ANNALS of WYOMING

Volume 53, Number 1
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THE WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

The function of the Wyoming State Archives, Museums and Historical Department is to collect and preserve materials which tell the story of Wyoming. It maintains the state's historical library and research center, the Wyoming State Museum and branch museums, the State Art Gallery and the State Archives. The Department solicits original records such as diaries, letters, books, early newspapers, maps, photographs and art and records of early businesses and organizations as well as artifacts for museum display. The Department asks for the assistance of all Wyoming citizens to secure these documents and artifacts. Department facilities are designed to preserve these materials from loss and deterioration.

ABOUT THE COVER—The cover painting of Fort Fred Steele was executed in the 1870s by Phillipe Denis De Trobriand. De Trobriand was a Frenchman of noble birth who had been educated at the College of Tours and awarded a law degree from Poitiers. He toured the U.S. in 1841, married an American woman, then went back to France for several years. In 1847, he returned to this country to live permanently. During the Civil War, taken with ". . . a cause that had immortalized Lafayette," he became a citizen of the U.S. and assumed command of a group of Union volunteers as a general. After that conflict, he served as a colonel in the regular army. He was assigned to Dakota, Montana, Utah and Wyoming in the course of his military career. A diarist, poet, and novelist, De Trobriand was also a gifted amateur painter. Everywhere in his travels he saw subjects for pictures—his sketches and paintings include works on Indians, landscapes and Western military structures. Both in his journals and art works, De Trobriand revealed a remarkable perceptiveness of the world around him. He was sensitive to the people he encountered and to the environment in which he found them. De Trobriand's literary and artistic endeavors serve not only as aesthetic expressions of life in the American West a hundred years ago, but as valuable historical documents that provide a realistic, accurate picture of that lifestyle. The cover painting and a companion piece were purchased by the Wyoming State Art Gallery with funds contributed by members of the Wyoming State Historical Society.

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ANNALS OF WYOMING is published biannually in the Spring and Fall. It is received by all members of the Wyoming State Historical Society as the official publication of that organization. Copies of previous and current issues may be purchased from the Co-Editors. Correspondence should be addressed to the Co-Editors. Published articles represent the views of the author and are not necessarily those of the Wyoming State Archives, Museums and Historical Department or the Wyoming State Historical Society. ANNALS OF WYOMING articles are abstracted in Historical Abstracts. America: History and Life.

BOOM TOWNS ON THE UNION PACIFIC

UNION PACIFIC RAILROAD HISTORICAL DIVISION

Benton, Wyoming, 1868

LARAMIE, BENTON AND BEAR RIVER CITY

By Emmett D. Chisum

As construction of the Union Pacific entered Wyoming, local inhabitants were apprehensive about the determination of division points along the Union Pacific line. These decisions by Union Pacific officials would determine the futures of Cheyenne, Laramie, Rawlins, Evanston and Green River. A number of followers of the railroad construction crews would stay in these division-point towns, find useful occupations and contribute to the growth of the communities. Others would move from one construction site to another in their portable houses and tents, leaving few signs of the boom towns that were once at the end of the track.

Construction of the Union Pacific was authorized by an Act of Congress in 1862, but progress was interrupted by the Civil War and only 40 miles of track had been completed by 1865. Following the war there were no difficult problems in obtaining workers and materials, and with the appointment of General Grenville M. Dodge as chief engineer, considerable progress was made in the construction of the line across the plains of Nebraska.[1]

Jack Casement and his tracking crew reached Cheyenne on November 13, 1867. On November 14, a vast assemblage of citizens and a brass band flocked to the Cheyenne Station to celebrate the arrival of the railroad. Eddy Street and the city hall were well lighted for the occasion, and a large transparent banner near the speakers stand bore the mottoes, "The Magic Town Greets the Continental Railway," "Honor to Who Honor is Due," and "Old Casement We Welcome You."[2]

Work continued in the Laramie Mountains during the winter, and 30 miles west of Cheyenne the town of Dale City was established by construction workers, tiemen and wood choppers. The Cheyenne vigilantes drove some of the undesirable elements out of their town, and they, too, came to Dale City.[3]

The survey of the town of Laramie was made in the fall of 1867, and when the Union Pacific commenced the sale of lots in April of 1868, there were several hundred people on the town site waiting to obtain title to the lots by the railroad in order to build their future homes. Within the first week over 400 lots were sold and within the next month, construction on buildings had started. The walls of the early buildings were constructed of logs or condemned railroad ties, and the roofs were of canvas.[4]

In spite of the pleasant location of Laramie, the *Cheyenne Daily Leader* questioned the future status of Laramie:

> But it is supposed that Laramie will be restored to its ancient and unbroken quiet except perhaps for the disturbing sound of a locomotive? Of great expectations is the town of Wyoming which is destined to supercede Laramie and become a candidate for the national capitol.[5]

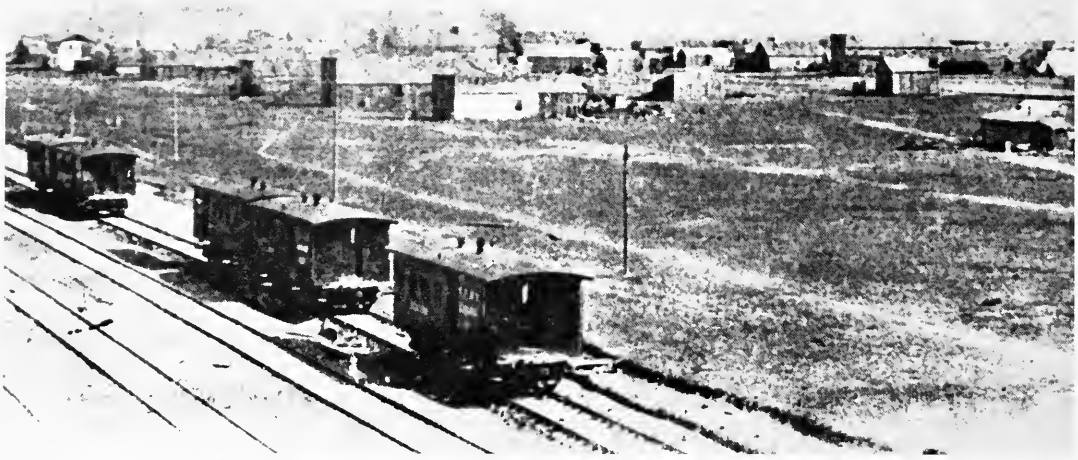
According to the notes left by Edward Ivinson, pioneer Laramie banker, there was a concerted effort made to locate the division point of the railroad at Wyoming, at the time known as Two Rivers. The place was about ten miles north of Laramie where the Big and Little Laramie Rivers unite. According to Ivinson, he furnished the financial aid to build the first courthouse which helped to make Laramie a division point.[6]

On May 9 an army of workers stretched the iron rails across the town and headed for the plains beyond. The following day the first train arrived and it brought with it as diverse a collection of humanity and merchandise as ever was seen on the plains. There were cars loaded with merchandise, such as groceries, liquors, gambling outfits, hardware and house-furnishing goods of every description. The people who came were largely of the class that had been following the railroad from point to point and had been doing business of one sort or another in the various temporary towns along the Union Pacific Railroad.[7]

The proposed town of Laramie had been well advertised and the outlaw element realized that it was beyond the pall of civilization. The town served as a magnet for the worst sort of gamblers, thieves, highway robbers, and murderers who had been following the progress of the railway construction from Omaha west. It is safe to say that there were a great many men in early Laramie who had few moral principles, and they intended through violence to bring into subjection the citizens who favored decency and honesty.[8]

A prelude to things yet to come was an incident involving W. H. Murphy and his friend, George Hayes.

"WHILE THE IMPORTANT COMMUNITIES BECAME LAW-ABIDING, THE TEMPORARY TOWNS RETURNED TO SAGEBRUSH AND ALKALI."



UNION PACIFIC RAILROAD HISTORICAL DIVISION

Laramie, Wyoming, circa 1868. "For a few weeks three desperadoes dominated the affairs of the town."

On April 9, they were met by the Laramie police force and a few of their friends. The police tried to rob the two men and because they resisted the assault, they were arrested and put in jail. One member of the police force, a friend of Hayes, informed the two that the whole plot was to kill Hayes, and that Murphy was in no danger. During the night, the lawmen led by a man named Louis Roddapouch, opened fire on the jail. The first bullet from the lawman's gun wounded Murphy in the knee, but despite his wounds at least two of Murphy's bullets hit Roddapouch, inflicting flesh wounds. A group of citizens living nearby heard all of the shooting and broke in the jail and rescued Murphy.

Roddapouch was captured the next morning and turned over to the sheriff. Murphy and his friends, intent on a lynching, demanded Roddapouch. As they prepared to hang him, Moll Tippets, who was known as the "Bull Whacker's Pet" came to bid Roddapouch goodbye. "Never mind," she said, "if these cruel men are against you. Remember God is for you." The lynching was stopped by several armed men and Roddapouch was transferred to Cheyenne.[9]

In spite of Laramie having a municipal government elected by the people, for a few weeks three desperadoes dominated the affairs of the new city. One outlaw operated a saloon in a log house, with a small backroom connected to the place. Men were made drunk, robbed and murdered. Their bodies were tossed into this backroom and then loaded into wagons and hauled out onto the plains for the coyotes and other animals to feast on. This saloon, operated by the Moyer brothers, became known as the "Bucket of Blood."[10]

The reaction produced by the criminal activities resulted in the organization of a vigilante committee composed of railroaders and businessmen who formulated plans to take action against the outlaw element. On October 18, the hanging of a young man known only as the "Kid" by the vigilantes aroused the anger of the outlaw element. The vigilantes, in their next course of action, organized a raid on a notorious saloon known as "The Belle of the West." A hundred shots were exchanged between the outlaws and the vigilantes and three of the vigilantes were killed before the battle ended. The vigilantes broke into the place and seized Con Wagner, Asa Moore and Ed Wilson. Their hands were tied by ropes and they were tied to the same building where the "Kid" had met his fate. The next morning "Big Steve" was captured and marched to a telegraph pole near the station house.[11]

According to an account by W. O. Owen, pioneer surveyor and mountain climber, the vigilantes seized "Big Steve" because he had failed to leave town as the group had ordered. He pleaded with the men to spare his life and said that he would leave town and not stop until he arrived in Omaha. Without benefit of clergy, a rope was fastened around his neck and he was pulled up

a telegraph pole. "Big Steve" was so heavy that the noose broke and he fell to the ground. He was raised to the pole a second time and the rope broke. On the third attempt, the noose held and "Big Steve" was dead.[12]

When Grenville Dodge, chief engineer of the Union Pacific Railroad, was away in Congress, Thomas Durant was circulating rumors that Laramie, and not Cheyenne, would be the main division point on the railroad. When General Dodge heard of the Durant stories and the nature of the affairs at the end of the track, he ordered his private car to proceed to Laramie. When Dodge arrived in Laramie, the "Big Tent" was doing a thriving gambling business. Dodge, displeased with the condition existing in Laramie, threatened to have General Gibbons send down a company of soldiers and proclaim martial law. Dodge also warned Durant not to interfere with his plans for building the railroad.[13]

In October of 1868, the Union Pacific built the Thornburg Hotel. The dining room was being used as a restaurant for passengers on the Union Pacific. In the Thornburg Hotel Laramie had its first Christmas tree on Christmas Eve of 1868. In 1869, a reception was held in the hotel for Governor John Campbell, first governor of Wyoming Territory.

With the organization of the Territory of Wyoming in May of 1869, a machinery for the government of the territory was created. County officers were appointed and the first term of court was held in 1869 with Judge William Jones presiding. N. K. Boswell became sheriff of the new county and was diligent in the enforcement of the laws.[14]

The Frontier Index, "the press on wheels," followed the construction of the railroad from one town to another. In Albany County it was first published at Fort Sanders and later at Laramie. In August of 1868, the press was moved to Green River. Fred Freeman was the editor along the line on construction until his brother Legh took over the paper in Green River. In the frontier towns of the Union Pacific the Freeman brothers were recognized as the "chiefs of the vigilantes."[15]

One of the early travelers on the Union Pacific, T. E. Lester gives the following description of Laramie:

> We are now approaching Laramie City—the end of the division, the proposed site of extensive railroad shops and quite a busy place, the natural outlet of the Laramie Plains, which is now open as a great grazing field, over which even now thousands of cattle are roaming.[16]

Edward L. Sabin, an early railroad historian, gave the following impression of Laramie:

> The big game heads, the agates, the opals, and mountain amethysts and rubies heaped in the show cases of the station eating house and were the feeblest of lures for incoming tourists: the great water tank and its windmill

UNION PACIFIC RAILROAD HISTORICAL DIVISION

Newly constructed railroad shops at Laramie, circa 1870.

seventy five feet high, on a base twenty-five by fifteen feet – the sparkling streams of water flowing down the principal streets failed to wash away the sins of Laramie and its people until the vigilantes helped.[17]

Laramie became an important division point and men worked in the roundhouse and the shops. The steam cars rolled through the town day and night. To a large portion of the population the railroad was their means of earning a living and every train was known by a number.

During the summer of 1868, the tracklayers were pushing out across the Laramie plains, and orders were issued to change the line, sloping it into the valleys of Rock Creek and the Medicine Bow River. This change in the plans added 20 miles to the original line and stations were constructed at Rock Creek, Medicine Bow and Carbon.[18]

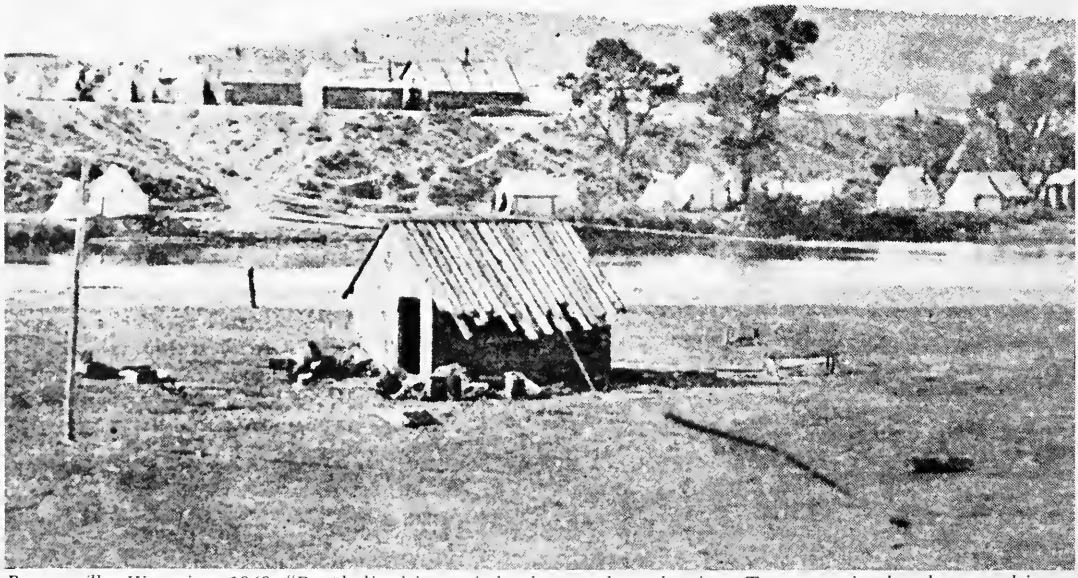
By June 18, there were 1,000 persons at the North Platte River Crossing. The town there, known as Brownsville, was constructed of log houses with canvas roofs. The buildings were constructed so they could be removed in case the Union Pacific laid out a town site. Fort Steele was established on the south side of the Platte and no new towns were to be established within three miles of the military reservation. The fort was useful not only as a protection against the Indians, but also to keep a check on the people who followed the construction from place to place.[19]

In the early days of July, General Dodge issued an order for the citizens of Brownsville to move to the new railroad town located three miles from the North Platte on the edge of Dry Desert. Not only did all of the inhabitants move to this new location, but they were joined by an influx of the rough element from Laramie. A freight train crossed the new Platte River bridge "and the big tent with all of the gambling equipment arrived in the new town of Benton."[20]

Descriptions of Brownsville and Benton are found in a letter written to Dr. Grace Raymond Hebard from Meta Brown of Rawlins on February 22, 1919. Miss Brown wrote of an interview with Mrs. Lawrence Hayes of Rawlins:

> I had a very interesting conversation with her (Mrs. Hayes) concerning Benton. She moved from Cheyenne to Brownsville early in June of '68. When the reservation of the Fort was made, they were forced to move on to Benton. She says that Brownsville was very different from Benton in appearance since the people lived in rustic log houses along the river. Trees were in abundance and it was quite a pretty place. On the other hand, the houses in Benton were not log but were either shacks made of boards or tents or a combination of both.[21]

Another account of life in Benton comes from an article in the *Rawlins Republican* by Mrs. Margaret Wallace. Mrs. Wallace relates that during the winter of 1867, her father Larry Hayes constructed a building in sections which could be used as a restaurant. He loaded the building on a freight wagon in Cheyenne and journeyed west to secure a location for business. When they arrived in Brownsville on June 19, 1865, there was about four inches of snow on the ground. They crossed



UNION PACIFIC RAILROAD HISTORICAL DIVISION

Brownsville, Wyoming, 1868. "People lived in rustic log houses along the river. Trees were in abundance and it was quite a pretty place."

the North Platte and in a few days were putting up a restaurant in Benton. Benton was supposed to be where the division point would be located because it was close to the needed water of the Platte River.[22]

The new town was located near the desert on a bare alkali plain. It took one half of a glass of the alkali water to furnish a physic of the strongest character. Water was hauled from the river, a journey of ten miles. The price for a barrel of water at one time went as high as ten dollars. A bath takes considerable water, but money could be saved if one gentleman doubled up with another.[23]

Editor Alfred J. Mokler of the *Wyoming Pioneer* gave the following description of Benton:

> Benton, is not but a name—all but faded from memory. In 1868 it was the temporary terminal of the Union Pacific Railroad; it earned wide notoriety as the most incandescent of red hot towns in the West; a cemetery was started there the same day that the town was established and before the next terminus west was set up, more than 100 graves disgraced the plot that was set aside in which the dead were buried. Benton was three miles from the Platte River and water was hauled in to supply the population; the price for a bucketful was ten cents, but since 'forty rod' whiskey could be had for twenty five cents a glass, water was tabooed except for cooking and cleaning purposes, and to quench the thirst of a few decent men and women who were compelled to make their homes there.
>
> Benton lay in the heart of barrenness, alkali, and desolation on the face of a windy desert, alive with dust-devils, sweeping along yellow and funnel-shaped says Zane Grey in his 'U.P. Trail.' It is a huge, blocked-out town and set where no town could ever live. It was 150 miles from Cheyenne. Benton was a prey for the sun, wind, drought and the wind was terribly hot in summer and insupportably cold in winter. No sagebrush, no greasewood, no trees, not even a cactus plant, nothing green or living to relieve the eye which swept across the gray and barren white plains, through the dust, to the distant hills or drab . . . The hell that was reported to be in Benton was in harmony with its setting. The population which made up the hell hole was composed of Mexicans, Blacks, loafers, tradesmen, laborers, gamblers and a heterogeneous mass of humanity of stragglers, and desperadoes, most of who live off the workmen and builders of the railroad. No more than one-tenth of the people living there could be termed as respectable human beings.[24]

Horse stealing appeared to be an important vocation in the Platte River area. Thirteen men charged with this crime were lodged in the guard house at Fort Steele. One of these men identified as "Buffalo Bill" (not the famous William F. Cody) was chased across the Platte River and succeeded in escaping.[25]

In the early days of the town's existence, labor problems were common. A man named Wilson was hanged when he demanded his wages from a grading contractor. The graders employed between Benton and the end of the track then went on strike, demanding an increase in wages from two to three dollars a day and free board. The men also demanded all of their back pay before leaving Benton so that they would have money to spend in the new town of Green River.[26]

By July 20 a wooden bridge had been constructed across the Platte and trains were running to Benton. The tracklayers were building toward Green River and planned to reach Salt Lake City by next spring. With the opening of the track into the town more people moved in. Activities reached such a high pitch that it was necessary to have a guard of 12 soldiers to patrol the town.[27]

The following letter written by General Jack Casement to his wife in Ohio gives some idea of the conditions in Benton:

> Benton, August 1, 1868
>
> My Dear Wife:
>
> I arrived at this place yesterday morning and went to the end of the track thirty miles beyond here. So I have not had the opportunity to write before. Things are all working well here. Dan has gone to Cheyenne to spend the Sabbath with Mollie. She telegraphed that the baby was sick again. This is an awful place. Alkali dust knee deep and certainly the meanest place I have ever been in. I am so thankful that my darlings are where they are. Dan thought of moving here, but dare not do it and has concluded to move to our club house, or send Mollie home whenever she may desire. Dan or myself will have to go nearly to Salt Lake to attend to our graders. Tell father if he wants any money to check on Wilcox in my name and get what he wants.
>
> Signed,
> Jack[28]

Of all the "Hell on Wheels" towns, Benton, during its existence, had the reputation of being one of the worst. Soldiers from Fort Steele tried to preserve some degree of law and order and to lower the homicide rate. The military authorities placed a $25 fine on all persons caught carrying firearms in the town. The "respectable" people complained that this law made them easy prey for the brigands that operated at night.[29]

A brief riot occurred when Jack Harris was arrested by a soldier for cutting a dance hall tent with the intention of robbing the cash box. His friends attempted to rescue him from the military, but the soldier fired wildly over their heads and were able to convey Harris to the guard house without inflicting any casualties on his friends.[30]

J. H. Beadle, a famous novelist of the Western scene, arrived that August in Benton. The streets were eight inches deep with alkali dust, and in his dark clothes, he resembled a cockroach scrambling out of a flour barrel.[31]

Beadle was running low on funds and he decided to remain in the town for two weeks. Here is how he described Benton:

> The Town lacked ordinary comforts, and there was not a green tree, shrub or patch of grass. The red hills were scorched as bare as if blasted by lightning.[32]

A classic Beadle description is of the "Big Tent":

UNION PACIFIC RAILROAD HISTORICAL DIVISION

Benton, Wyoming, 1868. "By day disgusting, by night dangerous, almost everybody dirty, many filthy and with the marks of lowest vice . . ."

> The 'Big Tent' had served as a gambling and drinking center in the town of Julesberg, Cheyenne and Laramie before being erected in Benton. This structure was a nice frame, a hundred feet long and forty feet wide, covered with canvas, conveniently floored for dancing. As we enter, we note that the right side is lined with a splendid bar supplied with every variety of liquors and cigars, with cut glass goblets, ice pitchers, splendid mirrors, and pictured walling of our eastern cities. At the back end a space large enough for one cotillion is left open for dancing, on a raised platform, a full band is in attendance day and night, while the rest of the room is filled with tables devoted to monte, faro, rondo carlo, fortune wheels and every other species of gambling known. I acknowledge a morbid curiosity relating to everything villainous, though I never ventured a cent but once in my life. I am never weary of watching a game, and the various fortunes of those 'who buck against the tiger.'
>
> During the day the 'Big Tent' is rather quiet, but at night after a few inspiring tunes at the door by the band, the long hall is soon crowded with a motley throng of three or four hundred miners, ranchers, clerks and cappers. The brass instruments are laid aside, the string music begins, the cotillions succeed each other rapidly each ending with a drink while those not so employed crowd around the tables and each enjoy his favorite game. Tonight is one of unusual interest, and the tent is full, while from every table is heard a musical rattle of dice, the hum of the wheel, or the eloquent voice of the dealer. Fair women, clothed with richness and taste, in white airy garments mingle with the throng, watch the game with deep interest, or laugh and chat with the players.[33]

Other businesses in the town were housed in portable buildings. These buildings of painted pine were shipped from Chicago at $300 delivered. The buildings could be erected in a day by two boys with screwdrivers.

In dusty Benton in August of 1868, life was the cheapest commodity. Two men became engaged in a violent dispute over a debt. While the dispute was in progress, a man named Maxwell, unaware of danger, was walking down the opposite side of the street. One of the men, Kelley, drew a Spencer rifle, and with deliberate aim, fired and brought Maxwell to the ground. In spite of Maxwell's pleas for his life, Kelley walked deliberately up to him and shot with the contents of another barrel of his gun. The interference of the military prevented Kelley's hanging. In a few days he escaped from the guard house at Fort Steele and headed westward.[34]

Considerable excitement also was caused by the shooting of a man in a private row. Two men, Charles Hubbard and Tom McGinty, both bad characters, were having words over the division of their spoils. Hubbard pulled out a pistol and shot the other man through the stomach. After Hubbard had been arrested, a crowd gathered and tried to break into the guard house and obtain the prisoner.[35]

J. H. Beadle, present when the affair happened, wrote:

> The regular routine of business, dances, drunks and fistfights met with a sudden interruption on the 8th of August. Sitting in a tent door that day I noticed an altercation across the street, and saw a man draw a pistol and fire, and another stagger and catch hold of a post for support. The first was about to shoot again when he was struck from behind and the pistol wrenched from his hand. The wounded man was taken into a cyprian's tent near by and treated with the greatest kindness by the woman, but died the next day. It was universally admitted that there had been no provocation for the shooting, and the general voice was, 'Hang him!'.[36]

To Judge W. R. Kuykendall, who visited the town for the purpose of electioneering, Benton was the roughest place in America. The killings, shootings, and crooked gambling were all daily events. Dance halls with

the "painted cats" operated around the clock; crime appeared to afford a great deal of pleasure to the inhabitants of the place. The town of Benton was too far away for a sheriff to do anything without bankrupting the county.[37]

Samuel Bowles, reporter from the *Springfield Republican* arrived from Illinois to visit Benton. Bowles gave the following report:

> When we were on the line, this congregation of scum and wickedness was within a desert section called Benton: One or two thousand men and a few women were encamped on the alkali plains in tents and board shanties, not a tree, not a shrub, not a blade of grass was visable, the dust ankle deep as we walked through it, and so fine and volatile that the slightest breeze loaded the air with it, irritating every sense and poisoning half of them, a village of a few variety stores and shops, by day disgusting, by night dangerous, almost everybody dirty, many filthy and with the marks of lowest vice, averaging a murder a day, gambling and drinking, hurdy dancing and the vilest of sexual commerce. The chief business and pastime of the hours, this was Benton. Like its predecessors, it fairly festered in corruption, disorder, and death, and would have rotted in this dry air, had it outlasted a brief sixty-day life.[38]

The alkali dust, or it might be called powder, became so disagreeable that it caused a number of Benton citizens to move on to Green River. The alkali was as fine as flour, and due to the wind, its malignant effects were apparent. Many people, according to reports, were bleeding at the lungs from inhaling the alkali. It was suggested that with enough water the community of Benton could have been made to resemble one immense foaming powder.[39]

On August 13, 1868, the *Cheyenne Daily Leader* published this letter written by editor N. A. Baker during a visit to Benton:

> It is said that no thing on earth was made without a use but it is our most decided opinion that the wastes of Western Wyoming for the most part, are most unfit for the use of either white men or digger Indians. Either could starve if compelled to gather his substance from the soil or the chase. Indians and wild beast avoid it and the restless and adventurous white abhor it and abide in it only long enough to build a railroad through it and then resign it to the everlasting and lonely solitude, to be broken only by the impatient shrieks of the iron horse.
>
> The town of Benton, like the camps of the Bedouin Arabs, is of tents, and almost a transitory nature as the elements of a soap bubble. The ever restless spirit that animates western communities is in full vigor here, and each sojourner in the place seems fearful that somebody will get ahead of him in the race to the next town. Many have already left here for Green River, Ham's Fork and some other points where some trade may be engaged for a brief space, and where a few, very few, will make a little money. The railroad company has sold seventeen thousand dollars worth of lots here, in the few weeks that the town has been laid, and in this sentence may be seen the secret of where the main portion of the money goes.[40]

One of the best descriptions of the types of humanity that inhabited Benton is by Charles Giffin Coutant:

> The camp followers on arriving at the Platte selected a townsite about half a mile up the river, which they called Brownsville, and in an incredibly short time opened stores, eating houses, saloons, boarding houses, gambling and sporting places. Within forty-eight hours everything was in full blast, with a population numbering five hundred or more. It was a typical city of the wild west and was what was known as an 'all-night town.' Brownsville was short-lived, being supplanted by Benton, a railroad town three miles farther west. Benton, like Brownsville, had for its population a large number of disreputable characters and at once took high rank as a saloon, gambling and sporting town. In two or three days it had from 1,000 to 1,500 inhabitants, and there being no such thing as law and order the rough element ran things to suit themselves. Murder was an everyday occurrence and peaceably disposed people soon learned that protesting against violence was something that would not be tolerated by those in control of affairs. Benton in its day was certainly the one bad town along the line of the Union Pacific. In other places the better element attempted to make life and property secure and after a time succeeded, but in Benton no such effort was put forth and the result was that crime was popular and good conduct undesirable with the rough element, and this continued as long as the town lasted. Prize fighting and all that goes with it was patronized, and the place became the rendezvous of outlaws of every description. It was a city of portable houses and tents stretched over wood frames.[41]

To be at the right point for fleecing the track workers again, the inhabitants of Benton shipped their tents and portable stores to Green River City. While everybody in Benton was busy packing up for Green River City, there was an election of city officers in August and A. B. Miller was elected mayor of an almost deserted town.[42]

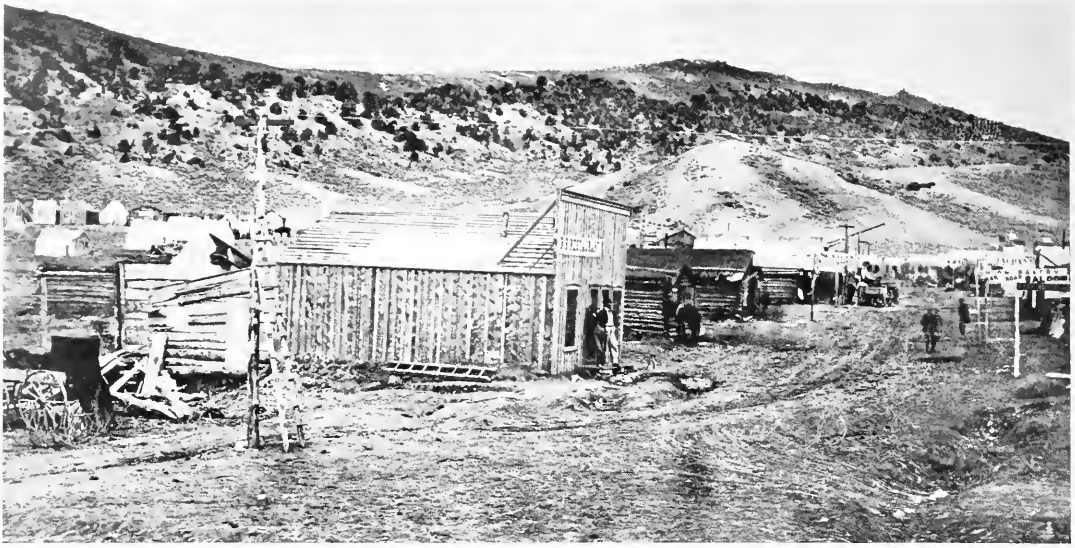
In October there were enough residents left in Benton to carry on another election. A man named Bell, who was employed by the railway company, tried to vote in the election. Tom McGraw challenged his right to vote. Bell, acting in self defense, shot McGraw in the head.[43]

J. H. Beadle revisited the site of Benton ten months after his first visit. On his second visit there was not a house or a tent to be seen, only a few chimneys and rock piles. The white dust covered even the desolate cemetery. "Only a memory remains," he wrote.[44]

(Two miles east of Benton the town of Parco came into existence due to the establishment of an oil refinery in the area. The refinery was organized to utilize the oil from the Salt Creek field. In 1934, the Parco Company went bankrupt and the town was bought by the Sinclair Oil Company and the name of the town was changed to Sinclair.)

The grading crew moved out across the red desert from the main construction camp in Rawlins. The tracklayers in August were averaging four miles per day and by the month of October the railway line had reached Green River.[45]

Some of the men from a grading camp went on strike and in a sullen mood with plenty of whiskey, they



UNION PACIFIC RAILROAD HISTORICAL DIVISION

Bear River City, Wyoming, 1868. "From 200 to 300 merciless fiends wielding pick handles . . . filled with four fathoms of manilla and bristling with pistols . . ."

encamped on McDermott's Island near the town. The drinkers raised hell all evening and threatened to take over Green River. The townspeople organized a well armed force and locked themselves in their houses until the excitement died down. The authorities threatened to place the town under martial law.[46]

The townspeople also became involved with the Union Pacific officials in regard to the illegal possession of a lot that belonged to the railroad company. The land agents threatened to use the military to seize the town lots.[47]

During the latter part of September, 1868, as the construction crews pushed toward Utah Territory, the town of Bear River was constructed. The town was on the Old Overland Stage Road, north of Quaking Mountain. The population numbered about 2,000 persons, and the town contained about 140 buildings of varied sizes and shapes. A short distance from the center of town a coal mine was established by Throp, Head and Steele. The price of coal was seven dollars a ton, and when the first engine arrived on December 3, 1868, a supply of fuel was available. The merchants carried large stocks of goods in hopes that the town would become the winter quarters for the railroad.[48]

In November 1868, when the graders reached Bear River, McGee and Cheeseborough had the grading contract for this stretch of road, and employed between 400 to 500 men, most of them raw Irish immigrants. A Frenchman named Alex Topence had the contract for furnishing beef, and he put up a slaughter house and shack south of the tracks, while the so-called town was north. The town consisted of some roughly constructed rooming and boarding houses and a row of business buildings comprising the California Clothing Store, Nuckles General Merchandise, a Jewish shoe store, and a number of saloons and gambling houses. On the same side of the track with Topence, the butcher, was the office of the *Frontier Index*.[49]

The roughs and gangsters that had been chased from Benton and the other towns east of Bear River eventually arrived there, and as more of these men arrived a jail was constructed to help maintain order. An election was conducted in the town, and the following officials were elected: J. B. Cooper, mayor; W. R. Armstrong, marshal; J. H. Wilbur, clerk; J. H. Young, W. H. Bowers, W. N. Osborne, and C. H. Caswell, councilmen.[50]

The *Frontier Index,* a weekly newspaper, secured quarters in a small frame building near the proposed line of the railroad. Editor Legh R. Freeman started a campaign to rid the town of criminals:

> The band of garroters, who were recently driven away from some of our lower railroad towns are at last congregating in our midst and had better go slow or they will find the place too hot for this location.[51]

The outlaw population of Bear River in November had reached such proportions that the *Frontier Index* published along with its news items, another warning to all of the criminals in the place:

> There is not a place west of here that can be made to a point for anything until we build on the shores of Salt Lake next spring. We will ship frame houses and everything by rail then, and lumber is worth more there than here, we will make our winter's rent dear. Most of the cutthroat gang ordered to leave here vanished through there. There

are several here yet who have the mark of the beast on their forehead, and had better make the cap fit themselves before Saturday at midnight, or climb a telegraph pole. This means business.

Vigilance Committee[52]

As in some of the other towns in Wyoming, a vigilance committee became the instrument for establishing order. With the necessity for faster construction on the line, graders in large numbers flocked into Bear River to drink and carouse in its numerous saloons and dance halls.

By the middle of November the track was within nine miles of Bear River. A trestle 600 feet long was constructed across the stream. General Jack Casement and his Irishmen were slowed down by the lack of ties, which were floated down the Green River. It was difficult at this time to move the ties because the stream was very low and contained considerable ice. When the ties were secured, the tracklayers mingled with the graders in the rush to extend the line westward across Utah.[53]

On November 11, 1868, "Lynch Law" made an appearance in Bear River, supported by the railroad officials and a segment of businessmen. Jack O'Neil, Jimmy Powers and Jimmy Reed, three notorious robbers, were hanged on a beam extending from an unfinished building in front of the jail on Sulphur Street. The victims were all young, aged 21, 22 and 23 years. O'Neil was formerly from Canada, but more recently from St. Joseph, Missouri. Jimmy Reed was originally from Utica, New York, and he had been chased from Laramie by the vigilantes there.[54]

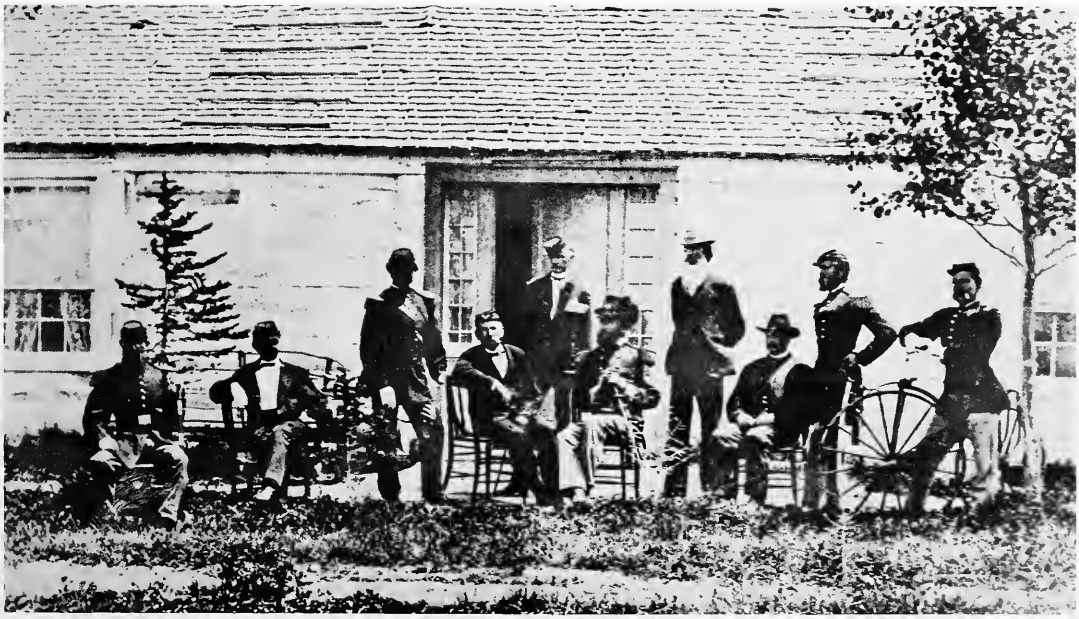
The three men were confined in the jail and from there were taken by what the coroners jury termed "unknown parties" and hanged in the freezing air. They were cut down the next morning about seven o'clock and in the afternoon a wagon conveyed their bodies to graves dug in the frozen earth. At their funerals a great many of the outlaw element expressed their sympathy and a desire to take action against the men responsible for the hangings.[55]

Even after the action of the vigilantes, violence continued in the town of Bear River. On Uintah Street a house popular with the graders was the scene of another crime. The desperado entered Ella Folsom's place and after a little blarney, threw his arms around her in an attempt to strangle her. Her struggles and the noise produced by the action caused the villain to let go and leave the premises.[56]

Men were also victimized such as noted in a newspaper article:

> John A. Hoffman was garroted near the railroad crossing off Utah Street, and seventy-five dollars were removed from his pocket. One ruffian choked him while another rifled his pockets. According to John, the robbers did not get all his money, and if a policeman had not taken his revolver early in the evening, they would not have gotten away without a battle.[57]

Bear River became an armed camp, with both the offensive and inoffensive carrying guns. The construction officials of the railroad carried their Winchesters while visiting the town. The tension of the struggle between law and order on one side and crime, vice and dis-



UNION PACIFIC RAILROAD HISTORICAL DIVISION

Fort Bridger, Wyoming, 1868. "The forces from Fort Bridger are hourly expected."

order on the other exploded into violence on November 19:

> The mob at this city has begun by burning the jail in which a number of prisoners were confined, upon which the citizens armed themselves, while the mob numbering two hundred were standing whooping over the burning of the jail, the citizens fired into them, killing twenty-five, and wounding fifty or sixty; the exact number is not yet ascertained. Frontier Index office was also burned to the ground and the editor is missing. It is not known whether he escaped or has been killed. The riot began about the hanging on November 11.[58]
>
> It is feared that the city will be burned, women and children fleeing for their safety. The citizens have sent to the railroad grading camps for reinforcements. The utmost terror and confusion prevail, and it is impossible to distinguish friends from enemies. It is now feared that the mob may burn all of the houses and other property in the place.[59]

Bear River was placed under martial law by the authorities at Fort Bridger and business proceeded as usual the next day. Armed guards were placed on the outskirts of town and others patrolled the streets. Rumors were circulated that a huge army of construction workers were on the way to furnish relief to the citizens of the battered town. The mob scattered to the mountains where they conducted a meeting to formulate a new plan of attack. In the first day's fighting, vigilantes Tom Smith and John Dailey were seriously wounded and not expected to live. A later report stated that 20 of the mob were dead, and 35 wounded. One citizen named Armstrong also was killed in the fighting.[60]

Stuart Henry described the Bear River battle:

> Tom Smith served at one time on the police force of New York. I have shadowy details of his wanderings over Utah and Nevada. Thence he returned to Iowa with wagon trains, hauling railroad material westward. Next he appears on the frontier of Nebraska, employed in various capacities, following the Union Pacific construction. What a world of experience such rugged schooling brought him! Finally, and authentically, he was engaged with a large contracting firm whose headquarters in 1868 were at Bear River, Wyoming, where many hundred employees were congregated. The businessmen there had organized a 'town' government, so called, adopted laws of their own and appointed a marshall. Naturally, many outlaws and desperate characters collected and crime and lawlessness abounded.
>
> A young man from Smith's camp, his friend, merely disorderly under the influence of liquor, was placed in jail where there were three others who just before garroted and robbed a couple of men in open day. The exasperated citizens incited by a fugitive newspaper, housed in a tent on the outskirts of the town, organized a vigilance committee, made wholesale arrests and locked the prisoners in jail. Smith's camp companions invaded the town, destroyed the newspaper plant and, after releasing the prisoners, proceeded to burn the jail, when Smith himself came on the scene.
>
> The vigilance committee had, in the meantime, armed and gathered in a log storeroom, about fifty yards away. Smith, roused to fury, ran to the very front of the store, and emptied both his revolvers into the barricaded vigilantes, but fortunately killed no one, although he received several shots from the vigilantes. Despite several fearful wounds, he cooly marched off to a friend's house, a block or so away, where for a time his life hung in the balance. Troops from Fort Bridger were summoned, and the town itself was soon abandoned, as the road moved on.
>
> That Smith's motives and conduct in the premises were generally justified is evidenced by the fact that quickly upon his recovery he was chosen marshall of the next town, and so on continuously as towns were successfully located and abandoned, as the Union Pacific progressed, until it was completed, the following year.[61]

One of the best accounts of the Bear River Riot was published in the *Cheyenne Daily Leader* as follows:

> The morning dawned as God's Golden Sun beamed forth upon this wild splendor. Peace sat on the livelihood of every domicit and happiness reigned supreme over the city. As I write shouts of lawless murderers convened from adjunct camps along the lines of the Union Pacific for the purpose of retaliating for injuries suffered by the operation of the shovel—by the execution of two or three notables recently at this city. From two to three hundred merciless fiends wielding pick handles and filled with four fathoms of manilla and bristling with pistols. Proceeding to the jail they immediately released the luckless boarders gathered in from time to time during the previous night. The mob then got out into Uintah Street, the 'Broadway' with us and patrolled the major portions thereof with random shooting and loud threats against the police, vigilante committee and the *Frontier Index*—the local dismanate—of wisdom —the editor and proprietor of which to have been an abettor of an investment in the maintenance of the vigilantes committee. Mr. Freeman seems to have been absent from his office at the time the mob with flaming torches rushed against the sole progressive institution of which we can boast. The clans entered and applied the torch which created serpent like flames enveloping the building and sealing the fate of 'The Press on Wheels' in Wyoming.
>
> The forms were made up for the Frontier Index to go to press—this being the day of publication for the journal. The workers inside the building were restrained from recovering their apparel from the ill-fated office. After the burning of the Frontier Index the mob returned to the central portion of the town for lunch.
>
> Lunch over—a rung was made for the 'Limbo' the front portion of the building being used for a court house and the quarters of the police force, and the torches were applied to its unpretending walls. Retreating from the scorching conflagation, a rally of musketry was discharged into the store of S. F. Nicholls, the rendezvous of the police, regular as well as the deputies, fatally wounding one of the deputies, whereupon the police fired upon the aggressors, fatally wounding eight of the miscreants, a panic seized the populus and there was a scene of scrambling over the sagebrush, rock piles. Ladies fair and families with children in their arms fell in and made incredible lines to the bluffs. Stores, restaurants, gin mills, dance houses and every other place of business was closed.
>
> The display of musketry was at its height and kept up until three p.m., when the renegades dispersed and quiet was restored. The police in the town are in the quest of some of the marauders.
>
> Eight o'clock, no further development as yet, the forces from Fort Bridger are hourly expected.

> Twilight – The brief quiet that has prevailed gave way to active movement of news having reached the citizens, through the officers of the road that Carmichael's gang and other general contractors men are congregating at the various camps to renew the attack tonight. The drum is now beating through the streets, and a general appeal is being made to the owners of the property to assist in measures for the general safety by coming forth for service.
>
> Ten o'clock, all is quiet, yet neither troops nor invaders appear, and it is likely that the scenes of the day will not be re-enacted.
>
> The only attempt at personal malice were made against the editor of the Index and one of the police, who it seems were overzealous in the discharge of his duties when the melee became general.
>
> Had the police called on the citizens as soon as the gang made a move on the jail, that building would doubtless been saved along with the Frontier Index offices.[62]

It would appear from the above that the press was destroyed by its support of law and order in the frontier towns along the Union Pacific railway. Legh Freeman with his support of the vigilantes against the criminal elements escaped. The destruction of the "Press on Wheels" ended a pioneer journalistic venture in Wyoming that had some impact on frontier society.

Evanston, located 11 miles west of Bear River City, became a division point of the railroad. A 20-stall round house was erected to serve the railroad. The population grew as business became good. A large amount of freight was delivered there for the Salt Lake Valley, and a sawmill was established to utilize the pine forest located in Bear River.

In the bitter cold of the winter of 1868, the tracks pushed on toward Wasatch, another "Hell on Wheels" town in Utah. The railroad through Wyoming was completed and the towns that were to grow into important communities became more law-abiding. The temporary towns returned to sagebrush and alkali.

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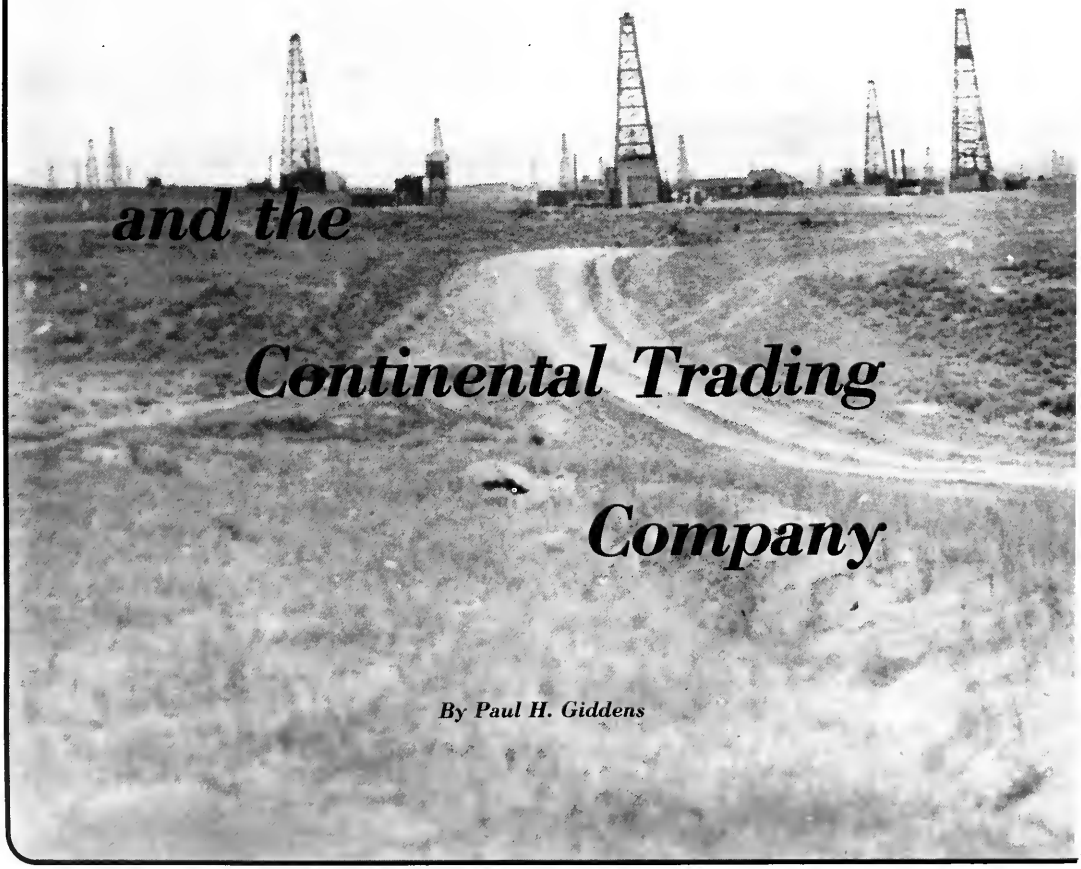
The Naval Oil Reserve, Teapot Dome and the Continental Trading Company



WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

By Paul H. Giddens

"The Teapot Dome scandal had its origin over the leasing of naval petroleum reserves in California and Wyoming in 1922 and an attempt by the Secretary of the Interior and several private individuals to defraud the United States of its oil reserves for personal financial gain. In the affair there were two civil suits and six criminal trials. Three Cabinet members resigned and Secretary of the Interior Albert Fall was sentenced to prison."

Prior to the Watergate affair, our greatest and most sensational national political scandal was Teapot Dome. Since the latter had its beginnings in 1921, many persons are too young to remember the facts and the passing of time has dimmed the memory of the oldsters.

There are some similarities and differences between the Watergate affair and the Teapot Dome scandals. The abuse and misuse of executive powers gave rise to the Watergate affair and related activities. On the other hand, the Teapot Dome scandal had its origin over the leasing of naval petroleum reserves in California and Wyoming in 1922 and in an attempt by Secretary of the Interior Albert B. Fall and several private individuals to defraud the United States of its oil reserves for personal financial gain. In each affair there were lengthy investigative hearings by a Senate committee. According to Senator Francis E. Warren, chairman of the Senate Committee on Appropriations, the Senate hearing and investigation of Teapot Dome up to April 16, 1924, cost $32,808.03.[1] Up to November 25, 1973, Congress had appropriated $4.8 million to investigate the Watergate affair. The Senate Watergate Investigating Committee had spent most of its $1,000,000 appropriation and was asking for $500,000 more. The Special Prosecutor's office had a budget of $2,800,000. The House Judiciary Committee had received a $1,000,000 appropriation for its preliminary impeachment inquiry; $232,000 had been spent for extra White House lawyers; and $220,000 or more had been spent to pay Watergate grand jurors and stenographers.[2] An exact figure of the total spent is probably impossible to determine because other costs were hidden in the budgets of the FBI, Congress, the General Accounting Office and in other governmental offices.

Secrecy and deception, lies and evasion of questions and illegal surveillance characterized the action and testimony of some of the principals involved in both Watergate and Teapot Dome. Special United States prosecutors were appointed in each case to investigate and prosecute those who had violated the laws of the United States. In the Teapot Dome affair there were two civil suits, both of which reached the United States Supreme Court which upheld the federal government in its efforts to cancel the oil leases and restore control and ownership of the oil property to the federal government.

There were also six criminal trials in the Teapot Dome case. Except for Secretary Fall, no one was found guilty and sentenced to prison for their part in the leasing of Teapot Dome. Harry F. Sinclair was the only other person who went to prison but his prison term had nothing to do with the leasing of Teapot Dome. He was found guilty of contempt of the Senate and of the Court and was sentenced to prison for three months in one instance and six months in the other. Public pressure forced three Cabinet members to resign because of their involvement in the Teapot Dome case. They were Secre-

tary of the Interior Albert B. Fall, Secretary of the Navy Edwin Denby and Attorney General Harry Daugherty. In the Watergate affair Richard Nixon, the President of the United States barely escaped being impeached and removed from office by resigning. Moreover, as of June 22, 1977, 25 former aides of the Nixon administration or employees of the Committee to Re-elect the President, including John Mitchell, Nixon's campaign director and his attorney-general, had gone to prison for the role they had played in the Watergate affair.[3]

Naval petroleum reserves had their origin in the 19th Century. Starting in 1864, five years after Colonel E. L. Drake drilled his famous oil well near Titusville, Pa., the U.S. Navy began the first in a long series of experiments with petroleum as fuel for naval vessels, extending over the next 50 years.[4] The increasing use of oil as fuel in locomotives, power plants, and steamships served to heighten general interest in oil as fuel.[5] During the last 40 years of the 19th century, the British, Italian and German navies also began experimenting with petroleum as fuel in their naval vessels.

There were many factors favorable to the use of petroleum as fuel in naval vessels, but the one great deterrent to creating an oil-burning naval fleet by any country was the fear that the supply of oil might not be adequate in an emergency. Despite this fear, the U.S. Navy in 1909 installed equipment for burning oil instead of coal under the main boilers of the battleship *Cheyenne*. By late 1909 the six largest U.S. battleships in commission or under construction were equipped to burn either coal or oil, and 14 of the latest destroyers used oil exclusively.

Having embarked upon a program of burning oil as an auxiliary fuel in our naval vessels, it was vital that an adequate supply of oil be created and maintained for the U.S. Navy.[6] Therefore, President Taft authorized on September 27, 1909, the withdrawal from entry, sale, settlement and private appropriation of over 3,000,000 acres of public land in California and Wyoming thought to contain petroleum deposits.[7] Subsequently, orders withdrawing additional public lands were issued.

A year later, 1910, the Secretary of the Navy announced, "All new destroyers and submarines are now designed to use oil *exclusively* for fuel, while battleships and other large vessels were being fitted to carry oil as an auxiliary fuel."[8] In the same year, oil installations were placed in the battleships *Delaware* and *North Dakota* so that oil could be used as an auxiliary fuel.[9] When the *Wyoming* and *Arkansas*, the fastest and largest battleships in the world, were completed in 1912, their boilers were fitted to burn both oil and coal. With only a portion of the U.S. naval fleet equipped to burn oil, the Navy was now using over 30,000,000 gallons of oil per year.[10]

In 1911 Congress authorized the construction of two dreadnoughts, the *Nevada* and *Oklahoma*. Should these giant battleships be equipped to burn oil exclusively? The Navy recognized the superiority of oil-burning battleships and wanted to build them, but there was still a haunting fear that the supply of oil might not be adequate in an emergency.

Before making any decision, Secretary of the Navy Josephus Daniels, on March 7, 1913, asked Secretary of the Interior Franklin K. Lane for expert advice on the future supply of oil.[11] Was the Navy justified in adopting a policy of oil-burning battleships? Receiving assurances from Secretary Lane that the Navy might rely upon reserves already existing for a supply of oil greater than the life of any battleship to be constructed within the next decade, the order was given to make the *Nevada* "the first oil burner in any Navy." "Henceforth," declared Secretary Daniels in 1913, "all fighting ships which are added to the fleet will use oil."[12]

To insure an adequate supply of oil, President Taft on September 2, 1912, issued an executive order creating out of the public lands, containing petroleum deposits and previously withdrawn from entry, Naval Petroleum Reserve No. 1, commonly called the Elk Hills Naval Reserve, in Kern County, California, for "the exclusive use or benefit of the U.S. Navy until this order is revoked by the President or by Act of Congress."[13] Reserve No. 1 consisted of approximately 38,069 acres. Not knowing the quantity of oil available within Reserve No. 1, it seemed prudent to add to the area reserved for the future oil needs of the United States Navy. Therefore, President Taft issued a second executive order on December 13, 1912, creating Naval Petroleum Reserve No. 2, also in Kern County, California, commonly called the Buena Vista Hills Naval Reserve, involving approximately 29,391 acres.[14]

President Wilson on April 30, 1915, created Naval Petroleum Reserve No. 3, in Natrona County, Wyoming.[15] It consisted of approximately 9,481 acres contiguous to and lying south of the great Salt Creek oil field. Within the reserve, 50 miles north of Casper, a high sandstone rock loomed up out of the bare sagebrush flats. It had a spout which made the rock resemble a teapot so this reserve was commonly called Teapot Dome. At the time, according to the U.S. Bureau of Mines, the Teapot Dome Reserve supposedly had 135,000,000 recoverable barrels of oil.[16]

President Harding issued an executive order on February 27, 1923, creating Naval Petroleum Reserve No. 4, in northern Alaska.[17] It consisted of approximately 35,000 square miles in the western part of this possible oil-bearing region.

The creation of these four Naval Petroleum Reserves was regarded as insurance against the day when other domestic sources were inadequate or no longer available. If the country's commercial supply was depleted before the supplies of an enemy, it would then be in a position to draw upon these reserves.

By an amendment to the Naval Appropriation Act of June 4, 1920, Congress directed the Secretary of the Navy to take possession, use and operate the Naval Petroleum Reserves and drill offset wells, if necessary, for the benefit of the Navy. He was charged with doing everything needed to conserve and protect the oil in the ground until the needs of the Navy required its extraction.[18]

Three months after the inauguration of Warren G. Harding as President of the United States, upon the joint recommendation of Secretary of the Interior Albert B. Fall and the new Secretary of the Navy, Edwin Denby, Harding issued an executive order on May 31, 1921, transferring the administration of the Naval Petroleum Reserves No. 1, 2 and 3 from the Secretary of the Navy to the Secretary of the Interior.[19] The Secretary of the Interior now had authority to grant drilling rights in the reserves. This marked the beginning of the Teapot Dome scandal.

The issuance of the executive order was cloaked in secrecy. It was not published nor was it filed in the customary section of the State Department.[20] The *New York Times* buried the transfer story on page 12.[21] Later, the U.S. Supreme Court held the executive order of President Harding to be illegal because it purported to confer on the Secretary of Interior authority which Congress had lodged exclusively with the Secretary of the Navy.

Old conservationist crusaders, like Senator Robert M. LaFollette, Gifford Pinchot and Harry Slattery, formerly Pinchot's secretary and now secretary of the National Conservation Association, were suspicious and greatly disturbed when they learned of the executive order transfer and other anti-conservation actions of Secretary Fall. LaFollette began searching for pertinent documents and gradually more evidence began to filter in to the senator. When he sought the views of naval officers, whom he knew had been against the transfer or the leasing of the reserves, he learned that they had all been ordered to distant sea stations.[22] This further aroused his suspicions.

Although the Naval Appropriation Act of June 4, 1920, authorized the Secretary of the Navy to drill offset wells in the Naval Petroleum Reserves to prevent drainage of oil by adjacent wells, Secretary of the Navy Josephus Daniels in Wilson's Cabinet, had not taken any action until shortly before his retirement from the Cabinet early in March, 1921. He had called for bids to drill 22 offset wells in a section of the Elk Hills Reserve to protect against the intensive drilling of the Standard Oil Company (California).[23] The bids were not received until Denby became Secretary of the Navy and Fall became Secretary of the Interior and after Harding's Executive Order of May 31, 1921. When the bids were received, Fall accepted the best bid made, one by the Pan American Petroleum Company, a subsidiary of the Pan American Petroleum and Transport Company, both of which were owned and controlled by E. L. Doheny. With this company, Fall made a lease on July 12, 1921, to drill offset wells in Reserve No. 1. There was little or no criticism of the lease because the drainage by adjoining wells was evident and bidding for the lease had been open and competitive.

On April 7, Fall announced the adoption by the Interior Department of a new policy for protecting the Government against further losses of oil in the California reserves. He estimated that around 22,000,000 barrels of oil had been lost through the failure of the Wilson administration to drill protective offset wells there.[24] The loss was irrecoverable and the Department of Interior could only inaugurate a drilling campaign to save the oil that still remained in the ground. The campaign had already started.

Fall announced leases on Reserve No. 1 to two companies based on claims held prior to the withdrawal of the land by Taft. In making this announcement, Secretary Fall failed to disclose that on this very same day, April 7, he had signed a 20-year lease, granting to Harry F. Sinclair's Mammoth Oil Company the right to drill and take oil and gas from the *entire* area of Teapot Dome.[25] The Government was to receive royalties of 12.5 to 50 percent on the production of the wells. When production reached 20,000 barrels of oil a day, Mammoth was to build a pipeline from Teapot Dome east to connect with the main trunk line from Kansas City to Chicago and to the Gulf in order to run the Government's royalty oil. Inasmuch as the Sinclair Pipe Line was already planning to build a pipeline from Chicago to Wyoming to offset high freight costs, Mammoth, which was without any facilities, designated the Sinclair Pipe Line as its nominee to carry the oil from Teapot Dome and the Sinclair Crude Oil Purchasing Company as its nominee to buy the oil and erect storage tanks at Teapot Dome. Both of these Sinclair companies were one-half owned by Standard Oil Company (Indiana).

What had been secret and private information until now became public information on April 14 when the *Wall Street Journal* carried a front-page story about the leasing of Teapot Dome. Four days later, while Fall was away on a trip, Acting Secretary of the Interior Edward G. Finney formally announced the leasing of Teapot Dome to Mammoth. At the same time, Finney also announced that Edward L. Doheny's Pan American Petroleum and Transport Company was being awarded a lease on parts of the Elk Hills Naval Petroleum Reserve No. 1 (dated June 5, 1922) under which the Navy's royalty oil from the reserve was to be exchanged for storage tanks, docks, wharves and other facilities for fueling the fleet that Doheny would build at Pearl Harbor. He also announced the signing of a contract (dated April 25, 1922) under which Doheny was to provide storage for 1,500,000 barrels of fuel oil and for the

delivery of that amount of oil for storage.[26] The idea of having Doheny build storage tanks and docks in exchange for the Navy's royalty oil was a clever scheme worked out by Fall whereby the Navy could by-pass Congress and use the money from its oil royalties to build storage tanks, docks and other needed facilities at Pearl Harbor, Hawaii.[27]

In the meantime, Fall's actions with respect to the Naval Petroleum Reserves had created suspicions and distrust among conservation leaders. It wasn't surprising, therefore, that LaFollette prompted by Slattery took two steps. He introduced a resolution in the Senate on April 21, 1922, asking Fall to send to the Senate all the facts about the leasing of the Naval Petroleum Reserves No. 1, 2 and 3, a list of all oil leases, and all executive orders and papers, instructions, requests and actions relating to them in the files of the Interior Department.[28] The adoption of this resolution by the Senate marked the beginning of the war on Fall.

Since Fall had failed to explain or justify his recent leasing of the Naval Petroleum Reserves in any way LaFollette decided as a second step that he must try to smoke him out by calling for a Senate investigation. On the afternoon of April 28 LaFollette made a scathing speech in the Senate attacking both Fall and Denby. A number of Republicans were in their seats when LaFollette began speaking, but by the time he had finished most of them had withdrawn from the chamber. LaFollette asked that the Senate Committee on Public Lands and Surveys be authorized to investigate the leasing of the Naval Petroleum Reserves and report its findings and recommendations to the Senate. The next afternoon, after a brief debate, the Senate adopted LaFollette's resolution by a unanimous vote: 58-0.[29] Thirty-nine Republicans voted for an investigation of their party's administration.

The Senate Committee on Public Lands and Surveys was composed of many Republican party stalwarts including Reed Smoot of Utah (the Chairman), and Irvine Lenroot of Wisconsin. Three insurgent Republican Senators, George W. Norris of Nebraska, Edwin E. Ladd of North Dakota and Peter Norbeck of South Dakota were also on the committee along with two Democrats, Thomas J. Walsh of Montana and John B. Kendrick of Wyoming.

LaFollette urged Walsh, an able constitutional lawyer and a man of integrity, to take the leadership in conducting the investigation. Walsh accepted with hesitation and reluctance. LaFollette gave Walsh all the evidence he had gathered on Fall and Walsh suddenly received more material than he could handle.

Unlike Nixon in the Watergate investigation, Secretary Fall did not invoke the doctrine of executive privilege in responding to LaFollette's resolution requesting all the facts, papers, records and files of the Interior Department relating to the oil leases. In June, 1922, Fall sent to the Senate a truck load of documents (5,000-6,000 pages).[30] They arrived along with a letter of transmittal from President Harding in which he said that "the policy which has been adopted by the Secretary of the Navy and the Secretary of the Interior in dealing with these matters was submitted to me prior to the adoption thereof, and the policy decided upon and the subsequent acts have at all times had my entire approval."[31] Fall included a full and comprehensive report on the naval reserve oil leases.

The Senate committee hearings did not begin until 18 months after the Senate had approved the investigation. Between June, 1922 and October, 1923—some 16 months—Walsh made a "laborious study" of the mass of evidence and became increasingly aroused over what he considered Fall's misconduct in office.

While waiting for the hearings to begin, Fall continued to dispose of the oil reserves at his command.[32] On December 15, the *Wall Street Journal* reported that Doheny had secured an extension of his earlier contract of April 25, 1922, in which he had been granted preferential rights to further leases. In time, it was learned that Fall had also leased to Doheny the entire Elk Hills Reserve.

On January 2, 1923, eight months after the Senate had adopted LaFollette's resolution to investigate the leasing of the Naval Petroleum Reserves, the White House announced that Fall had entered the Cabinet at a great financial sacrifice. Now he was resigning, effective March 4, in order to devote his time to his business affairs in the Southwest. The real reason, many believed, was the thought of the coming investigation of the naval oil leases. Later that spring, Fall traveled to Russia with


EXTRA

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PRESIDENT HARDING DIES

Harry F. Sinclair who was seeking an oil concession there.

The Public Lands Committee made a feeble gesture toward activity in early February, 1923, when Smoot, the chairman, asked the Director of the Geological Survey for a list of the "principal" geologists in the U.S. From this list the committee selected two to examine Teapot Dome and report to the committee as soon as possible.

While the geologists wandered around Teapot Dome, Harding acted to strengthen his political position.[33] He was surrounded by difficulties. The Congressional elections of the past autumn had reduced his Republican majority to eight in the Senate and five in the House. The farm bloc, including insurgent Republicans, now held the balance of power in Congress that blocked the administration's legislative program. The Department of Justice, headed by Daugherty, was reported to be lush with corruption. One of Harding's "Ohio Gang," Jesse Smith of the Justice Department, had died either from murder or suicide. There were rumors of looting by the Alien Property Custodian and by Charles R. Forbes, director of the Veterans Bureau. There were the stories about the little green house on K Street.

On June 20, 1923, the President left Washington on a transcontinental tour to Alaska, then down the West Coast to Seattle. By the end of the month he was in San Francisco. On the night of July 28, the President became ill and on August 2, he suddenly died. The cause of death was stated to be an embolism, according to his doctors. But how, asked William Allen White, editor of the *Emporia Gazette* in Kansas, could doctors diagnose an illness that was "part terror, part shame and part utter confusion?"[34] Before he left Washington, Harding had discovered that some of his friends in the Ohio gang, whom he trusted, had betrayed him and this seemed to be more than he could bear.

In the meantime, Calvin Coolidge, the Vice President, became President. When he asked William Howard Taft what to do now that he was President, Taft told him "do nothing."[35] Accordingly, Coolidge remained quiet and did almost nothing for months.

On October 22, 1923, at 10 a.m., Smoot called the Senate Committee on Public Lands and Surveys to order in the Senate Office Building and the hearings on the oil leases began.[36] Shortly thereafter, Teapot Dome began to engross the nation's attention just like Watergate did, as one "bomb" after another was dropped.

Reports from the two geologists, who had been employed by the committee to examine Teapot Dome, were heard on the first day. They testified that Teapot Dome, originally estimated to contain about 150,000,000 barrels of oil contained less than 70 percent of this amount and that the existing reserve was draining steadily into the adjacent areas. Smoot made the most of their testimony—saying the action of Fall had been entirely justified. Fall, Denby, Sinclair and various naval officers and other government employees then appeared before the committee.[37]

WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

Senator John B. Kendrick

Walsh was a lonely prosecutor during these first weeks, Republicans Smoot and Lenroot, if not hostile, were unprepared to investigate and Kendrick was a reluctant participant. Most of the Republican members, except Norris, and some of the Democratic members on the committee were not anxious to stir up trouble.

Late in October, 1923, there was a rumor that Walsh was about to abandon his search for fraud in the leasing of Teapot Dome when stories began to reach him about Fall and some land deals in New Mexico. Therefore, he began calling witnesses from New Mexico. One, Carl Magee, a newspaper editor from Albuquerque, testified how Fall, about the time he leased Teapot Dome, had suddenly shown evidence of financial well-being, had substantially increased his fortune, and had made beautiful improvements on his ranch at Three Rivers, New Mexico.[38] This was in striking contrast to the circumstances of several years past, when Fall seemed almost penniless. In fact, Senator Fall needed money so badly in February, 1920, that he could no longer afford to be Senator from New Mexico. He resigned his seat in order to recoup his fortunes and returned to his isolated, run-down ranch at Three Rivers, New Mexico, on which he could not even pay the taxes. Other Fall neighbors or acquaintances substantiated what Magee had said.

J. T. Johnson, Fall's ranch manager at Three Rivers, testified that Harry Sinclair had visited Fall at his ranch around Christmas of 1921.[39] Johnson also stated that

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Freight teams leaving Casper for Salt Creek and Teapot Dome.

Fall lately had acquired several registered hogs, bulls and cows from Sinclair's farm in New Jersey.

When Sinclair appeared before the committee for the second time, he brought his secretary and accountant, G. D. Wahlberg, who displayed an account book showing receipts of payments from Fall for the livestock. Sinclair denied giving Fall a gift of any kind in return for the lease on Teapot Dome.[40]

At the end of 1923, Fall, from his sick bed in his Washington apartment, sent Smoot a statement of his financial condition. He declared that in order to enlarge his ranch holdings in New Mexico, he had borrowed $100,000 in cash from Edward B. McLean, publisher of the *Washington Post,* in November, 1921.

The flow of witnesses continued unabated, but the general impression in Washington was that Walsh was up against a stone wall. Both Denby and Fall, like Sinclair and Doheny, had denied under oath any collusion over the naval oil reserves, and Walsh could not prove otherwise.

On January 3, 1924, McLean's lawyer, A. Mitchell Palmer, wrote Lenroot, Smoot's replacement as chairman of the Senate Committee. Palmer had discussed Fall's story with McLean, now in Florida, and McLean would give the committee a complete statement about the loan to Fall, but he could not appear before the committee since he was in Florida and sick.[42] He would, however, be glad to answer all questions in Palm Beach. The Senate Committee, therefore, appointed Walsh as a subcommittee of one to go to Florida to take testimony and issue subpoenas to require McLean or any other witnesses to appear and testify before him.

On January 12 in Palm Beach, Walsh began questioning McLean who "dumbfounded" him when McLean denied lending Fall the money at all. He said he had given Fall several checks, but they had all been returned uncashed. Fall happened to be in Palm Beach as the guest of McLean while Walsh was there, but he refused to appear before Walsh. However, Fall in a statement admitted that he did not finally use the money from McLean because he had found other sources in no way connected with Sinclair or Teapot Dome or any oil concession.[43] Fall had lied again. His admitted lie made dramatic and sensational news. It was a lie that Fall deeply regretted the rest of his life and his critics never allowed him to forget it.

The Teapot Dome inquiry, close to expiration days earlier, now came alive. Any Republican hope for a quick ending of the inquiry, which was damaging the party's prestige, disappeared. Where had the $100,000 come from? That was the most important question now. Ugly rumors and gossip in Washington and in newspapers throughout the country were pressing for an answer.

On January 24, 1924, in the presence of newspapermen, senators and spectators, Doheny calmly testified before the Senate Committee that he, not McLean, on November 30, 1921, had loaned Fall the $100,000 on his promissory note to enable Fall to enlarge his ranch in New Mexico. Doheny's son, Edward, Jr., had carried the $100,000 in cash from the bank to Fall's office "in a little black bag."[44]

This was sensational news that made headlines. Fall and Doheny had been friends for over 30 years. They

had prospected together for gold in the West years ago. Fall had suffered recent financial troubles while Doheny had become quite rich. According to Doheny, the loan had no relation to the Elk Hills lease of 1922; Pan American had made the best bid. Later during Doheny's testimony, he produced the note signed by Fall when he received the $100,000 loan, but Fall's signature had been torn off.[45] Doheny himself had torn off the signature from the note because if he should die before Fall could repay the loan, Doheny did not want Fall to be pressed for repayment to the Doheny estate at an inconvenient time. He gave the signature to his wife so Doheny and his wife together held Fall's note and signature.

When Doheny revealed that he had loaned Fall $100,000, Congress quickly passed a resolution which was approved by the President on February 8, 1924, authorizing and directing the President to file suit to cancel all contracts and leases on the Naval Petroleum Reserves No. 1 and No. 3, recover the land, and employ special counsel to take charge of the prosecution.[46]

While the Senate hearings continued, the cry went unabated that the leasing of Teapot Dome must have been discussed in Cabinet meetings. Coolidge claimed that he had never heard the leases discussed in any of Harding's Cabinet meetings nor could Secretary of State Hughes, Secretary of War John W. Weeks or Secretary of Commerce Herbert Hoover.[47] Daughtery, the Attorney General, insisted that his legal opinion on the leases was never asked nor given and he knew nothing about the leases until the matter came up for investigation. The Coolidge administration's position seemed in peril and its future status in doubt despite these denials.

The next day after Doheny's statement, J. W. Zevely, a lawyer for Sinclair, further involved Fall. He testified that when Sinclair asked Fall to go with him to Russia, Fall needed $25,000 for personal business affairs. Sinclair told his secretary, G. D. Wahlberg to give Zevely $25,000 or $30,000 in bonds, if Fall should ask Zevely for it, which Fall did. Wahlberg sent the bonds to Fall's bank in El Paso.[48] The loan had never been repaid and no interest had ever been paid. By now, Coolidge and the Republican Party spokesmen seemingly had had enough. It was time to stop defending Fall and protect the Republican party.

It was about this time that Coolidge asked Henry Slattery to the White House so he could learn the complete story.[49] Apparently Coolidge had not known very much about the whole affair. When Slattery finished and had answered Coolidge's questions, Coolidge moved into action. Administration leaders, greatly worried over the political effect of Teapot Dome, agreed that the government should take positive steps against the guilty, cancel the leases and restore the oil properties to the government. Bowing to public and party pressures, Coolidge issued a statement on Sunday, January 27, proposing to employ special counsel and bring suit to cancel the oil leases. The next day the House of Representatives, by a nearly unanimous vote, passed a resolution appropriating $100,000 to pay for Coolidge's special counsel. Coolidge selected two men to be special counsel. They were Silas H. Strawn of Chicago, a Republican, and Thomas W. Gregory of New York City, a Democrat and Attorney-General in Wilson's Cabinet. Both men accepted, subject to Senate approval.

On January 31, Senator James A. Reed of Missouri asked that Doheny be recalled for further testimony before the Public Lands Committee. Reed knew precisely what he wanted from Doheny and what the Committee should ask him. Reed's action was prompted by the fact that he led a powerful and bitter minority opposed to the presidential nomination of William Gibbs McAdoo by the Democratic party in 1924. McAdoo was favored for the Democratic nomination, but Reed wanted the presidential nomination himself. He arranged to cause problems for the McAdoo camp. He got Lenroot to recall Doheny to testify and ask him this question: "Have you employed any Cabinet officer (other than Franklin K. Lane) subsequent to his retiring from the Cabinet?"[50] Doheny replied that he had hired several and among them were Thomas W. Gregory and William Gibbs McAdoo. McAdoo had been a member of a law firm Doheny had employed to represent him in Washington in connection with some Mexican oil matters. Doheny had paid the firm $100,000 in November, 1919. Beginning on March 1, 1922, McAdoo had been paid an annual retainer of $25,000 per year.

Until now the scandal had been almost exclusively Republican. Now the leading Democratic candidate for President had been smeared with oil and linked by implication to the Teapot Dome case and his reputation was damaged beyond repair. The Democrats were dismayed. They had hoped to make the oil leases an issue in the campaign of 1924 but it would be embarrassing to nominate a man who had been employed by Doheny.

The next day Gregory withdrew as a Coolidge nominee for special counsel because his firm had represented Doheny. In his place, Coolidge nominated Atlee Pomerene, a former Democratic Senator from Ohio. Albert J. Beveridge writing at this time to Gifford Pinchot said: "Lord, but the country is howling."[51] There were demands that the entire Coolidge Cabinet should resign. Bruce Bliven, writing in *The New Republic,* wrote that Washington was "wading shoulder-deep in oil. Newspaper correspondents wrote of nothing else, and in hotel lobbies, on the streets, and at dinner tables, oil was the only subject of discussion. Congress had abandoned all other business. No one knows what each day may bring forth. . . ."[52]

When Lenroot notified Coolidge that the Senate Committee on Public Lands and Surveys would report adversely on Silas Strawn, Coolidge withdrew his name

and nominated Owen J. Roberts, a Philadelphia lawyer, as the Republican counsel on February 15. In the Senate, a bitter debate raged over the confirmation of Roberts and Pomerene. It was charged that neither man knew enough about public land laws and issues but, in the end, both were confirmed and commissioned on February 19.

On the previous day, the 18th, Denby, the Secretary of the Navy, resigned, effective March 10, after holding out for many difficult weeks.

With Denby out, the heat was turned on Daugherty in full force. He was a friend of McLean, Sinclair and Doheny, his department had not offered one bit of evidence during the Senate investigation and Daugherty was charged with protecting crime and criminals and selling immunity from prosecution. Senator Wheeler offered a resolution calling for the investigation of Daugherty. Several Republican senators went to the White House to tell Coolidge that Daugherty should retire for the good of the party. Some Republicans opposed the maneuver, and there was talk of a split in the Republican party.

Coolidge, in character, for the moment did nothing. Senator Albert J. Beveridge was gravely concerned over the fact that ordinary citizens believed that "nobody is straight about anything." Major newspapers over the country editorialized on political immorality and the lack of leadership in the Republican party. On the last day of February, the Democrats in the Senate, without mercy or restraint, flayed Daugherty, the administration which had sheltered him and the oil scandal which had enveloped him. The Republicans simply sat in silence.

The next day, the Senate passed the Wheeler resolution to investigate Daugherty for failing to prosecute Fall, Sinclair, Doheny and other grafters. On the 12th the special investigating committee began its hearings. As stories came out about Daugherty, the little green house on K Street and Roxy Stinson, the divorced wife of Daugherty's late close friend, Jesse Smith, the pressure on Coolidge steadily mounted. After Secretary Hoover and Secretary Hughes went to Coolidge and asked him to replace Daugherty, Coolidge on March 27 sent a note to Daugherty saying he was expecting his resignation at once. The next day, Daugherty resigned but he never faced any court charges for any wrongs committed as Attorney-General.

As April gave way to May, there were no new revelations in the Senate Committee. Teapot Dome was buried deep in the inside pages of the daily press. At the hearings the storm of fruitful testimony had died away. Monotonous questioning of geologists and oil experts about drainage replaced the earlier sharp examination of sundry political figures. Attendance at the hearings fell off; there was not a single spectator in attendance on May 8.

The end of the inquiry was now in sight. On May 2, Senator Francis E. Warren, chairman of the Appropriations Committee, reported to the Senate that the Teapot Dome investigation up to April 16, 1924, had cost $32,808.03. On May 14 Walsh suggested that the committee adjourn subject to the call of the Chairman. Until 1928 Teapot Dome, as a political issue, was relatively quiet.

With the Senate Committee inactive, the initiative now passed to the President's special counsel, Owen Roberts and Atlee Pomerene. They had been at work since early March preparing for legal action. On March 11, 1924, they left Washington, D.C., for Cheyenne, Wyoming. On the 12th the special prosecutors filed suit in the name of the U.S. against the Mammoth Oil Company, the Sinclair Pipe Line Company and the Sinclair Crude Oil Purchasing Company in the U.S. District Court at Cheyenne. The action sought to cancel the agreement of April 7, 1922, and the supplemental lease of February 9, 1923, relating to the leasing of Teapot Dome, on the ground that the United States had been defrauded by Fall and Sinclair and that the lease was executed without legal authority.[53] The government asked for a restraining order, a decree nullifying the agreement, the appointment of receivers, a final injunction against the defendants, a decree for accounting, and a decree for ousting both the Sinclair Crude Oil Purchasing Company and the Sinclair Pipe Line Company from Teapot Dome. The two Sinclair companies had been made defendants because their rights were derived from Mammoth and the government alleged that both were trespassers. The court issued a temporary restraining order, appointed receivers, and set the trial for December 20.

From Cheyenne the special prosecutors went to Los Angeles where they were granted an injunction from a federal court against Doheny's Pan American Petroleum and Transport Company restraining further exploration of the Naval Reserve at Elk Hills. On March 17 they filed suit against Pan American, charging fraud by Fall and Doheny and the lack of legal authority by Fall to lease the Naval Oil Reserve No. 1.

Sinclair not only faced charges in Cheyenne but he also had to face grand jury charges in Washington, D.C., for contempt of the Senate. He had appeared before the Teapot Dome Senate Committee on March 22, 1924, to answer questions about his 1920 campaign contributions but he refused to answer any questions on the ground that the committee was without jurisdiction to question him further regarding the lease of Teapot Dome. Ten times (and for the same reason each time) Sinclair refused to answer on advice of counsel.[54]

At its next session the Senate voted to ask for grand jury action against Sinclair for refusing to testify. On March 31 the grand jury indicted Sinclair for contempt of the Senate. The indictment was the first of its kind in Washington in 35 years.[55] Despite the distinction,

Sinclair pleaded not guilty and his lawyers began to prepare a defense. Sinclair gave bond and gained his freedom, pending trial.

Early in June, 1924, Walsh submitted his report to the Senate Committee on Public Lands and Surveys. In turn, the committee sent a majority report to the Senate that was in substantial conformity with that of Walsh.[56] The report was signed by Chairman Ladd and seven other committee members, all of them Democrats or Progressive Republicans. The report charged Fall with utter disregard of the law and an unwarranted assumption of authority. It denounced the transactions centering around the oil leases as "essentially corrupt."

There were mixed public reactions to the report. However, historian Joseph Schafer, writing in 1940, called Walsh's report "a masterly statement of the entire case, written in a judicial vein, without rancor and with scrupulous care not to overstep the evidence."[57] Senator Spencer of Missouri presented a statement signed by five minority members saying that they had not been given sufficient time to read the Walsh report, although the minority members had received a copy of the report as soon as other members of the committee and the entire committee had spent two days considering it.[58] The minority also objected to some of Walsh's interpretations. The Senate, on January 20, 1925, adopted the Walsh majority report. The hearings of the Senate Committee on Public Lands and Survey were later published in three stout volumes containing 3,586 pages.

WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

Early oil strike, Salt Creek Oil Field, north of Teapot Dome.

While the Senate Committee hearings on Teapot Dome were coming to a close and the special prosecutors were preparing for the civil suit against Mammoth at Cheyenne, government agents in examining the records of certain banks in the West in which Fall had accounts, found reference to 3.5 percent Liberty bonds along with a list of their numbers. Through the Treasury Department they traced the bonds to stockholders in the Continental Trading Company, Ltd., a Canadian corporation, which had purchased a total of $3,080,000 in these Liberty bonds. This was another sensational development because Continental had been secretly organized and no one knew anything about it. Roberts and Pomerene, therefore, filed an affidavit in a Toronto court, requesting authorization to take a deposition from H. S. Osler, president of Continental, who lived in Ontario.

Continental had been organized in November, 1921, in New York City by H. M. Blackmer, chairman of the board of the Midwest Refining Company; James E. O'Neil, president of the Prairie Oil and Gas Company; Harry F. Sinclair, head of Sinclair Consolidated Oil Corporation; and Colonel R. W. Stewart, chairman of Standard Oil Company (Indiana).[59] This group as private individuals had been incorporated in Canada as the Continential Trading Company, Ltd. On November 17, 1921, Continental contracted with the Humphreys Texas Company and the Humphreys Mexia Company to purchase 33,333,333 barrels of crude oil at $1.50 a barrel. On the same day, Continental sold this contract to the Sinclair Crude Oil Purchasing Company and the Prairie Oil and Gas Company, jointly, for $1.75 a barrel. Sinclair Crude Oil Purchasing and Prairie took delivery of the oil directly from Humphreys and paid for it through Continental which netted a profit of more than $2,000,000. It invested the profit in Liberty Bonds buying them through a New York agency of the Dominion Bank of Canada. Osler then distributed these bonds to Continental's shareholders.

Roberts and Pomerene were anxious to question Osler and others in Canada, hoping to learn who owned Continental stock and received the bonds.[60] When Continental went out of business in February, 1923, it had destroyed all books and papers, but the U.S. Government, fortunately, had the numbers of the bonds, and

the Secret Service agents had already traced $90,000 worth of them to Fall. Consequently, Continental was related to Teapot Dome and Roberts and Pomerene had good reason to investigate Continental.

The Ontario Supreme Court directed Osler to appear in Toronto before the U.S. Consul and answer questions, but Osler was hunting elephants in Africa. Blackmer and O'Neil were living in France and refused to appear and testify. Sinclair was under indictment for the Teapot Dome lease and could refuse to testify. Federal marshals could not find Colonel Stewart.

Roberts and Pomerene had more immediate success in California. After a protracted trial, the Judge of the U.S. District Court in Los Angeles on May 28, 1925, held that Doheny's loan to Fall was a bribe that had induced Fall to grant Doheny the lease on the Elk Hills Reserve.[61] According to the court, Fall and Doheny were guilty of fraud and conspiracy while Harding had exceeded his presidential powers in making the transfer of the reserves to Fall. The court also found that Denby's role in the deal was "passive." The Judge cancelled the contract between the Government and Doheny's Pan American Petroleum Company. He charged Pan American for all the oil it had extracted but directed the government to pay for the work Doheny had done under the contract at Pearl Harbor.

Doheny appealed the decision. The U.S. Circuit Court of Appeals in San Francisco upheld the District Court's decision against Doheny in the Elk Hills case. Doheny appealed. The Supreme Court in a unanimous decision on February 23, 1927, cancelled Doheny's lease on Elk Hills and returned the Naval Petroleum Reserve to the Govenment. It refused to order repayment by the Government of any money Doheny and his company had spent on Elk Hills or at Pearl Harbor.[62] It also held that the Secretary of the Navy, Denby, "took no active part in the negotiations and that Fall acting collusively with Doheny, dominated the making of the contracts and leases."

At Cheyenne, on June 19, 1925, the Government lost its suit against Mammoth. Judge Kennedy of the U.S. District Court upheld Sinclair's lease on Teapot Dome and found against the Government on every point that Roberts and Pomerene had raised, upheld the authority of Fall and Denby to make the lease and Harding to transfer the reserves.[63] Despite the adverse decision, Roberts and Pomerene managed to establish the fraudulent character of the Continental Trading Company and to demonstrate that Fall—or he and his business associates—had received a total of at least $233,000 in Liberty Bonds from Continental's profits. The Judge dismissed as unproven the charge of collusion between Sinclair and Fall. The Government had been unable to offer direct proof that Fall had received any Continental bonds from Sinclair. Roberts and Pomerene appealed the decision.

On September 28, 1926, the United States 8th Circuit Court of Appeals, in the suit against Mammoth, held that the leases were procured through fraud and corruption and should be cancelled.[64] The Circuit Court instructed the District Court to enter a decree cancelling the lease and contract as fraudulent, enjoining the defendants from further trespassing on the reserve, and providing for a general accounting by Mammoth for the value of all oil taken from the reserve under the lease. The defendants appealed and on October 10, 1927, the Supreme Court in a unanimous decision sustained the decision of the Circuit Court and restored Teapot Dome to the complete ownership and control of the government. It declared the lease to be a culmination of a conspiracy between Fall and Sinclair, "the purpose of which was to circumvent the law and defeat public policy." It assailed the drainage argument given by Fall as a reason for leasing Teapot Dome.

These two decisions of the U.S. Supreme Court ended the civil trials in the history of Teapot Dome and Elk Hills. On March 17, 1927, Coolidge revoked Harding's executive order of May 31, 1921, transferring the naval oil reserves from the Navy Department to the Interior Department, and two months later the Secretary of the Navy formally took over the reserves from the Secretary of the Interior.

The first of six criminal trials arising out of the investigation of the oil leases began on November 22, 1926, when Doheny and Fall were tried in the Supreme Court of the District of Columbia on the charge of conspiracy.[65] On December 16 the jury acquitted both men.

Sinclair was also on trial at this time, and on March 17, 1927, in the Criminal Branch of the Supreme Court of the District of Columbia, a jury found him guilty of contempt of the Senate for refusing to answer questions before the committee. He immediately appealed to the U.S. Supreme Court. Ultimately, on October 17, in the same court, Sinclair and Fall went on trial for conspiracy.[66]

For two weeks the trial proceeded smoothly when suddenly Pomerene moved for a mistrial, charging an improper surveillance of the jury by agents of the Burns Detective Agency who had been hired by Sinclair. The judge ordered a mistrial and discharged the jury. For this lastest action, Sinclair drew another contempt verdict in February, 1928, and was sentenced to six months in jail. Sinclair appealed. On April 8, 1929, the U.S. Supreme Court affirmed Sinclair's three-month sentence for contempt of the Senate Public Land and Surveys Committee and on June 4, it affirmed his six-month sentence for criminal contempt of court. On May 6, 1929, Sinclair went to jail.

Shortly after the judge declared a mistrial in the trial of Sinclair and Fall on the conspiracy charge, Roberts and Pomerene sought a retrial. Fall was ill at his home in El Paso and gained a delay. With Sinclair

standing alone before the court, the new conspiracy trial began on April 9, 1928.

In the meantime, the Senate Committee on Public Lands and Surveys began a second though briefer inquiry into Teapot Dome and the Continental Trading Company.[67] Prompted by Paul Y. Anderson, a reporter for the *St. Louis Post-Dispatch,* Senator George W. Norris introduced a resolution on January 4, 1928, ordering the committee to trace all of the Liberty Bonds of Continental and find out the names of the beneficiaries.[68] Fall presumably had $233,000 of the original investment of about $3,080,000 but who held the other $2,747,000? Without debate or a dissenting vote, the Senate adopted Norris' resolution and on January 24, 1928, the committee swung Teapot Dome back into the glare of public scrutiny. The chairman of the committee was Senator Gerald P. Nye, Republican of North Dakota, and once again Walsh was the prosecutor.

The first witness, M. T. Everhart, son-in-law of Fall, admitted that in May, 1922, in Washington and New York, Sinclair delivered to him $233,000 in Liberty Bonds, all of which went to Fall.[69] In addition, Sinclair later "loaned" Fall an additional $36,000. These amounts of money plus those previously uncovered by the Senate Committee made Sinclair's contribution to Fall about $304,000. Counting the loan of $100,000 plus an additional $5,000 from Doheny meant Fall had received at least $409,000 from Sinclair and Doheny. On February 2, Colonel R. W. Stewart of Standard of Indiana refused to tell anything about the disposition of the $3,000,000 profit of Continental. He declared that he got none of it and had nothing to do with the distribution.[70]

Some of the pressures and publicity shifted to the leaders of the Republican Party on February 11, 1928, when the Senate Committee received a report that $24,000 of Continental's profits had helped to wipe out part of the Republican campaign deficit of 1920. Naturally, Will Hays, the 1920 Republican National Chairman, immediately denied any knowledge of it. John T. Adams, Republican Chairman from 1921 to 1924, also claimed he knew absolutely nothing of any Continental bonds. In February, there was evidence that Blackmer had deposited $300,000 in Liberty Bonds to the credit of the Republican National Committee, mostly in the Chase National Bank in November and December, 1923.[71] In March, Will Hays finally testified that Sinclair had given him $260,000 for the Republican campaign fund. Of this amount, $100,000 was later returned to Sinclair.[72]

In a letter to Walsh on March 10, 1928, Secretary of the Treasury Andrew Mellon said that late in the fall of 1923, he had received $50,000 in Liberty Bonds from Will Hays, who had accepted them from Sinclair.[73] Hays wanted Mellon to keep the bonds and turn an equal amount of cash over to the Republican National Committee which Mellon refused to do. He returned the bonds and made a $50,000 contribution of his own funds to the deficit. William M. Butler, the current Republican chairman, also testified that in 1923 Hays offered him $25,000 in bonds in return for cash but Butler, like Mellon, refused.[74] Senator Borah was so outraged by the Continental bonds given to the Republican party that he launched a movement to raise contributions of $1,000 and up to repay Sinclair and clear the party of this stigma.[75] All he could raise by March 30 was about $8,000 so he returned the money to contributors.

The Continental Trading Company inquiry never reached the intensity of the 1924 investigation. However, by the last of April, the Senate Committee had determined that $769,000 of Continental's profit had gone to Henry Blackmer; about $800,000 to James O'Neil; $759,500 to Colonel Stewart (who had turned over his share plus $38,000 in interest to the Sinclair Crude Oil Purchasing Company); $160,000 to Will Hays to help pay off the Republican deficit; $233,000 to Albert Fall and $757,000 to Sinclair (who had recently turned over his share plus $142,000 in interest to the Sinclair Crude Oil Purchasing Company).[76]

The Senate Committee met briefly on May 31 for the last time and the investigation of Teapot Dome came to an end. Before adjourning, Walsh and Nye submitted separate reports on the Continental inquiry to the Senate.[77] In his report, Walsh did not mince words about the organizers of Continental. His remarks about Will Hays, Andrew Mellon and Sinclair were acrid. According to Walsh, the Continental Trading Company "was a contemptible private steal, the speculations of trusted officers of great industrial houses, pilfering from their own companies, robbing their own stockholders. . . ." According to Nye's report, the Senate investigation had "uncovered the slimiest of slimy trails beaten by privilege. . . . It is a trail of dishonesty, greed, violation of the law, secrecy, concealment, evasion, falsehood and cunning."

The expense of the Continental inquiry, which had resulted in the recovery for the government slightly in excess of $2,000,000, with the prospect of getting more, had been $14,165.[78] The hearings of the Committee on the Continental Trading Company, which ended on May 31, 1928, were published in one volume, consisting of 1,307 pages.

As the hearings of the Senate Committee came to an end, the Federal District Court at Cheyenne made an accounting in the case against Mammoth at Teapot Dome. Final judgment was entered on August 17, 1928, and Mammoth was ordered to pay the U.S. $2,294,597.74 for 1,430,024.7 barrels of crude oil taken from Teapot Dome to which it was not legally entitled.[79] Since Mammoth was unable to pay, the government filed suit against the Sinclair Crude Oil Purchasing

Company for $2,294,597.74 plus 7 per cent interest as the purchaser of the oil from Mammoth. This was notwithstanding the fact that Sinclair Crude Oil Purchasing had already made full payment to Mammoth. The government also claimed title to 17 storage tanks each with a capacity of 75,000 barrels and equipment which had been erected and paid for by Sinclair Crude Oil Purchasing on Teapot Dome. Before the case came to trial Sinclair Oil Purchasing and the government reached an agreement under which the government agreed to pay the company $170,000 for the 17 steel storage tanks while the company agreed to pay $2,906,484.32 for the oil and all expenses of the litigation.

After the cancellation of the Elk Hills Reserve the government collected $34,981,449.62 from Doheny for the oil drilled and taken from the reserve.[80]

Beginning on April 10, 1928, while the Continental hearing neared its climax, Sinclair went on trial for conspiracy to defraud the government in the District of Columbia Supreme Court. Fall was too ill to stand trial but he had given Pomerene a private deposition to the effect that he did not receive one cent from Sinclair for the Teapot Dome leases. Sinclair's trial lasted less than two weeks and the jury acquitted Sinclair.[81]

The U.S. Supreme Court had previously nullified the Teapot Dome lease and condemned it as the culmination of a conspiracy between Fall and Sinclair. Now a jury had acquitted Sinclair of any conspiracy with Fall. "The acquittal" was the greatest surprise Washington had had in years. Roberts and Pomerene were "dumbfounded" at the decision and sat in silence.

On October 7, 1929, Fall finally appeared for trial in a District of Columbia court on the charge of accepting a bribe from Doheny. On October 23 the jury found him guilty but recommended leniency. He was frail in health and emaciated in appearance. In view of his physical condition the judge sentenced him to a year in prison and fined him $100,000. Fall appealed but the District of Columbia Appellate Court upheld the sentence and the U.S. Supreme Court refused to review his case. Since Fall suffered from chronic tuberculosis, he was allowed to serve his term in an agreeable climate at the New Mexico State Prison in the high country near Santa Fe. On July 20, 1931, he entered the prison. It was the first time in American history that a Cabinet officer had been convicted of a felony and served a prison sentence.[82]

After a brief trial in March, 1930, a jury in the same District of Columbia court found Doheny *not* guilty of bribing Fall.[83] Senator George W. Norris had earlier said that "it is impossible to convict a hundred million dollars in the U.S." In view of Sinclair and Doheny's acquittal Fall's conviction seemed an injustice at its worst.

Teapot Dome's legal history ended with the Fall and Doheny verdicts. Thereafter, Fall, broken in spirit and health and without money, withered and brooded for 13 years. On May 9, 1932, he left the Santa Fe prison after serving nine months and nineteen days of his sentence, most of it in the prison hospital. He had not paid and would never pay the $100,000 fine. Agents of the Department of Justice investigated and found he was unable to pay it. Fall was virtually penniless by the time he entered prison. The Department of Justice petitioned the Court to amend his commitment and allow him to go free without paying the $100,000.[84]

Three years after his release, a reporter who visited him found Fall a pathetic, broken old man. In 1925, through foreclosure, he had lost his great 700,000-acre ranch at Three Rivers.

After Fall's release from prison, Mrs. Fall earned money operating a store in Three Rivers, a restaurant in El Paso and by home canning fruits and vegetables. After being evicted from Three Rivers ranch, the Falls lived in their home in El Paso. It was a pretty shabby place. In time, Fall became permanently hospitalized. On November 30, 1944, while he was reading his heart stopped. Mrs. Fall already had died in March, 1943.

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2. *The New York Times,* November 25, 1973; *The Washington Post,* June 17, 1977.
3. *The New York Times,* June 22, 1977.
4. "Report of the Secretary of the Navy for 1864," *House Executive Document* No. 1, 38th Cong. 2nd. Sess., p. 1096. (Washington: Government Printing Office, 1864) "Report of the Secretary of the Navy for 1867," *House Executive Document No. 1,* 40th Cong. 2nd. Sess. pp. 173-175; *The Venango Spectator,* (Franklin, Pa.), June 28, 1867; *The Titusville Herald* (Pa.), July 10, 1867. Giddens, *Pennsylvania Petroleum 1750-1872: A Documentary History,* (Titusville: Pennsylvania Historical and Museum Commission, 1947), pp. 252-253, 317-325. Giddens, "When Oil 'Joined' the Navy," *The Orange Disc,* (Gulf Oil's magazine), September-October, 1945, pp. 2-7.
5. Reginald W. Ragland, *A History of the Naval Petroleum Reserves And Of The Development Of The Present National Policy Respecting Them,* (Los Angeles, California: n.p., 1944, pp. 20-21).
6. Secretary of the Interior, P. A. Ballinger to President Taft, September 17, 1909, Ragland, p. 24.
7. Ragland, pp. 27-36.
8. Giddens, "When Oil 'Joined' the Navy," p. 6.
9. *Ibid.,* p. 7.
10. *Ibid.*
11. Ragland, pp. 73-74.
12. Giddens, "When Oil 'Joined' the Navy," p. 7.
13. Ragland, pp. 39-40.
14. *Ibid.,* pp. 40-42.
15. *Ibid.,* pp. 42-47.
16. Ragland, p. 103; *Leases Upon Naval Oil Reserves, Hearings Before the Committee on Public Lands and Surveys, United States Senate Pursuant to S. Resol. 282, S. Resol. 294, and S. Resol. 434,* 67th Cong. 3 Vols., (Washington: Government Printing Office, 1924) I, pp. 933, 1213.
17. Ragland, pp. 47-49.

18. *Ibid.*, pp. 60-82.
19. *Leases Upon Naval Oil Reserves,* I, pp. 177-178.
20. M. R. Werner and John Starr, *Teapot Dome,* (New York: Viking Press, 1959) p. 46.
21. Noggle, p. 20.
22. *Ibid.*, p. 35.
23. Ragland, pp. 135-136.
24. Noggle, p. 35.
25. *Ibid.*, p. 36.
26. Ragland, p. 143. *Leases Upon Naval Oil Reserves, I,* pp. 296-298 gives the contract in full.
27. Werner and Starr, pp. 47-48.
28. Noggle, pp. 39-40.
29. *Ibid.*, p. 42.
30. *Ibid.*, p. 48.
31. See *Leases Upon Naval Oil Reserves, I,* for Harding's Letter of Transmittal, June 7, 1922, and Fall's comprehensive report on the Naval Reserve Oil Leases, June 3, 1922, pp. 24-69.
32. Noggle, p. 51. For the *Wall Street Journal* reference to the extension of the contract of December 11, 1922, see *Leases Upon Naval Oil Reserves,* I, pp. 413-416.
33. Noggle, pp. 55-56.
34. *Ibid.*, p. 57.
35. *Ibid.*, p. 62.
36. *Leases Upon Naval Oil Reserves, I,* p. 175.
37. *Ibid.*, I, pp. 175-282 for the testimony of Secretary Albert B. Fall; pp. 282-309 and 363-390 for the testimony of Secretary Edwin Denby; pp. 405-421 for the testimony of Edward C. Finney, First Assistant Secretary, Department of the Interior; pp. 421-436 and 467-471 and 1017 for the testimony of Harry F. Sinclair, President of the Mammoth Oil Co., New York City.
38. *Ibid.*, I, pp. 830-843, 890-893 for the testimony of Carl Magee.
39. *Ibid.*, I, pp. 869-890 for the testimony of J. T. Johnson.
40. *Ibid.*, I, pp. 1017-1039 for the testimony of G. D. Wahlberg, accountant and auditor for Sinclair.
41. *Ibid.*, I, p. 1432.
42. *Ibid.*, I, pp. 1453, 1545.
43. *Ibid.*, I, p. 1699.
44. *Ibid.*, I, pp. 1771-1772.
45. *Ibid.*, I, pp. 1919-1935.
46. Ragland, pp. 149-151.
47. Noggle, pp. 83-84.
48. *Leases Upon Naval Oil Reserves,* I, p. 1931.
49. Noggle, pp. 86-87.
50. *Leases Upon Naval Oil Reserves,* I, pp. 1936-1940.
51. Noggle, p. 108.
52. *Ibid.*, p. 110.
53. Paul H. Giddens, *Standard Oil Company (Indiana): Oil Pioneer of the Middle West,* pp. 361-362.
54. *Leases Upon Naval Oil Reserves,* III, pp. 2894-2900; Robert L. Owen, *Remarkable Experiences of H. F. Sinclair With His Government: Some Dangerous Precedents,* (n.p. 1929.)
55. Noggle, p. 145.
56. *Leases Upon Naval Oil Reserves, Senate Report No. 794,* dated June 6, 1924.
57. Noggle, p. 154.
58. *Leases Upon Naval Oil Reserves,* Senate Report No. 794, Part 2, dated June 6, 1924. Also see, *Leases Upon Naval Oil Reserves,* Senate Report No. 794, Part 3, dated January 15, 1925, called Supplemental Minority Views.
59. Giddens, Standard Oil Company (Indiana), 226-234; *Leases Upon Naval Oil Reserves (Continental Trading Company, Ltd., of Canada),* January 24 to May 31, 1928, (Washington: Government Printing Office, 1929).
60. Giddens, pp. 362-364.
61. Noggle, p. 182; U.S. v. Pan-Am., 6 F. 2d 43-89.
62. Noggle, p. 183.
63. Giddens, *Standard Oil Company (Indiana),* p. 366; U.S. v. Mammoth Oil Co., et al., 5 F. 2d 330-54.
64. Giddens, *Standard Oil Company (Indiana),* pp. 366-367.
65. Noggle, p. 185.
66. *Ibid.*, p. 185.
67. *Leases Upon Naval Oil Reserves, (Continental Trading Company, Ltd., of Canada),* January 24 to May 31, 1928.
68. Giddens, *Standard Oil Company (Indiana),* pp. 367-368.
69. *Leases Upon Naval Oil Reserves, (Continental Trading Company, Ltd., of Canada),* pp. 48-68, 74.
70. *Leases Upon Naval Oil Reserves, (Continental Trading Company, Ltd., of Canada),* pp. 164-198.
71. *Ibid.*, pp. 357-416.
72. *Ibid.*, pp. 459-481, 577-614.
73. *Ibid.*, pp. 549-572.
74. *Ibid.*, pp. 572-577.
75. Noggle, pp. 193-195.
76. *Ibid.*, p. 197.
77. For Walsh's Report for the Committee, Senate Report No. 1326, 70th Cong. 1st Sess., "Investigation of Activities of Continental Trading Co." see *Leases Upon Naval Oil Reserves (Continental Trading Company, Ltd., of Canada),* pp. 1171-1183; for Nye's "Supplemental Report," Senate Report 1326, Part 2, *Leases Upon Naval Oil Reserves (Continental Trading Company, Ltd., of Canada),* 70th Cong. 1st Sess., pp. 1185-1204.
78. Walsh's Report, *Leases Upon Naval Oil Reserves (Continental Trading Company, Ltd., of Canada),* p. 1183.
79. Giddens, *Standard Oil Company (Indiana),* p. 400.
80. Werner and Starr, p. 296.
81. Noggle, p. 201.
82. Werner and Starr, p. 290.
83. Noggle, p. 211.
84. *Ibid.*, p. 214.

All the News That's Fit to Chuckle Over

Newspaper Humor in the Old West

By Robert G. Keller

Today's newspapers, even the tabloids, are pretty staid by comparison with those of yesteryear. In the 19th Century papers were more salty, more idiosyncratic. Objectivity was not particularly important, so the pages were enlivened with the personalities, crotchets and the sense of humor of the editors and reporters.

That was especially true of papers in the west. Frontier journalists were not only as independent and ornery as any dusty cowpoke or grizzled miner; they were just as funny, too. The rigors of existence on the Great Plains seemed to stimulate the comic sense.

In doing research for a historical novel set in Wyoming, I recently had occasion to read about five year's worth of the *Cheyenne Daily Leader* from the 1880's. To my surprise, the job, though time-consuming, was anything but boring. The paper was by turns informative, feisty and funny. What follows are some examples of its humor, which besides being amusing could also be remarkably sophisticated, even by our own standards.

The humor took many forms. Sometimes the news items selected were intrinsically funny by themselves. Here are several such snippets:

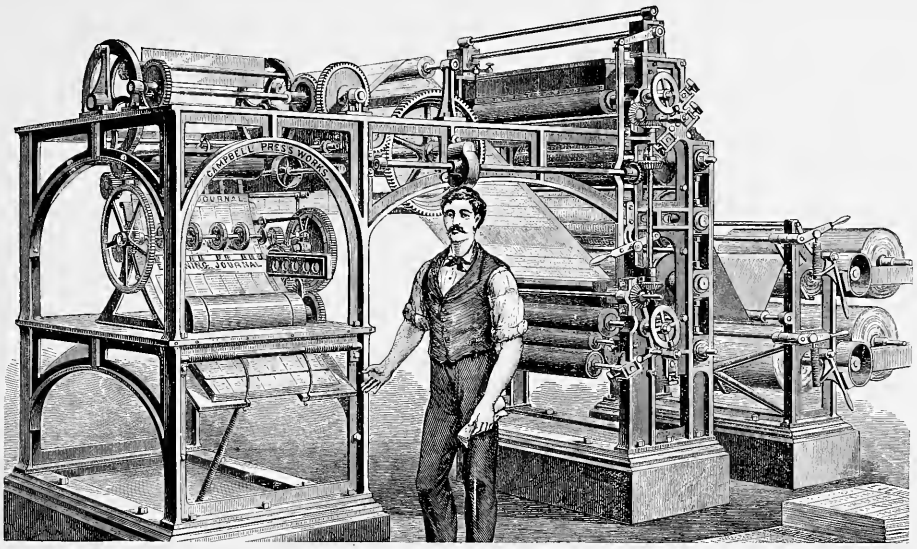
> It is reported by a fairly reliable source that a widow in Oakland, California, has sued a newspaper for libel because in its obituary notice of her husband, it spoke of his having 'gone to a happier home.'
>
> Dueling may be a barbarous practice, but it does not seem a very dangerous one—at least in France, where the mortality is shown by statistics to be in the ratio of one to 1,700.
>
> An Eastern paper concludes an editorial in support of the movement against the use of slang by hoping that 'this movement will spread until the whole slang business is paralyzed.'

My personal favorite of this type concerns an organization in Portland, Maine, called the "Idle Sons of Rest." The charter of this "ancient order" allegedly provided that anyone caught working would be expelled, and the statement below by one of its members may be apocryphal, but the *Leader* claims to have taken it directly from the pages of the *Boston Globe:*

> We sorta made one feller president, but he said we made him tired; then we 'lected a secretary, an' he went to taking notes, so we voted to expel him. He was working, you see, and the idea was to have an order that didn't do any work. Finally we 'lected a treasurer, and he said it was all right—if we'd make our own change and put the exact amount in his pocket. He was just the man we wanted. . . .

More often than not, though, the news took on its comic aspect, not from what was reported but from an editorial remark that followed:

> A young man in New Orleans took his lady love to the theater the other night and fell dead in his seat. But young men will keep on taking their lady loves to the theater just the same as if this hadn't happened.
>
> Watermelons are getting so cheap that a first class stomach ache is now in reach of the most indigent.
>
> The Duke of Richmond . . . was shot in the knee the other day while hunting in Enzie Woods, Speyside, by one of his party. His grace was stunned by the shot, but is now in a fair way of recovery. One of the bearers was, at the same time, also shot and rendered insensible. In fact, the



only thing that escaped being shot on the occasion of this famous hunt was the game.

Professor Proctor figures that the earth is shrinking about two inches a year. That accounts for the nervous anxiety manifested by some people to possess it while it is some size.

Nitroglycerine will cure angina pectoris, whatever that is; it will also cure a haunted house if properly applied.

The body of the fashion editor of the *Brooklyn Citizen* was found floating in the East River the other day. The new style of stiff hats probably overturned his reason.

It is not astonishing that the sea serpent should be visible at summer resorts, but it is rather strange that its favorite haunt should be the coast of Maine, notwithstanding the prohibition laws in full force in that state.

This is the wedding day of the [German] Princess Beatrice. Circumstances over which we have no control preclude the possibility of our attending the ceremony. The affair will probably go off all right, however.

Then as now newspapermen had certain targets that they tended to devote more attention to than others. Politicians of course were always a staple.

Senator Blackburn of Kentucky undertook to give President Cleveland a piece of his mind but couldn't deliver the goods for obvious reasons.

There is no truth in the report that the *Congressional Record* is to be used by the signal service bureau for the measurement of wind.

An exchange says: The Republican Party is not dead. That's what a tramp once said about his feet, but there were odorous evidences that he was mistaken.

Congress has accomplished something this session: one Senator and three Representatives have died so far.

Lawyers got their share of knocks too, as the following selections illustrate:

There are 11,000 lawyers in the state of New York. What an appalling state to be in.

When the angel Gabriel blows his horn, a vast army of lawyers will rise up and from sheer force of habit move for a continuance of the cases before the court.

Four sheep, a hog and ten bushels of wheat settled an Iowa breach of promise suit where $25,000 damages were demanded. The lawyers got all but the hog, which died before they could drive it away.

Jay Gould, the notorious robber baron, was a favorite subject for satirical comment, too.

For six consecutive Sundays Jay Gould has attended church, and the New Yorkers who are keeping tab on him are prepared for almost anything in the way of deviltry from this time on.

The book on railroad management which Jay Gould is said to be writing would be vastly more interesting were it to contain all that is certain to be left out of it.

If Jay Gould visits Austria, the emperor can do no less, in recognition of his merits, than make him a Knight of the Golden Fleece. As a fleecer, Jay has always been a great success.

If writers lampooned the plutocrats, though, they could be just as hard on the anarchists and other radicals.

They found dynamite, a rusty file and an old revolver in the anarchist newspaper office in Chicago, but no trace could be found of the office towel.

Herr Most [a German anarchist] professes himself willing to die for the cause of anarchy. He should cheerfully be

accorded the privilege, but the probability is that he would again seek refuge under some convenient bed.

There was no need for Henry George to start an "Anti-Poverty Society" so long as he can lecture at the rate of $300 a night.

Finally, there were also constant jibes at cornet players, greenhorns and England's poet laureate, Alfred Lord Tennyson. That the last two should have been picked on is fairly easy to understand, but it is less clear why cornet players were chosen as a recurrent butt. Yet they seem to have been regarded much the same as lunatics or lepers.

The fact has leaked out that the Czar is an amateur cornet player. This may in measure explain the enmity of the nihilists and other hysterical people toward him.

For the frontier journalists, the world was their oyster . . . to gag on. However, that didn't mean that they overlooked their own immediate locale. Few local antics escaped their sharp pens, as these excerpts from the *Leader* show:

The two tramps that were arrested on the train today claimed to be escaped New York baseball umpires. This was probably true, as neither knew anything about the game and were domineering and abusive to their fellow passengers.

While on their way from Fort Washakie to the National Park [Yellowstone], President Arthur and party came to a lonely cabin on the summit of a desolate ridge. On the lid of a cracker box nailed above the door appeared the following: 'Ten miles from water, twenty miles from timber, and no grub in the house. God bless our home.'

The *Laramie Boomerang* had an article Thursday reporting the murder of Officer Winn of this city, which is another evidence that one should go away from home to hear the news. Winn doesn't believe he has been killed, but some men are very stubborn that way.

The Sioux Indians are reported as having organized a brass band, thus preserving even in civilization the aboriginal instinct which delights in torture.

The most notable event of yesterday in the campaign against the Ute Indians, says the *Denver Republican,* was when Private Flannigan was ambushed by his mule.

At times an entire column was filled with some comic tale of local foibles. Here are several such longer accounts:

This time it is a soldier. He had just received his quarterly pay, and was somewhat bewildered while on his way back to the post. In his dilemma he took a street car and stood out on the rear platform admiring the open air. Suddenly the car stopped and the old vet fell headlong onto the street. The passengers and driver hurried out to pick him up, expecting to find him hurt and bruised. But he arose slowly unaided and, addressing the driver with great dignity, he asked:

'Been c'lision?'

'Oh, no,' replied the driver.

'Wagon broke down?'

'No.'

'Axshident 'fany kind?'

'None at all.'

'Well, 'fide known that I wouldn't got off.'

Andy Casservan was in the city yesterday, and he and General Jack Meldrum were laughing over an incident which occurred once in Rawlins when Meldrum was clerk of a court there. Casservan had been summoned as a juror, and Sheriff Rankin had handed the names [of the veniremen] in his own classic chirography. Those who are familiar with Rankin's handwriting say that when he is in a hurry it is terrific, being a cross between a streak of zigzag lightning and the ground plan of a worm fence with some mock-orange hedges and a stone wall thrown in. When Meldrum, as clerk, began to call the names of the jurors, he worried along until he got to the name of Casservan. That gentleman was in court, but he didn't recognize his cognomen as called by the clerk, and it seems that the clerk didn't recognize it as written by the sheriff for he called 'Mr. Crosscrown,' and receiving no reply made another investigation and then called 'Mr. Goodpasture.' That didn't seem to fit anyone present either, and with desperation he investigated some more and concluded that 'Mr. Casegravy' was the man he wanted. Mr. Casegravy not materializing, the clerk wiped his brow, and with a mighty effort yelled for Coshocton, Constantinoble, Cucumber, Cassawary and so on, until his voice sunk to a whisper and he fell in his seat exhausted. Officers finally brought him around, and the sheriff was called upon to interpret the name. He gave it as his opinion that Casservan was the man who was wanted—in fact he was sure that Casservan was the man, but he wasn't sure that the name came in that exact place on the list, but nevertheless he went away muttering something about how clerks of courts should be qualified to read writing before being chosen for such offices.

Then there was this story of the prominent Cheyenne banker who took a trip abroad, in the course of which he visited the Dead Sea.

> When Mr. Dare reached the famous inland sea, he cautiously approached a boatman who was standing on the shore, and began to read Arabic to him out of a three dollar guide book he had purchased in Jerusalem. The ancient mariner stood, listened a moment, and then said in a tone of disgust: 'What's s'matter with you? Why don't you talk United States?'
>
> The Cheyenne man concealed his chagrin and astonishment, and said, 'So this is the Dead Sea, the place where our Savior walked on the water. I suppose you know the locality where he walked?'
>
> 'That's what I do, doctor, and I'll take you out there in my boat, if you say so.'
>
> 'How much will you charge to take me to the exact spot?'
>
> 'Well, you look like a pretty decent sort of fellow, I won't charge you anything.'
>
> Mr. Dare was greatly surprised to encounter such liberality so far from Wyoming, but stepped into the boat and was rowed about a mile from the shore. After gazing around for a few minutes and seeing nothing remarkable about the place, he expressed a desire to return.
>
> 'Charge you twenty dollars to go back,' said the enterprising follower of the Savior's footsteps.
>
> 'But I thought you said the trip would cost me nothing,' remonstrated the pioneer.
>
> 'Naw. Nothing to come out; twenty dollars to get back.'
>
> Mr. Dare handed the money-making navigator a gold piece but remarked in deep tones of disgust as he did so, 'No wonder that Jesus got out and hoofed it.'

Practical jokes were an especially popular form of fun among cowboys and others in the Old West, so it is not surprising to find accounts of such tomfoolery in the newspapers, too.

> Yesterday morning on Sixteenth Street some fellow who was most outrageously drunk yet able to waddle around wanted somebody to show him where he could get another drink. He was too drunk to read signs, and writing was altogether out of the question with him. Ed Kapp, to whom he applied first, wrote on a large piece of paper the words, 'Take me somewhere else,' and giving it to him, sent him down to Reynold's barber shop, where he exhibited his credentials. It was a small favor to grant, but 'Doc' heeded the request and took him down to the corner where he pointed out to him the next victim. He in turn took him to somebody else, and so they kept passing and sending the poor fellow around from one saloon and shop to another to the immense amusement of all who witnessed the fun. At last the fellow, who for a long time took this passing around business to be a great favor shown him, became profoundly disgusted. He leaned up against a post and muttered to himself, 'Damfino how this is.' Just then Policeman Sullivan came along, and the fellow, making a lurch or two in the middle of the sidewalk, showed his paper to the officer. That settled it with him. The request, 'Take me somewhere else,' was very promptly complied with, and he was marched off to the calaboose amid the grins of a good many wags who had been watching the fellow.

Occasionally the journalist's humor took on a more biting edge. Comments on his fellow citizens were highly subjective and could be awfully unflattering. One of the more notorious of the local madames in Cheyenne was referred to as "Helen, the soft-eyed gazelle of fifty summers and no one knows how many winters." Another woman was said to be so unprepossessing that the sight of her face would "wean a calf." But it wasn't only the distaff side that received such animadversions. One traveling drummer was reported to be so ugly that "the dogs die from exhaustion after barking at him," and another man was "so homely that the reflection of his face will dent a new milk pan."

Rival newspapermen particularly were the subject of harsh commentary. Consider these remarks, for instance:

> Of all the beastly, outrageous, disgusting, unnatural, degenerate, deformed, ill-gotten, misconceived, unlawful, illegitimate, diabolical, hypocondriachal, incongruous, erratical, nonsensical, heterogenous, heteroclitical, dough-headed, brain-spavined, idiotic, snidish, incomprehensible, conglomeration of typographical bulls ever perpetrated upon an innocent and unoffending public, the indescribable mass appearing in the *Boise City Republican* takes the cake.

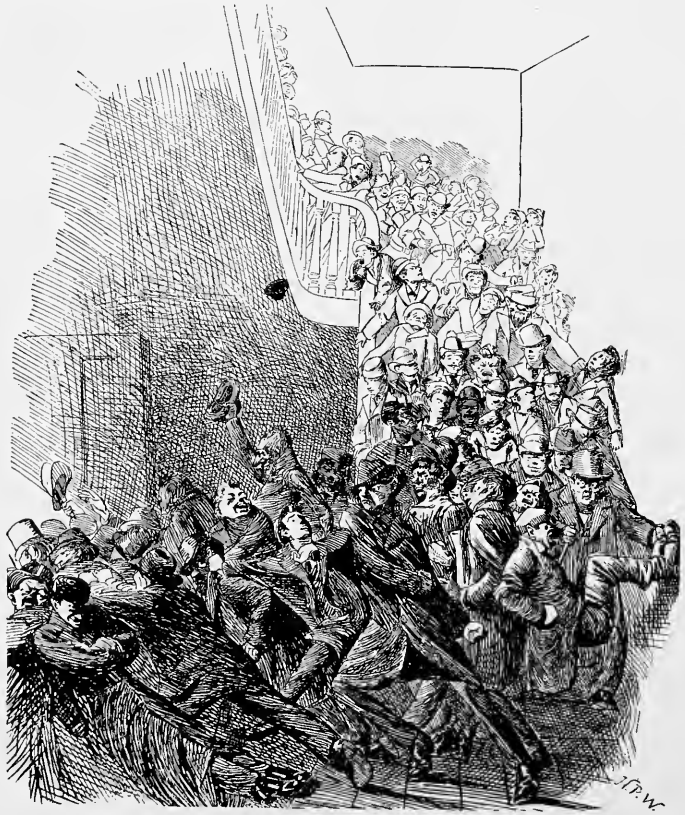
Or how about these?

> We have nothing more to say of the editor of the *Sweetwater Gazette*. Aside from the fact that he is a squint-eyed, consumptive liar, with a breath like a buzzard and a record like a convict, we don't know anything against him. He means well enough, and if he can evade the penitentiary and the vigilance committee for a few more years, there is a chance for him to end his life in a natural way. If he don't tell the truth a little more plenty, however, the Green River people will rise up as one man and churn him until there won't be anything left but a pair of suspenders and a wart.

The oddities of local speech were also grist for the newspaperman's mill. "I'm gonna mash his skull clear to the spinal meningitis," one Cheyenne citizen was reported to have said of another. And there were these comments from a backwoodsman who saw a thermometer for the first time:

> 'Are you acquainted with these machines? I'll own up that I don't know a durn thing about them. If this one ever had any hands, they're gone now for sure. I can't find any trigger, and if an alarm goes with it, I've lost it on the road down here. The keyhole, if there ever was one, must be stopped or covered, and I'm afraid that stuff'll spoil in the glass if something ain't done to it.'

Journalists had their own fun with the English language, too. Like the one who told of the elk that ran in to a group of hunters and, "surprised at the warmth of his reception and recollecting a prior business engagement, fled." Or the one who described a "pugilistic set-to," in which one of the combatants ". . . had his nasal appendage denuded of its superficial integuments." The fighters continued to ". . . artistically modify each other's physiognomy, until at length they looked on the one hand like a promiscuous chunk of raw beef and on the other like a fatigued remnant of a decayed pumpkin pie."



Puns were a particularly popular form of humor.

It is said that someone has invented an india rubber horse that can run. He ought to be a daisy on the 'back stretch.'

The Odd Fellows . . . attended the funeral of Mrs. Henry Dillman in a body yesterday morning.

It is said that Colonel Tom Ochiltree will shortly 'blossom out as a lecturer.' If he does, it won't take him long to go to seed.

Finally, the newsman sometimes just had fun for its own sake, making up droll stories with no grounding in fact whatsoever, and inserting them as fillers.

Fogg admitted that he was never good at arithmetic. 'There was my sister, for instance. When we were children, she was five years older than me, but now she is six years younger.'

Man never has the same faith in the eternal fitness of things after his wife has made him a shirt.

'Where do you expect to go when you die?'

'What's that? Do I look like a tenderfoot?'

'I simply asked you, my erring brother, where you think you will go when you die.'

'Why to hell, of course. Ask me some harder question.'

It is time to be reminded of the old joke about the Scotchman who was caught crawling toward a neighbor's hen roost. 'Where are ye ganging, mon?' was the challenge. 'Back again,' was Sawney's reply.

'For ten years past,' said the new boarder, 'my habits have been regular as clockwork. I rose at the stroke of six; half an hour later I sat down to breakfast; at seven was at work, dined at twelve, ate supper at six, and was in bed by nine-thirty, ate only hearty food, and hadn't a sick day in all that time.'

'Dear me,' said the deacon in sympathetic tones, 'What were you in for?'

And there was this one about a dying wife who pleads with her penurious husband to grant her one last favor, that is, to bury her in Cleveland where she was born and raised, where she first met her husband, and where they spent their happiest years together:

'But there will be considerable expense attached to it,' he complained.

'Oh, Robert! I will never rest easy in my grave anywhere else.'

'Well, Maggie, I'll tell you what I'll do. I don't want to be mean about the thing. I'll bury you here first, and then, if I notice any signs of restlessness on your part, I'll take you to Cleveland afterwards.'

So the dead hand of the past is not really so dead after all, and our Victorian forebears weren't quite as mirthless as we may sometimes think. Apparently they could laugh just as well as the rest of us.

WYOMING'S FIRST COAL RAILROAD

By Mel McFarland

"On at least one occasion the train stopped and backed up more than a mile when the conductor's cap blew off his head."

Today trains leave the coal fields near Gillette, Wyoming, on an average of one per half hour, loaded with valuable fuel for somewhere in the United States and in a few years it is expected to change to two or three trains per half hour.

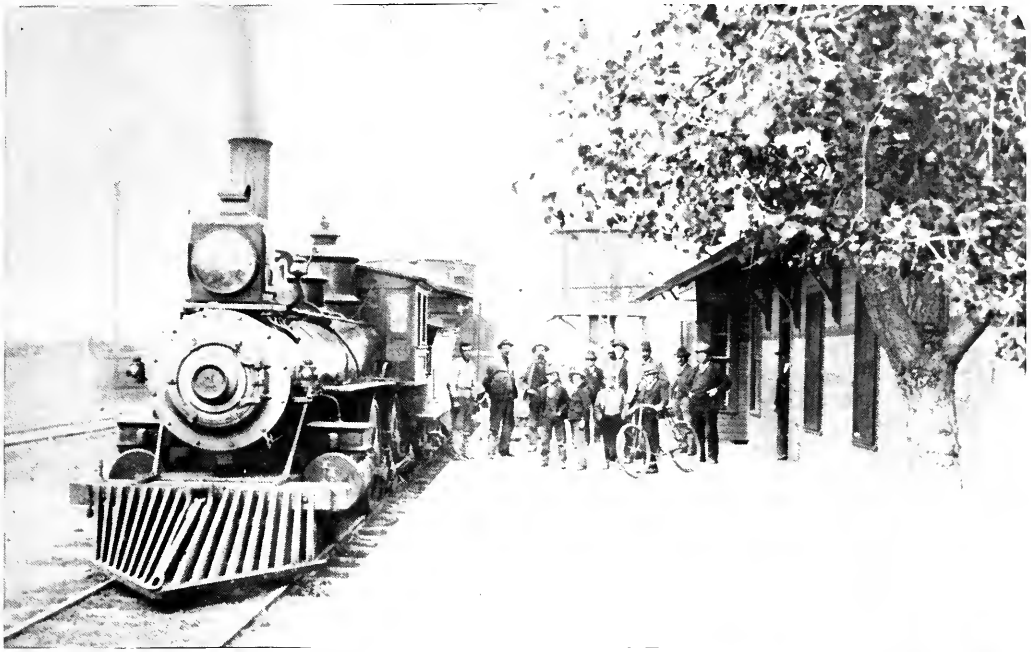
One hundred years ago a team of geologists discovered marketable amounts of coal in the Bear Lodge District of the Black Hills, northeast of Gillette. The coal market in the Black Hills in the 1870's was growing quite rapidly because the large gold mines and reduction mills in the Lead-Deadwood area were eager to find a close supply of coal. Timber was too valuable to burn as it was being harvested for mine timbering and for buildings. Three companies were established, staking claims in the area of the discovery, each with its own company town. The largest of the camps was Aladdin, named for the character in the Arabian Nights. Coal from the mines was hauled directly to the mills and to the nearest railroad terminal, Belle Fourche, South Dakota. In ten years the demand exceeded shipping capacity.

The three companies, combined under the Black Hills Coal Company, set about to build a railroad between the mines and Belle Fourche. The Chicago and Northwestern Railroad had made a preliminary survey through the Black Hills at about the time of the coal discovery while searching for a route to the Tetons. The road was constructed to Belle Fourche, but a more southerly route was selected to the western gold fields. Logically the new railroad followed that old survey and connected with the C.&N.W. at Belle Fourche.

The Wyoming and Missouri River Railroad filed their papers of incorporation on June 24, 1895. Because the route was all downhill from the mines, a small engine was all that the railroad needed. A slightly used 4-4-0 type locomotive was purchased along with an ancient passenger car. The required coal cars and other types of cars were provided by the C.&N.W. The larger road also agreed to help get construction started by providing some of the supplies for construction. A flat car and a hand car made up the maintenance equipment.

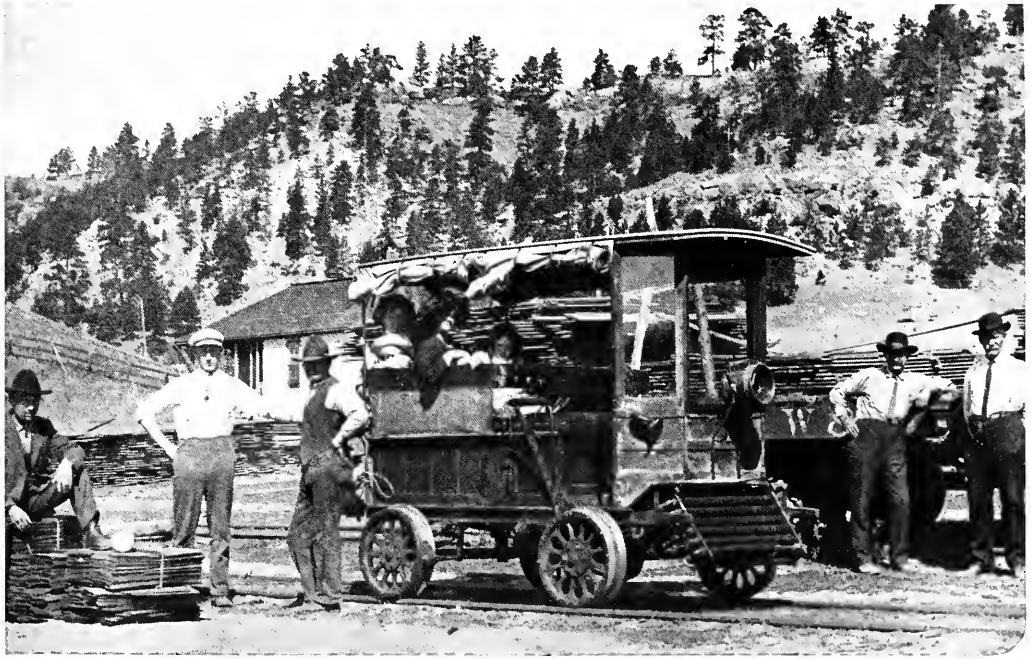
A small crew of men, including miners and ranchers, worked to build the railroad during the summer of 1898. The winters in the area are long and severe and nearly all construction was stopped.

In the spring of 1899 there were substantial changes in the mines at Aladdin. The Kemmerer brothers, M. S. and J. L. of Pittsburgh, Pennsylvania, who had held interests in the mines, bought the controlling interest in the mines, as well as the railroad. The little 18-mile railroad was not yet finished, but with warm weather and an influx of more money it was quickly completed. Two small gasoline powered railroad motor cars, only slightly larger than hand cars, were added to the railroad's equipment list.



HARRIET HICKEY COLLECTION

Wyoming and Missouri River Railroad locomotive No. 1 arrives at the Belle Fourche depot pulling the company's only passenger car, 1900.



HARRIET HICKEY COLLECTION

One of the road's two "dinkys" pulls out of Aladdin with a full load aboard.

HARRIET HICKEY COLLECTION

Large beef shipments were sent east each fall from Aladdin.

Actual construction work on the railroad took only eight months. A small yard in Belle Fourche connected with the yards of the C.&N.W. The single track, standard gauge line ran through the low rolling hills of South Dakota the 11 miles to the Wyoming line. The seven miles to Aladdin were a bit rougher. It took 32 bridges, averaging 60 feet in length, and 14 feet high, to clear the numerous crossings of the stream up the valley. It was determined that the 1881 vintage 56-pound rail, which was purchased used, would be good enough for many years. The small yard in Aladdin also connected to the coal mines. A single train running to Belle Fourche and back made any passing sidings along the way unnecessary.

The first coal trains ran five days a week, which was reduced to three a week after a year. A train was run on the remaining three days hauling regular freight and passengers. The train occasionally consisted of only the engine and the 43-foot combination passenger, baggage and caboose car. The tiny gas motor cars were used to haul mail, milk, express and passengers when there was not a large enough load going east for the "big" train. Sunday was usually the only day there was no train, but in the spring and fall the train was rolled out for an occasional church excursion.

Life on the railroad was very informal. The regular employees, who never numbered more than 20, normally held other jobs in the mines or stores in Aladdin and a few held jobs on neighboring ranches. The same four-man crew ran every train with the steam engine. No timetables were issued and the crew made many stops as flagged. On at least one occasion the train stopped and backed up more than a mile when the conductor's cap blew off his head. The unflustered gentleman completed his ticket taking *before* he told the engine crew. The cap was recovered and the train continued on its way.

The crew often carried either fishing equipment or guns for hunting. The train could be seen stopped on one of the railroad's bridges while the crew fished or in a grove of trees while they hunted or picked wild berries along the way. Local farmers regularly rode the train into Belle Fourche for a days' shopping. The tracks ran near all of the homes in the valley.

The coal mines slowed production after the turn of the century and no others were explored. Coal shipments were down to two a week and down to only one a week by 1910. Cattle and farm produce shipments had steadily increased each year as the farmers learned of the benefits of the railroad. Little farm towns like Sundance found it much better to travel the 20 or so miles to Aladdin than the 50 miles to the Burlington Railroad in Wyoming. Farmers and ranchers in southeastern Montana often came more than 100 miles, because for them

"A shipment of his hay was loaded and ready but the train crew was not."

it was the closest shipping point. One local rancher, however, became quite irritated at the casual operation of the line and decided to take matters in his own hands. A shipment of his hay was loaded and ready, but the train crew was not. The rancher, knowing the tracks were clear, proceeded to release the brakes on the car, and let it roll downhill into Belle Fourche. It arrived well before the train!

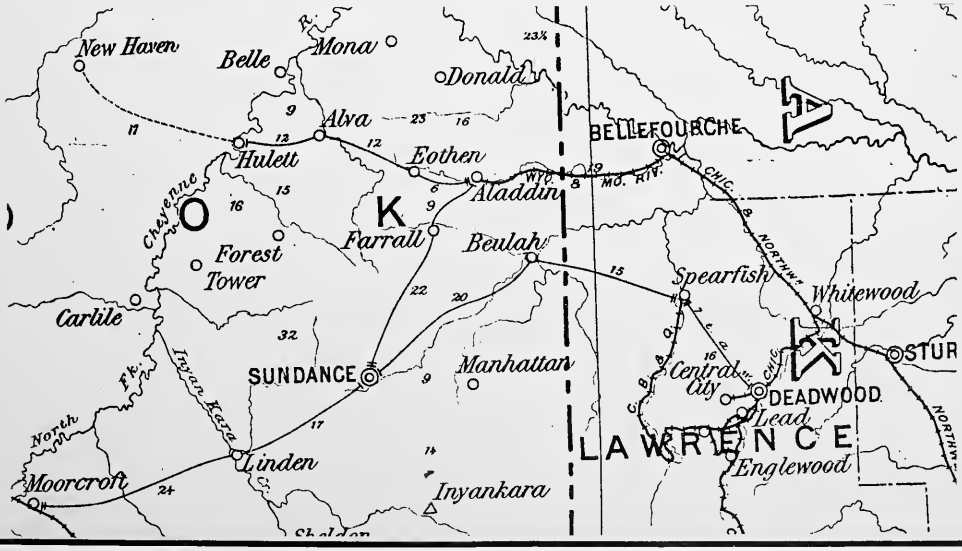
The ancient Number 1 finally wore out, and a slightly newer 4-4-0 Rogers locomotive was purchased for $2,568, and became number "Four." When the coal ran out, the new engine ran only one day a week and rarely with anything but farm produce. The little gasoline cars, or "dinkys" as they were often called, carried most of the freight. One of the cars was finally scrapped to help keep the other one running. In 1917 the single car carried over a 1,000 passengers, six at a time. The revenues had always barely matched expenses, but following World War I revenues dropped and expenses soared.

In 1922 the railroad and the mines were sold to local men. The new owners were mainly employees of the former owners and ranchers along the line. The men hoped to put at least one of the mines back into operation and maybe even extend the railroad toward Sundance. A third locomotive was purchased from the Beaver, Penrose and Northern, a short Colorado railroad that had just gone out of business. The little 4-6-0 was fresh out of a rebuilding shop and ready for work. It was better suited for heavy loads than the older 4-4-0 engine. The engine was given the number "Five."

A half dozen used box cars and a caboose swelled the equipment list. One of the new cars, unfortunately, was destroyed shortly after it arrived. The picture was not bright for the new owners and in 1925 they tried to sell it to the C.&N.W., who wanted no part of the road. In 1927 the railroad was shut down. The "dinky" was parked in a shed behind the Aladdin Store and everything else was sold for scrap. The little car survived as a novelty for several decades, occasionally being rolled out for display.

Aladdin has about 20 people today. The coal mines in the area made a few dollars after the railroad was torn out, one locality being reported as the site of a bootleg liquor operation during Prohibition. A few families in the valley can relate family ties to the colorful little railroad, but there is little physical evidence left of the line. The present highway crosses the overgrown grade several times. The old yards in Aladdin are almost completely erased, while in Belle Fourche the old trackage remains.

The Wyoming and Missouri River Railroad was the start of what is now one of the west's fastest growing businesses. The coal in one modern-day Burlington Northern hopper car is more than what was carried by an entire W.&M.R. coal train. The coal in an average 100-car shipment today is greater than all of the coal ever shipped by train from Aladdin.



Broadway in Cow Country

The History of Cheyenne Little Theatre

Part Two

By Lou Burton

Several years later, after Mrs. Loomis had completed her education at Smith College, she returned to Cheyenne, reentered society, and discovered the O'Mahoneys in the thick of things even though they, too, had only recently returned from Washington where Joe had served as secretary to Kendrick after his election to the U. S. Senate.

Soon after their return to Cheyenne in 1922, the O'Mahoneys had been instrumental in reelecting Senator Kendrick and putting Governor William Ross in the governor's office, an unprecedented coup for the Democratic party; Agnes had zestfully played her part, giving teas and receptions at the O'Mahoney bungalow.

But this mode of entertaining was an exception to the norm; throughout the twenties and early thirties, the O'Mahoneys were more inclined to devote themselves to close friends. Agnes, like any woman of her position and time, was a capable bridge player, but not single-mindedly devoted to the game as were many of her contemporaries. She preferred, instead, to be involved in many things—at one time she served as executive secretary to Nellie Tayloe Ross—but of all things she was most devoted to being her husband's confidante and chief advisor. Indeed, it can probably be assumed that she was one of those who advised him against seeking his party's nomination for the state's only seat in the U.S. House of Representatives in December, 1929. Less than two months later, this amazing woman and her husband, resilient and undaunted, turned their talents to the task of bringing theatre to Cheyenne.

The temptation to suggest the theatre project was conceived as an alternate channel for O'Mahoney energies is too great to resist, but it must remain simply a suggestion. However, there is no doubt in the minds of

any who knew the O'Mahoneys that Joe supported the endeavor as completely as Agnes supported him in his career. Just as she would later assist him with his research, his speeches, and the bills he presented in the U. S. Senate, he is believed to have advised her during the years she served as president of the Cheyenne Little Theatre Players. But his unobtrusive presence is indicated only once in the records. On December 12, 1930 a special meeting of the Board of Directors was held at the home of Frederic Hutchinson Porter. Edith K. O. Clark included the following item in the minutes:

> At the close of the business meeting a delightful supper was served by Mrs. Frederick [sic] Porter, wife of the Vice-President (who was gracefully and efficiently assisted by Mr. J. C. O'Mahoney, husband of the President).

All those who recall Agnes O'Mahoney speak of her grace, charm, wit, and intelligence; of her dedication and infectious enthusiasm; and of how all who were involved in Cheyenne's Little Theatre movement delighted in transforming her ideas into realities. She was, indeed, an exceptional leader, but none have asserted that she was ever a star performer in a theatrical way.

Although she had acquired an appreciation of fine drama as a theatergoer in various eastern cities and had undoubtedly attended performances on Broadway as recently as the summer of 1929 when she had worked at Democratic National Headquarters in New York, she had no illusions about her ability to direct a play, create a role on stage, or construct a set. These talents were possessed by others; fortunately, she recognized that her role was to channel their energies in ways that would strengthen the new organization.

Her first major step in this direction resulted in the weekly workshops that followed the meetings of the general membership. During these workshops, stars of an entirely different sort moved center stage. We begin to find their names in the secretary's notebook and in news releases before the CLTP is a month old. The first news item significant in this respect appeared in the *Tribune-Leader* on March 8.

> The meeting [of March 5] was devoted to the reading of plays, the program being in charge of Mrs. W. H. Andrew, chairman of the play-reading committee.
>
> "Journey's End," the famed play without a woman in the cast, was read, with the parts taken by W. F. DeVere, Frederic H. Porter, Arthur Austin, Robert Caldwell, Ernest Sengart [sic] and George T. [sic] Guy of Cheyenne, and Capt. G. M. Seebach and Lieut. Walter C. Stanton of Fort Warren.
>
> "Journey's End" was thoroughly enjoyed and was followed with "The Reprisal," a short story, by F. Britten Austin and arranged for the stage by William F. DeVere.
>
> "The Reprisal" is a post-war story and the parts in the dramatization were taken Wednesday night by Mrs. James Greenwood, Mr. DeVere and Lieut. W. C. Stanton.
>
> Enthusiasm and interest were marked at the meeting Wednesday night. A "surprise" program will be presented March 12. Two sketches are to be proffered by Barrie O'Daniel [sic] and Mr. DeVere.

The secretary's minutes reveal one fact not reported in the newspaper: The readings were entirely impromptu since the unnamed people who were to have presented a previously arranged program apparently got cold feet and failed to attend the meeting. But the surprise for the next meeting materialized with even greater grandeur than anticipated. O'Daniels and DeVere had

LOUISE STIMSON HALLOWELL COLLECTION

"The Swan" October, 1931

obviously been chomping at the bit. Edith Clark reported the events in her minutes of March 12th.

> The program was then turned over to Mr. Barrie O'Daniels who gave a brief explanation of the psychology of acting and directing, and then set an informal stage for the reading of "Three Pills in a Bottle."
>
> The parts were read by
>
> Mrs. Bruce Jones
> Jimmie Speer (age 11)
> Mr. R. G. Caldwell
> Mr. Fred Douglas, Jr.
> Lt. Farmer
> Mr. Saegart
> Mrs. Wm. Fairchild
> Mrs. H. J. Frawley
>
> After the reading of the play, a fantasie, there was a general discussion of the wisdom of attempting anything quite so subtle, as one of the first night productions. No formal vote was taken, but the feeling was rather against undertaking this fantasie quite so early in the C.L.T.P. activities.
>
> Mr. DeVere was then asked to direct the reading of Barrie's comedy "The 12 £ Look"
>
> The lines of this play were read by
>
> Mrs. Allan Pearson
> " Alexander Adair (Ft. Warren)
> Lt. Stanton (" ")
>
> As a closing number, Mr. DeVere and Mr. O'Daniels read "Moonshiner" by Arthur Hopkins, a clever dialogue.

Earlier that evening the Board of Directors had decided "to urge the early production of three one-act plays, to stimulate interest in the CLTP," and prior to the evening's readings DeVere suggested to the general membership that "The Twelve Pound Look," "Meet the Missus," and "Three Pills in a Bottle" be produced as the group's first public program. "Meet the Missus" had been read on February 26 and was considered appropriate, but when the general membership voiced their reservations about "Three Pills in a Bottle" it was given no further consideration.

Of a total membership of fifty-nine persons on March 12, 1930, at least eighteen had participated in one or more workshop play readings and an additional fourteen were actively serving on the Board of Directors or assigned to committees. Mrs. O'Mahoney, in just one month, and with the unflagging assistance of DeVere, Porter, and O'Daniels, had found ways to directly involve over half of the membership in the business of the group. Nevertheless, she announced the appointment of an "aggressive membership committee" that same evening and then "urged all members and friends of the organization to try to interest others in coming to the meetings, and in joining the club."

At the next meeting of the Board of Directors, on March 19, they demonstrated the sort of decisiveness that was needed to earn them a place in the community.

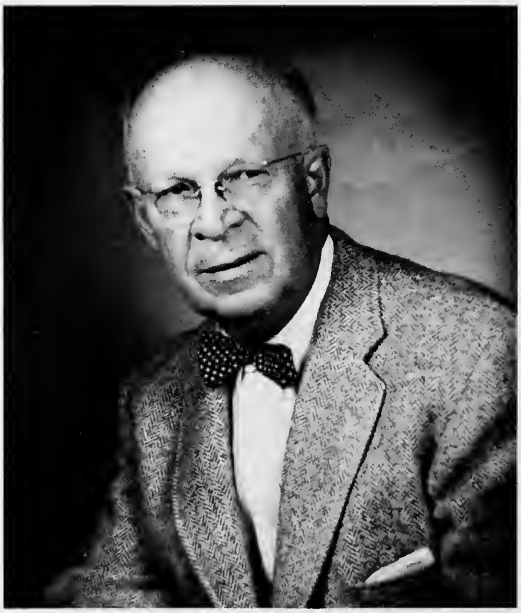
> It was reported that Mrs. Cahill, chairman of Music Week had invited the Cheyenne L. T. P. to perform Wednesday, May 7th. It was moved, seconded and carried that we accept this invitation.
>
> It was moved, seconded and carried that The Valiant, Meet the Missus and The Twelve Pound Look be prepared for this performance. Moved, seconded and carried that Mr. DeVere direct this production of these plays with the privilege of choosing an assistant as provided in the by laws.
>
> Mrs. O'Mahoney appointed Mr. Porter scenic artist and stage manager.

In a matter of moments, that first Board of Directors had the wisdom to recognize the two men who would most frequently be the de facto leaders of the CLTP during the organization's first quarter century. At the meeting of the general membership that followed a few minutes later, the decisions of the Board were announced and accepted by the membership without question or discussion.

> As there was no further business the meeting was turned over to Mr. Devere who conducted tryouts for the Valiant and The Twelve Pound Look. The parts for Meet the Missus had been previously cast so that no tryouts for that were held.

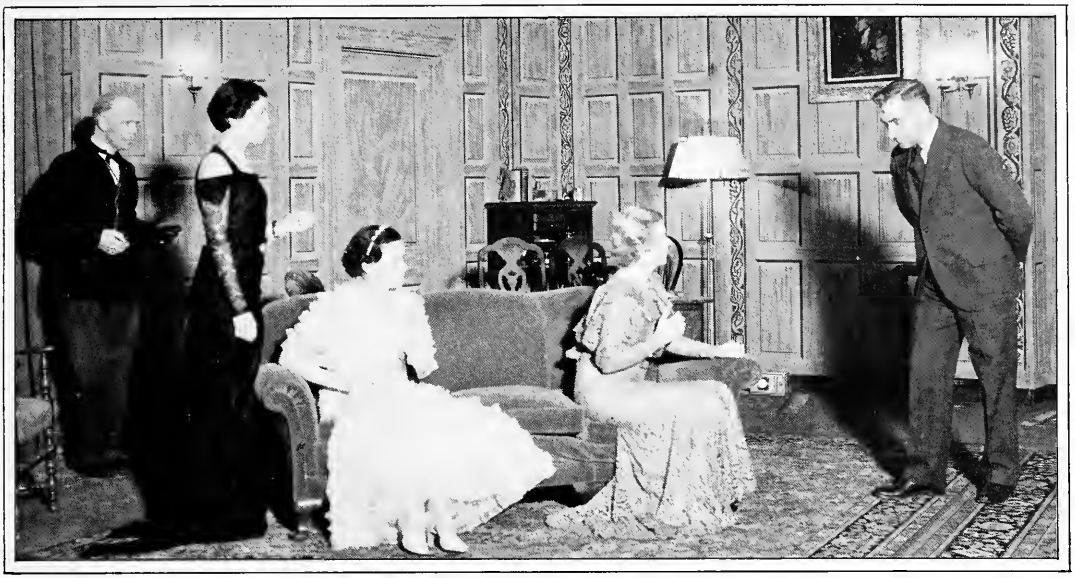
Bill DeVere knew from experience that the eight weeks the players had given themselves would be none too long for rehearsing the plays that had been selected, and it was especially important to him that the first public performance of the CLTP be successful.

Bunk Porter, a man of forty who had enjoyed exceptional success as an architect but who, according to his wife, had never before in his life been involved in any aspect of theatre was just as concerned and well organized as DeVere. In spite of his inexperience, or perhaps because of it, Porter was ready to move center stage at



CHEYENNE LITTLE THEATRE PLAYERS COLLECTION

Frederic H. "Bunk" Porter



LOUISE STIMSON HALLOWELL COLLECTION

The 1935 production, "The Donovan Affair." Left to right: Frederic H. "Bunk" Porter, Maxine Wall, Mary Helen Warren, Alice Fairchild, and James A. "Buck" Buchanan.

the next meeting. The meeting on March 26 exemplifies as well as any other, the dynamic excitement and total involvement that made possible the achievements of the thirties.

The meeting of the Board of Directors at 7:30 was routine; concern was expressed about "problems of increasing the membership," and Simpson, the treasurer, reported that he had arranged for the printing of "official CLTP receipt forms for dues paid," and that he "had tendered to Messrs. Laughlin and Mackay, owners of the Capitol Press which did the printing, two complimentary memberships for 1930."[11]

Edith Clark's record of the open meeting that followed also starts out routinely, but then goes on to reveal how well Bunk Porter, the amateur, had done his homework, and how O'Daniels and DeVere filled out the evening's activities.

> Mrs. O'Mahoney . . . introduced Mr. Porter as the chief speaker of the evening.
>
> Mr. Porter gave a very interesting, entertaining and instructive talk upon the development of scenic design and stage mechanics, showing an exhaustive study of the subject. Mr. Porter reported that he was asking the cooperation of all C.L.T.P. members who had indicated on their enrollment cards that they wished to study scene painting and stage settings, to submit plans for the staging of the three plays selected for presentation on May 7th. He stated that he would report at a later meeting the designs offered by various members.
>
> At the close of Mr. Porter's talk, Mr. O'Daniels was called upon. He complimented Mr. Porter upon his comprehensive discussion of the subject and added a few interesting facts taken from his own experience.
>
> Mrs. O'Mahoney then asked Mr. O'Daniels to direct the reading of "The Drums of Oude"—a very tense and stirring short play by Austin Strong. The lines were read by Mr. George Guy, Lt. and Mrs. Seebach and Mr. Ernest Saegart. The stage business directions [were] read by Mr. O'Daniels in a way to make the action of the play very vivid to the hearers.
>
> During the business meeting of the C.L.T.P., Mr. DeVere conducted in another room preliminary rehearsals of some of the scenes to be presented on May 7th.

One cannot help but visualize the events of that evening. Happily, Frances Mentzer Reiser, librarian at the Carnegie Library from 1929-1943 and president of the CLTP from 1933 until 1935, has explained how so many things might have happened and provided a description of the library.

Throughout the thirties, according to Mrs. Reiser, the Women's Club rooms were reserved by the players almost every Wednesday evening. Located just to the north of St. Mary's Cathedral on the corner of Capitol Avenue and 22nd Street, the library was built of stone in a classic style with a colonnaded portico at the top of a long broad flight of stone steps. Meeting goers would pass through the portico, into a vestibule, climb a narrow winding stairway to the second floor and finally turn right into the Women's Club rooms. These consisted of a meeting hall and small library room where various clubs kept their records. The hall was equipped with long narrow oak tables, an ample number of folding chairs, a few groupings of occasional furniture, and a piano.

Members of the Board of Directors began to arrive shortly after seven and gathered at one of the oaken

tables, perhaps taking a moment or two to unfold and arrange chairs for the larger meeting that would follow their own. At 7:30 the directors' meeting began, and before 8:00 other members and interested people arrived and congregated in the hall or, if the weather was pleasant, on the steps or under the portico outside the building.

The president usually called the general meeting to order at 8 o'clock. In those days the Board of Directors allowed itself only thirty minutes a week to do their official business, and it was only when an unanticipated question intruded that its meetings were prolonged.

On March 26, 1930, Mrs. O'Mahoney was delayed, but as soon as the meeting was started, Bill DeVere quietly assembled some of the players he had cast and took them to the small library to assist them in rehearsing lines.[12] He and Bunk would have agreed beforehand that some must prepare to play on the stage while others had to become involved with building sets. Time was short, but not so short that the players were concerned only with the three plays under consideration; consequently, it seemed quite reasonable for O'Daniels to organize a reading of still another play after he had critiqued Mr. Porter's "comprehensive discussion" of scenic design.[13]

It might well be imagined by contemporary readers that those who attended this meeting would have been satiated at the end of this evening, that they would have heard enough about theatre to last them for a month or more, but this was not the case. Those early members of the CLTP had appetities that brought them back, week after week, throughout the decade and beyond.

We might explain their dedication by observing that there was little else to do during those years of the great depression. But it would be more reasonable to accept the testimony of those who were there: they participated because they loved theatre, because they sensed they were needed, and because they respected and admired their leaders. Furthermore, almost every meeting included a stimulating program, and they were able to witness their own growth in almost every production they presented to the public.

And finally, their interest never waned because they knew that ultimate control of their theatre rested in their hands through the election process stipulated in their by laws. Each year, immediately after the presentation of the last play of the season, ballots were distributed and each member voted for a slate of directors. The slate was based upon nominations from the Board of Directors and the general membership. Some directors, like William DeVere, were reelected again and again and served continuously throughout the period.

According to George Guy, a prominent Cheyenne attorney and civic leader who played in several CLTP productions during the thirties, Bill DeVere was the "heart and soul of the Cheyenne Little Theatre Players." Similar accolades have been rendered by many others

LOUISE STIMSON HALLOWELL COLLECTION

John Godfrey and Virginia Kershisnik in "Holiday," April, 1938. The set designed and executed by "Bunk" Porter was used for a single performance and then dismantled and stored in the attic of the Consistory Building.

including Bard Farrell, another of Cheyenne's well-known attorneys who was cast—with George Guy—in CLTP's first program of plays; and Alice Fairchild, who, after making her stage debut in the same program, became one of the finest actresses to perform with the group during the thirties, and its president in 1937.[14] The praise is well deserved; Bill DeVere directed twenty-eight of the fifty-seven plays presented prior to the suspension of play production during World War II and several more after the war. And he frequently played roles—often in plays he was directing. According to Daze Bristol, many people would attend plays only when they knew Bill DeVere was to appear on stage.

DeVere had legendary qualities. Like nineteenth century western heroes, he came from some unknown place east of the Mississippi—some say from the north, others from the south, and still others from the mid-west—and he brought special, almost magical, talents that would change the western landscape. But he was atypical, too. Katherine Halverson recalls that when she was a child, DeVere was a neighbor and didn't seem at all unusual, but as the years went by she realized

> Bill was never offstage; he never drew a breath that he was offstage—in his office, in a social situation, walking down the street, Bill was always on stage, but not offensively. In Cheyenne, invariably, he was beautifully, impeccably dressed. He would wear a business suit, often a dark business suit, spats, pale grey spats as often as not; he would carry a walking stick and he would carry it with an air. He would wear a bowler hat and always the waxed moustache, you know, and twirled at the ends. This was part of Bill. And he'd attract attention—and he would have been disappointed the day he wouldn't attract attention.
>
> When Bill traveled in the East, he'd often wear heeled Western boots, stiff crackling yellow cowboy slicker and a cowboy hat. He was the epitome of a range cowboy in New York City, but he was the epitome of a Madison Avenue broker in Cheyenne. He was always on stage.

When George and Lucille Guy were asked who had brought the CLTP into existence, they immediately started talking, both at the same time, about Bill DeVere. After a moment, things settled down.

> Lucille: He was a ham at heart . . .
>
> George: He was an old-time vaudevillian; he'd been in vaudeville before World War I, traveled to the tank towns and all that kind of stuff . . .
>
> Lucille: But he was on stage every minute of his life . . .
>
> George: Yes . . .
>
> Lucille: But he was a warm, fine person.
>
> George: He wore a little waxed moustache, very fancy thing. He'd come downtown wearing a derby hat and spats . . .
>
> Lucille: Sometimes grey; some times black . . .
>
> George: A checked suit . . .
>
> Lucille: His costume . . . He carried a walking stick . . .
>
> George: A theatrical prop . . .
>
> Lucille: Yes.
>
> George: He had a pair of pince nez attached to a big black ribbon.
>
> Lucille: Ha!
>
> George: And the next time you saw him downtown he'd be in a cowboy outfit!

This cowboy rode out of the east in 1922, returning to Cheyenne, a tank town he had visited in 1913 as a vaudevillian. His arrival, as might be expected in the case of a mythical hero, was unheralded. Having at some point in his travels found a wife with a soft southern accent, he was ready to settle down, and soon secured a position as manager of the Cheyenne Credit Bureau, a job he held the rest of his life. Somewhere along the line he had also acquired an understanding of the financial world to complement his understanding of human nature, so he was ideally suited for the job. In 1930, when the CLTP was formed, Bill DeVere was in his late thirties, a successful man about town whose occasional apperances in amateur theatricals did little more than whet his appetite. His wife and son were also ready to launch the new theatrical enterprise; Louise would soon be assisting with makeup, and Bill, Jr. would be helping to build some of the first sets.[15]

While Bill DeVere's contributions to what actually transpired on stage would be sufficient to earn him a prominent place in the history of the CLTP, he must also be given credit for other less celebrated activities that more than once enabled the organization to survive the financial crises that plagued it throughout the thirties.

Some old-timers would prefer to gloss over these problems, and some sincerely believe they did not exist, but others have been more realistic in their recollections. Daze Bristol, a centenarian who has experienced hard times and found her own way in the world through her second half century, recalls that "Bill DeVere was always the chief one to get money; he could get money anywhere; he never gave up [the idea of continuing with the theatre]. But he was very secretive."

On more than one occasion when money was short, faint-hearted members of Boards of Directors prevailed in their insistence that the membership should be consulted about attempting to continue for another season. For instance, on May 3, 1933, the program for "Outward Bound," the last play of the season, included the following note:

> As this is the last play of the season your attention is invited to the questionnaire, which is intended to determine the feasibility of going ahead with plans for continuation of the Little Theatre organization for next year. Will you kindly fill it out.

Three things had contributed to the directors' hesitancy: Cheyenne was finally feeling the full effects of the depression; Agnes O'Mahoney had left the board to accompany her husband to Washington after his appointment to the Post Office Department; and, according to Mrs. Bristol, the newly-elected president of the players, Frances Mentzer, "was ready to give it up."

William DeVere, the director of "Outward Bound," was not. In some way, unrecorded, he and others breathed new life into the organization and it returned with renewed vigor to commence a full season of five plays the following autumn. Furthermore, Frances Mentzer remained at the helm until 1935, guiding the CLTP through what must have been their most difficult years.

DeVere, however, was not the only one who worked behind the scenes to secure additional funds for the struggling players. On December 9, 1935, Bunk Porter requested assistance from the Federal Theatre Project of the Works Project Administration. In his letter to Mr. Marschall, the Educational Consultant for the W.P.A. in Cheyenne, Mr. Porter explained:

> . . . the purpose of the Cheyenne Little Theatre Players in applying to the Works Progress Administration for relief funds is entirely because we were sure that we could not carry on with our regular productions this year, as we have been doing in the past, without outside help.
>
> We are without the services of an amateur director for the balance of the season. Heretofore no one has received a salary, profits, or dividends from the Cheyenne Little Theatre Players. Our expense of production is constantly unavoidably increasing, and we feel that our only salvation to secure a continuance of dramatic presentations this year is to pay for a good director to direct our remaining plays even if we have to hire a professional from out of Cheyenne; and in addition we will have to pay for some construction work in the scenic studio, as our scenic director finds it increasingly difficult to get adequate volunteer help, particularly as funds are so limited for adequate equipment and material.
>
> Our presentations are financed partly by membership dues and partly by the regular fifty cents admission. All of the money thus received goes into the production and none has ever been diverted, during our five years of existence, to any person. We will have no objection to having a federal representative collect admissions, provided we are assured that such admissions go directly to pay production costs. The Cheyenne Little Theatre Players have no desire to profit from these admissions. We simply must have help to continue our regular activities.
>
> This matter must be settled very quickly, however, as the season is nearly at an end and none of our activities may continue after May 30th. . . . Unless this application is approved very quickly, we will abandon all efforts to continue the high class of dramatic productions which we have given in the past.

On December 18, 1935, the request for assistance was disapproved because it did not meet certain unspecified criteria; nevertheless, the leaders of the CLTP did find a way to continue production the following autumn. Even though DeVere was not available to direct during January and March of 1936, he did direct the April production and three of the four plays presented during the following season.

There must have been occasional clashes of personalities within the Players as there are within all organizations, but none of these were permanently crippling. Indeed, events indicate that the conflicting opinions of the leaders throughout the decade strengthened rather than weakened the organization, and each individual who served as a director made his or her special contribution.

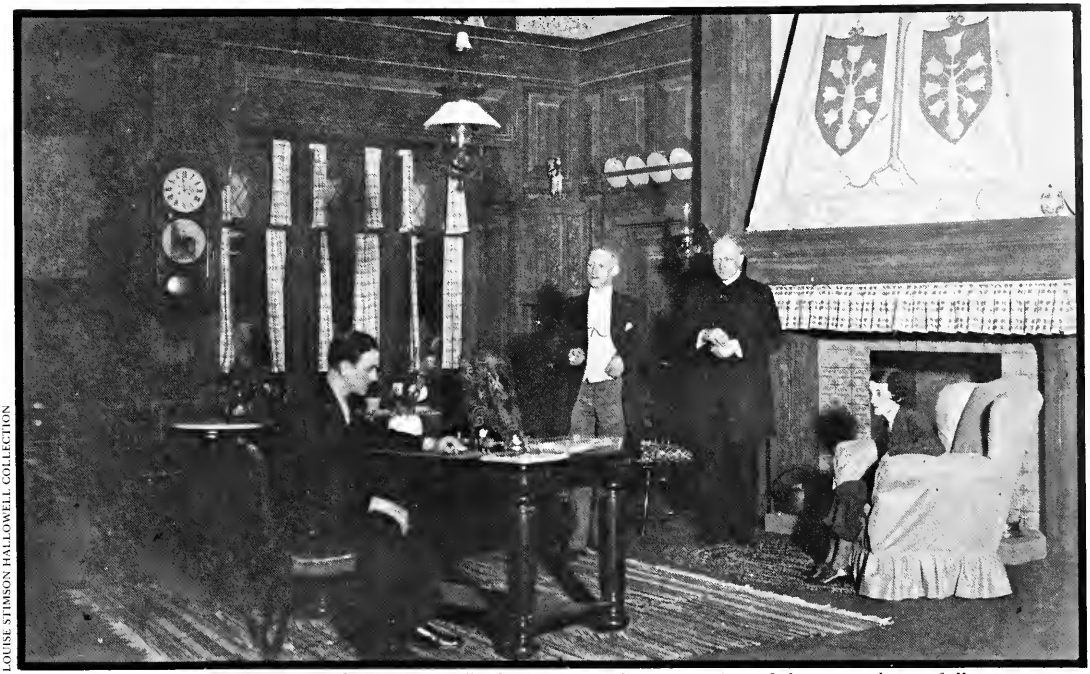
One of these, Alice Fairchild, a graduate of the Law School at Boulder who had worked during the twenties as an attorney with the Federal Trade Commission in Washington, came to Cheyenne in 1929 as the bride of Bill Fairchild, who was sent to manage those theatres that belonged to his family, the Princess, the Lincoln, and the Atlas.

Eight years later, after she had starred in many CLTP productions and after Bill had filled in the backgrounds in almost as many as a "spear carrier," Alice was elected president of the CLTP and was ready with an innovation of her own.

As a long-time friend and admirer of Barrie O'Daniels, she decided to ask him to become the Players' first paid director, wrote him a letter offering him the job, and soon received his reply.

> Tuesday
>
> Dear Alice—
>
> It was a great pleasure to get your charming letter this morning—And I am now looking forward to the time when I shall be calling curtain for the first Production—the money that you offer is under the circumstances quite all right—Tho I would like my fare one way—that will amount to $30.00. I hope that is acceptable to the board and yourself—
>
> Regarding the plays you have in mind—I think all of them are splendid—but from a production and cast viewpoint—Winterset is a little too high—it is a great play—but I am trying to keep in mind the fact that you are paying me and also I must try and make you money by considering production expenses—the costuming in Brother Rat is something to consider—Petrified Forest should be a smash hit only one set and great theatre—Prelude to Exile I shall have to read—Tho I have played in "He Who Gets Slapped," I rather doubt its audience value in Cheyenne—as you requested I am sending the names of a few plays that I know to be *surefire*, "Libel" a tremendous success here in Pasadena—"Blind Alley" very dramatic—"Accent on Youth" very good—"Behold This Dreamer" this play was the comedy success of the season at the Pasadena Playhouse—a really sparkling fast moving piece of wit—I agree with you that I should devote my time to directing rather than acting—And Alice I know we will do big things in the Theatre—It will be worthy seeing you all again—I have always regarded you and Bill and the rest of the gang as mighty fine people—And I trust the renewal of our friendship will be of value to us all—
>
> Give my very best to the charming Mentzer of whom there is no better of—
>
> Sincerely
> Barrie

As it turned out, only one of the plays mentioned in the letter was actually produced, and this quite naturally was the one both Barrie and Alice saw as a winner, "The Petrified Forest." And Barrie was not able to stay for the entire season; he directed the October and December plays and then went on to other, more lucrative work.



LOUISE STIMSON HALLOWELL COLLECTION

May, 1935, "The Return of Peter Grim." The design and construction of the set took one full year.

When he was recently asked about that autumn, he remembered that he had been paid "the magnificent sum of $300 a month," but Alice Fairchild doesn't think it could have been so much. In any event, the CLTP must have, by 1937, entered upon more prosperous times.

Perhaps the best measure of the superb talents of Bunk Porter as a scenic designer is to note that he produced some of his finest sets during the years when money was most difficult to find. Beginning with the production of "The Trial of Mary Dugan" on February 15, 1933, CLTP programs regularly included notes inviting audiences "on stage to inspect the setting" after the conclusion of the play, and after "The Return of Peter Grimm" was presented on February 27, 1935, the following item appeared in a local newspaper.

ONE YEAR SPENT BUILDING
STAGE SETTING USED HERE

By Jennet S. Letts

What was considered by many persons to have been the finest stage setting ever viewed in Cheyenne and one of the best anywhere in the country, was the one used for the Little Theatre production, "The Return of Peter Grimm," at Consistory Temple Wednesday and Thursday evenings.

The building of that setting was begun a year ago with the painstaking, careful planning of Frederick Hutchinson Porter and concluded during the past six weeks with "hard labor" on the part of Mr. Porter and his committee, R. Walter Bradley, Charles Dutcher, John Schaedel, Libby Hoffman and Mrs. Martin Weiss.

It is a setting full of romance and atmosphere and history and a real feeling for the people of the past who once stepped and lived in such rooms and such houses.

Based on the directions given by David Belasco whose settings were famous for their realism and detail, hundreds of pictures of genuine interiors in Holland and Flanders were pored over during the year's planning of the set. Interesting steps in the actual work were rough sketches showing exits and entrances, based on Belasco's original setting and floor plan, a working model on which each of 53 pieces of scenery were numbered, then the construction, coloring and careful shading of each piece.

Infinite pains were taken to get the effect of real Dutch paneling, authentic moulding, true Dutch tiling, and all the trappings and effects of a Holland interior such as it might have been modified by colonial influence in early New York. One detail of this work was the painting of four dozen delf blue plates, which from a short distance cannot be distinguished from the real. Canvas beams have realistic knotholes and grainings and cracks painted into them. Colors of curtains and wood have all been carefully studied and softened to produce the most artistic effect under the various lights thrown upon them.

And all of these lights, absolutely everyone available in Cheyenne was used. There were 30 spotlights alone, two of them having come from New York to fit exactly the requirements of a certain effect. Also an interesting rain machine was procured in New York which consists of electricity thrown on the back curtain in such a way as to look exactly like rain.

Ted O'Melia, writing for the *Tribune-Leader* on May 2, 1935, said:

WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

The Wyoming Consistory Temple where Little Theatre productions were staged for twenty years.

> The production of "The Return of Peter Grimm," Wednesday night in Consistory Temple Auditorium, was the supreme achievement of the season for the Cheyenne Little Theatre Players. Its success transcends that of productions of several seasons and goes into the records as probably the finest work ever done by this group of amateurs.

After discussing the filled auditorium and the wisdom of the Players in choosing the play with "its fine emotional tempo, its superb outlet for acting, directing and stagecraft," O'Melia went on to speak of the group's fortune "in possessing the two most essential parts of a successful players' group—a competent director and skilled scenic architect and technician."

> William DeVere amply fills the former position. Wednesday's play, it can be said, was the acme of his presentations. In addition to being the guiding hand of the production he also carried the title role of Peter Grimm. In both he excelled.
>
> His presentation was sincere, convincing and sympathetic—all requisites of the character. His voice and make-up were closely allied to his interpretation.
>
> To Frederic Hutchinson Porter and to R. W. Bradley go the honors for one of the most impressive stage settings ever created. . . . And the stage management, including lights, which were a triumph in themselves in charge of these two men was an impressive feature.
>
> Especially effective were the sound effects, giving the impression of rain on the roof accompanied by thunder and lightning. Another delicate touch in the setting was the cloud picture as seen through the windows to the rear of the stage. It took ingenuity, indeed, to produce the effects of the sailing clouds.
>
> Appreciation of the setting was expressed at the rise of the curtain by a spontaneous outburst of applause from the audience.
>
> Mr. Porter, who designed the setting, was at the production in a wheel chair, being convalescent from a recent severe sickness of influenza.

Few, if any, Little Theatre productions throughout the country have ever had sets to compare with those so meticulously and lovingly created by Bunk Porter, and it is doubtful that anything to compare with his work has been produced in Cheyenne since he retired from the scene. He would not, however, wish to take full credit for the production of the sets he designed; he would have been the first to insist he could not have done without the assistance of Walter Bradley, his business partner for several years; Dr. Walter Lacey, a man with an eye for detail and an open invitation to the best homes in Cheyenne who always found the antique table, settee, or tablecloth that was absolutely correct for a particular setting; and many others who spent long hours in the various scene shops during that first decade.

Bunk Porter, like the O'Mahoneys, was a native of Massachusetts who came to Cheyenne prior to 1920. He graduated from Tufts University; married Grace, a native of Colorado, in 1913, and then worked at various jobs in the east and west—for one period on the Utah capitol in Salt Lake—and finally joined a partnership of architects in Cheyenne in 1918. By 1930 he had established a thriving business of his own, having designed some of the finest homes and buildings in the city. In ad-

dition to these achievements, he must have been a closet theatre buff; otherwise, he could not have burst into full bloom as a scenic designer within weeks after the founding of the CLTP.

Like DeVere, Bunk was totally committed to quality theatre. He would no more let a lack of funds stand in the way of building an exquisite set than DeVere would allow high royalties to preclude the production of a fine play. The major difference between the two men was that Bunk would reach into his own pocket when money was needed while DeVere, not a wealthy man, would quietly approach someone else. Neither man troubled the Board with these problems; the Board then, as now, liked to think the Players could survive without charity.[16]

As one reviews the records, one fact concerning the people who organized the CLTP cries out for recognition. They were an exceptionally well-educated group. Bill DeVere had spent over twelve years in professional theatre prior to arriving in Cheyenne and many others had graduated from prestigious universities and colleges. Architects, doctors, lawyers, army officers, and schoolteachers led the Little Theatre movement throughout the thirties, and not the least among these was a cadre of college women that included Agnes O'Mahoney, Alice Fairchild, Frances Mentzer Reiser, Martha Dudley, Meda and Maurine Carley, Fern Herring, Elizabeth Hofmann, and Ruth Loomis.

Mrs. Loomis has described the younger women of this cadre as being "recently married, casually fashionable, pseudo-intellectuals," but she smilingly confesses that they were also achievers, not so much as women, but as people who set high standards and goals for themselves and seldom failed to measure up to their own expectations. With such women committed to the enterprise, and with men like DeVere, Porter, and O'Daniels, the Cheyenne Little Theatre Players could not help but succeed in their endeavor to bring quality theatre to Cheyenne.

Their goals and aspirations were succinctly stated on their first program, a program that was distributed to a capacity crowd at the auditorium in the old Consistory Temple on May 7, 1930.

> One of the outstanding cultural developments in this country during the past decade has been the organization of Little Theatre Groups, for the purpose of promoting the study and appreciation of dramatic literature. This movement was organized in Cheyenne in February of this year under the sponsorship of the Women's Clubs and of the several service clubs of the city.
>
> This is the first public performance of the Cheyenne Little Theatre Players, and on the interest with which it is received will depend in great measure the future of this organization. It is hoped that persons who are interested, not only in acting, but in the reading of plays, in directing, in lighting, and in scenic design, will find in the Cheyenne Little Theatre Players an opportunity for further development of their talents.[17]

The first of many favorable reviews that would be written about CLTP productions appeared in the *Tribune-Leader* the following day.

> A capacity crowd greeted the opening performance of the Cheyenne Little Theater [sic] Players, Wednesday night at Consistory Temple. Three one-act plays were given as a part of the National Music Week program.
>
> Directed by William DeVere, members of the casts performed adequately in all parts, giving eloquent testimony to the effort that had been expended by the director and players in making the performances a success.
>
> Scenic effects for the plays were made by William DeVere, Frederick Hutchinson Porter and other members of the Little Theater club.
>
> Mrs. J. C. O'Mahoney, president . . ., gave a brief resume of the history of the club, explaining its purpose and that anyone interested, not only in acting, but in the mechanics of the theater, was invited to join the players.
>
> The plays given ranged from comedy and satire to comedy and then grim tragedy. Before the curtain was drawn on the closing scenes of "The Valiant," tears were being surreptitiously wiped away and sniffs were audible throughout the audience.

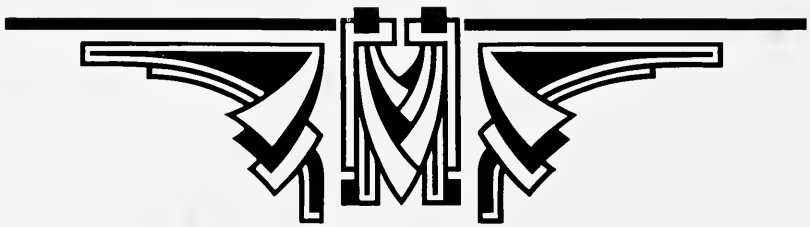
The CLTP had arrived, a standard had been set, and the players looked confidently toward the future. Throughout the remainder of the decade and until World War II, their goals remained the same, and no serious thought was given to building projects that were beyond their means.

A sly twinkle appeared in her eye when Frances Reiser was asked to compare the achievements of the CLTP prior to and since that war, and then she said softly and with infinite charm, "We built the theatre; the buildings came later."

The truth of this statement is incontestable, but not necessarily uncomplimentary to either group. More recent times have also produced their heroes: organizers like Louise Hallowell and Elizabeth Escobedo, directors like Callie Milstead and John Carroll, and builders like Elizabeth Hofmann, Charles Anderson, and Bill Dubois. They were ready to literally build on the foundations of integrity and reputation the CLTP had built throughout the thirties and forties. These moderns not only knew the CLTP deserved to have its own theatre, they were also innovators who found ways to raise the thousands of dollars needed for their projects. One of these fund-raisers, Elizabeth Hofmann, had been waiting in the wings since 1930, and others like Charles Anderson and Ted Glockler were relative newcomers.

How they built the Playhouse at Windmill Road and Pershing Boulevard, how they brought the Melodrama into existence, and how they first purchased and then renovated the Atlas Theatre as a home for the Melodrama, are stories that still must be told.

11. This evidence of bartering is worthy of mention only because the CLTP no longer permits the exchange of complimentary tickets for services.
12. The Board was delayed when Miss Clark asked to be relieved of duties as secretary because her employment would preclude her attendance at every meeting. Although she was subsequently replaced as secretary, she continued to serve on the Board and work on productions until ill health compelled her to seek the solitude of the Big Horns in 1933. The diary that records her last years in the wilderness has been published in *Annals of Wyoming*, October, 1967.
13. The play selected for reading that night, "The Drums of Oude," became part of the CLTP's fourth production on January 28, 1931 when it was presented along with "Rosalind" at the Consistory Temple.
14. Most of those interviewed who attended the plays of the thirties remember Alice Fairchild as a talented and versatile actress, one who could play any character to perfection, making audiences sympathize with even the most despicable. But Mrs. Fairchild insists that Virginia Kershisnik, president of the Players in 1939-1940, was by far the finest actress of the decade and that Fern Herring ran a close second. The actors most frequently remembered are Bill DeVere, Barrie O'Daniels, John Godfrey, and Lieutenant W. C. Stanton, Harold Vaughn is remembered as the big man with the big voice; his singing filled the Consistory on more than one occasion.
15. William DeVere, Jr. now lives in Charlotte, N. C. He might have been asked about his father's origins, but I preferred to allow William, Sr. to retain the enigmatic quality he cultivated in Cheyenne.
16. I have been told that Porter, DeVere, and Fairchild jointly conceived the Frontier Days Rodeo Night Show, bringing Sally Rand, the fan dancer, to Cheyenne in 1935, and that DeVere originated the now annual Kiwanis Clambake. Not being within the scope of this history, these tidbits have not been confirmed.
17. The program also includes the names of the members of the Board of Directors, the producing director, the stage manager, the property committee, the players, and others who participated in the performance. These names include Janet Pearson, Fern Herring, and Alice Fairchild, all destined to become president of the Players by 1937.



METZ COLLECTION, WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

'Roving Over the Wilds of Wyoming'

By Margaret E. Nielsen

On August 4, 1907, Leroy Stines sent a postcard from Winchester, Wyoming, to Blanche Lewis, the girl he left behind in Fairmont, Nebraska. The picture on it showed Roy, in engineer's clothing—pinch-crowned hat, open-necked shirt, rumpled trousers tucked into laced boots—standing behind a surveyor's transit checking his notes.

The inscription on the card read, "Such things as these are occasionally seen roving over the wilds of Wyoming. Have camera now. R.S."

After two years' surveying for the Chicago, Burlington and Quincy Railroad, he still considered himself lucky to be in the wilds. Although he had always been frail, he was expected, as the oldest child, to work long hours on the family farm, "setting an example for the hired man." When he graduated from high school, he had little hope for anything but a life of unremitting labor. When his father asked him if he wanted to go to the State University in Lincoln, he eagerly accepted the

opportunity. Although mathematics had never been one of his strong points he chose a major in engineering. After two years of grappling with physics, mechanical drawing, and surveying, he learned that the Chicago, Burlington and Quincy Railroad was looking for engineers to lay out a proposed line from Frannie, Wyoming to Lander.

Roy had dreamed of going west since boyhood. In the fall of 1905, when the Burlington sent out an urgent call for surveyors, the line was driving hard to beat the Chicago Northwestern Railroad to the markets of the lucrative mining and cattle country of northern Wyoming. With the opening of the Wind River Indian Reservation for settlement, Lander would be one of the chief registration points for new claims, and the Burlington was pushing the line south to head off competition from the Northwestern.[1]

A Burlington folder, issued in 1906, had described the changes in the Big Horn Basin since the advent of the railroad in 1901.

> What was then an almost unknown and thinly inhabited region, giving little and taking little from the outside world, is today one of the great wealthy sections of America. Even greater changes will come within the next few years for the Burlington is penetrating the Basin with a new line from Frannie . . . through the Basin to Worland on the Upper Big Horn River. This new line will open up a section so rich that it seems well nigh impossible to speak of it too highly.[2]

James J. Hill, in describing the larger picture of the "ocean to ocean" market wrote:

> Cross the Pacific, and what do we find? Millions of people; and what can they buy? . . . (The Asian) will want of us only the simple staples, as grain, provisions, raw cotton, etc., from which to weave his cloth, and perhaps a little lumber, coal and some hand tools. But his principal demand will be just the products which the present (and) coming population of America's great central and western zone is prepared to furnish . . . Now the Burlington has food and fuel to a degree not possessed by any other transportation system. Reaching from Chicago to Denver, and from the Twin Cities to St. Louis and Kansas City, it covers the richest and most diversified zone in the production of grain, provisions and fuel. What do these central prairies . . . require in return? They need lumber. From where is the lumber to come? From Washington and British Columbia . . . What then have we reached? We have a tremendous volume of traffic across the Northwest between Puget Sound and the Mississippi Valley. The northern railroads will carry westward the meat, corn and coal, together with the raw cotton originating within Burlington territory at St. Louis, and will place these products on the Pacific docks for export to Asia, and for the return trip the freight trains will bring back lumber for the Central and the East.[3]

Roy Stines was unaware of this grandiose scheme for the Burlington's future. To him, signing on meant a chance to see a virgin area before it lost its wild west appeal.

When the fledgling group of engineers arrived at a camp on the barren plains of northern Wyoming, Hugh Butler was division engineer for the railroad. A 1900 graduate of Doane College in Crete, Nebraska, Butler had taken a temporary job with the Burlington to finance his law school education. He began as a laborer, chopping sunflowers and driving stakes for a surveying crew in Kansas. At Doane he had learned to read a Vernier transit used in the construction of the Hoosac Tunnel by Thomas Doane. Doane was founder of the college and chief engineer of the Burlington.

The transit boss, A. F. Hoagland, impressed with his ability, loaned Butler a copy of *Searles Field Engineering,* and he progressed rapidly from rear chain man to level man to field engineer.[4] By the time he went to the St. Joseph office, it was assumed that he was a graduate engineer.

But, when he tried to figure the stresses on a bridge he admitted he didn't know enough to do the job. His superior roared with laughter when Butler told him, "All the engineering I had was trigonometry, calculus, and . . . I've got an old copy of an engineering book."

His supervisor told him, "Look here. You wouldn't want to embarrass all of us would you? I'm giving you orders to keep quiet about this. And if you happen to get stuck, don't tell anyone you don't know what to do. Come see me."[5]

Butler was assigned to Burlington West where he learned that the Burlington had convinced the Secretary of the Interior that it could complete a line from Billings, Montana, to Worland, Wyoming, in time for the opening of the Wind River Indian Reservation. In addition to Worland, Lander, a town on the Chicago and Northwestern, was a registration point. The competing road was well out in front and Burlington had decided to gamble on their young engineer's drive and ingenuity in the last stretch.[6]

When Stines' crew arrived, track laying had almost been completed. The bridge building was left to the last. It was this task which confronted the engineers. They found Butler to be a hard-driving and innovative supervisor.

As the competition between the railroads reached a fever point, the *Thermopolis Record* kept up a constant stream of reports, or rumors, that a railroad would soon be built to the "Hot City."

On September 16, 1905, a front page article announced in headlines that the Burlington would build a branch from Worland to Thermopolis, and the Chicago Northwestern was planning a feeder from Thermopolis to Shoshoni, at the south end of the Wind River Canyon. In succeeding issues, the paper reported that:

> there is great activity at McShane's tie camp . . . Both roads are aiming at the same spot to develop a new mining district. . . . The Northwestern Railroad is surveying a route from the new town of Shoshoni in a westerly direction, and up the Wind River Canyon.[7]

Bill Nye, in 1880, described the short work season in Wyoming:

> the climate is erratic, eccentric and peculiar . . . (and) the early frosts make close connections with the late spring blizzards, so that there is only time for a hurried lunch between . . .[8]

When snow enveloped the camp, work was shut down for the season. During the winter the decision was made to continue the line south from Worland toward Thermopolis. By April, "three large corps of engineers have been thrown into the field by the Burlington."[9]

Ice still encrusted the river when the men returned to work. One heavy-laden wagon, which broke through the ice, had to be unloaded, and the contents carried to shore before the horses could struggle to dry land. The melting ice presented another problem when the flooded river threatened to carry away the tents pitched on the low shore. The men picked up the frame and canvas tents and carried them to higher ground.

Progress down the grassy valley of the Big Horn was rapid that summer. They were at the mouth of Gooseberry Creek by December. "[P]resent objective is the Gebo coal mine below Thermopolis." Surveys were also run up Kirby Creek toward the Stine mine.[10]

Reports of "a rich vein south of Thermopolis" and "the recovery of gold-bearing ore" may have precipitated the Burlington's decision to explore the possibilities of a line through the rugged Wind River Canyon.[11] This steep-walled chasm would prove to be the most costly section of the whole line.[12] At times precipitous walls rose directly from the banks of the river, threatening to blot out the sky. Much blasting would be required. Where the construction crews could not go around the steep cliffs, they would tunnel through. The rocks from the blasting would be removed by hand, and hauled out in wheelbarrows.[13]

As the crew pushed down the canyon, dodging falling rock, clinging to or climbing over giant boulders, charting tunnels through barriers of solid rock, Stines' camera recorded the work and the rare moments of relaxation in camp.

Sundays gave the engineers a chance to pore over charts and maps in daylight rather than the uncertain glimmer of kerosene lamps. It was also a time for washing clothes, reading, playing cards or swapping tall tales around the campfire. One enterprising soul had brought a Victrola into camp. They listened to the tunes of the day while tipping the bottles smuggled into camp by the person assigned to climb out to the east and take "a trail to Bird's Eye Pass, a stage coach station on the top of the mountain, to get the mail."[14] When time hung heavy on their hands, there were always stakes to be chopped. Stines sent a picture of himself at this occupation entitled, "Making 'stake' in Wm."

Deer, elk, and big horn sheep browsed near their surveys, presenting a challenge to hunters and providing an ever-present supply of fresh meat. A climb to a rocky point on the cliffs afforded a view of the rushing water 800 to 2000 feet below and of the tableland beyond. The men came to know one outcropping as "chimney rock." At another point, two towering columns seemed to lean against each other for support like two of the crew after a night out.

The narrow canyon with its steep walls had long been a barrier to travelers going south. For many years, settlers were unaware that the Big Horn River emerging from the north end was known as the Wind River at the southern entrance.

> Much to the consternation of the uninitiated geography student, the Indians had two names for the stream: Big Horn for the lower portion and Wind for the headwaters. There the topography lent to a gathering of the winds as they flowed down the slopes of the (Wind River) mountains until in reality there was the "Big Wind." The dividing point in the stream is at the north end of the . . . canyon where "The Wedding of the Waters" . . . takes place. It is akin to a bride entering a church under one name and leaving it with another. This adds a bit of romance to the two names that continued to designate the one stream down through the years.[15]

The first white men likely to have gone the length of this mountainous trench were with the party of fur trader William Ashley. In his report to General Henry M. Atkinson on his trip from the rendezvous on the Yellowstone in 1822, Ashley wrote:

COURTESY OF THE AUTHOR

"Things such as these are occasionally seen roving over the wilds of Wyoming"—Stines postcard from Winchester, Wyoming.

H. SMITH COLLECTION

"Over 800 feet to the ground"—Red Mountain overlook.

> The only very rugged part of the route is in crossing the Big Horn Mountain which is about 30 miles wide. I had the Big Horn river explored from the Wind River Mountain to my place of embarkation. There is little or no difficulty in the navigation of that river from its mouth to Wind River Mountain. It may be ascended for that far at a tolerable stage of water with a boat drawing three feet of water.[16]

The *Thermopolis Record* of April 13, 1907, described a trip made down the river seven years earlier:

> So far as we are able to learn this was the first passage of the gorge by white men. The primary object of the venture was to see what sort of mineral prospects were revealed where the mountains are cleft as by the stroke of a sword in the hands of a giant. The love of adventure was perhaps a strong secondary consideration. The fifteen day trip was made more difficult because the river was low and numerous rocks protruded that would have been safely covered in higher water.

The men met the problem of shooting the rapids with considerable ingenuity. When they saw the need of lightening the boat, they threw out the four deer and three sheep they had shot.

> Strange to say, they were recovered farther down. . . . In one place the skiff wedged between two rocks and the dashing water filled it almost immediately. Close by was a rock pinnacle, about the size of a fence post, rising from the water. Taking a wagon sheet from the boat, the men wrapped it around the rock, where it froze solid in a minute or two, making a sort of toadstool in the middle of the river. Onto this they loaded the entire contents of the boat and then stepped out onto a nearby rock. Relieved of its weight, the boat was tossed into the air by the current, turned completely over and dropped more than twenty feet downstream. After considerable work it was righted and the outfit replaced with nothing more than a thorough drenching.[17]

The discovery of coal brought changes after that daring journey. There were numerous miner's camps scattered along the stream.

Trips into Thermopolis were a much anticipated event for the surveyors. There they relaxed in the water of the "world's largest mineral hot spring." In years to come, successive Burlington folders advertised the benefits of the 132° mineral springs:

> Any persons suffering from rheumatism, stomach troubles, catarrh, or nervous breakdown, may well spend a few weeks, or months, drinking and bathing in these waters from the hot interior of the earth.[18]

With the promise of a railroad connecting Thermopolis with the more populous sections of the country, plans were underway for a new sanitarium:

> to be erected here by a company headed by Dr. A. G. Hamilton of Springfield, Neb. . . . The building is to be composed of a main structure and two wings, 200x200 feet in size, two stories and a basement. . . . Every modern convenience is to be installed and it is the design of the promoters to make this sanitarium one of the best in the country. The cost is to be upwards of $100,000.[19]

These plans mirrored the general feeling of optimism in the little town.

> Settlers were pouring in to take up claims on a newly opened portion of the Wind River Indian Reservation . . . while to the north . . . enormous coal deposits brought promise of a prosperous future. Hotels, blacksmith shops, general stores, meat markets, lumber yards—all were busy and expanding—and so were the saloons. Music could be heard coming from them day and night. Yet there was relatively little trouble, for several churches and a new school gave the stability often lacking in a burgeoning town.[20]

In spite of the town's new-found respectability, Stines was more interested in its past when it had been the hangout of outlaws whose exploits matched those of the desperadoes in the dime novels of his boyhood. Less than ten years before it was:

> the preferred rendezvous for such noted outlaws as Kid Currie and Butch Cassidy's Hole in the Wall gangs. These outfits would come into the country for entertainment, to shoot up old Thermopolis [at the mouth of Owl Creek] collect some revenue or gain a few recruits. Other outlaws of lesser attainments, horse thieves, common murderers or post office robbers frequented the locality to rest up from one exploit and plan new ones. . . . And while enjoying the health giving springs, should the eye of the law be turned towards them, it was easy to vanish into the mountain defiles nearby. A story is told that several of the Hole in the Wall gang that lived near Thermopolis and their kids went to school there.[21]

In late fall, the project head pushed the crew to finish as much of the survey as possible before snow obliterated the rugged terrain. This meant long hours of work then a walk of two or three miles back to camp for the night. Stines was small, but wiry, and kept pace with the others. When the last stake was driven, the men broke camp and returned to Thermopolis.

Stines checked into a hotel room and collapsed on the bed. Late the next morning he woke with a start. In the darkened room he sensed that someone was staring at him. He turned toward the door and saw a man's head outlined in the transom. When confronted the embarrassed room clerk told Stines he was concerned because he had not seen Stine's since late afternoon the day before. He had come to check on him.

Stines' cousin, Harry Smith, also of Fairmont, had signed on with the Burlington about the same time. Assigned to a corps of engineers south of the canyon, he started as Hugh Butler had done, chopping brush and driving stakes. He soon progressed to other surveying tasks.

Early in his stay, he saved his earnings as a laborer to fulfill a longtime desire to ride across the plains in full cowboy regalia. When he had accumulated the proper hat, woolly chaps and gloves, red shirt, bandana, pistol and holster, he borrowed a horse and had his picture taken to send back to the folks at home. He soon learned that the chaps and high-heeled boots were fine for riding through heavy brush, but were a definite handicap when walking across the rough terrain.

When Stines was camped near Thermopolis one year, the cousins agreed to meet in the canyon and spend Christmas together. At the appointed time, Stines started walking from camp, ploughing through waist deep snow drifts, while Smith on his borrowed horse rode up from the south. When they met, Smith helped his exhausted cousin onto the horse and they took turns, riding and floundering through the snow until they reached Stines' camp.

In 1908, as the surveyors neared completion of their work, rumors flew as to the future of the route. "The Northwestern was building up the canyon from the south and the Burlington was ready to lay track." "Both railroads were cooperating on a common line through the canyon." "The Northwestern backed Asmus Boysen who wanted to build a dam which would block the traffic." "Both railroads were working to keep the canyon open."[22]

To Thermopolis, the need for a railroad was of paramount importance.

> No other question so vitally affecting the state of Wyoming and its people has recently arisen equal to that involved in the application by state engineer Asmus Boysen for a permit to construct a 60 foot power dam in Windriver canyon, 12 miles south of Thermopolis. It is of vital interest to every citizen of the state who looks forward to its growth and settlement along natural lines. . . . Careful and repeated surveys have demonstrated that there is no feasible route between the two districts [the Big Horn Basin and the remainder of the state]. . . . The fact that the citizens of Big Horn County must now go through Montana, Wyoming, South Dakota and Nebraska, and thence west through Nebraska, to reach the state capitol, when they could reach the same point in about 10 hours if they had a railroad connection . . . presents an irrefutable argument in favor of keeping the Wind River canyon free from any obstructions to railroad building. At this time, by a stage route of 50 miles, over an almost impassable mountain, travel can go via Shoshoni, but no one will consider such a route if it is possible to secure railroad connection . . . The advantages to accrue to farmers and stock growers are not to be minimized, in that they will have, by the Wind River canyon route, a direct line to market, where now they must ship by the circuitous route through Montana.[23]

Although the dam was eventually built at a lower level, it was finally removed when it caused flooding of the tracks. In 1909, the Burlington began laying track from Kirby south through the canyon to Orin Junction and a link with the east-west line through Nebraska, as well as the northern end of the Colorado and Southern.[24]

In 1908, with work at a standstill, Hugh Butler felt he could no longer ask his wife to live in tents or box cars while he followed the railroad around the country. He returned to Nebraska to become manager of Curtis Mills.[25] From 1940 to 1954, he served as a United States Senator from Nebraska.

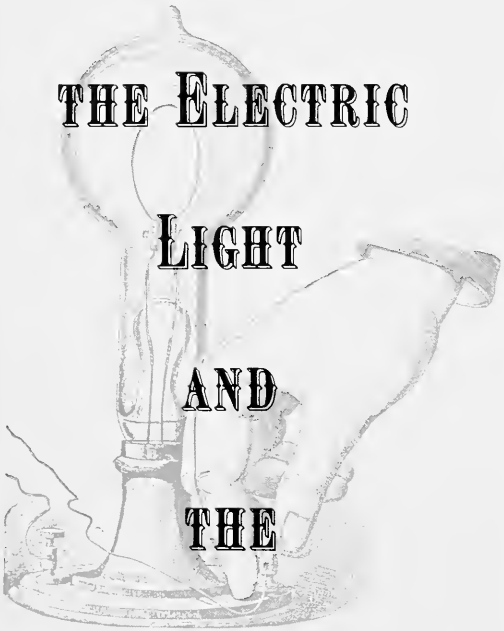
Harry Smith went back to the family farm near Fairmont. Roy Stines worked for the United States Reclamation Service to work on an irrigation project linking the Tieton River in the Cascade Mountains of Washington to the dry bed of the Cowichee River.[26]

When his father, Shelley Stines, and other relatives, organized the Bank of Fairmont, Roy returned to Nebraska to become cashier of the bank. He married Blanche Lewis and settled down to the life of husband, father, and small town banker. Through the years, the two cousins spent many hours reminiscing about their youthful adventures.

Roy once remarked, "I never hear a train whistle that I don't want to get on it and head west."

1. David J. Wasden, *From Beaver to Oil,* (Cheyenne: Pioneer Press, 1973), pp. 238-9.
2. Val Kuska, "The Burlington and Big Horn Basin," paper, 1959, Nebraska State Historical Society Archives, Lincoln.
3. *Ibid.*
4. Ben F. and Ruth M. Sylvester, *A Man and His College; The Butler-Doane Story,* (Crete, Nebr.: Doane College Press, n.d.), p. 61.
5. *Ibid.*, pp. 72-73.
6. *Ibid.*, p. 76.
7. *The Thermopolis Record,* Sept. 30, 1905.
8. T. A. Larson, *A History of Wyoming,* (Lincoln: University of Nebraska Press, 1965), p. 360.
9. *Record,* April 7, 1906.
10. *Ibid.*, Dec. 1, 1906.
11. *Ibid.*, Jan. 6, 1907.
12. Wasden, p. 239.
13. *Ibid.*
14. Vera D. Sabin, "That Wind River Canyon Job," *Rail Classics,* (January, 1979), p. 20.
15. Wasden, p. 91.
16. *Ibid.*, p. 24.
17. *Record,* April 13, 1907.
18. Burlington Route, "Big Horn Basin, Wyoming," pamphlet, 1929.
19. *Record,* April 13, 1907.
20. Dorothy Milek, Thermopolis, letter to author, October 1, 1979.
21. Wasden, pp. 287-288.
22. *Record,* Feb. 15, 1908.
23. *Ibid.*
24. Richard C. Overton, *Burlington Route; History of the Burlington Lines,* (New York: Alfred Knopf, 1965), p. 276.
25. Sylvester, pp. 78-79.
26. *Spokesman-Review,* (Spokane, Wash.), Aug. 22, 1909.

Edison, the Electric Light and the Eclipse



By Philip J. Roberts

Thomas Edison conceived the idea of the incandescent light while he was visiting in Wyoming in the summer of 1878. At least that is the legend. The event is proudly advertised on the Wyoming highway map and commemorated by a marker thirteen miles west of Encampment along State Highway 70 in Carbon County.[1] The inscription on the marker reads:

> Thomas A. Edison camped near this spot in 1878, while on a fishing trip. It was here that his attention was directed to the fiber from his bamboo fish pole which he tested as a suitable filament for his incandescent electric lamp. Born February 11, 1847, Died October 18, 1931. Age 84. Placed by the Historical Landmark Commission of Wyoming, 1949.

How a famous inventor camped in the wilds and actually solved a problem that had vexed him after months of experimentation in a laboratory would be an excellent argument for the value of wilderness as well as a good story.[2] Unfortunately, the story cannot be proven and, in fact, evidence seems to disprove it.

Although the originator of the story cannot be determined, the earliest written account of the tale is a 1922 article submitted to a company magazine by "an eyewitness" to the events described. The writer, R. M. Galbraith, was a retired Union Pacific Railroad employee who had written the article more than forty years after the Edison trip had been made. Galbraith, then living in Pine Bluff, Arkansas, wrote Howard Elliott, the editor of the *Union Pacific Magazine,* a cover letter along with the eight-page account of the Edison fishing expedition. "I did not return from my Western trip until about a week ago, hence my seeming delay in complying with your request that I write something that might be of interest to the readers of your valuable magazine," Galbraith wrote.[3] While it is clear that Elliott solicited the manuscript, there is no evidence that Elliott knew earlier about the Edison portions. Curiously, the Galbraith account makes no mention of the fishing pole and the bamboo filaments:

> After we had been there about three days, one morning at the breakfast table, Edison was asked by Professor Barker, "Well, Tom, how did you rest last night?" "Well," he said, "I wasn't thinking about resting. I lay and looked up at the beautiful stars and clear sky light, and I invented an incandescent electric light."[4]

An examination of newspaper reports of the time, biographical material on Edison and recollections of contemporaries fail to authenticate the Galbraith story. What does appear, however, is an interesting and engaging tale of how a famous inventor came West in the name of science, stayed on to enjoy his first vacation in over sixteen years and returned East refreshed and prepared to continue experimentation with electric lighting.

Edison was already a famous inventor when he was visited by his friend Professor George F. Barker in his

Menlo Park, New Jersey, laboratory one spring day in 1878. Barker, a professor of physics at the University of Pennsylvania, planned to participate in an expedition to view a total solar eclipse that summer and he invited Edison to join the party.[5] Henry Draper, professor of chemistry at New York University Medical School and pioneer astronomical photographer, was organizing the trip.[6]

Although Edison had not had a vacation from his laboratory in many years, he agreed to join the expedition only after he saw it as an opportunity to test one of his latest inventions. The device, a tasimeter, was designed to measure minute changes in temperature down to one-millionth of a degree Fahrenheit.[7] It was popularly reported that if a man smoking a cigar entered the room where a tasimeter was placed, the invention would recognize the temperature change in the room.[8] An eclipse would be a perfect phenomenon during which the device could be tested, Edison believed.

Astronomers had calculated the "line of central eclipse" as running from the Bering Strait, British Columbia, Wyoming, Texas and into the Gulf of Mexico.[9]

Parties of astronomers from around the world chose viewing locations along the arc. Some went to Denver, Pikes Peak and Santa Fe. Draper picked the decade-old railroad town of Rawlins, Wyoming, for his eclipse headquarters. Only 600 people lived in the frontier town.[10]

After several weeks of preparation, Edison and the Draper party left New York on July 13 at 8:30 p.m. A New York newspaper reported that the party left that Saturday evening from Pennsylvania Station bound for Chicago. "The Pennsylvania, the Chicago and Northwestern and the Union Pacific Railroads and the American Express Company have granted the most liberal terms to the party," the newspaper reported.[11] A front page article in the same paper mistakenly listed Edison's destination for the eclipse as "Nevada" but the inside page item read: "Prof. Henry Draper's solar eclipse expedition left New York for Rawlins, Wyoming Territory. . . ."[12]

The party changed trains in Chicago where Edison spoke with the local press. In Omaha he received a note from the Union Pacific Railroad's superintendent of telegraphy to: "Please permit him (Edison) and members of his party to ride on the locomotive or where else they may desire."[13]

Five days after leaving New York City, the party passed through Cheyenne. "I am on my way to Rawlins to witness the eclipse of the sun, test my new tasimeter, and shall then go to the Yosemite Valley," Edison told a local reporter. "I shall be gone altogether six weeks. This is my first vacation in 16 years, and I have worked hard during that time as you know."[14]

The Cheyenne newspaper noted that the thirty-one-year-old inventor already had 158 inventions to his credit and would be returning "to visit some of the principal places of Colorado" before returning home late in the summer.

Later that evening (Thursday, July 18), the party stopped briefly at Laramie. Edison was met at the station by the telegrapher at Wyoming station, twelve miles north of Laramie. The telegrapher, Johnny Allyn, had written to Edison four months earlier "believing you to be one T. A. E. who I learned telegraphing with when a small boy at Detroit, Mich., some fifteen or twenty years ago."[15] The brief reunion elicited mention in the *Laramie Daily Sentinel:*

> During the few moments the train stopped here last evening we had an introduction to Professor Edison, the great inventor . . . He met here his old chum Johnny Allyn of Wyoming Station. He and John were office boys together in their younger days and Edison seemed as pleased to meet him as if they had been brothers.[16]

The special train, loaded with astronomers, scientists and their equipment, arrived in Rawlins late that night. Edison and his party may have stayed at a Rawlins hotel. One biographer incorrectly states that he stayed in the only hotel in town. The Wyoming Census for 1880 lists two such establishments there.[17] Nate Craig, a telegrapher in Rawlins, recalled some years later that Edison simply boarded at the hotel. Craig quotes Edison: "We have a special car down there, on the side track, piled full of luggage and traps, in which we can sleep, while we can board at the hotel."[18] Lillian Heath Nelson, then a child of ten, recalled almost seventy years later that Edison lived at the "Rawlins House, Larry Hayes' Hotel" throughout his stay in town.[19]

Edison recounted the facts of his "first night in Rawlins" some twenty-eight years later. The story had never before been recorded:

> After we retired and were asleep a thundering knock on the door awakened us. Upon opening the door a tall handsome man with flowing hair dressed in Western style entered the room. His eyes were bloodshot, and he was somewhat inebriated. He introduced himself as "Texas Jack"—Joe Chromondo [sic]—and said he wanted to see Edison as he had read about me in the newspapers . . . Jack explained that he had just come in with a party that had been hunting, and that he felt fine. He explained, also that he was the boss pistol shot in the West; that it was he who had taught the celebrated Dr. Carver how to shoot. Then suddenly pointing to a weather vane on the freight depot, he pulled out a Colt revolver and fired through the window, hitting the vane. The shot awakened all the people and they rushed in to see who was killed. It was only after I said I was tired and would see him in the morning that he left.[20]

Texas Jack's complete name was John Omohundro. Born in Virginia in 1846, he became famous first as a scout for the army at Fort McPherson and later as a guide for hunting parties in the West. In 1873 he toured

the East with William F. Cody (Buffalo Bill) and his Wild West Show. The next year he was guiding the Earl of Dunraven to Yellowstone. Ned Buntline wrote a "dime novel" featuring his exploits as an army scout. He was popularly billed as "the first man to lasso an Indian on the American stage."[21]

According to newspaper accounts, the Edison-Texas Jack meeting could not have occurred the first night Edison was in Rawlins. The *Laramie Daily Sentinel* noted on July 24, 1878, that: "John Omohundro (Texas Jack) went up to Rawlins last night with a party of friends, on a fishing and hunting expedition."[22] Edison had been in Rawlins as long as three days before Texas Jack's departure from Laramie. The inconsistency may be explained by the fact that "Edison told the stories primarily for their effect, not their accuracy. He had little interest in dates, a bad memory for figures, a great capacity for generalization, a history of inconsistency and a penchant for exaggeration."[23] Given the circumstances of his stay and the newspaper accounts of Texas Jack's itinerary, it is more probable that the incident occurred, not during Edison's first visit to Rawlins, but later in the summer.

If the Texas Jack tale is apocryphal or misstated as to time, it is certain that Edison received a pass from the railroad superintendent the day after his arrival in Rawlins allowing him free passage "between Ft. Steele and Creston good for 12 days" (until July 31).[24]

That same day he and other members of the Draper group visited with local people in order to find a suitable place for a headquarters. Craig recalled that when Edison asked him about quarters, he "hunted up a railroad man whose family had gone East on a visit and asked him if he could use his house. He said that we could use the whole house if we wished, and gave me the keys."[25] The railroad man was R. M. Galbraith, a railroad master mechanic who had lived in Rawlins for almost four years.[26] "The only place for people to stop was a railroad hotel at that time," Galbraith wrote years later, "and my wife being away from home, I turned my house over to Professor Draper, Mr. and Mrs. Watson, and Mr. Edison. They made the kitchen their laboratory for a week."[27]

Meanwhile, scientific expeditions continued to pass through on the Union Pacific to points further west. A day behind Edison, an expedition led by scientist Simon Newcomb and listing among its six members the chief of the Naval Observatory in Washington, D.C., and a well-known telescope manufacturer, went through Laramie and Rawlins to Creston, "a place with no population."[28] The party included Commander W. T. Sampson, who 20 years later would become a hero in the Battle of Manila Bay in the Spanish-American War.

The Newcomb group was just one of five government-financed expeditions sent west to view the eclipse. Another group, led by Professor William Harkness, set up their instruments in Rawlins near the headquarters of Draper's privately financed operations.[29] Other government scientists were preparing observations at Fort Lyon, Pueblo, and Central City, Colorado. Private-

Larry Hayes' Rawlins House hotel. Mrs. Hayes is pictured at left. Date of this photograph is unknown.

WYOMING STATE ARCHIVES MUSEUMS AND HISTORICAL DEPARTMENT

WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

Edison (second from right) and the Draper party stand in front of Galbraith's chicken house converted into the eclipse "laboratory."

ly financed observations were being readied in Texas, Santa Fe, New Mexico, Idaho Springs and LaJunta, Colorado, and Virginia City, Montana. A Princeton University team was at Camp Nassau, near Denver, with several Columbia and Vassar scientists. Professor S. P. Langley and a party from Allegheny Observatory in Pennsylvania, worked with U. S. Signal Corps crews on Pike's Peak.[30]

Preparations for the experiments planned by the Draper group took a variety of forms. Draper's own experiment relied on photography. "Fortunately, the water at Rawlins is suitable for photographic purposes, being brought from the granite hills three miles to the north by wooden pipes four inches in interior diameter," a New York newspaper reported.[31] Edison was busy helping Craig take the "roof off a chicken house to arrange a setting for (the tasimeter)."[32] This "observatory," measuring "sixteen feet long, with photographic building attached," was located to the east of the Galbraith house, the site apparently chosen because of the strength of the prevailing west winds.[33]

Newspaper readers were kept abreast of "Professor Edison's" progress. His constant communication with his chief assistant at the Menlo Park laboratory also drew press mention: "They talk business with each other every day over the wire."[34]

It wasn't just the preparations for the experiments or the communications with the Menlo Park laboratory that occupied Edison's time. One morning he noticed some antelope near town and expressed the desire to shoot one. After practicing his marksmanship (apparently with a Winchester purchased for him by the railroad superintendent for $35 in a Laramie store on July 20),[35] he participated in two unsuccessful early morning hunts. Edison "gave up until after the eclipse."

The list of items purchased in Laramie, however, indicate that he was planning to fish as well as to hunt. Along with the Winchester, 250 cartridges, a gun cover, and belt, were added a $5 fishing pole, a $5 "real," a $2.75 basket, $2.50 worth of line and a fly book for $2.50. Included on the bill is $3 for two dozen "fly's."[36]

Although his presence in Wyoming was apparently well known, records show only one request for an interview from a Wyoming citizen. The letter, dated July 21 and sent to Edison at Rawlins, was written by John Jarvie, a thirty-five year old Scottish-born saloonkeeper

WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

Front Street, Rawlins, as it appeared a year after Edison's visit.

from Rock Springs. "What opportunity is there for me to see you?" the letter asks.[37] There is no record of the reason for the request, whether Edison responded or whether a meeting was ever arranged.

Another pre-eclipse request, however, came from the *Rocky Mountain News* editorial department. It was more specific. "We would like a report of your observations on Monday for publication the following day and will be very glad to have you transmit by telegraph (at our expense) as early Monday evening as convenient," the July 27 letter reads.[38]

The *News* as well as newspapers from New York and Wyoming, had been attempting to explain the eclipse phenomenon in their pages the entire week.[39] The scientists were poised and the public and press were interested in what would be found during the complete eclipse of the sun set to begin in the early afternoon of Monday, July 29, 1878.

The eclipse came as expected shortly after 2 p.m. on July 29, 1878.[40] The sky above Rawlins was clear and perfect for making solar observations from Galbraith's chickenhouse/laboratory.

One Edison biographer wrote that the wind was a serious problem. "A storm arose, and the shelter began to disintegrate while Edison struggled to level a telescope at the sun and hold on to his other instruments."[41] A Laramie newspaper, however, indicates it was less a storm than a normal Wyoming summer afternoon wind: "Not a cloud obscured the heavens and the air had that clear deep blue which is found nowhere else but in a mountain region. A rather stiff breeze of wind prevailed, but did not at all interfere with their operations."[42]

A dispatch published in the *New York Daily Tribune* the day after the eclipse affirms the Laramie report: "The weather here today was fine, the sky clear, and the observations a perfect success."[43]

The weather was clear throughout the area of maximum eclipse with the exception of Denver where it was partly cloudy. People anticipating the view of the partial eclipse in New York City were disappointed by heavy cloud cover, making the eclipse "a total failure."[44]

Edison's tasimeter failed to work properly. The index capacity of the device proved to be insufficient to measure the extreme heat of the sun. The *Laramie Daily Sentinel,* however, termed the experiment "extremely sucessful," the report adding that "it proved the existence of heat in the corona."[45] The *New York Daily Tribune* was similarly positive although the *Cheyenne Daily Sun* confirmed that the experiment was indeed a total failure.[46] Edison wrote of the experiment in his notebook: "No results."

Henry Draper, the expedition leader, made photographic negatives of the eclipse and surrounding areas of the heavens. These were some of the earliest photographs ever taken of eclipse effects.[47]

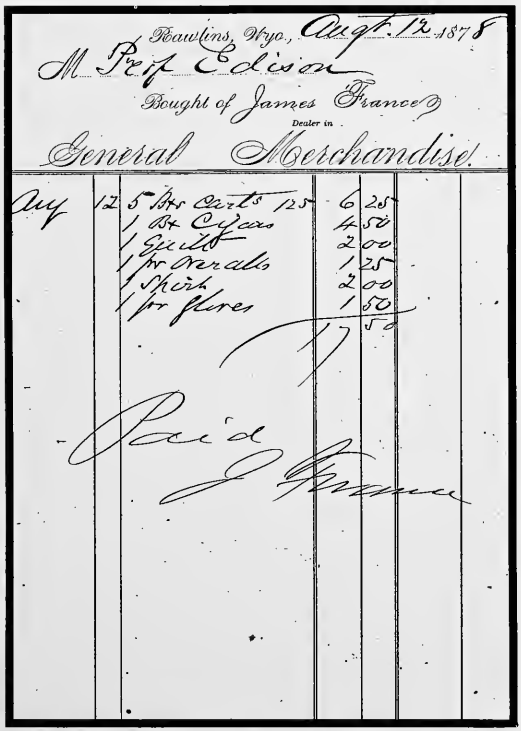
Other scientists reported successful sunspot observations. World famous astronomer J. Norman Lockyer "is greatly surprised at the difference of eclipses occurring in different sun-spot periods and at the intimate relation of the brightness of the Corona to sun spots," the *Cheyenne Daily Sun* reported. The *New York Daily Tri-*

bune reported that the Newcomb party's experiments were all successful.[48]

James Watson, one of the best known astronomers of the period, received a great deal of press attention. The University of Michigan professor had viewed eclipses in Iowa in 1869 and Sicily in 1870 and during the Wyoming eclipse, he claimed to have discovered another planet. "He found the lost Vulcan," according to the *Laramie Daily Sentinel.* The 240-pound scientist's "discovery" was later disproven.[49]

"Most of the scientific parties returned east today," the Laramie newspaper reported the next day. "Professor Edison left Rawlins for the Pacific Coast this morning," it continued.[50] This is contrary to the recollections of three men who wrote about the Edison visit years later. Nate Craig, the telegrapher, recalled organizing a hunt for Edison and Draper immediately after the eclipse. Not only was Edison traveling west the next day but Draper had already left for the East, making Craig's story suspect.[51]

The newspaper reports appear to contradict two other accounts as well. John Jackson Clarke, who served as station agent at Red Desert at the time, wrote in 1929: "The eclipse over and everything packed for departure,


Rawlins, Wyo., Augt. 12 1878

M. Prof. Edison

Bought of James France

Dealer in

General Merchandise.

Aug	12	5 Yds Cart$	125	6 25
		1 Bx Cigars		4 50
		1 Gun		2 00
		1 pr Overalls		1 25
		1 Shirt		2 00
		1 pr Shoes		1 50
				17 50

Paid

J. France

EDISON NATIONAL HISTORIC SITE

Receipt for goods purchased for the Battle Lake expedition.

science relaxed its austerity and devoted a day to a general hunt."[52]

Railroad mechanic Galbraith wrote: "After the eclipse left there, Prof. Barker and Thomas A. Edison expressed the desire to go out on a hunting and fishing trip and I got up a party and equipment."[53]

Edison still had two days left on his free railroad pass when he and Barker left Rawlins. They arrived in San Francisco in mid-week and on Saturday (August 3), traveled to Yosemite Valley to vacation.[54] The following Wednesday the two scientists stayed at the "Mariposa Big Tree Hotel" in Big Tree Station, California, and visited the Mariposa Grove of Giant Trees.[55]

On August 9 Edison and Barker were in Virginia City, Nevada, where Col. Joseph G. Fair and W. H. Smith guided them through the mines after George S. Ladd, president of the Gold and Stock Telegraph Company in San Francisco, requested that the inventor be given the tour. As a result Edison developed a crude method of finding ore with electricity. His discovery, however, was not commercially feasible at the time.[56]

Meanwhile, press reports continued to extol the wonder of the electric arc lights displayed at the Paris Exposition earlier in the summer. While Edison was in California, the *Cheyenne Daily Sun* published a report that a patent had been granted to William Sawyer for a "system of dividing a current of electricity." The article said carbon was the best material to use:

> If a current of electricity is made to pass through a very small piece of carbon, the size of the lead of a pencil, an intense light is given forth for a few seconds. Then the oxygen of the air enables the heat to burn up and destroy the carbon. The only way is to keep the carbon in a vacuum or in perfectly pure nitrogen.[57]

The article added that Sawyer had accomplished the feat. Certainly, Edison in San Francisco at the time was well aware of the developments, particularly since he kept in touch by telegraph with his Menlo Park laboratory. He continued his vacation trip as scheduled.

While he was in Virginia City, Edison apparently telegraphed Galbraith in Rawlins, asking if a fishing trip could be arranged. Galbraith returned the two-word reply, "All right."[58]

Edison and Barker arrived back in Rawlins on August 12, thirteen days after their first visit had concluded. The newspaper in Laramie reported:

> Today Prof. Edison, Captain Thornburg, commanding Fort Steele, R. M. Galbraith, Division Master Mechanic of the Union Pacific in Rawlins, Division Superintendent Ed. Dickinson and A. T. Wilkins, clerk in the Locomotive Department, Union Pacific of this city [Laramie], left Rawlins on a grand fishing tour on the Big Muddy, seventy miles south of that place.[59]

The paper printed a correction the next day, however: "Prof. Edison and Barker did not arrive in Rawlins until this morning, where they found a team in waiting and left at once to join the fishing party to Big Muddy."[60]

Edison purchased several items from James France's general merchandise store in Rawlins before he joined the group. Included were five boxes of cartridges, a box of cigars, a quilt, a pair of overalls, a shirt and a pair of gloves.[61]

The entire expedition from Rawlins to Big Muddy and back lasted from August 13 until August 19. Post Returns for Fort Steele show that Major T. T. Thornburg who accompanied the Edison party, was on detached service from "12th to 19th Aug. 1878."[62]

Little reliable information about the six-day fishing trip is known. Craig, who was not on the trip, recalled in 1927 that Tom Sun guided the party. Further, he declared that he couldn't remember the names of anyone else in the party except Edison and *Dr. Draper.* Sun is unlisted in any other account and Draper had long since departed for the East.[63]

Lillian Heath Nelson, in an interview made more than seventy-five years after the event, recalled her father's part in the trip, incorrectly stating he arranged the expedition.

> They went by horseback and buckboard to Saratoga and Encampment then in to Battle Lake . . . There was a little cabin on the shore of the lake with the floor covered two inches deep with the debris from porcupine. Papa cleaned it out and Edison slept there . . . The group camped out a week or better and one morning Edison said to Papa; "I think I may have an idea for an incandescent light." Papa said: "Well, follow through with it." Papa corresponded with Edison for a long time after that.[64]

Galbraith's account of the participants is at some variance:

> After the Eclipse Expedition left there, Professor Barker and Thomas A. Edison expressed the desire to go out on a hunting and fishing trip, and I got up a party and equipment. The party consisted of Edison, George F. Barker, Major Thornberg [sic] commander at Fort Steele; J. M. Bennett, superintendent of bridges and buildings; Edward Dickinson, superintendent of Wyoming Division; J. H. McConnell, master mechanic of Platte Division; Marshall Fox, reporter for the New York Herald, and myself with William Heath, artist and cook; Joseph B. Rankin as scout, a couple of soldiers to handle the pack horses and "Russian Ned" with a six-horse team to haul the dunnage.[65]

Galbraith gives the itinerary as south from Rawlins to the Sierra Madre Range, taking the Cherokee trail to Jack Creek and Calf Creek, and then to Battle Lake. He then gives the description of the conversation, previously quoted, between Barker and Edison at the breakfast table.

From there on Galbraith's account breaks down. He contends that Fox sent a story about Edison's description to the *New York Herald* and as a result, "both he and the associate editor came near losing their positions for publishing such rot."[66] The record shows talk of an incandescent light was far beyond that stage. Certainly, the article that appeared in the *Sun* the week before was discussed by the scientists. Perhaps Galbraith was unfamiliar with the developments and, therefore, misunderstood the drift of the conversation or Edison was, in fact, boasting. Fox and his paper embarrassed themselves the following April by printing the fact that Edison had perfected an incandescent light in an article entitled, "The Triumph of the Electric Light."[67]

There is no record of Edison's remark at Battle Lake, except for this 1922 recollection of Galbraith. During the intervening forty-four years, there is not a single reference to such an "event."

The story later propounded that Edison had invented the light bulb by noticing the frayed ends of his bamboo fishing pole glow in the fire is even easier to discount. If such a discovery were made at Battle Lake, why did it take Edison thirteen months before he came upon a material that was suitable for the filament in the bulb? And the material wasn't bamboo. It was carbonized cotton thread. The improved bamboo filament was not "discovered" until April or May of 1880 after 6000 other vegetable materials had been tried.

Galbraith's worst error, however, is his "recollection" about Major Thornburg. He quotes the major:

> "Gentlemen, this is very serious news. The Ute Indians have broken out at the White River agency and have killed Meeker, the Indian agent, and all of the white men connected with the agency, capturing Mrs. Meeker, Josephine Meeker and Mrs. Taylor. I am ordered to go at once in pursuit of them. So I will leave you here, and I would advise that the party break up and follow me, as they are not a great distance from Battle Creek, their favorite hunting ground."[68]

Unfortunately, the events Galbraith described did not occur until a year later—September, 1879. Galbraith concluded his recollections with the statement that Thornburg was killed just a week later. The fact is that Thornburg returned to Fort Steele after the hunt and left the next month for Sidney, Nebraska, on official business. He returned to Fort Steele later that fall and commanded the post until July 30, 1879. On that date he was sent on detached service and on Sept. 21, took command of the White River Expedition. He was killed September 29, 1879—one year, one month and ten days after Edison had left Wyoming for the final time.[69]

The *Laramie Sentinel* reported Edison's return to Rawlins on August 19, 1878. "They had a very pleasant hunt and fish, killing many elk, deer, antelope, etc., and bagging about 3,000 trout. Messrs. Edison, Barker and McConnell left for the east on No. 4."[70]

Edison and Barker were in Chicago on the 21st and then went to St. Louis where the American Association for the Advancement of Science was holding its annual meeting.[71] Four days later he returned to Menlo Park and the laboratory work that awaited him in his search for the incandescent electric light. Thomas Edison never returned to Wyoming.

1. "Battle Lake—on its shores in 1878, as a member of the Henry Draper Eclipse Expedition Thomas A. Edison aided by the

frayed ends of his bamboo fishing rod conceived the idea of a non-conducting enduring carbon filament resulting in the later perfections of his incandescent electric lamp." Legend on Wyoming Highway Map, 1978.

2. Philip White, writer and attorney, researched the legend intending to illustrate from it the value of wilderness on the American mind. He found that the "invention in the woods" story was too inconclusive to prove. Interview, Febr. 13, 1979.
3. Galbraith to Elliott, July 20, 1922. Manuscript Collections, Historical Research and Publications Division, Wyoming State Archives, Museums and Historical Department. Galbraith was in the banking business in Arkansas. He had left Wyoming in 1890, shortly after he and five other prominent men were implicated in the lynching of Jim Averill and Ella Watson (Cattle Kate).
4. "With Edison on Union Pacific When Incandescent Light Was Invented," *The Union Pacific Magazine,* September, 1922, p.4.
5. George F. Barker (1835-1910) was graduated from Yale in 1858. He served for twenty-seven years as professor of physics at Pennsylvania. The editor of numerous scientific publications, he was acknowledged expert chemist, toxicologist and electrician. He was the first American to show the radioactive nature of radium. Allen Johnson, Ed., *Dictionary of American Biography,* Vol. 1 (New York: Scribner's, 1956), p.601.
6. Henry Draper (1837-1882) received his M.D. degree from the University of the City of New York in 1858, served as professor of physiology and analytical chemistry at his alma mater until his death. In 1874 he organized a government expedition to view the planet Venus. He frequently joined friends for hunts in the Rocky Mountains during summer vacations. *DAB,* Vol. 5, p.435.
7. Three biographies of Edison are cited in this paper. The best and most recent is: Robert Conot, *A Streak of Luck: The Life and Legend of Thomas Alva Edison* (New York: Seaview Books, 1979). Others are: Matthew Josephson, *Edison—A Biography* (New York: McGraw-Hill, 1959); and Ronald W. Clark, *Edison: The Man Who Made the Future* (New York: G. P. Putnam's Sons, 1977). All three make serious errors, however, in their discussions of Edison's western trip.
8. *Cheyenne Daily Leader,* July 19, 1878, p.4.
9. The complete eclipse was the last viewed in the West for many years. The most recent total eclipse visible in the West was on Febr. 26, 1979. The next one will appear on Aug. 21, 2017.
10. *1880 Census for Wyoming.* Manuscript collections, Wyoming State Archives, Museums and Historical Department.
11. *New York Daily Tribune,* July 15, 1878, p.1.
12. *Ibid.,* p.5.
13. J. J. Dickey to Division Superintendents and Train Dispatchers, Manuscript collections, Edison National Historic Site, New Jersey.
14. *Cheyenne Daily Leader,* July 19, 1878, p.4.
15. Allyn to Edison, Edison National Historic Site collection. Allyn wrote to Edison on two later occasions. In 1879, he wrote advising Edison of the absence of platinum mines in Wyoming: "Fact I don't believe there is a cent in mines in Wyoming in the average and if you hear any one praising the country for anything more than a good stock country call him bad names or anything else." Allyn to Edison, July 30, 1879. The only other recorded correspondence is a request from Allyn for Edison to examine rock specimens for metal concentrations. The notation at the bottom of the letter in Edison's hand says: ". . . send heavy matter to me by mail will assay."
16. *Laramie Daily Sentinel,* July 19, 1878, p.4.
17. Josephson, p.175. The 1880 Wyoming Census lists two hotels in Rawlins by that year. The *New York Daily Tribune,* August 13, 1878, p.5, reports: (Rawlins has) "two hotels, one of which is excellent; several good stores, one of which would do credit to a large eastern city; two churches; a schoolhouse and a jail; several saloons in which, though there is much drinking, there is but little drunkenness; several neat villas for prominent citizens and a still larger number of miserable shanties for the accommodation of the poor Swedes and Irish who have made their homes here."
18. Nate Craig, *Thrills 1861-1887* (Oakland: privately printed, n.d.).
19. Lillian Heath Nelson interview, Manuscript Collections, Wyoming State Archives, Museums and Historical Department, unnumbered.
20. Frank Lewis Dyer and Thomas Martin, *Edison: His Life and Inventions* (New York and London: Harper and Brothers, 1910), quoted in Clark, p.85.
21. Malvern Hill Omohundro, *The Omohundro Genealogical Record* (Staunton, Virginia: McClure Printing Co., 1950-51), p.521. Omohundro was born July 26, 1846, in Virginia and died of pneumonia on June 28, 1880, at Leadville, Colorado. The "Texas Jack Association" held a memorial service for him at the Tabor Opera House in Leadville June 28, 1980, 100 years to the day after his death.
22. *Sentinel,* July 24, 1878, p.2.
23. Conot, p.464.
24. E. Dickinson to "Conductors, Laramie Division," July 19, 1878. Edison National Historic Site collection.
25. Craig, p.32.
26. "With Edison on the Union Pacific . . .", p.5.
27. *Ibid.,* p.25.
28. *New York Daily Tribune,* Aug. 13, 1878, p.5. "Few towns are less desirable places of abode than Creston and Separation; the tourist who goes either will find that they are names and little more, and he will fare badly unless he carries his own provisions along with him. They cannot even pretend to the dignity of a city, which can be acquired in the West by any place where there are a cow-house and two saloons . . ."
29. *New York Daily Tribune,* August 13, 1878, p.5.
30. *Ibid.,* July 27, 1878.
31. *Ibid.,* July 26, 1878, p.5.
32. Craig, p.33.
33. *New York Daily Tribune,* July 26, 1878, p.5.
34. *Laramie Daily Sentinel,* July 26, 1878, p.3.
35. Bill of sale, "Ed Dickinson bought of Louis Miller, July 20, 1878," Edison National Historic Site collection.
36. *Ibid.*
37. John Jarvie to T. A. Edison, July 21, 1878, Edison National Historic Site collection.
38. "T. D." to Prof. Edison, July 27, 1878, Edison National Historic Site collection.
39. *The New York Daily Tribune,* July 27, 1878, included a listing of cities around the country and the beginning and ending of the eclipse in each city.
40. *Ibid.,* July 29, 1878, p.1.
41. Josephson, p.176. Clark is descriptive, too: "Every gust rocked the dilapidated chicken house and the vibrations forced Edison constantly to adjust the tasimeter." p.85.
42. *Laramie Daily Sentinel,* July 30, 1878, p.3.
43. July 30, 1878, p.1.
44. *Ibid.*
45. *Ibid.,* p.3.
46. *Cheyenne Daily Sun,* July 30, 1878, p.1.
47. *DAB,* Vol. 5, p.435.
48. For reports of scientific teams see: *New York Daily Tribune,* Aug. 31, 1878, p.3 (Lockyer's report); Aug. 17, 1878, p.7 (Draper's report); and Aug. 26, 1878, p.5 (Edison's report to the American Association for the Advancement of Science); Aug.

21 p.5 (Watson's report).
49. July 30, 1878, p.3.
50. *Ibid.*
51. Craig, p.35.
52. "Reminiscenses of Wyoming in the Seventies and Eighties," by John Jackson Clark. *Annals of Wyoming,* October, 1929, p.229.
53. "With Edison on the Union Pacific . . .," p.25.
54. Chronology, Edison National Historic Site.
55. *Ibid.*
56. Clark has Edison traveling from Rawlins south 100 miles on the railroad which is an impossibility. He also indicates that Edison investigated mines in Wyoming which he did not do. p.86. Reports from contemporary newspapers fill in the chronology given by the Edison National Historic Site. Conot, p.121.
57. *Cheyenne Daily Sun,* Aug. 3, 1878, p.3. A similar report on the "Lontin light" is found in the *New York Daily Tribune,* Sept. 7, 1878, p.6.
58. Edison National Historic Site collection.
59. *Laramie Daily Sentinel,* Aug. 12, 1878, p.3.
60. *Ibid.,* August 13, 1878, p.3.
61. "Prof. Edison bought of James France, Aug. 12, 1878," Edison National Historic Site.
62. Post Returns, January 1878-November 1886, Fort Fred Steele, National Archives, Microfilm copy in the Wyoming State Archives, Museums and Historical Department.
63. Tom Sun was living on the Sweetwater, well north of Rawlins at the time. Craig apparently mistook Sun for Joseph Rankin who guided the group. Craig, p.35.
64. Nelson interview. Researchers at the Edison National Historic Site were unable to locate any correspondence between the two men although it may be in another uncatalogued collection or lost.
65. "With Edison on the Union Pacific . . .," p.25.
66. *Ibid.*
67. Conot, p.143.
68. "With Edison on the Union Pacific . . .," p.25.
69. Post Returns, October, 1879.
70. *Laramie Daily Sentinel,* August 19, 1878, p.3.
71. *New York Times,* Aug. 24, 1878, p.5.

WSHS Annual Meeting

Lander, Wyoming
September 5-7, 1980

Registration for the 27th Annual Meeting of the Wyoming State Historical Society began at 7 p.m., Friday, Sept. 5, 1980, in the Senior Citizens Center in Lander, Wyoming. James K. Adams presented a slide program on "Indian Petroglyphs."

SATURDAY, SEPTEMBER 6, 1980

At 9:45 a.m. President Jim June, called the meeting to order. After his welcome, he thanked the Fremont County Chapter for hosting the convention.

Henry Chadey moved that the reading of minutes of the 1979 annual meeting be dispensed with since they were published in the Fall, 1979, issue of *Annals of Wyoming.* Seconded. Approved.

The treasurer's report was read and approved.

Henry Chadey, chairman of the Constitution and By-Law committee, reported that copies of the revised Constitution and By-Laws had been sent to every society member. He had received comments about it, most of which were favorable. Dr. T. A. Larson wrote that he approved of the Constitution and By-Laws but wished to recommend editorial changes.

Bill Bragg moved that Dr. Larson's housekeeping suggestions be included as amendments. Seconded. Approved.

Motion made by Chadey that the revised Constitution and By-Laws be accepted. Seconded. Approved.

Awards Booklet Revisions Committee

Henry Jensen, chairman of the Awards Booklet Revisions Committee, expressed his appreciation to those responsible for the awards booklet. He mentioned a few of the changes that were made. New awards were added.

Jim June expressed his appreciation to Jensen and the committee for a fine job. Jensen made a motion that the revised awards booklet be accepted. Seconded. Approved.

Ellen Mueller gave the Scholarship and Grant-in-Aid report for Dr. T. A. Larson who was unable to attend the meeting.

Lucille Hicks has completed her "History of Park County." A few pages need to be rewritten and a few minor editorial changes must be made, but the committee recommended that the Executive Committee accept the manuscript as soon as the changes have been made.

Robert Murray has completed his "History of Johnson County." Murray began his project 13 years ago. The result is a comprehensive and well-documented 392-page work which requires some minor editorial changes. The committee recommended final approval by the Executive Committee.

Guy L. Peterson's seven-year-old contract to write a history of Converse County has been canceled by mutual agreement.

John Paige is making satisfactory progress on the "History of Albany County" which he began in February, 1980.

Marion Huseas is making progress on her Grant-in-Aid project to produce a manuscript on "The Social Life at South Pass City 1867-1870." She began her study in June, 1980.

Mueller made a motion to accept the report. Seconded. Approved.

Henry Chadey suggested that the names of completed county histories be published in the "Wyoming History News."

In Dr. Larson's absence Bill Bragg gave the legislative report. Adrian Reynolds, Edness Kimball Wilkins and Dr. T. A. Larson made up this legislative committee. Dr. Larson reported that he and Bill Bragg did all they could for the Historical Division and that Bill Bragg was mainly responsible for getting funding for a new staff position in the division. Bragg made a motion to accept the report. Seconded. Approved.

Sharon Field was unable to attend the meeting and Ellen Mueller gave her cemetery report. "From the beginning of this project I have followed each lead available through correspondence, and sometimes telephone, in order to gain the data needed. This also helped through word of mouth to make the project more available to the public. Some publicity about the project has been helpful to me. My most loyal support and help has come from the people of the State of Wyoming—not one I have spoken to has been critical of the project, and most eager to help whenever they could.

"I have been asked why the filled-out forms have not been coming to Archives at a faster rate—I am certain we cannot expect these forms until late fall at the earliest. Summer work, plus the seeking of these places and data will take up time in each county. After the work in the field is done, the forms will have to be filled out, records checked, and small details gone over once again before they are mailed on to us. Meanwhile I am trying to keep up with the correspondence and questions on my desk!"

Expense Report Sept. 18, 1979 - May 18, 1980

Beginning Balance		$170.00
Postage stamps postcards	$32.00	
Office Supplies envelopes paper file tabs notebooks	$25.72	
Bank Charges check printing	$ 3.76	
Total expense	$61.48	
Balance on Hand		$108.52

Motion made by Mueller that the report be accepted. Seconded. Approved.

Ray Pendergraft reported that 161 people participated in the 1980 trek which started in Worland and went into the Nowood country. A motion was made that Ray Pendergraft be thanked for a well-planned trek. Seconded. Approved.

A motion was made by Henry Jensen that everyone stand in memory of Edness Kimball Wilkins, a great lady of the state and of the society, who passed away on July 15. Seconded. Approved.

President Jim June introduced Dr. Mike Boyle, the new acting director of the Wyoming State Archives, Musuems and Historical Department. Boyle told of the future plans of the department and society. His main concern was that everyone cooperate and get on with plans for a successful department and society.

Dave Kathka, state coordinator for the History Day program, was present to give a report on History Day 1980. He gave the background of the National History Day project. He explained the district contest organization, state contest organization, national contest and funding. Even though this project was late getting started, there were 250 students throughout Wyoming who participated, 24 of whom were winners of the trip to the national contest in Washington, D.C. Kathka said he has great hopes for this project in the up-coming year. He is looking forward to more teacher, student, citizen and organization participation for 1981.

Henry Chadey made a motion that the executive committee of the society study the project to see if it could possibly be combined with the Junior Awards Program of the society. The motion was seconded and approved. Mrs. Clara Jensen asked that the 4th grade students still remain in the society's Awards Program. Kathka made a motion that the National History Day report be accepted. Seconded. Approved.

Ellen Mueller gave a report of the society's financial support and help for 1980. She thanked Bill Barton, Katherine Halverson, Phil and Peggy Roberts for preparing a lunch for the winners on their way to Washington, D.C. She and her husband Fritz also helped prepare the lunch. A motion was made to empower the Executive Board to help finance and support History Day with a substantial increase next year. Seconded. Approved.

A motion was made by Jack Mueller that the Wyoming State Historical Society recess and reconvene as the Wyoming Historical Foundation. Seconded. Approved.

HISTORICAL FOUNDATION

The following report of the treasurer of Wyoming Historical Foundation was given:

Previous Balance		
$1,447.12		
Income		
Memorials	$235.00	
Donations	75.00	

Industrial Donations 82.19
$392.19

BALANCE
$1,839.31

A motion was made that the treasurer's report be accepted. Seconded. Approved.

President Jack Mueller said the purpose of the foundation was to raise money for the society projects to further history. He said that the foundation has not been too active because a definite project had not been decided on. He stated that the foundation needed ideas for projects, memorials and donations. There are many organizations to contact for contributions when a project has been established. A suggestion was made that leaflets be printed to explain the function of the foundation.

The terms of two members of the Historical Foundation Board have expired. A motion was made by Henry Jensen that Dave Kathka and Ray Pendergraft be nominated for the Board. Seconded. Approved.

Dave Kathka and Ray Pendergraft were appointed for three-year terms. Bill Bragg, president of the society, and Mike Boyle, acting executive secretary for the society, are ex-officio members of the Historical Foundation Board.

Mueller made a motion that the foundation adjourn and the society meeting reconvene. Seconded. Approved.

President Jim June welcomed the Friends of Old Fort Bridger into the society. They are a new chapter.

President June asked for volunteers and nominations for next year's Nominating Committee. Al Muller, Torrington; Bill Duncan, Lander; and Irene Brown, Jackson were nominated. A motion was made that the slate be accepted and an unanimous ballot be cast for them. Seconded. Approved. Irene Brown was appointed by the president as chairman of the committee.

Bill Bragg, 1st vice president of the society, reported that there were 1,526 active members of the Wyoming State Historical Society. He announced that his project for the year of 1980-1981 would be to increase the membership of the society. He suggested a contest, the rules for which would be set by the Executive Committee.

Bragg made a motion that only members of the society attend the annual trek. Seconded. Approved. Those who take guests will have to pay the membership fee before going on the trek.

The members of the Awards Committee were asked to notify award winners prior to the presentation, giving them enough time to plan to attend the banquet to receive these awards. An invitation for the 1981 annual meeting was extended by the Natrona County Chapter and accepted by the membership. The 1981 annual meeting will be held at the Ramada Inn, Casper, Wyoming, Sept. 11-13, 1981.

President Jim June invited Mark Junge of the Wyoming State Recreation Commission to say a few words. Junge mentioned some of the problems between the two state agencies in the last two years.

Mike Boyle was asked to speak. Boyle made a few comments about Mark Junge's speech. Boyle said there were some problem areas that had become very apparent and he suggested that everyone think hard as to what the state is doing, as a government, about its history. Boyle said that this is an area in which the Wyoming State Historical Society should be interested.

Julia Yelvington, state deputy archivist, Archives and Records Division of the department, spoke on the National Historical Publications and Records Commission.

Yelvington explained that much of Wyoming's History is in its records, manuscripts, diaries and newspapers. This committee obtains national funds to be given to the states for grant proposals to help them preserve the records of their people.

Reports from 12 local chapters were read. Motion was made to adjourn at noon. Seconded. Approved.

SATURDAY LUNCHEON AND TREK

Following the business meeting, a lunch of chicken and rice was served in the Senior Citizens Center. Tour guides Earl Kelly and W. L. Duncan then led the party to the Fort Washakie area including visits to the graves of Chief Washakie and Sacajawea, the Richard Greeves Art Gallery, Roberts Mission and Fort Washakie.

SATURDAY BANQUET

A no-host hospitality hour was held before the banquet at the Lander Shrine Club. After a prime rib dinner, Henry Jensen, master of ceremonies for the evening, introduced the past presidents in attendance.

Historical awards were presented by Don Hodgson, chairman of the Awards Committee. Publication Awards for non-fiction books went to Beryl Gail Churchill and Virginia Huidekoper. Honorable mention awards in this category went to Bill Bragg and Mae Urbanek.

The Publications Award for book, biography or autobiography was given to Ann Bruning Brown, Gilberta Bruning Hughes and Louise Bruning Erb. Honorable mention in this category went to Mabel Radcliffe.

Publication Award for newspapers/editors was presented to Ken Smith, editor of the *Green River Star.* Honorable mention in this category went to Steven W. Schenk and Gretchen Berning, editors of the *Thermopolis Independent Record.*

Publication Award to author of a series of articles in Wyoming newspapers was presented to Beryl Gail Churchill. Honorable mentions in this category were given to

Annie Jones and Mary Hanssen.

Other awards and their recipients were:

Publication Award for Newspaper and Periodicals (author of a series relating to Wyoming history which appeared in magazine or newspaper published outside of Wyoming)—Barbara Ketcham.

Publication Award for Periodicals (author of articles appearing in a magazine published in Wyoming)—Mrs. Verna Davis.

Activities Award—Teton County Historical Society for their project, an adult education class on Jackson Hole history.

Activities Award (for a group)—the Hot Springs County Pioneer Association for promoting the local county's museum's activities.

Activities Award (for an individual)—Earl Varney for promoting activities of the Hot Springs County Museum.

Wyoming History Teacher Award—Helen R. Schroeler of Southside Elementary School in Worland.

Cumulative Contribution Award—Ellen Mueller for "her outstanding work and contributions to the State Historical Society as well as to her own county chapter."

Young Historian Award (Junior High School)—First place winner of $50—Michele Salzman, Worland Jr. High; second place winner of $35—Jalaire Kimzey, Worland Jr. High.

Young Historian Award (Senior High School)—First place winner of $50—Jenny DeBolt, Torrington Senior High; second place winner of $35—Jeff Jones, Huntley High School; third place winner of $25—Robin Lippincott, Huntley High School.

Audio-Video Award (Professional)—KTHE Radio Station in Thermopolis for promoting the county museum and for a weekly service program called "Museum Memories."

Audio-Video Award (Non-Professional)—Denice Wheeler of Uinta County for a series of weekly programs "Our Pioneer Heritage." John Bonar, Natrona County for "Someone Special," a series of over 50 vignettes about Wyoming personalities which he produced and were broadcast by radio station KTWO, Casper.

Fine Arts Award (Painting)—Richard Scott, Jim Davis, Carol Kerley. Honorable mention—Bernice Bosch, E. Riley Ecton and Vonnie Harnden.

Fine Arts Award (Music)—Ray Pendergraft for his country song, music and lyrics, "Washakie - And Blue Wyoming Skies."

The L. C. Bishop Award—Mark D. Badgett of Sheridan for recording and preserving the history of the Bozeman Trail in Wyoming.

The speaker of the evening, Dr. David Raynolds, who spent many years with the State Department, spoke on "In Search of Heroes."

Henry Jensen announced the officers for 1980-1981:

Bill Bragg, President
Don Hodgson, First Vice President
Clara Jensen, Second Vice President
Ellen Mueller, Secretary-Treasurer

Jim June presented the gavel to Bill Bragg and wished him "a most successful year" as president. Mr. June then gave a short speech which summed up his year as president. Bill Bragg gave the President's Certificate of Appreciation to Mr. June.

SUNDAY, SEPTEMBER 7

After a ham and egg breakfast at the Senior Citizens Center, many members toured the historic gold mining town of South Pass City.

BOOK REVIEWS

John Selman, Gunfighter. By Leon Claire Metz. (Norman, University of Oklahoma Press, 1980). Index, Bib., Illus., 254 pp., $6.95.

This book is the second edition of the author's original 1966 work on John Selman, Texas gunfighter.

This reviewer's interest in John Selman became acute when he was offered two of the famous firearms pictured in the book, one being Selman's Colt used to kill John Wesley Hardin and the other having been carried by Hardin. Almost every question this reviewer had and that you might have about Selman and his shadowy life is answered in this well-researched book.

Selman, of course, is best remembered, if not loved, for ending the life of one of the West's most notorious outlaws, John Wesley Hardin, in El Paso, Texas, in 1895. But this book goes much further than a discussion of the Hardin affair. It shows both sides of John Selman in an unbiased, factual way and describes a good many other interesting anecdotes in the life of Selman from his Civil War service to his escapades in Texas and New Mexico.

While he did serve at times in various capacities as an officer of the law, his life story leaves little doubt in the mind's eye that here was basically a cold-blooded, vicious socio-path. Estimates of the number of men who fell to his guns are between 25 and 30, and he was called a rustler, murderer, deserter, and robber. Interestingly enough, he was never convicted of a crime, witnesses not appearing or having conveniently moved by trial time.

Selman was always a step short of fame and a step ahead of oblivion because he shunned publicity and did not want to become known. While other gunfighters seemed to have their own public relations men (e.g., Billy the Kid, Hickok, Hardin), Selman seemed to retreat to the shadows when the action got hot. John Selman, before he, too, was gunned down, had outlived all of the other gunslingers of the Old West and his passing really noted the passing of an era.

Period photographs of most of the principals and places are included in this well-written book. If any criticism may be justified it is that all photographs are placed together in the center of the book, necessitating the reader to constantly turn from the text to the photos to see about whom the author is writing.

Certainly all students of the Old West will find this book to be a necessary and valuable reference work to be placed in their personal library.

ROBERT L. NELSON

An attorney and owner of Manitou Gallery in Cheyenne, the reviewer is an authority on western outlaws.

Man Made Mobile. Early Saddles of Western North America. Edited with a preface by Richard Ahlborn. (Washington, D.C.: The Smithsonian Press, 1980). $5.50 paper.

To date, books and articles on saddlery have been largely works of little or no documentation, buttressed with poor and misleading photographs. These two factors usually led to writing that was hardly more than romantic fabrication, misleading subsequent research and historical endeavor. It is with great anticipation that the saddle fancier and western historian would embark on reading this recent publication of the Smithsonian Press.

The text is devoted to four essays on early saddlery, a catalog of saddles in the recent Renwick Collection display, and a glossary of saddlery terms. The stated purpose of the study was to examine the pre-1865 Mexican, Anglo, and Indian saddles of the West.

The glossary of terms and photographs which accompany the artifacts in the Renwick display are the strongest features of the book. This heretofore rare technical-illustrative treatment of the study of old saddlery is a welcome relief from the rambling, confusing, and inaccurate accounts this reviewer has encountered in the past.

There are a few typographical and research mistakes which could be eliminated with better proofreading and scholastic investigation. Most of these difficulties arise when the authors attempt to expand their horizons from the intended study of pre-1865 saddles to items produced after the Civil War. These inaccuracies are typified by the puzzling statements made when describing the Meanea saddle found in the Renwick Collection. This item is variously referred to as an "1880 saddle," a saddle made in the "late 1880's," and then its similarity to a 1900 saddle is noted. Considering the many saddle styles and innovations found in the Western saddle of the 1880's, these varied descriptions are misleading, to say the least.

As a suggestion of a method for future study of saddlery artifacts this book is a positive step. However, as a tool for use in dating particular saddle types and makers, it is sadly lacking, especially in its treatment of the Anglo stock saddle.

JAMES LAIRD

Mr. Laird, a research historian at the Wyoming State Archives, Museums and Historical Department, has conducted thorough studies of the Western stock saddle.

The Peace Chiefs of the Cheyenne. By Stan Hoig. (Norman: University of Oklahoma Press, 1980). Index. Bib. Illus. 206 pages. $14.95.

The Peace Chiefs of the Cheyenne is an interesting and entertaining compilation of short biographies. Dr. Hoig, professor of journalism at Central State University in Edmond, Oklahoma, has written a lucid and provocative book in which he attempts to clarify the historical context of Indian responses to White cultural pressures during the 19th century. The author's style is engaging and easy to follow and he draws from a number of sources to support his conclusions. There are, however, significant limitations to this study.

Though one cannot expect such a short work to detail the motivations for Indian responses, one can hope that a historical study will provide the reader with a general social context within which to locate Indian responses. Professor Hoig's presentation of Cheyenne culture is simplistic and inadequate. This shortcoming leads to frequent misunderstandings. For instance, after discussing the heroic role of Black Kettle in Indian military history, Hoig says that this chieftain's only inadequacy was his inability to control his young warriors; he clarifies that "the Cheyenne nation could produce outstanding men but . . . the chieftain system had no machinery to enforce laws or discipline within the tribe." This statement leads the reader to believe that, because this was not implicit in the chieftain system, the social structure of the Cheyenne had no culturally effective ways of maintaining order. And, though one might grant that there was an inherent tension between the role of the young warrior and that of the seasoned man of peace, it is inaccurate to imply that the Cheyenne social structure had no mechanisms for handling inappropriate behavior in any social category, warrior or otherwise. But there are more serious limitations to this study.

Hoig's work is founded in an assimilationist paradigm of culture change, though his preface, which notes the Cheyenne's "stubborn" attempt to maintain their own cultural identity, initially might lead the reader to imagine otherwise. Chapter after chapter show the Cheyenne losing their way of life. The reader experiences a sense of helplessness after repeatedly hearing of the defeat of the chieftains and the ensuing cultural disintegration. And, while no one would argue that there were significant alterations in the Cheyenne way of life, Hoig makes no attempt to define the changing social processes that guided these structural changes or the behavioral responses that sought to encompass them. Neither does he adequately acknowledge the persistent cultural continuity that pervaded the lives of the Cheyenne.

Because Hoig fails to recognize the enduring consistency of distinctly Indian values, he concludes that the Cheyenne "watched the world they knew and loved disappear forever" (p. 162). He is correct that the availability of food supplies dwindled and the freedom to traverse the plains unencumbered was denied, but these physical features of Cheyenne life were not crucial to the maintenance of Indian identity. The mythological framework through which the Cheyenne interpreted their world remained intact, though it too underwent alterations, but the ability of the people to find meaning in their world persevered.

In conclusion, though Dr. Hoig's book is interesting and easy to read, he fails to provide an adequate context for understanding the role and significance of the Cheyenne Peace Chief in the acculturative processes of the 19th century.

KATHLEEN M. O'NEAL

The reviewer is a Ph.D. student in history at the University of California, Los Angeles.

William Robinson Leigh, Western Artist. By D. Duane Cummins. (Norman: University of Oklahoma Press and Tulsa: Thomas Gilcrease Institute of American History and Art, 1980). Notes. Bib. Illus. 204 pp. $19.95.

In the introduction William Robinson Leigh is described as ". . . a pugnacious individualist, often arrogant and openly disdainful of social imperatives, uninhibited in thought, and remarkably gifted in many forms of expression." These words appear to accurately describe one of the giants in western art.

The author has presented a well-researched and documented text that offers an insight into William R. Leigh and helps the reader to understand his lifetime of frustrations and disappointments. Beginning with a brief family background, the book describes the Leigh family living on their estate, Maidstone, Berkeley County, West Virginia. During the Civil War Leigh's father served in the Confederate Army. In 1865 he returned home to find the estate in total disrepair with the family living on the brink of poverty. It was to these unpromising circumstances that William was born on September 23, 1866.

As a child he was self-conscious of his lack of formal education. Educated by his mother, he was schooled extensively in the Bible, Shakespeare, basic arithmetic and the virtues of reading and writing. With relentless financial oppression, childhood injustice, insult and incessant humiliators taunting him and making jokes at his expense, he developed an enormous inferiority complex and near-paranoia. A feeling of inadequacy plagued him, molding a pattern of behavior that motivated him all his life.

At age 14 he went to Baltimore to attend the Maryland Institute of Art. It was during his third term he was told that the institute could no longer help him and that he should continue his studies in Europe. Leigh wanted to study in Paris but finances made it necessary for him to enter the Royal Academy at Munich, Germany. He studied at the Royal Academy for 12 years, returning to the United States in 1896. Again, financial hardship forced him to seek employment in the field of illustration; his assignments brought him to the West where he made drawings and photographed the isolated Navajo, Hopi, and Zuni cultures. Many of his studies may be seen in the popular magazines of that time. At age 60 Leigh was given the opportunity to go to Africa as artist for the American Museum of Natural History. For nine years he worked with the museum on its African Hall exhibit, but in 1935 he withdrew from the exhibit in disgust when the young artists and the lighting engineers were unable to satisfactorily simulate sunlight.

William was twice married. His first marriage to Ann Seng was short-lived and ended in divorce. To this union a son, William Colston Leigh, was born. In 1921 he married Ethel Traphagen. After their honeymoon in the West they returned to New York and set up housekeeping—"in separate apartments." Leigh's concept of marriage was ahead of its time, believing "that it was the loss of individuality that caused a marriage to fail and that although two people were married, they could continue on their own separate paths as well as retain their own names."

William Leigh lived long enough to see the art critics praise him and the newspapers to call him the "last of the great Russell-Remington-Leigh triumvirate." In his last years he experienced a popularity beyond any he had ever known. He received honors and awards but the most coveted honor of his career came when he was elected National Academician at the Annual Meeting of the National Academy of Design on March 2, 1955, just nine days before his death.

Although William Leigh's life was constantly filled with financial difficulties it is felt that the author's treatment of these circumstances were over emphasized.

LAURA HAYES

The reviewer owns the Wild Goose Gallery, Cheyenne, Wyoming.

Fifty Years On The Old Frontier. By James H. Cook. (Norman: University of Oklahoma Press, 3rd Printing, 1980). Index. 253 pp. $14.95.

Whenever I read or re-read a book such as this, I wish I had read it when I was thirteen or fourteen and spent much of my time living, in my imagination, in the world of the Indian and the old west.

James Cook wrote in such an easy style that it is no chore to pick up his book and shortly find yourself chasing stampeding cattle or considering the wily Indian.

Living as I do in eastern Wyoming and having lived in western Nebraska, I find the narrated events of cattle drives, Indian adventure, and ranch settlement complement well the basic history of the area.

Mr. Cook's description is not flowery, but good and relates clearly to the country involved. I am constantly amazed at how much he did and how much country he often covered on horseback! The additional pages of photos in this printing add to the atmosphere which the words create. A minor inconvenience is the lack of dates for quick orientation and reference. While he does give general period dates, one often has to stop and count up the years from a last date to find when an event took place.

I would, perhaps, differ with his rather curt treatment of Crazy Horse and his lionizing of Red Cloud. Mr. Cook hews to the late 19th century thought that the Indian problems could more easily and quickly be solved if

they could have just comprehended that the White Man was going to win the conflict and they should with haste take up his ways. However, he balances this with a capacity for compassion for the Indian based upon a fairly deep feeling for his thought and way of life.

If you have never read it and like easy reading western biographical history, do it now. And, if you have read it, keep a copy around for friends or the kids.

DON HOUSH

Mr. Housh is director of the Homesteaders Museum, Torrington, Wyoming.

National Parks: The American Experience. By Alfred Runte. (Lincoln: University of Nebraska Press, 1979). Illus. 240 pp. $16.50.

The national parks have changed greatly in the 108 years since Yellowstone was established. The "idea" of the parks has come a long way since sport hunting was an accepted part of the Yellowstone experience and army patrols guarded Yosemite. As Alfred Runte points out in his book, most national park historical research has been devoted to the "who" and "when" rather than to the "why" of the process by which modern park philosophy has evolved. Mr. Runte's book is a good first effort at examining the idea of national parks as a living and growing concept. There was great need for such an overview.

Mr. Runte's research has convinced him that traditional interpretations of the national park phenomenon have missed some important social and economic factors. He points out that Americans in the late 19th century were still hungering for ways to bolster their national pride; they longed to compete with Europe in cultural leadership, and envied Europe's ancient traditions. The spectacular scenery of the American West was one pathway to a feeling of national superiority.

Runte also makes the essential point, currently appreciated only by some few historians and naturalists, that notions such as ecosystem preservation and wilderness appreciation had very little to do with the establishment of the first parks. "Monumentalism," or the admiration of huge, unique settings, provided an emotional basis for these early reservations (Yellowstone will always be a most-referred-to example; it didn't occur to the founders of that park that they needed to disallow hunting, rock-collecting, or any of the many other consumptive pastimes which are now outlawed in most parks).

Runte also makes the very good point, only lightly discussed by previous writers, that in order for proponents of a park to get it established, they had to demonstrate (often repeatedly) that the land was worthless for any commercial endeavor.

Runte's enthusiasm for his cultural insecurity theme—that says Americans created parks in order to assuage their jealousy of European cultural traditions—overpowers his perspective sometimes. He notes in some detail the importance of commercial interests (especially railroads) in park legislation, but underestimates the relative importance of those interests. Tourist and related commercial interests repeatedly and directly influenced park legislation, sometimes to the point of helping initiate the movement to establish a park; those same interests were sometimes the ones to remind legislators of America's need to compete culturally with Europe. Considering how few people were actually involved in the national park movement before 1910, and considering that an almost unmeasurably small fraction of the general public had any contact with the parks at all, Runte should have been more cautious about ascribing vague cultural insecurities such great influence where simple financial ambition was so obvious. His enthusiasm for complex themes like cultural insecurity also blinds him to far simpler motivations. He rarely gives anyone credit for promoting a park just because it is a pretty place, or because such a wonderful place needs to be preserved. People don't need to be jealous of their ancestors to act out of esthetic concern. There are very few esthetically motivated people in this book.

Runte also oversteps the bounds of historical interpretation to support his points. This is all the more unfortunate because his points don't really need it. For example, many park visitors compared geological formations to various architectural structures like towers, spires, and castles. Runte sees this as a manifestation of cultural jealousy; these people are showing their need for ancient ruins such as Europe has.

Runte's presentation is also suspect in his manner of using quotations. There are several instances where his own words, attached to the end of a quotation, actually make a point not supported by the quotation. He quotes Yellowstone explorer Nathaniel Langford, who remarked that no other places except Tibet and Iceland had geysers, and that the Firehole basin "surpasses all the other wonders of the continent." Based on these comments, according to Runte, "it followed that the scenery of the Old World, especially the Alps, had found its equal in the Rocky Mountains as well as in the Sierra Nevada." This is pretty conjectural, since, even if Langford may have thought so, he didn't say so; he didn't even mention the Alps or the Sierras.

Runte tends to underrate the achievements of past historians. He says that former Yellowstone historians (he cites a few) did nothing to "add to our knowledge of the national park idea" when in fact one of the sources he lists, Haines, *The Yellowstone Story,* gives a far more detailed account of the European origins of the park concept than does Runte himself.

Despite these weaknesses, Runte's book is a good one. What he has done, by surveying the history of many parks, is synthesize and sift an enormous amount of information in order to identify overall trends that specialists examining individual parks would not have seen (or even looked for). His book should be widely read by people who care where the national parks are going, and it should serve as a starting point for far more detailed studies of the social and ecological implications of the national park idea.

Runte, though he recognizes the major dilemmas facing park managers who must preserve and yet share delicate ecosystems, has not ventured into the kind of interdisciplinarian research that will be necessary if we are to appreciate those yet poorly understood implications. It is unfortunate that he does not explore such provocative recent developments in national park thinking as the natural fire programs, non-consumptive uses of fishery resources, or a host of other specific resource-related items that have been intensively researched and discussed since the Leopold Report appeared in 1963; these are visible manifestations of how the park idea is being reinterpreted today. It was his choice to ignore them, of course, and judging from his apparently slight acquaintance with such issues (his casual reference to the threatened extinction of grizzly bears from three parks is based on two shallow popular articles that are hardly admissable as scholarly evidence), he chose wisely. What he has achieved in this book is more than enough to stimulate others to continue the work of studying the national park idea.

PAUL SCHULLERY

The reviewer is Executive Director of the Museum of American Fly Fishing, Manchester, Vermont. He was formerly a naturalist and historian in Yellowstone National Park.

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ROBERT G. KELLER is a freelance writer in New York. A graduate of Columbia Law School, he is the author of a suspense novel entitled *Warning Call,* published in March by Leisure/Tower Books. The idea for this *Annals* article was the result of Keller's research for a historical novel set in Wyoming.

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LOU L. BURTON holds B.A. and M.A. degrees in English from the University of Wyoming and is completing course work for an M.A. in history there. Since his retirement from the U. S. Marine Corps, he has lived in Cheyenne where he and his family have been active in Cheyenne Little Theatre. His 50-year history of the CLTP was written with the assistance of a fellowship from the Wyoming Council for the Humanities. The first half of the article appeared in the Fall, 1980 issue of *Annals.*

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WYOMING STATE HISTORICAL SOCIETY

The Wyoming State Historical Society was organized in October, 1953. Membership is open to anyone interested in history. County chapters of the society have been chartered in most of the twenty-three counties of Wyoming. Past presidents of the society include: Frank Bowron, Casper, 1953-55; William L. Marion, Lander, 1955-56; Dr. DeWitt Dominick, Cody, 1956-57; Dr. T. A. Larson, Laramie, 1957-58; A. H. MacDougall, Rawlins, 1958-59; Mrs. Thelma G. Condit, Buffalo, 1959-60; E. A. Littleton, Gillette, 1960-61; Edness Kimball Wilkins, Casper, 1961-62; Charles Ritter, Cheyenne, 1962-63; Neal E. Miller, Rawlins, 1963-65; Mrs. Charles Hord, Casper, 1965-66; Glenn Sweem, Sheridan, 1966-67; Adrian Reynolds, Green River, 1967-68; Curtiss Root, Torrington, 1968-69; Mrs. Hattie Burnstad, Worland, 1969-70; J. Reuel Armstrong, Rawlins, 1970-71; William R. Dubois, Cheyenne, 1971-72; Henry F. Chadey, Rock Springs, 1972-73; Richard S. Dumbrill, Newcastle, 1973-74; Henry Jensen, Casper, 1974-75; Jay Brazelton, Jackson, 1975-76; Ray Pendergraft, Worland, 1976-77; David J. Wasden, Cody, 1977-78; Mabel Brown, Newcastle, 1978-79; James June, Green River, 1979-80.

Membership information may be obtained from the Executive Headquarters, Wyoming State Historical Society, Barrett Building, Cheyenne, Wyoming 82002. Dues in the state society are:

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THE WYOMING STATE ARCHIVES, MUSEUMS AND HISTORICAL DEPARTMENT

The function of the Wyoming State Archives, Museums and Historical Department is to collect and preserve materials which tell the story of Wyoming. It maintains the state's historical library and research center, the Wyoming State Museum and branch museums, the State Art Gallery and the State Archives. The Department solicits original records such as diaries, letters, books, early newspapers, maps, photographs and art and records of early businesses and organizations as well as artifacts for museum display. The Department asks for the assistance of all Wyoming citizens to secure these documents and artifacts. Department facilities are designed to preserve these materials from loss and deterioration.

ABOUT THE COVER—The cover painting, entitled "Early Winter," is the second Bill Gollings work featured on an Annals *cover. The first was "The Night Hawk" on the Spring, 1980, cover. Gollings completed "Early Winter" in 1921 and the 16x22-inch painting was loaned for* Annals *by Dr. William T. Ward whose collection of Gollings paintings was displayed in the State Art Gallery in the summer of 1981. A native of Idaho, Gollings and his family moved to Chicago when Bill was ten years old. He returned west when he was 18 and rode the range as a cowhand in Montana and Wyoming for the next five years. In 1902 and on several later occasions Gollings returned to Chicago to study art at the Academy of Fine Arts. Sheridan, Wyoming, had become his home, however, and in 1909 he built a studio there. Gradually, his works gained commercial acceptance. He died in Sheridan April 16, 1932.*

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ANNALS OF WYOMING is published biannually in the Spring and Fall. It is received by all members of the Wyoming State Historical Society as the official publication of that organization. Copies of previous and current issues may be purchased from the Co-Editors. Correspondence should be addressed to the Co-Editors. Published articles represent the views of the author and are not necessarily those of the Wyoming State Archives, Museums and Historical Department or the Wyoming State Historical Society. ANNALS OF WYOMING articles are abstracted in Historical Abstracts. America: History and Life.

The new justice in 1911 (standing, left) . . .

THE SUPREME COURT APPOINTMENT OF WILLIS VAN DEVANTER

By Daniel A. Nelson

PHOTO COURTESY OF THE CURATOR'S OFFICE, SUPREME COURT OF THE UNITED STATES

. . . one of the "nine old men" in 1936 (seated, second from left).

And in spite of the fact that the President knew that Van Devanter was biased in favor of the great interests, he appointed him to the Supreme Bench. Upon whose recommendation was the appointment made? Will President Taft make this information public?

William Jennings Bryan (in a speech criticizing the Van Devanter Supreme Court appointment, November 5, 1911, Lincoln, Nebraska)[1]

Warren's "crowning characteristic" was loyalty, "as he stuck to his friends through thick and thin, and through good and evil report."

W. C. Deming, Cheyenne publisher (commenting on a longtime friend, Francis E. Warren)[2]

In December 1910, President William Howard Taft appointed Willis Van Devanter as an Associate Justice of the United States Supreme Court. Undoubtedly the highest and most prestigious political appointment ever given to a Wyomingite,[3] it was not won without the exertion of tremendous effort on the part of Wyoming's Congressional delegation, which consisted of Senators Francis E. Warren, Clarence D. Clark and Representative Frank Mondell.

The Warren letterbooks, in the archives in the American Heritage Center at the University of Wyoming, contain valuable information on the circumstances and behind-the-scene activities surrounding the appointment. This study will piece together the information from the letterbooks into a coherent narrative beginning with attempts by Warren to secure Van Devanter a Cabinet position in the Taft Administration in 1909.[4]

Three observations should be made at the outset. First, the proper importance to be assigned Clark's and Mondell's roles cannot be ascertained from the letterbooks. That they were influential is seen in the Warren correspondence, as well as in the few newspaper clippings which pertain to the appointment and are found in the Warren scrapbooks, also in the University of Wyoming's Archives.

This leads to a second observation. There are only half a dozen articles relating to Van Devanter in the Warren scrapbooks, and while it might seem odd, this scarcity is easily explained after examining Warren's letters. Evident throughout the Senator's correspondence to Van Devanter and his supporters in 1909 and in 1910 is the fact that many of the newspaper clippings which would ordinarily have been pasted in Warren's scrapbooks were sent to Van Devanter, to his supporters to send on to President Taft, and directly to Taft by Warren. While it is unfortunate that these clippings are not available for comparison, the few which are provide little information that is not obtainable through a careful reading of the letterbooks.

Third, the Van Devanter appointment is an important, as well as an interesting, episode in Wyoming history, for it clearly shows the tremendous influence which the "Warren Machine"[5] wielded, not only at the state level, but also in national political affairs. This situation has occurred so seldom in Wyoming politics that when it does exist, it becomes a major part of the state's history.

The writer of a laudatory article on Van Devanter wrote in "The Darling of Destiny" in *The Saturday Evening Post,* March 18, 1911:

> This [appointment] proves to all ambitious young men that there are but two things to do if they have the stuff in them: The first is to hook up with destiny; and the second is to let destiny land you in the state where live two men who are going to be tremendous powers in the United States Senate. Simple is it not?

Van Devanter was considered for a Cabinet position in 1909 and received the Associate Justice appointment in 1910. A brief examination of his background and previous accomplishments suggests that "The Darling of Destiny" label was justified.

Van Devanter arrived in Cheyenne from Indiana in 1884. Wyoming was still a territory, and Van Devanter linked himself closely with the Republican Party, controlled by the Warren political machine. Within two years of his arrival, Van Devanter, at age 26, was appointed a commissioner to revise the territorial statutes. At 27, he became Cheyenne's city attorney; at 28, a member of the territorial legislature; and, in 1889, he was appointed Chief Justice of the Supreme Court of Wyoming Territory by President Harrison. After Wyoming achieved statehood in 1890, he was elected the state's first Chief Justice at age 30.

In a territory where a lawyer was a rarity, the political and economic interests sought his legal skills, and he rapidly climbed up the political ladder. He resigned as Chief Justice within a matter of months and returned to private law practice with his brother-in-law, John Lacey, where from 1891-1895 he handled a number of cases for the Union Pacific Railroad and for large land and cattle companies. During these years he also served the Wyoming Republican Party in various capacities: chairman of the Republican State Committee, delegate to the Republican National Convention, and Republican National Committeeman from 1896-1900.

In 1895 Van Devanter played a significant role in Warren's and Clark's successful United States Senate campaigns. He was soon rewarded for his strong support of Warren in the campaign against incumbent Joseph M. Carey, also from Cheyenne. From 1897-1903, through the influence of Senators Warren and Clark, he served as an Assistant Attorney General assigned to the Interior Department, with jurisdiction over public lands. McKinley had made this appointment, and Van Devanter's next advancement was made by President Theodore Roosevelt in 1903, when he appointed Van Devanter to fill a judgeship on the Eighth Judicial Circuit. From here, Van Devanter went on to the Supreme Court.

These later advancements were also the result of the influence of Warren and Clark who have been described as Van Devanter's "patrons and pushers." They were impressed with the young lawyer's legal and administrative skills, and Van Devanter had shrewdly linked himself with the political and economic powers in Wyoming. (Significantly, Senator Clark's brother was vice president of the Union Pacific Coal Company.) Since his arrival in the Wyoming Territory, he had been valuable to them and to the Republican Party, and they were valuable to him as the political elements behind his remarkable advancements.[6] Apparently the author of the article in

The Saturday Evening Post accurately assessed and labeled Van Devanter's career.

The term "destiny" (which the author used) has two applications. First, it can be seen as the predetermined course of one's life; secondly, the word can imply the agents which do the determining. While it is difficult to prove that destiny in the first sense affected Van Devanter's career, it is easy to see destiny, in the second context of the word, as a tremendous force in his career. The agents who determined, or perhaps a better word would be "insured," his destiny were none other than the two powerful Republican senators from Wyoming. T. A. Larson suggests in his *History of Wyoming* that "Warren was the undisputed leader."[7]

The most noticeable difference between the attempt to secure a position for Van Devanter in the Taft Cabinet early in 1909 and the two attempts for the Supreme Court seat in 1910 is, in the first instance, a strategy of watch-and-wait as against the do-or-die campaigns which finally succeeded in December 1910. In letters to Van Devanter early in 1909, Warren wrote with calmness, "There may be nothing in the consideration of you for the Treasury portfolio, . . . on the other hand, there may be quiet and full consideration, and you may be approached at any time."[8]

On February 10, 1909, Warren wrote to Van Devanter that "I am keepin-on-sayin nothing. . . . I know positively nothing more than I did when I last wrote. . . ." This was certainly not Warren's attitude of the following year, and perhaps not his attitude in 1909 regarding Van Devanter as a potential Supreme Court candidate. In a letter of January 27, 1909, to Van Devanter, the Wyoming Senator wrote that he realized "that Wyoming will not, in our life-time, probably reach the White House, though it is quite possible that somebody from Wyoming may reach the highest judicial or cabinet positions."

Following the negative results of the push for a cabinet post, Warren wrote to Judge Van Devanter, who had been on the Eighth Circuit Court since 1903, that the President-elect (inaugurals were still held in March) ". . . of his own volition told Knox that it would hardly be fair to you to ask you to give up a life position for a term—short or long—in the cabinet."[9] Warren added that Taft also told Philander C. Knox, who was the new Secretary of State, "That if he was to appoint a man to the Supreme Bench now from the Eighth Circuit, it would be V--, etc. It would seem that the talk of your having something for the future was rather proposed by Taft, as I understand Knox."[10] In the same letter Warren looked to the future: "Now I believe the use of your name has been beneficial, rather than deterimental, because Knox assures me with vigor that Taft understands perfectly that you were not asking for the place, but that your eyes were turned in another direction."

The first Taft appointment to the Supreme Court came in October, 1909, when Justice Peckham died. This appointment went to Horace H. Lurton, an elderly judge, who got the position because of his lengthy friendship with Taft and the President's respect for his legal talents. Taft, who has traditionally been viewed as enjoying his position as Chief Justice more than that of President, admitted that the legal interests of the country were probably not enhanced by Lurton's appointment, for Taft remembered a critic of the appointment saying, "He says . . . I shall sacrifice the needs of the country and the needs of the court to a personal feeling."[11] And this is what Taft, with his fine legal abilities, did with his first court appointment, and what he was determined not to do with the second.

The next opportunity came early in 1910; although Van Devanter apparently had not been considered for the first appointment, he was in the running for the second. But this vacancy went to Governor Charles E. Hughes of New York, though not for any lack of interest or effort on the part of Warren and other Van Devanter supporters.

The Supreme Court opening came with the death of Associate Justice Brewer, and Warren wasted little time to make his pitch for his candidate. In a letter to Taft, dated March 30, 1910, he wrote:

> . . . I have known the Honorable Willis Van Devanter, I dare say, ever since he graduated and became a member of the legal profession and a practitioner before the Bar, and I can say conscientiously, that during my twenty-eight years' of practice as an attorney, I have never met with any other gentleman who possessed, in my humble opinion, all the qualifications which go to make up a learned, upright and honest judge.

Caught in a Wyoming spring snowstorm which had downed some telegraph lines, Warren wanted to make certain his voice was heard in the White House. Not waiting for mail delivery, the Wyoming Senator wired the President the following message the same day. In fact, it was sent over the wires twice since Warren wanted to make certain that Taft received it.

> On storm bound train I learn death of Justice Brewer from eighth circuit. Assuming pressure public business will suggest early action. I thus early wire you to beg appointment Judge Willis Van Devanter the ablest and most available man in eighth circuit and the peer of any in the country for this position. He is young, strong, vigorous, and reliable, resourceful and industrious to a remarkable degree, is versed in mining, milling, water right and irrigation laws so desirable for the west, and possesses all the qualities to honor this high judicial position and your administration.

The telegraph lines from Wyoming were filled not only with messages to the President that day. Warren's letterbooks also show that he literally flooded the wires with requests to his contacts for aid in securing the position for the judge from Wyoming. For example, to Judge J. A. Van Orsdel, another successful Wyomingite,

then seated on the Superior Court of the District of Columbia, he wired,

> Got caught in storm. Wires down. Just reached here. Can't you and your associates act vigorously in ways open to you for Van Devanter to succeed Brewer. Reach members of Supreme Court if you can and think it advisable.

To Senator Clark he wired: "Know you and Mondell working." In telegrams on the same day, to Clark and Mondell, he requested their aid in "soliciting endorsements . . . and securing such other assistance as possible and which you know so well how to reach." Here was Warren's own recognition of the power of the Wyoming Congressional delegation.

As soon as Warren escaped the Wyoming snows, he returned to Washington. In a letter to Van Devanter dated April 2, 1910, three days after he had sent the numerous telegrams from Wyoming, Warren wrote that he arrived in Washington at 10:30, went to his hotel, changed clothes and was at the White House by 11 a.m. Unlike the actions regarding the Cabinet post for Van Devanter, there was no timidity or hesitancy.

In his letter, Warren continued to relate to Van Devanter the details of his call upon Taft and noted that he told him that the President had been in office for over a year and " 'this is the first time I have called upon you to press the claim of anyone and to ask for patronage.' " He noted that Taft had remarked that Van Devanter had a good friend in his Cabinet in Secretary of State Knox, but that the " 'New York circuit feels rather sore and exceedingly anxious for this appointment now, since it did not get the one made vacant a short time ago.' " Taft also commented that he would not be making the decision for " 'a month or even two and would let the proposed names go out to the country, give the country time to respond; and see what the country would say of good or bad—if there was anything bad—about each of the candidates.' "

Warren mustered all of his forces to let Taft hear from responsible people who favored Van Devanter. He sent the President articles from the leading Republican and Democratic papers in Wyoming and carried on heavy correspondence with innumerable contacts in attempting to secure endorsements.

Warren worked indirectly, hoping that Taft would not realize his zealous efforts on behalf of Judge Van Devanter. For example, Warren sent clippings to Van Orsdel and others telling them to distribute them among responsible citizens, especially in the legal profession, who could, in turn, send them to Taft on their letterheads or under their signatures. Warren felt he had personally sent Taft enough material for the President's "Van Devanter file." On April 10, 1910, Warren wrote the judge that he was enclosing clippings from some Washington newspapers and had "arranged to have a good article in *The Washington Post*."

Warren's attempt to conceal his key role as Van Devanter's public relations man failed at one point as he had asked his Washington secretary in one of his telegrams from Wyoming, to have Senator Guggenheim call on Taft and request Van Devanter's appointment. Evidently when Senator Guggenheim saw Taft, he spoiled Warren's scheme of having the endorsements appear as individual requests to the President instead of being vigorously sought after by the Warren forces. On April 4, 1910, Warren wrote to Van Devanter that "I am afraid Senator Guggenheim told the President that 'we' asked him as it would be just like him and his size to do so. You will remember I took pains not to write him direct."

On April 20, 1910, Warren wrote the judge that Charles Evans Hughes would probably get the nomination, which in fact happened several days later. Wyoming was certainly not as powerful or as influential as New York, and if the effort had failed this round, it was only a matter of time. In checking the time schedule, it appears that Taft had not kept in mind his mentioning to Warren (and to others) that the vacancy would not be filled until he had heard from responsible citizens around the country and had had time to evaluate the candidates. The appointment was made less than a month following Justice Brewer's death.

In comparing the national reputations of Hughes and Van Devanter, it is remarkable that Van Devanter was so strong a possibility. This fact can be better understood by noting that the recently deceased Brewer was from the Eighth Judicial Circuit, one of the largest federal circuits, and that Taft realized the Western interests did need representation. The Hughes appointment came so suddenly that letters of endorsement for Van Devanter were still pouring into his and Taft's offices from all parts of the West, even from attorneys in Hawaii. Scattered references in Warren's correspondence of the time (for example, April 2, 1910) indicate that Clark and Mondell were also actively soliciting support and endorsements.

On April 26, 1910, the day after Hughes' nomination was sent to the Senate for confirmation, Warren wrote to Van Devanter that the matter had been decided. He could be heading home to Cheyenne "as soon as possible." He indicated that he was sending the "Tremendous flood of papers of all kinds—public and private" to Van Devanter for safekeeping until they should need them on their "next endeavor." Also on April 26, 1910, in a letter to John F. Carroll, editor of the *Portland Telegram* (Oregon), Warren thanked the newsman for an editorial favorable to Van Devanter even though Hughes had been appointed. He continued with an optimistic outlook and a foreshadowing of events which followed later that year:

> Of course, all of our efforts have gone for naught so far as the present vacancy is concerned, but at the same time, we have built up a good, solid foundation for future efforts.

The Supreme Court has, at least, two members who cannot hold on for long, and when these expected vacancies occur, either through resignation or other causes, we will be in a good position to again take up Judge Van Devanter's cause.

By early May 1910, Warren was back in Wyoming having relaxed, for a moment, the pace of the Van Devanter "push." There were no vacancies on the court, but as the preceding letter shows, Warren had expectations. In a letter to Van Devanter on May 2, 1910, regarding another letter of endorsement which had arrived, Warren wrote: "I am having to go on to the President to be considered in connection with other letters in the 'Van Devanter file.' " The next opportunity to bring out the file was not far off, for the campaign for the judge from Wyoming was renewed after July 4, 1910, when Chief Justice Melville W. Fuller died.

Senator Warren had returned to the East by July, 1910, and upon hearing of Chief Justice Fuller's death, he tried to make an appointment to see President Taft, who was on a ten-day vacation at Beverly, Massachusetts, and would have no appointments during the time. In a letter to Van Devanter dated July 7, 1910, Warren closed with the observation that "I do not know that I could have accomplished anything anyway."

Warren had journeyed as far as Boston on July 6 but had returned to take his own vacation at a health spa at French Lick, Indiana. Warren, who was sixty-six in 1910, undoubtedly was weary from the pressures of the Van Devanter campaign that spring. Here he heard from the President's secretary, Charles Norton, who apologized for Taft's inaccessibility. Warren wrote to Van Devanter that he could see no value in returning to Beverly, "especially so as the President gives it out so often that nothing will be done about certain appointments and other business until late in the fall."[12]

During the summer of 1910, another vacancy on the Supreme Court occurred with the resignation, due to poor health, of Associate Justice William H. Moody. Thus, with two unfilled seats, Van Devanter's chances improved, and Warren reinitiated his letters-of-endorsement drive in hopes of finally realizing his goal. To make certain that the President, who early in September was still in Beverly, would not forget Warren's desires, the Senator wrote him on September 6, 1910, hoping that Van Devanter would not be "overlooked" and that "my silence and absence from the Seat of Government may not militate against Judge Van Devanter's appointment."

This letter to Taft is interesting for two reasons. First, Warren showed a new boldness by assuming that the appointment would be forthcoming. Second, it provides straightforward evidence of the importance of Warren's role in the final outcome.

However positive things looked early in the fall of 1910, there were factors playing increasingly crucial roles in preventing Taft's appointment of Van Devanter. The first of these was the previously noted idea that by this time the Eighth Judicial Circuit could almost count on one of the appointments.

As this was understood by everyone from the President on down, other candidates from the circuit provided increased opposition. Judge Sanborn of Minnesota was half-way in the running although he had been considered several times before and was now seen as a "perennial candidate." The most powerful opponent was Judge Hook from Kansas. Even as late as a week before Van Devanter's appointment was announced, Warren had written the Wyoming judge of a conversation with Taft, during which Taft said, " 'I believe that I have decided to appoint Hook.' " The President admitted that " 'Yes, Van Devanter is one of the handsomest men I have ever seen, and would be so as a judge, while Hook is as homely as a hedge fence.' " Taft told Warren that he had gathered the judgments of many men on both judges, and it seemed to him that " 'the preponderance is favorable to Hook, besides the amount of business he does and the character of work he accomplishes.' "[13]

Senator Warren, Van Devanter's patron.

This last comment of Taft's, praising the amount of work done by Hook and by implication suggesting that Van Devanter did not do a proper share of his judicial duties, became the most persistent obstacle to Van Devanter's appointment. Judge Van Orsdel had written Warren on August 1, 1910, that "they are using the argument in the East against Van Devanter that he is a shirker. In fact, . . . it is current report that he writes no more opinions at all." Van Orsdel advised that a statement concerning the number of opinions prepared by Van Devanter in comparison with the other judges from the Eighth Circuit would do much to dismiss this criticism.

In retrospect, this complaint of Van Devanter's slowness of providing judicial opinions was largely justified, for history has remembered him as a most inactive member of the Supreme Court, in some years producing only a single opinion, and none in 1935. Warren, too, seemed aware of this professional criticism of Van Devanter's judicial life. As soon as he had secured the appointment for the Judge, he wrote him a laudatory letter, in which he noted that a man from the Associated Press had told the Senator's secretary that Van Devanter was, at one point during the deliberations, being considered for Chief Justice. After praising Van Devanter for two pages, Warren asked at the end of the letter, as if he would have preferred not mentioning it at all: "By the way, have you a lot of cases to write up and finish before you can take the oath for the Supreme Bench? Will the Attorney-General or the President probably make some expression about this?"[14]

On December 2, 1910, Warren sent Van Devanter one of his "cipher dispatches," which when sent over the wires followed the line, and which, when reconstructed, read from left to right, from top to bottom. In code, the telegram began with "pursue me" and ended with "eleven." This method was used by Warren for confidential information, which in this instance would certainly have done Van Devanter's case no good, if it were made public knowledge, since it contained opinions made by the President himself. A copy of the telegram follows:

Arrived	at	eleven	saw	President
at	twelve	As	I	was
going	into	white	house	met
attorney	Loomis	coming	out	with
Senator	Curtis	He	took	me
to	one	side	and	said
he	had	been	to	President
for	Pollock	provided	circuit	judges
not	to	be	considered	President
immediately	brought	up	your	name
to	Loomis	and	said	not
positive	would	not	appoint	circuit
judges	had	thought	favorably	of
you	but	was	in	possession
list	of	cases	written	up
by	each	one	and	you
had	not	done	your	part
had	but	few	cases	compared
with	the	others	Loomis	said
he	expressed	surprise	to	President
and	his	opinion	you	were
diligent	and	effective	When	I
got	to	President	he	immediately
entered	private	room	and	said
without	my	mentioning	you	Now
about	Vandevanter	I	have	list
of	business	and	he	has
not	done	his	part	While
attentive	in	cases	and	I
understand	expressing	himself	freely	and
understandingly	in	counsel	he	seems
to	be	a	sort	of
old	man	afraid	of	his
horses	and	does	not	write
up	his	share	of	cases
and	so	the	work	drags
and	he	is	away	away
behind.	I	expressed	surprise	stating
that	while	I	did	not
know	his	source	of	information
I	had	known	you	since
almost	your	boyhood	and	had
found	you	exceedingly	energetic	and
industrious	and	there	must	be
error	some	where	He	flushed
up	sort	of	angry	and
said	well	I	am	telling
you	this	so	you	may
have	party	most	interested	immediately
advised	so	he	may	get
the	other	side	if	any
before	me	Then	he	turned
one	way	and	I	the
other	Please	answer	advising	me
fully	what	course	to	pursue

The following day Warren sent a telegram to his son Fred, in Cheyenne, who managed the diverse interests of the Warren Livestock Company. The Senator mentioned the "rather vexing nature" of the message he had sent to Van Devanter and that he had expected a night-letter answer from the Judge, which had not yet arrived. He warned his son not to "bring the subject up unless he does."[15]

Van Devanter's next move was to answer Warren's telegram with his own, dated December 5, 1910, in which he admitted being slow and cautious in his circuit court work, "not from indolence or timidity . . . or hesitancy . . ." in reaching decisions, but because he felt he was dealing with important cases which deserved his most thoughtful deliberation. He then asked in controlled prose that his name be withdrawn from consideration.

Warren sent a copy of the telegram to Taft, which included the following:

> I emphatically protest against impression which seems to have been created but make no complaint of President's attitude for it is obviously reasonable. I cannot prepare and submit showing in my own behalf now without assuming at-

titude which would be distasteful to me. For this reason I prefer that further consideration of my name be omitted; then at some later time when there are no appointments at stake I shall hope President will permit me personally to make full statement of my work to him and yourself. I will owe this to both because of his consideration of my name and because of your interest in presenting it.

The pressure was on, but Van Devanter had composed an eloquent telegram which carried emotional overtones of being unjustly accused without the proper means of defending or explaining his actions. Warren had sent the telegram to Taft "by riding page, and it seemed quicker than the page could possibly have reached there that I got a 'phone from Secretary Norton [Taft's personal secretary] saying the President wished to speak with me personally over the 'phone."[16] Taft explained that he would like to see Warren "'to talk the matter over,'" and after conversing with Taft at the White House, Warren was only able to give unpleasant news—that it looked like Hook would get the appointment. Yet, Van Devanter's telegram must have influenced the President even more than he, or Warren, had been able to see. It might have been the beginning of Taft's soon-to-come switch to Judge Van Devanter. Its unjustly accused tone from the underdog must have stuck in Taft's mind.

Two other developments during the following week enhanced Van Devanter's chances. The first of these was a private letter which Van Devanter sent to Warren, partially to answer the ciphered telegram, and more covertly, perhaps as an indirect source of information for Taft. Warren explained to Taft that he had a private letter from Van Devanter "which made the ratio of work done by the judge look quite different, and he immediately asked me to let him see it." Warren explained

VAN DEVANTER NOW APPOINTED

Wyoming Circuit Judge Promoted To Highest Court In The Land —Supreme Bench.

OPINIONS OF BASIN LAWYERS

Appointment Regarded As Eminently A Fitting One By Legal Lights Of Diamond City.

President Taft sent to the United States senate, on Monday of this week, for confirmation the name of Judge Willis Vandevanter, of Wyoming, for associate justice of the Supreme Court of the United States.

When the president nominated Gov C. E. Hughes of New York, the people of Wyoming, knowing that there were other vacancies upon this exalted bench to be filled, did not entirely give up hope.

The claims of this state have been pressed with vigor and great discretion in Washington and the appointment of Judge Vandevanter is the result.

The Republican presents today the views of the members of the bar of Big Horn county residing in Basin. They all agree that the selection of the talented young judge is a splendid one and which will meet with the approval not only of the people of Wyoming, but the entire country as well. The Cheyenne Tribune has the following to say:

"Willis Vandevanter practically began his professional career in the territory of Wyoming, where his ability, industry and devotion to every duty undertaken, coupled with a proper interest in public affairs, soon made him a leader at the bar and a man of wide influence.

He was born in Marion, Ind., April 17, 1860. His father, Hon. Isaac Vandevanter, a lawyer and man of high repute, was of Dutch-Irish descent and born in Ohio. His mother, Violetta M. (Spencer) Vandevanter, is a native of the same state and of English-German descent.

His education was received in the war a young man then practicing law in Cheyenne. He was an apt and rising young attorney then and he has been going ever since. The country is to be congratulated for having him upon the supreme bench of the greatest court in the world, and Wyoming should be especially proud that one of her sons has reached the goal of all human ambitions."

Lawyer C. L. Brome: "The selection of Judge Vandevanter, of Wyoming, by President Taft to the highest court of the land is viewed with approval by all Wyoming."

Attorney W. C. Snow: Judge Vandevanter stands high as a federal judge and in his new position as judge of the Supreme Court will, I believe, be a credit to Wyoming.

T. M. Hyde, of Cathcart Hyde: "I am glad a Wyoming man was appointed to the supreme bench for the reason he should be better acquainted with conditions here in the west than an eastern judge."

Hon. H. S. Ridgely: "The Wyoming bar has certainly been complimented in the appointment of Judge Vandevanter of the circuit court to the supreme bench. We feel greatly elated over the appointment for we have been most highly honored. Judge Vandevanter is not only one of the leading jurists of the country, but is also a great and good man. The appointment is a just reward of merit.

C. A. Saring: "President Taft in the appointment of Judge Willis Vandevanter has unquestionably met the hopes of the people of Wyoming. To sit upon this court is the highest possible honor any lawyer may hope to attain."

R. B. West, lawyer: "The appointment of Willis Vandevanter to the supreme bench of the United States should be a source of gratification to all citizens of the Rocky Mountain states. It but demonstrates the old told story that the west of today is developing men of ability and stamina seldom equaled and never excelled. We can rest assured that with men like Judge Vandevanter on the supreme bench, the balance wheel of our government is safely lodged in competent hands."

BASIN REPUBLICAN, DECEMBER 15, 1910

VOL. XXI. NO. 107.

CONFIRM JUSTICES

JUDGE VAN DEVANTER OF WYOMING AND JUDGE LEMAR OF GEORGIA WILL BE ACTED UPON BY SENATE.

Senate Judiciary Committee Refers Appointments to Sub Committee and Recommendation Made for Immediate Action—Grand Jury Asked to Investigate Recent Burning at Stake in New Mexico.

Washington, Dec. 15.—The senate judiciary committee today referred the president's five appointments of the court of commerce judges to a sub committee for investigation

Will Be Confirmed.

The immediate confirmation of Willis Van Devanter of Wyoming and Joseph R. Lamar of Georgia as supreme court justices was recommended by the committee.

Van Devanter Confirmed.

The senate this afternoon confirmed Joseph R. Lamar of Georgia and Willis Van Devanter of Wyoming as associate justices of the supreme court of the United States.

LARAMIE REPUBLICAN, DECEMBER 15, 1910.

The appointment drew favorable comment from Wyoming's newspapers.

that he could not as it was "'strictly private.'' Warren was evidently counting on human nature to help him along, for the President seemed disappointed. Warren then told him, "'Mr. President, I ought not to withhold anything from you, and if you will consider, in reading it, that it was absolutely a confidential, quickly-written, friendly letter such as husband and wife or brother might write to each other, I will bring it over and let you see it.'"

Warren's psychology worked well, for by withholding the letter and indicating it was of a very personal nature, he whetted the President's appetite to see it. The letter itself is not in the Warren letterbooks, but one can imagine that it made all the *positive* points about the Judge's career. Warren realized the effectiveness of his move, for he closed his letter to Van Devanter, in which he related the preceding conversation with the President, on an affirmative note, by saying: "I am now looking for your appointment, and you will probably know about it before this letter reaches you."[17] That the letter was an important part of Taft's decision is also indicated by his note to Warren on the Van Devanter appointment. The President began: "You will observe that I have appointed Van Devanter. I believe he will make a great Justice. I sincerely hope there is no doubt about his confirmation. I return the correspondence which you left with me."[18]

However, another Warren ploy was as influential as this letter in assuring that the appointment went to Van Devanter. The day of the appointment, Warren confided in a letter to Van Devanter that "I guess the fire I started under Hook by claiming he was the insurgents' candidate has spread broadly."[19]

Warren had suggested a similar notion to President Taft which was related in a December 9, 1910, letter to Van Devanter. Warren had gone to the White House ostensibly to speak to Taft on irrigation matters. He was to have seen Taft at 4:30, but Taft's slowness resulted in his not seeing the President until 7 p.m. Warren had presented the irrigation matter, during which Taft "had slept a part of the time," and Warren convinced himself that he should not mention anything about Van Devanter because of his recent withdrawal. However, Taft mentioned to Warren that the consensus of opinion of the Cabinet "'seemed to be that Van Devanter ought to have the appointment.'"

Taft himself seemed not yet fully convinced until Warren showed him clippings from "all of the afternoon papers" which suggested "that the insurgents were given credit for selecting the members of the Supreme Court to avoid their opposition and possible defeat of the nomination." The stalwart Taft was already having trouble with the insurgents in his party, the progressive Republicans who would later cost him re-election in 1912. The suggestion, which Warren seemed to have planted, that this troublesome faction was determining Taft's Supreme Court appointments greatly vexed the President.

Warren continued in the same December 9, 1910, letter to Van Devanter: "By this time Mr. Taft's sleepiness had entirely disappeared and he was the most thoroughly awake man you ever saw, his eyes snapping fire; and the way he raked over the insurgents and what he said about them would not look at all well in print." Thus, on the tenth of December, the Senator could write Van Devanter that two Senators "were informed today very pointedly at the White House that Hook would not be appointed." Two days later congratulatory telegrams were being received by Van Devanter.

While it is not possible to determine from the letterbooks and the few available clippings whether or not Hook was the insurgents' candidate, Warren had evidently been influential in spreading the word that he was important to enough people, including the President, to lead Taft to make the Van Devanter appointment. Associate Justice Edward White was promoted to Chief Justice and Van Devanter and Joseph R. Lamar were appointed as Associate Justices. Senator Clark, as Chairman of the powerful Senate Judiciary Committee, had the Van Devanter appointment confirmed before the end of 1910.

The influence of Warren and Clark was also used to secure the confirmation of Van Devanter prior to that of Lamar. Warren wrote to Van Devanter in Cheyenne, after the announcement, in a letter dated December 12, 1910:

> The order in which the names came to the Senate was: 'White, Chief Justice, Van Devanter, Associate Justice, and Lamar, Associate Justice.' . . . I have talked with Clark . . . and have asked that the names be so reported from his Committee, in order that you may be senior to Lamar.

Since Warren had exerted so much effort already, he was not about to overlook this final detail of the Van Devanter appointment. In a letter to Van Devanter on December 15, 1910, Warren announced the confirmation of both men. Lamar's confirmation came after Van Devanter's, and this fact was added to the letter in Warren's own handwriting.

The struggle had been a long and intense one, and the aging senator commented to Van Devanter that it had been the most "acute" struggle of his career, except for one concerning getting a proper man appointed Quartermaster General of the Army.[20] Such a remark revealed the tremendous political influence which Warren possessed and had used.[21]

The newspaper clippings which are available recognized this fact only at a superficial level. The *Sheridan Enterprise* reported under the headline, "A Strong Trio," on December 15, 1910:

> Every citizen of the state should keep in mind the important part our delegation in congress has played in urging the appointment of Judge Van Devanter to the high

position he will soon assume. Senators Clark and Warren, and Congressman Mondell have been tireless in their efforts to bring about the appointment of a Wyoming man for the place, and the influence has had much to do with the happy result. The Wyoming senators and representative were ever watchful for the interests of their constituents. Without their undivided effort Wyoming would not hold the high place it does in the councils of the Nation. . . .

But the original bid and the final success of securing a Supreme Court appointment for a man from Wyoming had been much more than a newspaper article's mere recognition that the Wyoming Congressmen had worked hard for the Van Devanter appointment. It was the story of human beings interacting with and influencing other human beings and was all the more intriguing because of the powerful political circles in which it had occurred.

Reconstructing the inside story surrounding the appointment of Willis Van Devanter to the United States Supreme Court, largely through the analysis of primary sources, reveals that history is much more than names and dates. Destiny is not in the stars, but instead rests with individuals who use their power and influence to create the history of their time.

1. Gustavus Myers, *History of the Supreme Court of the United States* (Chicago, 1911-12), pp. 772-73.
2. T. A. Larson, *History of Wyoming* (Lincoln, University of Nebraska, 1965). p. 316.
3. Other Wyomingites who have received high political appointments include Thurman Arnold, who served from 1938-1943 as Assistant Attorney General; Stanley Hathaway, who was briefly Secretary of the Interior during July 1975; Richard Cheney, who served President Gerald Ford as Chief of Staff in 1976 and early 1977; and the present Secretary of Interior James Watt. However, considering the constitutional authority for such an appointment and the lifetime tenure of Supreme Court Justices, the Van Devanter appointment can justifiably be considered "the highest and most prestigious."
4. The Warren letterbooks are the primary source for any analysis of Francis E. Warren's long career since they contain all of his public and private correspondence. To make a more readable text, most footnote citations from the letterbooks and scrapbooks have been eliminated. There are few newspaper or magazine clippings concerning Van Devanter in the Warren Collection. Those included in this study are from scrapbook No. 3. The letters and telegrams are noted by date only and are all from the letterbooks, Volumes 50-56 inclusive. This provides the best method of documentation since it all comes from such a specific primary source.
5. Larson, p. 316, first utilizes the term "Warren Machine."
6. The biographical material is from I. S. Bartlett, *History of Wyoming*, II (Chicago, 1918), pp. 26-29: Larson, chapters 6-12: Myers, pp. 767-72: Drew Pearson and Robert S. Allen, *The Nine Old Men* (New York, 1936), pp. 186-97.
7. Francis E. Warren's state and national influence was remarkable during nearly half a century of holding political offices. A highly successful businessman and rancher, he was both Mayor of Cheyenne and Territorial Treasurer in 1884. He was Governor of the Territory of Wyoming, 1885-86 and 1889, and the first Governor of the State of Wyoming in 1890. He resigned in less than two months to be named the second United States Senator from the state, 1891-93. Wyoming had only one Senator (Joseph M. Carey) from 1893-95. Warren was re-elected to the Senate in 1895 and served continuously as a U. S. Senator from Wyoming until his death in 1929. During his Senate career he held many important committee assignments including chairmanship of both the Senate Military Affairs Committee and the Senate Appropriations Committee. He served in the Senate longer than any other individual except Senator Carl Hayden who served Arizona from 1926-70.
8. February 3, 1909.
9. Inaugurals were held in March until 1937.
10. March 1, 1909.
11. Henry F. Pringle, *The Life and Times of William Howard Taft: A Biography*, II (New York, 1939), pp. 530-31.
12. July 17, 1910.
13. December 7, 1910.
14. December 13, 1910.
15. December 4, 1910.
16. Warren to Van Devanter, December 7, 1910.
17. December 9, 1910.
18. December 12, 1910.
19. December 12, 1910.
20. December 12, 1910.
21. An often cited instance of Warren's power and influence on the national level was the promotion of his son-in-law, Captain John J. Pershing, to brigadier general ahead of 862 officers who outranked him. Warren was then Chairman of the Senate Military Affairs Committee. (See Larson, p. 327.)

Drainage Districts and the Great Depression

"For some it was an attempt to acquire a bigger piece of the economic pie, but for most of the farmers it was a matter of economic survival."

During the 1920s and 1930s Wyoming agriculture suffered its greatest losses and hardships since the devastating blizzards of the winter of 1886-1887 had nearly wiped out the livestock industry. While this harsh setback to the state was triggered by nature—the industry had contributed by overgrazing the open ranges—the tragedy for Wyoming settlers and farmers that occurred in the third and fourth decades of this century was nearly entirely man-made.

Throughout the state, but particularly in the Big Horn Basin, during those two decades, good, irrigated farm land was simply being vacated by bankrupt farmers who could not pay the taxes and assessments against the land. The exorbitant liens against the land had come from the landowners' optimistic judgments and decisions, and were so excessive for those years of extremely low farm income and severe national depression that the vacated lands could not even be sold for taxes.

Not only did this disaster ruin individual families and bring drastic hardship on farm communities, but it also threatened the state's national credit standing and imperiled its permanent school land fund. To understand how this tragic situation came about and how the state and its people fought back, it is necessary to review the history of irrigation in Wyoming.

Irrigation began in the arid region that was to become Wyoming Territory as early as 1850. A few weary immigrants became discouraged with the long overland journey to California and Oregon and established small farms and ranches in the fertile river valleys near the immigrant trails. The first water priority for irrigation, on the Bear River in what was then Utah Territory, was recorded May 1, 1862.[1] This was seven years before the creation of Wyoming Territory by Congress.

During the first 19 years of the existence of Wyoming Territory, irrigation, mainly related to the expanding livestock industry, increased dramatically. Many streams and creeks soon had more water users than water, and there was no system of appropriation. The upstream irrigator took all the water he could use, regardless of the needs of downstream users. The territorial legislature had recognized this in 1876, when it had required water claimants to file with the clerks of the district courts and had given district judges the power to adjudicate water rights.[2]

One impetus for bringing organization to this chaotic situation, and also for intensive agricultural irrigation, arrived in Wyoming in 1888 with the appointment of Elwood Mead as the first territorial engineer, and later the first Wyoming State Engineer.[3] Mead, an Indiana farm boy and graduate of Purdue University, had come west to teach engineering at what is now Colorado State University.[4] During his tenure there, he had served as Deputy State Engineer in Colorado, and also contracted frequently as a consulting engineer for irrigation projects in that state. Mead was eminently qualified for appointment in Wyoming.

During his years as a student, and later as a professor and as an engineer supervising irrigation and constructing irrigation projects in Colorado, Mead had developed a passion for reclaiming the arid lands of the west. Shortly after his arrival in Wyoming, he toured the

By Jim Donahue

entire territory, mainly by horseback and wagon. Rather than the hundreds and hundreds of miles of thirsty, dry land, covered only with sagebrush and clumps of buffalo grass, with the vision of genius Mead saw thousands and thousands of prosperous farms with row upon row of thriving irrigated crops, watered by the snow-fed streams rushing from the mountains.[6]

With energy as boundless as his passion for irrigation, Mead commenced to bring his vision to reality in Wyoming. Quickly recognizing the chaotic situation that existed with water rights, he soon had all claimants to water filing statements of claim. The statements described the source of water used for irrigation, the number of acres irrigated, the length and capacity of ditches used for irrigation, and the location of the ditches and the lands irrigated.[7]

But it was the Wyoming Constitutional Convention, and the subsequent adoption of the Wyoming Constitution, that gave Elwood Mead the opportunity to make his major contribution to the state. He devised a plan for giving complete control of water in Wyoming to the state, for adjudicating water rights, and a system for recording approved water appropriations that has endured, for the most part, for 91 years.[8]

Working closely with a Laramie County farmer, J. A. Johnston, who served as chairman of the Constitutional Convention Committee for Irrigation and Water Rights, and with committee member Charles A. Burritt, an articulate Buffalo attorney, Mead was able to persuade the committee to approve his ideas for controlling water and irrigation in the future state.[9] The committee then convinced the full convention to adopt the five brief sections in the Wyoming Constitution pertaining to water and irrigation, which had evolved from Mead's ideas. Two of the five sections contained ideas that were unique to water control and irrigation among the states, and a third section adopted a water concept, original in the west, and pioneered by California and Colorado.

Section One of Article VIII declared all water, rivers, streams, springs, and lakes to be the property of the state. Section Two created a board of control, composed of the State Engineer and the superintendents of the four water divisions, empowered to supervise the waters and their appropriation, distribution, and diversion.[10] The adjudication of water rights, except on appeal, was neatly taken out of a court system that was badly bogged down with water disputes and whose inconsistency in awarding water appropriations had drastically over-appropriated many streams. The Third Section of Article VIII of the new Wyoming Constitution adopted the principle, "priority of appropriation for beneficial use shall give the better right"[11] that is the standard for water management in the arid west.

With the pattern for Wyoming water management clearly established by the adoption of the State Constitution, Elwood Mead set out to turn the dry sagebrush basins and prairies into productive, family farms. A devoted follower of Major John Wesley Powell, in 1887 Mead was quoting Powell, " 'The right to use water should inhere in the land to be irrigated, and water rights should go with land titles.' "[12]

Two years later before the United States Senate Committee on Irrigation, he was saying:

> It is useless to make any investigation or examination as to proper location of irrigation works while no control can be exercised over the settlement of land. The most satisfactory remedy for this state of affairs, and in my judgment the only efficient one, is for Congress to grant each state, all the irrigable land within its borders held by the general government, such state to be charged with the supervision of their reclamation and with their disposal to actual settlers.[13]

It would be five years before Mead would see this idea, not originally his, enacted by Congress.

Primarily from the urging of Major Powell, the federal government had first attempted to foster irrigation in the arid west with the passage of the Desert Land Act in 1877. This law permitted an individual to buy 640 acres of land at 25 cents per acre, provided that within three years he brought water to the land for irrigation and paid the government an additional one dollar per acre.[14] Because of the unavailability of easily accessible water—most of the small streams and creeks were over-appropriated—and the cost for diversion of the larger streams and rivers was beyond the means of most settlers, the Desert Land Act was generally unsuccessful.[15]

Congress recognized this in 1891 and it modified the law, permitting two or more persons to construct irrigation canals and ditches for reclaiming the land. Though this modification of the Desert Land Act encouraged some irrigation project construction in Wyoming, it did not bring under irrigation anywhere near the amount of acres Mead considered irrigable. Nor did it encourage the migration of farm families to Wyoming that the state's senior political leaders wanted.

Almost from their first day in the United States Senate, Wyoming's first representatives in that body, Francis E. Warren and Joseph M. Carey, began to propose, speak and work for the proposition Mead had suggested in his first annual report—Congress granting to the arid states all the irrigable land within their borders. Warren and Carey continued the crusade for more than three years. The two senators corresponded regularly with Mead, conferred with him when possible, enlisted other western senators in their cause and gained the support of Major Powell and other irrigation experts. Success came on August 18, 1894, with the approval of the Carey Land Act.[16]

The act did not comprehensively cede all irrigable land within the arid states to the state as Mead, Warren, and Carey advocated, but it did

> 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 not less than 20 acres of each 160 acre track cultivated by actual settlers within ten years as after the passage of the Act.[17]

Two years later on June 11, 1896, Congress extended the Carey Act, providing that a patent could be issued for any tract of land when a sufficient supply of water for irrigation was actually brought to the land.[18]

Historians have generally discounted the Carey Act. Only a small percentage of the land eligible for segregation under the act was patented and the great majority of Carey irrigation projects initiated failed to bring settlers and water to the land. Though by 1902, in Wyoming 45,700 acres had been applied for under the act, only 11,321 acres were patented by the federal government.[19] A total of 67 Carey Act projects were approved by the state,[20] but the great majority of the projects were not concluded because construction costs exceeded available funding and bankrupted the promoters, or the project was merely speculative from the beginning, and when sufficient capital could not be raised, the project was abandoned. Even the two most notable Carey Act corporations, the Big Horn Basin Development Company and the Wyoming Development Company, though successful in bringing water and settlers to the land, were fiscal failures for their investors.

"Irrigated, row crop agriculture was a substantial economic factor in the Big Horn Basin."

The Carey Act did, however, stimulate irrigation and settlement in Wyoming. Two Big Horn Basin agricultural communities, Lovell and Worland, that suffered severely because of drainage district insolvency in the 1920s and 1930s were founded as a result of Carey Act projects.[21] Many small irrigation projects succeeded in bringing water and farmers to the land, but this scale of development and settlement was far from satisfactory to the promoters of irrigation and to the land speculators.

With the active support of Senator Francis E. Warren and Congressman Frank W. Mondell from Wyoming, Congress passed the Newlands Acts or the Reclamation Act in 1902. This law authorized the U. S. Geological Survey to construct irrigation and reclamation projects in western states with funds raised from the sale of public lands.[22] During the following 50 years, Wyoming agriculture would benefit greatly from this enactment and the amendments to it.

The first reclamation project in Wyoming was the Shoshone project, authorized in 1904.[23] Taking water from the Shoshone River, this federal project was planned to eventually reclaim 200,000 acres of arid land. It was first envisioned as a Carey Act project by Buffalo Bill Cody, but he had been unable to raise the needed funds. Though the scale has never been achieved, when the first phase of the Shoshone project was completed in 1910, 15,000 acres came under irrigation.[24] By that year, irrigated, row-crop agriculture was a substantial economic factor in the Big Horn Basin.

The towns of Cody, Powell, Garland, Deaver, Cowley, Byron, Lovell, Emblem, Burlington, Otto, Basin, Worland, and Greybull were all inevitably linked to irrigation for their prosperity and future growth. This future looked bright with more and more acres of dry land being brought under water and new settlers acquiring rights to these acres every day. There was talk of flour mills, alfalfa mills, and sugar factories, but an ominous sign was appearing. The land was beginning to bog.[25]

For a number of years agricultural experts, particularly those employed by the federal government for the Shoshone project, had urged farmers in the basin to use less water for their crops. The great majority of the farmers paid little heed to these warnings, apparently believing that the more water applied, the greater the

crop yield. They were soon to pay the price for this theory.[26]

Within a few years productivity was decreasing in the Big Horn Basin. The water table had risen to a dangerous level. Alkali was showing in what had been fertile fields. Horses and plows became mired when attempts were made to plow the fields, and some crops had to be harvested by hand or abandoned.

Though the excessive application of water had accelerated the bogging, the heart of the problem was with the land itself. Much of the top soil in Wyoming, but predominantly in the Big Horn Basin, is underlaid with heavy clay, marl, and silt, blocking passage to the gravel below. With extensive irrigation and the excessive application of water, the clay and marl had swollen and packed, preventing natural drainage through the gravel. It was this phenomenon that was causing the land to bog and "sour".[27]

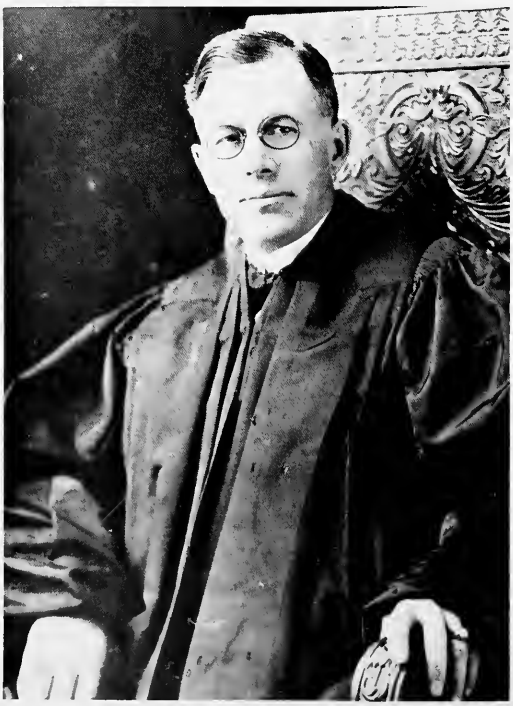
The first official recognition of this prelude to tragedy came in 1911, when the 11th Wyoming State Legislature passed "An Act Providing for the Formation and Organization of Drainage Districts."[28] This act, introduced by the President of the Senate, Jacob M. Schwoob, a Republican representing Big Horn and Park counties,[29] permitted a majority of adult land owners, representing one-third in area of a land district, or adult owners of more than one-half of the acreage in the land district, to petition the district court for the formation of a drainage district.[30]

The law required the petition to set forth the proposed name of the drainage district, a statement of the need for the proposed drainage work, a general description of the planned drainage system, a legal description of the lands to be included in the drainage district, the names of all the land owners in the district, and to "pray for the organization of a drainage district by the name and with the boundaries proposed, and for the appointment of commissioners for the execution of such proposed work."[31] Generally, the entire supervision of drainage districts, creation, appointment, and supervision of commissioners, changing of boundaries, assessing damages and benefits, approval of assessment and borrowing of money, and the refunding of indebtedness, was placed in the hands of the district court. It would become an agonizing responsibility for some district court judges.

Particularly, the supervision of drainage districts would become a heavy burden for young Percy W. Metz.[32] Practicing law in Basin when the Drainage District Act was passed, it is doubtful that Metz had much, if any, awareness of the problems brewing with drainage of farm land, and in his wildest dreams could not visualize the vital role he would play. On his 30th birthday, March 4, 1913, Percy Metz was sworn in as district court judge for the Fifth Judicial District, comprising Park, Big Horn, Washakie, and Hot Springs counties. He was the youngest person to hold this office and he served for 37 years and nine months.[33] For more than 30 of these years, he was enmeshed in the problems of drainage districts.

Though the farmers and land owners in an area immediately adjacent to the town of Lovell petitioned for and were organized into the Lovell Drainage District in 1912, there was not a rush to create drainage districts following the passage of the Drainage District Act.[34] However, the political conditions were fomenting in Europe in 1912 and 1913 that would bring on World War I and foster the economic factors which would make it necessary, or at least desirable, for farmers throughout the United States to increase agricultural production. For farmers in the Big Horn Basin to accomplish this, it would require the reclaiming of land that had bogged and "soured".

During the years between 1910 and 1916 when a field bogged, it was abandoned and the farmer who owned it—few farmers at this period in time had all of their acreage under cultivation—simply transferred his efforts to land that had not been previously cultivated. By 1916, however, the squeeze was on. The war in Europe had brought prosperity to the United States and inflationary conditions were at work. Prices for agricultural products had soared, but along with this benefit,



"On his 30th birthday, Percy Metz was sworn in as district court judge."

the cost for services which the farmer had to purchase had also risen dramatically.

Moreover, in the Big Horn Basin a new cash crop had appeared on the scene. In 1916 the Great Western Sugar Company constructed a sugar beet refinery in Lovell and a year later the Holly Sugar Company built one in Worland.[35] Although the blessing of an assured cash crop to the farmers was considerable, the introduction of this new product placed considerable pressure upon the individual farmer to increase his acreage under cultivation. Too, the growing of sugar beets demanded a generous application of water to a land where the water table was already critically high.

The result was predictable. Throughout the Big Horn Basin, farmers and land owners stampeded to organize themselves into drainage districts to construct drainage systems. For some it was an attempt to acquire a bigger piece of the economic pie, but for most of the farmers it was a matter of economic survival. Between 1917 and 1919, 11 drainage districts were formed in Judge Percy Metz's Fifth Judicial District. Drainage districts were also organized in Fremont and Goshen counties during these years.[36]

Two of the drainage districts formed at this time were at Lovell and Worland. The petition to organize the Lovell Bench Drainage District was filed in the Big Horn County District Court on October 30, 1916. The petition included 3,601.96 acres in the proposed district, and stated that "cultivated land was water-logged and covered with mineral salts and in an alkalied condition."[37] Further, the engineering report for the proposed district concluded that this condition resulted from "layers or strata of clay or marl, which are impervious to water."[38]

A hearing was held on the petition on March 14, 1917. Attorney L. A. Bowman of Lovell represented the petitioners. The Lovell Bench Drainage District was organized with Judge Metz appointing H. S. Jolley, B. L. Leithead, and H. J. Arnoldus commissioners for the district. Fifty-five land owners were included in the drainage district, the State of Wyoming and the Lovell Irrigation District among them, and the drainage district proposed to construct 7.013 miles of drains at an estimated cost of $75,550.[39]

Organized October 23, 1918, the Worland Drainage District, containing 6,803.10 acres, was one of the largest drainage districts formed. It was unique in that a good portion of the town of Worland, lot by lot, was included in the district. Cotner, Cotner and Kennedy, an engineering firm that did the surveying and planning for a number of drainage districts in the Big Horn Basin, proposed a drainage system for the Worland District with 15.8 miles of drainage ditches at an estimated cost of $178,472.65.[40] The engineers for practically all of the drainage districts for which they worked sadly underestimated the depth of the drainage ditches, proposing ditches five feet deep and recognizing during construction that the ditches had to be deeper, averaging eight feet throughout the Big Horn Basin. Too, the engineers planned gravel bottom ditches and later learned, to their sorrow, that a large percentage of the drainage ditches required tile if seepage was to be prevented.[41]

Both the Lovell Bench and the Worland Drainage Districts sold bonds for the amounts estimated for construction, plus 15 percent for contingencies and maintenance, at six percent interest to midwestern and eastern investment companies. Between 1917 and 1920, Wyoming Drainage Districts sold more than four million dollars in bonds to construct the district court approved drainage systems. Nearly all of the bond issues carried an interest rate of six percent per annum and were scheduled for repayment in 10 to 15 years. Several of the drainage districts, including Worland, because actual construction costs (depth of ditches and tile) exceeded construction estimates, found it necessary to issue a second series of bonds to complete the planned drainage systems. The Worland Drainage District sold $66,667 in bonds early in 1922, to finish construction of its drainage system. Moreover, consistently, the drainage districts had underestimated maintenance costs and were faced with increased assessments upon the landowners to maintain the drainage ditches.[42]

All of this increasing financial burden was being placed upon the farmers and landowners in the face of worsening economic conditions. With the end of World War I, agricultural prices had begun to sag and by 1920 were dropping drastically. Wyoming farmers, like their counterparts throughout the nation, were beginning to feel the pinch. By 1923 agriculture, in general, was entering a depression that would be the forerunner of the great national depression of a decade later, and as a consequence, Wyoming drainage districts were beginning to default on repayment of bonds issued for drainage system construction.

During the first three or four years of the decade most of the drainage districts were able to meet interest payments on their outstanding bonds, but not the principal payments. By the mid-1920s many of the drainage districts were in arrears in both interest and principal.

Though the amount seems insignificant in today's climate of plentiful money supply and extreme inflation, the Lovell Bench Drainage District was obligated to repay approximately $12,000 annually in principal and interest.[43] This amounted to a little more than $100 for the average landowner included in the drainage district.[44] In addition to this cost, the landowner was faced with an assessment for maintenance of the drainage system, assessment from the irrigation district in which he was included, and all of the normal property taxes. If an individual farmer had a mortgage to repay, which was not uncommon, he was in dire straights, indeed. The average landowner in the Lovell Bench Drainage Dis-

trict had an annual assessment and tax bill during the early 1920s of nearly $400, this in a period when average farm income for a year had slipped to $1,500.[46] For farmers included in drainage districts like the Worland Drainage District that had a much greater bonded indebtedness than the Lovell Bench District, the situation was nearly impossible.

The 17th State Legislature in 1923, both during the regular session and a special session held in July, recognized the severity of the problem. With the passage of Chapter 10, Session Laws of Wyoming, 1923, the Drainage District Act was reenacted and amended. The main features of the new statute required drainage district commissioners to be more realistic and thorough in estimating proposed construction costs. It also facilitated the collection of delinquent assessments, required stricter adherence to authorized budgets, broadened the authority of the district courts to permit drainage districts to refund all types of indebtedness and permitted the use of state monies for the purchase of refunding bonds.[46]

During the special session, the legislature enacted the Farm Loan Act. This law allowed the Wyoming Farm Loan Board to "loan money on and take as security for same, farm lands subject to liens, charges or assessments for drainage, reclamation or irrigation purposes."[47] The loans were limited to $20,000, and the Board was authorized to use up to $2,500,000 from the Common School Permanent Land Fund.[48] These enactments initiated the state's fiscal involvement with the drainage districts.

Within a month of the passage of Chapter 10, Attorney L. A. Bowman of Lovell, who was counsel for the Lovell Bench Drainage District and several other Big Horn Basin drainage districts, was urging State Treasurer John M. Snyder not to bid on Natrona County school bonds, because he feared that state monies available to purchase bonds would be expended.[49] Treasurer Synder reassured him, writing that the state had "one and one half million dollars in the permanent funds available for the purchases of securities, and the fund is growing larger each month."[50] The Treasurer added that he was certain the Fiscal Board, composed of the elected state officials and responsible for the state's permanent funds, would look favorably upon the purchase of drainage refunding bonds.[51]

Two weeks following this correspondence, the Fiscal Board adopted regulations applying to the purchase of drainage and irrigation district refunding bonds—some irrigation districts were having the same fiscal problems as the drainage districts. As required by the new law, the Fiscal Board had appointed appraisers, who were charged with appraising the value of a district before the Fiscal Board could purchase any refunding bonds issued by the district. During the next three years the appraisers would be very busy.[52]

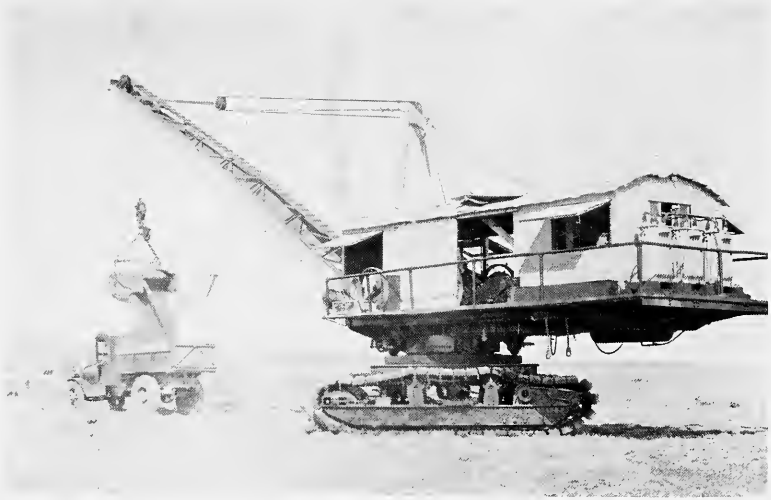
Eventually, 18 drainage districts made application in district court to be allowed to issue refunding bonds, to pay off the districts' original capital indebtedness and for which the districts were unable to meet interest and principal payments. Fifteen of the drainage districts made their petition to Percy Metz. The intent, of course, was for the state to buy the refunding bonds—no private investor would touch them—and to use the proceeds to buy back the original bonds. The Fiscal Board, after Judge Metz and the other district court judges had given their consent, did as planned and purchased the refunding bonds.[53]

Between 1923 and 1927, using the state's permanent funds, the Fiscal Board invested more than two million dollars into the drainage districts' refunding bonds.[54] Not only did this benefit drainage districts, but also many local investors and banks, who had purchased the original bonds from the out-of-state investment firms and were holding the empty sack, got their money back.

The landowners in the drainage districts gained in two ways. First, while the principal repayment schedules had been for 10 or 15 years for the original bonds, for the refunding bonds the repayment schedule was for 20 years, reducing the annual principal payment. Second, with the refunding bonds, the interest rate was five percent, or less, compared with six percent for the original bonds. Again landowners realized a substantial savings.[55]

So it appeared in 1927, that with the cooperation and assistance of the legislature and the state's five highest elected officials, the fiscal solvency of the drainage districts had been saved. But it was not to be. The national economic situation deteriorated rapidly and with the collapse of the stock market in 1929, the entire country plunged into the "great depression." During the early years of the 1920s, farmers were selling their products at prices that yielded little profit. Now with the onset of the depression, some crops could not be sold for any price.

For the drainage districts, the obvious was occurring. Farmers with little, if any, cash income could not pay their assessment for the indebtedness of the drainage districts. Statistics for 1931 from the Farm Loan Board indicate that the average acre of land included within a drainage district was returning less than $15 in cash income to its owner while the assessments for drainage and irrigation averaged more than $85 annually for this same acre of irrigated farm land.[56] With this kind of economics, it is apparent that the drainage districts were in default on interest and principal due on the state's refunding bonds. By 1933 throughout the Big Horn Basin productive, irrigated farm land was being vacated on a massive scale. Tax sales were held, but there were no buyers and with each abandoned farm, the fiscal plight of the drainage districts became more



"The dragline and maintenance crews were busy throughout the Big Horn Basin from April through October."

desperate. Complete loss of the state's permanent funds invested in the drainage districts became very real.[57]

Once again the legislature took notice of the drainage districts with the passage of Chapter 15 and Chapter 79, Session Laws of Wyoming, 1933.[58] Chapter 15 dealt entirely with refunding indebtedness, permitting drainage district commissioners, with the approval of the district court judge,

> to refund any lawful indebtedness of the district now existing or which may hereafter be incurred by taking up and cancelling all or any part of its outstanding notes and bonds, as fast as they become due or before, if the holders thereof will surrender the same and issue in lieu thereof new notes or bonds of such district, payable in such time as the court shall deem proper.[59]

Not only did this law allow the district to refund all existing and future debt, but permitted them to set up a fund "necessary to provide for possible future defaults and delinquencies in the payment of assessments."[60]

Chapter 79, entitled "Liquidation of Delinquencies to State of Drainage and Irrigation Districts," authorized the Wyoming Farm Loan Board to file a certificate of delinquency in the district court having jurisdiction. The certificate would state the amount of delinquency, and once it was filed the judge of the district court was required to suspend the drainage district commissioners and to appoint a special commissioner to manage the affairs of the drainage district. The special commissioner served at the pleasure of the court and of the Farm Loan Board and his mission was to save the state's money.[61]

In effect, by these two laws, the Farm Loan Board, the name having been changed from the Fiscal Board, was given a blank check to solve the money problems of the drainage districts. However, a year later, little had been accomplished.

Writing to Leonard S. Strahan, an attorney representing some of the drainage districts, Governor Leslie A. Miller explained the Farm Loan Board's negotiations to sell the drainage district bonds to the Reconstruction Finance Corporation, a federal "New Deal" agency, designed to rescue local governments with money woes. The negotiations had ended when, following appraisal of the drainage districts, the R. F. C. had offered to purchase the bonds held by the state at the rate of seventeen and one half cents on the dollar.[62] As Governor Miller said, "It was perfectly obvious to the Board that it could not undertake to assume such a loss to the permanent funds."[63]

Though the Wyoming Farm Loan Board was not willing to liquidate the drainage bonds at their appraised value, the board working with the Association of Drainage and Irrigations Districts of Big Horn County, developed a plan. This plan, based upon the two new laws, had four distinct features. First, there would be a drastic revision downward of the outstanding drainage bonds of each district so as to enable each district to make a full annual payment. Second, the plan would affix an exact liability to each tract of land within a drainage district. Third, the amount of money required to be paid each year for drainage assessments would be determined in such amounts so that the assessments could be paid from the proceeds of crop production. Fourth, a land classification system would be developed for each district, downgrading lands with less productive potential and eliminating from the district those lands within a district not capable of production.[64]

On April 7, 1934, after nearly a year of exploring the various options for dealing with the drainage districts' indebtedness, the board resolved to petition the District Court in Big Horn County for "the appointment of a Special Commissioner to administer, in behalf of said Board, the affairs of the North Bench Drainage District and the Cowley Drainage District, both of which

districts are located in Big Horn County."[65] Further the resolution called for the appointment of J. R. Ellis as special commissioner for these two drainage districts and stated that the purpose of the board was to deal with the obligations of the district and arrive at a proper and legal method of levying exact amount assessments against each individual parcel of land in each drainage district.[66] In effect, once Judge Metz approved the petition, the Farm Loan Board took over the management of the two drainage districts, with Special Commissioner Ellis replacing and assuming the functions of the three commissioners for each district.

This was to be the method of solving the extreme problems of the drainage districts. The Farm Loan Board quickly proceeded to initiate this plan for the management of the drainage districts located in the Big Horn Basin. The Board named attorney L. A. Bowman of Lovell as special commissioner for six drainage districts.[67] He was an excellent choice. Not only was Bowman acceptable to the landowners and farmers, who generally opposed the state's plan, considering it indefensible meddling with local problems, but Bowman was knowledgeable as to the affairs of the drainage districts. He had served as legal counsel for several drainage districts since their inception and had worked closely with Judge Metz, the legislature and the Farm Loan Board to find just solutions for the problems. Bowman would serve as special commissioner for nine years and when his resignation was accepted in 1943, the fiscal woes of the drainage districts would be nearly over.[68]

Working through the special commissioners, the State Land Office and the State Engineer, the Farm Loan Board soon had completed appraisals—realistic evaluations, for the first time—for the drainage districts for which it had assumed management. The appraisals done, the board had the data needed to develop a plan for refunding the indebtedness of the drainage districts and the repayment of the indebtedness. Though the plans for the drainage districts would vary because of individual conditions, they contained three conditions which were constant. All of the repayment schedules would be for a very long period of time, some reaching well into the next century. The drainage assessment for each individual parcel of land would be so small as to virtually assure the landowner's ability to pay and a permanent fund for the retirement of indebtedness and the maintenance of the drainage systems was established for each drainage district.[69]

The Farm Loan Board's administration of the drainage districts had one other important aspect. Those tracts of land within the drainage districts that had been abandoned and for which payments for assessments were drastically in arrears were awarded by the court to the Farm Loan Board. Through the permanent drainage district fund, the assessments for these tracts were now paid by the Farm Loan Board. The formerly abandoned tracts were maintained, improved with the construction of new drains, and eventually sold. Sale of these tracts of land began as early as 1937, and the majority of the tracts had been sold by 1943, with the Farm Loan Board carrying the mortgage in numerous instances.[70]

By 1940, the drainage district problems had been stabilized, and the land within the drainage districts was gradually being put back into production. From a special appropriation by the legislature, the Farm Loan Board had purchased a dragline to be used for the maintenance, improvement and extension of the drain systems. The work of the dragline and the maintenance crews was planned and supervised by the Special Drainage District Commissioners, consulting with the Farm Loan Board. The dragline and the maintenance crews were busy throughout the Big Horn Basin from April through October, with the winter months used to repair and maintain equipment. Not only was the dragline and other equipment used to improve drainage districts managed by the Farm Loan Board, but it was rented to other drainage districts, irrigation districts, towns and to individuals as well.[71]

By 1940 the national economic climate was changing. Europe was at war again, the United States was beginning to gear up for war, and agricultural markets were expanding. Once again agricultural products had cash value, prices were rising steadily, and the Big Horn Basin was gaining a semblance of prosperity after 20 years of depression. It was the beginning of a prosperity that would endure, so that when the last of the drainage districts' indebtedness, stretching back to the World War I era, was paid off in 1977, the bankruptcies, the impossible assessments, the farm abandonments and the aura of desperation that had existed in the 1920s and the 1930s seemed only a bad dream.

The Wyoming Farm Loan Board gradually released management control of the drainage districts during the war years and immediate post-war period, with the distict courts appointing and supervising local commissioners for the drainage districts. Though the Farm Loan Board was at last out of the drainage district management business, nevertheless they maintained a sharp eye on the drainage district accounts. But the danger was past. With the land that had lain fallow back into production, with new farmers, and a profitable agricultural climate, the drainage districts repayment funds were soon showing surpluses and bonds were being redeemed ahead of schedule.[72]

In 1966, the obligations of the drainage districts to the Wyoming Farm Loan Board were down to a total of $556,680, for 12 drainage districts.[73] The Worland Drainage District owed the greatest amount, $101,500.[74] The last of the drainage district bonds were redeemed from the State Treasurer in 1977, and, though it had been nearly a 60 year saga, the state had recouped every

penny of permanent funds that had been invested in the drainage districts. The losses to unknown farm families, however, cannot be estimated or measured.

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COURTS

A HISTORY WYOMING SUPREME

By Rebecca W. Thomson

Not long after new residents came with the railroad in July, 1867, the first Wyoming lawyers arrived and set up shop in Cheyenne. In August, 1867, W. W. Corlett, who was to become one of Wyoming's most respected lawyers, arrived. Corlett was a Civil War veteran who had graduated from the Union Law College of Ohio in 1866. When Corlett came he joined the city attorney, James R. Whitehead, to become the prosecutor for that city. Corlett recalled that Cheyenne was a city of 500 to 600 people living in tents or under wagons. "I had my office with Whitehead in a tent and slept under a wagon myself for two or three months."[1]

At that time, the official government for the entire area of Wyoming was located in Yankton, Dakota Territory, hundreds of miles to the northeast. The days of railroad construction were wild times for Wyoming. Newspapers record much violence in the railroad towns that sprang up overnight. Wife beating, prostitution, robbery, drunken brawls and gunfights were everyday news. Without a strong local government and with the territorial government days away in Yankton, violence gave rise to vigilante "justice."

Wyoming's first recorded activity of this kind occurred in January, 1868. Three men who had been arrested for theft were released on bond. The next morning they were found tied together with a large canvas

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which listed their names and the following: "$900 stolen, $500 returned, city authorities please not interfere until 10 o'clock a.m. Next case goes up a tree. Beware of the Vigilance Committee." The next morning the Cheyenne vigilantes struck at Dale City and hanged three desperadoes. A few days later they drove five "bad guys" out of Cheyenne. All of this activity created excitement in Cheyenne, the mayor and the newspaper deploring vigilante activity.

In March, 1868, two men, Martin and Morgan, were lynched by a masked group. Martin was a notorious barkeeper who had been charged with murdering an accomplice and had been acquitted by the U. S. District Court. The Vigilance Committee did not agree with the verdict. Morgan was hanged for stealing mules.[2] After that, vigilante activity subsided in Cheyenne but continued west with the railroad to Laramie City. Laramie had a well-organized group of vigilantes.

In the mid-1870's, Wyoming was experiencing increasing difficulty with road agents robbing stagecoaches. In August, 1875, the *Cheyenne Daily Leader* stated: "Gold excitement has brought to our city many dangerous characters. . . . They live by appropriating the property of our people and, if the officers do not put a stop to this practice, a people's committee will take the matter from their hands. A little hemp could be used to

good advantage." In June, 1877, under the title "Hankering for Hemp," the *Daily Leader* urged:

> If there is power in the land to stop this devilish work and hang these hellhounds, we call upon all in authority military or civil to use immediate and potent means. Otherwise the people must rise and summarily end the career of road agents and horse thieves, after which inefficient officers will be deposed.

These stirring editorials must have had an effect for on October 9, 1878, the *Daily Leader* reported: "The Good Work Progresses . . . two dead men with black faces and protruding tongues were left to fester on a tree."

But crime on the frontier continued and the public, dissatisfied with results from the territorial courts, supported these vigilante executions. Before 1887 there were only two legal executions—both men were "half-breeds." In the early 1880s the newspapers complained that there had been "scores of murders, coldblooded and atrocious," with little in the way of punishment so extralegal executions continued.[3]

In January, 1879, "Dutch Charlie" Burris was lynched in Carbon and in 1881 his compatriot "Big Nose" George Parrott met the same fate in Rawlins. Henry Mosier, another murderer, was lynched in Cheyenne in 1883. Despite pleas from Mayor Joseph Carey and territorial officials to let the law punish Mosier, the mob hanged him from a telephone pole at the corner of 19th and Capitol. Most of the territory condoned these lynchings because all three men were well-known vicious characters whom it was feared would escape punishment without mob action. The newspaper supported these lynchings. The *Cheyenne Sun* stated:

> There has [sic] been so many long-winded ceremonious legal farces enacted in the courts of the Territory that it seemed to many of our thoughtful citizens as if the law was being used to protect and not to punish criminals.

The *Cheyenne Leader* added: "Mob violence is deplorable but unless the laws and the courts furnish protection to life and punish crime, there is nothing left us."[4]

In an attempt to remedy the lack of official and legal justice, Judge Ara Bartlett, Chief Justice of the Dakota Territory, came to Cheyenne to hold court in the spring and fall of 1868. For the transient railroad population of southern Wyoming these two terms were not enough. The Dakota legislature and the Dakota judges were criticized for neglecting the Wyoming area. A Cheyenne lawyer observed in 1868 that "what may be very wholesome law among the Norwegians at Yankton is far from meeting the lightning-like necessities of a people whose every movement is made at the rate of 25 miles an hour." The *Daily Leader* put it this way, "Dakota is a slow coach; we travel by steam."[5]

Complaints flooded Washington about the turbulence and lack of government in Wyoming. As early as December, 1867, the governor of Dakota noted the crime and violence in the southwest part of his territory and urged that a separate territory be created in order to deal more effectively with it. Dr. Hiram Latham, representing Wyoming people, went to Washington in October, 1867. In an address to members of the Senate and House, he stated that the people of Wyoming "are practically without government and without law. Vigilance Committees usurp the function of the court, and the only restraint upon the evil disposed is the fear of violence at the hands of those self-constituted tribunals." He also pointed to the strong support among Wyoming residents for the creation of the Wyoming Territory.

Unfortunately, at the time the Wyoming Organic Act was introduced, a feud between President Johnson and Congress was at its height, and the Wyoming bill was attacked as "a scheme for officeholders." Wyoming experienced one of the longest delays of any territory. More than three years passed between the introduction of the act and its passage. Grant was criticized in Wyoming for his role in the delay and some members of Wyoming society felt it was a plan to prevent Wyoming from being settled by "conservative white men." Civil War emotions still ran high even in the West. The *Frontier Index* made this position clear:

> The community will not be run or represented by any one cent, pettifogging, cloaked, black Republican and all aspirants of that stamp had better pack their carpet bags and put out for Thad Steven's Hell at the head of the Yellowstone River. That is the only part of Dakota that the Devil has set apart for the domicile of such mongrels. Your store clothes do not encase the gizzard foot sambo smell, sufficiently secure to make your presence agreeable among honest white men.[6]

Like the organic acts for other territories, Wyoming's followed the Ordinance of 1787 for the Ohio Territory. The organization of the judicial system was simple. Under the act, the Wyoming Territory had three justices appointed by the President and confirmed by the Senate for four-year terms. They presided individually as district judges and in a body as the Territorial Supreme Court. In both capacities they had jurisdiction over cases arising under United States or territorial law. Appeals went from the Territorial Supreme Court to the U. S. Supreme Court.[7] The Territorial Supreme Court met annually at Cheyenne. Throughout the territorial period, there were only three judicial districts, but their boundaries were changed several times.

Judge A. C. Campbell, an early Wyoming attorney who knew most of the territorial judges, stated that it "was cynically remarked that the three district judges met in Cheyenne once a year as justices of the Supreme Court to affirm each others errors."[8]

Statistics from those early days indicate that the Wyoming Territorial Supreme Court did not automatically affirm district court decisions. In the period up to statehood in 1890, the Supreme Court affirmed in 106 cases, reversed in 51, dismissed 16 and modified five decisions of the lower court.[9]

Chief Justice Marshall defined territorial courts as legislative courts, not constitutional courts.[10] The practical effect of this decision was that territorial judges were frequently removed for political reasons despite their pleas of immunity.

The judges of the district courts ordinarily held two terms of court at the county seat of each county in their district. One frequently voiced criticism was the small number of judges for such large districts. Coverage in Wyoming on horseback or by stage was an almost impossible task, considering the vast distances between communities. This often led to long and costly delays in litigation. In Johnson County, Wyoming, where personal property was valued at $5 million, the district judge could make the 500-mile stage trip only once a year for a one-week session.[11]

Lack of money to effectively run the judiciary was at the center of most territorial judicial problems. The salaries of the judges of the district courts were covered by their salaries as Territorial Supreme Court Justices. These "pitifully meager" salaries were established by the Territorial Organic Act. From 1870 until statehood, Wyoming's justices had their salaries pegged at $3,000 per annum. The deliberate failure of Congress to appropriate the full amount of the judicial salary made the situation even worse. From 1877-1880 Congress appropriated only $2,600 for each judge's salary.[12]

The discrepancy between the value of the dollar from Washington and the value of gold, which was the currency in use in the West, increased the problem. The discounting for gold cost the judges about 15-25% before they even received their salaries.[13] Finally, like Wyoming boom town citizens of today, the judges had to contend with the very high costs of living on the frontier. Governor Moonlight, who received the same salary as the justices, complained that it was impossible to live here on the salary, however economical one may be. "The cost of keeping a horse is more than my pay will warrant, and so we go on foot . . ."[14] Territorial Judge W. W. Peck apparently practiced moneylending. In 1882 he offered to handle loans for President Hayes, noting that "there is no law against usury in the Territory . . ."[15] Judge Kingman also complained about the salary, stating he was unwilling to board with laborers.

Territorial legislatures tried to ease the problem by voting extra compensation. In 1873 Congress prohibited payment of extra compensation to governors, secretaries and members of territorial legislatures. Through an error in rewriting the act, judges escaped this prohibition. Judges received $1,000 to $1,500 extra in Wyoming, but inadequate salary remained the reason most often cited for judicial resignations.

The administration of justice was further hampered by unrealistic travel and per diem allowances for witnesses and jurors.[16] These allowances, designed for Eastern states, were inadequate in the West. Jurors and witnesses collected traveling expenses of $.06 per mile and paid stage fares of $.25 per mile. The result was that witnesses would appear only if arrested, preferring to be taken to court as prisoners at the Government's expense rather than pay their own way without any hope of adequate reimbursement.

The types of cases handled by the Wyoming territorial courts grew out of the economy of the state. Many of the cases brought to the territorial court had the Union Pacific Railroad as one of the litigants.[17] Cattle cases were another source of frequent litigation. Breach of contract and rustling cases formed the bulk of those cases.[18] Disputes over land were frequent, including boundary disputes between land claimants, claim jumpers, miners, private citizens and the Federal government.[19]

Wyoming had its share of criminal cases.[20] The court also had the usual run of tax, procedure, agency, bank and contract disputes with which to deal. Of the cases decided by the Territorial Supreme Court, only 12 were appealed to the U. S. Supreme Court. Of those 12, three were affirmed, three reversed, and the rest dismissed or set aside.

President Grant's judicial appointments for the Territory of Wyoming were announced on April 3, 1869. John H. Howe was appointed Chief Justice and John W. Kingman and W. T. Jones were named associate justices. The judges went to work as soon as they arrived. Judge Kingman described his arrival in Cheyenne in his autobiography:

> I went out there in May 1869, just after the Union Pacific Railroad had been opened for travel. All the new territorial officers arrived about the same time and we organized the government and the courts. We found a horrible condition of things. Apparently the worst men and women from the border states and many who had fled from the relentless draft among the rebels seemed to dominate society.[21]

Chief Justice Howe observed a year after his arrival that "reckless roving adventurers who have no settled, well-defined notions of the rights and obligations of society" were in the majority. The Chief Justice urged a "firm, inflexible and vigorous administration of the law" to confront crime and immorality, "which everywhere prevailed and was predominant."[22]

Evidently the lawyers were not much better than the general citizenry. Judge Kingman said, "Some of the attorneys were wretched characters. I sent two of them to prison for 30 days each and disbarred two. These all left the Territory and never came back again."[23] Chief Justice Howe experienced similar problems with the local bar. He fined four lawyers. The *Cheyenne Leader* supported the Chief Justice in his lack of sympathy for lawyers who overslept "on account of spiritual manifestations the previous evening."

Evidently lawyers with "spiritual manifestations" continued to be a source of trouble to the courts. For example, in one decision Judge Peck noted:

Street was a practicing lawyer at Cheyenne and the evidence of professional experts show that, when sober, he was a careful and precise draftsman of law papers; the structure of the deed is conclusive that he was sober when he prepared it and saw to this execution.

Like many of Wyoming's territorial judges Chief Justice Howe had served in the Army during the Civil War and had risen to the rank of brigadier general. He was born in New York and educated in Ohio, for a time serving as judge of the Sixth Judicial District of Illinois. He was an active Whig until 1860 when he became a Republican. W. W. Corlett described the Chief Justice as "peevish and fretful, although a man of pretty good ability. He was undoubtedly out of health, dyspeptic in his stomach and in his nature, too."[20]

Judge Kingman, also from the East, was a graduate of Harvard Law School. He practiced law in the office of Daniel Webster in Boston and served as a colonel in the Civil War. Born in 1821 in New Hampshire, his ancestors were the Brewsters who arrived on the Mayflower and settled in Portsmouth, New Hampshire. In 1696 Indians attacked the settlement, and his great-great-grandmother was found without her scalp and with a fracture in her cranium from a tomahawk.

The Wyoming Territorial Legislature was the first legislature to grant women the right to vote and hold office. The Wyoming legislators also adopted a law to "protect married women in their separate property, and the enjoyment of the fruits of their labor," and a law which provided that "in the employment of teachers, no discrimination shall be made in the question on account of sex. . . ."[26]

Governor Campbell was opposed to the Suffrage Act. Both Howe and Kingman were active in supporting Wyoming's early contribution to women's rights. In his autobiography, Kingman wrote that he and Howe talked to Campbell until midnight in order to convince him to sign the bill. "We presented all the arguments we could think of, for we were decidedly in favor of it as a matter of justice as well as of expediency. We at last convinced him and he signed it." Part of the justices' support for extending the franchise to women was probably due to the "civilizing influence" women were credited with during frontier days. Kingman and Howe cited that attribute when they worked to get women to serve on juries.[27] Like the citizenry at large, Wyoming juries were a rough group. Judge Kingman noted that "the courts were powerless to enforce the criminal laws in cases of high crimes. It was a common remark in the jury room, 'one man is dead, what do (we) want to kill another for?' "[28]

Judge Kingman related the events that led to the first women in the world sitting on a jury in Laramie in 1869:

> The county officers, thinking to throw ridicule on the act and make trouble for the judges, summoned nearly all the respectable women in the city as jurors . . . This made the husbands furious, as they looked upon it as an insult as well as an outrage. Threats of violence were made unless the judge would discharge all the women at once . . . Judge Howe and I consulted over the subject and agreed that the women had the right to sit as jurors and should not be driven from the exercise of it without their consent. . . .[29]

In a letter ruling on the prosecutor's objection to women being empaneled, Judge Howe wrote:

> I will thank you to make it known to those ladies who have been summoned on the juries that they will be received, protected and treated with all respect and courtesy due and ever paid by true American gentlemen to true American ladies, and the court, by all the powers of the government, will secure to them all that deference, security from insult or anything which ought to offend the most refined woman which is accorded to women in any of the walks of life in which the good and true women of our country have heretofore been accustomed to move.
>
> Thus, whatever may have been, or may not be thought of the policy of admitting women to the right of suffrage and to hold office, they will have a fair opportunity, at least in my court, to demonstrate their ability in the new field, and the policy or impolicy of their occupying it.
>
> Of their right to try it I have no doubt. I hope they will succeed, and the court will certainly aid them in all lawful and proper ways.[30]

Justice Kingman described the atmosphere which greeted the justices, "When we went to the Court House it was filled with a curious crowd, some to enjoy the fun, both most angry and sullen."[31]

From another perspective, one of the first woman jurors, Sarah Wallace Pease, described her jury summons:

> This proceeding was considered a very ludicrous affair . . . consequently when the eventful day arrived they (the women) were all in attendance, with the mutual understanding that they would request to be excused. When we reached the old club house or barracks, which was dignified by being called a court house, we found it filled to overflowing with a crowd of men and women. . . .[32]

Chief Justice Howe formally opened court by saying:

> Ladies and Gentlemen of the Grand Jury: It is a novelty to see, as we do today, ladies summoned as jurors. The extension of political rights and franchise to women is a subject that is agitating the whole country. I have never taken an active part in the discussions, but I have long seen that woman was a victim to vices, crimes and immorality, and with no power to protect or defend herself from these evils. I have long felt that such powers of protection should be conferred upon women, and it has fallen to our lot here to act as pioneers in this movement, and to test the questions. The eyes of the world are today fixed upon this jury of Albany county. There is not the slightest impropriety in any lady occupying the position, and I wish to assure you that the fullest protection of the court shall be accorded to you. It would be a most shameful scandal that in our temples of justice and in our courts of law anything should be permitted which the most sensitive lady might not hear with propriety and fitness; and here let me add that it will be a sorry day for any man who shall so far forget the courtesies due and paid by every American gentleman to every American lady as to even by word or act endeavor to deter you from the exercise of these rights of which the law has

Chief Justices

John H. Howe
1869-1871

Joseph W. Fisher
1871-1879

James B. Sener
1879-1884

John W. Lacey
1884-1886

William L. Maginnis
1886-1889

Willis Van Devanter
1889-1890

> invested you. I will conclude with a remark that this is a question for you to decide for yourself. No man has any right to interfere. It seems to be proper for women to sit upon grand juries, which will give them the best possible opportunities to aid in suppressing dens of infamy which curse the country. I shall be glad of your assistance in the accomplishment of this object.[33]

Next, Justice Kingman was called upon to address the prospective jurors. Judge Kingman related:

> I told them that they well knew how utterly unable the courts were to enforce the criminal law, in consequence of the unwillingness of such juries as we had been having, to convict anyone, that we believed a remedy would be found if the intelligent and moral women would come forward and help us by exercising the new powers now for the first time put into their hands; that they were more deeply interested in sustaining the honest and vigorous enforcement of the laws than any other class of citizens. We implored them to aid us as judges and protect themselves and the young society now just organizing itself.[34]

Pease described the reaction of the women to these remarks by writing, "I hardly need to add that such words of commendation, coming from the bench had the desired effect and as a result every woman who had been called to serve was promptly sworn in."[35] The attorneys objected again and were overruled. Judge Howe, when threatened by irate counsel with an appeal from his ruling, responded, "Go ahead, and see how far you get with Kingman and me on the Supreme Court."

The news of the world's first women jurors was telegraphed everywhere. Twenty-four hours later the King of Prussia cabled congratulations to President Grant. Newspaper writers and special artists from the illustrated papers came to Laramie to record the historic event. The women jurors, despite pleas from the court, refused to pose for a group photograph. When going back and forth between the jury room and the courtroom they were "heavily veiled" to prevent sketches being taken. The precautions were to no avail, however. They were caricatured by the newspaper artists and many of the newspapers wrote unfavorable articles to accompany the drawings. In spite of this adverse reception, the female jurors fulfilled their responsibilities admirably. They sat in on a variety of cases including horse and cattle stealing, illegal branding and murder.

The effect of the women on the male jurors was startling. Card and dice playing, drinking and even smoking and chewing were inhibited. The judges noted that even the courtroom shaped up. "Lawyers took their heels off the table, and quit whistling and expectorating. The Judge put his legs and feet under the bench where they belonged instead of on top of it, the attendants and spectators came better dressed; the room was kept neat and clean." The tone of the jury room was also radically changed. The first "female" Grand Jury was opened in prayer by a minister's wife. This same woman insisted, in spite of criticism from other female jurors, upon knitting throughout the court proceedings and deliberations. Juror Pease described her as knitting during the deliberation in a murder case, reciting in rhythm with her clicking needles. "Whoso sheddeth man's blood by man shall his blood be shed."[36] The man was convicted.

When the jurors were discharged, Chief Judge Howe praised the women jurors, saying they exerted "a refining and humanizing influence" and their presence marked "a new and improved epoch in the administration of justice." In a later written statement, the Chief Judge commended the women for their "careful, painstaking, intelligent and conscientious" attitude.[37]

Judge Kingman maintained a strong interest in women's rights. He stated in his autobiography, "I cannot help regarding the part I took in securing the passage of the Woman Suffrage Act, in giving it vital force and effect and preserving its perpetuation and popularity as the most creditable act of my life."[38] He gave interviews and speeches on the subject in several states. In 1876 he spoke to the Massachusetts legislature on the Wyoming experience with women's suffrage. In 1874 in an interview with feminist Mrs. Lucy Stone, he observed, "A woman will not consent to be a butterfly when she can of her own choice become an eagle! Let her enjoy the ambitions of life. Let her be able to secure its honors, its riches, its high places, and she will not be its toy or simple ornament."[39]

Judge Kingman, like several other territorial judges, had interests in livestock. He was a major figure in Wyoming's sheep raising industry. In 1871 the *Laramie Daily Sentinel* reported that Judge Kingman had received a "whole train load of sheep from the East." Judge Kingman gained a wide reputation as an authority on sheep and was quoted as such in a report of the Secretary of the Interior. But his sheep raising activity also gave an opportunity to his critics. P. S. Posey said:

> Judge Kingman, instead of mounting armed chairs to frighten the souls of fearful lawyers, capers nimbly in an odorous sheepfold to the lascivious bawling of his rams. Besides, he ranks much higher as a lawyer among sheep than he does among men.[40]

Toward the end of his term, Chief Judge Howe experienced problems of a more serious nature. In 1869-1870 Wyoming was excited by the Black Hills gold discoveries and there was much talk of sending an armed mining expedition north. Because of his "ability, address, high character, and social and political influence,"[41] Judge Howe was selected to represent Wyoming in Washington, D.C. Howe went to Washington and was successful in obtaining permission for the territory's northern expedition. Upon his return he was generally applauded by the residents for this accomplishment, but the Justice Department was not pleased with his activity.

The actions that led to his early resignation began soon after his Washington success in 1870. A lawsuit was brought against the Union Pacific Railroad by a contractor who sought an award of $600,000. Judge Howe

required the railroad to put up security for the claim, refusing to accept the bond signed by the Union Pacific directors because they were not residents and did not own property in Wyoming. Instead, the judge wanted to appoint a receiver. The railroad protested vehemently. Oakes Ames, Union Pacific promotor, called Howe's decision "an outrage that ought not to be submitted to." The railroad began to apply political pressure. The Justice Department instructed the Wyoming judge on the government's desire to see that the railroad be kept running. Howe was on the verge of removal. After two weeks, Howe capitulated to the railroad's demands. The case proceeded without a receiver and Oakes Ames was "gratified that the Wyoming courts have come to their senses."[42]

Later Howe tried unsuccessfully to become the Republican nominee for Territorial Delegate to Congress. Governor Campbell halted Howe's ambition by appointing Judge William Jones. After two and a half years on the bench, Howe resigned, a sick man. Two years later he died. Near the end of his service, Howe described the transformation of Laramie from a wild frontier town to a place known for its "peace, sobriety and good." While this statement may not be entirely accurate, it does reflect his estimate of the initial impact of the federal judiciary on the frontier.[43]

Judge William Jones sat on the bench with Howe and Kingman. Born in Indiana, he served in the Civil War and was promoted to major "for gallant and meritorious services on the field." He began the practice of law in 1865 and in 1869, at the age of 27, he was appointed justice of the Wyoming Territorial Supreme Court. Corlett described Jones as, "Entirely cool and impartial on the bench and for that reason was approved by the bar and people."[44]

Jones was supported by Governor Campbell as the Republican nominee for Territorial Delegate to Congress and his selection in 1871 caused a schism in the Wyoming Republican party. This intra-party feud lasted for over four years, until Governor Campbell's resignation in 1875. The Republican editor of the *Laramie Sentinel* later described this "war" between federal officers as one "which rapidly spread among the citizens of the territory and grew into the most bitter feud ever known in the West."

On one side were Governor Campbell, Justice Jones, U. S. Attorney Joseph Carey (later a territorial justice), Frank Wolcott of the U. S. Land Office, and the editor of the *Laramie Daily Sentinel.* On the other side were Territorial Secretary Herman Glafcke, Surveyor General Silas Reed, U. S. Marshal Church Howe and the editor of the *Cheyenne Daily Leader.* Church Howe was the nominee for delegate by this faction of Republicans. Since he was the U. S. Marshal, the ramifications of the hostilities were serious for the judiciary.

Following charges of vote-buying, the governor persuaded President Grant to remove Church Howe as marshal in May, 1871. The *Cheyenne Daily Leader* blamed Howe's removal on the "meanness, political chicanery, and rotten machinations of the Campbell clique of political prostitutes and drunkards."[45] The marshal's replacement left after a few days, on a cattle train in the middle of the night. Justice Jones accused Church Howe of buying off this replacement. Howe was then reappointed but removed again in 1872 when President Grant appointed Frank Wolcott as U. S. Marshal. This precipitated a flood of letters to Washington describing Wolcott as "obnoxious and hateful to us."

By the spring of 1872, Campbell's superior position had eroded. Wyomingites were dissatisfied with Delegate Jones' job as their representative. Jones' problems coupled with the disarray among the Republicans led to a Democratic victory in the Delegate race in September, 1872. In March, 1873, President Grant removed two more anti-Campbell Republicans, Glafcke and Reed.

In 1874, Judge Joseph M. Carey was the Republican nominee for delegate. He was defeated by Democrat W. R. Steele. With a Democrat again in Washington, Campbell left Wyoming to become United States Consul to Switzerland. A concentrated effort to remove Judge Carey began. Edward Ivinson, a prominent Laramie banker, wrote to the U. S. Attorney General attacking Carey:

> Judge Carey is not a man of learning in the law or in anything else and is completely blinded by his likes and dislikes to such an extent that he cannot decide any question fairly. He always tried to protect his political friends and punish his political enemies.

He described the Chief Judge as follows: "Judge Fisher is a weak old man, feeble in health and more feeble in intellect." Judge Thomas was characterized as a "vulgar whiskey drinker . . . hostile and abusive."[46] Ivinson concluded by threatening to leave the country unless there was a change of officers, but the removal effort failed and the "Campbell" judges remained on the bench.

Judge Fisher, the judge described so unflatteringly by Ivinson, began his tenure on the bench in 1871, sitting with Kingman and Howe. He was born in Pennsylvania in 1814, admitted to the bar in 1842, and elected to the Pennsylvania Legislature in 1848. He enlisted in 1861 as a captain of the Union Army, fought at Gettysburg and was rewarded for his gallantry with the brevet rank of Brigadier General. President Grant referred to Fisher in complimentary terms in his memoirs.

Ivinson was not Judge Fisher's only critic. The Chief Justice was condemned by P. S. Wilson, a Cheyenne banker, in letters to officials in Washington. On treatment of an embezzler by Judge Fisher and by a contempt of court punishment he received from the judge, Wilson wrote of Fisher:

Associate Justices

William T. Jones
1869-1871

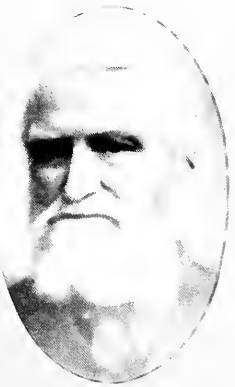
John W. Kingman
1869-1873

Joseph M. Carey
1872-1876

E. A. Thomas
1873-1877

Jacob B. Blair
1876-1888

William Ware Peck
1877-1882



Samuel C. Parks
1882-1886

Samuel T. Corn
1886-1890

Micah C. Saufley
1888-1890

Asbury B. Conaway
1890

**Joseph W. Fisher served as associate justice for eight months in 1871 before he was named Chief Justice.*

> The basilisk is hatched from the male bird's egg. It is a creature surpassing all others in its hideousness and venom. The way to kill it, is to hold before it a mirror, when it dies from terror. If our judicial basilisk will examine himself in this mirror of his deed, he cannot live.[47]

In spite of such vicious attacks, Judge Fisher enjoyed a comparatively long term on the bench—over eight years. Unlike many of the territorial judges, he remained in Wyoming. In 1881 he was appointed U. S. Commissioner and served until statehood. The initial draft of the state's constitution was the work of the former justice. His son, Tunis J., better known as T. Joe, was a well-known figure in the Cheyenne legal community where he served as District Clerk of Court for many years.

In 1873 E. A. Thomas was appointed to replace Justice Kingman. A native of New York, he was 35 when he arrived in Wyoming. He had been mayor of Auburn, New York, and a captain in the Union Army. Judge Thomas served for four years and was the compiler for the first volume of the Wyoming Supreme Court decisions. He later returned to the East where he wrote several novels and a dictionary of biography.

The last judge to serve during the Campbell administration was Judge Joseph M. Carey. He was born in Delaware in 1845 and graduated from the University of Pennsylvania where, while studying law, he stumped on behalf of Republican candidates and campaigned for Grant in 1868. In 1869 Grant appointed Carey, at Carey's own request, to be the first U. S. Attorney for Wyoming. Two years later he resigned this office when, at age 26, he was appointed associate justice for the Wyoming Supreme Court, where he served from 1871-1876.

Carey went on to be elected Mayor of Cheyenne three times, Representative to Congress three times and after statehood he was elected Senator. In 1911 he was elected Governor of the State of Wyoming. While a delegate to Congress, Carey worked for Wyoming's statehood.

As early as 1869 Judge Carey saw the possibilities in the cattle industry. In a letter he wrote to one of his brothers he said:

> I have for some time been thinking of suggesting to him [their brother John] to come to this country to engage in cattle and sheep raising. I know of nothing in which a man can so speedily and surely make a fortune . . . A man with some capital that will stick to the business for 5 years with but ordinary luck can be worth $100,000. I believe it to be a sure road to fortune. . . .[48]

In 1872 he and his brother brought a herd from Texas to Cheyenne. By 1875 they boasted the largest herd in the state, over 6,000 head. A decade later they had 32,287 head of cattle. The company, J. M. Carey and Brother, was in operation for three-quarters of a century.[49] As a member of the judiciary, Carey was criticized for his business interests. While he was on the bench in 1876, Delegate W. R. Steele, the Democrat who defeated

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Courthouse interior, Evanston, Uinta County, in territorial days.

Carey for the position in 1874, complained of his business interests to the attorney general:

> Judge Carey is a young man of limited experience at the bar, is largely engaged in private business which engrosses a very considerable portion of his time, almost the whole of it, thus preventing that undivided attention to his judicial duties, which is an absolute prerequisite to a good judicial officer.[50]

Assessments of Carey's judicial performance varied. Opponents accused him of incompetence but his friends described him as dedicated and diligent. During the removal activity, after Campbell's departure, the U. S. Marshal at the Attorney General's request interviewed ten leading citizens about Carey's reputation. All professed to like him personally; all questioned his ability as a lawyer and judge. The marshal's report noted that Francis E. Warren liked Carey as an honorable and energetic gentleman "but as a lawyer thinks he does not know anything about it and very much prejudiced." Luke Murrin considered Judge Carey "a nice clever fellow, highly honorable," but also stated that he "does not know any more about law than a hog . . . full of prejudice and owned and run by the Campbell clique."[51] Carey did not lack support, however. He was able to get 17 out of the 20 practicing lawyers in the territory to petition Washington in his favor. Carey, was elected to the U. S. Senate in 1890 where he served until 1895.[52]

Carey was replaced by Jacob B. Blair. Blair was born in what is now West Virginia in 1821. He studied law and was admitted to the bar. He was a representative to Congress in the early 1860s as a Unionist and when West Virginia was admitted to the Union he continued to represent the state. He also served as the U. S. Minister to Costa Rica from 1868-1873. President Grant appointed him Associate Justice of Wyoming in 1876. Attorney A. C. Campbell said:

> He had a charming personality and an amiable disposition. He also possessed a keen sense of humor which was frequently displayed upon the bench and occasionally savored a written opinion.[52]

In a homicide case before Judge Blair, a gunsmith was on the witness stand, located a few feet to the right of the judge. He held in his hand the defendant's revolver. As Judge Blair turned to deposit a mouthful of tobacco juice in the cuspidor, he saw the revolver pointed at him. He inquired, "Mr. Witness, is that gun loaded?" Upon receiving an affirmative answer, Judge Blair responded, "Point it towards the lawyers. Good judges are scarce."[53]

On election eve, 1884, Blair had adjourned his court "until the morning after James G. Blaine is elected President." Soon after President Cleveland's inauguration, His Honor paid his respects to the new President. Cleveland evidently kidded him a little and assured Blair that he would not be removed, barring the appearance of serious charges against him. Blair blurted, "Mr. President, the most serious charge that I have heard is that I bet on Blaine."[54]

While holding court in Albany County, Judge Blair occupied two rooms in the "Courthouse," one was his official chambers and, on the floor below, was his bedroom. A. C. Campbell was U. S. Attorney and the government had brought suit against a man, Matt Patrick from Omaha, over the Star Route mail contract. A leading Omaha lawyer, John Webster, represented Patrick. Webster came to Laramie to argue a demurrer and the argument lasted most of the day. The judge entered an order denying the demurrer. That evening, the judge, Webster, Patrick and Campbell played whist in the judge's bedroom until a late hour. Campbell and the judge were partners. They had extraordinary luck and won every game. When the game was over, Judge Blair shook Campbell's hand and said, "Put it there, we can beat them upstairs and we can beat them downstairs." Attorney Webster exclaimed, "Yes, and damn you, you hold the cards in both places."[55]

Judge Blair continued to administer frontier justice until 1888. He moved to Salt Lake City, Utah, where he acted as probate judge and surveyor general of Utah until his death in 1901.

Serving on the bench with Fisher and Blair was William Ware Peck. The replacement for E. A. Thomas, he was appointed in 1877 by President Rutherford B. Hayes, a college classmate at Harvard.

Peck was born in 1819 in Vermont. At the time of his appointment, he had been practicing law in New York City with John Van Buren, son of President Van Buren. He came to Wyoming highly recommended by members of the bars of New York and Vermont. Peck was commended by his peers in the following terms: "He was marked for his devotion to, and industry in, his profession, and for his habit of thorough investigation of legal subjects, a gentleman of integrity and culture."[56] His was an interim appointment which required confirmation by the Senate at the next session. But before the year was out many people were calling for Judge Peck's removal.

The controversy over Judge Peck illustrates the many pressures that affected territorial justice and points out the importance of the ability to adapt to the frontier and its ways. Although Judge Peck's critics pointed to the exorbitant expenses incurred by the district court in the summer of 1877, it was apparent that personality conflicts played a large role in Judge Peck's problems.

His train pulled into Evanston at 2 p.m. and by 3 p.m. he was holding court. Peck was a staunch Episcopalian and began and taught the first Sunday school in the area. The irrepressible A. C. Campbell remarked on Peck's use of prayer in the courthouse: "The citizens of that town would have been less astonished had one of their number opened a jackpot in the same manner."[57]

Senator Algeron S. Paddock of Nebraska accurately divined the reasons behind Judge Peck's practice. He described the justice as a self-acclaimed "apostle to the border country, sent here for missionary work to reform a depraved people."[58] Peck's personal letters seem to bear this out. To his friend, President Hayes, he depicted his work as a "sharp contest, a close throat grapple between law and crime." The "lawless element" was a frequent subject in his correspondence.

Besides his religious bent, Judge Peck was also described as deliberate, prim, and pompous. He mounted the bench with a "lordly air" said one critic. Another alluded to Peck as "one of those gentlemen to whom it is a pleasure to part their names in the middle."[59]

Peck suggested to his fellow justices that when they sat as members of the Supreme Court they should wear robes. Judge Blair pretended to agree but suggested that Peck should get Chief Justice Fisher's opinion. He did and Fisher's reply was, "I'll be damned if I'll ever wear one."[60]

The crux of the case against Peck was the increase in court expenditures under his administration. He paid careful attention to the court rules, he required full records made for each case and consumed large amounts of time in gathering all the details in every trial. Cases that used to take a day to be tried now took closer to two weeks. All this concern for procedures raised court costs borne by the county from $3,800 to $11,000.[61] Statistics published at the time show that in the July term of the previous year 25 civil and 10 criminal cases had been disposed of at a cost to the county of only $2,027.20, compared to Peck's July Term of 1877 when six civil and 14 criminal cases cost the county $8,836.60.[62]

In 1877 Judge Peck wrote to the President reminding him of his promise to renew his commission. He took that opportunity to notify him that Chief Justice Fisher "is over 70 . . . paralytic . . . (and) cannot probably live long . . . Now I want to be Chief Justice. . . . Do not understand me however as intending to intimate that Judge Fisher is not entirely competent for his position. I have no thought of doing so. I am simply anticipating a vacancy . . . I suspect his health is really yielding to overwork . . ."

Judge Peck was premature in his request. By that time the opposition to his confirmation had strengthened. Local politicians, including former court officials and his predecessor, E. A. Thomas, were afraid of losing control of the federal "pork barrel." One of Peck's first acts had been to fine a lawyer ten dollars for contempt. Unfortunately for Judge Peck, the man was a delegate to the territorial legislature and was so offended by the judge's action that he vowed revenge. The delegate drew up the memorial to the President requesting him to withdraw the nomination. The legislature passed the memorial overwhelmingly. The legislature also requested that Territorial Delegate W. W. Corlett help get rid of Peck. Corlett sent the memorial to a judiciary committee member with his comment that, "As the legislature thus speaks without a dissenting voice it seems to me the authorities here ought to hesitate before sending Judge Peck to Wyoming as judge, when he must necessarily be without usefulness to our people."

The President and Senate disregarded the Wyoming legislature's request and Peck was confirmed on December 14, 1877. In retaliation, the legislature "sagebrushed" Peck. They passed a redistricting bill which relocated Peck's judicial district in the uninhabited northeastern corner of Wyoming. The old Third District was attached to Blair's Second District. At the same time Blair was given $1,000 and Fisher $800 per year in extra compensation to handle their increased workloads.[63] This bill was approved by Governor Thayer in the face of nearly unanimous support in the legislature. The governor's assent to the "sagebrushing" bill was interpreted by the President and the Senate as defiance. Washington's reaction was decisive—Thayer was out.

At first Peck refused to yield to the redistricting and sought to maintain possession of his Third District court. He was unsuccessful. The judge reported to the attorney general that Sheriff Pepper locked him out of the building, threatened to shoot him, and escorted Justice Blair into the courtroom to act in his stead. An affidavit submitted to the Senate Judiciary Committee indicated that the sheriff refused to serve Peck's orders and threatened to "club him and his whole damned gang out of there" if the judge tried to hold court.

The judge left for Washington in February, 1878, to defend himself. Led by the judiciary committee, the Senate passed a measure which voided the Wyoming act. But due to Corlett's faithful attention and hard work, it failed in the House. A scenario of federal authority versus territorial challenge figured prominently in the debates. An eastern Senator attacked the Wyoming legislature for its defiance of Congress:

> It is simply the question, presented in the bill before us, whether Congress shall surrender to the Territory or whether the Territory shall conform, as in time past, and as in all other Territories they have, to the administration of the law according to its forms enacted here.[64]

Former Justice Kingman called the Wyoming legislature's action "a scandalous attack . . . upon the independence of our judiciary and the sovereignty of the Federal government."

Charges and counter charges flowed into Washington from Wyoming. The Wyoming legislature kept passing resolutions and memorials on the Peck matter. One resolution declared the judge suffered from "certain infirmities of mind."

A communication published in the *Salt Lake Tribune,* signed "A Juryman", described Peck's procedure at Evanston:

> Whenever the time arrived for court to open he was invariably late . . . There were some exceptions to this rule,

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Crook County Courthouse, Sundance. Judge Peck, assigned to the sparcely populated northeastern corner of the state, never held court there. The county was not organized until 1886, and court held in Sundance in August, 1886.

though rarely, and when they did occur, woe befall the attorney, witness or juror who arrived five minutes after his Honor . . . his method of trial is excessively tedious. He assumes the duties of courts, counsel and jury, forever interrupting lawyers to ask questions himself, and if an attorney who happens to be a special favorite of his (and there are some such) misses a good point, his Honor will call his attention thereto. He invariably aids the prosecution causes, and no man charged with any crime feels safe in being tried before him.[65]

Various polls were taken in the Third District to show support for one side or the other. The hardest worker for Peck was Alf C. Lee, Uinta County Clerk, who assembled a 24-page "Statement Supported by Proofs and Affidavits." It contained a list of supporters who were characterized as "responsible taxpayers" rather than the "promiscuous crowds" that were anti-Peck. The "Statement" showed that the loudest complainers about Peck's cost to the taxpayers had not paid "one quarter of a dollar of assessment" while Peck supporters accounted for one-half of all the taxes paid in the county.[66]

It was not surprising to discover that Peck received support from the ministry. One of his strongest backers was the Rev. F. L. Arnold, pastor of the Presbyterian Church in Evanston.[67]

Judge Peck never held court in northeastern Wyoming, but he did carry most of the burden in the Supreme Court during the next four years. Since he had no district court chores, the other two judges permitted him to do most of the Supreme Court work. During 1878-79 he authored 21 of the 25 opinions handed down by the Court. The opinions he wrote fill 269 pages of the Wyoming Reports compared to 85 for his associates. In general, his opinions reveal solid legal analysis and reference to legal authorities.

Even with Peck safely out of the Third District, the controversy did not end. The new governor appointed to replace Thayer, John Hoyt, arrived in early summer 1878. At first he defended Peck but in November, 1879, he wrote the President that he believed that opposition was so strong that "the best interests of all parties concerned would be promoted by the assignment of the judge to some other field of labor . . . His voluntary retirement, or his appointment to another post, would put a final end to bitter feuds and partisan strife in all parts of the Territory . . ." This letter may have been what prompted the nomination of Peck to an associate judgeship in the New Mexico Territory in 1880. The attempt to get rid of Peck did not succeed because the New Mexico leaders heard of Peck's trouble in Wyoming and blocked his confirmation.

In 1881 Peck applied for a position on the U. S. Court of Claims. A written statement supporting Peck for this position was signed by all the territorial lawyers except one and contained the following descriptive language, ". . . the ability, integrity and learning brought by you to the judicial office . . . dignity and courtesy of bearing, diligent, accuracy, fidelity, and courage . . ." Former Judge Fisher gave a true picture of the motives

behind these laudatory statements in a letter to the U. S. Attorney General.

> I do not believe that a single member of the bar in this territory desires the return of Judge Peck to his present position and it was only with the hope of getting rid of him that the letter which was signed was gotten up.

Peck was not appointed to the Court of Claims and, as his judicial term ended, petitions were circulated against him. He was not reappointed; in January, 1882 he ceased to be a judge. Peck remained in Wyoming for ten years, engaged in private practice, and eventually got some measure of revenge against his enemies. He had succeeded in getting Governor Thayer removed in May, 1878. After his term ended he wrote to the Attorney General to criticize the other members of the bench. He wrote of Judge Blair, "The Judge of the Second District—lazy, ignorant, frivolous, and profane—has been the buffoon of the Court for the last twelve years." Peck described a successor to the court as "without talent, poorly read, ill-trained and unbalanced in professional development below his years (and they are but 28), a judicial crudity—is profane, given to low intimacy and a frequenter of saloons."

Peck's sweetest revenge came in 1889 when he successfully blocked the appointment of W. W. Corlett as Chief Justice of the territorial court. It was Corlett who had done the work in Washington that allowed the Wyoming "Sagebrush" Act to remain in effect. Peck supplied the President with damaging evidence of Corlett's temporary defection from Republicanism in 1884. At that time Corlett supported Cleveland over Blaine and said so in no uncertain way. Corlett wrote a letter to a Democratic leader supporting Cleveland and described the Republican Blaine as a "plumed poppycock" and a "historical humbug."

Peck also attacked Francis E. Warren. Five days after Warren's inauguration as governor, an unsigned article appeared in the *New York Times* charging the governor with illegal enclosures of government land. This was followed in June by three more letters on the same theme, but in these letters the writer revealed himself as former Justice Peck. He stated that the governor had committed fraud in acquiring his large holdings in Wyoming. Peck described the "mammoth enclosures" of Warren Livestock Company as "mammoth evils" and charged that the firm's appetite for territory was "absolutely insatiable. . . . The chief and head and front of this offending, of this stupendous system and practice of oppressiveness and wrong is the Governor of Wyoming, sworn to obey an Act of Congress, which he audaciously defies."[68] The result was that Peck lost the position he held as assistant U. S. Attorney General and returned to New York City.

Aside from these political problems, what kind of judge was Peck? A. C. Campbell was an intimate of Judge Peck and gave his personal view of him:

> William Ware Peck was a finished scholar, finely cultured and widely read. His memory was a marvel. He could quote correctly lengthy passages from the Old Testament and from the New. He could name off-hand Dickens' leading characters. He could repeat pages of Scott's poems. He could reproduce striking sentences from Webster's speeches and from the opinions of Marshall, Taney and of Story. Owing to his impaired eyesight I frequently assisted Judge Peck in preparing briefs. That is to say, I would read to him decisions applicable to the questions involved . . . When I had finished reading an opinion he would discuss and dissect the same. His analysis, comments, and sometimes criticisms were an education and revelation to me.[69]

A Democratic leader and attorney, William R. Steele, gave his assessment of Peck, "an honorable, conscientious gentleman, a good lawyer, and I believe an able judge." Former Justice Kingman wrote that Peck was a "keen, well read lawyer, an industrious, painstaking student, and a clear-headed incorruptible, fearless judge."

Two sympathetic but clear-sighted contemporaries illuminate how sagebrushing could happen to a judge despite these qualities. In Laramie, newspaper editor Hayford said Peck was a victim of "senseless persecution" but acknowledged "that he is a little too old fogeyish and puritanic for this latitude, and he let these traits manifest themselves in a way that excited prejudice and hostility in the minds of the free and easy Western people." A. C. Campbell noted that, "Although a learned lawyer, as a trial judge Peck was not a success. Like Charles Sumner, whom he greatly admired, he was an idealist hence unfitted for a judicial position in a frontier community." In sum, Peck's downfall resulted from his inability to adapt to the different ways of the Western frontier.

In 1882 Samuel C. Parks was sent to take Peck's position on the bench. Parks was born in Vermont in 1820 and moved to the Midwest early in life. A boyhood friend of Abraham Lincoln, Parks graduated from Indiana State University in education. He went on to receive an A.M. degree from Illinois State University and was a school commissioner for two years. He assisted in the convention of 1860 when Lincoln was nominated for the presidency.

Lincoln appointed Parks associate justice of the Idaho territory in 1862 where he held the first courts in Idaho after its organization as a territory. He returned to Illinois to participate in the Illinois Constitutional Convention of 1870. In 1878 President Hayes appointed him associate justice of the New Mexico Territorial Supreme Court. In 1882 he was transferred at his own request to the Wyoming bench where he served until 1886. He later moved to Kansas and Ohio, always serving in some court-related position.

In 1879 President Hayes appointed Judge James B. Sener as Chief Justice to replace Fisher. Sener was born

in 1837 in Fredericksburg, Virginia. A. C. Campbell notes he "was a Virginian but not of a 'first family.'" Sener attended private schools and graduated from the University of Virginia and then from Washington and Lee College in law. He practiced law in Fredericksburg where he also served as sheriff and as sergeant in the early 1860s. He was a Confederate and although never a soldier he did act as an army correspondent for the Southern Associated Press with Lee's army.

After the Civil War ended he became a "scalawag" and was elected to the House of Representatives as a Republican. He was then appointed Chief Justice for the Territory of Wyoming. Campbell described Sener as "uncultured, but not uneducated. Nature had not moulded him to shine in a drawing room, nor to add dignity to the bench."

The downfall of Sener came when the Federal government instituted proceedings against unlawful fencing in 1883. The U. S. attorney brought suit against Alexander H. Swan, one of the largest ranchers in Wyoming, and won the suit before Judge Sener. He then brought suit in December, 1883, against John Hunton and H. B. Kelly, both prominent members of the ranching community. In retaliation for his rulings, influential cattlemen blocked Sener's reappointment in 1884.

John C. Perry of Brooklyn, New York, had been appointed and commissioned to succeed Sener but he died suddenly at his home before serving even a day. The man who replaced Sener as Chief Justice became one of Wyoming's most prominent and respected members of the bar, John W. Lacey. Lacey was born in Indiana in 1848. At age 15 Lacey enlisted in the Indiana Infantry and served in different capacities until the end of the war. He graduated with a B.A. and an M.A. from DePauw University, and taught math at Quincy College. Lacey was a principal at three schools while he studied law under Isaac Van Devanter. He was admitted to the Indiana Bar in 1876 and married Van Devanter's daughter in 1878. Lacey had a successful law practice established when he was appointed Chief Justice by President Arthur in 1884.

He served as Chief Justice for two years when he resigned to take up private practice. He was considered by his contemporaries to be a competent jurist and was well respected by the legal profession. He is often called the "Nestor" of the Wyoming Bar. His law firm in Wyoming was composed of the top lawyers in the state. He first went into partnership with W. W. Corlett, whom Campbell and others refer to as the most brilliant Wyoming lawyer, and John A. Riner. Four years later, Corlett died, and soon after, John A. Riner was appointed the first federal judge for the District of Wyoming. It was then that Judge Lacey went into association with his brother-in-law, Willis Van Devanter, later United States Supreme Court Justice.

Judge Lacey was allied with politically powerful men in Wyoming and often represented the interests of the cattlemen. In 1889 Lacey represented the six cattlemen who had been charged with the lynching of James Averill and Ella "Cattle Kate" Watson. "Cattle Kate" was the only woman ever hanged in Wyoming, legally or illegally, so this lynching received much publicity.[70]

In 1892 Lacey and his partner, Van Devanter, represented wealthy cattlemen in the aftermath of the "Johnson County War."[71]

In 1903, Lacey and a roster of famous lawyers, as well as a new, young attorney, T. Blake Kennedy, defended the infamous Tom Horn against the charge of the murder of a 14-year-old boy. Tom Horn was well known as a "hired gun" throughout the West. Their work was to no avail and Horn was hanged.

Judge Kennedy in his memoirs gave his estimation of John W. Lacey when he wrote:

> Although possessed of a fine analytical mind, his outstanding success was undoubtedly chiefly attributable to his unfaltering energy and supreme devotion to his chosen profession. His grasp of legal questions and his discerning mind in aligning authorities to sustain his contentions, distinguished him as a powerful and brilliant advocate . . . He came to be known and rightfully so as the Nestor of the Wyoming bar.

Judge Lacey recognized his "specialty" by stating, "If there is anything I have as a lawyer, it is a nose for authorities."

In 1886 upon the resignation of Lacey, President Cleveland appointed William L. Maginnis. Maginnis was born in 1854 in Zanesville, Ohio, and educated in the public schools and colleges there. Maginnis was only 32 years old when he was named to the bench. He was assigned to the first judicial district. Campbell comments that he was "Perhaps the youngest of the territorial judges, undoubtedly one of the brightest."[72] He was only judge until 1889 when he was removed. A U. S. Senate memorandum noted that Maginnis "was a hard drinker." But there is evidence to indicate that political factors played a major role in his removal. He moved to Utah and served as assistant U. S. Attorney of Utah during Cleveland's second term. He died in Utah.

The same year Maginnis was appointed, Samuel T. Corn succeeded Judge Parks. Corn was born in 1840 in Kentucky. He graduated from Princeton and read law in Kentucky. He moved to Illinois and was elected state attorney in 1872. Corn was a Democrat. He came to Wyoming in 1886 to accept an appointment from President Cleveland to serve on the Wyoming Territorial Supreme Court. He served until June, 1890. After practicing law in Evanston for several years, he was a Justice of the Wyoming Supreme Court from 1894-1905 and Chief Justice in 1903-1905. He died in Utah, January 28, 1925.

When Justice Blair's last term expired in 1888, Micah C. Saufley was appointed by President Cleveland.

Saufley was born in 1842 in Kentucky and enlisted as a private in the Confederate Army at the outbreak of the war. He studied law in Kentucky and began practicing in 1866. He was a member of the Democratic Party and was a presidential elector in 1880.

When he came to Wyoming, he spoke of his exploits as a member of "Morgan's guerrillas." He also accused veterans of belatedly discovering war-related disabilities to qualify for pensions. A loud clamor arose from the Civil War veterans urging President Harrison to remove Judge Saufley who was characterized as the "irrepentant guerrilla."[73]

Judge Saufley had a chance to use some of his "guerrilla" expertise when he ventured north to hold court in Buffalo. A pioneer lawyer and later clerk of court in Buffalo, T. P. Hill, provided the tale.[74] On June 28, 1888, the first day of the term, the courthouse was well filled. In the first row sat "an errant, disorderly crew obviously bent on disturbing and heckling the Court." When the judge entered "straight and erect in his long, black frock coat, and of more than average height . . . with a huge moustache and heavy goatee type beard," all in the courtroom arose except the front row boys. They proceeded to laugh and cat call. Judge Saufley "struck a resounding blow with his gavel and thundered, 'On your feet out there, and quick.' They stood and he continued by saying, 'I'll fine anyone or all of you in contempt of court for another show of disrespect. And all the fines will be collected, so help me.' " This speech had the desired effect and court business proceeded.

But that was not the end of it. As Judge Saufley returned to his hotel, he was met at the entrance by the same miscreants who were now wearing guns. Unknown to them, the judge was packing a pearl-handled Colt .45. "The boys were noticeably chagrined when he pushed back his long frock coat with his right hand and grasped the weapon with a meaning they understood. Without a word, they moved on."[75] Judge Saufley was not molested again in Buffalo.

After statehood came and his position ended, Saufley returned to the life of a Kentucky lawyer and, later, a state circuit judge.

The judge with the shortest period of service was Asbury B. Conaway. He was appointed by President Harrison June 21, 1890, and served until October 11, 1890. He was born in Illinois in 1837 and graduated from Iowa Wesleyan University with an LL.B. in 1860. Two years later he enlisted in the Iowa Volunteer Infantry, reaching the rank of captain. He was elected to the Iowa legislature and in 1868 moved to Wyoming, living first in Wyoming's gold mining area, South Pass City. He moved to Green River in 1869 where he became county attorney for Sweetwater County.

Judge Conaway was a participant in the Constitutional Convention and spoke favorably on the question of women's suffrage:

> From my earliest recollection I have been as a boy, and as a man, in favor of woman's rights. Before that question took the form of the question as to the right of suffrage, in my own childish and boyish mind, I had wondered why it was that any woman upon whom the necessity of self-support was imposed by circumstances, when that class of women did the same work that a man did, and did it equally well, why they did not receive the same compensation. I was always, as a boy and as a man, a woman's rights boy and a woman's rights man upon that question. And in reflecting upon that it seemed to me that to deprive women of the right of suffrage, of the right to vote, of the right of expressing their opinion in that way upon public questions, might have something to do with it, and these considerations, which appealed to my sense of justice as a boy, are stronger today than they were then. It is claimed that a woman who does the same work as a man does not require or expect the same compensation, but I say, give her the opportunity to have a voice in these questions.[76]

He was elected to the State Supreme Court in September, 1890, and served as associate justice until 1897, when he was elected chief justice, a position he held only briefly until his death in December, 1897.

Willis Van Devanter was Wyoming's "representative" on the United States Supreme Court. Late in 1889 President Harrison appointed Van Devanter to replace Maginnis on Wyoming's high court.

TERRITORIAL DISTRICT JUDGES AND TERMS IN THE JUDICIAL DISTRICT TO WHICH EACH WAS ASSIGNED

May, 1869 - October 11, 1890

FIRST DISTRICT

Judge	*Term*
Howe	*May 25, 1869-October 14, 1871*
Fisher	*October 14, 1871-December 18, 1879*
Sener	*December 18, 1879-July 5, 1884*
Lacey	*July 5, 1884-November 8, 1886*
Maginnis	*November 8, 1886-October 1, 1889*
Devanter	*October 1, 1889-October 11, 1890*

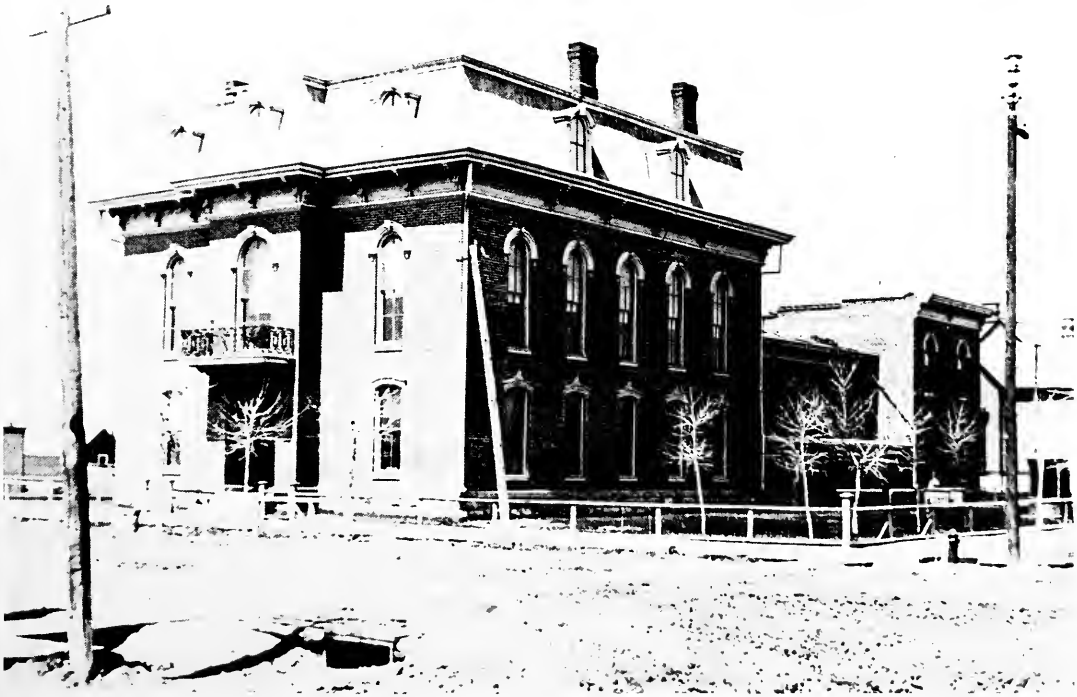
SECOND DISTRICT

Judge	*Term*
Jones	*June 13, 1869-December 10, 1869*
Kingman	*December 10, 1869-March 20, 1873*
Thomas	*March 20, 1873-December 31, 1875*
Carey	*December 31, 1875-February 14, 1876*
Blair	*February 14, 1876-April 23, 1888*
Saufley	*April 23, 1888-October 11, 1890*

THIRD DISTRICT

Judge	*Term*
Kingman	*June 22, 1869-December 10, 1869*
Jones	*December 10, 1869-February 8, 1871*
Fisher	*February 8, 1871-October 14, 1871*
Carey	*January 18, 1872-December 31, 1875*
Thomas	*December 31, 1875-December 14, 1877*
Peck	*December 14, 1877-January 11, 1882*
Parks	*January 11, 1882-April 14, 1886*
Corn	*April 14, 1886-June 21, 1890*
Conaway	*June 21, 1890-October 11, 1890*

Uinta County Courthouse (above) is still in use. The first Laramie County Courthouse (below) was used from 1874-1912.



Van Devanter was born in Indiana in 1859. His father Isaac, a lawyer, was an outspoken abolitionist. Originally Van Devanter wanted to be a farmer, but his father persuaded him otherwise. He graduated from Depauw University (at that time Asbury), received a law degree from the University of Cincinnati Law School and practiced law with his father and John W. Lacey. He and Lacey left Indiana when Isaac retired. Van Devanter was 25 and had been married less than a year when he left Indiana for the Territory of Wyoming. He described his impression of early Wyoming legal practice 50 years later by saying, "The Wyoming Bar was strong because the drones didn't come this way and those with any pronounced weaknesses didn't live long. Wyoming had no system of jurisprudence and as a result drew on the whole line of the best decisions."[77]

Van Devanter practiced law statewide, traveling by stagecoach and horseback to plead cases. He soon represented railroad, land and cattle interests. His earliest work was with the growing cattle companies, in particular, Swan Land and Cattle Company, one of the largest. After two disastrous winters had hit the Wyoming plains, the big cattle business was virtually wiped out in Wyoming. The Swan Company went into bankruptcy with Van Devanter acting as receiver. He became well-known throughout Wyoming because of his work for Swan and several smaller cattle operations during the hard times.[78]

In 1886 Governor Warren appointed him to the commission to prepare the Revised Statutes of 1887. These laws were largely modeled on the statutes of Ohio which Van Devanter had studied while in law school in Cincinnati. Van Devanter drew up the enabling legislation for the Capitol Building and the University of Wyoming. In later years, he spoke with pride of the role he played in the creation of the University of Wyoming.

In October 1886 he was elected a Republican delegate to the territorial legislature. Van Devanter was Republican leader in the legislature.

In 1887 Mayor C. W. Riner named Van Devanter Cheyenne city attorney. In the same year, Van Devanter formed a partnership with noted Wyoming jurist Charles N. Potter. Potter was a Wyoming Supreme Court Justice from 1891 until his death in 1927. His partnership with Van Devanter lasted until 1889, long enough to make their firm one of the most successful in the state.

Accusations of fencing government land forced Warren from office and, later, his successor, Governor George Baxter. A Democrat, Thomas Moonlight, was appointed. His determination to break the hold of the "cattle barons" resulted in antagonism between Moonlight and the legislature. During this time, Van Devanter "faced off" with the governor on many occasions and continued in his position as the acknowledged leader of the Republicans.

In 1889 President Harrison reappointed Warren as governor. Democrat Maginnis was the Chief Justice of the Wyoming Supreme Court. The Republicans wanted him out and Van Devanter in. Maginnis was forced from office.

Van Devanter was 30 years old when he assumed the responsibilities of Chief Justice of the Wyoming Territorial Supreme Court. Because of his youth, the wisdom of his appointment was questioned. He soon established a reputation for judicial fairness and ability which became more than local.

From the first meeting of district court late in October, the cases Van Devanter handled were the typical mixture of the routine and the dramatic. The grand jury in that first term handed down indictments in a knifing case, grand larceny, cattle rustling and attempted murder. Van Devanter became known for his lectures from the bench. The newspapers described his talks as "kindly", "fatherly", "quite plain", "timely", and simply "good advice." In larceny cases he was particularly severe since he believed that the West was a land of opportunity for every man. "No one physically able to work," he told a convicted thief, "need steal in Cheyenne."[79] Several years after he left the bench he described this phase of his career to Francis E. Warren:

> When Chief Justice of the Territory, I by virtue of that position also held the District Courts in the First District. During that time many important civil and criminal cases were tried before me and no appeal from my decision was ever taken in a criminal case, although I sentenced a great many offenders from murder down. In civil cases there were perhaps a dozen appeals, but my decision was affirmed in every case . . . In this respect my record is better than that of any Territorial judge, not even excepting Lacey.[80]

In 1890 statehood came to Wyoming and with it the end of Van Devanter's job as territorial chief justice. Van Devanter, H. V. B. Groesbeck and Asbury Conaway were selected as the Republican candidates for the Wyoming Supreme Court. Republicans won every office in the new state. One month after the election, Van Devanter and his fellow justices drew lots to decide the length of their terms, which were staggered, and to see who would be chief justice. Van Devanter declared that if he didn't draw the short term he would not serve. He drew the short term and the position as chief justice. Four days later he resigned anyway, presumably to earn more money in private practice. The judicial salary was still only $3,000. Probably his name was used to strengthen the Republican ticket and assure it of victory. Governor Warren also resigned a few days after his election and became United States Senator from Wyoming.

Van Devanter continued his close association with Warren. He has been called "Warren's perfect lieutenant." He enjoyed hard work, had a bright intellect and was equally skilled at drafting legal documents, arguing

orally in court and campaigning and "politicking."[81] From 1890 to 1897 Warren and Van Devanter were an efficient team. Both owed some of their success to the other.

After his resignation from the bench, Van Devanter continued to practice law in Cheyenne, establishing a partnership with his brother-in-law, John W. Lacey. They represented the interests of the cattlemen and the Union Pacific Railroad.

From 1892 to 1895 Van Devanter served as chairman of the Republican State Committee, and in 1896 he was a delegate to the National Republican Committee. In 1897 Van Devanter went to Washington, D.C., where he became the assistant Attorney General for the Department of the Interior. At this same time he also became a Professor of Law at what later became George Washington University.

In 1903 he was selected to become a justice on the Eighth Circuit Court of Appeals. In 1910, after seven years on the bench, Van Devanter was appointed to the United States Supreme Court by President Taft.[82] Justice Van Devanter served for 27 years on the Supreme Court. He authored few of the celebrated opinions that caused the clash between President Roosevelt and the Supreme Court, but he worked on areas of the law where he had the expertise his brethren did not possess—water rights, land law, Indian law and federal procedure.

Justice Van Devanter resigned from the Supreme Court in May, 1937, a move which helped to defuse Roosevelt's campaign to enlarge the highest court. The departure of one of the "old men" on the court reduced the momentum of the President's campaign. Within three hours after his retirement, the Senate Judiciary Committee voted 10-8 against the Roosevelt bill. Van Devanter was 78 when he retired, but he went on to serve as a trial judge in the Southern District of New York in 1938. He died in 1941. He was the only U. S. Supreme Court justice ever appointed from Wyoming.

(In the next issue of Annals, *the history of U. S. District judges for the district of Wyoming will be told).*

1. W. W. Corlett, *The Founding of Cheyenne,* (Unpublished manuscript, 1885), collections of the Wyoming State Archives, Museums and Historical Department.
2. T. A. Larson, *History of Wyoming,* (Lincoln: University of Nebraska Press, 1965), p. 47.
3. *Ibid.*, p. 231.
4. *Ibid.*, pp. 230-231.
5. *Ibid.*, p. 65.
6. *Frontier Index,* (Green River City), August 11, 1868.
7. Earl S. Pomeroy, *The Territories and the United States, 1861-1890,* (Philadelphia: University of Pennsylvania Press, 1947), p. 51.
8. A. C. Campbell, "Fading Memories," *Annals of Wyoming,* January, 1943, pp. 38-39.
9. John D. W. Guice, *The Rocky Mountain Bench,* (New Haven: Yale University Press, 1972), p. 13.
10. *American Insurance Company v. Canter,* 1 Peters 511, 26 U. S. 511 (1828).
11. *House Reports,* (48 Cong., 1 Sess.) No. 254, p. 2.
12. Guice, p. 39.
13. *Ibid.*, p. 41.
14. *Letter,* Moonlight to Lamar, November 11, 1887, Moonlight Letterpress Book, Wyoming State Archives, Museums and Historical Department.
15. Pomeroy, p. 36.
16. Guice, p. 45.
17. Examples include: *U.P.P.R. v. Hause,* 1 Wyo. 27 (1871); *McBride v. U.P.P.R.,* 3 Wyo. 183 18 P.635 (1888); *U.P.P.R. v. Carr,* 1 Wyo. 96 (1872). For cases involving personal injury, eminent domain matters, tax questions and damages resulting from fires set by locomotives.
18. *Ketchum v. Davis,* 3 Wyo. 164, 13 P. 15 (1887).
19. *U. S. v. Douglas-William Sartoris Co.,* 3 Wyo. 287, 22 P. 92 (1889).
20. *Phillip v. The Territory of Wyoming,* 1 Wyo. 82 (1872) (murder); *Hamilton v. The Territory of Wyoming,* 1 Wyo. 131 (1873) (keeping a lewd house); *Fern v. The Territory of Wyoming,* 1 Wyo. 380 (killing a horse).
21. John W. Kingman, "Autobiography", *Annals of Wyoming,* July, 1942, p. 224.
22. *Letter,* Howe to Attorney General E. R. Hoar, May 22, 1870, Wyoming Attorney General Papers, Wyoming State Archives, Museums and Historical Department.
23. Kingman, p. 224.
24. *Hecht v. Baughten,* 2 Wyo. 385, 392 (1881).
25. H. H. Bancroft, *History of Nevada, Colorado and Wyoming, 1540-1888,* (San Francisco: The History Co., 1890), p. 741.
26. Larson, p. 78. See also, Dr. T. A. Larson, "Wyoming's Contribution to Regional and National Women's Rights Movement," *Annals of Wyoming,* Spring, 1980, pp. 2-15.
27. A member of one of Kingman's early juries described his service on the jury:

    Court we held in Lockeridges' billiard hall, the bar and billiard tables were removed . . . Early in the term a jury was secured in a felony case, the defendant was charged with assaulting a man, hitting him over the head with a revolver and threatening to kill him. The case went to the jury at noon and several ballots were taken without a verdict. The "jury room" had several card tables equipped with cards and chips. The foreman, a Scotchman named "Uncle Bobby Reid" discovered the cards and exclaimed, "Come, boys, bide a bit with the voting; we will have a game of cards." Card playing commenced and went on continually during the afternoon with an occasional interruption for a ballot. The judge was located in the next room behind a thin partition of wood and muslin. About 6:30 p.m. the Sheriff was ordered by the court to bring in the jury. When they came in, Kingman turned to the clerk and said, "Mr. Clerk, enter up a fine of two dollars each against this jury for trying to arrive at a verdict by playing cards. Mr. Sheriff, they will stand committed until the fine is paid. John C. Friend, "Early History of Carbon County," *Annals of Wyoming,* July, 1943, p. 280, 284-285.
28. Kingman, p. 221.
29. Kingman, p. 225.
30. Quoted in Grace Raymond Hebard, "Woman Jurors," *The Journal of American History,* (1913), p. 1304.
31. Kingman, p. 225.
32. Robert C. Morris, *Collections of the Wyoming State Historical Society,* (Cheyenne: Wyoming Historical Society, 1897), p. 243.
33. *Ibid.*, p. 242.

34. Kingman, p. 225.
35. Morris, p. 244.
36. *Ibid.*, p. 242.
37. Despite such high praise, women served for only three terms of the court. The prophetic remark of objecting counsel, "although judges seldom resign they sometimes sicken and die," came true for Chief Justice Howe who, due to illness, was forced to retire in 1871. He was replaced by a Southerner, Joseph Fisher, who was opposed to women's suffrage. Some years later when the State Supreme Court reviewed the claim that women should serve as jurors, it was waved aside with the statement, "At one time it was held by the courts of the Territory of Wyoming that women were competent jurors, but that ruling was speedily overturned by the same courts. The question was never passed upon by the supreme court either state or territorial." *McKinney v. State,* 2 Wyo. 719, 723 (1892).

    The practice of women serving on juries did not reassert itself until the legislature specifically authorized the practice 75 years later. Republican State Chairman, Ewing T. Kerr, authored the bill at the request of several women's clubs and helped to get it through the 1949 legislature. (He became Wyoming's third Federal District Court Judge 10 years later.) Judge Kerr commented that it was not an easy bill to get passed. He faced opposition from his more conservative party members and lawyers who objected to women on juries.
38. Kingman, p. 226.
39. *Ibid.*, p. 226.
40. Guice, p. 147.
41. *Cheyenne Daily Leader,* March 25-26, 1870.
42. Lewis Gould, *Wyoming: A Political History, 1868-1896,* (New Haven: Yale University Press, 1968), pp. 29-31.
43. Guice, p. 18-19.
44. Bancroft, p. 741-742.
45. *Cheyenne Daily Leader,* May 18, 1871.
46. Larson, p. 126.
47. Guice, p. 53.
48. Agnes Wright Spring, ed., *Collected Writings and Addresses of William Chapin Deming,* (Chicago: Arthur H. Clark Co., 1947), p. 20.
49. Guice, p. 146.
50. *Ibid.*, p. 146.
51. Larson, p. 126.
52. In 1894 Carey was again in the midst of an intra-party feud. As a senator, Carey supported the National Republican Party's adherence to the gold standard. The West and Warren supported free and unlimited coinage of silver. Carey's adherence to the gold standard cost him re-election to the Senate and splintered the Republican Party in Wyoming. It also resulted in Carey's election as Governor in 1910 on the Democratic ticket.

    In 1912 Warren characterized Carey as "the most monumental hypocrite and the most infernal liar—when 'necessary'—that God ever permitted to live whom I have been permitted to meet." The feud, headed by Warren and Carey, finally ended in 1918 with the election of Carey's son, Robert, as Governor.

    Judge T. Blake Kennedy, Wyoming's second Federal District Judge, who knew both Carey and Warren, went to the root of these varied and sometimes negative assessments of Carey when he noted that Carey was aloof and cold and lacked the "common touch" that Warren had used so effectively. Judge Kennedy in his memoirs noted that while Carey was "possessed of a peculiarly vindictive disposition . . ." he was a man of "pre-eminent ability . . . a big man in big things." He considered him "perhaps the most astute and effective stump speaker that Wyoming has produced." However he was rated as a judge, there is no doubt of the importance of Joseph M. Carey to the state of Wyoming in its formation and in its growth while he was Senator and Governor.
53. Several quotes from Judge Blair's opinions are evidence of his sense of humor: "We have read with due care the testimony given at the trial and find, as is usually the case in actions founded on verbal agreements or understandings, that the parties had no difficulty in disagreeing as to all matters." *Ketchum v. Davis,* 3 Wyo. 163, 167 (1887).

    In *Hinton v. Winsor,* 2 Wyo. 206, 208 (1880), Blair wrote, "We have examined the record in this case, with a degree of patience and diligence seldom equaled, but never excelled in the history of judicial tribunals, to find something of which the appellant might in equity complain, but all in vain."

    In *Garbanati v. Beckwith,* 2 Wyo. 213 (1880), he explained that, "The justice rendered judgment in favor of the defendant and against the plaintiff. And thereupon the plaintiff took an appeal to the district court with no better success, judgment being rendered against him. Not being weary in search of substantial justice, he sues out a writ of error, and brings his case to this court where substantial justice is known to be administered in all its purity."
54. Campbell, p. 43.
55. In another instance, Judge Blair was called upon to hold court in Buffalo. Nat Jones, formerly a cowboy, was the bailiff and he was unfamiliar with court proceedings. Clerk of Court John Meldrum, later Yellowstone Park Magistrate for 40 years, coached Nat and suggested that he not appear in court with his chaps and spurs. He wrote on a piece of paper what Nat should say when he opened court for the judge. On Monday morning when Judge Blair entered the courtroom, Nat arose. In the words of A. C. Campbell, "Never was a Beau Brommel so gorgeously attired. Between Saturday night and Monday morning Nat has assembled a greater assortment of colors than were ever worn by a yokel at a county fair."

    Nat began, "O yea, O yea, O yea." Then he stopped, stammered and tried to start over. He placed his hand in his vest pocket. A pained expression came over his face. He turned to Meldrum with a trembling voice and said, "What in hell did I do with that paper you gave me?" Campbell, pp. 43-44.
56. T. A. Larson, "Exiling a Wyoming Judge," *Wyoming Law Journal,* Spring, 1956, p. 171.
57. Campbell, p. 42.
58. *Congressional Record,* (45 Cong., 2 Sess.), p. 1204.
59. Guice, p. 83.
60. Campbell, p. 42.
61. John D. W. Guice in *The Rocky Mountain Bench* wrote that "through his deliberate conduct of the court, Peck did unwittingly let court expenses get out of hand. But once he caught on to the capers of the court officials (lining their own pockets), he put an end to their lucrative practices and demanded to approve all bills rendered by the county." p. 82.
62. Larson, "Exiling a Wyoming Judge," p. 172.
63. Larson, *History of Wyoming,* pp. 129-130.
64. *Congressional Record,* (45 Cong., 2 Sess.), Feb. 20, 1878, pp. 1203, 1206.
65. Larson, "Exiling a Wyoming Judge," p. 173.
66. Guice, p. 91.
67. Arnold wrote: "R. B. Hayes, President of the 'United States' Highly honored & much loved Pres. "I come to you once more in behalf of this Judicial District. It does seem, that the Saloon, Gambling and *Impure* houses of this District are determined to get rid of Judge Peck. The Legislature now says, as soon as he is confirmed by the Senate, *they will appoint him* to *Pease County* in the Black Hills, and *one of them* advised some of our good citizens, that we have his head shaved, or the *Indians* would get his *scalp.* I have been in this territory almost seven years . . . In

the July term of Court I was Foreman of "Grand Jury," and I think *every one* of the *criminal* cases originated either in Gambling Saloons or Impure houses. Judge Peck has so instructed jurors, and explained the Laws, that *this class of people,* who have been largely in the assendency (sic), are *determined* to get rid of him. Since Judge Peck came among us one or two saloons have closed, and if he continues among us others will soon follow. Should our Dear Judge Peck be removed to Pease County by the Legislature may I be permitted to ask your Excellency to send us, if not a Christian Gentleman, at least a temperance man; but O, I would thank God so much if Judge Peck can continue here. Eternity above will reveal how much you have encouraged and cheered God's people in appointing Judge Peck to this place. He has already been the means of starting a Sabbath School in "Green River," a most fearfully wicked place.

Ex Judge Thomas is very *popular* among the Saloon people and has the *reputation* of patronizing them. It is not only our privilege, but our greatest joy to remember you *daily* at the *"Throne of Peace."*

I remain your most obedient servant,

F. L. Arnold, Pastor of Presbyterian Church.

(signed)

P.S. Judge Peck is an Episcopalian."

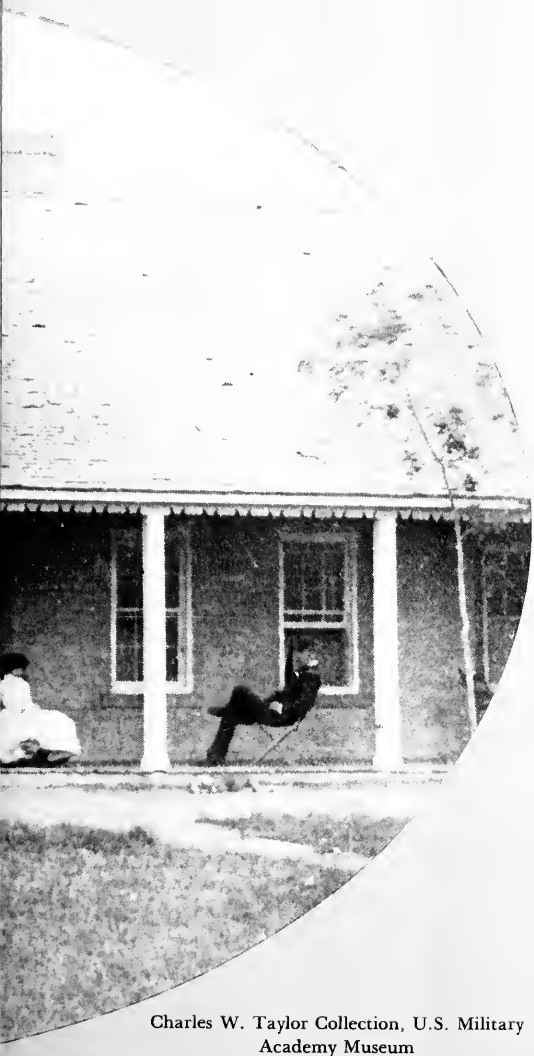
68. Gould, pp. 109-110.
69. Campbell, pp. 40, 42.
70. *The Laramie Boomerang* quoted a cattleman who explained that "the lynching of Averell and his woman was the direct outgrowth of the failure of the courts in Wyoming to lend protection to the property of cattlemen." *The Salt Lake Tribune* commented, "The men of Wyoming will not be proud of the fact that a woman—albeit unsexed and totally depraved—has been hanged within their territory. This is about the poorest use that a woman can be put to." *The National Police Gazette* told the story under an alliterative headline, "Blaspheming Border Beauty Barbarously Boosted Branchward." The cattlemen were released after the four witnesses to the crime failed to show up at trial; one died mysteriously, and the rest disappeared. No one was ever convicted for the lynchings.
71. Helena Huntington Smith, *The War on Powder River,* (New York: McGraw Hill, 1966).
72. Campbell, p. 45.
73. Larson, p. 190.
74. Guice, p. 36.
75. Burton S. Hill, "Frontier Lawyer: T. P. Hill," *Annals of Wyoming,* April, 1962, pp. 43-48.
76. *Journal and Debates of the Constitutional Convention of the State of Wyoming,* (Cheyenne: Daily Sun, 1893).
77. *Casper Tribune Herald,* May 19, 1937.
78. Paul M. Olsinger, "Willis Van Devanter: Wyoming Leader," *Annals of Wyoming,* Oct. 1965, pp. 171-174.
79. *Ibid.,* pp. 183-184.
80. *Letter,* Willis Van Devanter to Francis E. Warren, January 21, 1897, Warren collection, American Heritage Center, University of Wyoming.
81. Gould, p. 126.
82. See Dan Nelson, "The Supreme Court Appointment of Willis Van Devanter," *Annals of Wyoming,* Fall, 1981, pp. 2-11.

LETTERS FROM A POST SURGEON'S

THE FORT WASHAKIE CORRESPONDENCE OF CAROLINE FRE

WIFE

Edited by Thomas R. Buecker



Charles W. Taylor Collection, U.S. Military Academy Museum

WINNE, MAY 1879-MAY 1880

(Editor's Note: Fort Washakie, located on the Little Wind River in central Wyoming, was a little-known post of the frontier army. Though its role in the Indian Wars certainly lacked the glamor of more well-known posts such as Fort Laramie, it served the army through and beyond the Indian War period. The history of the post had it's beginnings as Camp Augur, established at present-day Lander to protect the miners of the Sweetwater district from hostile Indians. Also the post served to protect the friendly Shoshoni Indians on the Wind River Reservation from the raids of the more powerful Sioux. In 1871, the post, renamed Camp Brown, was moved to a more centrally located site on the Little Wind River, some 15 miles northwest. At the new location, adobe and stone buildings were constructed to house two, and later, three companies of soldiers. In 1878, the post was renamed Fort Washakie, in honor of the great chief of the Shoshoni.

From May 13, 1879 to May 1880, Fort Washakie was the home of Assistant Surgeon Charles K. Winne, his wife Caroline, and their infant son, Charles, Jr. Dr. Winne began his military service during the Civil War, and had served at several western posts before he resigned his commission in 1873. In 1874, he married Caroline Frey Giddings. Caroline Frey was born on July 8, 1841, in the small town of Palatine Bridge, New York. In 1861, she married Major Grotius R. Giddings, a Union army officer. Giddings died six years later while serving as Lieutenant Colonel of the 16th Infantry Regiment. After the Winnes were married, the doctor reentered the army and was assigned for duty in the Department of the Platte. From late 1874 to 1878, they were stationed at Sidney Barracks and Fort McPherson, Nebraska. After a one-year sick leave, Winne was assigned to Fort Washakie to serve out the last year of his four-year duty in the Department of the Platte.

While they were stationed at Washakie, Caroline wrote 57 letters (including several postal cards) to her father, John Frey, and brother, Samuel Ludlow Frey, back in Palatine Bridge. Writing at least once a week, the majority of the letters were sent to Ludlow. As presented here, they have been edited, removing details of family and eastern social matters, leaving her impressions and experiences of life at Fort Washakie. Spelling and punctuation have been left as Mrs. Winne wrote it. The entire collection of the Caroline Winne letters is held by the New York Historical Society in New York City.)

May 2, 1879 Ludlow, postcard from Omaha

We arrived yesterday all safe. Baby well and enjoyed the journey. Can't tell yet where we shall go. Will write you as soon as we know. Trees in full leaf & warm as June here.

May 4, 1879 Father, from Omaha

It is decided that we are to go to Fort Washakie in Wyoming T. about 150 miles from the railroad. We go by rail to

Green River forty eight hours from here nearly. So we shall be a long way off. We shall go by stage as far as old Camp Stambaugh[1] and there take special transportation. The journey will be a long and hard one for baby - but the post is said by everyone to be very delightful, pleasant, mild climate very healthful, good quarters. plenty of grass & trees, and of course magnificent scenery. it is in the Wind River Valley. I can write you more about it after we get there & have seen for ourselves.

Dr. Summers[2] was anxious to send us there as it is out of the way - and there will be no danger of Charlies being sent into the field on any Indian hunts. I know we shall like it when once we are there. And really I am very glad to have baby in such a climate while he is teething, this his second summer.

We are having a pleasant visit here. the season is far ahead of the east. Trees in full leaf & so warm.

May 4, 1879 Ludlow, from Omaha

It has been decided where we are to go and we shall start on Thursday. We are a good way off the railroad, 150 miles "Fort Washakie." We go to Green River by rail about forty-eight hours ride from here and then take a stage the first hundred miles - or twenty-four hours - and there we will have special transportation to meet us. It will be a very hard journey but very pleasant after we get there so everyone says. a very healthful pleasant climate, good quarters and a nice new hospital. And one very good thing is it is out of the way. There is no danger of Charlies being sent out on any of those wretched Indian hunts. Dr. Summers particularly wanted us to go there on that account. I will try to get a map and mark on it our route & station. The post is in a valley. The country is wooded & we shall have grass. Good trout fishing and good hunting they say. So after we get there it will be all well enough but the journey will be fearful. Baby is well - and quite rested again. Everyone thinks he is a splendid boy.

The weather here is simply glorious. warm & beautiful as June. and everything so green. We had a lovely ride yesterday. Dr. Summers came with his carriage & fast horses & took us. The country about here is beautiful.

We picked Gussie[3] up at Kearney Junction. I had a letter from her on Friday. You can write & direct to Fort Washakie, Wyoming T. It will take a good long time for our letters to come & go as probably there is no mail oftener than twice a week - still I don't know about that.

We are all well - and ready to make the best of our fate.

May 10, 1879 Father, postcard from Green River

Left O. on Thursday and arrived here this A.M. about 8. Comfortable journey & all well - baby enjoyed it very much. Gussy met us at Carny Junction. There is a nice little hotel here. Neat & comfortable & we are settled for a rest until Monday. Everyone reports our new post as very pleasant & desireable. The stage journey will be hard but soon over. Our address is Fort Washakie, Wyo. T.

May 10, 1879 Ludlow, postcard from Green River

Arrived this A.M. to breakfast. All well. Had a pleasant trip which baby enjoyed hugely. This is a desolate country, but curious. 6141 feet elevation. A nice comfortable little hotel where we are settled to rest until Monday. The stage journey will be hard, but soon over & every one reports our new Post as very pleasant & desireable. We shall reach there if all is well Tuesday night. I will write as soon as rested enough. Gussie is with us.

May 14, 1879 Ludlow, postcard from Fort Washakie

We arrived yesterday about 6 P.M. very tired but all well & are staying with one of the officers. our things have not yet come of course - but we will be pleasantly fixed up when they do. A very nice house indeed, plenty of room. Now we are a fearful way off but still we'll be glad to be settled. Baby stood the journey wonderfully as more than happy playing out doors all day long. I will write & tell you of our long journey soon as I am rested enough - it really was not so bad as I feared it would be. we are all well.

May 16, 1879 Ludlow

I sent you a postal card soon as we came - but was too tired to write a letter. Our journey was a very [difficult] one. We were forty-eight hours from Omaha by cars and thirty-six by stage from Green River here - of course we did not sleep a wink on the stage except baby - he slept nicely and was wonderfully good. We came right over the mountains crossed the Wind River range of snow covered mountains at South Pass reaching the highest elevation at old Camp Stambaugh (now abandoned) something over eight thousand feet. The country is most desolate - nothing but sage brush covered hills & vast sandy plains as far as the eye can reach - as you are climbing one barren hill you think beyond this there will surely be some change but there is not - occasionally we forded a mountain stream and along its banks were a few willow bushes, but with this exception there is nothing but sand and sage brush, which is more gray than green - in the far distance we would at times see the snow covered ranges. We stopped for fresh horses about every fifteen miles & only at these stations did we see any signs of human life. After leaving Stambaugh - which is about forty miles from South Pass, the road begins to descend into the Wind River Valley and some of the hills are fearful - but the roads pretty good - and all safe - eleven miles of these dreadful hills brings us to the mouth of Red Canyon through which the road winds for about five miles - one side of the canon is grassy & wooded, the slope gradual. But the other side is very peculiar. high strangely wore rocks - of a sort of granite, a brighter red than I ever saw stone before & the soil is the same color. the road runs for miles through this red soil. The difference is altitude between Stambaugh & this Post is about three thousand feet this Post being 5460 - but the road is as much up hill as down almost. It is a hard tedious ride and we were very weary when we reached here. This post is pleasantly located right on the bank of little Wind River & in full view of the snow covered mountains on one side. The parade is green & small trees are growing in the post - along the bank of the river are quite large trees. The quarters are of adobe - one story very roomy & comfortable - with wide verandas. Our house is new & very pleasant - I will send you a plan of it when we get in - Now we are staying with one of the officers - Lieut. Thomas[4] of the 5th Cavalry. Our goods are on the way & we hope to have them in a few days. I hate to

Dr. Charles Winne

U.S. MILITARY ACADEMY PHOTOGRAPH

Caroline Frey Winne

NEW YORK STATE HISTORICAL ASSOCIATION, COOPERSTOWN, N. Y., PHOTOGRAPH

stay with all our family so long with strangers though they are very nice & kind.

The commanding officer is a bachelor Major Upham[5] of the 5th Cavalry. There are two companies of that Regt. here. Charlie has a very nice hospital, new, large built also of adobe.

This mountain valley is quite fertile and very nice vegetables are raised here in the Post gardens. I think we shall be very comfortable pleasantly fixed for a year or so which is probably as long as we shall stay as Charlie only has to serve out the time of his sick leave in this Department. There are a great many Indians here - quite a large agency of Snakes, Arapahoes & Shoshonies besides a good many Bannack prisoners[6] at the post. They are all friendly Indians but lazy & villianously dirty as all others. baby don't know what to make of them.

There is a hot spring[7] about two miles from the post. We haven't been out to it yet - but they all go a great deal to bathe.

We may be able to find some curiousities about here. The gentleman who keeps the eating house at Green River where we stayed had some very beautiful things. Christals & fossils, one large slab of creamy white stone had in it fifteen fossil fish, abut a finger or a little over long, possibly little trout. it was a very beautiful as well as wonderful specimen. the stone this yellow white & the fish dark brown. he said he had a great many with one or two fish small pieces. I shall try to get one when we go back.

There is very little fine scenery along the U.P.R.R. as far as we came. The same very curious Butes. it is all so wild & barren - we were a little early to see the plains at their greenest. We had a charming visit in Omaha & were sorry to leave. At Sidney we breakfasted with Mr. Rumsey[8] & saw the old Post baby's birthplace - it makes me homesick. it looked so pretty there. At Cheyenne we saw Dr. Gibson whom Charlie relieved at McPherson.[9] He is at Russell[10] now & Charlie telegraphed him to be at the train if he could & also very unexpectedly Capt. Monahan.[11] he was with Dr. Gibson having come up from Denver to consult him. he admired baby very much as every one does who sees him, & he is a splendid boy. You should see him playing outdoors here. setting flat on the ground and letting the gravel run through his fingers, throwing stones in the water. there are irrigating ditches all through the post of beautiful clear mountain water.

Now you must not worry about us. we are a good way off - to be sure & I feel how impossible it would be to reach you as you us - but still we are all well - & we wont be here a great while & hope to be ordered east when our detail expires in this Dept. . . . We get mail daily and please send this letter on to Hoboken - it is useless to write it all over and they will want to know about us too.

May 25, 1879 Ludlow

I received your letter last Sunday, just a week from the day it was written. It seems a good way off - six days by mail, but it is right pleasant here & if our things ever come & we once get settled we shall like it very much. There never was a more quiet spot but you know we don't mind that, we couldn't be in a better place for baby . . .

The great excitement of the past week has been the Shoshoni Sun Dance. We all went one afternoon and were given the seats of honor (on the ground) by old Washakie the head chief of the tribe. He is a very good Indian. was dressed in a half civilized costume, holding tightly in his hand a red, white & blue umbrella. he has a pleasant face looks very much like Henry Ward Beecher[12] - there were about sixty braves dancing the day we were over there. perfectly nude - except for a belt about their waists from which hung a narrow apron before & behind. There were a great many ornaments of feathers & beads around their necks & arms & in their hair. Part of them were painted a bright yellow & part of them white. it was a wild sight and impressed one very strangely. I must confess of having a very shakey feeling for a few minutes. I knew they were friendly Indians & had just shaken hands

NATIONAL ARCHIVES PHOTOGRAPH

The Winnes probably lived in this officers' duplex.

with old Washakie whos benevolent smiling face was an assurance of safely. but still - there we were entirely in their power surrounded by hundreds of them besides the dancers, of all ages from a wrinkled blind old squaw who poked the fire and stirred a kettle of some vile looking broth whom we were told was over one hundred years old, down to the smallest papose strapped to a board. They all seemed pleased to have us there tho & the dance went on. There were none of the cruelties nor none of the self torture that I supposed always accompanied a Sun Dance. in the center of the enclosure was a high pole to the top was fastened an old buffalo head & tail, painted & decorated with feathers & leaves. This I believe was the emblem of the Great Spirit & the dancers never for one instant take their eyes from it. every dancer has a little whistle made of bone and decorated with feathers & beads or painted which he blows constantly. the band sit on the ground around a large rudely constructed drum - upon which they beat with sticks accompanying the drumming by a monoteneous droaning sound - deafening to hear. The dance is simply a jumping up and down with the feet placed closely together & every part of their body in motion. Sometimes they dance out toward the pole with their arms thrown wildly up, they are given frequent rests of a few minutes for sleep - but have neither food nor drink during the whole time - four days. Of course, not all of them can stand it so long, some become exhausted and delirious from fatigue & hunger. When they think they have a vision & revelation from the Great Spirit its a wonder they don't all die for the exertion must be fearful. Some of them looked haggard and weary when we were there. and they kept it up over forty eight hours longer. Charlie & I wished a great many times that you could see it. We may be able to find you some beadwork & such curosities, but no relics of the stone age here I guess.[13] Mr. & Mrs. Thomas with whom we are staying have been several years in Arizona and have been all over those ruins of cave dwellings. There you could get loads of things. There were a little party of Bannack prisoners brought in here last Sunday.[14] I saw the arms that have been taken from them at Major Uphams. There were only four bucks & "heap squaws" as I heard an old Indian say. There was one old gun the broken lock of which was bound up with hide put on raw so it was just as hard & firm as the iron itself & three bows with lots of arrows. No childs toys I tell you the two bows were very strong and the arrows tipped with iron & very sharp. Charlie & I went over to see the savages - for these have so recently been on the warpath. A wretched looking lot - filthy & almost naked their only clothing made of skins some dressed buckskin - but mostly with the fur on. You would enjoy studying them I doubt not. but one wearies of too many Indians - tho the Arapahoes are out on a hunt now.

I drove down to the hot spring yesterday, but did not go in. it is very large over a hundred feet across & very hot. Major Upham promises to put new bath houses there. it is on the Indian reservation unfortunately.

. . . C. had a letter from Dr. Summers. He says he is glad we came back when we did. for had we waited till the last of the month or till he had known what he does now - Charlie would have to take his turn at Fort McKinney[15] & I could not have gone there. So you can imagine I am thankful for as good a place as this . . .

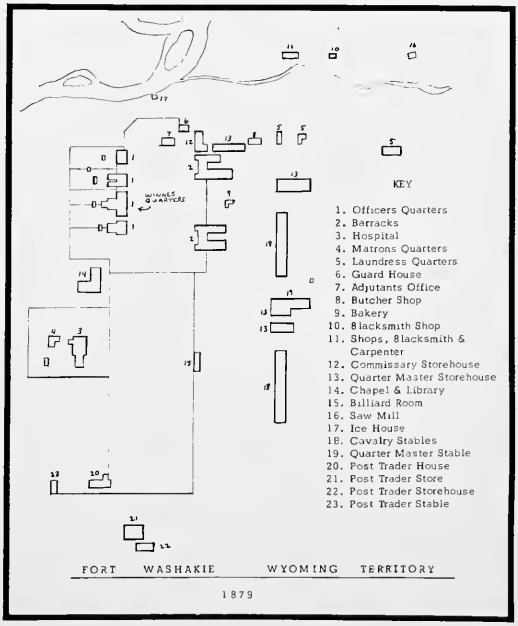
June 1, 1879 Father

Having sent you all a description of our journey out here, there is little else to write. Our baggage has not come yet much to our disgust - but we hope now to have it early this week - and to be settled in our own quarters. That is one very disagreeable thing about being stationed so far off the railroad. it is so disagreeable to be obligated to accept the hospitality of other officers, who are perfectly strangers too - for so long - of course there is no hotel or any place to board here. There is nothing besides the post except the Post Traders house & store.

There is a wonderful hot spring about two miles from the post. I haven't been in it - as the bath houses are in a very dilapidated state, but the officers and men go there to bathe a great deal. It is rather uncomfortably hot for bathing they say. I don't know just what the temperature is. it is quite a sheet of water about a hundred feet across, and the water bubbles up over a large space in the center as though it was boiling. Yesterday was quite cool and we could see the steam rise from it very distinctly from here. it is sulpher water I believe.

One thing we have very delicious & that is speckled trout. I never saw such large ones - two pound ones are considered small. how I wish Lud & Gus could come and spend a month or so with us. They would enjoy the fishing, and even the long journey over the mountains would be a change from eastern life . . .

We are awaiting anxiously to see what congress will do with the poor little army. It would be very hard to be left without any pay again, particularly for people who have just come from leave.[16] How I wish I knew someone who would take ahold of Charlies matters & get his old place back for him. his uncle will never do anything & it could be so easily done.[17]



June 2, 1879 Ludlow

. . . You can't imagine how eagerly we watch the mails - I'm glad they come at night - as it is all we have to look forward to. As I wrote you yesterday our things have not come yet. So we are per force staying with the Thomas' yet. It is too bad but we can't help it. They are very nice people & we like them very much - but it seems a great imposition to be obliged to stay so long. There is a train expected in today - and we are trying to hope that some of our traps may be on it as the QM had notice last night of some of the things having started on the 28th by ox train. he said nothing of the rest of the trunks & things & we are dreadfully worried about them. Still we can do nothing but wait & possess our souls in patience so far as possible. I devoutly trust if we live to see the railroad again that we may never be out of sight or sound at least of it again.

I have waited until we should get into our own quarters to give you a little plan of them & or the post. How I wish you could come & see it for yourself. The trout fishing is very fine near here - I never saw such large trout - two pound ones are considered quite small. None of the officers are fishermen, but the men go a great deal & often the Indians bring them to sell . . . I should be glad to add to your collection but this country is not rich in anything but sage brush & stones. There are no interesting geological discoveries to be made about here - the whole surface of the ground is covered with round-water worn stones. There are no fossils found near here. I don't know how far we are from the Yellow Stone country - but I think about 150 miles. This hot spring I spoke of is about two miles from the Post. The bath houses are in such a tumble down condition that I haven't tried the water yet - but Gussie went in one day. She said she couldn't bear even her feet in at first it was so hot. One quite cool day last week I saw steam rising from it distinctly from here.

The rock in Red Canon is not a lava deposit they say but a fine red sand stone with a little Iron in it. I will try to get a piece for you. I will pick up everything I can find that I imagine may be of interest to you. I sent you a box of wild flower roots the other day - which I hope will go safely. I don't know how you will tell whether they are alive or not as the flower is all that shows above the ground. There are no green leaves about it. The Indian Agent[18] told us that some botanist who was with the Jones Geological Surveying party[19] through this country some two or three years since employed a party of Shoshoni squaws to dig him several hundred roots of it. he said it was a very rare plant but it is not rare here. We are told that the Indians eat the roots. Mr. Polton called it Luwissia[20] but did not know how it was spelled. There are a great many very pretty wild flowers. I put in the box a little moss with a white blossum that is really beautiful. if it would grow east it would be beautiful for borders. it grows in vast quantities in this sand.

. . . I have engaged a colored girl, a very excellent cook & laundress whom we found here . . . We have been to church once here. the Episcopal Bishop[21] of Colorado & Wyoming was here & had evening service in one of the Co. dining rooms. I suppose it won't happen again however.

. . . Charlie has just come in and sends love to you both. the train is in & our things are not on it & the ox train can not be here in less than a week from Mon. it is simply dreadful.

June 6, 1879 Ludlow

. . . We get exact time by the sun here. Mr. Thomas erected a sun dial on the parade a few weeks ago - it is a grand thing at a post, where as the clocks are always being put either ahead or back - to suit the convenience of the trumpeters.

It has been very warm today - our warmest time is before 10 o'clock in the morning. The quarters face so nearly east that we get the sun from there & there is seldom any breeze before that time. but as the sun gets higher we have the shade of the broad porches and always a breeze generally it might be safely called a wind. in fact the winds are the great drawback to this climate. Still we have no reason to complain. We are all so well - and our house is so bright & pleasant. We like it more and more. I wrote you I believe that Charlie had pursuaded me to hire a colored girl who had been living with Dr. Grimes, the acting Assistant Surgeon whom Charlie relieved. Mrs. G & the Dr. too recommended her so highly as such a wonderful cook & so economical etc. etc. and Charlie was very anxious to have baby out doors all the time & of course Gussy couldn't do everything so I took Hester, and she was a very nice laundress but a *miserable cook.* very wasteful & extravagant and decidedly opposed to having any directions given or suggestions made. last Monday morning I told her to do something and she was very saucy & more over did not do it. So after breakfast Charlie went out to the kitchen & told her she could either obey my orders when I told her to do anything or she could, as I told her, leave. *Which she did!* much to my satisfaction. Gussy nearly danced for joy and did the washing & has developed a marvelous talent for everything. I told Charlie today that I should write you - never to say again that it was too bad that she came west & left us last fall - for in the end it has provided a blessing to us. She lived you know - with a lady who keeps the Officers mess at Omaha Barracks[22] last winter. She is a very nice cook. Gussie helped her cook & waited on the table and she certainly made good use of her time. She learned a great deal & really cooks well & waits on the table beautifully & she is saving & economical to the last degree.

. . . We are all well - and find the little post & Garrison very pleasant. We miss fruit very much at least I do - but have some fresh vegetables. both companies have good gardens & share with us & Shoshoni Dick[23] brought me a nice pail of new potatoes one day last week. Poor fellow - I couldn't bear to take them from him. he wouldn't let me pay him anything for them. I am in hopes to get you a bow & arrows.

June 10, 1879 Ludlow

We are still waiting for our things. they have all been shipped and some are due here about tomorrow. it is very trying and hard to wait patiently. I hope the next time I write to be in our own house . . .

I wish you could have some of the magnificent trout we have here. We get them so fresh and caught in this mountain stream constantly fed from melting snow. The flesh is solid & firm & sweet. We get nothing else very nice - no meat at all but *beef* & that of the very poorest kind & the commissary is very poorly supplied. The companies both have a garden & we have had a few fresh things. but whether we shall have when we get in our own house or not - I don't know. of course we have no claim upon them.

The Indians still throng the Post. baby has grown accustomed to them & doesn't seem to notice them anymore . . .

June 22, 1879 Ludlow

I send you a postal card the first of last week telling you that our things had at last come . . . Our things came in very good condition, a few have been wet a little but fortunately all white things that could be washed & the two or three books wet were of no special value. All our dishes, chairs & a bed stead & springboard are on another train expected in tomorrow. Them we shall see in *ruins* I fancy. We like our house very much. it is very cheery & pleasant. The rooms good sized & a splendid wide porch. I trust we may be left in peaceful possession of it while we stay at this post - but I am fearful of being moved. There is a rumor or rather a pretty reliable report that the stations of the 3rd & 5th Cavalry Regiments are to be changed - which will bring some of the 3rd here and probably two Captains in which case we shall doubtless be ranked out[24] - as this house is one of the newest - largest & best here. but sufficient unto the day is the evil there of so we wont worry.

The important event of the week besides our taking possession of our new quarters is babys having cut two teeth last Sunday.

I have succeeded in getting a whistle for you - which I will send by tomorrows mail with this. It is one that the Indians whom I got it from used at the Sun Dance. The bone is from an Eagles wing. it doesn't seem to make as loud a noise as they did at the dance - but then there were sixty of them blowing at once. I hoped to be able to get you one of the Bannack bows I wrote you about - but Major Upham has given them all away. he has some arrows he will give me & I will try through Mr. Moore the post trader[25] to get one for you. he is also Indian trader - and a very nice man. if he can't get one I will interview "Shoshoni Dick", he is a white man who lives with the Shoshoni. he does not know how he is, neither his nationality or his name. he thinks he must have been captured or lost from some immigrant train when he was very small - and has grown up with the Indians and has a squaw wife & children. he has been to the Dr. for treatment two or three times & the other day he came to report himself well & to express his graditude & said he would like to do something for the Doctor. if he wanted anything from the Indians, he would try to get it. So the next time I see him I will ask him.

Charlie says tell you he wishes you could come out here - he thinks you would like it - and you could study the "Noble red man" to your hearts content. The dining room is Charlies favorite room in this house - there is such a good view of the mountains from the windows.

. . . Charlie says to tell you the trouble about getting Indian curiosities is they charge so high for them - as soon as they find out anyone wants anything. but we will be glad to get what we

Washakie, the Shoshone chief, is shown standing in front of the house he built.

ETHETE EPISCOPAL MISSION COLLECTION, AMH DEPARTMENT

can for you. When they come in from their hunts you can get robes very cheap . . .

Tell Katie Gussie read her letter. She has another devoted admirer here. A non-commissioned officer this time. I expect she will be engaged in a week or two. Isn't it funny what they all see about Gussy & fall in love with.

June 29, 1879 Ludlow

I am afraid you will think the whistle is lost before it comes. Charlie wanted to register it so I waited till Monday to send it and then the rest of our things came & we were too busy to send it. but it started on the stage from here Wednesday. Our bedstead looked pretty hard when they came but nothing was broken & a little varnish will repair all damages.

I enclose in this a plan of our house, we find it very cheerful & pleasant. The porch is so very wide it makes a fine place for baby to play.

The past week has been like all the rest quiet & uneventful. Monday the Bannack prisoners went away under escort. They have gone back to Fort Hall.[26] They felt very badly to go. here they have been in the charge of the military. The men have had to work for a few hours every day and they have had their regular rations. Now they go back to their old reservation from which they were forced onto the war path by actual starvation. They will have nothing to eat and nothing to do. Some of them cried because they had to go. We all felt a great deal of sympathy for them.

July 13, 1879 Ludlow

. . . The Paymaster, Major Stanton was here two or three days. he brought his daughter, a young girl of 14 years. She took her meals with us and a homelier, more uninteresting girl I don't think I ever saw. Thursday afternoon I had Major Upham, Major Stanton to dinner and a very nice dinner we had too - considering where we are . . . Mr. Moore, the Post Trader came over one evening for us to ride. We took the little man & he did have such a good time. We drove over to the agency & stopped at Washakie's cabin. The old man came out to the carriage to see us & told us through Mr. Moore as interpreter all about his farm. Seeming to be particularly pleased with the prospects of an abundance of *watermelons.* baby shook hands with him & as we started to come away held out his little hand again for goodbye.

I have got a bow for you Lud. One of those *Bannack* bows I wrote about. It isn't very beautiful - but its the genuine thing. Major Upham gave it to me. I will send it when I can. of course it can't go by mail and the express charges would be too much from here. Mr. Moore is going east next month and I will ask him to take it as far as Chicago & express from there. Your signiture came back to us so you have the whistle.

July 20, 1879 Ludlow

. . . We are very sorry about the whistle. Charlie took such pains to put it up carefully in a little box so that it might go safely & the beads not be rubbed off. I never knew so many things injured in the mails as from this post . . .

As to getting Indian things for you the trouble would be nothing - but they charge so fearfully for their things - they are not worth the money. You can't get a *war bonnet* that is one of those feathered head dresses that come to the ground behind made of eagle feathers for less than $35.00 - & so with all their stuff. They don't seem to have the pretty bead tobacco bags which the Sioux always carry & you seldom see one of those Indians with a redstone pipe. In fact - if you saw them by the hundreds every day - men nasty & dirty & squaws still more filthy standing about starring in your windows & hanging around the kitchen ready to snatch up any & every scrap, you would be so sick & tired of Indians I don't know but you would throw away all the relics you have got. I pity them for they are imposed upon & plundered & half starved. but at the same time they are lazy & nasty & dirty - & altogether a nusiance when one has to have them about all the time.

July 27, 1879 Father

. . . One day is like another we see the same people - & only the same four or five - I believe it would be lonely sometimes except for baby . . .

We like our home very much & enjoy being in our own house again. Gussy does very nicely - I have no fault to find with her, in fact we are so pleasantly settled here - I dread the thought of another break up & move. particularly as the climate is delightfully healthy. The *winter* they say are particularly pleasant. Our present garrison is very small. There are two companies but only one officer present with each - Lieut. Thomas with whom we staid so long & with the other Co. Lieut. Wheeler,[27] who was also at McPherson when we were there. The commanding officer is Major Upham of the 5th Cavalry. We like them all - and dread a change not knowing who may come - and some who might come could make a quiet isolated little post like this very disagreeable. Still we must take our chances - for in September there will be a change. The stations of the 5th & 3rd Cavalry regiments are to be changed then & we shall get two companies of the 3rd but *which* Cos. of course we do not know.

Charlie has a very nice hospital here new & quite large - it is not entirely complete yet - but everything he has asked for to finish & furnish it has been allowed. So he will soon have it just as he wants it. His eyes are no better - sometimes he thinks not quite so well. The intense glare of this treeless country is very hard for the eyes anyway. even the Indians suffer from it.

We had no mail at all tonight. I suppose the cars were late at Green River yesterday morning & the *buck board* did not wait. every other day our mail comes in that way.

August 10, 1879 Ludlow

Poor Charlie has almost entirely given up reading at night - so I play chess with him or talk if I see he doesn't take a book. I think his eyes are not so strong as they were - it must be the intense glare. he says they pain him sooner when he reads than they did. I feel troubled & wish he could be retired on them.

To answer your last weeks letter Mr. Moore left this morning & took the bow to send by express from some point on the R.R. it is a light package, not a thing of *"beauty"* as I said but genuine.

I don't know about the Washakie winters, accounts differ. We have *hot* enough weather - 98° today - it sounds though I did not think of its being hot. it is pretty cool to set out this evening.

August 25, 1879 Carrie (her niece)

. . . The only lady here at the post besides myself is Mrs. Thomas. She has two little girls - Nellie & Mollie about a year younger than you (Carrie was 11). They are in Chicago with their grandmother and every week they write long letters to their mama & papa . . . If Uncle Charlie should be ordered to an eastern post next spring, you will have to make me a visit . . .

There have been a great many Indians in the Post. Some dressed very gay. I wonder what you would think of them. Little Charlie likes to look at them & go up to them and shake hands and say how. One old squaw this morning lifted one of his pretty curls and said *wano wano* meaning *good pretty.*

August 31, 1879 Ludlow

I am glad you received the bow all safe. & that the express charges were so little. I did not think they would be much. but I never heard of anything quite so cheap. I have heard of one or rather part of one stone arrowhead found in this vicinity. Charlie was called to attend a lady at *Lander* a little settlement some eighteen miles from here & he saw this. it was the point so he could not tell whether it had a flat or barbed base.

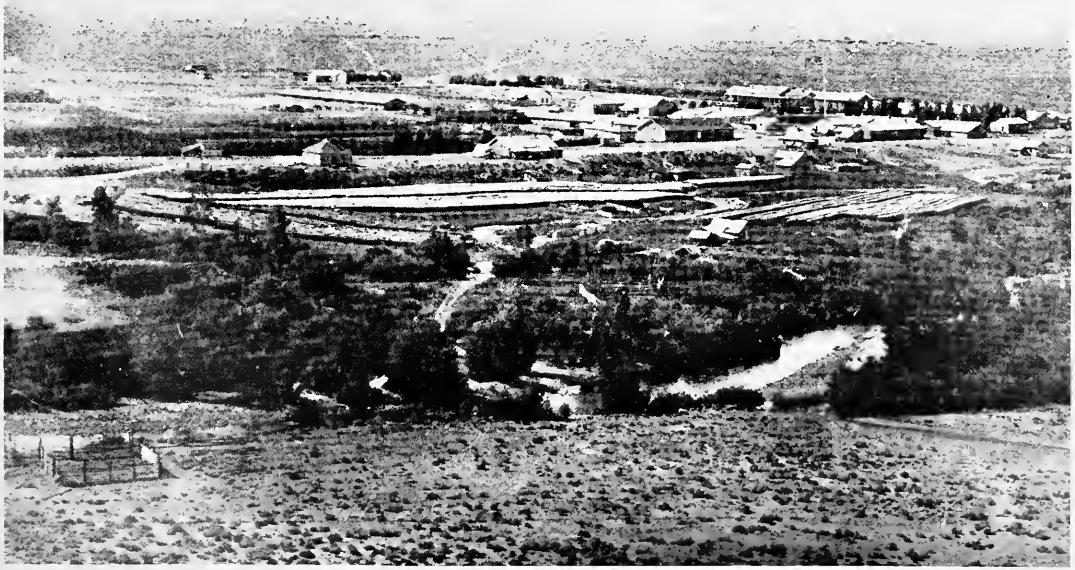
We had heard a rumor of a place some eight or ten miles from here - where fossils are to be found *fish* etc. if we find it is so we are going out to get some. There are a great many curious things about here - we went a few evenings ago to see three natural curiosities all within 3/4 mile of each other, one a gypsum mound - or rather a very curious place where the different strata of rock for probably three or four hundred feet in depth - have been thrown up almost perpendicular. You can walk along the base for easy that distance & trace the strata standing on edge. Several different kinds of gypsum limestone - a beautiful soft greenish grey clay, a very soft grey stone - in which are countless numbers of small green fossil shells & in one part - a sort of red clay - full of curious lumps of Gypsum - beautiful white like *salt*. iron & copper pyrites & chrystals. it is a very curious place - and Charlie & Major Upham are greatly interested in studying out the different strata particularly the Major - he has nothing to do - and it is funny to see him mussing over those rocks forming lime & plaster of Paris - washing out copper & Iron & chrystals & oiling up clay and making casts & cups. he said yesterday he was going to make me a set of coffee cups. Well - this queer place we went to a little way from there is a *tar spring.*[28] *Asphaltrum* I suppose it is - all the tar used here at the post for fence posts & etc they get here. There is any quantity of it in an immense big place & how deep no one knows, in some places very hard on others yielding to the hand & in others still liquid - The other curiosity is the hot spring I have told you of.

We are all well and quiet as usual seeing no one from month to month but just our little garrison . . .

By the way, Charlie sent a box of these little fossil shells to Prof. Marsh[29] asking him whether they were salt or fresh water shells & what. he says to tell you he doesn't know yet whether he has found a *"horses"* tooth or not.

September 9, 1879 Ludlow

. . . We are sadly in need of rain. The dust dreadful - there are large fires on the mountains. and with the dust & smoke some days we can't see even the foot hills.



Fort Washakie, 1879

Mr. Moore is the Indian Trader & buys any quantity of robes from them but I think they are mostly bought in the spring. Charlie thinks you could get a pair in New York as cheap as to buy them here & express east. but I will ask Mr. Moore when he returns & see what we can get a nice pair for. . . . An Indian brought some trout here yesterday two measured 18 inches each. I took the smaller ones tho they are sweeter & better about 8 or ten inches. I don't know what they weighted I have no scale.

September 14, 1879 Father

. . . How I should enjoy having you all come & spend your summer vacations with us & possible next summer it may be. though the Dept of the East is so large we may be somewhere on the Upper Lakes[30] - not much more acessable than we are here.

The probability now is that there will not be any change in our garrison this winter that is - no change of companies. some officers who are on leave will probably soon return but we are not likely to have any more ladies. There is one besides myself - *Mrs. Thomas,* where we staid so long . . .

Charlie has a little private practise here, he has been to Lander lately, a small settlement about 17 miles off. one broken leg case, I think he has had two citizens sick in hospital for some weeks of course there is no physician anywhere nearer than Green River & a very poor one there.

. . . I often wonder that we are so contented here. Still it is home while we are here and our house is very comfortable & nice. We never had such nice quarters before. I shall feel badly to give them up - for if we went east we couldn't hope for anything so good at any eastern post. We have a large open fireplace in our parlor which will be very cheerful for the winter.

September 14, 1879 Ludlow

How I wish we could have some of your fruit & vegetables. Yesterday we had a little box of fruit sent to us. Mr. Moore - our post trader - who is east sent it - I suppose from Chicago. a taste for each of the officers and we are as careful of it - There were four pears - a bunch of grapes three or four apples & a doz or 15 plums. It was very kind of him - as it is all we shall see - it is a treat. The little corn we have has been poor & tomatoes dito. just as they began to ripen we had a hard frost that killed all the vines tomatoes cucumbers & everything of that kind.

This dry weather continues with great fires on the mountains. We can't see even the foot hills - for the smoke & dust. it will make it hard for cattle this winter the grass is all dried up.

September 21, 1879 Ludlow

Your letter came tonight. I will send you some of the little fossil shells - a letter from Prof. Marsh tonight says "Most of them are *Trigomia,*[31] which indicates the Mesozoic formation." So they are not fresh water shells. these little things are all we have found so far - but they belong to the same period with many beautiful chambered shells and fish & reptiles if one has the time & someone to do the hand digging no doubt a great deal could be found about here. We shall try again but I have so much to keep me . . . I would like to go out often & camp a day or so in the canons and see what one could find. but of course we are just the ones who can't go. A physician never can leave home, if someone isn't sick - someone expects to be - or might be.

September 30, 1879 Ludlow

I have the fossils already sent & will try to get them off tomorrow. they are just the same ones as Charlie sent to Prof. Marsh. The whole rock is just alike. We haven't been down there again. Charlie is very busy - he has more or less sick in the hospital all the time & in garrison & some private practise. tomorrow he goes to Lander again . . .

October 9, 1879 Ludlow

I hope you wont worry at my weekly letter being delayed, we are all well. but Mrs. Thomas' baby is very sick & has been for a week past. I try to be there all I can but it is only when my boy is asleep I can go & Charlie is there five or six times a day. Mr. Thomas has been out with his company for two months & some of the family have been sick nearly all the time.[32] This baby is nine months old today & has no teeth. The second day of his sickness he had convulsions. Charlie has had very little hope of him from the first but he is a little better. Mr. Thomas can't get home before the last of the month and it seems all the more dreadful to have the child die & he away. Mrs. Thomas said this morning - she was so thankful that the Doctor was here for she had perfect confidence that everything would be done that human power could do. but it is a fearful responsibility. I realize as I never used to what a physicians life is. Charlie has had two citizen patients in Hospital since we have been here - one with double "Pneumonia" & one with typhoid fever. both as near death as men could be and live. they are both up and convalescent now if he can save this dear little baby, I shall feel so thankful.

Of course we are all greatly excited over this fearful Indian business again.[33] Knowing the officers wounded & killed makes it seem more real. Dr. Grimes Charlie relieved here. he is an Act. Asst Surgeon. Lieut. Paddock & Capt. Lawson we know & also Thornburgh *killed.*[34] We had no news last night and don't know yet whether Genl Merritt reached the little party in time.[35] I hate the sight of an Indian ever since this news came. I suppose these here are all friendly but they are *all Indians.* Sunday Old Washakie & Black Coal (Arapahoe) with some twenty or thirty sub chiefs had a council on Major Uphams porch & Washakie sent word to Genl Crooke[36] that if he needed them he might rely on him to send out as many of his Shoshoni braves as he wanted. I don't know whether Black Coal would do as much with the Arapahoes or not.

. . . Don't worry about us - we are in no danger here. And thank God, all are well. The little baby is better this evening.

October 14, 1879 Ludlow

The baby that was so sick when I wrote last is better a good deal better. Charlie thinks now he will get well but for days we scarcely dared hope - that Mr. Thomas would find him alive when he came.

We are having glorious weather, warm & bright - the mountains are grand too in their whiteness. the snow must be very deep in some places, at Stambaugh last week there was a dreadful snowstorm - one of our officers was over there two or three days & came through dreadful drifts coming back.

AMH DEPARTMENT PHOTOGRAPHS

J. K. Moore was post trader at Fort Washakie for many years. His store was the main trading post on the Wind River Reservation.

October 19, 1879 Father

The little baby of Mrs. Thomas who was sick when I wrote Gus is still very sick has been worse. but this morning seems brighter again. We try to hope it will get well - but Charlie really has little expectation of it. A courier was sent out yesterday morning to find Mr. Thomas if possible & if he is where he expected to be about this time. The man thought he could reach him in three days. Mrs. Thomas bears up wonderfully but it is very sad. and you can imagine we all feel very anxious. so few of us away off here, can't but share each others troubles.

Mr. Moore has returned. he regretted not seeing either of you - If he had had your address, he would have sent you a note . . . but he was very busy all the time. he has to lay in a very large stock of goods in the fall while the roads are open. everything almost for a year. he keeps a very nice stock of goods & is Indian Trader besides you know - & has to have so much stuff for them trinkets, beads, etc.

We don't expect any change of garrison here this fall - fortunately we are a safe distance from the Ute country. We like it here and Charlie has some outside practice. We rather dread the thought of a move in the spring, our house is so pleasant. Charlie will be a Captain next month. It will be five years since he entered.

. . . Another mail & not a line from anybody. I wish our friends all had to be away off here a few years & see how they would like to be entirely forgotten.

October 21, 1879 Ludlow

We are all well - baby entirely over his little trouble & bright & cunning as possible. Weather beautiful.

Baby Thomas not so well again. very doubtful if he lives many days. Mr. Thomas was sent for & got in yesterday.

November 4, 1879 Ludlow

. . . Charlie & Major Upham went to the lime kiln today but could not find anything of any consequence. I sent a little piece of what they did find - and all the rock is just the same as this piece. it is as you will see very hard & it was difficult to break it. Charlie said tonight he believed he would send a piece of it to Prof. Marsh just for the satisfaction of knowing what it is.

Please tell us what a "Chatauqua" reading club is. Remember we live in the Rocky Mountains & are not posted.

You know I had never had a line from Mary Frey since baby was born or long before. Well one night last week I was surprised by a letter from her. The principle thing in which was a proposal to come and spend the winter with us. She said she had been thinking she would like to be with me this winter & if she could raise the money & I would tell her how she could reach here, she would like to come if agreeable with us . . . I replied telling her that we did not consider the journey *safe* for a *lady* alone at any season of the year. and not safe at this season anyway. There was danger of being overtaken by mountain storms & perhaps snowed in at Stambaugh for days often happens - and there is no one there at all but a telegraph operator & one other man. I gave her all the facts of the journey & also told her that the expense of the journey from New York here could be scarcely less than $175.00 . . .

November 11, 1879 Ludlow

. . . We are just now reading English History (Macaulay) whether anyone else at the Post is reading anything at all - I don't know - doubtful I guess. It would be pleasant at an out of the way place like this to have a reading club. but as a rule Army Officers don't read - so far as I know. They don't do anything but play "poker" & loaf.

I don't pretend to read in the day time - except *Mother Goose* - or "The Night Before Christmas" - or some other little classic for Boppers edification. I guess Charlie has read more "Mother Goose" this fall than ever in his life before - I always used to tell him that his education had been neglected . . .

Charlie is at last a *Captain.* It was five years yesterday since he entered the army.

The little baby is better and if nothing more sets in will get better. it seems hardly possible for he was the sickest child alive I ever saw for so long.

November 19, 1879 Ludlow

I don't think Gussy has any idea of leaving me - certainly

not this winter and I think she will probably stay while we are here. She did a very silly thing and not at all right to go off as she did & get married. but she has got a first rate man for a husband. perfectly temperate & steady with a little something laid by. he is an engineer by trade and does not mean to re-enlist when his time expires. He has the promise of work on the U.P.R.R. I believe & I believe they expect to live in Laramie.

. . . Would you while I think of it like some specimens of the Indian beads of the present Indians to compare with your ancient ones. I can send you some from the store.

We are invited out to dine on Thanksgiving at the mess - or rather Lieut. Wheelers he is a bachelor & keeps the mess. but I believe it is his dinner party - he has a colored man - who has cooked for him a great while & is a very superior cook I believe. he is making preparations for a splendid spread. I don't know what will be done on Christmas. I am going to give a New Years Lunch to the garrison & Mr. Moores family only twelve in all. but I shall try to have as eleborate a lunch as possible here. Mr. Moore gets a good many nice things for us - they are very nice people. his sister is with them this winter. not young but a very pleasant girl.

November 30, 1879 Ludlow

. . . We are all well and having a peaceful quiet time in our winter quarters seldom seeing a soul even of our small garrison. No one seems socially inclined. We all met at the dinner party Thanksgiving Day. it was meant to be a very nice dinner - there were a good many courses. but *we* are very much disappointed in Mr. Wheelers *cook* of who's skill we had heard great praises. but most every one else seemed to eat as they liked it.

December 9, 1879 Ludlow

. . . You ought not to say "nothing to write" for you do see a few people - and hear & know a little of the outside world. but it is a positive fact that not a soul has come to this post since last August - except two officers who if possible are less interesting than those who were here. not even the Paymaster comes which is an outrage as the men have already four months pay due them.

Charlie sent some of that fossil rock from the lime kiln, such as I sent you, to Prof. Marsh. he has received it as we have the return register. I will write you what he says about it when we hear from him.

December 25, 1879 Ludlow

Charlie and I have come to the conclusion that we are glad Xmas comes *once a year*. for it has been a lively day I tell you. Bopper was loaded with presents. so many that he had no idea what to do with them all. he flitted about like a bird from one thing to another till he was tired out and his parents too except that I insisted upon his usual noon day nap he would have been tired out to death.

Mrs. Thomas had a tree last night for Georgie and invited all the children. It was to be lighted at five o'clock and baby was to go of course - when yesterday morning her baby broke out with *measles* so of course he couldn't go and didn't remember anything about its having been promised him. until this afternoon when I was drawing him on the porch - he

NATIONAL ARCHIVES PHOTOGRAPH

The hospital was a new building when Dr. Winne served at the post in 1879-80. This turn-of-the-century photograph was made by the Department of the Army.

saw some evergreens up by their house - and he looked up at me with such a disappointed look and insisted upon going at once. I had to bring him in to divert him from it.

There has been a great deal of measles among the Indians and at the agency and at Lander & two soldiers in the Hospital with it but Charlie has been exceedingly careful & so far baby has escaped - Still I have no doubt he will have it.

The little boy has talked a great deal about Santa Claus coming down the chimney to fill his stocking and was very much interested & amused when I brought out a pair of little red stockings & pinned them up over the fire-place. This morning he woke early & I thought would insist upon seeing his stocking but he didn't & I dressed him as usual. and when we were all ready opened the door. you should have seen his eyes stick out. The room looked like a toy shop and some of the things are beautiful of their kind - I never saw more Xmas giving then there has been here. Mr. Moore had a large assortment of very nice toys & fancy things. and the men have bought without limit. the Thomas children were loaded with beautiful things by the men of their fathers company. and laundress children too had no end of things.

Baby had nothing in that way of course except Sergeant Divine (Gussies husband)[37] gave him a large & very handsome set of ten pins & a large humming top. and a man who lives with Major Upham bought him today a very pretty plated knife & fork. I was sorry to have either of them do it but they would have been greatly hurt if I refused their gifts.

We wished for you to share our turkey & fixings this afternoon. Gussy got up such a nice dinner every bit of it her self except the cake & mince pie I made yesterday. we had oyster soup, Roast turkey & cranberries, 3 kinds of vegetables, hot French rolls, pickles, mince pie, Ice creme & cake & coffee. The stewards wife[38] sent me over a qt of thick creme this morning. Gussy is certainly a very nice cook. I hate to think I must loose her.

I don't know when this letter will go. Tuesday nights mail came in yesterday morning - and we have had none since nor is one expected before tomorrow night. it is reported today that the mail is blocked on the mountains somewhere. I don't know how the report came - but probably by horseback from Stambaugh. We have had intense cold for some days. Yesterday morning at seven o'clock 32° below - but we have not felt it in the house and the boy has only been kept in one day.

Friday Morning -

All well this morning - no measles as yet. It is warmer only 5° above. a bright beautiful winter morning. I will finish this when there is any chance of the mail going out.

Saturday -

The mail came in last evening late - and brought your beautiful letter to Bopper. and another train of cars for him. he is delighted with his letter and sends a kiss to Uncle & Auntie. Much warmer this morning and all well.

Boppers Xmas Presents 1879

Mama & Papa - Beautiful saddle horse on wheels, set of nine pins, book - Under the Window, Whip, Driving reins with bells; Grandma Winne - Box building blocks, transparent slate, set of magnetic toys (fish & ducks), Chinese straw bird whistle; Mrs. Armsby - Wax doll, toy watch & chain, rubber ball, picture book - (Mother Hubbard), picture book - (4 & 20 Blackbirds); Mrs. Yiels, Albany - Magic Mother Goose Melodies, a beautiful book.

Gus - Book - Jennie Wren; Etta - Book - The Picture Alphabet; a lovely collar - Carries own work; Christmas Cards, Xmas tree book - Hoboken; Box of candy - father; Savings bank - Lieut Wheeler; Train of cars - Lieut. Waite; Mouth Organ - Capt. Forbush; Creedmoor bank - Major Upham.

Beautiful large wheel barrow & whip - Mrs. Moore; Tin market wagon & horses - Miss Moore; Large red, white, & blue ball and dog in a hoop - Gussie; Large set of ten pins & humming top - Sergeant Divine; Whip & card of paper soldiers - Mrs. Thomas; Knife & Fork - O'Grady; Train of Cars.

January 2, 1880 Ludlow

Well yesterday was New Years and our lunch party was a decided success. Everyone came officers in full dress and everything was very nice. My dining table could not seat all - so I got another table and set them in this way. it looked pretty too. Bopper came up to the table & behaved like a little gentleman. he got tired toward the last and I let him go out to the kitchen, but while he staid he was no trouble at all & enjoyed it as much as anyone. he certainly is a good little fellow. After lunch was over he came back into the parlor and he did so behave so finely doing what he could to entertain his mamas guests. The officers pet him a great deal always - and of course asked him about his Christmas and in such a pretty half shy way he would go & get a book or something he particularly likes & give it to one or the other of them. Your picture letter he took first to Major Upham & opened it & showed him all the pictures & told him as well as he could what they were. I never saw him behave prettier. His papa was wonderfully proud of him.

I suppose Dell would like to know what can be got for lunch away up here. So I will tell you - what I tried to have & couldn't and what I finally did have.

Mr. Moore could not get me any quail or grapes. the grapes I gave up. but Charlie was set upon having quail so he wrote to a friend in Omaha to get them if possible & send by express. He finally succeeded in getting some & sent them in time to have been here Wednesday night but they are still on the road some where - so we did not have any quail. and the celery in the garden all froze solid in that very cold weather - so we didn't have chicken salad. but we did have

Fried oysters - first - then Roast turkey - pickled oysters, shrimp salad - cranberry jelly, pickeled peaches - cucumber pickels - elegant french rolls - & bread & butter - and elegant coffee - then the table was cleared - and I had delicious ice creme - coconut cake (fresh coconut) - fruit cake - almond cake - citron cake & sponge cake. Coffee. Oranges, pears, apples and everything was very nice of its kind. The Stewards wife helped me with the cake and I made the salad dressing and pickeled the oysters. but Gussie roasted the turkey and did all the rest & waited on the table beautifully. And after we were through she had her party *The Sergeant* - and the Steward & his wife. They enjoyed it.

Saturday night - the mail is just in bringing from father and our New Years quail, eight days from Omaha - but it is aggravating. I suppose they have laid in Green River. This stage co. do as they please - for it is ride with us or walk.

HARPER'S NEW MONTHLY MAGAZINE, MARCH, 1880

Black Coal

HARPER'S NEW MONTHLY MAGAZINE, MARCH, 1880

Friday

January 13, 1880 Ludlow

. . . This has been a dreadful day. I have never known such a wind here. In Sidney I have seen such but never here. The whole surface of the ground looks as if it had been swept with a stiff broom every bit of dusy & loose pebbles has been blown away. You have no idea of these winds - for at the east there is a lull sometimes but here it is one steady blow for hours together. & the dust penetrates everywhere.

Well it is eight months today since we arrived at Washakie and probably in about four months more we will be packing up to go somewhere else.

January 23, 1880 Ludlow

There is nothing special to write about - the great event of the week has been the arrival of the Paymaster at last - the troops have not been paid in six months - so to them it was quite an event & to us it was something to see a new face - some one from the outside world. Major Wingard is a very pleasant elderly man - he spent an evening with us & was exceedingly entertaining. he has been stationed on the Pacific Coast a great deal. Says he has seen every Post from the border of Mexico to Sitka.[39] he was there once.

January 26, 1880 Ludlow

Your letter received tonight & was all of our mail. As to the rumor about our coming east - you know about all there is to know about it. I am sure I have told you several times that Charlie only came back to this Dept. to serve out the remainder of his detail in the Dept. the time he was on leave if just the year is counted and he is ordered as all other medical officers have been from this Dept. to the Dept. of the East - why we shall go east in the late spring or early summer. This we expect to do but when exactly is more than I know. The Dept. of the East is large and the Posts as a rule disagreeable & quarters bad. So we don't anticipate anything very delightful tho we may get a pleasant post. Charlie is a Captain now and the additional rank will give him more of a chance of course.

. . . It has been a wonderful winter. I never saw anything like it. We had been fearful of no ice here as they never put it in before the end of January. & so let that very cold snap pass but last week they put it in such as it is. I believe they shaved it off both sides & the middle was still solid.

February 5, 1880 Ludlow

Your letter came as usual Monday - but I have not been able to write before - having been more than usually busy - and when evening came - tired. A *very* small boy arrived unexpectedly at the Moores Monday night - and Mrs. Thomas & I have been obliged to be there more or less every day since.

Our garrison is beginning to break up. Mr. Thomas was ordered by telegram to go to *Rawlins*[40] (on the RR) as QM officer there - and left this morning. She will go - as soon as it is safe to go with the baby over the mountains probably next month which will leave me the only lady at the Post. The supposition is that a large Depot of supplies is to be established at Rawlins & troops concentrated there preparatory to the *Ute* war next summer - for a war there will doubtless be - was there ever such a farce as that whole business has been - it is altogether disgusting.

February 11, 1880 Ludlow

Yesterday I drove down to the hot spring with Mr. & Miss Moore & we ladies went in. The bath houses have been fixed up a little so ladies can go in very comfortably. there was a strong east wind blowing so the water was cooler than usual & very delightful - but I shouldn't want to try when it was much warmer. some of the very cold days this winter we have seen the steam from the spring rise in a solid white cloud as high as the bluffs beyond it & the spring you know is two miles from the post.

February 15, 1880 Father

. . . I have no patience with the U.S. Government in any of its branches. Civil or Military the whole thing is corrupt & rotten through & through. Such a mess as has been made of this *Ute* Indian business this winter is disgusting and the poor army will have to suffer & settle it next summer.

. . . I wish I had something to write but there is positively nothing - I shall soon be the only lady here in garrison. Mr. Thomas has been ordered away and gone. & his family will go as soon as it is safe to go over the mountains with children. I suppose we shall go too by June tho we know nothing as of yet.

February 20, 1880 Ludlow

. . . I don't write many letters either for there is literally nothing to write about. I doubt if ever on the frontier it would be possible to find a post where there was so little to interest even the garrison and nothing to interest anyone outside.

The paper[41] in the March number of Harpers on the "Arrappahoes" is written by an acquaintance of ours. he was at Sidney when we first went there - we dined at his house that Xmas. And these Indians are the ones we see most every day. I saw both "Sharp Nose" and "Friday" today - the likeness of all of them are *remarkably good* that is the four - "Black Coal", "Washington", "Sharp Nose", & "Friday".[42] the squaws all look alike and are all equally dirty & the village which in the feature looks quite pleasant is as nasty a place as one can imagine. They are all coming in from their winter hunt now. & the post will soon be swarming with them again. "Inyons" as Bopper calls them.

There is a rumor that all the Cavalry in the Dept. is to be ordered to *Rawlins* to be in readiness for a Ute Campaign in the spring. but we know nothing positive of course if it is so. Infantry will have to be sent to all these outposts & there is probably little if any truth in the rumors anyway.

February 26, 1880 Ludlow

I think I have even less than usual to write tonight - nothing has happened here - and we have so few letters - we hear little from the outside world. The measles have broken out again - in two different families among the children and I look every day for Bopper to come down with them . . .

March 5, 1880 Ludlow

When your letter came Monday night, I thought I should answer it at once - but my time has been all taken up this week again - that poor little Thomas baby is very sick again and I have been there all the spare time I have had. he was taken Tuesday evening with croup - the next morning he had a convulsion again, but he is better of all tonight & tho not out of

HARPER'S NEW MONTHLY MAGAZINE, MARCH, 1880

Sharp Nose

HARPER'S NEW MONTHLY MAGAZINE, MARCH, 1880

Washington

danger - still we feel encouraged. There has been considerable sickness here lately for this place. but we are all perfectly well I am thankful to say . . .

I wish I could have some of your flowers - Flowers & fruit I miss more than anything.

March 9, 1880 Ludlow

We are all well as usual and surely have good reason to be thankful, for there never was so much sickness here - as there has been the past few weeks. Two of the Moore children have been sick - one *very dangerously* so for the past week - but he is better. So that Charlie feels now - that he will get well - tho not yet out of danger. a week ago Sunday a little child of our Commissary Sergeant died of malignant measles.[43] the only case of measles that has been anything to speak of - but the eruption did not come out at all & the child died in a few hours . . . The Thomas baby is well again, except a cough. I believe it pays to be - what people may call *over careful* of a child . . .

The beads you speak of in the breast plate on Sharp Noses son are worn a great deal in that way by these Indians - they are made of a creamy smooth sort of *pipe clay* I think - the longest ones about as large as this paper is wide - are about $1.00 a piece at the store & the shorter ones $2, $3, & $5 per doz. I have thought too perhaps the tubes you found were beads. I will bring you some of their fancy beads when I come. Comparatively few of either the Arapahoes or Shoshoni have red stone pipes. They smoke mostly *cigarettes*. but those they have they have got in trade or some such way from the Sioux.

Charlie sends love to you both. he has worked hard the past week. with two such very sick children on his hands - but if only he can be the means of saving them. baby Thomas is most well again. it has been an anxious time being away off so far - and every one looking to Charlie as their only earthly hope when their children are so sick is a fearful feeling - you can't imagine it. I could only pray all the time that he might have wisdom given him to do just the right thing.

March 16, 1880 Ludlow

. . . There is little to tell you except about our *weather*. Last Thursday it was snowing hard when we got up and did not stop for one minute all day - how late into the night it snowed I don't know but sometime in the night it grew cold & the mercury fell to 23° below zero & that night the 12th it was *44°* below, 13th 34° below - 14th *29°* below & 15th *20°* below . . . . . such deep snows are not unusual here in March & April - in fact Mr. Moore says he has seen it three feet deep in April but only lasting for two or three days. but such intense cold was *never* known here by the oldest inhabitant. there is no record of anything below 39° below until this snap. We haven't suffered from it at all. The house has been very warm & comfortable. and then of course this low temperature not felt at all at this altitude as much as 10° below would be with you.

March 25, 1880 Ludlow

. . . As spring comes on - we begin to be very anxious for our orders. Charlie reported for duty on the 1st of May - & by rights ought to be relieved by the 1st of this May. I hope we shall get away by the last of May. anyway I am about tired of this. Still this place - like all others has its advantages. We have all been very well the whole year. I have had a great deal of headaches - owing Charlie thinks to the altitude. but thats all - and Bopper could not have had a better place for his teething . . .

There are rumors all the time of a change of garrison here but we know nothing. Gussie told me the other day that even if L Co. (Devines) did go away she would stay with us till his time was out in the fall - if we staid here. I shall be sorry to lose Gussy. She learned so much at Mrs. Taylors[44] and has improved greatly in her cooking & everything. it will be a long time before I find her equal. She does everything. I wish I had some of your flowers.

March 31, 1880 Ludlow

Yours of the 21st came as usual. Our garrison is beginning to break up. Major Upham received telegraph orders Monday night to go at once to Cheyenne to take command of three Cos. of his Regt. & march with them to the site of the new post on the *Niobrara*. ("Fort Niobrara")[45] it is to be called & they with two companies of Infantry are to build it this summer he stated this morning. And Mrs. Thomas expects to go next week to join her husband at Rawlins. and I suppose the whole Garrison will be soon changed - that is the expectation tho no one knows anything as yet. One of the Infantry cos. going to the Niobrara is Capt. Rodgers[46] of the 9th 2nd Lieut. G. R. Beardsley.[47]

. . . I'll bring you some beads when we come. I wish you could have seen the Indian stuff Major Upham had. he called me in to see it all before he went. some really handsome shirts & quivers & war bonnets and etc. The handsomest of all a complete set of saddle equipments any civilized horse would run away with all that stuff on him. I suppose what he had must have cost him as much as $150 - I wouldn't give it - for since I have seen so many of the nasty creatures, I care very little for the stuff.

April 14, 1880 Ludlow

. . . You doubtless know & knew before we did that Charlie is ordered for his second or rather fourth examination. it seems an outrage that he should have to be examined again for the Majorty which probably he may never get - but so it is. what a fearful mistake he made when he resigned.

When we shall get away we can't tell of course as yet. all the orders he has yet is the one direct from the Surgeon Genl relieveing him from duty in this Dept and after his examination to report to the Surgeon Genl by letter for assignment to duty. Of course we can't leave here until someone is sent to take his place and as yet we have no orders from the Medical Director - we have not began to pack - but are planning it all. and I am sewing every minute so you must not look for letters. I will write when I can. We are all well.

The Thomas family left last Saturday and I am now the only lady at the Post.

Your letter came Monday night - in the same mail with the orders.

April 22, 1880 Ludlow

Charlies orders came Monday night - but I have been too

busy & too tired to write since I had some sewing that must be finished before we begin to pack. it is done & today I am picking things over and getting rid of all superfluous bundles & putting things in shape to be packed. We sell nearly all the little furniture we had & so far have succeeded very well. We have no idea when we shall get away. Charlie will be relieved by a medical officer now at Camp Sheridan, Nebr.[48] and he by Dr. Grimes who was here when we came. of course we have to wait for them. but we rather expect to start between the 8th & 10th of May. I dread the journey it is long & hard & to take it twice within a year is no fun, to say the least.

The companies here are looking nightly for their orders. Of course we will let you know just when we start.

April 30, 1880 Ludlow - Postcard

Have no Idea yet when we shall start. everything packed that can be until we actually break up. All well but tired. In haste C.E.W.

May 8, 1880 Ludlow

. . . Dr. Corbusier[49] would be here by Thursday but the stage is in tonight and no sign of him yet - he has ample time if he had complied with his orders - "Without delay" When he will come is still a question but the sooner the better to suit us - we are all broken up - yesterday had the carpets up & cleaned & packed today. it won't take long to get off when he does come - We were in hopes to get away before the new garrison got here - but we shan't now - This waiting & uncertainty are becoming decidedly disagreeable. The only advantage of this delay is that the roads are improving all the time. I think if the weather is pleasant we will enjoy the ride over the mountains more than when we came. We shall have Red Canon and the mountains the first day when we are fresh. and now we know so much more about the country too & then we shall go up instead of down the worst hills.

It will seem strange to us to be in any other Dept than this - but I am not sorry to leave this "blasted country" for one. particularly as the prospect for a *Ute War* seems to be what Army people have all the time felt it was - the wise men in Washington to the contrary not with standing & some day there will be trouble with these Indians too. Old Washakie can't live always.[50]

Bopper is well and rather seems to enjoy this state of chaos. he is a funny little chap - says so many funny things - last night he was at the window with me and two squaws were outside & noticed him & were talking together about him evidently calling him *pappose.* He heard it & turned to me & said "Bopper pappose no" "very nice Bopper".

We are all well & hope to see you soon. by the way, Capt Monahan has failed to obtain an extension of his sick leave - and is ordered to join his Co. at Fort Russell (Cheyenne) & Mrs. Monahan wrote insisting on our stopping to see them - we may stop over a day.

May 13, 1880 Ludlow

It is just a year tonight since we reached this post and you I suppose are daily expecting to hear we are on our way east from the fact that I have no letter at all from you this week. It is probable now that we shall not be able to leave before the 23rd if we do then. The new command came in yesterday. it seems Dr. Corbusier was ordered to come with them but failing to reach Fort Laramie on time. Capt. Russell[51] telegraphed to Omaha to know whether he should wait for Dr. Corbusier & the answer came not to wait. Dr. C would probably overtake them at Fort Fetterman. Yesterday Charlie received an official letter from the Medical officer at Fort Laramie from which we learned that Dr. C left Fort Laramie on the 5th. So when he reached Fetterman this command were ten days from there. We hoped that he might decide to come by rail & stage & be here tonight but he didn't come so he is undoubtedly incoming across country & can't possibly be here before next Thursday (the 20th). it is very disgusting as we are entirely torn up.[52] and what adds to the pleasure ? of waiting is the fact that (at my suggestion) Gussie has decided to go across country with her husband - & the command start either Sunday or Monday - so I will be all alone. Still all things, even disagreeable ones, have an end & we doubtless shall live through it. We are all well & I shall take care that no one gets dyspepsia from high living.

Gussie isn't very well anyway. She is tired out & needs a change & rest. I think the trip of three weeks will do her good & it will save them a good deal of expense. The Co. is in camp now & she went down tonight to begin her Army life. She will come up & help me every day until they go - we shall miss her - she is a good faithful girl.

You can't know how thankful we are to get away from here now - one of the new Captains has three of the very *"badest"* children I ever knew - & we know them of old at Sidney & a horrible *dirty* baby besides. We could not let Bopper play with them and it would make great trouble. The new Dr. brings four boys the oldest ten years.

Don't worry or expect us until you hear. I will send you word by the very first mail after Dr. C arrives & we will telegraph from Rochester where we shall have to stay over night again.

1. Camp Stambaugh was established on July 20, 1867, for the protection of the miners in the Sweetwater district from hostile Indians. The post was abandoned August 17, 1878. Francis P. Prucha, *Guide to the Military Posts of the United States* (Madison: Wisconsin Historical Society, 1964), p. 185.
2. Lt. Col. John F. Summers was the Medical Director of the Department of the Platte. Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington: G.P.O., 1903), p. 936.
3. Augusta (Gussie) was a servant girl hired by Mrs. Winne at Fort McPherson. She did not go east with them during their 1878-1879 leave, but joined them at Kearney, Nebraska. Originally from Wisconsin, she was 23 years old at the time they went to Fort Washakie. Tenth U.S. Census, 1880.
4. 1st Lieutenant Earl D. Thomas, Company G, 5th Cavalry, arrived for duty at Fort Washakie in October, 1878. While at the post, he served as the commanding officer of his company in the absence of Captain Edward Hayes, who was on a leave of absence. Post Returns, Fort Washakie, May 1879.
5. Major John H. Upham arrived and assumed command of Fort Washakie on August 8, 1878. While the Winnes were stationed at Fort Washakie, the garrison consisted of Companies G and L of the 5th Cavalry, with a strength of 130 officers and enlisted men. Post Returns, Fort Washakie, May 1879-May 1880.
6. Due to hunger and poor reservation conditions, several hundred Bannacks, Piautes, and Umatillas fled their reservations in the

early summer of 1878. After four months of military pursuit and fighting, the Indians were compelled to surrender and return. About 131 Bannacks were held as prisoners at Fort Hall and Fort Washakie through the winter, and were released the following summer to return to their proper reservations. A total of 57 Bannacks were held at Fort Washakie. Robert Utley, *Frontier Regulars: The United States Army and the Indian, 1866-1890* (New York: MacMillan, 1973), pp. 321-328.

7. This spring is located 2.2 miles east of Fort Washakie on the road to Ethete. In 1874, Surgeon Maghee described the spring as being 315 by 250 feet in diameter and about 20 feet deep. He also remarked that "Used as a bath, the waters proved decidedly beneficial for rheumatic, neuralgic, syphilitic, and skin diseases; taken internally no perceptible effect is produced." Surgeon General Circular No. 8, *Report on the Hygiene of the U.S. Army with Descriptions of Military Posts* (Washington: G.P.O., 1875), p. 325.
8. The Rumseys were the proprietors of the "Sidney House" in Sidney, Nebraska, and were friends of the Winnes' while they were stationed at Sidney Barracks. While at Sidney, the Winnes' only child was born September 30, 1877. Thomas R. Buecker, "Letters of Caroline Winne From Sidney Barracks and Fort McPherson, Nebraska, 1874-1878," *Nebraska History,* Vol. 62, No. 1, (Spring 1981), pp. 27, 35.
9. Fort McPherson was established as Camp Cottonwood, in 1863, 11 miles below the confluence of the North and South Platte rivers, for the protection of overland travelers. The Winnes were stationed from November 1877 to February 1878. Buecker, "Winne Letters," pp. 36-42. Dr. Edward F. Gibson was a 25-year-old New York native. Tenth U. S. Census, 1880.
10. Fort D. A. Russell was established July 21, 1867, to provide protection for the railroad workers and the new town of Cheyenne, Wyoming. Prucha, p. 184.
11. Captain Deane Monahan was the commanding officer of Company G, 3rd Cavalry. The Monahans were close friends of the Winnes' at Sidney Barracks. Buecker, "Winne Letters," pp. 6,9,17,21.
12. Mrs. Winne was not alone in the description of Washakie. In his narrative on his army career, Eben Swift also mentioned that the chief resembled Henry Ward Beecher. Paul Hedren, "Eben Swift's Army Service on the Plains," *Annals of Wyoming,* Vol. 50, No. 1, (Spring 1978), p. 152.
13. Ludlow was an ardent collector of Indian artifacts, geological specimens, and other collectables. Whenever possible, the Winnes collected and sent him such articles.
14. On May 18, Lt. Wheeler and a detachment from Company L brought in a party of Bannack prisoners consisting of four males, nine females, and seven children along with 18 horses. Post Returns, Fort Washakie, May 1879.
15. Fort McKinney was established July 18, 1877, just west of present day Buffalo, Wyoming, for the control of Indians east of the Big Horn Mountains. Prucha, p. 183.
16. In 1877, Congress failed to pass a pay appropriation, and the army went without pay from June 30 to November 17, 1877. Utley, pp. 62-63.
17. In 1874, Dr. Winne resigned his commission, therefore losing time in grade for promotion. After re-entering the service, Winne tried unsuccessfully to be re-instated and not lose his previous service time.
18. James I. Patten was the Indian Agent for the Shoshoni and Arapahoe agency at Fort Washakie in 1879.
19. During the summer of 1873, an expedition led by Captain William A. Jones searched for a practical wagon road from the main line of the Union Pacific Railroad to Yellowstone Park and Fort Ellis, Montana. In addition, scientists with the party observed and recorded the geology and botany of the region they traveled through. William A. Jones, *Report Upon the Reconnaissance of Northwestern Wyoming Made in the Summer of 1873,* (Washington: G.P.O., 1874).
20. Lewisia Rediviva, or Bitterroot, is a low, succulent perennial with thick, fleshy roots that was used as a source of food by certain Indian tribes in central Wyoming.
21. The Rt. Rev. John Franklin Spaulding was the Episcopal Bishop for Colorado and Wyoming in 1879.
22. Omaha Barracks was established December 5, 1868, just north of Omaha, Nebraska, and served as headquarters for the Department of the Platte. Prucha, p. 89.
23. Aside from the information in these letters, no additional facts about "Shoshoni Dick" were found.
24. Lower ranking army officers at frontier posts could be 'ranked out' and have their quarters taken by higher ranking officers that desired them. This practice caused disruptions and inconveniences during garrison changes.
25. J. K. Moore came from Fort Bridger to be the post trader for Camp Brown in 1869, and was later post and Indian trader at Fort Washakie. J. K. Moore, Jr., "Post Trader and Indian Trader Tokens," *Annals of Wyoming,* Vol. 27, No. 2, (October 1955), pp. 130-135.
26. Fort Hall was established on May 27, 1870, near the Ross Fork Agency of the Bannacks in southeastern Idaho. The post was built to control the Shoshoni and Bannack Indians in the vicinity. Prucha, p. 77.
27. 2nd Lieutenant Homer W. Wheeler joined post on January 7, 1879, and served as company commander, post adjutant and treasurer, acting signal officer, and engineer officer. Wheeler's experiences at Fort Washakie are found in his article, "Reminiscences of Old Fort Washakie," Wyoming Historical Department's *Quarterly Bulletin,* Vol. 1, No. 4, (April 15, 1924).
28. This tar spring, also called "Grims Oil Well," was located two miles northeast of the post. It was described as being 12 feet in diameter, surrounded by a layer of asphaltrum 50 yards wide. Tar from here was used to cover building roofs at the post. Surgeon General Circular No. 8, p. 326.
29. Prof. O. C. Marsh of Yale University was a pioneer paleontologist who made several remarkable explorations through Wyoming, Colorado and Nebraska beginning in 1868. Military escorts were furnished for his field work and he was well-known to many officers, who like Dr. Winne, sent specimens to him for identification.
30. During this period, medical officers were generally stationed four years in a department before they were transferred elsewhere. After four years in the Department of the Platte, the Winnes anticipated being transferred to a new post in the Department of the East.
31. Trigonia was a fossil bivalve mollusk very common to Messozoic rock formations in central Wyoming.
32. Lt. Thomas left post August 6, 1879, with a detachment of 41 enlisted men for duty as an escort for a government surveying party surveying the northern boundary of the Wyoming Territory. Post Returns, Fort Washakie, August, 1879.
33. The Ute Uprising of 1879 was a result of unkept promises and inadequate rations at the White River Agency in northwestern Colorado. The situation at the agency rapidly deteriorated, and the agent called in troops to help maintain order and security. Utley, pp. 332-342.
34. On September 29, 1879, a column of 120 officers and enlisted men, with supply wagons, on the way to the White River Agency, was attacked by the Utes on Milk Creek, 15 miles north of the agency. In the ensuing battle and seige, Major T. T. Thornburg, nine enlisted men, and three civilians were killed. Capt. J. S. Payne, Lt. J. V. Paddock, Acting Assistant Surgeon R. B.

Grimes, two civilians and 43 enlisted men were wounded.

35. Col. Wesley Merritt, 5th Cavalry, led the relief column that covered 160 miles in two and one-half days that relieved the beseiged command on Milk Creek on October 5, 1879.
36. Brigadier General George Crook commanded the Department of the Platte from April 27, 1875, through the summer of 1882.
37. Sgt. William Devine, Co. L, 5th Cavalry, was a native of New Jersey and 26 years old when he married Gussie. In May, 1880, Company L was transferred to Fort Robinson, Nebraska, and the Devines left Fort Washakie for the new post. Tenth U.S. Census, 1880; Post Returns, Fort Washakie, May 1880.
38. The Hospital Steward was an enlisted man rated as a non-commissioned officer who assisted the post surgeon in the operation of the hospital. Hospital Steward Richard Keogh was Winne's assistant and a 23 year veteran of the army. Medical Papers, Fort Washakie, November 1879.
39. The Post of Sitka served as the Department Headquarters for the Territory of Alaska from 1867 to 1877.
40. Rawlins, Wyoming, was the closest railroad point to the Ute Agency at White River. Four companies of cavalry and five companies of infantry encamped at the agency through the winter of 1879-1880, and were supplied from that point.
41. Lt. H. R. Lemly, "Among the Arrapahoes," *Harpers New Monthly Magazine,* Vol. 60, (March 1880), pp. 494-501.
42. Black Coal was the head chief of the Arapahoes on the Wind River Reservation. Washington was a chief who assumed this name in token of his desire to adopt the ways of the whiteman. Sharp Nose was Black Coal's lieutenant and served as an army ally on several occasions, particularly in the 1876 campaigns. William Friday was educated in St. Louis when he was young, and served as an interpreter before he died of kidney infection in May, 1881.
43. Monthly medical records for February 1880 reported that the youngest child (female) of Commissary Sergeant Patrick Sullivan died on the 28th from a malignant attack of measles. Medical papers, Fort Washakie, February 1880.
44. Mrs. Taylor was the lady that kept the officers mess at Omaha Barracks (Fort Omaha) where Gussie worked before joining the Winnes for the trip to Fort Washakie.
45. Fort Niobrara was established April 22, 1880, near the confluence of Minnechaduza Creek and the Niobrara River in north-central Nebraska. The post was constructed for the control of the Brule Sioux on the Rosebud Reservation in the Dakota Territory. Prucha, p. 89. While traveling to Cheyenne, Major Upham's party was caught in a severe spring storm, resulting in the loss of one man due to exposure. Medical Papers, Fort Washakie, April 1880.
46. Probably Capt. William Wallace Rogers, 9th Infantry. He enlisted at the beginning of the Civil War. Commissioned from the ranks, he was promoted to captain in 1879. He retired in 1889 and died the next year. Heitman, p. 844.
47. 2nd Lieutenant G. R. Beardsley, Company B, 9th Infantry, was an acquaintance of the Winnes' from New York. He graduated from West Point in 1879 and resigned his commission fifteen months later. Heitman, p. 203.
48. Camp Sheridan was established in September 1874, for the control of the Brule Sioux at the old Spotted Tail Agency in northwestern Nebraska.
49. Assistant Surgeon William H. Corbusier was assigned to replace Dr. Winne as post surgeon. The story of Corbusier's military service in the Indian War was prepared by his son, William T. Corbusier, *Verde to San Carlos* (Tucson: Dale King, 1968). Chapter 10 deals with the years they were stationed at Fort Washakie.
50. Washakie actually out-lived the cessation of Indian Wars hostilities before the time of his death in 1900. At that time, the chief was still carried on the government roles as an Indian scout. Grace Hebard, *Washakie: An Account of Indian Resistance of the Covered Wagon and Union Pacific Railroad Invasions of Their Territory* (Cleveland: Arthur Clark, 1930), p. 268.
51. Captain Gerald Russell, commanding officer of Company K, 3rd Cavalry. His company and Company H of the same regiment arrived at the post on May 12 to form the new garrison. Companies G and L, 5th Cavalry, left post on the 17th respectively for Fort Laramie and Fort Robinson. Medical Papers, Fort Washakie, May 1880.
52. Unknown to Mrs. Winne, the Corbusiers met with several mishaps that delayed their travel to Fort Washakie. After leaving Camp Sheridan on April 22, their ambulance was accidentally over-turned 18 miles west of Fort Robinson, injuring the doctor's ankle. Because of this accident and subsequent delays, Corbusier and family did not arrive at Fort Washakie until June 1. Corbusier, pp. 179-184.

MEDICAL INCIDENTS IN THE LIFE OF

DR. JOHN H. FINFROCK

By Dr. Anthony Palmieri and Chris Humberson

A Civil War veteran, Finfrock came west in 1863 to serve as a post surgeon.

Of the people who settled early in the west it is often said that the physicians provided the best account of typical pioneer life since they were often the most prolific writers available. As well as being the medical expert, physicians often became the town's druggist, civic and educational leader. Such was the case of John H. Finfrock for the newly erected town of Laramie, Wyoming.

Finfrock's early life was uneventful. Born December 9, 1836, in Columbiana County, Ohio, he was the son of Jonathan Finfrock. He attended county and city schools until the age of 20 when he studied medicine with his two uncles, Dr. William Blecker and Dr. A. Blecker. In 1860, he left his uncles' medical practice and took a course at the Cincinnati medical hospital. He graduated with high honors in 1861.[1] Finfrock also attended Richmond College of Ohio, and the University of Michigan. He joined the Union Army March 12, 1862, and due to his unbridled enthusiasm, was promptly named a recruiting officer. He was soon appointed assistant surgeon of the 11th Ohio Volunteer Cavalry and served until the end of the Civil War.[2]

The captain's company saw considerable action. Finfrock often treated the wounded on the front line. He seemed to be often ill during the war since he reported he had a number of problems with fever and diarrhea for which he treated himself with quinine. While he was on leave from the army, he married Anna Catherine McCullough in Mansfield, Ohio, on June 22, 1862. He reported back to his army unit the day after his wedding.[3]

Finfrock left three diaries of his days in the army. Mostly, they report on the weather, a few of his acquaintances and his own illnesses and boredom. Occasionally, the diaries give insight into his medical work. He wrote of making a "sassafrass tea" while on march. Less than a week later he noted the death of John S. Fesres in the hospital at Stanford, Kentucky, of typhoid fever. Typhoid pneumonia claimed the life of another patient, Henry DeVore, on February 20, 1862. By then, Finfrock's own health was improving. A week after DeVore's death, Finfrock left for Mansfield, Ohio, for 10 days of sick leave. Throughout the period he complained of pains in his "chest, side and back."

During April of 1862 he was back on the "front lines" treating many wounded soldiers. One of the most common ailments mentioned in his diary was diarrhea. In late May Finfrock's own health forced him to take a 20-day sick leave and return home. His health improved slowly but he continued self-treatment with a dose of Calomel for his pains on June 12, 1862, and Blue Mass and Quinine on June 25. In the fall his company captured Harrodsburgh, Kentucky, and 800 prisoners were taken. He returned home late in the year, again taking an extended leave due to illness. It was then that he was formally placed in charge of the drafted men of Mansfield, Ohio.[4]

In early 1863 Finfrock's company participated in the battle at Stone River. On February 18, 1863, Finfrock was advised by the Surgeon General of Ohio to resign due to poor health. He officially did so the next day, leaving the army on February 25 after receiving his resignation papers.

Finfrock arrived in Cincinnati to begin medical study on March 23, 1863. While at the school although he still complained of feeling ill, his health improved. Diary entries include reports of attending operations and practicing amputations on cadavers. Finfrock's medical school education in Cincinnati ended with sub-

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Captain Finfrock during the Civil War.

Finfrocks moved to Laramie where John practiced medicine and opened a drug store.

mission of his "thesis" on Army hygiene to the dean of the faculty, and payment of his $25 graduation fee on May 23, 1863. Since his health had improved considerably and wanting to reenter the army, he took his medical exam boards on July 6 and 7, 1863, at Columbus and received word that he passed as First Assistant Surgeon on July 8.

He received his commission July 20, 1863, and started west on the 31st arriving at Leavenworth, Kansas, by way of St. Louis on August 13. On October 10 the company reached Fort Laramie and Finfrock reported that the hospital was in "splendid" condition.

He was assigned to Fort Halleck, near what is now Arlington, Wyoming, approximately 40 miles from Laramie. When he arrived at Fort Halleck, Finfrock found scurvy among the men and he immediately prescribed eating the wild onions abundant in the area. The scurvy cases soon improved.

A variety of information about Finfrock comes from his 1864 diary. He suffered fairly severe facial neuralgia,

Eagle Pharmacy owned by Finfrock and Thobro.

he smoked, he was an avid reader, he published a few articles and he practiced dentistry. He was dismayed at postal inefficiency and he was an amateur meteorologist.

About 17,580 men and 4,264 wagons passed Fort Halleck in 1864. He cared for the immigrant's diseases as they passed through, his pay often being in goods, stock or dogs. Finfrock found it necessary to complain about medicines being shipped from the Medical Purveyor's Office in St. Louis as did the surgeons at Fort Laramie.[5] One of the few medical entries he made in his diaries while at Fort Halleck concerned repairing a coach driver's dislocated shoulder. On July 11-12, 1864, Finfrock helped a Dr. Force repair the shoulder using chloroform to sedate the coach driver.

While Finfrock's life on the frontier was usually uneventful, his wife arrived from Ohio on July 16, 1864. It was a long awaited move. The next week's diary entries tell of fighting with Indians and bedbugs. Finfrock also complained of having to wait two days for an ambulance to move the wounded to Fort Laramie. Indian hostilities continued sporadically during the entire summer.

On August 9, 1864, Finfrock amputated the limb of a wounded man, but the patient died an hour later.

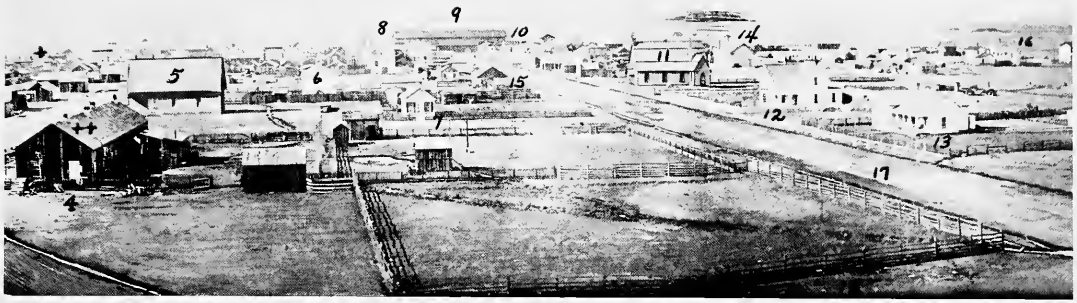
Although not a common occurrence, a frontier physician was sometimes called on to help deliver a child. On August 30, 1864, he wrote in his diary: "Mrs. Fisk was delivered of a female child at 8:00 p.m.—8 month child—only lived 2 hours. Mrs. F. getting along very well."

In September of 1864, Finfrock delivered two children, a clear indication that the area was being settled more quickly.

Probably the most interesting medical entries in Finfrock diaries were those of October and November of 1864. On October 20, 1864, Finfrock traveled to a farm on the South Platte to see "Drago's boy" who was kicked by a mule, piercing a hole the size of a half-dollar in the left side of his frontal bone. Finfrock wrote: "2 oz. of brain escaped." He treated the injury by enlarging the wound and elevating the bone. His final note for the day—"doing well but will likely die." On the 24th he reported "Drago's boy getting along all right." He went to see the patient again on November 2 and reported he was doing better. The patient was doing fine at his next visit on December 8, 1864. The diaries ended on January 1, 1865, so the outcome of the child's condition is not known.

While at the fort, the Finfrock's first child, William Edmund, was born on October 16, 1865.

Fort Halleck was abandoned in 1866 and the Finfrock's moved to Laramie where John practiced med-



Laramie in the early 1870s, showing the Finfrock house (7), north of Grand Avenue (16).

icine and opened a drug store. During his practice Finfrock encountered the typical diseases of the time and area—diptheria, smallpox, syphilis, measles and scarlet fever. The Finfrock's settled into Laramie where John had a thriving business and Anna raised the children. Two sons born in Laramie grew to adulthood while a daughter died at the age of nine months.

Finfrock's civic and medical contributions were widely recognized and appreciated by the community. He was often the subject of articles in the *Laramie Sentinel* or later the *Laramie Republican.*

The *Laramie Sentinel* of January 4, 1871, described an operation performed by Dr. Finfrock. He amputated a leg by "disarticulation" (separation at joint) described as being "neatly and skillfully" performed. The paper went on to explain that the man's leg was crushed when run over by rail cars nine months earlier.[6]

In February of 1875 he wrote of the arrival of Sister Bruner and other nuns. They opened St. Joseph's Hospital in the building abandoned by the railroad when its hospital was closed. Shortly after, when an explosion rocked the rolling mill, the hospital cared for many of the workers that were scalded in the mishap.[7]

Finfrock was well known for his skill at amputations. The April 17, 1885, paper also reported on his work on a "Mr. Stamy" of Fort Fetterman who some years earlier had received a gunshot wound in the leg. In June of 1884 his horse fell with him, causing his leg to break near the site of the original wound. The newspaper account goes on to state:

> The leg was amputated by a surgeon (?) about five inches below the knee, but the stump did not heal and was very painful. On the 5th of February he came here and entered St. Joseph's hospital under the care of Dr. Finfrock. . . . Dr. Finfrock, as assisted by Dr. Stevens opened the stump and removed a piece of dead bone and a ligature tied around the main nerve, besides a bundle of silk lying loose in the stump.[8]

Finfrock appeared to make other major medical contributions as reported in the local press. The first appeared in the *Sentinel* of April 17, 1885, and April 20, 1885, under the heading "A Severe Operation:"

> *A Cancer Weighing Over Three Pounds Successfully Removed*
>
> One of the most dreadful afflictions to which the human race is subject and which results fatally in ninety-five percent of the cases that occur, is cancer. In this city yesterday a very successful operation was performed by our local physicians, and the patient not only stood it bravely but is getting along extremely well.
>
> Dr. Finfrock, assisted by Drs. Foster, Stevens, Gardiner and McAchren, removed the whole of the right breast and the gland in the arm pit, from the person of Mrs. P. A. Steinhoff, who for several years has suffered from the dread disease, which requires so terrible an operation. The mass removed weighed over three pounds. The lady bore the trying ordeal with heroic fortitude, and is doing nicely today. The doctors think that they have succeeded in getting the cancer, roots and all out and have no doubts of the patient's recovery.

The follow-up story read:

> Our readers will remember that a few days ago Mrs. Steinhoff had an operation performed for the purpose of removing a cancer from her breast, which cancer weighed over three pounds. Dr. Finfrock informs us that the lady is doing so well that is really a remarkable case. The incision was measured today, and was eight and one-half inches in length. There is no suppuration, and, in fact, the operation has be a complete success it would seem.[9]

Another of Finfrock's medical feats occurred on July 29, 1891, and was reported in the *Laramie Republican* the following day under the title "Mending a Nerve:"

> A very delicate surgical operation, the third of the kind ever attempted in the western county, was successfully performed yesterday by Dr. J. H. Finfrock, assisted by Drs. H. L. Stevens and S. B. Miller, for Mr. John Allen. The history of the case is brief and well worth reading.
>
> On July 4 last, Mr. Allen accidentally stuck a knife in his wrist and cut off the ulnar artery and the ulnar nerve,

Finfrock's civic and medical contributions were widely recognized in the community.

The Eagle Pharmacy was popular with the people of Laramie . . . "a model drug store."

the latter being the nerve that supplies some of the fingers with the sense of touch, and being about the size of a wheat straw. The hand soon after became numb, the muscles fell away and the member grew weak and helpless. The importance of having an operation performed as soon as possible was impressed on Mr. Allen, and he finally determined to submit to it in order to save his hand.

The doctor cut down and discovered that the nerve was separated about three-fourths of an inch—just as was expected. The severed ends were freshened by cutting off a little piece of each and the ends were then stitched together with catgut and the wound closed up.

It was a very nice operation, most skillfully performed, and it is hoped that in a few months the hand will be in good condition. Recovery will be necessarily slow, but sure.

There were some branches of the median nerve, which supplies other portions of the hand, also cut at the same time, but it was not thought best to try to take this up, as it would necessitate too much cutting.[10]

Of course, these newspaper accounts should be read with caution, because they may contain over-zealous reporting.

Finfrock's pharmacy, the Eagle Pharmacy, was popular with the people of Laramie and the *Sentinel* went on in great detail to describe the new drugstore as being "a model drug store, fully equipped and skillfully conducted" when the store was moved to a new location in 1886. The article stated:

> Two weeks ago this well known and popular pharmacy was removed from the old stand in the Holliday building to commodious and elegant quarters on Second street. An inspection of the new store is respectfully invited by the proprietors, Messrs. Finfrock and Thobro. The former is the oldest druggist in Laramie, having been engaged in that business since 1868, with the exception of perhaps two years, when Mr. Thobro was away in New Mexico, at which time Dr. Finfrock closed out the drug store and gave his attention solely to his extensive practice. In 1885 Mr. Thobro, who is a thorough, experienced and competent chemist and druggist, returned, the partnership was then renewed, and their business became so enlarged and successful that the old quarters were not extensive enough, and the new building was erected in which they are now pleasantly located. The building is 66 feet by 24, two stories

AMERICAN HERITAGE CENTER, UW

Laramie, 1875.

in height, with a basement beneath running from front to rear, and affording excellent storage capacity. The front of the basement is leased and used as a barbershop. The main store room is 54 feet in length with a dispensary in the rear 12 feet deep, and an office 20 feet deep immediately back of the dispensary used by the doctor for private consultation. The second floor is fitted for use exclusively as a photograph gallery. The entire building is well lighted and heated. The firm have just invoiced their new stock, to the amount of $10,000, and the establishment is equal, if not superior, to any west of Omaha.

In one of the front windows is a large glass tank which will soon be fitted up as an aquarium, and filled with finny beauties, and all sorts of queer and wriggling monstrosities. On the left as you enter the door is a showcase containing fine brands of domestic and foreign cigars, while opposite is another showcase where the ladies can find the choicest perfumes and toilet articles. The shelves are fully stocked with drugs and druggists' articles, and inquiries for goods in this line that you need, are always met with ready service.

The store is a credit to its owners, and another large stone in the edifice of Laramie's prosperity.[11]

Unfortunately, from a purely pharmacy history view, no accounts are available to judge Finfrock's capabilities as a druggist. He advertised often in the *Sentinel* offering "Fine Drugs, Medicines, Oil, Perfumery, Fancy and Toilet Articles" as well as wallpapers. Advertising also included statements that prescriptions would be carefully compounded and that "prompt attention" would be given to mail orders.[12]

Although the newspaper accounts might be exaggerated, Laramie was considered lucky to have Finfrock; good medically trained people were scarce. As late as 1880 Wyoming Territory only had 30 physicians and surgeons and four dentists.

As well as the usual diseases taking their toll, the Union Pacific Railroad was a major destroyer of life. Locomotive boilers often exploded and low roofed snowsheds, often called "mantraps" cracked skulls and often broke the necks of brakemen.[13] Finfrock took advantage of this by offering to serve as the U.P. Surgeon, one way to further supplement his income.

Finfrock was interested in the public health of the community and urged the use of diptheria anti-toxin and the construction of a sewage system to replace outdoor facilities in the town.[14] He also served as the chairman of the first board of trustees for the University of Wyoming when the school was founded in 1886. He was a trustee until 1891. Finfrock was also chairman of the county commission and mayor of Laramie City in 1885.

During the summer of 1893 John Finfrock spent several months in the east with his son. His health failing, Finfrock moved to Boise, Idaho, in September of 1893 to escape Laramie's 7,200 feet altitude. His health worsened and he died in Boise on November 11, 1893. His body was returned to Laramie for burial, his funeral procession was described as the largest ever in that city. The charter of the Masonic Lodge was draped in mourning for 30 days.

Perhaps the feelings of Laramieites for John H. Finfrock, Laramie's first physician and druggist, are best summed up in the final words said at his funeral: "He was a man take him for all in all. We shall not look upon his like again."[15]

1. *Laramie Daily Boomerang,* November 16, 1893.
2. Biographical data on Finfrock is detailed in "John H. Finfrock and Family," File No. 719, WPA Collection, Wyoming State Archives, Museums and Historical Department.
3. The John H. Finfrock Diaries are held in the collections of the American Heritage Center, University of Wyoming. Unless otherwise cited, all quotations and specific information are from the diary accounts.
4. *Laramie Daily Boomerang,* November 16, 1893.
5. A. Palmieri and D. Hammond, "Fort Laramie Medicine," *Pharmacy in History XXI,* No. 35 (January, 1976).
6. *Laramie Sentinel,* January 4, 1871.
7. *Laramie Daily Boomerang,* July 13, 1975.
8. *Laramie Sentinel,* April 17, 1885.
9. *Laramie Sentinel,* April 20, 1885.
10. *Laramie Republican,* July 30, 1891.
11. *Laramie Sentinel,* January 19, 1886.
12. *Laramie Sentinel,* series of advertisements, 1885.
13. T. A. Larson, *History of Wyoming.* (Lincoln: University of Nebraska Press, 1965), p. 200.
14. *Laramie Daily Boomerang,* July 13, 1975.
15. *Ibid.*

WSHS 32nd Annual Trek

Goshen and Platte County Ranches
June 19-20, 1981

The Goshen County Chapter hosted the 32nd WSHS Annual Trek which featured visits to historic ranches in Goshen and Platte counties.

Following registration at Eastern Wyoming College on June 19, buses took the trekkers to the Pratt-Ferris Ranch east of Torrington. Curtiss Root spoke of the Pratt-Ferris ranch's history. The ranch dates from the 1870s when Col. James H. Pratt and Cornelius Ferris, engaged in freighting goods to the Black Hills, saw the possibilities of ranching in the region. The Pratt-Ferris Cattle Company was organized in 1880 for $100,000, and backed by Chicago financiers; in particular, Levi Z. Leiter and Marshall Field. The house, known as the "Prairie Palace," was built in 1883. The first Red Cloud Agency was located at or near the ranch in 1871-72. In 1873, the agency and Red Cloud's people were moved to the White River of northwestern Nebraska.

The Saturday trek, consisting of seven buses, began at Torrington and proceeded south to the first stop at Bear Creek Station. Oscar Yoder told of the history of the station. Yoder's grandfather, Philip Yoder, came to Wyoming in 1881.

The second stop was a visit to the Yoder ranch built by Philip Yoder in 1887. Oscar and Vivian Yoder still live in the house. Refreshments were served at the ranch and then the trek continued on through the Bear Creek valley. Picture stops were made at the Gardner-Griffin house and the Dollar ranch.

From the Bear Creek valley the trek turned north to meet highway 313 and continued into Chugwater. The headquarters of what was once one of the largest cattle operations in the west, the Swan Land and Cattle Company, was the next stop. Formed under the management of Alexander Swan and backed with Scottish capital, the Swan Company (commonly known as the Two Bar after one of its brands) was a sprawling network of ranches. Russell Staats, who began his association with the Swan Company in 1927, spoke on the history of the company.

The next stop was the Diamond Ranch, 13 miles west of Chugwater. The Diamond was started by a hot-tempered New York born eccentric who loved horses and designed buildings, George Rainsford. He selected the site in 1879. Rainsford designed a number of residences in Cheyenne. In the early 1920s, Major Paul

PHOTO BY ED BILLE

Trek organizer Don Hodgson points to the Dollar Ranch as guide Lloyd Hunter prepares to speak into the megaphone.

John Hunton's Bordeaux Ranch was one of the stops on the trek. PHOTO BY ED BILLE

Raborg assumed management of the ranch with the backing of his wife's family wealth. In 1933 his wife's family, the Obermans, took control from him and in 1956, the ranch was sold to Hugh McDonald, a neighboring rancher. He later resold parts of the land.

The trek participants enjoyed a barbecue lunch in the yard at the Diamond. After lunch the group returned to Chugwater and continued to the John Hunton ranch. Robert Larson presented a paper on Hunton at the site of the concrete house he built in 1881.

The last stop on the trek was the Hiram Lingle Valley View Ranch near Lingle. Harold Winkle, a longtime resident of the area, told about the ranch and the Lingle family. Raymond Johnson, current owner of the ranch, spoke, too. Hiram B. Lingle came to the area in the early 1900s. The present Interstate Canal and the irrigation resulting from its construction were largely a result of Lingle's efforts. The town of Lingle was founded in 1910, although another community, Wyncote, was in existence nearby much earlier.

The trek ended at Eastern Wyoming College. Trek coordinator was Don Hodgson. Trek tour guides included: Sandy Hansen, Robert Larson, Curtiss Root, Lloyd Hunter, Oscar Yoder and Hodgson.

BOOK REVIEWS

A Fragment: The Autobiography of Mary Jane Mount Tanner. Edited with an Introduction by Margery W. Ward in cooperation with George S. Tanner. (Salt Lake City: Tanner Trust Fund, 1980). Index, Photos, 231 pp.

The Autobiography of Mary Jane Mount Tanner contributes a valuable document to the growing body of western women's history. This woman's experiences may be particular in her difficulties as a pioneer Mormon woman and her conflicting feelings as one of the relatively small proportion of plural wives. However, her life also reflects the generalizeable: the painful reality of motherhood in the face of repeated childhood deaths; the assertion of feminine frailty in a role demanding strength and independence during long absences of father and husband; the frustrating daily obsession with writing while "being constantly annoyed by children." These are far more common women's experiences.

The book is organized in a peculiarly frustrating format. It includes an informative introduction by editor Margery Ward, followed by Tanner's memoirs (written between 1872 and 1879). Then it proceeds with three separate collections of correspondence with her father in California, her fiance/husband in California, and Mary Bessac, a non-Mormon aunt who remained in the East. All of these sections overlap in chronology, and comparison of the various perspectives and contradictions is awkward at best. The organizational choice seems strange since the editor felt free to interrupt almost every page of the memoirs themselves with nearly a half page of footnotes and historical "corrections." Yet the valuable material in Tanner's correspondence is simply tacked on rather than providing additional coherent evidence.

Several themes emerge as ongoing conflicts in Mary Jane Mount Tanner's life. Within the bounds of family life she would staunchly defend polygamy as a principle which required men not only to love but honor and support women. She even declared it as a solution to problems of abortion and infanticide, about which she expressed repeated concern in her letters. She would enjoy sharing infant child care with a second wife whose child was born within two weeks of her own. But she also described the trial of sharing her husband and enjoyed less the responsibility of caring for five extra children when Myron threatened to divorce his other wife. Mary Jane clearly saw her primary role as that of mother, and could write about the deaths of three of eight children as "laying up treasure in heaven where . . . they will be stars in my crown of glory." Early marriage of women was not only generally expected, but for her, a way out of an unhappy home. Yet both she and her mother spent many married years with husbands away in California. If Tanner didn't articulate specific conflicts, at least her ambivalence is recurrent.

Similar uncertainty appears in her aspirations for herself and her daughters. While she felt obvious pride that two sons graduated from Harvard, Mary Jane was less clear about her own and her daughters' education. More than once she mourned her own poor schooling and the meager opportunities available to her daughters. Yet she warned relatives in the East that the price of too much education for girls might be broken health. She wanted her own writing to be recognized, often encouraging relatives to send her letters to newspapers, and doing that herself as well. While she hoped that her writing "would leave something that will be of use for my children," she likely would have been pleased that when she died of a stroke at age 53, her obituary would read, "Mrs. M. J. Tanner, wife of Bishop Myron Tanner, of the Third Ward, perhaps more widely known as the 'Utah County Poetess,' was taken suddenly ill last Sunday. . . ."

The conflicting relationships between creative work and motherhood, between marriage and selfhood are

constantly recurring themes in women's history, and as such deserve attention in the rare primary evidence from women's lives, most often in autobiographies and letters such as these. Mary Jane Mount Tanner's autobiography provides insight to more than the life of a Utah pioneer.

KATHERINE JENSEN

Jensen is an assistant professor of sociology and director of women's studies at the University of Wyoming.

North to Montana! Jehus, Bullwhackers, and Mule Skinners on the Montana Trail. By Betty M. Madsen and Brigham D. Madsen. (Salt Lake City: University of Utah Press, 1980). Map. Illus. Appendices. Bib. xviii, 298 pp. $20.00.

The development of the American West is often visualized in the mind as an east-to-west process: even allowing for cattle drives and California mission development, the Overland trails, the railroad, the movement of the frontier itself seem to progress steadily westward. Mining rushes and subsequent settlement in the Intermountain and Rocky Mountain territories produced some west-to-east movement, but nothing to disrupt the sense of a steady cross-country flow of people and "civilization."

Betty and Brigham Madsen's book reminds us that north-south movement occurred too, for both social and economic reasons. The stage and freighting business between the predominantly Mormon territory of Utah and the rapidly expanding mining country of Montana was short lived. It underwent constant change as new communities grew up in Montana and as steamship and especially railroad lines made necessary or possible new shipping points. Above all, it was dramatically affected by rough and generally unpopulated terrain and by atrocious winter weather. But for two decades the flow of goods and people took place—at first almost exclusively northward; then, as Montana's mining grew, in the other direction as well. The business produced lively and dramatic tales and made life above a very primitive level possible in Montana.

North to Montana! is essentially a descriptive work, not synthesizing or analytical. It fills in the gaps, geographically and temporally. Its authors know their material well, and they also know a great deal about the context in which the Montana Trail freighting business operated. Unfortunately, their book does not communicate as much of that knowledge as it might.

It is a frustrating book to read. The basic arrangement, essentially chronological, makes good sense. But the dozen chapters are broken up into innumerable small segments, sometimes only a page or so in length. The account is so fragmented that it is difficult to comprehend in any broad sense.

Some additions would strengthen the book. A brief sketch of the sequence of mining-camp establishment in Montana (with a more detailed map than that found on the endpapers) would help the reader understand the constant shift in stage as well as freight routes; another map of the area from the Utah border to Salt Lake City, showing rail lines and some topography, would make clearer the hassles over rail terminals and routes at that end of the trail. A drawing or two of how ox and mule teams are harnessed would make the rather technical descriptions of that crucial process clearer. Politics in Utah and Montana had much to do with the growth of both territories, and the freighting business both affected and was affected by economic development. More discussion of territorial legislative action would be useful, as would more discussion of the tensions between Mormons and gentiles in Utah and Idaho territories. In short, the Madsens have given their readers credit for more knowledge of the story's context than they are likely to have.

There are a few minor mistakes presumably resulting from typographical errors, but the book itself is well and attractively produced. It would have been helpful to explain why, all of a sudden, the "Utah Northern" railroad becomes the "Utah and Northern" if the period addressed is after November of 1878, when the Union Pacific bought out the road and changed its name slightly: it appears otherwise as sloppy editing, something of which the book is remarkably free by any standards. The lack of full citations in footnotes (they are found in the bibliography) is frustrating but understandable in a book not meant as a major scholarly treatise—and it is certainly preferable to notes at the back.

North to Montana! contains an interesting story. It could have been told better with a better organization and more attention to outside forces affecting it; but the book is nonetheless a welcome addition to the lore of Intermountain economic growth.

JUDITH AUSTIN

The reviewer is a historian with the Idaho State Historical Society and editor of that agency's quarterly journal, Idaho Yesterdays.

Wyoming: A Geography. By Robert Harold Brown. (Boulder: Westview Press, 1980). Index, selected Bibliography, Illus., Maps, Tables, 374 pp., $35.00 cloth, $20.00 paper.

The phenomena of the world around us crowd in at our senses in a bewildering variety of impressions, symbols and behaviors. Out of reality's riotous chaos our

minds find, or impose, order, structure and symmetry. This then allows us (usually), by inference and analogy to anticipate and comprehend actions and meanings in each of our environments.

This individual human enterprise has its academic version in the discipline of geography. These practitioners gaze out upon the landscape searching for the patterns, the evidences, of human interaction with the environment. But geographers are faced with the same dilemma that constrains the individual. Namely, how does one organize the overwhelming amount of data at one's disposal? What are the relevant categories of human behaviors, i.e. what people have been or are doing "out there," that will allow the geographer control over his materials? It must often seem that a fine, or even disappearing, line separates the trivial from the profound, the meaningful from meaningless, or the pragmatic from the mystical.

Within the search for appropriate materials it is rare that a single geographer will choose a political unit the size of a state and successfully (not to mention *coherently*) organize and present the possible perspectives. Happily, Robert Harold Brown, has done exactly that for the state of Wyoming, making his book perhaps the single most valuable tool available for understanding the state. That is, of course, a bold statement, but Brown simply has no competitors, which makes his remarkable work all the more useful.

Brown begins with the notion that Wyoming's existence as a political unit is the fundamental organizing category to develop what he calls, ". . . modern regional political geography." However, while this is his starting place he ranges far and wide across the physical and cultural landscapes. He includes population, occupations, agriculture, industry, cultural and natural resources, transportation and social organizations. The data for each of these areas is first presented in an historically developed narrative and then plotted on a map, or maps.

The depth of research presented in Brown's imaginative use of maps is a sign not only of his careful scholarship but also the fact that much of the material has been developed over a decade since the publication by DEPAD of his *Wyoming Occupance Atlas.* (1970).

Of course in a book of this scope, the basic presentation of each category is of necessity limited to a few salient features while the reader is directed to the notes for further investigation. Also, in such a format, the author will be strongest in his own areas of major interest and Brown is no exception. His standards for data inclusion are much more liberal in such areas as symbolic behaviors, rural ranch and farmsteads layout, or in general, anything that deals with cultural phenomena in the anthropological sense. He glosses over distinctive differences in ranching, farming and herding throughout the state where the presence or absence of water has created unique micro-cultural ecologies. However, the basic research on such communities in the state remains to be done and it borders on quibbling to fault Brown for not being more precise.

Such concerns aside, this book belongs not on the shelf but on the *desk* of every person involved in studying, developing or understanding the state of Wyoming. We are all fortunate that Brown wrote it.

DENNIS COELHO

The reviewer is a Folk Arts Coordinator for the Wyoming Council on the Arts.

Movable Type, Biography of Legh R. Freeman. By Thomas H. Heuterman. (Ames: The Iowa State University Press, 1979). Index. Bib. Illus. 172 pp. $9.95.

Movable Type is the clever title for a biography, not of Johann Gutenberg, but of Legh R. Freeman, owner and publisher of the *Frontier Index* and other frontier newspapers. Gutenberg's invention of movable type in the 15th century provided impetus for the Renaissance, and by the 17th century, it had lent its force to the Reformation. The 19th century expansion of civilization into the American west was also supported by men with printing presses and cases of Gutenberg's movable type. This book is the story of the owner and publisher of the *Frontier Index*, a unique newspaper which moved from camp to camp with the advancing Union Pacific railroad as it penetrated the high plains and the Rocky Mountains. The mobility of Legh Freeman's "Press on Wheels", however, was provided by the creaking wheels of freight wagons.

The *Index's* slogan "Press on Wheels" conjures up the popular image of a newspaper plant conveniently established in a Union Pacific boxcar sitting at a railroad siding waiting only to be attached to a passing train and moved to its new locations as demand or the needs of the publisher dictated. In fact, the newspaper was often published in grading camps miles ahead of the end of the tracks. Until plant equipment arrived, and was unpacked and set up in a building at a new location, the newspaper was still being published in its previous location. The *Frontier Index* may therefore be considered to have been the press for the mobile town of "Hell on Wheels", but it inevitably became the "boomer" promoting settlement of the towns which would eventually emerge from the boisterous railroad camps. Legh Freeman and his brother became speculators in real estate, mineral development, and other enterprises as opportunities arose at each of the points at which they set up their printing plant.

Dr. Heuterman once worked for the *Herald-Republic* in Yakima, Washington, where Legh R.

Freeman had established one of his later newspapers. The author took his PhD. degree at the University of Washington, and he became Chairman of the Department of Communications at that institution. His extensive bibliography for this work is indicative of the problems he encountered in his efforts to trace the story of the Freemans' transient newspapers. The sources of material in the book are thoroughly documented in notes at the end of the text for those with a scholarly interest in either the historical content or the author's evaluations of the significance of Freeman's contributions to western journalism. The book is also of interest for western history enthusiasts as well as casual or recreational readers. It is concisely written, informative and entertaining.

The *Frontier Index* was published at ten different sites along the location of the Union Pacific railroad in a period of only 36 months. Relatively few copies of the newspaper are extant, so much of Dr. Heuterman's material had to come from other sources. He dissects Legh Freeman's nature with descriptions of the Freeman heritage, dreams, writings and some of his more venturesome exploits. The author offers critical analyses of the techniques and devices Freeman used in his writing and publishing. He also explains the need for frontier newspapers to play to the romanticized image of the west held in the minds of eastern readers.

In the tradition of those who take up the pen for use as a weapon against what each of them perceives as the sources of society's ills, Legh Freeman, usually over the pseudonym *Horatio Vattel,* sought the exclusion of certain "undesirable" elements. For Freeman, the culprits included most racial minorities and certain lawless white men. The victims of some of Freeman's journalistic tirades came to consider Freeman and the *Frontier Index* at least as undesirable as they were. Rather than publishing their views, a gang of such individuals took action at Bear River City, Wyoming on November 20, 1868. They attacked the town, destroying the newspaper plant, and effectively silencing Legh Freeman, as *Horatio Vattel,* at least for the moment.

For students of Wyoming history, the Bear River City riot represents the end of the *Frontier Index,* but Dr. Heuterman gives us the rest of the story. He traces the tumultuous career of Legh Freeman through Utah, Montana, and Washington state until his death in 1917.

It becomes a rather poignant story of a man ambitious for public recognition and political power, frustrated by his wanderlust, his unfortunate personality and his outspoken prejudices. Freeman never overcame his urge to keep moving on to conquer new horizons, especially when opportunities arose to set up newspapers for the purpose of promoting new railroad towns. He eventually alienated even his own sons. After leaving his father's employ, the youngest son quickly became an influential publisher and successful in Washington state politics. He achieved the very things his father could not, demonstrating by his example the errors of the father's ways.

Dr. Heuterman offers a critical analysis of Freeman's accomplishments and the reasons for his limited successes and repeated failures. He closes the biography of Legh R. Freeman with conclusions about the significance of Freeman's frontier newspapers and their impact on the regions they served. This biography gives the reader a rare insight into the character and personality of the man who is its subject.

LeClercq L. Jones

The reviewer is Vice President of Frontier Printing, Inc. of Cheyenne.

Tour Guide to Old Western Forts: The Posts and Camps of the Army, Navy & Marines on the Western Frontier, 1804-1916. By Herbert M. Hart. (Boulder & Fort Collins: The Old Army Press, 1980.) $22.50.

It is always exciting to know that another book or anthology on western forts of the military frontier has been recently published. This is so for the reviewer in the case of Herbert Hart's *Tour Guide to Old Western Forts.* However, one of its shortcomings is apparent in the title. The dimensions of the book, 8½ x 11¾ inches, and its hardbound construction make it nearly impossible to use handily if one plans to take it in the field to be used as a tour guide.

If the reader considers himself a "fort freak" this book will give him a feeling of disappointment. The descriptions of each post are rather bland and replete largely with old information. On the other hand, the old maps at the beginning of each chapter are used to show where the forts and camps were located within states. This would be interesting to those who have familiarity with the topic. For those who are interested novices, these maps are rather confusing because they show none of the modern highways nor how one would reach a particular post. Only by turning a few pages in the book and reading the descriptions for a post will you find how to reach the destination.

There is a noble attempt to put in as many illustrations of the different posts as possible, but, in most instances, the photos are sized down and lack clarity and perspective. The same must be said of the plat maps used in the book. They are taken from a previous Old Army Press reprint of *Outline Descriptions of the Posts in the Military Division of the Missouri, 1876.* Although perhaps useful to a person who is familiar with 19th century military posts, the miniscule writing on the reduced plats makes them nearly useless.

This work will offer anyone who wishes to tour by armchair a satisfactory orientation of western forts on the military frontier. However, with the large size of the book and the compactness of descriptions and illustrations the end result is confusion because too much was attempted.

The author has previously published four works on western forts that can be considered classics. He has projected one more to be volume five of that series. A fort enthusiast can only hope that it will happen soon.

RALPH STOCK

The reviewer is deputy director, Museums Division, Wyoming State Archives, Museums and Historical Department.

Recollections of Charley Russell. By Frank Bird Linderman. Edited and with an introduction by H. G. Merriam. (Norman: University of Oklahoma Press, 1981.) Index. Illustrated. 148 pp. $9.95.

This is the second printing of the book originally published in 1963. It is a delightful account which should appeal to a broader audience than just Charley Russell fans. Linderman, a writer, jotted down his recollections shortly after the artist's death in 1926. Those coupled with an extensive collection of letters from his friend provide the basis for this small book (approximately 110 pages are devoted to text).

Until this narrative, Russell biographers have ignored this resource and it would have been regrettable if this book hadn't materialized. It is evident that a close friendship existed between Russell and Linderman. The warmth and humor of the frontier artist are captured by his friend—whether it was on one of their regular hunting trips, or on a visit to New York City or England.

The depth of the friendship is also shown through the interest in each other's work. Linderman was instrumental in securing two of Russell's earliest and biggest commissions up to that time (the Montana Club in Helena and the mural in the House of Representatives chamber in the Capitol in Helena). Linderman's interest in Indians led him into researching and writing about them—an interest both men shared.

Since Russell visited the Linderman home on numerous occasions, there are many references to this aspect, too. However, this reviewer found the section "As We Remember Mr. Russell" the least appealing. It is based upon the memories of the three Linderman daughters and lacks the spark of previous chapters.

Recommended reading.

LINN ROUNDS

Rounds is editor of Wyoming Library Roundup *and is Public Information Officer for the Wyoming State Library.*

Vanguard of Expansion: Army Engineers in the Trans-Mississippi West, 1819-1879. Historical Division, Department of the Army. (Washington, D.C.: Government Printing Office, 1980).

The Army Topographical Engineers' role in the exploration of America's trans-Mississippi West was long overlooked by historians until William Goetzmann's excellent 1959 study, *Army Exploration in the American West, 1803-1863.* Schubert, in *Vanguards of Expansion,* acknowledges Goetzmann's as the definitive work on the subject and offers his slim volume as a "more convenient," compact study for readers inside and outside the modern Corps of Engineers. The result is a well written, well illustrated book that relies heavily on Goetzmann, other secondary sources, published official reports of the "topogs'" expeditions, and an occasional manuscript collection. Schubert provides neither a re-interpretation nor new insights into the subject. His intention is to present a readable book for the layman and in that he succeeds.

Describing the Topographical Engineers as the link in exploration between the mountain men and the post Civil War civilian scientists, Schubert traces their history from their status as the Bureau of Topographical Engineers within the Army Engineer Department (1816), to an independent Corps of Topographical Engineers (1831), to their merger into the Army Corps of Engineers during the Civil War, to the final eclipse of their official exploration duties by civilian scientists in the 1879 formation of the United States Geological Survey.

Throughout their history, an absence of government policy toward exploration meant the topogs' exploration duties were often secondary to military or political ones. As a result, Schubert writes, "the story of topog explorations and surveys in the West was generally that of individual officers' achievements instead of Bureau accomplishment."

Schubert's book reflects this thesis in its emphasis on individuals, ranging from the well known John C. Fremont and John W. Gunnison to the more obscure William H. Emory, Lorenzo Sitgreaves and Gouverneur K. Warren. The result, however, is more an episodic than a cohesive history. Goetzmann places the Topographical Engineers in an historical—including a political, scientific, intellectual and cultural—context that provides a broader basis for understanding and evaluating the topogs' actions and achievements. In trimming down Goetzmann's massive study, Schubert chose to eliminate that kind of material. Consequently, the analytic and evaluative edge is reduced mostly to celebrating the engineers' scientific contributions.

Among the topogs' contributions was information on Indian ethnology, including Lieut. Amiel W. Whipple's valuable report containing a vocabulary of Yuma Indian language. Schubert's own language with regard

to Indians, however, is unfortunate. He adds "hostile Indians" to the list of "obstacles" the topogs "faced and overcame." In the Southwest, Schubert claims, Lieut. Col. Joseph E. Johnston and his assistants, "overcame many obstacles, from thieving bands of Apaches to the dry tableland between the Concho and Pecos rivers." The topogs themselves were not always inclined to view the Indians as merely troublesome obstacles and annoyances on the landscape. Schubert does present a number of compelling examples of his subjects' sensitivity to Indians. Captain Thomas J. Lee, for example, resigned from the 1855 Harney punitive expedition against the Sioux "to avoid the disagreeable duty of chastising Indians." Lee's replacement, Lieut. Gouverneur K. Warren, aided wounded Indian women and children during the fight at Ash Hollow and recorded in his journal, "'I was disgusted with the tales of valor in the field, for there were but few who killed anything but a flying foe.'" And of his work in defining routes to invade Sioux country Warren wrote, "'I almost feel guilty of crime in being a pioneer to the white men who will ere long drive the red man from his last niche of hunting ground.'"

The strength of Schubert's book comes in moments like this when he fleshes out the handful of Army engineers who mapped and explored the West. As an introduction to the subject, *Vanguard of Expansion* is satisfying. For a more complete and penetrating analysis read Goetzmann's book.

SHERRY L. SMITH

The reviewer is an instructor at the University of Colorado in Boulder.

Ruxton of the Rockies. Collected by Clyde and Mae Reed Porter and edited by LeRoy R. Hafen. (Norman: University of Oklahoma Press, second printing, 1979). 325 pp. $7.95 paper.

Life in the Far West. By George Frederick Ruxton, edited by LeRoy R. Hafen. (Norman: University of Oklahoma Press, fifth printing, 1979). 252 pp. $4.95 paper.

The Taos Trappers: The Fur Trade in the Far Southwest, 1540-1846. By David J. Weber. (Norman: University of Oklahoma Press, second printing, 1980). 263 pp. $6.95 paper.

All three books are reissues of standard works on the fur trade era.

George Frederick Ruxton was the third son born to his parents at Eynsham Hall, England. He was somewhat of a problem in school and at age 13 was sent to a military college. Two years later he was expelled for his misdeeds. Thus free, he became intent on adventuring.

Ruxton of the Rockies takes the young adventurer through Spain, Canada, Africa and Mexico. From Chihuahua he headed for New Mexico, not without hardship, and then north to the Rocky Mountains. Of all the places Ruxton's journeys took him, none won his heart so completely as the Rocky Mountains.

Back in Britain, Ruxton completed his manuscript *Life in the Far West* as well as a number of other articles based on his experiences. *Life in the Far West* originally ran as a serial in *Blackwood's Edinburgh Magazine,* June to November, 1848. It reads more like a novel and at times seems a bit far-fetched. Nevertheless, it is based in part on Ruxton's own experiences and those of his fellow mountain men.

Unfortunately, Ruxton suffered from an injury received from a fall while in the Rockies and his health deteriorated. Still, he was determined to return to the Rocky Mountains and got as far as St. Louis, where he died August 29, 1848, at the age of 27. Ruxton managed to cram more life into the few years he traveled than a dozen people would in their collective lifetimes. These experiences are all chronicled in *Ruxton of the Rockies* and *Life in the Far West,* both very readable books.

Weber's book on the other hand is quite different. In *The Taos Trappers,* Weber has pulled together an incredible amount of information from original sources. He describes the development of the fur trade in Taos and its role as a market and supply depot for the trappers. The last two chapters which focus on the declining years of the fur trade are the easiest to follow and are by far the most interesting.

The Taos Trappers offers almost more than the reader wants to know about the southwest fur trade. The pages are so heavily documented as to interfere with the reading. It is an excellent reference book, however, and the bibliography alone is worth having.

MARION M. HUSEAS

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The Clearing of the Mist. By Richard F. Fleck. (Paradise, CA: Dustbooks, 1979). 147 pp. $2.95 paper, $7.95 cloth.

When two IRA rebels, hiding from the British, accidentally discovered a forgotten diary the reader is taken on an adventure that leads from Ireland to the American West and back again. The author of the fictional diary, Brian McBride, is orphaned during the great Irish famine of the 1840s. After slaving on railroad construction to earn enough money to pay his passage to America, McBride leaves behind the terrible conditions of Ireland and takes an emigrant ship bound for Canada. His journey eventually takes him to the United States where he joins the army and winds up at Fort Laramie.

McBride quickly becomes disillusioned with his military experience and deserts to live with the Indians. Upon the death of his Shoshoni wife, he eventually finds his way back to Ireland only to find oppression there as well.

Those with any experience in reading actual diaries from the 19th century will find McBride's account confusing. Author Richard Fleck goes to great lengths to establish the credibility of the diary, but then seems to quickly lose sight of the perspective. He begins McBride's diary in the first person, but then shifts to the third person and in between he carelessly vacillates back and forth. It likewise includes far too much dialogue to bear any resemblance to an authentic journal. And, if this dialogue is truly supposed to represent McBride's written account, then he had a strange manner of putting it down in trite accents, depending upon the nationality or race of the character. (Can an Irish person really detect an "Irish accent?") The story would have been much improved had it not been presented as a diary.

Though the reviewer cannot speak with any authority as to the historical accuracy of the first portion of the novel, the section relating to McBride's frontier experiences lacks accuracy and realism. This shortcoming cannot help but reflect upon the entire work. The author's portrayal of the Regular Army in the West is a mixture of Hollywood's *A Distant Trumpet, Little Big Man,* and *Soldier Blue,* with a good deal of Viet Nam era sentiment thrown in. It is clear that the author set out to malign the army, once again, as the stereotyped villain and scapegoat for all the Indian problems. Fleck even goes so far as to compare U.S. soldiers at Fort Laramie with Nazi SS troopers! The rest of this section further emphasizes the fact the author was clearly outside the realm of his expertise. It is obvious that Fleck cared little for historical facts as he carelessly bent them and fabricated his own to suit his argument.

Though Richard Fleck attempts to draw parallels between the plights of the Irish and the American Indian, the two situations bear little similarity. Making comparisons between the Irish rebellion and the American frontier experience is like comparing apples with oranges. As a result, *Clearing of the Mist* strains in an ill-timed attempt to make a point about man's inhumanity and senseless prejudice. Unfortunately, it comes off as a shallow, impassioned, over-reaction and the point is lost somewhere in the mist. As an historical novel, it leaves a great deal to be desired. *Clearing of the Mist* clears up nothing at all and in fact further obscures human understanding behind a fog of bias and hackneyed images.

DOUGLAS C. MCCHRISTIAN

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Blackfeet and Buffalo: Memories of Life Among the Indians. By James Willard Schultz, edited and with an introduction by Keith C. Steele. (Norman: University of Oklahoma Press, 1981). Index, Glossary, xiv, 384 pp. $7.95.

This is the second release of *Blackfeet and Buffalo: Memories of Life Among the Indians,* with few alterations from the 1962 edition. The only major change is the elimination of 24 illustrations from the earlier hardback edition. Regardless of this economizing measure, the book remains well worth reading by Northern Plains Indian aficionados and serious scholars alike.

Blackfeet and Buffalo was first published posthumously, 15 years after Schultz's death at Fort Washakie. His second wife, Jesse Schultz, deserves credit for compiling this text from widely scattered published sources.

Schultz knew of what he spoke. Twenty-six years among the Pikuni, the southernmost tribe of the Blackfoot confederacy, gave him an intimate view of their way of life. Nor did Schultz watch objectively from the sideline. Instead, he passionately immersed himself in the Blackfoot way of life. For example, he married a Pikuni woman, went raiding with the Blackfeet, witnessed sacred ceremonies such as the Tobacco Planters Society ritual, and was an adopted member of the Pikuni tribe. In 1877 he came to the Blackfeet as a fur trader and later became a guide and interpreter. In his time with the Blackfeet, he witnessed the passing of the buffalo and the passing of the nomadic way of life of the Blackfeet nation. The death in 1903 of his wife, Fine Shield Woman, ended Schultz's intimate association with the Pikuni. He soon left Blackfoot country and from then on he wrote of the Blackfoot from afar.

In the mid-1880s Schultz's writing efforts were first noticed and encouraged by George Bird Grinnell, then the owner and editor of *Field and Stream.* In turn, Schultz introduced Grinnell to the Blackfeet. With this introduction and with continual help from Schultz, Grinnell wrote *Blackfoot Lodge Tales.*

Grinnell's and Schultz's friendship grew through exploration and hunting trips into the country that became Glacier National Park. In fact, the two spearheaded the drive to establish Glacier National Park. However interesting this portion of the text is, it is incongruous with the major focus of the book. Additional discussion of big game hunting and place names in Glacier National Park only adds further dissonance to the tone and scope of the book.

Blackfeet and Buffalo is divided into two parts; those narratives experienced and recounted by Schultz and those told of him by his Pikuni friends. The strength of *Blackfeet and Buffalo* is in its storytelling aspect. Schultz is a master raconteur at work. His years and knowledge of the Blackfeet culture enriches the narratives with a wealth of ethnographic detail which is unob-

trusively related. The short story format is an excellent medium to recount personal experience stories and legends. The only drawback to the short story format is that it produces a jumpy narrative flow and there is a slight tendency for repetition of story details.

The engaging and personal aspect of *Blackfeet and Buffalo* overshadows its implicit and sometimes faulty historicity. Those readers initially concerned with the underdeveloped chronology in individual stories and the progression of the book as a whole will be allayed by the vividness of the narratives. Schultz is a storyteller not a historian. His narratives share characteristics of much orally communicated history. Generally, they have a disregard for standard chronology, a clustering of accounts around certain events or people and displacement of original actors in historical events.

Blackfeet and Buffalo: Memories of Life Among the Indians is a good book. It has the balance of perceptive ethnographic detail with the action of a story well told.

TIMOTHY S. COCHRANE

The reviewer is the Oral Historian for the State Historical Department.

American Indian Leaders: Studies in Diversity. Edited with an introduction by R. David Edmunds. (Lincoln: University of Nebraska Press, 1980). Index. Bib. Illus. 257 pages. $19.50, paper, $5.95.

Even though numerous writers have sought to offer a knowledgeable account of the Native Americans' past, most historians have failed to analyze the variety of Indian responses to White expansionism. Instead, a majority of authors have concentrated on the more popular chiefs such as Crazy Horse or Geronimo who violently opposed the advancing frontier. In his edited work, *American Indian Leaders: Studies in Diversity,* R. David Edmunds attempts to counter this tradition by focusing on the variety of methods, especially non-military actions, that tribal leaders used to resist political and cultural domination.

The 12 biographical essays portray Indian political leaders from most areas of the country and from early eighteenth century to the present. As the editor notes in the introduction, the book does not investigate social and religious leaders or women who played a prominent role in a band's history. The writers demonstrate that tribes responded differently in striving to preserve parts of their traditions and land in the face of White aggressions. Cultural values, the band's relationship with other Indians, the tribe's previous experiences with the foreigners, and the chiefs' parental and educational background accounted for much of the diversity in the Native Americans' reactions to acculturative pressures. Most authors examine leaders who chose non-violent methods in dealing with the White government.

Despite this unique approach to the study of Indian history, the book has some weaknesses. Even though Edmunds is responding to such works as *The Patriot Chiefs,* in which Alvin Josephy, Jr. focuses upon only those Indians who violently opposed frontier expansion, the editor nevertheless includes biographies of Sitting Bull and Santanta, two of the more famous men who employed force to protect their land and families. These articles do not contribute any new information to the numerous accounts of these chiefs, and they intrude upon the general context of the book which stresses non-military tactics. As a result, *American Indian Leaders* does not have a unifying theme to relate the diverse backgrounds and experiences of the various leaders.

While the book successfully portrays the Indians' diverse responses to American expansionism, some authors do not present an accurate account of the chiefs' contributions to the tribe. James O'Donnell, Martin Zanger, and H. Craig Miner's essays on Joseph Brant, Red Bird, and Dennis Bushyhead do not examine the leaders' relationship to their band and thus fail to demonstrate how the actions of these chiefs benefited the people. By offering the illusion that Sitting Bull was the chief of all the Teton Sioux, Herbert T. Hoover condones the misconception that the entire tribe chose force in resisting White advances. This problem is also characteristic of Peter M. Wright's "Washakie"and Donald Worcester's "Santanta."

In contrast to these articles, Gary Moulton, Michael D. Green, and William T. Hagan's essays on John Ross, Alexander McGillivray, and Quanah Parker portray the the importance of these leaders' actions in preserving some of the tribes' traditions. These chiefs demonstrated that non-military tactics were as viable as violent methods in protecting a tribe's identity. Other writers also rendered important contributions to the study of Indian history.

The examination of leaders in the reservation era represents one of the strengths of this book. In Native American studies, most historians dwell upon the Indians' reactions to White frontier expansion but fail to document tribal responses to acculturative pressures in the twentieth century. Peter Iverson's articles on Carlos Montezuma and Peter McDonald offer a valuable insight into the Indians' continued attempts to deal with White society during the reservation period. Not only does the author provide an analytical account of these leaders, but he also demonstrates that these Indians and their cultures did not disappear and die after the Whites confined them to a reservation.

Through the examination of the various Indian responses to expansionism, Edmunds' edited work provides an important perspective to Native American

studies. In addition, most of these articles no longer uphold the false impressions that the tribes possessed static cultures and that they were violent reactionaries to White encroachments. As the articles indicate, most tribes exhibited foreign policy objectives, and the interaction of the changing Indian and White cultures precipitated unique responses from the bands. Therefore, *American Indian Leaders* is a welcome and a needed addition to the investigation of Indian history.

MICHAEL A. MASSIE

The reviewer is Historical Review and Compliance Officer for the Wyoming Recreation Commission.

The Democratic Art, An Exhibition on the History of Chromolithography in America, 1840-1900. By Peter C. Marzio. (Ft. Worth: Amon Carter Museum of Western Art, 1979).

Art exhibition catalogues, by their very nature, tend to be extremely narrow and specialized pieces of publishing, readable to scholars but often of little interest to the lay reader. Exceptions exist, of course. The glossy hardcover editions of the Museum of Modern Art's catalogues on *Cezanne, The Late Work* and more recent Picasso retrospective exhibitions are full of enough beautiful color pictures to grace any middle-class coffee table while containing a text detailed enough to please the most scrupulous academician. Likewise, the recently published catalogue *The Democratic Art, An Exhibition on the History of Chromolithography in America 1840-1900* is both informative and enjoyable.

Organized to coincide with the exhibition's opening at the Amon Carter Museum of Western Art, in September, 1979, the catalogue's text is written by Peter C. Marzio, Director of the Corcoran Gallery of Art. Mr. Marzio has long been a champion of the less understood American art forms and he must have relished the chance to write the catalogue for a major exhibition of American chromolithography. The text's style is relaxed, especially in the first chapter wherein Marzio defines the lithographic process in a completely succinct and understandable fashion. The process of lithography, and chromolithography especially, being as complicated as it is, this simple explanation is no small accomplishment.

Once the definitions of the various lithographic methods are complete, the author aims straight for the heart of his premise. To him, the chromolithograph has long been ignored as a vital and important American art form and through the exhibition and catalogue text, Mr. Marzio sets out to raise it to its proper stature. Thus, the reader encounters numerous, though often dry, historical accounts of the various American printing companies.

Master printers made fine art available to this country's public in mass quantities beginning in 1840 in Boston. The first of these "chromistes", as master lithographers were referred to, was the English immigrant William Sharp who printed America's first chromolithograph, a portrait of a certain gentleman named F. W. P. Greenwood, in 1840. Later, in Boston, the famous firm of L. Prang and Company was founded, in addition to that of Philadelphia's Thomas Sinclair and New York's Julius Bien and the most widely known firm of Currier and Ives.

In the mid-19th century it was Louis Prang, the greatest entrepreneur of all, who most greatly advanced the cause of the chromo. He sensed, as well as much of his competition, that the chromolithograph was the great democratic art form suitable for consumption in mass quantities by the people of the greatest democracy on earth. This driving concern of Prang's made him rich and opened the way for chromolithographers to not only make a decent living but to experiment with their art form. Thus, by the 1880s, chromolithographs were made based on original designs for lithographs rather than paintings as had been the practice before.

American firms, like the Courier Company of Buffalo, discovered French artists like Henri de Toulouse-Lautrec who had been creating original chromolithographs as advertising for the theatre, performing artists and restaurants.

With the inevitable improvement in printing techniques, creating chromolithographs for "free" mass consumption, via hand bills and posters became affordable. In the best American tradition of free-enterprise, printing firms throughout the East and Midwest gained a new patron, corporate America.

A favorite of Mr. Marzio's, and likely the public who viewed the exhibit, is a large chromo of Custer's Last Stand, printed by the Milwaukee Lithographic and Engraving Company in 1896. Across the bottom of the print below the title was the name of the sponsor, the Anheuser Busch Brewing Association. The idea of sponsoring art and entertainment may have been born with chromolithographs like Custer's Last Stand; at any rate, as democratic art goes, it was certainly an antecedent for television 50 years later. Though Mr. Marzio goes into detail describing the various able but uninspired printing firms which made chromolithography a popular art form, one company stands out today above the others —the Strobridge Lithographing Company of Cincinnati. This company was the lucky recipient, during the 1890s, of original designs by the leading Czech Art Nouveau artist Alphonse Mucha who was under contract to Sarah Bernhardt, the premiere European actress of her day. The resultant large (often nearly seven feet high by three feet wide) chromolithograph posters advertising Miss Bernhardt's American theatrical tours are the high point of the chromolithography movement in

this country. It seems fitting that with the last of Bernhardt's American tours around 1900, the chromolithograph went out of favor with the American public. It was replaced by even more accessible and democratic art forms like photography, the cinema and eventually television.

Mr. Marzio's final work on chromolithography is a valid one. Aside from the intrinsic aesthetic value of much of the chromolithographic production during the 19th century (which he asserts has traditionally been ignored in favor of the finer printing methods of etching, copper engraving and the like), chromolithography, by the very nature of its "democratic" intentions is a very important cultural indicator. It thrived for 70 years because it arrived at the same time as the birth of commerce and was able to, in the author's words, "survive bad economic times, maintain low prices, respond to and guide public taste and deliver high quality goods." Reading Mr. Marzio's text and viewing the illustration in the catalogue attest to this assertion. The writer's and the exhibition's goal to elevate the chromolithograph to its proper place in the pantheon of American art is accomplished.

STEVE COTHERMAN

Cotherman is curator of the State Art Gallery.

BOOK NOTES

The following books are paperback editions of previously published materials. Reviews have appeared in *Annals of Wyoming* or in other scholarly journals, but because of their ongoing popularity or academic worth they are once again brought to the reader's attention.

The Gunfighter, Man or Myth? By Joseph G. Rosa. (Norman: University of Oklahoma Press, fourth printing, 1979). Index. Bib. Illus. 229 pp. $5.95.

Rosa is an English writer with a sincere interest in the American West. In this work, he discusses one of the West's larger-than-life legends—the gunfighter. Realizing that motion pictures and television have elevated frontier gunfighters to hero status, Rosa objectively examines these individuals and their violent activities. He points out that they shared some qualities with one another—pride, arrogance and an indifference to human life. They all had strengths of character as well as flaws. They were in short, not the immortal creatures Hollywood has given us.

The photographs are a nice addition and the bibliography is most helpful to serious researchers desiring more extensive information on the topic. The book will be of interest to general readers as well as those specifically intrigued with the history of crime.

The Western Peace Officer, A Legacy of Law and Order. By Frank R. Prassel. (Norman: University of Oklahoma Press, second printing 1975). Index. Bib. Illus. 330 pp. $7.95.

This book makes two interesting statements. One is that the average frontier peace officer was no better or worse than the community he served. The other is that the West is more violent and crime-prone today than it was a hundred years ago. If the first contention is a little obtuse and moot, the second certainly has some substance. One has but to glance at the daily news—printed or video—to see what Prassell is talking about.

As with any subject of this nature, it becomes the responsibility of the author to try to separate fact from fiction and to try to discuss whether or not the frontier law enforcement man was worthy of the reputation time has placed upon him. In some instances, the myth is more appealing than the bare facts. At other times, the actualities are far bloodier and violent than the American public will find acceptable.

The book is enhanced by some photographs including a few of hangings in progress. Four appendices provide supplementary information. It is pleasant enough reading and will be enjoyed by aficionados of the more spectacular type of Western history.

The Court Martial of General George Armstrong Custer. By Lawrence A. Frost. (Norman: University of Oklahoma Press, second printing, 1979). Index. Bib. Illus. 280 pp. $6.95.

Someone once remarked that more books had been written about Napoleon Bonaparte than any other individual in history. There's a possibility that the remark was made before June 25, 1876, when George Armstrong Custer achieved immortality in the Battle of the Little Big Horn. Among the many books on Custer available to the reading public is Frost's work on an incident in the life of the general that occurred some nine years before Little Big Horn.

In 1867, an extensive campaign was undertaken against the Plains Indians in Kansas. It proved disasterous. To make matters worse, the futile campaign was costing an estimated $150,000 a day. When Custer made a wrong move that ordinarily would have resulted in a reprimand, the high command saw in him a perfect scapegoat. He was court martialed.

Frost discusses the campaign, the decisive skirmishes, and the court martial activities thoroughly. He has long been a Custer scholar, and has examined every available source in putting together this book. It is a lucid commentary on the Indian Wars of the 1860s.

The California Gold Rush. By John Walton Caughey. (Berkeley: University of California Press, second printing, 1975). Index. Bib. Illus. 323 pp. $5.95.

This comprehensive history of one of the most important epochs in America's history was originally published in 1948 under the title, *Gold is the Cornerstone.* Since that time, additional research materials have been discovered and other publications have resulted. Nonetheless, this remains one of the best chronicles of the California gold rush ever written, and in the second edition, only a few additions were made in the bibliography. None were made in the text.

Caughey's book includes information on life in the diggings, early mining methods, social life in the boom towns and travel to the gold fields of California. Filled with quotes and engaging anecdotal material, his work is most readable. The narrative is simple and well constructed. Because so much relevant material on the gold rush experience is contained in this little volume, it is recommended that every collector of published Western Americana have a copy.

Jim Beckwourth: Black Mountain Man and War Chief of the Crows. By Elinor Wilson. (Norman: University of Oklahoma Press, second printing, 1980). Index. Bib. Illus. $6.95.

The Mountain Man period in America's history seems to many modern readers, the most romantic era this nation produced. Its cast of characters were colorful individuals who have grown in stature with the passing of time.

Among the most flamboyant of them was James Beckwourth, the son of a Virginia planter and a slave woman. If we can believe all the tales about Beckwourth that have been recorded, *he did it all.* He was a hotelkeeper, trapper, chief of the Crow nation, husband to seven wives (at one time) and an Indian agent for the Cheyennes. He was, if all this is true, a Victorian answer to the Renaissance man.

Late in life, Beckwourth told his life story to a fellow named T. D. Bonner who edited and published the material. According to Elinor Wilson, Bonner was vastly more interested in money than in the true facts of the mountain man's narrative and added a few embellishments of his own to make the manuscript more marketable. She contends that Bonner's additions earned Beckwourth the soubrette, "the gaudy liar."

Whether or not the Black explorer accomplished all that is credited to him, his biography makes nice reading. It's light, brisk, and entertaining. The end notes and bibliography indicate that Elinor Wilson conducted extensive research on her idol. Her solid scholarship compliments a pleasant narrative.

Kit Carson, A Portrait in Courage. By M. Morgan Estergreen. (Norman: University of Oklahoma Press, third printing, 1979). Index. Illus. Bib. $7.95.

Kit Carson is one of those individuals who lived long enough to watch the frontier grow up and start to become middle aged. Born in North Carolina in 1809 he went west at an early age, and before his death in 1867 he involved himself in some of the most amazing and intriguing adventures recorded. He traveled with John Charles Fremont, fought Indians, became a brevet general, led expeditions, trapped and traded—he was, perhaps, the apotheosis of the Mountain Man.

It must be understood, however, that all this adventure lends itself to distortion. Estergreen's biography is intended to serve as a correction of that distortion. He has used material given him by Blanche Chloe Grant—a woman who collected first person accounts of Carson's life from people who knew him. They should know whereof they speak. The author has drawn upon Carson's own autobiography, too. The research sources all appear sound.

When the reader finishes the first two chapters dealing with Carson's genealogy and boyhood, the book comes alive and becomes an arresting piece of literature. The handful of photographs are an addition, but more would have been better. More are certainly available.

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. . . For Christmas Giving

Numerous publications from the Wyoming State Archives, Museums and Historical Department are now available just in time for Christmas giving. The 1982 Calendar of Wyoming History features striking historic photographs and interesting "anniversaries" from our state's past. The calendar is $3.50 plus tax and may be purchased at local bookstores or from the department, Barrett Bldg., Cheyenne, Wyoming 82002.

and for Year Around Enjoyment . . .

Price List

Buffalo Bones: Stories From Wyoming's Past, *Vol. 1, (1980). A compilation of 20 stories from Wyoming history including the tale of Wyoming's first automobile and an analysis of Tom Horn's handwriting* ..... *$1.50 plus tax.*

Buffalo Bones: Stories From Wyoming's Past, *Vol II, (1981). Twenty-five more stories about Wyoming history including "Wild Bill's Bride," "Pershing's Wyoming Connection," and "Bad Timing for Butch Cassidy"* ..... *$2.50 plus tax.*

Fort Bridger: A Brief History, *(1981). A reprint of the popular Ellison history of the famous old fur trading post and military fort* ..... *$3.50 plus tax.*

Peopling the High Plains: Wyoming's European Heritage, *(1977). The human stories of the groups who contributed in making Wyoming what it is today, the book includes chapters on the English, Germans, Italians, Basques, Eastern Europeans and Greeks* ..... *$7.95 plus tax.*

Saleratus and Sagebrush: The Oregon Trail Through Wyoming, *(1974). The pioneers used Wyoming as a trail on their way west. This vivid account of the Wyoming portion of the route makes fascinating reading* ..... *$3.50 plus tax.*

Summer Helmets of the U. S. Army, *(1967). An in-depth study of the military headgear used on the frontier* ..... *$2.00 plus tax.*

Many back issues of Annals of Wyoming *are available for purchase from the department. Write or call for a listing of the issues still in print.*

CONTRIBUTORS

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The article on Dr. Finfrock was first presented as a paper to the American Institute of the History of Pharmacy in March, 1981, at St. Louis. Dr. ANTHONY PALMIERI is associate professor of Pharmaceutics at the University of Wyoming College of Pharmacy. A graduate of the University of Rhode Island, he was awarded the M. A. degree from Rhode Island and the Ph.D. degree from the University of Georgia. He has published extensively in pharmacy journals and presently serves as editor of The Mask of Kappa Psi, a quarterly magazine. The article was co-authored by CHRISTOPHER E. HUMBERSON, a pharmacy student at the University of Wyoming and a Casper native.

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