs. Henderson works closely with her husband in exploring and researching. Their home is in Bridgeport, Nebraska. Retired from the C. B. and Q. Railroad, Henderson is now associated with the Wyoming State Parks Commission.

DON GREY, teacher of mathematics and physics at Sheridan College, has published numerous articles on archaeological and geological subjects in the *Wyoming Archaeologist* and other technical publications. Mr. Grey was born in Moorcroft, and has lived in Wyoming virtually all his life. He received his education at Black Hills Teachers College, the University of Wyoming and Lehigh University. He and his wife and young son and daughter make their home in Sheridan.

MAE URBANEK. See *Annals of Wyoming,* Vol. 27, No. 2. October, 1955, p. 251. Mrs. Urbanek's most recently published books, in 1962, are *The Second Man* and *Songs of the Sage.*

BURTON S. HILL. See *Annals of Wyoming,* Vol. 34, No. 1, April, 1962, pp. 131-132.

DICK J. NELSON. See *Annals of Wyoming,* Vol. 30, No. 1, April, 1958, p. 1211.

General Index

WYOMING STATE ARCHIVES AND HISTORICAL DEPARTMENT

The Wyoming State Archives and Historical Department has as its function the collection and preservation of the record of the people of Wyoming. It maintains a historical library, a museum and the state archives.

The aid of the citizens of Wyoming is solicited in the carrying out of its function. The Department is anxious to secure and preserve records and materials now in private hands where they cannot be long preserved. Such records and materials include:

Biographical materials of pioneers: diaries, letters, account books, autobiographical accounts.

Business records of industries of the State: livestock, mining, agriculture, railroads, manufacturers, merchants, small business establishments, and of professional men as bankers, lawyers, physicians, dentists, ministers, and educators.

Private records of individual citizens, such as correspondence, manuscript materials and scrapbooks.

Records of organizations active in the religious, educational, social, economic and political life of the State, including their publications such as yearbooks and reports.

Manuscript and printed articles on towns, counties, and any significant topic dealing with the history of the State.

Early newspapers, maps, pictures, pamphlets, and books on western subjects.

Current publications by individuals or organizations throughout the State.

Museum materials with historical significance: early equipment, Indian artifacts, relics dealing with the activities of persons in Wyoming and with special events in the State's history.