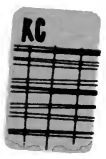
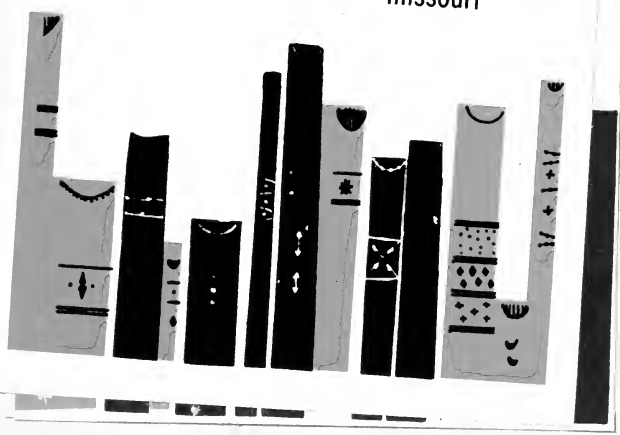


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HISTORICAL REVIEW NEW MEXICO

Editors

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FRANCE V. SCHOLES

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ARTHUR J. O. ANDERSON

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PALACE OF THE GOVERNORS, SANTA FÉ

January, 1946

Editors

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NEW MEXICO HISTORICAL REVIEW

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No. 1

A NAVAHO STRUGGLE FOR LAND

By FRANK D. REEVE

FOR approximately a century the Navaho have been struggling for possession of their traditional homeland against the intruding white man. Their biggest victory came when they were allowed to return to northwestern New Mexico and adjacent Arizona in 1868 from their imprisonment near Fort Sumner, in the Pecos valley. A minor, but important triumph, was won in the 1880's when they regained ownership of a strip of land on the south side of the San Juan river near Farmington and Bloomfield.

The Navaho had long grazed their flocks and grown some crops along the San Juan river and in tributary valleys. A government report in 1877 attests to the fertility of the soil in words written by Lt. C. A. H. M'Cauley:

still farther down the San Juan, the Navajoes are industrious farmers, corn being the main product, and as a sample of the crops they obtain, a handsome ear was brought back. The crop was raised upon one of the bottom holes along the San Juan, cultivated without irrigation, watered only during a high stage of the river. The corn tassels were of the height of a rider's head upon horseback.¹

This glowing account could have precipitated the movement of the land-hungry white man into that area if settlement were not already underway, preparing the stage for

1. *Report on the San Juan Reconnaissance of 1877*. 45 cong., 3 sess., hse. ex. doc. 1, pt. 2, p. 1768 [1846]

For other articles on the Navaho see *NEW MEXICO HISTORICAL REVIEW*: July, 1941; January, 1943.

the coming conflict. But conflict was nothing new to the Navaho. He had never enjoyed quiet possession of the San Juan area due to the presence of his enemy, the Ute, to the northward. As late as the spring of 1878 their long-time strife flared up once more when the Ute raided the Navaho flocks in Las Animas valley, which extends northeastward from the town of Farmington. The Ute were accused of stealing 400 sheep and fifty horses in March. The Navaho pursued the marauders, but were beaten in the resulting fight. Fearful of further losses they began to move back toward their reservation proper,² and rumors of a general Ute outbreak against the whites circulated freely and stirred up considerable activity in official circles. Lieutenant F. T. Bennett of Fort Wingate reported the non-attendance of Navaho from the San Juan country at Fort Defiance on ration-issue day. This in itself should have excited no surprise because the Navaho from the northern area of the reservation had seldom been present on issue day; nevertheless, Chee Dodge was sent to investigate the situation and reported all was quiet.³

The rumor even embraced the possibility of a joint Navaho-Ute attack against the whites, and the Utes were credited with sending representatives into the heart of Navaholand seeking an alliance. This sounds like an extreme possibility in view of Navaho-Ute rivalry, but it must be kept in mind that the Navaho were a scattered, semi-nomadic people, and happenings in the San Juan country were of little concern to dwellers elsewhere on the reservation. On the other hand, the Navaho had learned their lesson about the futility of trying to fight the white man with force of arms. They still resisted his advance, but it was a stubborn individualized and localized struggle. Against the Ute, of course, a fight was still possible, but the

2. H. H. Holford (1st Lt. of San Juan County Militia) to Lt. G. Valais and Agent Weaver (Ute Indian agent), Lower Animas, 3/13/1878, National Archives, War Department Old Records Division. Adjutant General's Office, Letters Received New Mexico File, Letter No. 585, 1878. Subsequent citations will be abbreviated as follows: AGO, LR, 585/78.

3. Bennett to Post Adjutant (hereafter abbreviated to PA) Fort Wingate, 3/19/78, AGO, LR, 623/78.

Ute in turn were now in the process of being rounded up and placed on their permanent reservation. In the meanwhile, Colonel Hatch thought that

It is not likely the Utes can lead the Navajoes into War. I believe on the other hand furnishing the Navajoes arms with promise of all the horses they can capture⁴

from the Ute. Later on he resorted to the oft-tried and futile step of ordering the Navaho back onto their reservation in keeping with orders from his superior. They would return in fear of the Ute, but they had long ignored such orders from government officials because they followed the dictates of their need for water and grass for their flocks.⁵

The trouble with the Ute was only a prelude to a struggle with white settlers for unhampered use of the same territory. The entry of the whites into the San Juan country was made possible by the Executive Order of July 18, 1876, which restored to the public domain the Jicarilla Apache reservation, including the area between the San Juan and the Colorado boundary line extending eastward from the Navajo reservation.⁶ R. L. Smyth immigrated to Las Animas valley in September, 1877, locating about six miles below the Colorado line. He was the first settler to travel through Las Animas canyon, a rugged trip, bringing his family and possessions in two ox-drawn wagons, and driving sixty head of cattle.⁷ Fowler Kimball located near Farmington on November 5, 1878, and was followed the next spring by Albert White (June, 1879) and others. Within two or three years the irrigable land along the river bottom from near the mouth of Cañon Largo to the Navaho

4. Colonel Edward Hatch to Assistant Adjutant General (or AAG), Santa Fe, 3/16/78. National Archives, Office of Indian Affairs, Old Records Division, Letters Received, New Mexico File, Letter No. W836, 1878. Subsequent citations will be abbreviated as follows: LR, W836/78. Agent Irvine to Commissioner Hayt, 3/7/78, LR, 1395/78.

5. See LR, W845/78. "the Navajos Indians who have been keeping their sheep and horses in the Las Animas valley for years have taken their stock out of the country" because the Ute are preparing for war in the spring. Thos. B. Hart, deposition re Ute trouble in southwestern Colorado, 3/14/78, LR, W836/78.

6. Reeve, "Federal Indian Policy in New Mexico 1858-1878." *N. M. H. R.* XIII, 186 (April, 1938). M'Cauley, *op. cit.*, p. 1768.

7. *Ibid.*, p. 1777.

boundary was settled.⁸ By the spring of 1881 there was an estimated 1,000-1,200 people along Las Animas and San Juan rivers, owning about 20,000 head of cattle and 50,000 sheep.⁹

The settlers and the Indians promptly quarreled about the use of grazing land along the south side of the San Juan and east of the reservation. Both parties needed the forage for their livestock. The white man took his stand on the grounds of legal right; the public domain was theirs to exploit, the Indian should be confined within the artificial lines of the reservation. The Indian, on the other hand, was motivated by a sense of traditional right and by sheer economic necessity. The settlers drew up a petition addressed to Colonel George P. Buell, commanding a detachment of the 15th Infantry near the mouth of Las Animas, requesting removal of the Indians from the disputed area.¹⁰ Buell, in turn, referred the matter to Agent Eastman at Fort Defiance. Individuals took more direct action by writing to Washington. J. E. Storie, who lived about thirty miles east of the reservation, complained that "we the Settlers in this vicinity are annoyed almost beyond endurance by the indians."¹¹ And S. H. Conrad stated that

many of the settlers have been induced to leave by the Navejo Indians who are permitted to roam at will. Grazing their sheep herds in the poor squatters dooryard depriving him of all means of sustaining the life of his domestic animals. Breaking into houses. Stealing property. Flogging citizens and impoverishing the country.¹²

In response to the complaints of the settlers the commissioner of Indian affairs sent the oft-repeated instructions to Agent Eastman to order the Indians back to the reservation. Navaho chiefs were sent to the trouble zone

8. Kimball to Secretary Schurz, Farmington, 2/20/80, LR, K277/80 and Kimball to United States Land Agent, 4/19/80, LR, L730/80. *The Daily New Mexican*, 3/6/81. Max Frost (Adjutant General Territory New Mexico) to Lew Wallace, 5/9/81, in *ibid.*, 5/14/81. M'Cauley, *op. cit.*, see map on p. 1808.

9. Max Frost, *op. cit.*

10. Farmington, 11/1/79, LR, W2493/79.

11. Storie to Schurz, Bloomfield, 11/5/79, LR, S2335/79.

12. Conrad to Secretary Interior, Farmington, 11/17/79, LR, C/1206/79.

and in due time reported that their people were returning to their own lands.¹³ This report, if true, did not mean the end of the difficulties between the two groups. Meanwhile, in response to a long-time recommendation from the agent, the government granted, on January 6, 1880, an increase in the reservation area by extending the boundary eastward fifteen miles in the country south of the San Juan. In order to further minimize quarrels over the use of land, the new boundary line was surveyed by army engineers so that the Indians and the whites would know their respective areas without doubt. The old boundary line had been surveyed in 1869, but the markings had long disappeared; the new monuments soon suffered the same fate. When the surveyors appeared on the scene of their work, the Navaho promptly made known their dissatisfaction:

They all objected strongly to the location of the line, insisting that it ought to be farther East, some going so far as to claim all the country as far East as Cañon Largo. They tried by every means they could think of to dissuade me from attempting to run the line, saying there was no grass or water in the country. And even threatening to stop the party by force.¹⁴

The Navaho destroyed the new boundary markings, but nature more than the government was the basic influence in their behavior. The fifteen mile strip of land gave them what might be termed a legal additional length of access to the waters of the San Juan. In that sense it was a confirmation rather than a modification of traditional practice. Otherwise the new line was meaningless to Navaho economy because it could not change the location of water holes nor add to their number. The surveying party reported that there was no water for eighty-five miles south of the river and, in the final analysis,

The strip of 15 miles recently added to the reservation on the east is almost utterly worthless to the Indians on account of the absence of water.

13. Eastman to Commissioner, 1/5/80, LR, E37/80.

14. Lt. M. C. Martin to P A (Fort Lewis), 9/1/83, AGO, LR, 4153/82.

What little water exists is alkaline, not permanent, and lies off the reservation.¹⁵

The settlers along the course of the river were faced with the loss of their hard-won homesteads if the boundary extension was not changed. They promptly protested to important officials of government. William White (a son of Albert White), who settled near Farmington in November, 1879, now made a plea to Senator Teller for help, and in a not too subtle way:

I hope it may be so that our next Sec. of Interior may be a Coloradoan or other Western man and not of the 'dutch persuasion,' we may then at least stand an equal chance with an Indian. . . .

[My father is Republican] I have started in the republican ranks and *hope* to continue there.¹⁶

Kimball and Albert White journeyed to Santa Fe in March of 1881 to lay their complaint before Governor Lew Wallace in person. They stated that they had not been informed by Agent Eastman of the boundary extension and that their first knowledge of it came when Indians ordered them off their land. They even made the extreme assertion that "The Navajoes assert that they gave Galen Eastman three sacks of silver to get the country for them."¹⁷ As late as the summer of 1882 W. M. Rambos was still clinging to his farm despite the filling of his irrigation ditches by the trampling feet of Navaho sheep, and appealing to Teller for help: "We know your past Honorable Career as not wholly for the nations wards where justice to white settlers is concerned."¹⁸ The pleas of these men were eventually to bring favorable results, although only temporary, but meanwhile other frontier influences were

15. Lt. O. M. Carter to AAG, 6/9/84, LR, 12215/84. Martin to PA, *op. cit.*

"Though his monuments [Lt. Martin's] have been destroyed, in not one instance did I find any ignorance as to the location of the line. The Indians do not pretend to live on their reservation, however. They can not do so. They are harassed and annoyed beyond measure by the whites near them." Carter to AAG, *op. cit.*

16. White to H. M. Teller, February, 1881, LR, 4292/81.

17. *The Daily New Mexican*, 3/6/81.

18. Rambos to Teller, 7/25/82, LR, 14202/82.

Other settlers had given up the struggle. Mathias Ebert to Carl Schurz, Farmington, 4/5/80, LR, E222/80.

at work in this struggle for land in the persons of cattlemen—and even the miner.

Lieutenant Martin had mentioned in his report on the boundary survey that some Navaho even claimed the country as far east as Cañon Largo. This was quite true. Not only Cañon Largo, about thirty miles east of the new line, but the intervening Cañon Gallegos¹⁹ and Cañon Blanco furnished grazing for Navaho and white stock. Land north of the river was also in dispute. The Indians crossed the river with their flocks near Hogback mountain and grazed the area extending eastward from their reservation to La Plata river. Settlers had increasingly objected to this competition for the range, and open conflict was a possibility. In the fall of 1882 the military took action to send the Navaho back to the reservation.²⁰

The Navaho were also far beyond the reservation line to the south of the San Juan this same season. Captain Bean reported about thirty in Cañon Largo, Blanco and Gallegos, living there on the plea that Chief Manuelito had advised them that the boundary line was to be extended again to include those areas. Mr. Brown, the Captain wrote, who "knows them well informs me that they are very cross and ugly at what they term an unwarranted military interference in this matter."²¹ Under pressure from the military this group of Navaho began to move toward the reservation, when lo and behold forty-six more arrived carrying permits from Agent Eastman for hunting deer two or three months. The permits were issued under provisions of

19. "Cañon Giago [Gallegos] is named after a Mexican Scout who was killed at its head in 1859 by Navajoes. B. C. Lockwood to PA (Fort Lewis), 12/11/83, AGO, LR, 4380/83.

20. John Reid to General Buell (CO at Animas City, Colorado), Parrott City, Colo., 12/8/79, AGO, LR, 3224/79.

Capt. J. W. Bean to AAAG, Camp Roy near Farmington, 9/23/82, *ibid.*, 3962/82.

Narbonna was the principal chief who talked with Captain Bean when ordered back to the reservation. "All this they promised to do. The talk was quite long but plain and to the point and there was no evidence of ill humor." Captain J. M. Marshall to AAAG, 9/15/82, AGO, LR, 3811/82.

21. Bean to AAAG, Camp Roy, 10/7/82, AGO, LR, 4132/82. Bean to AAAG, 9/26/82, *ibid.*, 4051/82.

John W. Brown (presumably the Mr. Brown mentioned above) stated: "The Navajo Indians are the most law abiding people in this country." 2/25/82, LR, 4855/82.

the treaty of 1868 and were technically correct, but the action can hardly be construed as promoting solution of the Navaho-white conflict over land; Navaho stock consumed grass whether their owners were hunting deer or not. However, by November the Navaho were all back on the reservation. The officials experienced a sense of relief since "This ends all prospects of trouble with the Navajoes this year,"²² and the settlers rendered thanks in the form of a resolution.

The satisfaction of the settlers at the return of the Indians to the reservation did not indicate a complete settlement of difficulties between the two peoples. Relations were improving on the whole, but there still remained the basic problem of land use as well as minor points of friction. The Navaho not only crossed the San Juan to graze their flocks, but also to trade with the white men. When traveling to a store, they moved on the simple principle that the shortest distance between two points was a straight line, consequently instead of going around a settlers field with growing crops, they would sometimes cross it. Captain William Conway attributed this behavior to "ignorance or indifference."²³ Furthermore, there were some difficulties incidental to a frontier area. The Navaho individually was not a troublesome person, although he could not be molested with impunity, but liquor was available to him in the San Juan country as elsewhere around the reservation, despite the law to the contrary. This specific source of trouble, when added to the contempt that an individual might feel toward Indians, was bound to cause some friction until law and order had grown strong with the development of civic consciousness.

This aspect of affairs was illustrated in the winter of 1881 when a cowboy named Meyers shot a Navaho at Farmington, allegedly without provocation. Colonel George P. Buell testified that the business men welcomed the presence

22. R. S. MacKenzie to AAG, 11/18/82, LR, 21271/82. See also LR, 21272/82, 22031/82, 22863/82.

Whether the return of the Navaho to the reservation included the hunting party is not clear.

23. Conway to PA, 3/27/83, AGO, LR. 1079/83.

of the Indians because of the handsome profits derived from trading, but "The cattle-man and Cow-boy is the Indian's avowed enemy, considering no rights of the Indian that he shall respect."²⁴ On the other hand Captain B. H. Rogers records:

the ranchmen tell me that the Indians when they come to the ranches are habitually courteous and kind, that the exception has been very rare, and that they fear bad white men much more than they do Indians.²⁵

In short, the Navaho was neither saint nor devil, nor was the white man, but some of them were contesting for the same source of livelihood, the land, and quarreling on less important grounds.

When Agent Riordan succeeded the incompetent Eastman, in the winter of 1883, he reported the Indians as saying that they would never cross the river with their stock if they could have another extension eastward of the reservation line. This granted, he believed, would end all trouble: "It is so patent to any one here on the ground that the mention of it even seems superfluous."²⁶ There was some truth in his statement, particularly if the line were set far enough to the east to include the entire traditional Navaho homeland. But such possibility was remote; the white cattlemen were well entrenched in certain portions of that area. Further friction occurred in the fall of 1883, despite the fact that the Navaho had been driven back only the previous season.

Military scouting parties in the spring reported only a few Navaho off the reservation, and only minor depredations, but in the fall about fifty families were found in Cañon Gallegos. The Kansas-New Mexico Land and Cattle Company had taken possession of that area, and their foreman, Fred Bunker, called on the military to remove the trespassers. Lieutenant B. C. Lockwood was dispatched to the scene in December and compelled the Indians to

24. Buell to AAG, Fort Lewis, Colo., 3/13/82, LR, 9328/82.

25. Rogers to PA (Fort Lewis), 2/4/81, AGO, LR, 575/81.

26. Riordan to Commissioner, 2/10/83, LR, 3258/83.

retrace their steps to the reservation: "They left that part of the country with sad hearts as they liked it very much and hated to give it up."²⁷ But if they had not moved there would have been sad hearts in the white man's bosom. Harold Carlisle, probably a part owner of the cattle company, claimed that "he would rather lose thirty thousand dollars than have to give up this range, as it was a most desirable one."²⁸

The migration of the Navaho was as constant as the change of seasons. In the spring of 1884 the cattle company representative reported the Indians in Cañon Gallegos again: "I think they are induced to come by W. B. Haines who has located a store on Canon Gallego."²⁹ The military were called to the scene again and the Navaho, this time with Manuelito as spokesman, promised to retire once more to the reservation. They had, on this occasion, burned some lumber, and defended their action on the plea that the act was in retaliation for the burning of their hogans, and that they had acted on the advice of a trader they called Barba. Such behavior was incidental to the more serious problem of land ownership, and occurred elsewhere along the San Juan frontier. But the main problem was now dramatized by an act of the government for which no specific explanation can be found in official documents and must be

27. Lockwood to PA (Ft. Lewis), 12/23/83, AGO, LR, 4478/83. "These Indians are enticed from their reservation by mean white men, who have stores. . . ." *Ibid.* Conway to PA, 3/27/83, LR, 7529/83.

28. Lockwood to PA, 12/23/83, AGO, LR, 4478/83. Six other cattlemen used the range between Cañon Gallegos and Cañon Largo. *Ibid.*

John Reed stated: "These same Indians went along after the surveyors, last summer, and tore down the piles of stone that were put up to mark the line," so they would not know the location. *Ibid.*

See also Riordan to Commissioner, 12/31/83. LR, 327/84. Price to Riordan, 12/22/83, Office of Indian Affairs, Letter Book No. 181, p. 224 (hereafter cited as LB 181, P, 224).

Bunker stated that the Indians on this occasion were drunk, they terrified the women and children of the rancher, killed stock, and stole horses. J. G. Willett (Deputy United States Marshal) to General Stanley at Santa Fe, Farmington, 11/21/83, LR, 23182/83.

The Kansas-New Mexico Land and Cattle Company was owned by English capitalists. See LR, 10742/84 and Office of Indian Affairs, Authority 20788. Hse. report #1325, 48 cong., 1 sess. [2257]

29. W. E. Faris (for Harold Carlisle) to Post Commander (Fort Lewis), 8/9/84, AGO, LR, 229/84.

judged the result of influences working through the routine political channels in behalf of the San Juan settlers.³⁰

By Executive Order of May 17, 1884, "all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River," were restored to the public domain. In short, the irrigable portion of land along the river that was added to the Navaho reservation by the boundary extension in 1880, was now reopened to white entry. The protests of White and Kimball had finally born fruit, but their success was to be short lived because the Navaho refused to surrender possession of the land. Agent Bowman, successor to Riordan, sent two agency employees to the scene in February, 1885. On the basis of their report the agent advised Washington that the difficulties had been settled amicably except for a dispute between Cas-i-an-a and White. The next month Bowman visited the San Juan country in person and again sent in an optimistic report,³¹ but matters were far from going favorably for the settlers.

In December, 1885, the pressure of Navaho opposition was highlighted by a bit of violence. Costiana, son of Largo, was accused of driving a settler named De Luche off his homestead and setting fire to his house. This action probably occurred in section 8, township 15W, which seemed to be the focal point of resistance for Costiana's band, and lay on the route that the Indians used when they crossed the river to graze their flocks on the north side.³² The settlers laid their complaints before the territorial officials. Hugh A. Carman and Joseph Wilson wrote to Governor Ross in December; forty-eight other citizens sent a petition to General Bradley at Santa Fe for military protection;

30. Lt. Col. R. E. A. Crafton to AAAG, Fort Wingate, 4/28/84, LR, 9681/84. Captain E. M. Heyl to PA, 5/15/84, LR, 10742/84.

A report from Bowen's Ferry stated that an American had stolen a Navaho horse, and Navaho were stealing stock "to a degree almost intolerable . . ." They also shot a Mr. Nichols on the Rio Mancos. J. C. Bowen to Navaho Agent, Bowen's Ferry, San Juan, 4/3/84, LR, 8230/84.

31. LR, 2682/85, 4302/85; and document 46593/09, Navajo File No. 308 1/2.

32. S. D. Webster (surveyor) to Governor E. G. Ross, Olio, New Mexico 12/8/85, LR, 29976/85. Ross to Atkins, 1/20/86, LR, 2933/86. Ross repeated the common story about the Navaho claim to the land on the basis of purchase from Eastman, who secured the extension, for a bag of silver.

in January, 1886, John S. and Nelson B. De Luche petitioned the governor for aid; and the following month H. A. Carman, J. E. Wilson, and Simon Hendrickson added their plea for protection.³³

Governor Ross requested the commissioner of Indian affairs to provide a small body of troops for protection of the settlers, but the commissioner took a calmer view of the situation, although aware of possible trouble, and dispatched a special investigator to the scene in February with instructions to "not exercise undue haste, but study the situation thoroughly . . ."³⁴ Colonel William Parsons, the special agent, found little difficulty in analyzing the situation and making appropriate recommendations.

One basic difficulty in the relations between the two peoples was their different way of using land. The Navaho was a seasonal occupant; the white man was permanent. The Indian planted a crop on the San Juan bottom land in season and wandered elsewhere with his flocks during the balance of the year. The white man lived the year round on his homestead. Furthermore, the status of the Indian under the homestead law was not thoroughly worked out, so the withdrawal of this strip of land from the Navaho reservation had been done with little consideration of any right of preëmption on the part of the Indian. And the white settler, of course, was not likely to be thoughtful of Indian rights. One of the settlers, S. (Simon?) P. Hendrickson, was an example of this attitude, at least it can be so inferred. He had settled upon a tract of land that a Navaho named Charley claimed. "'Charley,' has lived upon, and cultivated, this same land for years, has a house upon it, and lives there now, and has protested all the time against Hendricksons occupancy of the land . . ."³⁵ The settlement of this dispute proved to be particularly difficult for the government, but meanwhile Agent Parsons was making his recommendations.

33. LR, 29976/85, 2933/86, 4716/86, 6529/86.

34. Atkins to Parson, 2/4/86, LB, 144, p. 278 (Land Division). "I think the present condition of affairs if continued, would soon lead to open rupture between the Indian and settlers." *Ibid.*

35. Marshall to Commissioner, 11/29/86, LR, 31812/86.

Before arriving at the San Juan in March, Parsons journeyed to Fort Defiance and conferred with agency officials from whom, he probably received a pro-Indian impression. After his arrival at the scene of trouble, he held councils with the Indians and whites on March 5 and 6. He concluded that there was little likelihood of a general clash between the two peoples, but that disputes between rival claimants for specific land holdings was quite possible; in conclusion, he recommended that the strip of land severed in 1884 be restored to the Navaho reservation.³⁶ In a subsequent report, Parsons was of the opinion that the crux of the matter was water, not land; that is, the Indians needed the land along the south bank of the river in order to have access to water for their flocks.³⁷ The white man was interested in cultivating the land, but also wanted the arid area to the south for grazing his animals. The problem of water of course, had long been apparent to the observer on the scene, so the agent's opinion was not original. Some of the settlers, or at least Hendrickson, challenged this idea on the ground that water resources should be developed on the reservation.³⁸ The government had long attempted to carry out such a policy and was to continue doing so, but the water of the San Juan was still the best supply for a great area of country regardless of whether Indian or white gained control of it.

In the light of Parson's March report, Commissioner Atkins recommended to the secretary of interior that the disputed land be restored to the reservation, and he advanced the argument about water as the prime reason, with the additional comment that the area should never have been withdrawn in the first place.³⁹ This recommendation

36. Parsons to Commissioner, Fort Defiance, 2/26/86, LR, 6501/86. Parsons to Atkins, 3/10/86, LR, 7888/86.

37. Parsons, *Report*, 4/27/86, LR, 12532/86.

38. Mrs. S. P. Hendrickson to Atkins, Olio, New Mexico, 12/23/87, LR, 155/88. "We can furnish the papers to prove that they [Navaho] are wintering . . . 18000 stock" for other parties." *Ibid.*

39. Atkins to Secretary, 4/14/86. LB 147, p. 64 (Land Division). Atkins to Secretary, 4/14/86, Navaho File No. 308 1/2, 46593/09.

"There has been continuous strife between the Indians and whites, growing out of that action [withdrawal of land from reservation], and of late the relations

was followed by an executive order of April 24 restoring the disputed land to the reservation. About six bona fide settlers, only one proved up, were affected, but about thirty claims (ultimately twenty-four) for compensation from the government were filed.⁴⁰

In the light of court decisions, the claims were of doubtful validity, and the commissioner of the general land office so held,⁴¹ but the commissioner of Indian affairs was willing to recommend compensation for losses, so Edwin S. Bruce was dispatched to the region to secure the necessary data for that purpose.

The mere issuance of the executive order was not sufficient to settle the dispute. In anticipation of trouble, Agent Patterson at Fort Defiance had sent S. E. Marshall as sub-agent to the San Juan in April, somewhat to the annoyance of the commissioner who cancelled the appointment but promptly reaffirmed it. On April 28, two companies of soldiers were moved to the scene.⁴² Marshall reported that

A strong effort will be made by Citizens on North side River (*for selfish motives,*) through Senators to have President Cleveland revoke his order of Apl 28th. Do try and prevent this, his order was a *righteous* one back of that 18 mile water front, is a magnificent grazing land, but no water for 40 miles, and that only a *small spring*.

The property owners on the north side, he wrote, opposed the restoration of the land to the Indians because it

between them have become so strained as to give rise to the most serious apprehensions. The Indians are unwilling to give way to the whites, and they in turn are determined to settle on the disputed lands." *Ibid.*

"From all the information at my command I find that most of these threatened troubles comes from the white settlers . . ." trying to drive Indians off their land. S. S. Patterson to Commissioner, 4/9/86, *Ibid.* Patterson succeeded Agent Bowman in the spring of 1886.

40. Parsons, *Report*, 4/27/86, LR, 12532/86. General Land Office Memorandum, LR, 9389/86, gives 24 entries of all kinds.

41. Hutchings v. Iow, 15 Wall. 77. Atherton v. Fowler, 6 Otto 513. *Daily New Mexican*, 5/22/86. L. I. C. Lamar to Commissioner General Land Office, 5/25/86, Navaho File No. 308 1/2, 46593/09.

42. LR, 11533/86, 11892/86, 12296/86. Marshall to Commissioner, 5/22/86, Navaho File No. 308½, 46593/09.

would cause a general depreciation of values: "now you have the whole matter in a 'nut shell.'"⁴³

There was some truth to the assertion made by Marshall. D. Baldwin and about sixty other persons signed a petition addressed to Bruce in which they advanced the arguments that the Indian was not a desirable neighbor, that he neither improved the land nor paid taxes, when drunk he was subject to no legal restraint, the settlers had a legal right to the south side land, and lastly there was a good coal field south of the San Juan that the Indian could never develop.⁴⁴ It was true that coal did exist in the region, and attempts to develop it had been made as early as 1882 by the Porter Mining Company at a location about fourteen miles east of the reservation. A building was erected despite the objection of the Indians, but they promptly burned it.⁴⁵

In addition to proceeding by petition to Bruce, Baldwin, who professed to have no personal investment in land south of the San Juan, also wrote to John A. Logan urging reversal of the government policy because the land "is a very good Lignite Coal field," and advanced the old argument that "It was once taken from the white settlers by proclamation of Hayes through the knavery of the then Indian Agent [Eastman]." And to the secretary of the interior he pointed out that the disputed area was a suitable railroad route and that Indian possession would retard the civilization and development of the San Juan country.⁴⁶ He even gave expression to the frontier contempt for the Indian in a bitter attack against the office of Indian affairs. The officials, he wrote, had encouraged the Indians to harass the settlers until now they could be bought out by the government and land turned over "to the drunkenness licentious-

43. Marshall to Commissioner, 6/22/86, LR, 16876/86. See LB 150, pp. 187, 196.

44. D. Baldwin et al to Special Investigator [Bruce], 5/28/86, LR, 16940/86. "Now the people of Farmington do not love the Navajoes anyway, this bad feeling having existed ever since by the extension of the Navajo reservation they were cut off from some valuable coal lands . . ." *The Daily New Mexican*, 2/13/81.

45. Wm. Slane, *Affidavit*, 2/6/82. AGO, LR, 687/82.

46. Baldwin to Logan, 5/25/86, LR, 14587/86. Baldwin to Secretary of Interior, 6/21/87, LR, 16850/87. Upshaw to Logan, 6/8/86. LB 149, p. 111 (Land Division).

ness and debauchery of savagery and all these settlements exposed to the alarm or fear of an Indian outbreak every spring."⁴⁷ But contempt for Indians has always been balanced by a more favorable view. In this case Agent Parsons came to their defense:

The Indians I found there are the very best of citizens and are anxious to abide by the law and live in peace. I admire the western frontiersman as a rule, but I must admit that in this case the Indian settlers are far better citizens, more enterprising and law abiding, than the white people who harass them.⁴⁸

During the summer of 1886 and into the following year the claims adjuster prepared his reports, the Indians pressed the settlers to get off the land, and the settlers kept up the struggle to retain possession, or to get a prompt settlement of compensation for losses. The Indian's flocks grazed in some instances right up to the boundary line of the settler's homestead and even crossed the line, and while a stray sheep munched the grass in the forbidden area the owner might surreptitiously steal a melon. The Hendrickson family in particular became a focal point in the situation. They resented the attempt to evaluate their property on the curious ground that it was "a gross assumption of power" on the part of the government, and yet they wanted prompt action toward a final settlement of the issue.⁴⁹ Bruce wrote that [S. P.?] Hendrickson "is one of the most unreasonable men I ever knew, and I think you will agree with me when you come to read his bills and statements." He put in a claim for \$729.10 and then demanded not less than \$2,000 for the loss of his home, "if not I am *robbed*."⁵⁰ Hendrickson's irritation was partly due to the behavior of the Indians who persisted in trying to water their stock by crossing his land whereas they could have secured access to the river at several other points

47. Baldwin to Logan, 6/18/86, LR, 16940/86.

48. *The Daily New Mexican*, 4/20/86.

49. W. P. Hendrickson to Governor Ross, 7/26/86, LR, 20824/86. Patterson to Atkins, 7/3/86, LR, 18064/86.

50. Bruce to Commissioner, 8/20/86, LR, 20788/89 (Authority).

without troubling him. He finally threatened that "a conflict is inevitable unless the government *moves the Indians* from the settlements or *moves the settlers*, and that 'right soon'."⁵¹

Both the military and civil officials in the field urged strong action to get the settlers off the land so that the Indians could make their spring planting in 1887, or, as Colonel Grierson recommended, use force to keep the Indians off the land; but he reminded his superior that the Navaho could muster about 6,000 warriors.⁵² The administrative routine of the general land office produced decisions in April on nineteen of the land claims. Seven preëmption filings were cancelled for invalidity on their merits, and twelve were cancelled on the basis of previous court decisions and administrative rulings. This action did not immediately affect the actual state of affairs on the San Juan because a settler was allowed sixty days to appeal the decision. The office of Indian affairs now reiterated the old fear of conflict between the contenders and urged the immediate removal of the settlers. Secretary Lamar was not willing to take such strong measures, but he did request the war department to send troops again and laid down the policy that the settlers could remain on the land until their claims were finally adjudicated, and the Indians should have access to the river, passing over the land of the settler only as a last resort.⁵³

The attempt to compromise between the Indian and white until final rulings were made did not work well in practice. About forty Navaho families occupied the land that had been vacated, but on the understanding in some

51. Hendrickson to Commissioner, 8/10/86, LR, 21928/86.

The military were called upon to settle one dispute between a Navaho and a settler over possession of a hut on the disputed land. The Indian in the case was accused of having been on a drunk. Captain Wm. Conway to AAG, 9/20/86, LR, 30783/86.

Patterson advised the commissioner that the troops could be withdrawn until the next spring. He probably reasoned that the Navaho disputants would wander elsewhere until spring planting time. LR, 26795/86.

52. Patterson to Atkins, 2/25/87, LR, 5750/87. Grierson to AAG, 3/18/87, 20788/89. (Authority).

53. LR, 10795/87, LR, 11008/87; LB 160, p. 124 (Land Division).

cases that they would leave in the fall of the year after raising a crop. Three settlers remained on their holdings, S. P. Hendrickson and his hardy spouse, Hugh A. Carman, and Thomas M. F. Whyte. The Hendricksons in particular were obdurate and Patterson served official notice on them not to obstruct Indian access to the San Juan, and recommended to his superior their immediate removal without prejudice to their claim. He feared the outbreak of fighting between the two groups. Colonel Grierson likewise felt uneasy about the situation. The Indians, he reported, had been securing a supply of the best arms and ammunition: "I most earnestly recommend the *immediate removal* of the few white settlers . . ." to assure peace and security.⁵⁴

In the face of official pleas to move and warnings of impending violence, the three settlers held on and fought to the last for their holdings. The Hendricksons had earlier secured political support from former secretary Teller. Mrs. Hendrickson now wrote to Secretary Lamar claiming that the executive order of April had been based on a misrepresentation of facts, a rather far-stretched allegation, to be sure, but it was at least a straw to cling to. As for Patterson's fear of violence, "A settler on the frontier must take his own chances," she retorted. Furthermore, they were not land speculators; "we came here to stay & we mean to if we can."⁵⁵ But their fight was in vain. The views of the government officials in the field about the necessity of removal finally prevailed. On July 18 the secretary of war issued an order that troops could be used to move the settlers. Lieutenant Scott notified them to move by August 10, but they refused. Agent Patterson then issued a notice of eviction against Hendrickson on the 24th, setting the deadline for moving at 10 A. M. the following day. He refused to move, so the troops marched in, loaded Mrs. Hendrickson with three children and their household goods in a wagon and transported them off the land.

54. Patterson to Atkins, 6/16/87, Authority 20788/89. Grierson to AAG, 6/10/87, *Ibid.*

55. Mrs. S. P. Hendrickson to Secretary of Interior, Olio, New Mexico, 6/22/87, LR, 17283/87. W. P. Hendrickson to Ross, Denver, Colo., 4/27/87, LR, 12147/87.

Now perfect quiet was reported as reigning on the reservation.⁵⁶

Peace may have reigned on the San Juan, but sorrow reigned in the heart of Mrs. Hendrickson, and courage too. She made a last appeal for justice to the highest power in the case, the president of the United States: "Why rob us of our homes where we toil so hard to build up, to enrich, and to beautify the valley of the wilderness . . . we beseech you to give to us our homes."⁵⁷ The letter of course eventually found its way to the office of Indian affairs where it evoked no sympathy and brought about no change in policy. Commissioner Upshaw stated

there are no sentiments of 'justice', 'humanity' or 'generosity', more strongly appealing to the impartial mind in the matter of this recent land controversy, than are to be found on the Indians' side of the case.

He pointed out that the Indians had long occupied the land in dispute and that the executive order of April, 1884, "proved to be a serious mistake" because access to the waters of the San Juan was a matter of life and death to the Navaho. The answer to Mrs. Hendrickson explained that only three settlers were moved and that action "was deemed necessary to permanently maintain peace between the Indians and settlers."⁵⁸ One consolation for the complainant was to have the last word: "Oh shame on a government that will willingly robb its citizens."⁵⁹

The final step in the case was to compensate the settlers

56. See Authority 20788/89. LB 161, pp. 451, 165, 441, (Land Division).

Lamar wrote to Teller prior to the eviction urging him to use his influence with the Hendricksons toward their peaceful removal in order to avoid trouble. 7/14/87. Authority 20788/89.

57. *Ibid.*

58. Upshaw to Secretary, 10/14/87, LB 166, p. 40 (Land Division). Atkins to Mrs. Hendrickson, 10/29/87, *ibid.*, p. 340.

59. Mrs. Hendrickson to Atkins, 12/23/87, LR, 155/88.

She made a final appeal to the Harrison administration: "myself & [three] children [were] loaded in a government wagon & left on the county without food or shelter except" for the charity of neighbors. My stepmother was a sister of Joseph A. Wright, governor of Indiana, who died while minister to Prussia. I worked for Harrison in the campaign in Indiana. Mrs. Hendrickson to Secretary of Interior, 4/18/89, Authority 20788/89.

for their losses. Senator Teller introduced an amendment to the Indian appropriation act of June 29, 1888, in the amount of \$10,000 for that purpose. The remaining difficulty was to arrive at a just figure for each settler. Previous reports on this matter were not considered satisfactory. On the instruction of the secretary of interior that all records on the San Juan dispute "should be placed by you in the hands of one of the most intelligent, discreet and painstaking Special Agents of your Office," who should visit the San Juan and investigate the claims in great detail, the commissioner selected George W. Gordon for the task. He made his report in May, 1889. Twenty-one claims were allowed, ranging from \$20 to \$1,520, for a total of \$18,270.70. Disallowing about one-third of each claim, the total was reduced to \$12,280.70, or \$2,280.70 more than the amount appropriated. This difficulty was solved by pro-rating the \$10,000 among the claimants; Hendrickson, for instance, with an allowed claim of \$643.30, was entitled to the sum of \$523.85. This proceeding was held legal by the attorney general.⁶⁰

The outcome of the struggle between the Indian and the white man for a small strip of land along the south bank of the San Juan, was decided in favor of the Indian. This represented a rebuff to the westward rolling pioneer. The attorney general of the United States had advised the secretary of interior that the dispute was of a judicial nature and should be settled in court by a test case. The Navaho was not yet thoroughly familiar with the white

60. Secretary of Interior to Commissioner, 1/29/89, LR, 2976/89. Gordon, *Report*, 5/29/89, LR, 16079/89. Geo. H. Shields (Asst. Atty-Gen.) to George Chandler (Acting Secretary), 8/31/89, LR, 18773-14, File No. 260.

In the report of Bruce, the claim of Hendrickson was itemized as follows: log house \$150, land grubbed \$7.50, land plowed \$18, crops \$145, fence \$25, corral \$10, ditch \$69, fruit trees \$80, total \$504.50. Acting Commissioner General Land Office to Lamar, 5/13/87, LR, 12794/87.

An assistant to Bruce informed Gordon that the first appraisal had been made hastily and with a too-strong pro-government bias. Blair Burwell to Geo. W. Gordon, Durango, Colo., 6/1/89, Authority 20788.

Wm. P. Hendrickson "impressed me as a weak, foolish, unreasonable, exacting and self-sufficient man." He refused to make out a claim, but wanted \$2,000 or more. Gordon, *Report*.

W. P. and S. P. Hendrickson may be the same person.

man's judicial practice in all its intricate pattern. He relied upon his own sense of justice, and upon a dogged, determined will to keep the land at all cost. It was his by traditional right, so he believed, and was not to be surrendered. Its economic value to him was above question; to the white people in general, its occupancy by a handful of settlers could be of little importance, either to the general economy or to the progress of civilization, which Mr. Baldwin worried about. Lastly, this struggle is an episode in the history of a land problem that still plagues the Navaho and the government of the United States.

THE INDIAN RIGHTS ASSOCIATION AND THE NAVAJO, 1890-1895*

By ALBAN W. HOOPES

By the year 1890 the Indian wars, to all intents and purposes, were memories of the past. With the defeat of the Sioux in the north and of the Apache in the south, it might be said that Indian resistance to white encroachment collapsed utterly. The cessation of strife did not imply a solution of the Indian problem. Far from it. The red man was yet present; the problems of food, land, and education demanded rather more attention—now that peace permitted attention—than before.

The Indian Rights Association was one of a number of philanthropic organizations concerned with Indian affairs. Founded in 1882 by Herbert Welsh, a Philadelphia philanthropist and man of affairs, its membership included men of many shades of opinion drawn from many walks of life. A Philadelphia organization, it drew about one-third of its membership from that city, the remaining two-thirds deriving from every part of the United States. During the period covered by this paper the office was located at 1305 Arch Street, Philadelphia. From that center Mr. Welsh and his associates kept in constant touch with Indian affairs in the field and with congressional and departmental activities in Washington.

Wholly independent of the government, the Indian Rights Association coöperated with the latter, or opposed it, according to its approval or disapproval of governmental policy. An active and capably managed agency was maintained in Washington for the purpose of watching all developments of Indian policy, reporting thereon, and influencing legislation if necessary. During the eighteenthies this strategic post was held by Charles C. Painter¹

* Research work in connection with this paper was done under a grant on the Penrose fund of the American Philosophical Society, Philadelphia, Pennsylvania.

1. Charles C. Painter died, January 13, 1895. William H. Seaman to Herbert Welsh, January 13, 1895, Indian Rights Association correspondence, Historical Society of Pennsylvania, Philadelphia, Pennsylvania. Hereinafter cited as I.R.A. corr. Leupp to Welsh, January 14, 1895, *ibid.*; E. Whittlesey to Welsh, January 14, 1895, *ibid.*

and Francis E. Leupp. The latter in particular proved to be a valuable man. Washington correspondent of the New York *Evening Post*, he had been recommended to Welsh by Theodore Roosevelt,² but accepted the Washington agency only after considerable negotiation.³ His knowledge of Indian affairs was most extensive, being broadened by a number of field trips. He was possessed of more than a little political acumen. The long series of monthly reports made by Painter and Leupp constitute a chapter of unique importance to the student of Indian history.

In summing up, it may be said that the personnel of the Indian Rights Association and its great activity combined to give a weight to its opinions that has not received a just evaluation in historical studies. It is hoped that a review of one phase of its work may lead to further investigation along a line that seems most promising.

II

Commenting upon conditions among the Navajo during the early months of 1894, Lieutenant Edward H. Plummer, the acting agent, wrote:

The poverty of these Indians at present is pitiable. They have been considered self-supporting, but their means of support has decreased until many of them are in a condition bordering on starvation.⁴

Nearly a year later—January 22, 1895—Senator Joseph R. Hawley wrote to Herbert Welsh, "I am a good deal put out, not to say distressed about the Navajo matter."⁵ In order to understand the "Navajo matter" that so distressed Senator Hawley—and many others—it will be necessary to review a few years of their history.

2. Theodore Roosevelt to Welsh, January 23, 1895, *ibid.*

3. Leupp to Welsh, January 16, 1895, *ibid.*; Welsh to Leupp, February 2, 1895, I.R.A., Letter Book no. 11, p. 810. Hereinafter cited as I.R.A., LB. Leupp to Welsh February 6, 1895, I.R.A., corr.; Welsh to Leupp, February 16, 1895, I.R.A., LB. no. 11, p. 814; same to same, April 4, 1895, I.R.A. corr.; Leupp to Welsh, April 9, 1895, *ibid.*

4. Plummer to Welsh, February 23, 1894, I.R.A., pamphlet No. 13, 2d. Series 5.

5. Welsh Collection, Historical Society of Pennsylvania. Hereinafter cited as Welsh Collection. Cf. same to same, February 27, 1895, I.R.A., corr.

Returning from the Bosque Redondo in 1868, the Navajo established themselves upon a reservation in their old homeland in northwestern New Mexico and northeastern Arizona. This region, some 11,500 square miles in extent,⁶ was, and is, a dry, high plateau crossed by irregular mountain ridges and cut by deep canyons. Summer heat and winter cold frequently are extreme. Covered with a scant herbage, it is better adapted to the requirements of grazing than of agriculture.⁷ Since the dependent upon their sheep and goats for their livelihood. They appear to have enjoyed reasonable prosperity during the eighties. "Many of the Navajos are wealthy, and can count their herds by hundreds," wrote Captain F. T. Bennett, their agent, in his annual report for 1880.⁹ Five years later another agent, John H. Bowman, could say

The year has been a prosperous and eventful one to this tribe. They have been as a rule healthy; they have been wholly exempt from any epidemic diseases. Their flocks and herds have increased as much as could have been expected. They gathered a fair crop of corn last fall, and have nothing in particular to complain of.¹⁰

In 1890 Agent C. E. Vandever estimated the resources of the Navajo, crediting them with 700,000 sheep and 200,000 goats. The former figure shows no change from that of 1880; the latter shows a decrease of 100,000 during the decade. In 1880 approximately 900,000 pounds of wool were produced, of which 800,000 were marketed; ten years later 2,070,000 pounds were produced, of which 1,370,000 were sold.¹¹ Some question is raised by these figures.

6. C. E. Vandever in annual report of Navajo agency, August 22, 1890, *House Executive Documents*, 51 Cong., 2 Sess., vol. 12, no. 1, p. 161.

7. Dane Coolidge and Mary Robert Coolidge. *The Navajo Indians*, (Boston and New York, 1930), 252-253.

sixteenth century⁸ the Navajo have been a pastoral people,

8. Ezra Carman, H. A. Heath, and John Minto, *Special Report on the History and Present Condition of the Sheep Industry of the United States*, (Washington, D. C., 1892), 929.

9. *House Executive Documents*, 46 Cong., 3 Sess., vol. 9, no. 1, p. 253.

10. *Ibid.*, 49 Cong., 1 Sess., vol. 12, no. 1, p. 380.

11. *Ibid.*, 46 Cong., 3 Sess., vol. 9, no. 1, p. 253; *ibid.*, 51 Cong., 2 Sess., vol. 12, no. 1, p. 162.

Although the number of sheep apparently did not increase during the decade, the wool output more than doubled. This might have been due to an improvement in the breed of sheep—a fairly heavy influx of Merino stock occurred during this period¹²—or to improved methods of handling the clip, although the significance of these factors is open to doubt.¹³ It would seem probable that Vandever underestimated the number of sheep in 1890. The next year David L. Shipley gave the figure as 1,583,754 with a wool clip of 3,000,000 pounds¹⁴—an increase in excess of 800,000 sheep in one year. Whatever may be said of the statistics—and that they are not too accurate is quite obvious—the fact remains that government agents, prior to 1893,¹⁵ consistently maintained that the Navajo were prosperous. How much of this was a sound prosperity, based upon sound economic conditions, might well be questioned. The period was one of steadily declining wool prices. Ohio fine and medium wools brought an average of \$.47 per pound in 1880; dropped to \$.32 in 1885, and rose slightly, to \$.35, in 1890.¹⁶ Navajo wool—which was coarse¹⁷—averaged much less, falling to \$.03 per pound by 1895.¹⁸

Like any group dependent upon a single product, the Navajo were affected quickly by conditions in the world market. Increased importations of wool from Australasia, South Africa, and South America¹⁹ caused repercussions on the banks of the San Juan and the Colorado. The legend of Navajo prosperity had just sufficient basis in fact effec-

12. L. G. Connor, "A Brief History of the Sheep Industry in the United States," in American Historical Association, *Annual Report . . . 1918*, (Washington, D. C., 1921), 140, 153.

13. Carman, *op. cit.*, 980, 945.

14. Agent Shipley claimed that his figures were based upon "a careful census just completed by the Census Bureau . . ." *House Executive Documents*, 52 Cong., 1 Sess., vol. 15, no. 1, p. 309.

15. Lieutenant Plummer opened his report for 1893 with the statement that "The condition of the Navajo Indians is worse than it has been for a number of years." *House Executive Documents*, 53 Cong., 2 Sess., vol. 14, no. 1, p. 109.

16. Carman, *op. cit.*, 570.

17. *Ibid.*

18. W. N. Wallace to Alfred Hardy, April 11, 1895, Welsh Collection.

19. Connor, *op. cit.*, 143. It is stated that wool exports from Australasia increased 337 per cent between 1870 and 1899. During the same period exports from South Africa increased over 100 per cent; from South America about 150 per cent.

tually to estop them from the benefit of adequate congressional appropriations, without entirely keeping the proverbial wolf from the door. In his report for 1894, Lieutenant Plummer remarked:

It has been considered for years that the Navajoes were self-supporting. This theory has been erroneous for the past few years and has been a misfortune to the Navajoes, for it has led to their being neglected and allowed to become pitifully poor and driven to thieving and starvation. When the size of the tribe and the extent of country over which it is scattered are considered, the appropriation of \$7,500 annually for "support and civilization" appears, as it is, entirely inadequate and unjust.²⁰

The success of general farming among the Navajo was even more dubious than was the case with stock raising. Sheep and goats could walk to water holes—if not too distant—corn and melons could not. Droughts were an irregular but recurrent and increasingly serious threat to the food supply. "This country . . . has been suffering from extreme drouth now for two years; it is literally burnt up and nothing left to support man or beast."²¹ Thus reported E. B. Townsend to R. E. Trowbridge, the Commissioner of Indian Affairs, June 15, 1880. It is almost superfluous to add that the crop of 1880 was a failure, as was that of 1881.²² As conditions did not show signs of material improvement by the end of the decade, one Arthur M. Tinker was appointed special Indian inspector for the Navajo, July 1, 1889.²³ His instructions were not forthcoming until December 2; his final report was dated March 26, 1890.²⁴ This document stated a number of platitudes, already quite well known to anyone at all familiar with

20. *House Executive Documents*, 53 Cong., 3 Sess., vol. 15, no. 1, p. 99.

21. National Archives, Office of Indian Affairs, Letters received, New Mexico, 1880/T-741. Hereinafter cited as O.I.A., LR.

22. General discussion in Frank D. Reeve, "The Government and the Navaho, 1878-1883," in *NEW MEXICO HISTORICAL REVIEW*, XVI, (1941), 275-312.

23. National Archives, Office of the Secretary of the Interior, Appointment Division, 3. Hereinafter cited as S.I., A. D.

24. O.I.A., LR., 13837/1890.

the Navajo, and indirectly—perhaps with some justice—blamed the Indians for their lack of food.

Upon this large reservation very little farming is done. Most of the Indians cultivate small pieces of land usually as a garden, seldom more. The Agent and the farmer have tried hard to induce them to do more. Last year some few worked more land than in former years: quite a number have promised the Agent to plow more this season than ever before, but should they do as much as promised not a very large amount of land will be under cultivation.

Tinker then pointed out the absolute necessity of irrigation:

To make a crop here the land must be irrigated, and at this time there is not a single irrigation ditch in condition to use, and cannot be used until quite an amount of money has been expended.

In short, "These people are not, and never have been a farming people." At best, individual gardens could not be expected to support the tribe; good farms were in the dim and distant future.

By 1892 the situation had become "one of the most critical and difficult . . . connected with the administration of Indian affairs."²⁵ Unable adequately to support themselves upon their reservation, many Navajos grazed their flocks on non-reservation land.²⁶ This led to conflict and threats of conflict between Indian sheep herders and white cattlemen, of whom there were not a few in the surrounding country. The murder of Lot Smith by a Navajo Indian in June, 1892, may be cited as a case in point.²⁷ In October

25. T. J. Morgan to Alexander McD., McCook, July 16, 1892, O.I.A., Correspondence Land Division, Letter Book no. 241, p. 88a. Hereinafter cited as O.I.A., Corr. Land Div., LB.

26. Arthur M. Tinker estimated that from 15 to 20 per cent of the Navajos lived away from the reservation. Tinker to the Secretary of the Interior, June 16, 1892, O.I.A., LR., 24020/1892 enc. 3. Agent David L. Shipley placed the number of non-resident Indians at upward of 9,000, or 50 per cent of the entire tribe. McCook to Morgan, July 18, 1892, O.I.A., LR., 27125/1892 enc. 7.

27. Thomas W. Brookbank to J. N. Irwin, June 21, 1892, O.I.A., LR., 27125/1892 enc. 4; Shipley to the Commissioner of Indian Affairs, July 1, 1892, O.I.A., LR., 24514/1892; Marcus A. Smith to the Commissioner, July 7, 1892, O.I.A., LR., 24411/1892.

one J. H. Dorsett requested the Office of Indian Affairs to "take some action to stop" the Indians from killing and stealing his cattle.²⁸ Two months later a number of the citizens of Fruitland, San Juan county, New Mexico, complained "that the Navajo Indians are trespassing upon their lands and committing depredations by killing and running off their stock, and they add that if this is not prevented soon, it will lead to grave consequences."²⁹ By the spring of 1893 an Indian war had become a definite possibility—if not a probability.³⁰

That no war occurred, then or later, may be attributed to several factors. The older Indians could remember Kit Carson's campaign and the hardships of their exile at the Bosque Redondo. Perhaps more potent than memories of the past were certain facts of the present. At the moment the civil and military authorities were coöperating more cordially than usually was the case. General Alexander McD. McCook, in command of the department of Arizona, was a friend of Thomas J. Morgan, the commissioner of Indian Affairs. A meeting of these two men in Washington, followed by an exchange of letters,³¹ had much to do with the formulation of a policy on the one hand calculated to meet the needs of the Navajos by the construction of an adequate irrigation system, on the other prepared to meet possible intransigence with the actuality of military force. Thus in the autumn of 1892, Lieutenants W. C. Brown, E. M. Suplee and Odon Gurovits made a careful survey of the reservation and prepared contour maps thereof, as an essential preliminary to work upon an irrigation system.³² \$64,500 was asked for the purpose;³³ eventually it was appropriated and, in large part, wasted. More of that later.

28. R. V. Belt to Shipley, November 5, 1892, O.I.A., Corr., Land Div., LB. no. 247, p. 300.

29. L. Bradford Prince to Morgan, December 24, 1892, O.I.A., LR., 45986/1892.

30. D. M. Browning to the Secretary of the Interior, April 28, 1893, O.I.A., Corr. Land Div., LB. no. 257, pp. 283-285; same to same, April 29, 1893, *ibid.*, pp. 352-353.

31. Morgan to McCook, July 16, 1892, O.I.A., Corr. Land Div., LB. no. 241, pp. 88-88b; McCook to Morgan, July 16, 1892, O.I.A., LR., 27125/1892 enc. 7.

32. See report in *Senate Executive Documents*, 52 Cong., 2 Sess., vol. 2, no. 68.

33. Morgan to the Secretary of the Interior, February 10, 1893, O.I.A., Corr. Land Div., LB. no. 252, pp. 99-100.

In the meantime the Indians waited. By 1894-1895 many of them appear to have been facing the threat of actual starvation. Why? That is what the Indian Rights Association wanted to know, and in the story of its efforts lies the crux of this paper.

III

The appointment of Lieutenant Edward H. Plummer to the Navajo agency³⁴ was followed by a period of close coöperation between the governmental authorities and the Indian Rights Association. After studying the situation for two months, Plummer concluded that it would be a good idea

to have a carload of Navajo Indians visit Washington and two or three larger cities in the early autumn, for the purpose of seeing something of the educational methods of Americans and the power, extent and advantages of civilization.³⁵

To this proposal Commissioner Daniel M. Browning—Morgan's successor—replied that

such an arrangement . . . would no doubt result in great good to these Indians . . . but a trip of that character necessarily involves considerable expense, and there is no money at the disposal of this office which it could use in carrying out the plan suggested. This being the case, I do not see that this office can take favorable action in the matter.³⁶

What the Office of Indian Affairs could not see its way clear to doing, was done by the aid of the Indian Rights Association. Having obtained the necessary permission for the Indians to make the trip—contingent upon governmental exemption from all expenses³⁷—the Indian Rights

34. February 21, 1893. O.I.A., LR., 7067/1893.

35. Plummer to the Commissioner of Indian Affairs, June 5, 1893, O.I.A., LR., 21159/1893.

36. Browning to Plummer, June 15, 1893, O.I.A., Corr. Land Div., LB., no. 260, p. 269.

37. Frank C. Armstrong [Assistant Commissioner of Indian Affairs] to Welsh, June 16, 1893, I.R.A. corr.

Association solicited funds, obtaining nearly \$700 by the end of July.³⁸ Good as was this showing, the sum collected was insufficient to meet the costs of an extended visit to several eastern cities and colleges.³⁹ Plummer accepted the limitations imposed by lack of money, and proposed that the Indians visit the Columbian Exposition at Chicago. Writing to Welsh, June 29, 1893, he remarked, "I think if nothing better can be done it would do all that we desire to run them [the Navajos] through to Chicago and have them see the Fair and the schools of that place."⁴⁰ This was resolved upon and carried into execution in October. The whole plan threatened to collapse at the last moment, as the Indian Office wanted Plummer to remain at his post at Fort Defiance, and the Indians refused to go east without him.⁴¹ Finally matters were arranged, and a party of eleven men, one school girl, and two school boys left Gallup, New Mexico, for Chicago on October 13.⁴²

Of their stay in that city little need be said. Professor F. W. Putnam acted as their mentor and guide. For a week the party examined the wonders of a world unknown to them, leaving for home on October 21. Plummer expressed himself as "more than satisfied with the results" of the trip.⁴³ Three months later he wrote, "The influence of the Chicago trip seems to have awakened the whole tribe to a strong desire to emulate the whites in every good way."⁴⁴ This statement, like several others, fails to carry convic-

38. "The sum total of the Navajo Fund up to date is \$648.50, . . ." Matthew K. Sniffen to Welsh, July 27, 1893, *ibid.*

39. ". . . It was my desire to have them [the Navajos] visit West Point and Vassar College.

They have such an aversion to having their girls go away from home to school I wanted to have them see a large girls' boarding school.

I had also a desire to take them to my mother's place, in the country near Baltimore, for a rest and a little breath of fresh country air." Plummer to Welsh, June 29, 1893, *ibid.*

40. *Ibid.*

41. Plummer to the Secretary of the Indian Rights Association, October 12, 1893, *ibid.*, [telegram]; Plummer to Welsh, October 15, 1893, *ibid.*, [telegram].

42. Plummer to the Secretary of the Indian Rights Association, October 26, 1893, *ibid.*

43. *Ibid.*

44. Plummer to Welsh, January 22, 1894, *ibid.*

tion, leaving one with a feeling that the agent was looking at things through rose-colored glasses.

Hoping to build upon the foundation supposedly laid, Plummer asked the Office of Indian Affairs for a special appropriation of \$5,000 for the purchase of agricultural implements and seeds.

There is plenty of water on the Reservation and plenty of land capable, with and without irrigation, of supporting many more Indians than this tribe numbers, but it is necessary for the work of constructing ditches, reservoirs, &c to be done by Government aid, also the purchase of implements, seeds and fencing, to enable the Indians to make proper use of the water after developed.⁴⁵

As spring came on and no transformation of the Navajo tribe became manifest, Plummer must have felt increasing disappointment. Turning to Welsh for a sympathetic understanding that seemed utterly lacking in other quarters, he wrote, May 11, 1894, that assistance was needed in farming operations. One farmer "has covered the country north for about seventy miles . . . and his reports are very encouraging as to the anxiety of the Indians for assistance but very discouraging when he tells how much might have been done if they could have had the assistance we are trying so hard to get . . ." ⁴⁶ This was a reference to the special appropriation of \$5,000 mentioned above, supported by Welsh in a pamphlet of the Indian Rights Association,⁴⁷ but frowned upon by the Department of the Interior.⁴⁸ Plummer concluded his letter with the charge that

It certainly is the fault of the authorities if these Indians are allowed to suffer another year, and it is the fault of such negligence and want of true knowledge of their needs, and persistent refusal to listen to those who know, that has kept these Indians where they are.

45. *Ibid.*

46. Welsh Collection.

47. March 1, 1894, I.R.A., pamphlet No. 13, 2d. Series, 1-2.

48. Welsh to Hardy, April 3, 1894, I.R.A., LB. no. 10, p. 941.

That the policy pursued by Hoke Smith, the secretary of the Interior, and his departmental colleagues was deliberate—far too deliberate for an emergency—may be frankly admitted. The world-wide depression, the insecurity of national finances, and the silver question⁴⁹ forced the Democratic party to be interested in economy,⁵⁰ so Smith moved with marked caution while Plummer stormed. A special inspector was sent to the Navajo reservation—exactly what Plummer did not want—as the agent believed that the presence of the inspector “means of course another year’s delay.”⁵¹ More and more Plummer felt that his position was becoming untenable.⁵² By September he had determined to resign. In a letter to A. B. Weimer, the recording secretary of the Indian Rights Association, he remarked, “. . . it is with regret that I have to say that I find it impossible to continue the work longer, under the circumstances. I am sure that if the difficulties and trials of the position were fully known no gentleman would be expected to work here.”⁵³

A little over two months later Plummer wrote to Welsh what was, in actuality, his valedictory:

This is my last day in charge of this Agency. My experience here has been a hard and in many respects a very bitter one. I am almost ready to say that I forgive the Indian for every outrage ever committed against the whites and that I am in entire sympathy with them in all their resistance to the interference of the whites in their affairs. I do not believe that in their hearts they believe white men to be their friends and I am very sure that I would not if in their place.⁵⁴

49. Henry Cabot Lodge gives “the present condition of the silver question” as a reason for senatorial lack of interest in the Navajo and their affairs. Lodge to Welsh, October 17, 1893, I.R.A., corr.

50. John G. Bourke to Welsh, January 19, 1895, *ibid.*

51. Plummer to Welsh, May 11, 1894, Welsh Collection.

52. “In view of the correspondence had with your office I have considered it useless to make any recommendations, but I must once more protest against the treatment of this Agency. . . .” Plummer to the Commissioner of Indian Affairs, April 4, 1894, I.R.A. corr.

53. Plummer to Weimer, September 5, 1894, *ibid.*

54. Plummer to Welsh, November 14, 1894, *ibid.*

Meanwhile Clinton C. Duncan—the inspector—was conducting an investigation the results of which were opposed alike to the findings of Plummer and of his successor in the agency, Captain Constant Williams.⁵⁵ Duncan submitted his report December 24, 1894. Far from sympathetic with the Navajo, the bulk of this document was devoted to an argument in favor of reducing greatly the area of their reservation.

. . . I do not think that it will ever be possible to control and civilize them, until the reservation is reduced down to about one-fourth of its present size; and this in my opinion will leave them sufficient ground for all agricultural and grazing purposes . . .

The object of making this reservation so large, was that they might have abundant pasturage for their horses, cattle and sheep; they now have but few cattle, their ponies are without value; and the number of their sheep has largely decreased; and many of them now have their flocks off the reservation; and I can see no reason why they should have so large an area of land. It is a positive injury to them, in that they will not settle down upon any fixed habitation; but roam about from place to place.⁵⁶

One is inclined to doubt whether Duncan had studied the situation with sufficient care to warrant certain of his conclusions. From the earliest times sheep herders of necessity have led a semi-nomadic life, following their flocks from place to place as they grazed over the land. Duncan stated that sixty per cent of the reservation⁵⁷—about 4,800,000 acres—was suitable for grazing. However, had his recommendations been followed the total area would have been reduced from nearly 8,000,000 acres⁵⁸ to slightly under 2,000,000. As the number of sheep was variously estimated anywhere between 700,000 and 2,000,000, and

55. Williams was appointed October 19, 1894. S.I., A.D., 121; O.I.A., LR., 41065/1894.

56. O.I.A., LR., 1044/1895.

57. *Ibid.*

58. David L. Shipley gave the figure as 7,942,400. Cf. report of Navajo agency, August 31, 1891, *House Executive Documents*, 52 Cong., 1 Sess., vol. 15, no. 1, p. 309.

as goats and horses also required a portion of the land, the adequacy of 2,000,000 acres certainly was open to doubt. Then too, it must be remembered that water is quite as essential to grazing as it is to many other types of agriculture. Any drastic reduction in the area of the reservation must have placed control of the headwaters of various streams in the hands of white ranchmen and farmers—with little prospect of benefit to the Indians. As Duncan makes no reference to this aspect of the matter, one may question whether he gave to it any thought whatever. In summing up Duncan's views, the conclusion is inescapable that his knowledge of Navajo affairs was limited while his prejudice was considerable.

. . . And while as a matter of fact these Indians are in want, I think it very much due to their own indolence and not by reason of any loss of crops as I can see where but a small acreage has been planted and their loss comparatively small. . . .⁵⁹

Like Tinker before him, Duncan found it easier to blame the Indians for their own troubles than to study the facts.

The drought of the summer of 1894 not only ruined the crops, but also emphasized the need for irrigation.⁶⁰ There was an average of one dependable water-place to every hundred square miles.⁶¹ The San Juan and the Little Colorado were not too dependable, like all rivers in the region being subject to periods of devastating flood and equally devastating drought. All told, the Navajo did well to keep some 10,000 acres under cultivation.⁶² Even the cultivated land was of so poor a quality that an eastern farmer would have scorned it. As far back as 1883, Agent Riordan described the Navajo reservation as consisting "of ten

59. O.I.A., LR., 1289/1895.

60. "The great need is irrigation . . ." wrote Darwin R. James to Merrill S. Gates, August 23, 1894. *House Executive Documents*, 53 Cong., 3 Sess., vol. 15, no. 1, p. 1035.

61. C. E. Vandever in annual report of Navajo agency, August 22, 1890, *ibid.*, 51 Cong., 2 Sess., vol. 12, no. 1, p. 161.

62. *Ibid.*, p. 163. Like other statistics *in re* the Navajo during this period, the accuracy of this figure is open to question.

thousand [square] miles of the most worthless land that ever lay out of doors."⁶³

Such was the condition to be met by Edward C. Vincent, a civil engineer from Staunton, Virginia, who appeared upon the scene about April 1, 1894.⁶⁴ Vincent's experience among the Navajo was not a happy one. Judging him as charitably as possible, it remains painfully evident that he combined great inefficiency with a considerable ability to make bitter enemies. Darwin R. James, of the United States Board of Indian Commissioners, put his finger on one source of friction when he pointed out that "The [Navajo] reservation was carefully surveyed and plans drawn by army engineers, to one of whom might have been intrusted the development of the work and the expenditure of the money rather than to a civilian at increased expense."⁶⁵ This was but an echo of a recommendation made a year previously by former Commissioner Morgan.⁶⁶ Both Edward H. Plummer and his successor in the agency, Constant Williams were army officers with creditable service records. The old question as to whether the Indians should be under civil or military control, which had been quiescent for a time, was revived by Vincent when he let it be known "that 'no shoulder straps' should rank above him" and showed himself "to be anything but a gentleman."⁶⁷ This unfortunate contretemps between the civil and military authorities might have blown over had not Vincent so conducted himself as to bring about attacks upon his integrity by both government agents and Alfred Hardy of the Indian Rights Association. Small wonder that storm clouds hung heavy over Navajo land, and that reiterated recriminations flashed forth like lightning over the scene.

63. Dane Coolidge and Mary Roberts Coolidge, *op. cit.*, 252.

64. J. T. Holbert to Welsh, February 8, 1896, I.R.A. corr. Vincent's appointment as superintendent of irrigation on the Navajo reservation was dated March 10, 1894; his instructions were issued March 21. O.I.A., LR., 9771/1894; O.I.A., Corr. Land Div., LB., no. 276, pp. 476-483.

65. James to Gates, August 23, 1894, *House Executive Documents*, 53 Cong., 3 Sess., vol. 15, no. 1, p. 1035.

66. Morgan to the Secretary of the Interior, February 10, 1893, O.I.A., Corr., Land Div., LB. on. 252, p. 101.

67. C. C. Manning to William L. Wilson, October 1, 1895, I.R.A., corr.

Vincent's particular task was the development of an adequate system of irrigation for the Navajo. It will be recalled that detailed plans for such a system had been prepared by Lieutenants Brown, Suplee and Gurovits in 1892, and had subsequently been approved by the Office of Indian Affairs and Congress.⁶⁸ Vincent discarded these plans, substituting and acting upon ideas of his own. He made progress slowly; so slowly that the season of 1894 passed with no "expectation of benefit for this year's crops."⁶⁹ It was his hope to construct the entire irrigation system by hand labor—using few or no ditching machines⁷⁰—thereby giving employment to the Indians. He forgot that the time involved in the construction of ditches by hand labor inevitably would force the Indians to be absent from their farms when their crops needed careful attention. Likewise he appeared unaware of the fact that untrained Indian labor was incapable of building gates, flumes, and laterals, all of which required a certain degree of skill.⁷¹ Thus the season of 1894 was wasted, along with most of the money appropriated for work which was not done.

IV

Captain Constant Williams, who succeeded to the Navajo agency late in 1894, found that conditions were critical indeed. "The destitute are living on the charity of those who have something, but the resources of these latter will soon be exhausted, being very limited. All of them will then have to face starvation unless some speedy provision be made for their relief. . . ." Williams sensed increasing danger of conflict. "I already hear of the killing of white men's cattle by them, [the Indians] but that is done, not through malice but to keep body and soul together." So wrote Captain Williams to Herbert Welsh, December 3, 1894.⁷²

68. *Supra.*, p. 8.

69. James to Gates, August 23, 1894, *House Executive Documents*, 53 Cong., 3 Sess., vol. 15, no. 1, p. 1035.

70. Hardy to the I.R.A., February 12, 1895, Welsh Collection; same to same, February 14, 1895, *ibid.*

71. Same to same, April 22, 1895, *ibid.*

72. I.R.A. corr.

Recognizing the importance of this communication, Welsh got in touch with Charles C. Painter, at the time Washington agent of the Indian Rights Association. ". . . Please inform me at the earliest possible moment what you think can be accomplished, and what is the best line of procedure . . ." ⁷³ Painter forthwith obtained an interview with the Commissioner of Indian Affairs, D. M. Browning, which left him somewhat less enthusiastic in his support of Williams. Among other things he was informed that "The new agent [Williams] . . . has asked the Department for \$20,000 ⁷⁴ for . . . relief" of the Navajo. This Browning was "very unwilling" to ask of Congress, as he did not approve of "gratuitous gifts" and had to think of other Indians than the Navajo. Moreover, he considered that Vincent was "doing good work." The latter statement was supported by photographs taken by one Mr. Mindeleff of the Bureau of Ethnology, and was, Painter believed, "entitled to large credence." ⁷⁵ So much for Painter's opinion.

Joseph J. Janney of Baltimore had a conversation with Commissioner Browning on December 18, 1894. He was told that "conditions [at the Navajo agency] are not nearly so desperate as they are made to appear by Capt. Williams' letter. From other and very reliable sources of information he [Browning] learns that the Indians are not likely to suffer for food, any more than is the case generally throughout the west when crops have failed. . . ." ⁷⁶

Somehow these reassuring statements failed to convince Welsh or the Philadelphia members of the Indian Rights Association. Unwilling to wait for the passage of the \$25,000 appropriation asked for by Williams, the Association appealed for relief "to the charitably-disposed public,"

73. Welsh to Painter, December 10, 1894, I.R.A., LB., no. 11, p. 626.

74. Williams asked for \$25,000. Williams to Welsh, December 3, 1894, I.R.A. corr.

75. Painter to Welsh, December 14, 1894, *ibid.* A very different opinion was held by former Agent Plummer, who wrote that ". . . Mr. Mindeliff [*sic*] is looked upon by every one who has come in contact with him here as a contemptible dead beat and loafer, squandering, likewise, Government money. . . ." Plummer to Welsh, November 28, 1894, *ibid.*

76. Janney to Welsh, December 18, 1894, *ibid.*

feeling certain that "immediate independent action" was necessary, apart from any possible governmental aid.⁷⁷ A number of contributions were given,⁷⁸ and a deluge of letters were sent to members of Congress and to the Department of the Interior.⁷⁹ In the final analysis such action proved to be wholly right, although it profoundly irritated Hoke Smith and Browning.⁸⁰ Nor was this the end of the matter. By appealing over the heads of his superior officers to an outsider Williams had exceeded his authority—more particularly as that outsider was the active head of the Indian Rights Association. Accordingly he was "admonished" by the Secretary of War, as he thought, upon the request of the Secretary of the Interior, to "hold no correspondence with outside parties on official business which is to receive action by Congress."⁸¹

To Welsh and to the Indian Rights Association this was the straw that broke the camel's back. In a letter to Hoke Smith dated January 4, 1895, but not mailed until the ninth of the month,⁸² Welsh inquired whether the admonition conveyed to Captain Williams "upon your complaint"

is intended to restrict him in conveying to this Association information relating to the condition of his Indians? I can hardly believe that this is your intention, in view of the cordial and pleasant relations which have existed between this Society and yourself, and the full recognition which we have constantly sought to give your many acts designed to promote the welfare of the Indians. In my long experience with Indian affairs I have always enjoyed the fullest liberty in corresponding with Agents and other employes of the Government relating to the condition of the Indians, and it seems to me as an essential condition to wise efforts for their improvement that such liberty should be permitted, in view of the representative character

77. Welsh to ———, January 9, 1895, Welsh Collection.

78. Sniffen to Williams, January 31, 1895, I.R.A., L.B., no. 11, p. 786.

79. Painter to Welsh, January 8, 1895, I.R.A. corr.

80. Same to same, December 19, 1894, *ibid.*

81. Williams to Welsh, December 28, 1894, *ibid.*

82. Welsh to Hardy, January 9, 1895, I.R.A., L.B. no. 11, p. 677.

of this Association, and of its standing in the country.⁸³

Thinly veiling his irritation with the forms of politeness, Smith replied on January 12, denying that his department was in any way responsible for the admonition, which, however, had his cordial approval.⁸⁴ Few others gave to it any approval, cordial or otherwise. "I was very much surprised to learn that the agent had been practically muzzled," wrote Charles F. Meserve. "I had . . . supposed that all work carried on by the United States government was open to the inspection and judgment of the people from whom the authority of the governing class is derived."⁸⁵ John G. Bourke, veteran of many Indian campaigns and a writer of no mean talent, commented bitterly:

Those people [in the War Department] don't care for the Indian. They would let him starve, could they make a showing of economy in appropriations. The country is so nearly bankrupt that every dollar counts, and the Administration must do something to regain prestige.⁸⁶

Be that as it may, the Senate Committee on Appropriations added an amendment to the Indian appropriation bill, voting the \$25,000 requested by Williams.⁸⁷ In due time this measure was approved by a conference committee of the two houses, and became law March 2, 1895.⁸⁸ There is little reason to doubt that the lobbying conducted by the Indian Rights Association was not without its effect.

At this distance of time one cannot but see that the muzzling of Williams was a serious tactical error. Why silence a man if, as was maintained officially, conditions on the Navajo reservation were satisfactory?⁸⁹ If satisfactory,

83. Welsh to Smith, January 4, 1895, *ibid.*, p. 675.

84. Smith to Welsh, January 12, 1895, I.R.A. corr.

85. Meserve to Welsh, January 19, 1895, *ibid.*

86. Bourke to Welsh, January 19, 1895, *ibid.*

87. *Congressional Record*, 53 Cong., 3 Sess., pp. 2438-2439.

88. *Ibid.*, p. 3250.

89. Welsh to Mrs. Sarah T. Kinney, January 17, 1895, I.R.A., LB., no. 11, p. 707; Welsh to J. S. Morrow, January 18, 1895, *ibid.*, p. 712; Welsh to Leupp, January 19, 1895, *ibid.*, p. 719.

why did Williams find it necessary to pledge his own funds against the purchase of ten thousand pounds of flour to be distributed among the needy members of the tribe?⁹⁰ Why was Williams, conscientious as he undoubtedly was, made to feel that a knife's edge stood between his position and dismissal from the agency?⁹¹

The Washington agency of the Indian Rights Association—in the competent hands of Francis E. Leupp after Painter's sudden death⁹²—was able to answer some questions; more particularly those regarding appointments and the voting of appropriations. But this was not the whole problem. More and more Welsh felt that the final answers lay in the field. Therefore it was determined to send Alfred Hardy, of Farmington, Connecticut, to the Navajo country as representative of the Indian Rights Association.

V

This decision was not reached without due thought. It was suggested by Welsh to Hardy on January 9, 1895.⁹³ Hardy, who had been an industrial teacher on the Navajo reservation, jumped at the suggestion.⁹⁴ Various members of the Indian Rights Association approved of the idea.⁹⁵ Welch appears to have entertained some doubts in the matter, and at one time thought of going west himself.⁹⁶ Curiously enough, Williams wired that a representative was not needed.⁹⁷ This delayed action for two weeks but Welsh was still "particularly anxious to get the exact facts about the irrigating ditch work, and the competency of Mr. Vincent in regard to the same. . . ." ⁹⁸ Finally, on January 29, Welsh wired Hardy, "Please prepare for Navajo journey

90. See the resolution adopted at a special meeting of the executive committee of the Indian Rights Association, February 27, 1895, Welsh Collection.

91. Leupp to Welsh, January 28, [1895], I.R.A. corr.; Browning to Welsh, January 29, 1895, *ibid.*—Welsh to Browning, January 30, 1895, I.R.A., LB. no. 11, p. 775; Leupp to Welsh, February 5, 1895, I.R.A., corr.

92. *Supra.*, p. 1.

93. Welsh to Hardy, January 9, 1895, I.R.A., LB. no. 11, pp. 677-678.

94. Hardy to the I.R.A., January 10, 1895, I.R.A. corr.

95. H. L. Wayland to Welsh, January 14, 1895, *ibid.*

96. Welsh to Leupp, January 21, 1895, I.R.A., LB. no. 11, p. 727.

97. Williams to Welsh, January 15, 1895, I.R.A. corr., [telegram].

98. Welsh to Hardy, January 17, 1895, I.R.A., LB. no. 11, p. 701.

immediately. We [the Indian Rights Association] meet necessary expenses."⁹⁹

It was in February, 1895, that Hardy arrived at the Navajo agency at Fort Defiance, Arizona. Things were at their worst; the country was blanketed with several inches of snow, the thermometer went to twenty degrees below zero,¹⁰⁰ the Indians froze or starved.

In a series of graphic reports that constitute a classic of their kind, Hardy pictured the desperate plight of the Navajo during his sojourn among them. No more vivid picture of conditions has come under consideration by the author. As the Indian Rights Association had notified Captain Williams of Hardy's mission, he was expected and welcomed by that officer upon his arrival at the agency. While there he met Colonel S. R. Murphy, third in the list of special inspectors sent out by the government. Promptly the two men prejudged each other. Colonel Murphy, wrote Hardy, "is a man over Sixty—tall and heavy set, and one (as I think) little disposed to rough it in such a country or to make any special exertion."¹⁰¹ Williams thought him kindly disposed toward the Indians,¹⁰² but few remarks upon his factual comprehension or understanding of character—which proved infinitesimal—were committed to paper. Condemned to the drudgery of submitting a weekly report to the Commissioner of Indian Affairs, Murphy took the opportunity to damn Hardy by faint praise: "one Hardy, who was formerly Industrial Teacher at the Navajo Boarding school at Ft. Defiance, but [is] now out on the reservation in the interest of the Indian Rights Association . . ." He goes on to say that Hardy was searching for evidence of distress "for sensational purposes."¹⁰³ It was unfortunate for Hardy's case that whatever the actual purpose of his investigations may have been—at this distance of years the accumulated evidence is very largely in his favor—he

99. Same to same, January 29, 1895, *ibid.*, p. 774, [telegram].

100. Hardy to the I.R.A., February 14, 1895, Welsh Collection.

101. Same to same, February 12, 1895, *ibid.*

102. *Ibid.*

103. Murphy to the Commissioner of Indian Affairs, March 23, 1895, O.I.A., L.R., 13557/1895.

wrote and received letters and at times conducted himself in a manner that lent credence to the statements of his enemies. Thus he spent considerable time and effort in an abortive attempt to prove that death from starvation actually had occurred during the winter of 1894-1895.¹⁰⁴ He photographed the remains of a horse's head hanging in a hogan as evidence of the absolute destitution of its owner. As a matter of fact, while certainly not regular eaters of horse meat, the Navajo did eat it on occasion, and the Indian in question said that he ate it because it was sweet.¹⁰⁵ Except as proof of unseemly bickering between Murphy and Hardy this kind of evidence must be regarded as almost worthless.

Whatever the inspector may have said, the facts would seem to sustain the contention of Williams and Hardy that the Navajo were facing a critical shortage of food. In part this was due to the unprecedented severity of the winter, with resultant decimation of the herds of sheep so important in Navajo economy.¹⁰⁶ Almost equally, it was due to Vincent's needless delay in the execution of any irrigation project: It was upon the latter point that Hardy's reports placed the greatest emphasis. As early as April, 1894, Vincent went "to Albuquerque to see about buying needful tools, implements, wagons &c. but . . . it was August before these articles were bought & on hand & work on the Ditches begun. . . ." ¹⁰⁷ Having made it abundantly clear that he wished to employ Indians rather than machines, Vincent hired about seventy-five men, most of whom were promptly dismissed, keeping a working force of fifteen or twenty.¹⁰⁸ Little wonder that the work was not done. This procedure, as exasperating to the Indians as it was disingenuous, was continued through the spring of 1895.

On the afternoon of February 14, 1895, Hardy had an interview with Vincent. "I asked him several questions

104. Hardy to the I.R.A., February 18, 1895, Welsh Collection.

105. Murphy to the Commissioner of Indian Affairs, *loc. cit.*

106. Wallace to Hardy, April 11, 1895, Welsh Collection.

107. Hardy to the I.R.A., February 14, 1895, *ibid.*

108. *Ibid.*

about his work, to all of which his replies were very evasive."¹⁰⁹ The two were feeling each other out.

I asked him if the Dept gave him directions where to commence work? "No, that was left to his discretion." Did it stipulate what wages should be paid? "No, that was left to me."

About what wages do you pay or have you paid? "About \$1. a day." And they paid their own board? "Yes."

Has the Commissioner given you any instructions to hire as many Navajos as should offer to work employment at the rate of from \$1. to \$1.50 a day? "No, he has not." Has he at any time stated, or limited you to any amount to be spent in any one year? "No."¹¹⁰

Thus the cross-examination continues through several pages of Hardy's report.

Captain Williams and Hardy agreed that the San Juan valley stood most in need of irrigation. Suffering had been acute throughout the northern part of the reservation.¹¹¹ Apart from that, the San Juan valley was sufficiently free from snow to permit ditching operations early in the season.¹¹² Such was not the case at Red Lake, where Vincent established his camp in a region covered with snow and unsuited, in any event, to the cultivation of corn. Asked if he intended to do any work on the San Juan this spring [1895], Vincent replied "that he did not know."¹¹³ His excuse for doing none "was on account of the whites up there [on the San Juan] being interested to have the work done, so they could get the Indians' money away from them"¹¹⁴—a poor argument that would have applied with equal force to any part of the reservation.

On February 22, Constant Williams, S. R. Murphy, and Alfred Hardy set out on an extended trip to the San Juan region.

109. *Ibid.*

110. *Ibid.*

111. Mary L. Eldridge to S. E. Snider, February 11, 1895, *ibid.*

112. Hardy to the I.R.A., February 12, 1895, *ibid.*

113. Same to same, February 19, 1895, *ibid.*

114. Same to same, February 14, 1895, *ibid.*

. . . I believe also that if Col. Murphy sees what I do, that there can be but one report given. Also if the Major [Williams] accompanys us, the result of our investigations must be more satisfactory all around, as there will be so many witnesses that our word cannot be disputed.¹¹⁵

A two months' trip failed to iron out differences. If anything, it served to confirm each member of the party in the views he held already. Murphy still believed that such want as existed—he did not deny its existence—in good measure was owing to laziness on the part of the Indians. He felt “almost sure” that the carcasses of ten or fifteen sheep lying along the road “belonged to Mexicans.”¹¹⁶ Such men can never be convinced, and no real inspection could be expected of him. Knowingly or unknowingly, at every step he played into Vincent's hands.

Hardy's final judgment upon Vincent is contained in a letter written upon his return from the San Juan to Fort Defiance, April 22, 1895:

There is no question but Mr. Vincent is criminally negligent in not having been working upon the ditches on the San Juan from *last* fall, at *least*, considering the amount and quality of the land that could have been under that system and cultivated *this* Season, and the vast number of people who could have been fed this coming fall, winter and spring from Crops which could have been grown there, and the diversity of crops which could have been gathered—the rich bottom lands adapted to most any vegetable, or grain, and the mesa land for grain and alfalfa—to say nothing about himself and men and teams lying idle for weeks or months here . . .¹¹⁷

During the following months Hardy visited Fort Wingate¹¹⁸ and the northern part of the reservation, returning to Fort Defiance by June.¹¹⁹ His opinion of the Navajo

115. Same to same, February 19, 1895, *ibid.*

116. Murphy to the Commissioner of Indian Affairs, March 2, 1895, O.I.A., L.R., 10469/1895.

117. Hardy to the I.R.A., April 22, 1895, Welsh Collection. Italics Hardy's.

118. Same to same, April 26, 1895, *ibid.*

119. Same to same, June 2, 1895, *ibid.*

improved. On their own initiative they were doing much that Vincent should have done.

I found several dams made, which were a great credit to them. One was in the bed of an old wash, which was seventy feet long and six feet high. Water was backed up by this dam for fully half a mile. In order to irrigate their crops, as you know they have to throw up an embankment to hold the water, so the land will be well soaked. By actual measurement, I found the embankments around the fields under this dam to be about 4000 feet. Another dam I found to measure 310 feet with a long ditch connected therewith. I found everywhere signs of activity, and I am thoroughly satisfied the people are doing all they can to help themselves. . . . ¹²⁰

Such was Hardy's view of the situation. "I am ready to stand by what I have observed and reported, and what I herewith report,"¹²¹ he wrote to the Indian Rights Association.

VI

Having reported upon the activities of Vincent and Murphy, Hardy's most important work was completed. His stay upon the Navajo reservation was longer by far than had been expected. Doubtless this contributed to the meticulous detail of his observations, but it became too great a strain upon the funds of the Indian Rights Association.¹²² Accordingly, he was instructed to conclude his work "at the earliest possible moment,"¹²³ but, upon the suggestion of Welsh, was directed to visit the Hualapai, and stop off in Colorado to discuss matters with Francis E. Leupp who had gone there to investigate the southern Utes.¹²⁴

Not a trained anthropologist, Hardy's knowledge of the Navajo was of a practical kind, born of deep sympathy

120. *Ibid.*

121. *Ibid.*

122. Welsh to Hardy, April 27, 1895, I.R.A., L.B. no. 12, p. 125.

123. Sniffen to Hardy, June 5, 1895, *ibid.*, p. 190.

124. Welsh to Hardy, June 11, 1895, *ibid.*, pp. 208-209; Mary C. Hardy to Sniffen, July 16, 1895, I.R.A. corr.

and rather limited experience with them. His reports carry the conviction that he told the truth,¹²⁵ subject to the limitations of his knowledge and the accuracy of his observations.

. . . I think him a most conscientious man, [wrote Francis E. Leupp] very useful in his proper sphere, which is the description of things he *has actually* seen; but if you could compare, as I have, his statements with those of people he has endeavored to quote, you would see that as a *hearsay* witness his testimony must be very carefully weighed before acceptance. His intellectual scope is narrow, and he is so full of prejudices that his opinions are warped without his being conscious of it. He has told me the same story twice, on more than one occasion, and the details have differed; and when I came to pin him down as to his evidence, I found that the variance was not due to any new information, but to brooding over the subject. He belongs to a type of men very valuable as agitators, but not for constructive work. I am therefore cautious in accepting his summary of anyone's character; and often when I believe him *headed* right, I find him out of line with the strict facts as he goes along.¹²⁶

Indeed, there can be little doubt that he was anxious to prove the correctness of the stand taken by the Indian Rights Association. To do this he was under the necessity of proving his case against government inspectors like Clinton C. Duncan and S. R. Murphy. His great advantage lay in the fact that the inspectors—models of official ineptitude—do not appear to have been sufficiently interested to make a thorough study of affairs. Hardy did. Between February and July, 1895, he travelled more than eighteen hundred miles on the Navajo reservation. His long series of letters and reports furnished the Indian Rights Association with the information it required in order to agitate for assistance for the Navajo. The success of the Association in this respect is one measure of Hardy's service.

125. Welsh to Leupp, April 27, 1895, I.R.A., LB. no. 12, p. 128; Welsh to W. W. Lockwood, April 27, 1895, *ibid.*, p. 127.

126. Leupp to Welsh, December 31, 1895, I.R.A. corr. Italics Leupp's.

THE NEW MEXICO LAW LIBRARY—A HISTORY

By ARIE POLDERVAART, *Librarian*

“Did our caravan cross the buffalo wallow?”

“All but that wagon loaded with them law books, Bill. Those tomes weighed 'er down till she sank in below the axles. Aubry's hooked on some extra teams and they are trying to pull 'er out right now. I reckon they won't have much use for them books out there in 'Mexico' where the alcaldes use a magic stick to keep the law and the frontiersman administers what real law there is with his six-shooter and bowie knife.”

Thus a frontier scout traveling ahead of the caravan may well have spoken to another as they kept a wary eye for hostile Indians along the way. Somehow those law books did reach the capital of a vast new empire, at the end of the Santa Fe Trail, early in the summer of 1851—books for which Congress appropriated, and the president of the United States, on Sept. 30, 1850, approved expenditure of \$5,000. Load upon load of these books was trundled across the plains and prairies until they reached the seat of government in Santa Fe. Here the newly established Territorial legislature hurriedly appropriated \$1,000 in July, 1851, to make repairs in the Old Palace to install the necessary shelving and to fix up an office for the Secretary of the Territory who was placed in charge of the library.

The books were housed, according to R. E. Twitchell, in a room immediately west of the Hall of Representatives and could be reached through a small vestibule from the portal. The room was about fifteen feet square and, as additional books arrived, the shelving was extended upward until the room soon was filled with reports and statutes from the dirt floor to the vigas, totalling over 2,000 volumes before the end of the first summer. Included in the collection, besides reports and codes were the standard texts on the common and the civil law as well as miscellaneous government documents. Many of these volumes disappeared throughout the years or finally burned in the capitol fire of 1892. A few, however, are still in the library today.

A resolution in the legislative assembly on Jan. 2, 1852, indicated that provision for the administrative expenses of the library had been overlooked. The governor of the Territory had been obliged to advance the transportation charges on shipments of books, cost of stationery and other incidentals. The 1852 resolution provided the secretary with a little, a very little, expense money, directed him to pay off such bills as he could, and particularly to refund to his excellency, the governor, whatever he was out of pocket.

It soon became apparent that the Secretary of the Territory could not adequately supervise the library as one after another of the most used volumes disappeared. Consequently on Jan. 14, 1853, a bill providing for the preservation and regulation of the Territorial Library was enacted. It set up a board of directors consisting of the governor, the judges of the Supreme Court, the Secretary of the Territory and the presiding officers of the legislature. Under authority of the act John Ward was appointed as first Territorial librarian. His salary was provided for at \$100 per annum.

Aside from his somewhat less than lucrative remuneration, Ward was beset by many rigid rules and regulations named in the act or promulgated by the directors. His library room was dark and in the winter uncomfortably cold. Ward finally bought a little stove and rustled some wood at his own expense to keep a little fire going. On February 3, 1855, the legislature recognized his plight and, a bit reluctantly it seems, authorized the auditor and the treasurer to reimburse him not to exceed \$25.00 for the money he spent in keeping the place warm.

Ward soon after left the library for a better paying job and Juan Climaco Tapia thereafter served as librarian for about two years. When he quit no one wanted the job and the post remained vacant until 1866. In 1863 the legislative assembly became concerned over the matter. Valuable archives as well as the books remained unattended, were borrowed and were never seen again. A new bill, was prepared providing for a more practical board of directors by eliminating the associate justices of the Supreme Court,

none of whom resided in Santa Fe, retaining the governor, the chief justice and the presiding officers of the legislature, and adding the Santa Fe county probate judge who in early Territorial days possessed far greater jurisdiction than he has now. The librarian's salary was increased to \$300. A hundred dollars were appropriated for shelving and general renovation of the library and a further sum of \$30 a year was set up for contingent expense.

To spur the librarian into proper performance of his duties the act of 1863 called on him to prepare a catalog and decreed that any member of the board might drop in on him at pleasure to look into the condition of the library and the discharge by the librarian of his official duties. Should upon such a visit anything be found amiss the snooping boardsman was directed to call a majority of the board together forthwith to take suitable steps to put the librarian in his place and the library into proper shape.

The librarianship, however, continued begging for three more years. Then, as Gov. Robert B. Mitchell was inaugurated in July 1866, the new executive named one of his young political followers who had accompanied him to New Mexico from the East as Territorial librarian. The young man, unfortunately, was absent from the library more than he was present, even during the legislative session of 1866-67. As a result W. F. Army, secretary of the Territory, more or less looked after the library until the governor was temporarily absent from the Territory. Then Army, as acting governor, appointed a young New Mexican by the name of Trinidad Alarid, member of a respected native family, to the post. Alarid later served the Territory as auditor for nearly twenty years. His appointment as librarian was confirmed by unanimous vote of the Legislative Council and he proved a capable and faithful public servant. The legislature gave him a special appropriation of \$40 to rehabilitate the library because, as the appropriation act explained, the library books were "lying upon the floor."

Alarid never succeeded in gaining Gov. Mitchell's good will. In May, 1867, while Alarid was away from Santa Fe

on a short business trip, the governor seized the opportunity to make an examination of the library as by law provided. Finding the door locked the governor sent for a carpenter to break it open. Word of the governor's move traveled fast, probably via messenger dispatched by Secretary Army who learned of the Governor's intentions, and ere the carpenter reached the scene the librarian's brother delivered the key to his royal highness. The library naturally had not recovered from the fearful earmarks of years of neglect, despite Alarid's earnest efforts and the governor eased the librarian from office "for legal cause."

Again the library was the loser and there was no taker for the position of librarian until 1869 when Ira M. Bond, later a newspaper editor in Albuquerque, took over. During May, 1869, William A. Pile was inaugurated governor of New Mexico. The new chief executive proceeded promptly to renovate and clean up the rooms in the Old Palace. Next to the secretary's office and to the library there was a fair-sized room with dirt floor and piled high with old papers, books and debris. On discovering this accumulation Pile called on the librarian, Bond, to dispose of it so the room could be cleaned and occupied. Bond, somewhat less impetuous than his superior, hastily looked the papers over and found a considerable amount of manuscript material dating back to the Spanish and Mexican regimes. He was informed by several old timers that these papers were junk, had been examined by two former secretaries of the Territory and had been by them discarded. The worst of this paper Bond pitched out the window into the street in front of the Palace where he knew the native people would pick it up and use it for starting fires. Eluterio Barela, a woodhauler from Cienegita, came by with his carreta, saw the pile of paper and obtained permission from Gov. Pile to haul it off. Some of the better paper in the collection Bond sold to Santa Fe businessmen for packing and wrapping merchandise.

Scarcely had the "archives" been disposed of, however, when a crusade was started by the *Santa Fe Weekly Post* charging that Gov. Pile had ordered the destruction of the old Spanish and Mexican archives of New Mexico

and hinted, furthermore, that the librarian had pocketed the proceeds of the sale.

Bond, as was to be expected, denied the charges. "Since," he declared in a rebuttal in the *Santa Fe New Mexican*, "this has given an opportunity to some persons who 'see the mote in other's eyes, and not the beam in their own', I have got the papers back, and propose to keep them until next winter and ask the legislature to appoint a committee to examine them, and preserve any of them that they think proper." Actually, only part of the papers were retrieved. Some no doubt had already been used for wrapping and the papers which Barela salvaged, or those of them which were left, were not returned until 1886 when the woodhauler turned them over to Samuel Ellison who was then librarian.

As to the money which had been realized from the sale, Bond asserted, the library had nothing but a dirt floor when he took over and he had used the money, together with the \$30 contingent fund for the year, to put in a good floor as well as substantial shelving, window frames, chairs and about 300 new books.

Official disinterest in the library continued and Bond soon quit in disgust. He was succeeded in 1871 by James C. McKenzie. The situation was deplorable and McKenzie appealed to the press for help. He lamented that valuable sets of reports were broken. He pointed out that many states and Territories were willing to supply books without cost but that the legislature had been too niggardly to provide funds to pay the express. Supporting the librarian's plea, the editor of the *Daily New Mexican* called attention to his starvation salary of \$300 a year payable in territorial warrants which were worthless unless there was money in the till to meet them. It was insufficient to pay the expenses of the institution, he declared, let alone the personal services of the custodian.

During the closing hours of the legislative session on Jan. 9, 1874, the legislature engaged in an interesting bit of skullduggery. In an act designated as amending the school law, inserted as Section 5 thereof, appeared a provision making the superintendent of public schools of the

Territory ex-officio Territorial librarian. Its actual purpose was to provide pay for the superintendency, as for the services of these *two* capacities the incumbent was to receive the emoluments of librarian "and no more" as entire compensation.

Whatever effect this law may have had upon the advancement of public education in New Mexico, the territorial library probably was no worse off. On April 2, 1875, it was reported to contain around 4,500 volumes. McKenzie continued as librarian until 1878 when he was succeeded by Aniceto Abeyta who in turn was followed two years later by one of the ablest of the territorial librarians, Samuel Ellison.

Ellison was born in Kentucky and after spending some years in Texas and Mexico came to New Mexico in 1848. Since 1849, when he was employed as an interpreter and secretary to Colonel John Monroe, civil and military commandante of New Mexico, Ellison gained distinction as a linguist. He served as clerk of the New Mexico Supreme Court from 1859 until 1866, and was official translator for the legislature during several sessions, serving as a member of the legislature himself on three occasions, once as speaker of the House, in 1865-66.

Upon his appointment as librarian in 1881 Ellison devoted most of his time to examining the old Mexican and Spanish archives pursuant to an 1882 act of the legislature which made it his duty to arrange these manuscripts "either chronologically or by subjects," and then to have them 'bound in suitable volumes for preservation'." He was given a fund of \$400 for the purpose. Ellison reported to Gov. Lionel A. Sheldon two years later that "with the meager sum . . . it could not reasonably be expected that much could be accomplished." He also explained that the material had been arranged under broad subject classifications such as church, Indians, military, etc., but that because of the nature of the documents the arrangement was necessarily imperfect, though he felt it was in any event better than to arrange them chronologically. As to binding he said that (aside from the lack of sufficient funds) many of the docu-

ments were in such poor condition and brittle shape that binding them was out of the question.

During Ellison's administration many improvements were made in the library. Ellison believed in exchange and in 1882 he succeeded in putting through the legislature a bill authorizing the exchange of the new Supreme Court reports with other states and territories. The lawmakers also passed a new measure (which broke the link with the educational department) for the appointment of the librarian by the governor with the consent of the Legislative Council. The governor, the secretary of the Territory and the librarian were empowered to make the necessary rules and regulations for administering the library. The librarian by the same act was directed before the next session of the legislature to "cause each book in the library to be labeled with a printed label, to be pasted on the outside of the cover, with the words 'Territorial Library, New Mexico', with the number of the volume in the catalogue of said library enscribed on said label, and also to stamp the same words at the bottom of the twenty-fifth page of each volume." Some books bearing Ellison's tell-tale markings pursuant to this act are still in the library, but none of the numbers goes above 400. Though Lafayette Emmett in 1900, noting these numbered volumes, expressed it as his belief that this indicated there were no more than 400 books in the library at the time, this conclusion appears refuted by one of Ellison's reports to Gov. Sheldon which gave the number of volumes in the library on March 1, 1882, as 1,668. The more likely answer, therefore, is that Ellison never completed the chore, though it is conceivable that through some coincidence all volumes over 400 were among those destroyed in the capital fire of 1892.

As an indication of Ellison's qualifications as librarian the 1882 legislature doubled his salary, making it \$600 a year. In 1884 Ellison reported that though there was not a single article of furniture in the library when he came, few shelves and no catalog, by the time the report was made shelving had been installed, repairs completed and 142 law books added.

In 1886 Ellison made a fervent plea for additional funds for the library and with a new capitol about completed providing more adequate quarters for the library, the legislators lent a sympathetic ear and for the first time in its history the library received an appropriation from the Territory for the express purpose of building up its book collection. The appropriation was generous—\$5,000. Ellison and Chief Justice Elisha V. Long are said to have had a delightful time filling in missing volumes and buying new sets of reports and statutes. The legislature also changed jurisdiction over the library and vested its control in the judges of the Supreme Court.

Actual removal to the Capitol did not take place until August, 1888, due to the difficulty in obtaining necessary shelving. Even then the material was not available but because impatient U. S. officials demanded the space occupied by the library in the Old Palace the books were brought over and dumped in heaps on the floor in capitol hallways and vacant rooms. Here the repositories of the law reposed for three months while employees and visitors navigated around, through and between them, until the shelving was finally installed. Placing and arranging the books was completed barely in time for opening of the legislature on Dec. 31st.

The arrangement making the Supreme Court judges the governing board of the library under the 1886-87 statute still proved unsatisfactory because all except the judge who presided over the first judicial district resided away from the capital. To aggravate the situation, the chief justice now resided in Las Vegas instead of Santa Fe. The 1888-89 legislature, therefore, again reshuffled the board and designated the presiding judge of the First Judicial District who resided in Santa Fe instead of the chief justice as chairman. This judge himself was authorized to appoint two additional residents of the county to serve with him as a board.

A new library measure in 1891 provided that the librarian thenceforth would be required to speak both English and Spanish fluently. It raised his salary from \$600 to \$900 and stipulated that if the incumbent wanted to take

a vacation or otherwise found it necessary to be away from the library it would be up to him to find a competent person to look after the library at his own expense.

Jose Segura succeeded Ellison as librarian in 1889. Facundo Pino served from 1891 to 1895, being replaced by Segura on Jan. 17 of that year. Segura served the second time until 1899.

On the night of May 12, 1892, the new capitol building burned to the ground and most of the library's collection was lost in the fire. It was fortunate now that for lack of shelving the old archives had not been brought over from their dirt floored, dusty store rooms in back of the Old Palace.

A new collection of books was gradually assembled and the volumes were placed in the only quarters available consisting of four small basement rooms, two of them without light where the less used documents were buried and the other two without sufficient room to shelve books in daily requisition. Two months before his second retirement Segura reported the library again had around 5,000 volumes and that the books were insured for \$15,000. The Spanish archives, which he said dated back as far as 1621, were still being neglected and were fast crumbling away.

Colorful Judge Lafayette Emmett, the father-in-law of Gov. Miguel A. Otero, who had served as chief justice of the Supreme Court of Minnesota for nine years, was designated territorial librarian by the governor as Segura's successor. Judge Emmett's appointment was popular with members of the bar. His diplomacy in explaining the sad condition in which he found the library reflects his judicial background:

"When in March, 1899, the library came under my control, I found it in many respects in a very unsatisfactory condition, not because of any fault of those previously having it in charge, but mainly by reason of the cramped and unsuitable quarters to which for years it had been confined."

A year later the library moved into more spacious quarters in the newly completed capitol. Classifying and

arranging the books, including tons of government documents which he reported were in almost "inextricable confusion" posed as a major problem for the judge. There was again no catalog when he took over and he greatly bemoaned the fact that he could make no comparison with library holdings in the past. After a complete physical inventory in February, 1901, he reported the books shelved in the new capitol at 5,550. In addition he said there were "many thousands in number and many tons in weight of valuable public documents for which no room can be found in the capitol except by stowing them in the basement." Judge Emmett took steps toward better preservation of the archives by depositing them in the more or less fire proof vaults of the Secretary of the Territory.

Federal authorities about this time became increasingly nervous about the treatment the archives had been getting. Governor Otero advised the legislature on Jan. 19, 1903, that the Librarian of Congress through the Secretary of the Interior had suggested they be transferred to the national library where they would be "absolutely safe and properly classified and indexed without expense to the Territory." The offer was promptly accepted with an understanding that after the work of sorting, translating, summarizing and indexing had been completed several copies of the printed reproduction of the archives were to be sent the Territorial library.

Throaty rumblings, however, quickly developed as historians and others who understood the unique value of these early documents of the Southwest realized that this vast collection of source material had apparently left New Mexico for good. Probably in response to these outcries the Secretary of the Territory said in his annual report in Dec., 1904:

"As the documents were practically unavailable in the form in which they were stored here, there can be no doubt but that the people of the Territory are to be congratulated upon the fact that the archives have been transferred to the hands of persons who have both knowledge and means to investigate their contents and publish the results

of such investigation in comprehensive and convenient form."

But clamor for return of the documents grew louder. Finally, largely due to the untiring efforts of Dr. Edgar L. Hewett, they were returned and placed in the custody of the Museum of New Mexico, where they are now housed, properly classified and protected in fireproof vaults.

After passage of the library act of 1889, which gave to the board of trustees "sole management, control and supervision of the library" together with complete management of its financial affairs, the office of librarian had become little more than that of a custodian together with such responsibilities as might be said to go with it for the arrangement and classification of the material. To Judge Emmett the limitations apparently were a bit irksome at times as he referred to them frequently in making his reports. Nevertheless, not many years later this very circumstance proved a salvation to a succeeding state librarian at a time when the office had unfortunately become a political castabout.

Judge Emmett was followed in 1905 by the first of two woman librarians. This was Mrs. Anita J. Chapman, related to a well known New Mexico family. With changes of administration in 1909 Mrs. Chapman was succeeded by Mrs. Lola C. Armijo, mother of Rough Rider George Washington Armijo, who held the office until 1917. Soon after New Mexico attained statehood in 1912 Gov. William C. MacDonald sought to replace Mrs. Armijo and nominated Mrs. Mary Victory for a two year term. The newly organized state senate under leadership of Attorney H. B. Holt as chairman of the Committee on Executive Communications, refused to confirm the appointment, and Mrs. Armijo held over.

A short while later legal action was instituted to oust Mrs. Armijo by a proceeding in *quo warranto* upon the sole basis of —sex. Could a woman hold a public office in New Mexico, there being no statute authorizing her to do so? The case reached the Supreme Court which in a two to one

decision resolved the question in Mrs. Armijo's favor. (See *State v. Armijo*, 18 N. M. 646, 140 Pac. 1123) After drawing some fine distinctions the Supreme Court concluded that the office was a purely ministerial one since, from a review of the then applicable statutes for regulation of the library, the librarian was "not required to exercise his or her judgment in any respect," and for that reason, wrote Chief Justice Roberts, the duties of a state librarian "are not incompatible with the ability of a woman to perform."

Since the library, as Judge Emmett observed as early as 1900, was to be "classed as a law library pure and simple," save for the government documents, the various political maneuverings proved extremely distasteful to many members of the legal profession and on March 15, 1912, H. J. Collins, an Albuquerque lawyer, proposed to the New Mexico Bar Association that it sponsor legislation to return jurisdiction over the library to the Supreme Court. The litigation which followed soon thereafter further emphasized the wisdom of such a move and by an act of the legislature in 1915, which became law by limitation, the members of the Supreme Court were constituted a board of trustees to supervise the library and to select the librarian. This act, with a few minor amendments, is the law under which the library is administered today.

Following Mrs. Armijo's retirement in 1917, the Supreme Court reappointed Mrs. Chapman who continued in office until the summer of 1937.

Since 1900 the library has grown steadily. The 5,550 volumes which Judge Emmett reported in 1901 had increased to an estimated 10,750 volumes by July 1, 1903. On Jan. 7, 1907, the total, including some of the government documents, was estimated by Mrs. Chapman at 13,722. On Jan. 1, 1937, Mrs. Chapman reported an estimated total of 26,500 volumes. A physical inventory taken a year later gave the figure on Jan. 3, 1938, as 32,971, excluding pamphlet material. Total bound volumes on July 1, 1945, numbered 47,023.

By Chap. 154, Laws 1931 (Secs. 3-713—3-716, 1941 Compilation) the library was designated by the legislature

as legal depository for copies of official departmental publications. All state departments and agencies since that date have been required to file three copies of all their official reports and publications with the library for permanent preservation, one copy being turned over to the Museum of New Mexico. Since this law was enacted, and particularly within the past five or six years thousands of valuable Territorial and State documents have been accumulated and filed in a special New Mexicana section.

The matter of adequate space for housing the library collection continued until 1938 to be a serious problem. In July, 1903, Judge Emmett reported that there was room for approximately 8,000 volumes in the main unit on the second floor of the Capitol, but that by extending the shelving upward and further crowding, the capacity could be increased to approximately 12,000. In the basement, however, where the government documents were kept there was room for no more than two years' growth. By 1911 when an annex had been completed to the old part of the Capitol its entire second floor, now occupied by the Bureau of Revenue, was turned over to the library. In these quarters the library remained, becoming increasingly crowded, until completion of the new Supreme Court building.

An able library committee and a capable architect worked together to design the present quarters comprising the central unit of the new building, making the library one of the most modern in design and arrangement in America. Constructed on three main floors with nineteen reading and study rooms on the first and second floors, the library has been made more conducive to study and research than previously with the old type central reading room plan. Current textbooks, the National Reporter system, encyclopedias, current statutes and legal periodicals are on the second floor, less used state reports, early session laws and attorney general reports are on the first. Foreign reports and statutes, international law and Federal administrative reports are shelved on the third floor. Least used materials, such as superseded editions of textbooks and many state and Federal documents are shelved in the extensive library basement rooms.

NEW MEXICO CONSTITUTIONAL CONVENTION

By REUBEN W. HEFLIN

FOREWORD: In offering the accompanying manuscript on the New Mexico Constitutional Convention of 1910 that wrote the fundamental law of our beautiful and beloved state, I have for obvious reasons left much unsaid concerning that important event. What is said has been with the thought of giving a true but limited word picture of the beginning of a self governing state within the Union of States.

The first thing of moment after organizing the convention was the presentation of a gavel by the Territorial Regent of the Daughters of the American Revolution of New Mexico accompanied by a letter that read as follows:

"Santa Fe, New Mexico

October 3, 1910

To the President of the Constitutional Convention.

Dear Sir:

It gives me great pleasure to present to the convention for your use the accompanying gavel. It is made from a portion of the mantelpiece in the room in which Mary, the mother of Washington, spent the greater part of her life and in which she died.

The piece of bark which ornaments the handle is from one of three oaks planted by General Washington at Mount Vernon when he was president of the United States, and which served the distinguished owner of that historic residence nearly 90 years. May the deliberations of the convention over which you preside be as fruitful of good works, wise legislation and just laws as were those which were enacted under the beneficent judgment of the father of our country.

Sincerely yours,

Mary C. Prince

State Regent

Daughters of the American Revolution of New Mexico."

- On June 20, 1910. Enabling Act passes Congress
 September 6, 1910. Election of delegates to the Constitutional Convention
 October 3, 1910. Constitutional Convention organizes
 November 21, 1910. Proposed Constitution finished and convention adjourned
 January 21, 1911. Constitution adopted by vote of the people by a majority of 18343
 August 21, 1911. Congress passes Act admitting New Mexico to Statehood
 January 6, 1912. Proclamation by President Taft admitting New Mexico as the 47th State of the Union.
-

On October 3, 1910, the elected delegates of the several counties of the New Mexico Constitutional Convention met at Santa Fe in the Hall of Representatives at the Territorial Capitol Building. Charles A. Spiess, delegate from San Miguel County was elected president of the convention. Capt. George W. Armijo, who was not a delegate, but had been one of Teddy Roosevelt's Rough Riders, was elected as secretary, and the Reverend Julius Hartmann of Santa Fe, now of Roswell, was made chaplain.

The New Mexico Constitutional Convention was many-sided and colorful, being as it was on the border line where two civilizations had met, fused and developed a society of its own composed of the Anglo American from the States and the Spanish American who had come up through Mexico. The membership stood 35 members of Spanish descent, and 65 members of the so-called Anglo American descent. Politically there were 71 republicans, 28 democrats and one socialist. The 35 Spanish speaking members, many of whom spoke English, formed a comparatively solid block welded by a common interest, i. e. the preservation of their traditional way of life and the language of their fathers. The 65 Anglo members, of whom some spoke Spanish, and a few had married native women, held to their common heritage of American institutions, and were not alarmed, or bound by a common fear of some impending evil as felt

by our Spanish American members. Therefore, a tolerant view was taken by those of Anglo extraction, with the thought that differences because of national origin could be ironed out somehow. All believed in the democratic processes of self government.

Most special interests concerned in New Mexico affairs had not overlooked having friendly representation among the elected members, such as railroads, coal mining companies, copper mines, sheep industry and the cattle interests. The most powerful group of all was the land grants. All the interests grouped together made a combination in which the general public was almost helpless. It soon became apparent that a lot of backscratching would be developed.

The Spanish speaking members who had inherited a code of honor and chivalry from the Spain of the past were worried about their voting rights, with a general concern as to their traditional habits and common welfare. There had been prevalent among the native people a fear ever since the American occupation following the war with Mexico that the "Gringo" would dispossess them of their inheritance. As a result of this inbred fear that portion of the constitution covering the elective franchise took precedence over all else, and the drastic provisions incorporated in the constitution covering the elective franchise are almost impossible of amendment. The constitutional provisions are as follows: "and the provisions of this section and of section one of this article shall never be amended except upon a vote of the people of this state in an election at which at least three fourths of the electors voting in the whole state, and at least two thirds of those voting in each county of the state, shall vote for such amendment."

The special groups mentioned heretofore had much to do with putting the franchise provisions as quoted in the constitution, as it had been made a trading proposition.

Marked personal feelings soon came to the surface between individual members of the convention, aside from conflicting business and political connections. Within three weeks from the convening of this select body of men one member retired, never again to set foot within its precincts.

This followed a spurt of oratory that scorched the rafters. One of several who made the walls ring was Albert Bacon Fall, of Otero County, who was followed by Jacob H. Crist, of Rio Arriba County, who was fond of quoting the classics. Crist had with great feeling and in thrilling oratorical tone, quoted a portion of "The Raven" by Edgar Allen Poe, and then switched to quoting the Bard of Avon. The effect was startling, Judge Fall sprang to his feet livid with rage, and with menacing gestures and a mouthful of invectives, approached delegate Crist, uttering dire threats. Crist stood rigid, face white demanding protection from the chair, as Fall was armed, as was his habit. After a great deal of confusion delegate Crist left the hall, and delegate Fall was prevailed upon to take his seat. Delegate Holm O. Bursum of Socorro County was in the chair during this exciting episode.

Another rather disturbing matter to me at the beginning of the session was the action of the delegate who sat directly in front of me, John W. Childers of Curry County. We both had main aisle desks. He was an elderly man of powerful build. He appeared very uneasy from the start and would turn and look at me from time to time, but said nothing. Not knowing the cause for his unseemly behavior I became somewhat irritated and determined to ascertain the cause. I made inquiry of my immediate fellow members but they could not give me the reason. I was advised to make inquiry of delegate Arthur H. Harllee, from Grant County, as he was an old timer and was supposed to know men of consequence throughout the Territory. I then asked Mr. Harllee if he knew the man, stating my reason for asking. He replied, yes, he knew the reason, and said the gentleman's uneasiness was caused by the fact that he was the father of the man who shot Thomas Starley Heflin in a gun fight at Silver City, in 1902. Delegate Childers thinking, I suppose, that blood was thicker than water, and that I was not a safe man to sit at his back, kept a watchful eye on what I might, or might not do to his broad posterior. As the days passed we both maintained a zone of strict neutrality. Delegate Childers bore an excellent reputation

and was considered a man of integrity who had a sincere desire to represent well his constituency. Young Childers after an attempt on the life of Thomas J. Mabry, who at that time was an editor and publisher in Clovis, was in turn shot and killed by the town marshal while resisting arrest.

Still another more or less interesting incident was connected with one of the delegates (Green B. Patterson) whom the delegates deemed a nuisance. After much parleying among a group of members it was decided that everyone would be happier if the member would be away for a few days. Therefore, he was reported to the Santa Fe health authorities as having been exposed to small pox and was placed in quarantine. Whether he had actually been exposed was an open question. He may have been for there was plenty of small pox in the city at the time, he, at least, was out of circulation during the period of incubation which was fully appreciated by 99 per cent of the membership of the convention.

There were, as already stated, 28 elected democratic delegates, but of this number only 18 could be depended upon as organization democrats with no private interests to serve. These interests worked on both sides of party lines. The republicans were well organized, and ruled the convention with an iron hand. The minority caucused regularly and endeavored to understand the provisions to be submitted for adoption and supported or opposed such measures as they thought in the interest of the people as a whole, seeking to publicize their point of view.

We had nothing to lose or gain except good government. We were not tied up with special interests or persons. We were termed, by some, as "irreconcilables," but we did not so consider ourselves, and the record shows that I and others of the group signed the constitution as the product of the convention. Our purpose was entirely patriotic with the thought that a united minority would work for the ultimate good of all people. However, we were not bound by the unit rule. Remember this was in the days of big bosses, railroad passes, etc. The old territorial gang was

in full swing (read the local newspapers of that period). The minority did a lot of squawking but little of it got into the record. The permanent record was written up, at times, days after the actual proceedings. It took a pretty good guesser to write them up.

On October 17, 1910, Delegate Crist offered Resolution No. 14 which read as follows:

“Resolved that the President of the convention be instructed to designate a sufficient number of the expert among the stenographers now in employ to take down verbatim full proceedings of the convention each day, and that the printing committee on Printing be instructed to arrange for printing of 500 copies of the stenographers report of each day’s proceedings and the delivery of five copies thereof on the desk of each member of the convention at the incoming of the next day’s session of the convention; the said report to be called the Journal of the Constitutional Convention of New Mexico.”

On October 20, 1910, Delegate Lindsey, as chairman of the Committee on Ways and Means, reported back to the convention Resolution No. 14, which had been referred to it for action, without recommendation and the same was read in full. Delegate Roberts moved that the original Resolution be laid on the table indefinitely, which motion being duly seconded and a division called for, the result was as follows: Ayes 57, Nays 23, and Resolution No. 14, was laid on the table indefinitely.

In a large body of men drawn together at random by popular vote, personalities are bound to clash, this was true of the members of the New Mexico Constitutional Convention. A certain delegate (the distinguished Albert Bacon Fall), bold, handsome and a natural born leader undertook the polling of the delegates, as was his right, regardless of the issue to be voted on. It was his manner of approach that was objectionable, as I can personally testify. One morning soon after roll call the regular business was proceeding on schedule when this delegate got busy on his personal poll with great self confidence. He began by

asking the members privately how they were going to vote, and that in a "I am telling you" tone of voice.

Approaching my desk he put the question in his usual manner; I told him to go to—and backed it up with an open topped ink-well held at the right and poised for best results. The ink-well was more than half full. He gulped and passed on.

Much has been said as to who had the greatest leadership among the 100 men composing the convention. In giving my opinion I take into consideration the environment from which the respective delegates came and ability to fraternize with their fellows, because leadership reached down under what appeared on the surface. New Mexico's native sons and daughters inherited a natural fear for their security, and justly so, as the history of the Anglo American settler has been that of aggression and direct action, while our Spanish American citizen came up under the "patron" system. They depended upon their leaders for protection of their community and individual rights. They were practically all of one religious faith, thus giving them a solidarity not enjoyed by the Anglo American, and all this entered into the membership of the convention. Therefore, their united interests were spontaneous among the Spanish American members and needed no organization. Their traditional instincts were personified in the person of Solomon Luna. Mr. Luna, in my opinion, was the most influential member of the convention, with Thomas D. Burns of Rio Arriba County, runner-up. I think Holm O. Bursum one of the outstanding members, and Harvey B. Fergusson the most eloquent and ablest defender of the rights of the common people. Reed Holloman was exceptionally active, and Charles Springer had a facile pencil that could whip suggestions into proper form quicker than any other member. Delegate C. J. Roberts, later chief justice of the New Mexico Supreme Court, had the best personal memorandum of the daily proceedings and could refer back in a jiffy to certain matters. Our present Chief Justice, Thomas J. Mabry, was the youngest member, and José D. Sena was deemed the handsomest. I think it can

be truthfully said that the personnel as a whole, of the 100 men that composed the convention, was exceptionally high in intelligence and citizenship. I would like to give each member mention as one and all so richly deserve, but I must for reasons desist from doing so. However, as a tribute to my good friend and colleague I must not pass up Dr. M. D. Taylor, now deceased, the other delegate from my home county of San Juan. For him I make an exception and take pleasure in saying that Dr. Taylor was among the ablest of the members; he took an active part in public health, water rights, educational and franchise matters. The state owes a lot to Dr. M. D. Taylor for his constructive work.

Woman's suffrage was widely discussed, but the very nature of New Mexico's background was against giving women the voting privilege equal with men, so when the right was given women by constitutional provision to vote in school board elections in school districts I felt a great forward step had been taken, more so because it was my bill. I was greatly gratified (see Art. 7 Sec. 109 of the Constitution).

This is written some 35 years following statehood and is gleaned from memory, notes and jottings made at the time. In looking back on the men who composed that gathering of rugged, but determined body of self-reliant individuals, coming as they did from remote ranches and villages hidden away by mountains and deep valleys; be it understood we had no paved highways, few bridges, but many mighty rivers and wide arroyos and high mountains with broad plains running into hundreds of miles, I find myself marveling that we had so few misunderstandings considering the vast territory from which we were drawn. Distance then as now, is measured in time rather than in miles, for instance when I left Farmington for the Constitutional Convention in 1910, it took me three days to reach Santa Fe, now the same trip can be made in 3½ hours by automobile and in about one hour by plane.

In this group of men were many of our most successful stock, business and professional men. New Mexico

after becoming a state drew from this same group three United States Senators, two members of Congress, one governor, two lieutenant governors, six members of the State Supreme Court, one cabinet member (the Harding administration) and various judicial, state and county officials. Of the 100 members, 24 are living at this time (July 1945)—14 republicans and 10 democrats.

May I call your attention to the ratio of democrats to republicans at the convening of the convention and the ratio of living members at this time as to their then party affiliations and the remark of Justice Thomas J. Mabry of the New Mexico Supreme Court at a recent meeting of the State Bar Association on the subject of the New Mexico Constitutional Convention when he said in effect (jokingly of course) "it may be that democrats do not live longer than republicans, but the record of the members of the New Mexico Constitutional Convention tends to indicate that they do."

To the best of my knowledge all 24 survivors of the New Mexico Constitutional Convention are in comfortable circumstances and have the respect of the communities in which they reside. It has been reported that one of the survivors (Hon. Victor Ortega) when the government called in all gold at the beginning of World War II, produced \$27,000.00 in gold coin.

The foregoing article on the New Mexico Constitutional Convention of 1910, is written without malice or intent to do wrong to any man, but only to give what I believe to be a true picture of the time and events as they were. It took strong men to subdue an untamed frontier and create a state to be admitted into the Union.

The custom of the time, countenanced the carrying of shooting arms, and well-intentioned men sometimes overstepped the bounds of reason, and the same may be said as to the indulgence in strong drink. In Territorial days liquor was plentiful and cheap, and it was not unusual for men to be armed, and at the same time more or less "liquored up." Guns and liquor many times changed the course of events.

REVIEWS AND NOTES

Fray Alonso de Benavides' Revised Memorial of 1634. With numerous supplementary documents elaborately annotated. By Frederick Webb Hodge, George P. Hammond and Agapito Rey. The University of New Mexico Press, Albuquerque, 1945. (Pp. 368. Illustrated. Bibliography and Index. \$6.00).

This, the fourth of the Coronado Centennial Publications, edited by George P. Hammond, in itself, is justification of the foresight and wisdom which motivated the Coronado Cuarto Centennial Commission in making provision for a series of historical works bearing on the history of the Spanish Southwest from 1540 to 1940. This, the first publication in any language of the 1634 Benavides Memorial, was planned as early as 1929, by the Quivira Society, to whose credit stand a number of valuable historical volumes on the Southwest. As stated in the preface to the present publication: "The reader will have profited by the long postponement, as much new material has come to light in the intervening years. These materials will make Benavides' work more interesting, more complete, and we believe, more valuable."

In 1916, there was published a limited edition of 300 copies, magnificently illustrated, of the 1630 Memorial of Benavides, as presented to Philip IV of Spain by Fray Juan de Santander, Commissary General of the Indies. There had been previous publication of English translations of this early Memorial, but it remained for Mrs. Edward E. Ayer of Chicago, to make the standard translation with the aid of Charles F. Lummis and Frederick Webb Hodge, who carefully edited the manuscript, read the proof and annotated the volume, which unlike the present first publication of the 1634 volume, also printed the Spanish text. As stated by Lummis in his introduction to the 1630 Memorial: "To the student of the Southwest it is as precious as to the collector—an indispensable source. Benavides was an eye witness and a part of the history-making era he

records." This can also be said of the present volume, the 1634 Memorial, which incorporates new information from the missionaries whom Benavides had left behind when he departed from Santa Fe. Quoting the editors: "Much of the importance of the present work rests on the numerous historical documents which have been revealed in recent years, and which have been added as appendices. It may not be too much to assert that they are as important as the Memorial itself for the additional light which they shed on New Mexico and mission work on the northern border before 1634." In fact, the volume is a historical library in itself, covering that early period in Southwestern history, scholarly, authentic and as broad in its scope as it is meticulous in its detail. The editors, whose well-earned reputation as historians of the Southwest, places them among the foremost authorities in this field, give generous appreciation in their foreword to Dr. France V. Scholes of the Carnegie Institution of Washington, to Professor Lansing B. Bloom of the University of New Mexico and editor of the NEW MEXICO HISTORICAL REVIEW, and to Dr. Edgar L. Hewett, director of the School of American Research at Santa Fe and professor emeritus of archaeology and anthropology at the University of New Mexico.

The typography, press work, binding of the volume are of the finest and set a new standard for University publications. The bibliography and index give evidence of much painstaking work and are of prime value to the student who, perforce must refer to this unsurpassed source of early seventeenth century history of New Mexico.

Mexican Gold Trail. The Journal of a Forty-Niner. By George A. B. Evans. Edited by Glen S. Dumke. (San Marino, California: The Huntington Library, 1945 pp. xx, 340, bibliography, illustrations, index. \$5.00).

Here is a most interesting book from the voluminous store of manuscripts written by the gold-hunting pioneers of the forties. Many of these diaries and notes were kept

and many of them are prosaic and somewhat dull, factual records. But not this volume which lives on every page.

George W. B. Evans of Defiance, Ohio joined a group of gold seekers headed toward California and in February, 1849 left for New Orleans and the first lap of a momentous overland journey. His record, he makes clear, has a dual purpose. First, it is a record of the journey including personnel, route, prices, and much additional information gathered by the author, and second, Mr. Evans wrote for publication, he hoped. Another factor which adds interest to this journal is the less well known route followed by "The Defiance Gold Hunters Expedition." They went from New Orleans to Port Lavaca, Texas by boat, thence overland to San Antonio; southwest into Mexican territory and across the difficult, sparsely populated arid wastes of northern Mexico. From the upper valley of the Sabinas they cut across desert country to the Rio Conchos thence northwest into the valley of the Santa Cruz and down that river to the Gila. Here they came into the more frequented trails to California and followed them north to the Stockton area, east of San Francisco.

In good flowing style the author not only records the happenings along the trail, the usual difficulties encountered in packing, the high costs of food and supplies, the constant fear of Indian attacks, intense suffering from cold, heat and thirst but he also includes excellent observations upon the vegetation, land formations and the beauties and the natural grandeur of the country. From this close observation he, at times, slips in philosophical comments:

"I love the night, the glorious night, when the camp is hushed and its fires low; 'tis then that thoughts of home and its domestic pleasures steal over our minds and with its balm softens man's harsh nature and hushes the tumults of his breast."
(p. 27)

His rather religious and provincial background is evidenced in his comments upon certain customs, and the importance of the church and religious ceremonies which he happens to observe. (pp. 111, 122-23, 125). Some

insight into social differences are clear from his entries on Texas hospitality, treatment of slaves, Mexican women, gamblers in the mining camps, and the general law enforcement in the "diggings." Of interest and value, too, are the descriptions of various Indian groups, appearance, customs, and in one instance, sketches of the Indian costumes (p. 153). There are too descriptions of the daily life at the mines, the "Maripose diggings," the methods used by the miners are explained (p. 233) and the returns per day are shown to be quite disappointing. These slim returns ultimately led Mr. Evans to leave for San Francisco to take a job as inspector in the customs service. From there he goes to Sacramento and settles but hardships, worry and overwork bring his untimely death in 1850.

Returning to the journal, humor is often apparent as, for example, after vain attempts to hook a shark in the Gulf of Mexico the author concludes the day's entry with:

"The land is no longer in view
But the clouds they do not frown;
For fear I get sick too,
I'll go straight off and lay down." (p. 14)

Recurring references to home and country add to the human qualities which the record shows throughout.

On the whole the volume is well edited, and documented with references to other contemporary accounts. Some corrected misspellings ("muskeet" p. 23) makes one curious as to the number of corrections of English made by the author in comparison to the number mentioned. We wish too that the editor might have made reference to the correct spelling of the Rio Conchos, Rio Conchas in the diary and Rio Conchos on the map which serves as end papers. The spelling of unfamiliar words is largely phonetic and often amusing for example for Yuma *Umah* (p. 183), *Oomah* (p. 167).

Certain omissions in the editing are regretted such as an explanation of Hutchinson's Salve (p. 55) *higote* (p. 123) and the obvious error of Mr. Evans in confusing wild lavender and soapweed (p. 140).

Mention should be made of the pen sketches the author includes in illustration of new costumes and plants. Also to be commended are the fine selections of contemporary illustrations included by the editor. A short bibliography of other journals and an adequate index concludes a fine volume which is good reading and a worth while addition to the literature of the gold-rush trails. DOROTHY WOODWARD
University of New Mexico, January 1946.

Diario y derrotero de lo caminado . . . en el discurso de la visita general de Prescidios, situados en las Provincias Ynternas de Nueva España, que . . . Executó D. PEDRO DE RIVERA, . . . 1724-1728. Introducción por el Lic. Guillermo Porrás, textos y notas por Guillermo Porrás Muñoz (Mexico, 1945). Pp. 171, with appendices, maps, itinerary, and index.

The original Spanish edition (Guatemala 1730) has a much longer title but the above will suffice; and among American scholars this volume will doubtless be known as Rivera's *Diario* of 1945. Shortly after we had arranged with Dr. Woodward for the review of the Evans diary (see above), a copy of this book came to our desk by courtesy of the authrs and we noticed the similarity in certain parts of the routes followed by the two parties more than a century apart, and it occurred to us that our readers might like to do some collating. We are glad to call attention to the book, moreover, because of its fine scholastic and intrinsic merit as a contribution to the history and geography of our Southwest.—L. B. B.

Fenix.—"Out of the ashes" of the National Library at Lima, Perú, in 1943, oldest library in the New World, come to us the first issues of the new review with this courageous title, which that library was directed to initiate, under direction of Dr. Jorge Basadra. The result is impressive,—in Spanish, of course, yet we feel that we should note it as an important event and offer our congratulations and best wishes in the very important work which the new *Revista* has undertaken.—L. B. B.

NECROLOGY

ELFEGO BACA.—A unique figure, whose colorful deeds have become legendary, whose picturesque career would have made him famous in any country, Elfego Baca wrote his own biography a year before his death which occurred in Albuquerque on Monday, August 27, 1945. Born on February 27, 1865, he was therefore 80 years of age when death claimed him after years of poor health. In his own words he wrote of his birth: "My mother, Juanita Baca, married when 19 years old. She was with other growing girls playing a game called at that time 'Las Iglesias,' a game which is now called 'soft ball game'. She was short and stubby and when one ball was hit by one of the girls in the direction of Juanita, my mother, Juanita jumped up to stop the ball and here comes Elfego. From the spot Juanita and Elfego both were taken into the house."

Thus began a miraculous career which, even before Elfego Baca was a year old, included a capture by the Indians. Again quoting his autobiography: "Francisco Baca was the husband of Juanita and my father. He was a heavy land owner and cattle raiser near Socorro in the year of my birth, 1865. Before I was one year old, my father and mother decided to go to Topeka, Kansas. At that time the Navajo Indians were on the war-path. My first birthday occurred when our party reached Estancia in what is now Torrance County. The Indians attacked our camp and carried me away with them and held me four days before returning me to camp. We lived in Topeka until my mother died on March 1, 1872. My sister Eloisa had died less than two weeks before and my brother Herminio died eight days later. I returned to Socorro with my brother A. B. Baca, who became assessor of Socorro when 21 years old and held that office for fifteen years."

Elfego tells us that his ambition was to become a cowboy and when 16 years old he met another legendary figure "Billy the Kid" about his own age. Both were on excitement bent and according to Baca shot up Alberquerque

que for two weeks. However, it was, when nineteen years old, that Baca's most famous adventure occurred. As a "self-appointed" deputy sheriff, he battled some eighty cowboys at Frisco, near Reserve what is now Catron County. Elfego barricaded himself in the house of one Geronimo Armijo, where he stilled his hunger with beef stew, coffee and tortillas which he prepared himself while the bullets rattled against the house. He continues his story: "The court evidence shows that over four thousand shots were fired at me within 36 hours. In the house the only big object was a statue, supposed to be over 600 years old, of 'Our Lady of Santa Ana'. Neither I nor the statue was hit." After Baca had killed four cowboys and wounded eight, he surrendered to Deputy Sheriff Ross, whom he knew, and to Jim Cook, the leader of the cowboys. The condition was, that Deputy Sheriff Ross and six cowboys were to take Baca the 165 miles to Socorro, the guards on horseback to be at least 30 long steps ahead of the buck board in which Baca and Ross were driving. Arrived at Socorro, according to Baca, he was placed for four months in a cell "about four feet square with iron doors," while the roof was being built on the jail which was a new structure. Taken to Albuquerque for trial on a change of venue, Baca was acquitted of the charge of murder. Exhibits in the trial were the door from the Frisco house "with 3600 bullet holes, 7 broom handles and 11 spade handles". Baca claimed that he killed five other men, was tried three times for murder and acquitted each time, as also in the federal court on a charge for conspiracy against the United States Government.

Baca practiced as an attorney but also was engaged as a mining promoter, bouncer in a Juarez gambling house and as American representative of General Victoriano Huerta of Mexico of unsuccessful revolutionary fame. While attorney for the defense in the trial for perjury of General Salazar, one of Huerta's officers, Salazar escaped from U. S. custody and Baca was tried and acquitted for perjury in connection with Salazar's return to Mexico.

Baca was successively county clerk, mayor, district

attorney, sheriff and school superintendent of Socorro County. He was unsuccessful Republican candidate for governor and for district judge. When 79 years old he sought the Democratic nomination for district attorney of the Second Judicial District composed of Bernalillo, Sandoval and Valencia counties. As a campaign document he published and distributed his auto-biography at 50 cents per copy. He failed to be nominated.

Baca was married on August 13, 1885, to Francisquita Pohmer who was then 15 years of age, he being twenty. She was the daughter of Joseph Pohmer, an Albuquerque merchant, and Mrs. Dolores Chavez de Pohmer. The bride at the time of her marriage was President of the Sodality of the Virgin Mary of San Felipe Catholic Church of Old Albuquerque. She survives her husband together with a son, George Baca of Wapato, Washington, and five daughters, Frances Baca, Albuquerque, Mrs. Lucille Levey of San Francisco, Mrs. D. N. Talbott of San Diego, Mrs. Jean Bernard of Cajon, California, and Mrs. Sofia Cardena, San Diego.

Funeral services for Elfego Baca were held at the Church of the Immaculate Conception in Albuquerque on Friday morning, August 31, 1945. Difficult as it may seem to fit incidents of Elfego Baca's auto-biography into the jig-saw of New Mexico dates and places, he won for himself a permanent place in the history of the state.

BARNEY TILLMAN BURNS.—A non-commissioned officer with an anti-aircraft unit in Leyte, Philippines, Corporal Barney T. Burns died in an American hospital on the island. Born of Scottish-Irish ancestry in Salina Cruz, Mexico, on May 11, 1907, he came to San Marcos, Texas in 1914 with his mother, Mrs. B. T. Burns. He attended the San Marcos schools 1914 to 1921. Moving to Carlsbad with his mother, he completed his high school course in Carlsbad 1921 to 1924. A student at the University of New Mexico 1924 to 1928, receiving the B. A. degree in the latter year. He took post-graduate work in the Texas University 1930-1931 and at the Oklahoma University Law School 1931-1934,

receiving the L.L.B. degree. He was a member of Sigma Phi Epsilon, Theta Alpha Phi, Phi Alpha Delta, Delta Sigma Rho and Khatali. Burns opened a law office in Carlsbad in September 1934, having been admitted to the New Mexico Bar temporarily in that year and permanently the following year, being also a member of the Oklahoma Bar. He was secretary-treasurer of the Eddy County League of Young Democrats in 1934, secretary-treasurer of the Carlsbad Bachelor's Club and a member of the Presbyterian Church. Burns was an author of the H. W. Wilson Debater's Handbook and made miscellaneous contributions to current newspapers. In January 1943, he was inducted in the armed services of the United States. Surviving Corporal Burns are his wife, now residing in South Pasadena, California, and sisters, Mrs. H. W. Armstrong of Hutchinson, Kansas, and Mrs. Pearl Hogan of Carlsbad, New Mexico.

ROMEO CUNNINGHAM.—Death came suddenly to Attorney Romeo Cunningham at St. Vincent's Sanitarium, Santa Fe on April 1, 1945. He was the son of the late John Cunningham and Mrs. Petrita Cunningham of Washington, D. C., and was born on November 21, 1909. Cunningham was employed in early youth in the coal mining camp of Madrid, Santa Fe County, attended the Los Cerrillos High School 1924 to 1926, St. Michael's College 1928 and 1930 and took a law course at Cumberland University, Lebanon, Tennessee, 1937 to 1938, after having spent four years, 1933-1937 in the law office of John J. and Earl Kennedy in Santa Fe. Employed as a bookkeeper and manager in the finance office of Joseph McCabe in Santa Fe, he later joined John S. Candelario in carrying on a small loan business. Cunningham was admitted to the New Mexico Bar in 1938. President of the Alumni Association of St. Michael's College from 1931 to 1938, he was active in financial campaigns for scholarships and the building program of the College. He was a fourth-degree Knights of Columbus, held office in the Elks, was a member of La Union Protectiva de Santa Fe, one of the founders of the Optimist

Club and active on the municipal juvenile affairs committee. Surviving Cunningham, besides his mother, are his widow, the former Christine Lopez, two sons, six year old Michael and John who was baptized the day his father was taken ill and died. Living also are three brothers, Marion serving overseas with the Navy, Henry serving overseas with the Army, and David Cunningham of Denver; three sisters, Mrs. Rose Patton of San Antonio, Texas, and Genevieve and Lillian Cunningham of Washington, D. C. The funeral took place from the Cathedral of St. Francis and interment in Rosario Cemetery.

ALBERT BACON FALL.—One of the notable figures who took a prominent part in the shaping of New Mexico history for half a century, a biography of Albert Bacon Fall and his checkered career are worthy of an extended volume. Only a few of the leading data of his eventful life can be referred to briefly in this sketch. Born at Frankfort, Kentucky, on November 26, 1861, of Scotch ancestry, he had lived in Texas up to 1888 where he was in the real estate business before he came to New Mexico. His great grandfather served under the Duke of Wellington and was a lieutenant colonel of the Scotch Grays of the English Army, the family moving to Trigg County, Kentucky, in 1812. Judge Fall read law in the office of Judge Lindsley, afterward a member of the U. S. Senate from Kentucky.

Quoting an Associated Press dispatch from El Paso where Fall died in Hotel Dieu, Catholic hospital, on November 30, 1944:

Dates and places reveal little of the man. A thumbnail sketch of his life shows he married Emma Garland Morgan of Clarksville, Texas, May 7, 1883, was school teacher, 1879-81, lawyer to 1904, ranch hand, miner, state legislator, 1890-92, territorial supreme court justice to 1895, territorial attorney general twice, captain in the First territorial regiment in the Spanish-American war, New Mexico constitutional convention member, United States senator and secretary of the interior in the Harding administration.

“He was the grandson of an English preacher and son

of a Confederate army officer. His own son, Jack, and a daughter, Carrie Fall Everhart, died in 1918 in the influenza epidemic. There are two other daughters, Mrs. Jouett Elliott and Mrs. C. C. Chase, now living. There are 11 grandchildren and one great grandchild.

"Armed only with 'book larnin',' the lank school teacher from Kentucky, as he was then, ventured into Mexico in 1882 and went to work as a mine mucker, advancing to foreman, and adding practical knowledge to his education. He struck out for himself, prospecting with the late Edward L. Doheny—who was to figure later so prominently in his life—but of prospecting, Fall said, 'there are many monuments to my ill fortune'. He chuckled when he said that, for he did strike rich ore in places.

"Shortly after the turn of the century, in 1907, Fall had sold his Mexico interests and thereafter he devoted his time and energies to his New Mexico interests. He opened a law office at Las Cruces, N. M., and soon entered politics, a field in which he dominated for many years. President Cleveland named Fall an associate justice of the territorial supreme court. Fall later was attorney general for the territory.

"When New Mexico became a state in 1912, Fall was elected senator when the selection was by the legislature. "For days, the vote of the legislature was unchanged and no majority was shown. Eventually the deadlock was broken, but great political capital was made of reported—but unproved—abduction and bribery of solons. The governor refused to sign Fall's credentials, but Fall again was selected to serve the two terms. Fall was actually elected four times.

"During his last term as U. S. senator, expiring in 1925, Fall was named by President Harding as secretary of the interior—the job that tumbled Fall from the heights, crushed his empire and sent him to prison. Singular circumstances that marked his earlier life continued with his appointment. He and Harding sat side by side in the senate. When Fall's appointment reached the senate floor, it was confirmed without being referred to committee,

and Fall received the plaudits of his fellow members. He resigned the cabinet post March 4, 1923."

Then came the episode of national import which is still an open controversy in which Fall was accused and convicted and served a prison sentence, unjustly in the opinion of his legion of friends and former associates. There followed financial misfortunes and broken health, against which he and family fought gallantly but vainly. Hospitalized ten years ago, first in the William Beaumont general military hospital 1935 to 1938 and in Hotel Dieu, 1942 to 1944, Mrs. Fall having died the year previous.

Fall began his political career in New Mexico as a Democrat and a leader of his party as he was in later years of the Republicans. He was a man of magnetic personality and eloquence, remarkably handsome and a social favorite who had the faculty of making bitter enemies and forming firm friendships.

JOHN GAMBLE.—Born in Arkansas City, Kansas, on March 27, 1902, John Gamble, was the son of William James and Lillie E. Gamble, the father having been a cattle grower. After attending high school in Arkansas City and Washburn College in Topeka, Kansas, Gamble graduated from George Washington University in Washington, D. C., in 1930. He was admitted to the bar of Kansas on January 21, 1931, and served as probate judge of Cowley County, Kansas. Admitted to the bar of the District of Columbia on March 3, 1933, he moved for reasons of health in 1934 to El Paso, Texas, where he had been admitted to the Texas bar on December 18, 1933. Two years later he came to Santa Fe and was admitted to the practice of law in New Mexico. He enlisted in the New Mexico National Guard in January, 1941, and was in U. S. Army service, commissioned as a lieutenant, in the Bataan campaign where he was taken a prisoner by the Japanese. The Santa Fe *New Mexican* prints the following:

"If you want to do something for the 200th," said a pair of staff sergeants at Bruns Hospital last night, "erect

a statue to Lt. John Gamble of Santa Fe, the best damned officer in the Philippines."

"That guy didn't know what a foxhole was," said Yanks Pecarich of Gallup who returned with last night's group of liberated prisoners.

"He would stand on elevations and dare the Japs to come in range," chimed in Dick Dunn of Deming.

"We expected him to get it any minute but he kept the rest of us going."

The sergeants who were buddies until their capture met again on the repatriation ship. They said Gamble, who practiced law in Santa Fe before going into the Army as an enlisted man, had carried on in prison organizing theatricals, chiseling medicine and food for the prisoners "and generally keeping us from going crazy."

He died aboard one of the Japanese prison ships that was exposed as a target to American bombers.

Gamble was married on October 27, 1934, at Las Cruces, to Laura Mae Smith, daughter of the late F. M. Smith and of Maggie Smith, his wife, of Tucumcari, New Mexico. Mrs. Gamble lives at Lake Tahoe, California. The parents, Mr. and Mrs. W. J. Gamble still reside in Arkansas City. The deceased was a Presbyterian, a Mason and a member of Delta Theta Phi, a legal fraternity. He was active in politics, a lover of sports, especially football, a great reader and student of history and the drama, and a writer of poetry, some of which was published.

HUMPHREY B. HAMILTON.—In Santa Fe to visit his wife, ill at a nursing home, Humphrey B. Hamilton, at the age of 69, succumbed on May 6, 1945, to a heart attack at a Santa Fe hotel. Of noted Scotch-Irish ancestry, he was the son of the late H. B. Hamilton, New Mexico territorial supreme and district court justice. He was born while his father was practicing law in Jefferson City, Missouri, where he had moved from Illinois, and in 1885, taking up his residence in Socorro, New Mexico. The subject of this sketch was admitted to the New Mexico bar on August 28,

1902. He also practiced law in El Paso and had residence successively in Roswell, Carrizozo, Santa Rosa and finally in Las Vegas. Hamilton served as district attorney of the Third Judicial District. He was married to Miss Lovie Wetmore, daughter of Mr. and Mrs. Ira P. Wetmore. Surviving are two sons, Wayne Hamilton of El Paso and M. W. Hamilton, practicing law in Santa Fe, where he is city attorney, having been until recently State Chairman of the Republican party.

OWEN N. MARRON.—A leader in political, business and professional life in New Mexico, Owen N. Marron passed away in St. Joseph's Hospital, in Albuquerque, on New Year's Day afternoon. He was 83 years of age, having been born in Port Henry, Essex County, New York, on August 15, 1861. Trained to teach school, he came to Albuquerque in 1889 to take a position as assistant superintendent of the United States Indian School. The year following he was transferred to the U. S. Indian School in Santa Fe. Marron read law in the office of William Burr Childers, later U. S. Attorney for New Mexico, and was admitted to the New Mexico Bar on August 1, 1891. Returning from Santa Fe to Albuquerque, Marron formed a law partnership with Needham C. Collier. The latter being appointed judge of the Second Judicial District by President Grover Cleveland in 1893, Marron became clerk of the court and was appointed by Judge Collier as master in chancery when the Atlantic and Pacific Railroad went into receivership in the same year, later acting as special master, selling the railroad lines from Albuquerque to the Pacific Coast to the Atchison, Topeka and Santa Fe Railway Company. In 1908, Marron formed a law partnership with Francis E. Wood, who had come to New Mexico from Corning, New York, an association which continued to death. Active as a Democrat, Marron was elected mayor of Albuquerque for three consecutive terms, 1899, 1900 and 1901, and in the first state election was elected state treasurer.

Marron was a charter member of Albuquerque Council No. 641, Knights of Columbus, was its first grand knight,

and served as the first territorial and the first state deputy of the order in New Mexico, in which he held fourth degree membership. He became a member of Albuquerque Lodge No. 461 B. P. O. Elks soon after it was organized, retaining his membership in both the Knights of Columbus and Elks' lodge until his death.

For many years active in business and community affairs, Marron served as president and a member of the board of directors of the Commercial Club, predecessor of the Albuquerque Chamber of Commerce; was one of the organizers and the first president of the State National Bank of Albuquerque, and was financially interested for many years in a number of Albuquerque enterprises, including the Excelsior Laundry.

Marron was married to Miss Frances Halloran in Albuquerque in June 1901, who died on March 21, 1939. Surviving are two sons, Ralph O. Marron, an attorney of Monterey, California, and Attorney Owen B. Marron of Albuquerque, who served at San Diego, California, in the U. S. Navy during the war, and also by three daughters, Frances Marron Lee, wife of Floyd W. Lee of San Mateo, New Mexico; Mrs. Harriet Marron Dryer and Mrs. Eleanor Marron Lopez, of Albuquerque. There are also ten grandchildren to mourn their grandfather's death.

Funeral services were held on Thursday forenoon, January 4, in the Church of the Immaculate Conception of Albuquerque of which Marron had been a member for more than 50 years. Rev. D. P. Callahan, S. J., the pastor, celebrated the requiem mass.

WILLIAM MOORE CLAYTON.—Death took William Moore Clayton, Albuquerque attorney, on the morning of Sunday, October 21. Although intermittently ill for fifteen years, the end came rather suddenly at St. Joseph's Hospital, suffering from an attack of illness on the Friday preceding. Clayton was graduated from the Washington and Lee Law School in 1901. He practiced law at Joliet, Ill., and in Denver before maintaining his law business in New Mexico. He was a member of the Bernalillo County Bar Association

and the Central Avenue Methodist Church in Albuquerque. Surviving him are a brother, Dr. E. M. Clayton of Albuquerque, and a sister Delia Clayton. Rev. Carl W. Clement conducted the funeral services at the Central Avenue Church. The pall-bearers were: Oscar Love, Linus Shields, Homer Lawrence, P. P. Glasebrook, Elgan Gober and Hiram Cudabac.

LYTTON RAYMOND TAYLOR.—After four weeks of illness, Lytton Raymond Taylor, died on June 20, 1945, at his home in El Paso, Texas, at the age of 58 years. Born at Rich Hill, Missouri, he was the son of Robert H., a coal mines contractor, and Mary Jane Taylor. He came to New Mexico in 1902, attended the New Mexico College of Agriculture at Las Cruces and put in one year in post graduate legal study at Columbia University, New York. He also read law in the offices of R. L. Nichols, El Paso, Ralph C. Ely, Deming and Edward C. Wade, Jr., Las Cruces, being for eight years a law partner of the late Edward C. Wade, Sr. Admitted to the New Mexico Bar in 1912, he also practiced at Ranger, Texas, and finally from 1923, in El Paso, having been admitted to the Texas Bar in 1919 and the United States Supreme Court Bar in 1924. In Las Cruces, he had served as city clerk, as city attorney, as U. S. Commissioner and was a director of the Union Bank in 1915 and 1916. Taylor was a Mason, a Rotarian, a Presbyterian and a member of the University Club in El Paso. He was married to Edna Burke, daughter of Frank and Hannah Burke, at Las Cruces, on October 9, 1907. Two children were born to them: Raymond on September 3, 1911, and Edna Louise on September 30, 1916. Taylor made a special study of international law and made occasional contributions on this subject to the press.

THOMAS WILEY NEAL.—A former member of the State Supreme Court, Thomas Wiley Neal, died on Saturday, November 11, 1944, at his home in Lovington, Lea County. He had been in failing health for several years. He was born in Greenwood, Arkansas, on February 3, 1874. At

the age of 21, he graduated from the law department of the University of Virginia where he received the degree of Bachelor of Arts in the class of 1895. That same year he was admitted to the practice of law in the district courts of Arkansas taking up his residence at Waldon, Stark County, in that State. In December 1896, he moved to Indian Territory and was admitted to the bar of the United States court for the Central District of that territory. He resided at Antlers until October 1898, when he removed to Poteau in La Flore County. On December 8, 1909, Neal was admitted to the bar of the Supreme Court of Oklahoma, formerly Indian Territory, which had just become a state. For reasons of health, Neal moved to Santa Rosa, New Mexico, in 1923, and was admitted to the New Mexico bar in November of that year. Later he practiced law in Las Vegas and then in Lovington. Appointed to the New Mexico Supreme Court in 1932, to fill a vacancy, upon the expiration of his term, he became head of the newly created State Legislative Bureau. Besides his wife he is survived by three sons and two daughters: C. Melvin Neal of Hobbs and Caswell S. Neal, of Carlsbad, both of them attorneys, Tom W. Neal, Jr., of Carlsbad, a rancher, Mrs. C. L. Huestis of Odessa, Texas, and Mrs. Charles K. Johnson of Hobbs, New Mexico.

HUGO SEABERG.—One of the oldest members of the New Mexico Bar, Hugo Seaberg died at his home in Trinidad, Colorado, on August 6, 1945, after only a few days of illness. Seaberg was born at Borgholm, Sweden, on December 15, 1869, and was therefore 75 years old at his death. His parents were Abraham and Maria Seaberg, the father being a merchant. Seaberg attended high school in Sweden and came to the United States when 18 years old. He read law in the office of Melvin W. Mills at Springer and was admitted to practice by Judge James O'Brien at Las Vegas in 1892. He opened a law office in Raton but was largely occupied in commercial enterprises such as the Mills-Seaberg Company, the Seaberg-Crampton Company, Seaberg & Taylor, and the Seaberg Hotel Company, for many years

becoming known to a multitude of guests at the Hotel Seaberg, for a long time the principal hostelry in northern New Mexico. He adorned the hotel with scores of paintings being recognized as an art lover. He served as U. S. Commissioner in northern New Mexico, was president of the New Mexico Reform School at Springer for four years, was a delegate from New Mexico to the Republican National Convention which nominated Taft for the Presidency in 1912, and was an attorney for the Atchison, Topeka and Santa Fe Railway. Seaberg was a 32nd degree Mason, a life member of the Loyal Order of Moose, of the American Bar Association, the Rocky Mountain and the American Hotel Associations. Married to Lottie V. Mills, who survives him, together with a daughter, Mrs. Richard (Agnes Esther) de Lambert, her husband having been in the U. S. diplomatic service at Lima, Peru, and elsewhere. Seaberg was facile as a writer on economic subjects and active in New Mexico politics.

JOHN VENABLE.—Another veteran of the New Mexico Bar, John Venable died after long illness at Albuquerque, where he had been a resident for 38 years, on Tuesday morning, January 9, 1945, at the age of 74 years. He was born in Johnson County, Illinois, on January 29, 1870, and lived at Murphysboro, in that state, where he had a law office, until November 12, 1906, when he took up his residence in Albuquerque. Venable was admitted to the New Mexico Bar on January 8, 1908, and entered into partnership with the late Judge Edward A. Mann. He had been admitted to the Illinois Supreme Court Bar on August 25, 1896. Among public offices he held was that of clerk of the territorial district court, a member of the state tax commission and assistant district attorney. Venable was a member of the Methodist Church, of Temple Lodge No. 6, A. F. & A. M., of the Scottish Rite at Santa Fe and Ballut Abyad Shrine. Surviving him are his widow, a son, John Venable, Jr., a daughter, Jessie Venable, and two granddaughters, Mary and Patsy Venable. The funeral took place on Wednesday afternoon, January 10, with the Rev. Carl

Clement officiating, interment being in Sunset Memorial Park, with Temple Lodge in charge of the last rites. The pall bearers were: Merritt W. Oldaker, Harry O. Strong, Harold O. Waggoner, Willard S. Salter, Gordon Sumner and John F. Linn.

FREDERICK STANLEY SHERMAN.—Another victim of the war with Japan, Attorney Frederick Stanley Sherman, died on February 8, 1945, of pneumonia in prison camp in Japan. A captain in the 200th Coast Artillery, Sherman was one of the Bataan survivors of two boat sinkings, who were landed in Japan on January 28, 1945. The news of his death came through Attorney Benjamin Sherman, of whom he had been a law partner and who has resumed the practice of law at Deming after discharge from military service. Captain Frederick Stanley Sherman, son of Mrs. Lu Verna Sherman, was born in Midland, South Dakota, on January 10, 1907. At an early age he came to Deming where he graduated from high school in 1925. After a four year course he received the degree of A.B. from the University of Illinois. There followed a year at the Law School of the University of Colorado, and two years of study in the School of Jurisprudence of the University of California at Berkeley, California, receiving the degree of LLB. He was admitted to the practice of law in New Mexico in January 1934. His wife, Mrs. Jeanette G. Sherman and a child survive him at Waterman, Illinois, their present residence.

DR. HARRY LLEWELLYN KENT.—Dr. Harry Llewellyn Kent, 66, administrative assistant to Texas Tech presidents since 1937 and president of New Mexico A. and M. College before that, died on January 7, 1946 of brain embolism at his home in Lubbock, Texas.

In addition to 15 years service as head of New Mexico A. and M., Dr. Kent served as state representative in 1924 and 1925 on a federal committee on reviews and adjustments for reclamation projects in New Mexico, and from 1922 to 1931 as a member of the State Board of Education.

New Mexico University conferred the honorary degree

of doctor of laws in 1939 in recognition of Dr. Kent's work in New Mexico agriculture. He also had A.B. degree from the Kansas State Normal School, Emporia, 1912; B.S. degree 1913, M.S. degree 1920 and LL.D. degrees 1931, from the Kansas State Agricultural College. Dr. Kent also did post graduate work at Cornell University and the University of Chicago.

He was removed from the presidency of New Mexico A. and M. in 1936 as physically disabled. The action brought a protest from many agricultural and livestock interests and that same year he was candidate for state land commissioner.

A native Kansas farm boy, Dr. Kent worked on farms while attending school. He was graduated from Belleville, Kas., high school and in 1904 from Emporia (Kas.) State Normal School. From teaching in rural schools, he progressed to Hays (Kas.) State Teachers College and later went on the faculty of the State Normal School, Keene, N. H., and became a member of the extension service staff of Kansas State College.

He was superintendent of the Fort Hays, Kas., experiment station, one of the largest in the nation, when in 1921 he came to New Mexico A. and M.

Dr. Kent was born in Republic County, Kansas, November 27, 1879, the son of George Call and Lizetta Augusta Pfaff Kent. On August 7, 1907, he married Ursula Bailey Dickinson. Born to them were Harry Llewellyn, George Clarence, Lisetta LoRee, Ruth Margaret (deceased), Richard Franklin, Robert William. In politics Dr. Kent was a Republican. He was a member of the Presbyterian Church and a Mason. He was president of the New Mexico Educational Association in 1924 and was author of *Agriculture for the Kansas Common School*.

States the Albuquerque *Morning Journal*:

"His efforts in New Mexico are credited with helping develop vocational agriculture in the state's high schools, legislation of benefit to farmers and ranchers, development of cotton growing through establishment of a federal agri-

culture department field station at State College, and establishment of ground work for the state's crop quarantine system through efficient administration.

"Dr. Kent's abilities and his interests went much farther than those of a mere educator. He never failed to take a hand in any activity that he considered for the benefit of New Mexico and the nation. He was a valued counselor for banking and commercial interests, particularly in their relation to agriculture, and always attended their statewide conventions.

"One of the toughest assignments handed to Dr. Kent was in 1934, when he was put in personal charge of the federal purchase of cattle in the drouth areas. The job required extraordinary organizational ability, and took him on innumerable trips to almost every part of the state. In addition to his supervision of cattle purchases, he had the task of obtaining emergency feed for starving beef animals. Through his efforts, New Mexico obtained shipment of cattle from the drouth areas faster than almost any other livestock state.

"During his stay at State College, Dr. Kent built up the enrollment from 150 to well over 600, systematized and improved the college so it was accredited in 1926 as a four-year college by the North Central Association of Colleges, added five new buildings, and obtained a large increase in both farm and range lands available to the school for research work."

The Historical Society of New Mexico
(INCORPORATED)

Organized December 26, 1859

PAST PRESIDENTS

- 1859 — COL. JOHN B. GRAYSON, U. S. A.
1861 — MAJ. JAMES L. DONALDSON, U. S. A.
1863 — HON. KIRBY BENEDICT

adjourned sine die, Sept. 23, 1863

re-established Dec. 27, 1880

- 1881 — HON. WILLIAM G. RITCH
1883 — HON. L. BRADFORD PRINCE
1923 — HON. FRANK W. CLANCY
1925 — COL. RALPH E. TWITCHELL
1926 — PAUL A. F. WALTER

OFFICERS FOR 1944-1945

PAUL A. F. WALTER, *President*

PEARCE C. RODEY, *Vice-President*

LANSING B. BLOOM, *Corresponding Secretary*

WAYNE L. MAUZY, *Treasurer*

MISS HESTER JONES, *Recording Secretary*

FELLOWS

- | | |
|---------------------|----------------------------|
| PERCY M. BALDWIN | EDGAR L. HEWETT |
| RALPH P. BIEBER | FREDERICK W. HODGE |
| LANSING B. BLOOM | J. LLOYD MECHAM |
| HERBERT E. BOLTON | THEODOSIUS MEYER, O. F. M. |
| MARION DARGAN | FRANK D. REEVE |
| AURELIO M. ESPINOSA | FRANCE V. SCHOLES |
| CHARLES W. HACKETT | ALFRED B. THOMAS |
| GEORGE P. HAMMOND | PAUL A. F. WALTER |

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 25, 1941)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, a vice-president, a corresponding secretary, a treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendments shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.

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No. 1

A NAVAHO STRUGGLE FOR LAND

By FRANK D. REEVE

FOR approximately a century the Navaho have been struggling for possession of their traditional homeland against the intruding white man. Their biggest victory came when they were allowed to return to northwestern New Mexico and adjacent Arizona in 1868 from their imprisonment near Fort Sumner, in the Pecos valley. A minor, but important triumph, was won in the 1880's when they regained ownership of a strip of land on the south side of the San Juan river near Farmington and Bloomfield.

The Navaho had long grazed their flocks and grown some crops along the San Juan river and in tributary valleys. A government report in 1877 attests to the fertility of the soil in words written by Lt. C. A. H. M'Cauley:

still farther down the San Juan, the Navajoes are industrious farmers, corn being the main product, and as a sample of the crops they obtain, a handsome ear was brought back. The crop was raised upon one of the bottom holes along the San Juan, cultivated without irrigation, watered only during a high stage of the river. The corn tassels were of the height of a rider's head upon horseback.¹

This glowing account could have precipitated the movement of the land-hungry white man into that area if settlement were not already underway, preparing the stage for

1. *Report on the San Juan Reconnaissance of 1877*. 45 cong., 3 sess., hse. ex. doc. 1, pt. 2, p. 1768 [1846]

For other articles on the Navaho see NEW MEXICO HISTORICAL REVIEW: July, 1941; January, 1943.

the coming conflict. But conflict was nothing new to the Navaho. He had never enjoyed quiet possession of the San Juan area due to the presence of his enemy, the Ute, to the northward. As late as the spring of 1878 their long-time strife flared up once more when the Ute raided the Navaho flocks in Las Animas valley, which extends northeastward from the town of Farmington. The Ute were accused of stealing 400 sheep and fifty horses in March. The Navaho pursued the marauders, but were beaten in the resulting fight. Fearful of further losses they began to move back toward their reservation proper,² and rumors of a general Ute outbreak against the whites circulated freely and stirred up considerable activity in official circles. Lieutenant F. T. Bennett of Fort Wingate reported the non-attendance of Navaho from the San Juan country at Fort Defiance on ration-issue day. This in itself should have excited no surprise because the Navaho from the northern area of the reservation had seldom been present on issue day; nevertheless, Chee Dodge was sent to investigate the situation and reported all was quiet.³

The rumor even embraced the possibility of a joint Navaho-Ute attack against the whites, and the Utes were credited with sending representatives into the heart of Navaholand seeking an alliance. This sounds like an extreme possibility in view of Navaho-Ute rivalry, but it must be kept in mind that the Navaho were a scattered, semi-nomadic people, and happenings in the San Juan country were of little concern to dwellers elsewhere on the reservation. On the other hand, the Navaho had learned their lesson about the futility of trying to fight the white man with force of arms. They still resisted his advance, but it was a stubborn individualized and localized struggle. Against the Ute, of course, a fight was still possible, but the

2. H. H. Holford (1st Lt. of San Juan County Militia) to Lt. G. Valais and Agent Weaver (Ute Indian agent), Lower Animas, 3/13/1878, National Archives, War Department Old Records Division. Adjutant General's Office, Letters Received New Mexico File, Letter No. 585, 1878. Subsequent citations will be abbreviated as follows: AGO, LR, 585/78.

3. Bennett to Post Adjutant (hereafter abbreviated to PA) Fort Wingate, 3/19/78, AGO, LR, 623/78.

Ute in turn were now in the process of being rounded up and placed on their permanent reservation. In the meanwhile, Colonel Hatch thought that

It is not likely the Utes can lead the Navajoes into War. I believe on the other hand furnishing the Navajoes arms with promise of all the horses they can capture⁴

from the Ute. Later on he resorted to the oft-tried and futile step of ordering the Navaho back onto their reservation in keeping with orders from his superior. They would return in fear of the Ute, but they had long ignored such orders from government officials because they followed the dictates of their need for water and grass for their flocks.⁵

The trouble with the Ute was only a prelude to a struggle with white settlers for unhampered use of the same territory. The entry of the whites into the San Juan country was made possible by the Executive Order of July 18, 1876, which restored to the public domain the Jicarilla Apache reservation, including the area between the San Juan and the Colorado boundary line extending eastward from the Navajo reservation.⁶ R. L. Smyth immigrated to Las Animas valley in September, 1877, locating about six miles below the Colorado line. He was the first settler to travel through Las Animas canyon, a rugged trip, bringing his family and possessions in two ox-drawn wagons, and driving sixty head of cattle.⁷ Fowler Kimball located near Farmington on November 5, 1878, and was followed the next spring by Albert White (June, 1879) and others. Within two or three years the irrigable land along the river bottom from near the mouth of Cañon Largo to the Navaho

4. Colonel Edward Hatch to Assistant Adjutant General (or AAG), Santa Fe, 3/16/78. National Archives, Office of Indian Affairs, Old Records Division, Letters Received, New Mexico File, Letter No. W836, 1878. Subsequent citations will be abbreviated as follows: LR, W836/78. Agent Irvine to Commissioner Hayt, 3/7/78, LR, 1395/78.

5. See LR, W845/78. "the Navajos Indians who have been keeping their sheep and horses in the Las Animas valley for years have taken their stock out of the country" because the Ute are preparing for war in the spring. Thos. B. Hart, deposition re Ute trouble in southwestern Colorado, 3/14/78, LR, W836/78.

6. Reeve, "Federal Indian Policy in New Mexico 1858-1878." *N. M. H. R.* XIII, 186 (April, 1938). M'Cauley, *op. cit.*, p. 1768.

7. *Ibid.*, p. 1777.

boundary was settled.⁸ By the spring of 1881 there was an estimated 1,000-1,200 people along Las Animas and San Juan rivers, owning about 20,000 head of cattle and 50,000 sheep.⁹

The settlers and the Indians promptly quarreled about the use of grazing land along the south side of the San Juan and east of the reservation. Both parties needed the forage for their livestock. The white man took his stand on the grounds of legal right; the public domain was theirs to exploit, the Indian should be confined within the artificial lines of the reservation. The Indian, on the other hand, was motivated by a sense of traditional right and by sheer economic necessity. The settlers drew up a petition addressed to Colonel George P. Buell, commanding a detachment of the 15th Infantry near the mouth of Las Animas, requesting removal of the Indians from the disputed area.¹⁰ Buell, in turn, referred the matter to Agent Eastman at Fort Defiance. Individuals took more direct action by writing to Washington. J. E. Storie, who lived about thirty miles east of the reservation, complained that "we the Settlers in this vicinity are annoyed almost beyond endurance by the indians."¹¹ And S. H. Conrad stated that

many of the settlers have been induced to leave by the Navejo Indians who are permitted to roam at will. Grazing their sheep herds in the poor squatters dooryard depriving him of all means of sustaining the life of his domestic animals. Breaking into houses. Stealing property. Flogging citizens and impoverishing the country.¹²

In response to the complaints of the settlers the commissioner of Indian affairs sent the oft-repeated instructions to Agent Eastman to order the Indians back to the reservation. Navaho chiefs were sent to the trouble zone

8. Kimball to Secretary Schurz, Farmington, 2/20/80, LR, K277/80 and Kimball to United States Land Agent, 4/19/80, LR, L730/80. *The Daily New Mexican*, 3/6/81. Max Frost (Adjutant General Territory New Mexico) to Lew Wallace, 5/9/81, in *ibid.*, 5/14/81. M'Cauley, *op. cit.*, see map on p. 1808.

9. Max Frost, *op. cit.*

10. Farmington, 11/1/79, LR, W2493/79.

11. Storie to Schurz, Bloomfield, 11/5/79, LR, S2335/79.

12. Conrad to Secretary Interior, Farmington, 11/17/79, LR, C/1206/79.

and in due time reported that their people were returning to their own lands.¹³ This report, if true, did not mean the end of the difficulties between the two groups. Meanwhile, in response to a long-time recommendation from the agent, the government granted, on January 6, 1880, an increase in the reservation area by extending the boundary eastward fifteen miles in the country south of the San Juan. In order to further minimize quarrels over the use of land, the new boundary line was surveyed by army engineers so that the Indians and the whites would know their respective areas without doubt. The old boundary line had been surveyed in 1869, but the markings had long disappeared; the new monuments soon suffered the same fate. When the surveyors appeared on the scene of their work, the Navaho promptly made known their dissatisfaction:

They all objected strongly to the location of the line, insisting that it ought to be farther East, some going so far as to claim all the country as far East as Cañon Largo. They tried by every means they could think of to dissuade me from attempting to run the line, saying there was no grass or water in the country. And even threatening to stop the party by force.¹⁴

The Navaho destroyed the new boundary markings, but nature more than the government was the basic influence in their behavior. The fifteen mile strip of land gave them what might be termed a legal additional length of access to the waters of the San Juan. In that sense it was a confirmation rather than a modification of traditional practice. Otherwise the new line was meaningless to Navaho economy because it could not change the location of water holes nor add to their number. The surveying party reported that there was no water for eighty-five miles south of the river and, in the final analysis,

The strip of 15 miles recently added to the reservation on the east is almost utterly worthless to the Indians on account of the absence of water.

13. Eastman to Commissioner, 1/5/80, LR, E37/80.

14. Lt. M. C. Martin to P A (Fort Lewis), 9/1/83, AGO, LR, 4153/82.

What little water exists is alkaline, not permanent, and lies off the reservation.¹⁵

The settlers along the course of the river were faced with the loss of their hard-won homesteads if the boundary extension was not changed. They promptly protested to important officials of government. William White (a son of Albert White), who settled near Farmington in November, 1879, now made a plea to Senator Teller for help, and in a not too subtle way:

I hope it may be so that our next Sec. of Interior may be a Coloradoan or other Western man and not of the 'dutch persuasion,' we may then at least stand an equal chance with an Indian. . . .

[My father is Republican] I have started in the republican ranks and *hope* to continue there.¹⁶

Kimball and Albert White journeyed to Santa Fe in March of 1881 to lay their complaint before Governor Lew Wallace in person. They stated that they had not been informed by Agent Eastman of the boundary extension and that their first knowledge of it came when Indians ordered them off their land. They even made the extreme assertion that "The Navajoes assert that they gave Galen Eastman three sacks of silver to get the country for them."¹⁷ As late as the summer of 1882 W. M. Rambos was still clinging to his farm despite the filling of his irrigation ditches by the trampling feet of Navaho sheep, and appealing to Teller for help: "We know your past Honorable Career as not wholly for the nations wards where justice to white settlers is concerned."¹⁸ The pleas of these men were eventually to bring favorable results, although only temporary, but meanwhile other frontier influences were

15. Lt. O. M. Carter to AAG, 6/9/84, LR, 12215/84. Martin to PA, *op. cit.*

"Though his monuments [Lt. Martin's] have been destroyed, in not one instance did I find any ignorance as to the location of the line. The Indians do not pretend to live on their reservation, however. They can not do so. They are harassed and annoyed beyond measure by the whites near them." Carter to AAG, *op. cit.*

16. White to H. M. Teller, February, 1881, LR, 4292/81.

17. *The Daily New Mexican*, 3/6/81.

18. Rambos to Teller, 7/25/82, LR, 14202/82.

Other settlers had given up the struggle. Mathias Ebert to Carl Schurz, Farmington, 4/5/80, LR, E222/80.

at work in this struggle for land in the persons of cattlemen—and even the miner.

Lieutenant Martin had mentioned in his report on the boundary survey that some Navaho even claimed the country as far east as Cañon Largo. This was quite true. Not only Cañon Largo, about thirty miles east of the new line, but the intervening Cañon Gallegos¹⁹ and Cañon Blanco furnished grazing for Navaho and white stock. Land north of the river was also in dispute. The Indians crossed the river with their flocks near Hogback mountain and grazed the area extending eastward from their reservation to La Plata river. Settlers had increasingly objected to this competition for the range, and open conflict was a possibility. In the fall of 1882 the military took action to send the Navaho back to the reservation.²⁰

The Navaho were also far beyond the reservation line to the south of the San Juan this same season. Captain Bean reported about thirty in Cañon Largo, Blanco and Gallegos, living there on the plea that Chief Manuelito had advised them that the boundary line was to be extended again to include those areas. Mr. Brown, the Captain wrote, who "knows them well informs me that they are very cross and ugly at what they term an unwarranted military interference in this matter."²¹ Under pressure from the military this group of Navaho began to move toward the reservation, when lo and behold forty-six more arrived carrying permits from Agent Eastman for hunting deer two or three months. The permits were issued under provisions of

19. "Cañon Giago [Gallegos] is named after a Mexican Scout who was killed at its head in 1859 by Navajoes. B. C. Lockwood to PA (Fort Lewis), 12/11/83, AGO, LR, 4380/83.

20. John Reid to General Buell (CO at Animas City, Colorado), Parrott City, Colo., 12/8/79, AGO, LR, 3224/79.

Capt. J. W. Bean to AAAG, Camp Roy near Farmington, 9/23/82, *ibid.*, 3962/82.

Narbonna was the principal chief who talked with Captain Bean when ordered back to the reservation. "All this they promised to do. The talk was quite long but plain and to the point and there was no evidence of ill humor." Captain J. M. Marshall to AAAG, 9/15/82, AGO, LR, 3811/82.

21. Bean to AAAG, Camp Roy, 10/7/82, AGO, LR, 4132/82. Bean to AAAG, 9/26/82, *ibid.*, 4051/82.

John W. Brown (presumably the Mr. Brown mentioned above) stated: "The Navajo Indians are the most law abiding people in this country." 2/25/82, LR, 4855/82.

the treaty of 1868 and were technically correct, but the action can hardly be construed as promoting solution of the Navaho-white conflict over land; Navaho stock consumed grass whether their owners were hunting deer or not. However, by November the Navaho were all back on the reservation. The officials experienced a sense of relief since "This ends all prospects of trouble with the Navajoes this year,"²² and the settlers rendered thanks in the form of a resolution.

The satisfaction of the settlers at the return of the Indians to the reservation did not indicate a complete settlement of difficulties between the two peoples. Relations were improving on the whole, but there still remained the basic problem of land use as well as minor points of friction. The Navaho not only crossed the San Juan to graze their flocks, but also to trade with the white men. When traveling to a store, they moved on the simple principle that the shortest distance between two points was a straight line, consequently instead of going around a settlers field with growing crops, they would sometimes cross it. Captain William Conway attributed this behavior to "ignorance or indifference."²³ Furthermore, there were some difficulties incidental to a frontier area. The Navaho individually was not a troublesome person, although he could not be molested with impunity, but liquor was available to him in the San Juan country as elsewhere around the reservation, despite the law to the contrary. This specific source of trouble, when added to the contempt that an individual might feel toward Indians, was bound to cause some friction until law and order had grown strong with the development of civic consciousness.

This aspect of affairs was illustrated in the winter of 1881 when a cowboy named Meyers shot a Navaho at Farmington, allegedly without provocation. Colonel George P. Buell testified that the business men welcomed the presence

22. R. S. MacKenzie to AAG, 11/13/82, LR, 21271/82. See also LR, 21272/82, 22031/82, 22863/82.

Whether the return of the Navaho to the reservation included the hunting party is not clear.

23. Conway to PA, 3/27/83, AGO, LR. 1079/83.

of the Indians because of the handsome profits derived from trading, but "The cattle-man and Cow-boy is the Indian's avowed enemy, considering no rights of the Indian that he shall respect."²⁴ On the other hand Captain B. H. Rogers records:

the ranchmen tell me that the Indians when they come to the ranches are habitually courteous and kind, that the exception has been very rare, and that they fear bad white men much more than they do Indians.²⁵

In short, the Navaho was neither saint nor devil, nor was the white man, but some of them were contesting for the same source of livelihood, the land, and quarreling on less important grounds.

When Agent Riordan succeeded the incompetent Eastman, in the winter of 1883, he reported the Indians as saying that they would never cross the river with their stock if they could have another extension eastward of the reservation line. This granted, he believed, would end all trouble: "It is so patent to any one here on the ground that the mention of it even seems superfluous."²⁶ There was some truth in his statement, particularly if the line were set far enough to the east to include the entire traditional Navaho homeland. But such possibility was remote; the white cattlemen were well entrenched in certain portions of that area. Further friction occurred in the fall of 1883, despite the fact that the Navaho had been driven back only the previous season.

Military scouting parties in the spring reported only a few Navaho off the reservation, and only minor depredations, but in the fall about fifty families were found in Cañon Gallegos. The Kansas-New Mexico Land and Cattle Company had taken possession of that area, and their foreman, Fred Bunker, called on the military to remove the trespassers. Lieutenant B. C. Lockwood was dispatched to the scene in December and compelled the Indians to

24. Buell to AAG, Fort Lewis, Colo., 3/13/82, LR, 9328/82.

25. Rogers to PA (Fort Lewis), 2/4/81, AGO, LR, 575/81.

26. Riordan to Commissioner, 2/10/83, LR, 3258/83.

retrace their steps to the reservation: "They left that part of the country with sad hearts as they liked it very much and hated to give it up."²⁷ But if they had not moved there would have been sad hearts in the white man's bosom. Harold Carlisle, probably a part owner of the cattle company, claimed that "he would rather lose thirty thousand dollars than have to give up this range, as it was a most desirable one."²⁸

The migration of the Navaho was as constant as the change of seasons. In the spring of 1884 the cattle company representative reported the Indians in Cañon Gallegos again: "I think they are induced to come by W. B. Haines who has located a store on Canon Gallego."²⁹ The military were called to the scene again and the Navaho, this time with Manuelito as spokesman, promised to retire once more to the reservation. They had, on this occasion, burned some lumber, and defended their action on the plea that the act was in retaliation for the burning of their hogans, and that they had acted on the advice of a trader they called Barba. Such behavior was incidental to the more serious problem of land ownership, and occurred elsewhere along the San Juan frontier. But the main problem was now dramatized by an act of the government for which no specific explanation can be found in official documents and must be

27. Lockwood to PA (Ft. Lewis), 12/23/83, AGO, LR, 4478/83. "These Indians are enticed from their reservation by mean white men, who have stores. . . ." *Ibid.* Conway to PA, 3/27/83, LR, 7529/83.

28. Lockwood to PA, 12/23/83, AGO, LR, 4478/83. Six other cattlemen used the range between Cañon Gallegos and Cañon Largo. *Ibid.*

John Reed stated: "These same Indians went along after the surveyors, last summer, and tore down the piles of stone that were put up to mark the line," so they would not know the location. *Ibid.*

See also Riordan to Commissioner, 12/31/83. LR, 327/84. Price to Riordan, 12/22/83, Office of Indian Affairs, Letter Book No. 181, p. 224 (hereafter cited as LB 181, P, 224).

Bunker stated that the Indians on this occasion were drunk, they terrified the women and children of the rancher, killed stock, and stole horses. J. G. Willett (Deputy United States Marshal) to General Stanley at Santa Fe, Farmington, 11/21/83, LR, 23182/83.

The Kansas-New Mexico Land and Cattle Company was owned by English capitalists. See LR, 10742/84 and Office of Indian Affairs, Authority 20788. Hse. report #1325, 48 cong., 1 sess. [2257]

29. W. E. Faris (for Harold Carlisle) to Post Commander (Fort Lewis), 3/9/84, AGO, LR, 229/84.

judged the result of influences working through the routine political channels in behalf of the San Juan settlers.³⁰

By Executive Order of May 17, 1884, "all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River," were restored to the public domain. In short, the irrigable portion of land along the river that was added to the Navaho reservation by the boundary extension in 1880, was now reopened to white entry. The protests of White and Kimball had finally born fruit, but their success was to be short lived because the Navaho refused to surrender possession of the land. Agent Bowman, successor to Riordan, sent two agency employees to the scene in February, 1885. On the basis of their report the agent advised Washington that the difficulties had been settled amicably except for a dispute between Cas-i-an-a and White. The next month Bowman visited the San Juan country in person and again sent in an optimistic report,³¹ but matters were far from going favorably for the settlers.

In December, 1885, the pressure of Navaho opposition was highlighted by a bit of violence. Costiana, son of Largo, was accused of driving a settler named De Luche off his homestead and setting fire to his house. This action probably occurred in section 8, township 15W, which seemed to be the focal point of resistance for Costiana's band, and lay on the route that the Indians used when they crossed the river to graze their flocks on the north side.³² The settlers laid their complaints before the territorial officials. Hugh A. Carman and Joseph Wilson wrote to Governor Ross in December; forty-eight other citizens sent a petition to General Bradley at Santa Fe for military protection;

30. Lt. Col. R. E. A. Crafton to AAAG, Fort Wingate, 4/28/84, LR, 9681/84. Captain E. M. Heyl to PA, 5/15/84, LR, 10742/84.

A report from Bowen's Ferry stated that an American had stolen a Navaho horse, and Navaho were stealing stock "to a degree almost intolerable . . ." They also shot a Mr. Nichols on the Rio Mancos. J. C. Bowen to Navaho Agent, Bowen's Ferry, San Juan, 4/3/84, LR, 8230/84.

31. LR, 2682/85, 4302/85; and document 46593/09, Navajo File No. 308 1/2.

32. S. D. Webster (surveyor) to Governor E. G. Ross, Olio, New Mexico 12/8/85, LR, 29976/85. Ross to Atkins, 1/20/86, LR, 2933/86. Ross repeated the common story about the Navaho claim to the land on the basis of purchase from Eastman, who secured the extension, for a bag of silver.

in January, 1886, John S. and Nelson B. De Luche petitioned the governor for aid; and the following month H. A. Carman, J. E. Wilson, and Simon Hendrickson added their plea for protection.³³

Governor Ross requested the commissioner of Indian affairs to provide a small body of troops for protection of the settlers, but the commissioner took a calmer view of the situation, although aware of possible trouble, and dispatched a special investigator to the scene in February with instructions to "not exercise undue haste, but study the situation thoroughly"³⁴ Colonel William Parsons, the special agent, found little difficulty in analyzing the situation and making appropriate recommendations.

One basic difficulty in the relations between the two peoples was their different way of using land. The Navaho was a seasonal occupant; the white man was permanent. The Indian planted a crop on the San Juan bottom land in season and wandered elsewhere with his flocks during the balance of the year. The white man lived the year round on his homestead. Furthermore, the status of the Indian under the homestead law was not thoroughly worked out, so the withdrawal of this strip of land from the Navaho reservation had been done with little consideration of any right of preëmption on the part of the Indian. And the white settler, of course, was not likely to be thoughtful of Indian rights. One of the settlers, S. (Simon?) P. Hendrickson, was an example of this attitude, at least it can be so inferred. He had settled upon a tract of land that a Navaho named Charley claimed. "'Charley,' has lived upon, and cultivated, this same land for years, has a house upon it, and lives there now, and has protested all the time against Hendricksons occupancy of the land"³⁵ The settlement of this dispute proved to be particularly difficult for the government, but meanwhile Agent Parsons was making his recommendations.

33. LR, 29976/85, 2933/86, 4716/86, 6529/86.

34. Atkins to Parson, 2/4/86, LB, 144, p. 278 (Land Division). "I think the present condition of affairs if continued, would soon lead to open rupture between the Indian and settlers." *Ibid.*

35. Marshall to Commissioner, 11/29/86, LR, 31812/86.

Before arriving at the San Juan in March, Parsons journeyed to Fort Defiance and conferred with agency officials from whom, he probably received a pro-Indian impression. After his arrival at the scene of trouble, he held councils with the Indians and whites on March 5 and 6. He concluded that there was little likelihood of a general clash between the two peoples, but that disputes between rival claimants for specific land holdings was quite possible; in conclusion, he recommended that the strip of land severed in 1884 be restored to the Navaho reservation.³⁶ In a subsequent report, Parsons was of the opinion that the crux of the matter was water, not land; that is, the Indians needed the land along the south bank of the river in order to have access to water for their flocks.³⁷ The white man was interested in cultivating the land, but also wanted the arid area to the south for grazing his animals. The problem of water of course, had long been apparent to the observer on the scene, so the agent's opinion was not original. Some of the settlers, or at least Hendrickson, challenged this idea on the ground that water resources should be developed on the reservation.³⁸ The government had long attempted to carry out such a policy and was to continue doing so, but the water of the San Juan was still the best supply for a great area of country regardless of whether Indian or white gained control of it.

In the light of Parson's March report, Commissioner Atkins recommended to the secretary of interior that the disputed land be restored to the reservation, and he advanced the argument about water as the prime reason, with the additional comment that the area should never have been withdrawn in the first place.³⁹ This recommendation

36. Parsons to Commissioner, Fort Defiance, 2/26/86, LR, 6501/86. Parsons to Atkins, 3/10/86, LR, 7888/86.

37. Parsons, *Report*, 4/27/86, LR, 12532/86.

38. Mrs. S. P. Hendrickson to Atkins, Olio, New Mexico, 12/23/87, LR, 155/88. "We can furnish the papers to prove that they [Navaho] are wintering . . . 18000 stock" for other parties." *Ibid*.

39. Atkins to Secretary, 4/14/86. LB 147, p. 64 (Land Division). Atkins to Secretary, 4/14/86, Navaho File No. 308 1/2, 46593/09.

"There has been continuous strife between the Indians and whites, growing out of that action [withdrawal of land from reservation], and of late the relations

was followed by an executive order of April 24 restoring the disputed land to the reservation. About six bona fide settlers, only one proved up, were affected, but about thirty claims (ultimately twenty-four) for compensation from the government were filed.⁴⁰

In the light of court decisions, the claims were of doubtful validity, and the commissioner of the general land office so held,⁴¹ but the commissioner of Indian affairs was willing to recommend compensation for losses, so Edwin S. Bruce was dispatched to the region to secure the necessary data for that purpose.

The mere issuance of the executive order was not sufficient to settle the dispute. In anticipation of trouble, Agent Patterson at Fort Defiance had sent S. E. Marshall as sub-agent to the San Juan in April, somewhat to the annoyance of the commissioner who cancelled the appointment but promptly reaffirmed it. On April 28, two companies of soldiers were moved to the scene.⁴² Marshall reported that

A strong effort will be made by Citizens on North side River (*for selfish motives,*) through Senators to have President Cleveland revoke his order of Apl 28th. Do try and prevent this, his order was a *righteous* one back of that 18 mile water front, is a magnificent grazing land, but no water for 40 miles, and that only a *small spring*.

The property owners on the north side, he wrote, opposed the restoration of the land to the Indians because it

between them have become so strained as to give rise to the most serious apprehensions. The Indians are unwilling to give way to the whites, and they in turn are determined to settle on the disputed lands." *Ibid.*

"From all the information at my command I find that most of these threatened troubles comes from the white settlers . . ." trying to drive Indians off their land. S. S. Patterson to Commissioner, 4/9/86, *Ibid.* Patterson succeeded Agent Bowman in the spring of 1886.

40. Parsons, *Report*, 4/27/86, LR, 12532/86. General Land Office Memorandum, LR, 9389/86, gives 24 entries of all kinds.

41. *Hutchings v. Iow*, 15 Wall. 77. *Atherton v. Fowler*, 6 Otto 513. *Daily New Mexican*, 5/22/86. L. I. C. Lamar to Commissioner General Land Office, 5/25/86, Navaho File No. 308 1/2, 46593/09.

42. LR, 11533/86, 11892/86, 12298/86. Marshall to Commissioner, 5/22/86, Navaho File No. 308½, 46593/09.

would cause a general depreciation of values: "now you have the whole matter in a 'nut shell.'"⁴³

There was some truth to the assertion made by Marshall. D. Baldwin and about sixty other persons signed a petition addressed to Bruce in which they advanced the arguments that the Indian was not a desirable neighbor, that he neither improved the land nor paid taxes, when drunk he was subject to no legal restraint, the settlers had a legal right to the south side land, and lastly there was a good coal field south of the San Juan that the Indian could never develop.⁴⁴ It was true that coal did exist in the region, and attempts to develop it had been made as early as 1882 by the Porter Mining Company at a location about fourteen miles east of the reservation. A building was erected despite the objection of the Indians, but they promptly burned it.⁴⁵

In addition to proceeding by petition to Bruce, Baldwin, who professed to have no personal investment in land south of the San Juan, also wrote to John A. Logan urging reversal of the government policy because the land "is a very good Lignite Coal field," and advanced the old argument that "It was once taken from the white settlers by proclamation of Hayes through the knavery of the then Indian Agent [Eastman]." And to the secretary of the interior he pointed out that the disputed area was a suitable railroad route and that Indian possession would retard the civilization and development of the San Juan country.⁴⁶ He even gave expression to the frontier contempt for the Indian in a bitter attack against the office of Indian affairs. The officials, he wrote, had encouraged the Indians to harass the settlers until now they could be bought out by the government and land turned over "to the drunkenness licentious-

43. Marshall to Commissioner, 6/22/86, LR, 16876/86. See LB 150, pp. 187, 196.

44. D. Baldwin et al to Special Investigator [Bruce], 5/28/86, LR, 16940/86. "Now the people of Farmington do not love the Navajoes anyway, this bad feeling having existed ever since by the extension of the Navajo reservation they were cut off from some valuable coal lands . . ." *The Daily New Mexican*, 2/13/81.

45. Wm. Slane, *Affidavit*, 2/6/82. AGO, LR, 687/82.

46. Baldwin to Logan, 5/25/86, LR, 14587/86. Baldwin to Secretary of Interior, 6/21/87, LR, 16850/87. Upshaw to Logan, 6/8/86. LB 149, p. 111 (Land Division).

ness and debauchery of savagery and all these settlements exposed to the alarm or fear of an Indian outbreak every spring."⁴⁷ But contempt for Indians has always been balanced by a more favorable view. In this case Agent Parsons came to their defense:

The Indians I found there are the very best of citizens and are anxious to abide by the law and live in peace. I admire the western frontiersman as a rule, but I must admit that in this case the Indian settlers are far better citizens, more enterprising and law abiding, than the white people who harass them.⁴⁸

During the summer of 1886 and into the following year the claims adjuster prepared his reports, the Indians pressed the settlers to get off the land, and the settlers kept up the struggle to retain possession, or to get a prompt settlement of compensation for losses. The Indian's flocks grazed in some instances right up to the boundary line of the settler's homestead and even crossed the line, and while a stray sheep munched the grass in the forbidden area the owner might surreptitiously steal a melon. The Hendrickson family in particular became a focal point in the situation. They resented the attempt to evaluate their property on the curious ground that it was "a gross assumption of power" on the part of the government, and yet they wanted prompt action toward a final settlement of the issue.⁴⁹ Bruce wrote that [S. P.?] Hendrickson "is one of the most unreasonable men I ever knew, and I think you will agree with me when you come to read his bills and statements." He put in a claim for \$729.10 and then demanded not less than \$2,000 for the loss of his home, "if not I am *robbed*."⁵⁰ Hendrickson's irritation was partly due to the behavior of the Indians who persisted in trying to water their stock by crossing his land whereas they could have secured access to the river at several other points

47. Baldwin to Logan, 6/18/86, LR, 16940/86.

48. *The Daily New Mexican*, 4/20/86.

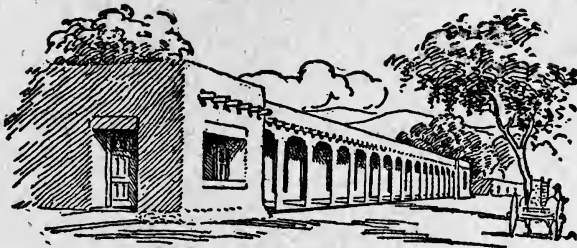
49. W. P. Hendrickson to Governor Ross, 7/26/86, LR, 20824/86. Patterson to Atkins, 7/3/86, LR, 18064/86.

50. Bruce to Commissioner, 8/20/86, LR, 20788/89 (Authority).

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PALACE OF THE GOVERNORS, SANTA FÉ

April, 1946

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LANSING BARTLETT BLOOM, 1880-1946

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LANSING BARTLETT BLOOM

By PAUL A. F. WALTER

IN THE death of Lansing Bartlett Bloom at his home, 612 North University Avenue, Albuquerque, on February 14, 1946, New Mexico lost a scholarly indefatigable research worker in its historic annals. The scion of an old New England family, tracing its lineage to the Mayflower, he was born at Auburn, New York, April 12, 1880. He graduated from Williams College with the B.A. degree in 1902, attended the Auburn Theological Seminary from 1904 to 1907, and received the M.A. degree from Williams in 1912, having by that time engaged in missionary work in Utah and Mexico, but coming to New Mexico because of a break in health. In 1907, he married Maude E. McFie, daughter of Judge and Mrs. John F. McFie of Santa Fé, and moved with his bride to Saltillo, Mexico, to assume his duties as Presbyterian missionary in that city. There, through his friendship with the American vice-consul, and during his previous stay, he had become interested in the records of carretas that passed through Saltillo on their way to Santa Fé and thus was led into a study of Southwestern history, eventually making it his life work. Transferred to the Presbyterian church at Jemez pueblo, he delved into the archaeology, history and lore of that part of the Pueblo world, having the satisfaction in later years to superintend the cleaning out of centuries of debris which had accumulated in the great San Jose de Jemez mission ruin and helping to excavate the adjoining Pueblo ruin at Guusewa for the School of American Research. After a pastorate at Magdalena

and occasionally preaching in the First Presbyterian church at Santa Fé, he exchanged the Presbyterian ministry for a position on the staff of the School of American Research and Museum of New Mexico in 1917, being assigned to the compilation of the service and biographical records of New Mexico's enlisted men in the First World War, a monumental task, which he completed with great skill, giving the State a priceless record of the sixteen thousand or so men who were in active service, at the same time adding a detailed account of the manifold war activities by official boards and by civilians. The distribution of War trophies throughout the State was also assigned to him by the Governor of the State.

In 1920, Bloom became associate in history of the School of American Research, assistant director of the Museum of New Mexico and secretary of the New Mexico Historical Society, editing the NEW MEXICO HISTORICAL REVIEW from its founding in 1926 up to the time of his death. Previously he had been associate editor of *Old Santa Fe*, predecessor of the REVIEW. In 1924 he was elected a fellow of the Historical Society and at the time of his death was its corresponding secretary, carrying on correspondence with historians the world over and especially with those who had made Latin American history and archives their specialty in research. In 1929 he became associate professor of history at the University of New Mexico, retiring less than a year ago with the title of research associate and professor emeritus. Last year Bloom was elected a member of the Managing Board of the School of American Research.

In 1928, Governor Richard C. Dillon appointed Bloom as New Mexico Commissioner to the Seville, Spain, Exposition. The Archives of the Indies at Seville, the Escorial, the Archivo Histórico Nacional and the library of the Academy of History in Madrid, and the Archivo de Simancas, were searched by him for material on early New Mexico history, and there he found considerable hitherto unknown references. He brought to the Museum the first photographs of the new grotto of Santillana del

Mar and its skeleton of primitive man. In 1930, once more sent by the School of American Research, the Historical Society and the University, he took 18,000 photographs of archive documents in the National Archive in Mexico City. The year 1934 again found him at work in Mexican archives retrieving valuable material. Two years, 1938 and 1939, were spent in research in archives and libraries in Seville (where he enlisted excellent coöperation by Spanish authorities despite the civil war), in Rome, Florence, Ravenna, Bologna, Venice, Paris, taking 30,000 micro-films including photographs of the "Sahagun" in the Laurentian Library in Florence, and of the drawings in color in the Vatican Library, in the manuscript volumes of the History of Missions in the Spanish Southwest by Adolf Bandelier presented to Pope Leo XIII upon the occasion of his golden jubilee as a cardinal in 1903. To Bloom's disappointment, he found no trace of the manuscript itself, nor did he discover any report on the founding of Santa Fé which he was especially desirous of locating.

Of late, Bloom was engaged in listing the Franciscan missionaries who had worked in New Mexico from earliest Spanish times. With his customary meticulous thoroughness he searched the church records in the library of the Archbishop of Santa Fé, whose gracious permission he readily obtained. All other available sources were also studied so that finally he had the names and records of some 700 missionaries. Mrs. Bloom, who had accompanied him on his journeys in Europe and Mexico and who had been an ardent and invaluable assistant in his research, tells us that he would check, recheck, double check these names many times, that he would worry over similarity in names, badly spelled ones and apparent discrepancies in time and places. In preparation at the time of his death for publication in the *NEW MEXICO HISTORICAL REVIEW* he had a long series of chapters on the life-work of these missionaries, the first instalment intended for this number of the *REVIEW*.

Though ordinarily serious as proverbially becomes a Presbyterian clergyman and a research scholar, Bloom also

had a sense of humor and was witty in a restrained way. Every meeting of the Historical Society which he attended he made notable by some original contribution to knowledge of New Mexico history and often, witty comment. He was a lively correspondent and his letters from the field were interesting and informative. To illustrate, from a letter written in 1934 in Mexico:

“As I write, I am looking at 45 ‘pill boxes’ which I could put in my two side pockets—but they contain about 2000 pages photographed to date, supplementing the material which I got four years ago. I believe I shall make a total of about 5000 by September 13, when we shall suspend operations. We shall then head north using a few days for stops at Guanajuato, Queretaro, Zacatecas and Chihuahua, returning to Albuquerque by the 22nd September. Mrs. Bloom has been through a good many volumes and has located a lot of material which will have to wait until next summer. Much of it is ‘original’ and today she found papers with signatures of Santiago Abreu, Facundo Melgares, while I am photographing papers signed by Penaloza, Mendizabal, Juan Manso, Juan de Miranda—all 17th century governors of New Mexico. The ‘residencia’ of Mendizabal, for example, is very important for the insight it gives of the middle 17th century. And other documents have the signatures of Benavides, Posadas, etc.

Bloom was one of the founders of the Quivira Society, was a member of the American Historical Association, occasionally attending one of its national conventions presenting papers embodying results of his investigations. He held membership in the Archaeological Institute of America, and the Archaeological Society of New Mexico. He was a past president of the Southwest Division of the American Association of Science. Socially inclined, he was a Kiwanian, a Phi Alpha Theta, a life member of the Y. M. C. A., a 32d degree Mason, faithfully attending Scottish Rite Masonic reunions in Santa Fé. A member of “Mayflower Descendants,” he also took an interest in other patriotic organizations. Fishing, chess, billiards and music were

among his recreations but of late years he gave little time to them. A regular attendant and member of the Presbyterian church, it was the Rev. J. Denton Simms, former pastor of the First Presbyterian church in Albuquerque, who took part in the Rose Croix funeral services in the Scottish Rite Cathedral in Santa Fé and officiated at the grave in Fairview Cemetery in Santa Fé, in which the deceased found his final resting place.

The widow, Mrs. Maude E. Bloom, a son, John, and a daughter, Carol, both of whom have been in war service, are the immediate family remaining to mourn the passing of a husband and a father whose friendships were continental in scope.

LANSING BARTLETT BLOOM

By EDGAR L. HEWETT

WE ARE called upon to record the loss of one who for more than a quarter of a century has been intimately connected with the School of American Research and Museum of New Mexico, Lansing Bartlett Bloom. He came to us during the first world war to take charge of the War History Service, an important and lasting work which he did with marked success. He was given charge of our department of history and soon advanced to the post of Assistant Director, in which capacity he served until called to the faculty of the University of New Mexico in 1929. In addition to his teaching program he became editor of the *NEW MEXICO HISTORICAL REVIEW* and a leader in Hispanic American research. His rank in the University was Associate Professor of History. His academic degrees were from Williams College.

From 1928 Professor Bloom made repeated trips to Mexico for documentary studies, and was on a similar mission to Spain in 1928-29. In 1938 the University and School of Research joined in sending him to Spain and Italy. His work in the Spanish archives yielded copies of many important documents. In the Vatican archives in Rome he found and copied the three hundred illustrations for Bandelier's great work on the Franciscan missions of New Mexico, Arizona, Chihuahua, and Sonora, the text of which has disappeared. In Florence he procured a photographic transcript of the original manuscript of the Great Florentine Codex, the only complete manuscript of Fray Bernardino de Sahagun's *History of Ancient Mexico*, approximately 2,800 folios. This was his most important achievement in research in foreign archives. He brought back from this expedition upward of 22,000 negatives.

In spite of life-long ill health, Lansing was a tireless worker. He put into his professional life the same devotion that he gave to his early work in the ministry. In his editorial capacity he was almost over-exacting, but he made

of the HISTORICAL REVIEW an authoritative and highly appreciated magazine. All his work reflected the integrity of his personal character. In his many activities he was accompanied and ably assisted by his devoted wife, Maude McFie, daughter of that staunch friend of our school, John R. McFie, for years an honored member of the Supreme Court of New Mexico. Long association in work makes her loss unusually heavy, but in compensation she has the cherished recollection that to Maude McFie there came the highest privilege that can come to any woman, that of having through life a mate of irreproachable manhood.—*El Palacio*, March, 1946.

RESEARCH ACTIVITIES OF LANSING B. BLOOM IN FOREIGN ARCHIVES

By FRANCE V. SCHOLDS

The contributions of Professor Lansing B. Bloom to the field of Southwestern history were many and varied and of lasting character. Under his able editorship this REVIEW achieved recognition as one of the outstanding journals specializing in regional studies. His numerous writings, characterized by painstaking scholarship, constitute a valuable addition to the historical literature relating to the Southwest. Finally, as the result of his investigations in foreign archives, a rich collection of source materials for the history of New Mexico and adjacent areas has been made available for use by students and scholars.

Professor Bloom's first major archive "expedition" occurred in 1928-29, when he was sent to Spain under the joint auspices of the Historical Society, the School of American Research, and the Museum of New Mexico. During this year he carried on investigations in the Archivo Histórico Nacional, the Biblioteca Nacional, and the Academy of History in Madrid, the library of the Escorial, the Archivo de Simancas, and the Archivo General de Indias in Seville. The last of these collections is the richest repository of manuscripts relating to the colonial history of Spanish America, and it was here that he spent the greater part of his time. In these labors he was assisted by Mrs. Bloom, who worked side by side with him and shared the long hours of searching bundle after bundle of the old papers. Through their joint efforts a great quantity of documents were selected and listed for reproduction. Subsequently the Library of Congress obtained microfilm of a large portion of this material.

The documents from the Archivo General de Indias listed during this first visit covered a wide range, chronologically and geographically. Professor Bloom thought of his work as that of carrying forward the task begun in earlier years by Bandelier under a grant from the Carnegie

Institution of Washington. The Bandelier documents, translated and edited by Dr. C. W. Hackett, deal with New Mexico "and approaches thereto, to 1773." In a letter describing his own investigations in Spain in 1928-29 and 1938-39, Professor Bloom stated that he carried the "approaches" to the Southwest far back into sixteenth century beginnings and extended them beyond Bandelier's 1773 limits.

The bulk of the listings related, however, to New Mexico and the Southwest. Although a large part of the papers that were recorded come from well-known sections of the archive, which many students, before and after his time, have worked and reworked, it is noteworthy that Professor Bloom's search extended to other series to which most investigators have given little attention. The Sección de Contaduría contains the records of the colonial treasury offices and deals very largely with fiscal history, a less attractive subject than the story of discovery and exploration, missions and political developments. The search made by Professor and Mrs. Bloom in this section was in many respects a pioneering job, and it paid rich dividends. There they found the record of treasury payments for the province of New Mexico in the seventeenth century; itemized accounts of salaries, on the basis of which it has been possible to form an accurate chronology of provincial governors; accounts for the purchase of supplies for the mission service, listing in minute detail the multifarious items—images, altar furnishings, bells, vestments, clothing, food, building materials—sent to support the activities of the Franciscan friars.

Search in the Contaduría series is an arduous and dirty task as I can personally testify. Many of the bundles were badly burned in a fire in years past. A day's work with these manuscripts will leave the desk littered with charred paper. Parts of the record are irretrievably lost. Despite these difficulties, Professor Bloom meticulously sorted and classified the New Mexico entries. Five years later I followed his trail through these documents, and the yellow slips of paper marked "L. B. B." served to guide my own search.

In 1938 the Blooms returned to Europe under the auspices of the Bandelier Centennial Commission and the University of New Mexico. From April to August they worked in various Italian archives and libraries, devoting a large part of their time to the Vatican collections and the Laurentian library in Florence. As Dr. Hewett has noted, it was during the stay in Italy that Professor Bloom located Bandelier's sketches of New Mexico mission churches and photographed the Florentine copy of Sahagún's great treatise on the Indians of New Spain.

After his wife's return to the United States in the autumn of 1938, Professor Bloom journeyed to Seville to carry forward the work started in 1928-29 and to make a special search for Coronado material. During a stay of seven months (October, 1938-May, 1939) in the closing period of the Spanish civil war, he photographed a large corpus of documents, filling out and supplementing the materials previously obtained by the Library of Congress, and adding many new items not listed at the time of his first visit. It was on this second Seville expedition that he obtained facsimiles of the *residencia* of Coronado as governor of New Galicia.

During the years between his first and second trips to Europe Professor Bloom made three extended visits to Mexico City for the purpose of archive investigations. The first occurred in 1930 (July to December), when he was sent under commission of the University of New Mexico, the Historical Society, and the School of American Research to photograph extensive series of papers on the seventeenth and eighteenth centuries listed in Bolton's *Guide*. In 1934 and again in 1935 he made shorter visits to Mexico City to continue this work, to explore documentary series in the Archivo General de la Nación not catalogued in detailed fashion in the *Guide*, and to search for Southwestern materials in other collections, especially the papers preserved in the Museo Nacional.

Thus Professor Bloom did his share—and more—of the spading and plowing which constitutes such an important phase of historical investigations relating to the Southwest

and its environs. Over a period of eleven years he gave between thirty and forty months to work of this kind. Many people have the idea that archive research has some thrilling or romantic quality. For the veteran investigator in the field, the day-to-day work in Spanish and Mexican archives does have definite attractions and it pays satisfying rewards. But the romance soon wears off, for the task of searching for and selecting materials for study also becomes a monotonous routine, and often it is sheer drudgery. It is exacting and painstaking work. And after the searching comes the gruelling labor of reading the wretched scrawl of writers of days gone by.

But archive research in foreign cities also has many compensations. Take the case of Seville for example. There is the break in the daily routine when a group of investigators will gather at a nearby street café for a cup of coffee or a glass of sherry and exchange ideas and gossip. There are afternoon walks in Calle Sierpe or along the banks of the Guadalquivir, where the treasure ships from America dropped anchor in centuries past. There are days when all work in the archives is put aside in order to witness the pomp and panoply of the Church in the cathedral, where the stone columns rise heavenward like great trees in a forest, and there are the nights of Holy Week, when the famous *santos* of Seville—the Jesús del Gran Poder, the Virgin of Macarena, and many others—are carried through the streets, surrounded by hundreds of candles and accompanied by members of the *cofradías* garbed in their distinctive costumes. No person who has witnessed these processions can ever forget the wild, plaintive notes of the *saetas* sung by professional artists, or spontaneously by some tortured, penitent soul as the *santos* pass through the streets.

For the veteran investigator, however, the chief interest, despite all the drudgery, is the archive, housed in the building once occupied by the House of Trade. Here are kept the 40,000 bundles of papers from all parts of the Indies—the letters and reports of viceroys and bishops, conquerors and missionary friars, the treasury accounts, the *residencias*, the long series of lawsuits and other judicial

documents. Day by day the investigator interested in New Mexico history will be handling papers bearing the signatures of Coronado and Oñate, Benavides and Ayeta, Otermín and de Vargas, and the host of others who helped to found a new civilization in this region. These records of another day, torn and water stained, have a far greater attraction than all that goes on in the city outside the archive walls.

During the years of labor spent in the archives and libraries of Europe and Mexico Professor Bloom made thousands of film reproductions of documents on the Southwest "and approaches thereto." Other materials were reproduced at his request by the Library of Congress. A large part of these sources are now available for interested scholars in the Coronado Library, University of New Mexico. A brief review of the resources of this collection will further illustrate the nature and extent of Professor Bloom's contribution to Southwestern studies as an archive investigator.

* * *

In the Coronado Library we now have some 675 bound volumes of facsimile reproductions of manuscripts in various repositories. These materials comprise the following classifications: (1) Archivo General de Indias, Sevilla, 200 volumes; (2) Archivo General de la Nación, Mexico City, 205 volumes; (3) Biblioteca Nacional and Museo Nacional, Mexico City, 40 volumes; (4) Archives of New Mexico (Spanish and Mexican periods), Santa Fé, 230 volumes. In the last category the facsimile series are complete; in the first three the reproductions comprise, of course, selected items. The materials obtained as the result of Professor Bloom's activities are found principally in the first and second groups.

Part of the facsimiles from the Archivo General de Indias, Sevilla, comprise enlargement prints from microfilm by Professor Bloom on his second visit to Spain in 1938-39; the remainder of this group consist of prints of documents photographed for the Library of Congress, many of the items being selections listed by him in 1928-29. Thus Professor Bloom deserves chief credit for the Seville ma-

terials now available in the Coronado collection. In the case of the facsimiles from the Archivo General de la Nación, Mexico City, the credit is shared by him and Dr. George P. Hammond. As already noted, Professor Bloom photographed extensive series in this archive during his trips to Mexico City in 1930 and 1934-35. In 1933-34 Dr. Hammond also obtained microfilm copies of numerous series in the same repository. To some extent their work overlapped. When enlargement prints were made for the Coronado Library the best films were used in the case of papers for which two sets of reproductions were available.

Brief descriptions of various groups of facsimiles from the Archivo General de Indias will indicate the scope and importance of Professor Bloom's work in Seville. From the Patronato section we find the *relación* of Fray Marcos de Niza (legajo 20); the lawsuit of 1540 *et seq.* concerning conflicting claims of Nuño de Guzmán, Hernán Cortés, Pedro de Alvarado, and others for the right to make explorations on the northern frontier of New Spain (legajo 21); the extremely important series comprising legajo 22, which contains the Gallegos report of the Rodríguez-Chamuscado expedition, Luján's account of the Espejo entrada, and a mass of Oñate documents; and extensive reports on New Mexico during the governorship of Luis de Rosas, 1637-41 (legajo 247). From the Justicia section we have Coronado's *residencia* (legajo 339). The New Mexico items from the Sección de Contaduría, to which reference has already been made, fill several volumes.¹

The facsimiles from the Audiencia de México section fill 65 to 70 volumes. Selections from various sub-groups may be noted as follows:

(1) "Consultas originales," 1586-1696. Various items relating to Vizcaíno, Urdiñola, Alonso de Oñate, Cristóbal de Oñate the Elder, the Bocanegra family.

(2) Letters and reports of the viceroys of New Spain, 1536-1700. In the selections from this group we find im-

1. In 1939 Professor Bloom lacked time to complete photography of all the items he had listed for this section. Transcripts of many of the missing items are in the possession of F. V. Scholes.

portant papers relating to Carvajal, Morlete, and Urdiñola, extensive reports for the Oñate period in New Mexico, lengthy documents on the New Mexico mission supply service in the seventeenth century, Florida and California papers, and a file on Otermín's attempted reconquest of New Mexico in 1681.

(3) Letters and reports of the Audiencia of Mexico, 1533-1700. Items on Coronado, Cristóbal de Oñate the Elder, Lomas de Colmenares, Carvajal, and Juan de Oñate; also an important series of letters of the *oidor* of Mexico, Del Riego.

(4) Letters and reports of secular persons (soldiers, conquistadores, minor officials, etc.), 1519-1700. The selections from this group cover a wide range, with special emphasis on Indian affairs on the frontier of New Spain. There are few New Mexico items.

(5) Letters and reports of ecclesiastical persons, 1536-1700. The most interesting item in the selections from this group relates to Benavides' activities in Spain, 1630 *et seq.*

(6) Registers of royal cédulas, 1529-1700. A wide selection on many phases of colonial administration, items relating to the Oñate family, and various decrees on the founding of New Mexico and later developments in the province.

(7) Various items on New Mexico and adjacent areas in the eighteenth century (legajos 1216-3196). In his two trips to Spain Professor Bloom concentrated on materials for the period prior to 1700, and consequently the selections dealing with later developments are less extensive.

Reproductions from the Audiencia de Guadalajara section comprise about 100 volumes. These cover a wide range of topics, audiencia letters and reports, correspondence of lesser officials, friars, etc. The most noteworthy group from the Guadalajara section consists of lengthy reports on the Pueblo Revolt of 1680 and the De Vargas Reconquest (legajos 138-144, 147, 151). Many of these papers are copies of the originals in the Archivo General de la Nación, Mexico

City, and in the Santa Fé archive. The facsimiles in this group fill 60 volumes.

The Indiferente General section is a vast series containing letters and reports from all the Indies. Search in this section is a slow and tedious business. Professor Bloom selected only a limited number of items. The most important group (from legajo 416) consists of copies of royal cédulas for New Mexico (1596-1604), Nueva Vizcaya (1576-1605), and Nuevo León (1579-1583).

The following notes will give some indication of the range and extent of the selections made by Professor Bloom and Dr. Hammond from the Archivo General de la Nación in Mexico City.

(1) *Arzobispos*, tomo 7. Two bound volumes of facsimiles of the *proceso* of the Bishop of Durango and the Franciscans of New Mexico concerning ecclesiastical jurisdiction in New Mexico (eighteenth century).

(2) *Californias*. 26 volumes of facsimiles containing reports on presidios, defense and fortifications, instructions to Governor Neve (tomo 13), mission establishments, communications between New Mexico and California, *reglamentos* for the Californias.

(3) *Historia*. At least 40 volumes of facsimiles. Among the more significant series selected from this section we find: (a) a complete copy of tomo 25, containing letters and reports for New Mexico in the seventeenth and eighteenth centuries; (b) series on the De Vargas period (tomos 37-39); (c) documents relating to the missions in the La Junta area (tomo 52); (d) "Jesuitas," 1681-1759 (tomo 295); Talamante copies of various documents, 1689-1778 (tomo 299).

(4) *Inquisición*. The selections made by Professor Bloom from this section comprise 35 volumes. They contain a complete series of Inquisition *procesos* for New Mexico in the seventeenth century, including the cases involving Governors López de Mendizabal and Peñalosa.²

2. Transcripts of these materials were made for F. V. Scholes in 1927-31. Sets of these copies are owned by the Library of Congress, the Ayer Collection, and Scholes. A partial set is in the University of Texas library.

(5) Misiones. 11 volumes of facsimiles. Items on California, Pimería, New Mexico, and Sonora; the Jesuit *Cartas annuas*, 1622-1698 (tomos 25, 26); Kino's *Favores Celestiales* (tomo 27).

(6) Provincias Internas. About 45 volumes of facsimiles. Important series from this section include: (a) New Mexico papers for the seventeenth century, Pueblo Revolt, and Reconquest (tomos 34-37); (b) "Nuevo México, Texas y Coahuila," 1776-1788 (tomo 65); (c) Croix correspondence, 1777-1779 (tomo 73, exps. 1-2); (d) "Nuevo México y Paso del Norte, Correspondencia Oficial," 1752-1774 (tomo 102); "Nuevo México, Correspondencia," 1767-1776 (tomo 103); "Californias, Varias Sumarias," 1782-1817 (tomo 120, exps. 2, 3, 4, 10, 12-19, 23, 24); official correspondence of the governors and commandancy-general of the Interior Provinces, 1787-1790 (tomo 160).

(7) Tierras. Facsimiles of tomos 3268, 3283, 3286 (comprising 12 bound volumes). These volumes contain the *residencia* of López de Mendizabal, governor of New Mexico (1659-1661) and the long *procesos* concerning the property of López de Mendizabal and Peñalosa embargoed at the time of their arrest by the Holy Office. The documents in this series have special value for the economic history of New Mexico in the second half of the seventeenth century.³

The volume (*tomo*) numbers given in parentheses in the preceding notes will enable interested students to turn to Bolton's *Guide* for a more detailed catalog of the items cited.

This brief description of the facsimile series in the Coronado Library provides some indication of the resources of the collection. Students of the colonial history of the Southwest will find here unexploited materials of great value on many phases of regional development. And the collection will serve for years to come as a memorial to the patient industry and meticulous scholarship of Professor

3. Transcripts of these materials were made for F. V. Scholes in 1930-31. Sets of these copies are available in the Library of Congress and the Coronado Library, University of New Mexico.

Bloom, his devotion to historical studies, and his love for the Southwest. All of us who have labored in the same vineyard and have had the privilege of scholarly association with him are conscious of the debt we owe him. The debt will be increased in years to come as we make continued use of the historical sources made available as the result of his arduous labors in the archives of Mexico and Spain.

EPILOGUE

LANSING BARTLETT BLOOM

Here follows a transcription of family notes of biographical data of Lansing Bartlett Bloom:

“**T**HERE WAS a deep fire in Lansing Bloom’s soul: his pride of birth, even though he was shy about it. Among his ancestry on his mother’s side, there were many distinguished family names, which included the New England Porters, Lansings, Websters and Brewsters. Daniel Webster of dictionary fame, was a bachelor uncle. The family line originated in one of the first marriages in the new colony, the son of Elder Brewster having married Governor Bradford’s daughter.

“Lansing was enrolled in the California branch of the Society of the Children of the Mayflower although he did not often wear his little pink Mayflower button having early put on the Masonic emblem which seemed to mean more in daily contacts. He did wear it however after a visit by his cousin Harold Bell Wright and again when chided by his second cousin ‘Uncle Benny Hyde’. Too, he wore it on lecture tours and abroad where it was noticed and ‘meant something’.

“On his father’s side there were also distinguished ancestors living in the New York area—teachers, doctors and scientific men. Both founders of his family were refugee Huguenots. Madame Jauques, famous French noblewoman, a Huguenot, who kept a private boat waiting under a bluff as near Paris as possible, so that when forewarned on the 23d of August 1572, the Eve of the St. Bartholomew Massacre, fled in coaches with all her household to the boat and landed in America. In middle life, she met and married another Huguenot from Holland, Jan von Blum. From this union one daughter married a Hyde, distinguished in New York State and beyond. Mr. Bloom’s father, Richard Hutchinson Bloom, orphaned early in life, was reared in Auburn, N. Y., by an uncle, although he spent much time with the Bloomfield, New Jersey, relatives.

"It was growing up together in Auburn, that the parents met and married. The father was a Presbyterian elder, so his bride became of that faith, although her father had been a missionary of the Congregational church at Rockford, Illinois, where the bride was born. Her father, Captain Lansing Porter, had a distinguished career in the Civil War. On his last assignment, he was on the Mississippi blockade which, by choking of supplies to the Confederates, hastened the end of the War. Captain Porter's sword, hat and the very long, handwoven blanket 'shawl' worn by Captain Porter, are cherished heirlooms in the family.

"At State College, Bloom became interested in a history of the Mesilla Valley which Mrs. Bloom was writing for her graduating thesis. Mrs. Bloom's cousin, Professor John Oliver Miller, of the College commercial department, and herself were making long trips on horseback to interview old friends of her childhood at Dona Ana, old Mesilla, Juarez and down the El Paso valley to talk to old Piro Indian scouts which Sam Bean, who had been the Mesilla Valley's first sheriff after the war with Mexico, and Major Van Patten had urged her to see. Years later, John P. Harrington, of the School of American Research and the Smithsonian Institution, was led by Bloom to the only surviving Piros to record the material for Harrington's linguistic study of the Piro language. Professor Miller would take down the answers in shorthand as Mrs. Bloom questioned the old scouts in Spanish, filling three note-books with source material for the Mesilla Valley history and the background for three proposed historical novels covering the periods before, during and immediately after the War with Mexico. There were also long afternoon talks with Sam Bean, Horace Stephenson (of mining fame and owner of the property on which Fort Fillmore is situated), Tom Bull, the Fountains, Numa Reymond, the Lohman brothers and many, many other old men who had helped to make history. It was Professor Bloom's plan, to expand, fill out and bring up to date this history of the Mesilla Valley written by Mrs. Bloom.

"It was in Saltillo, Coahuila, Mexico, in the summer of 1907, that the Blooms met a former U. S. Vice-Consul, John

Silliman, a native of Texas, a graduate of Princeton in the class with Woodrow Wilson. Silliman was steeped in the history of the Southwest and collected old papers and archives which his widow bequeathed to the University of Texas. He took Bloom to the old Jesuit monastery where Sonora wagon trains loaded in olden days. There were on record the names of Franciscans in addition to those that Mrs. Bloom had found in northern Chihuahua. It was then that Bloom began accumulating the data for a book he later planned, on the Franciscan missionaries in the Southwest, having indexed some 700 names of Franciscans who had been located in this region.

"A break in health due to the unfavorable climate of Saltillo sent Bloom back to the Mesilla where Professor Vaughn was writing a school history of New Mexico. In collaboration with Vaughn, a larger history was planned, but the untimely death of Vaughn terminated the project. Bloom took charge of a little Presbyterian church, and Vaughn, although a Baptist, became an elder in the church. The sum of \$500 was raised towards a church building which is still in use. Bloom accepted a call to Jemez because he was at heart a missionary rather than a preacher. There he had determined to write history, finding at Jemez in some boxes in the garret of the mission house, old records, letters and other papers appertaining to the Jemez region. In this collection were references to old wagon trails in the hills, old ruins in the mountains and letters from Sheldon Jackson's days. These were supplemented by Mrs. Miller, the first teacher at Jemez Springs, the sons of Mariano Otero and others, who reminisced about the olden days. Commissioned by Dr. Edgar L. Hewett, director of the School of American Research, to conduct excavations on the mesa just behind and above the Springs, Bloom for three years, with the aid of Indian youths from the pueblo, roamed the mountains locating ruins, archaeological sites and making maps of ancient places and trails.

"Those were three happy, interesting years in which Bloom regained his health. It was the simple life, in rooms with dirt floors and no modern equipment amidst primi-

tive surroundings and experiences. Then it was that Dr. Gass and Rev. Cooper of the Presbyterian church in Albuquerque, persuaded Bloom to venture in training in theology a group of five graduates of the Menaul Presbyterian Mission School, but the boys were unable to grasp Greek or remember Hebrew verbs and the project was abandoned. The charge of the Presbyterian church at Magdalena came next and from there, in 1918, Bloom came to Santa Fé, to take his place with the School of American Research and the Historical Society of New Mexico.

"Bloom's mother came to New Mexico to live with him at Jemez. Her brother, the Rev. Lansing Porter, was a science teacher in the Christian college of Beyrout, Syria. Her sister was the wife of the Rev. Payne, well known missionary, head for 30 years of the Congregational School for Negroes in Mississippi. The father, Captain Rev. Lansing Porter, died in his own pulpit while offering prayer. All the men on the mother's side were preachers, teachers or diplomats.

"On the father's side, the men have been scientists or preachers. However, Bloom never boasted of these intimate family facts even though he treasured his background. *Noblesse oblige* was the law of his life, and, whenever he felt he should 'speak' to his children, he would mention that *their people* would think anything but the best of conduct very unbecoming, that they had behind them some of the best blood and mind and heart of American life which they must live up to. Fortunately, his children lived disciplined lives."

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PHI ALPHA THETA TESTIMONIAL

ES LOABLE COSTUMBRE entre hōbres doctos estudiar las cosas del pasado, porque como dize el P. Fr. Ioan de Torquemada: *La Historia de cosas verdaderas, y provechosas, sin contradiccion alguna, es cosa Divina, y excelente. Es la Historia vn beneficio inmortal, que se comunica à muchos: Què deposito hai mas cierto, y mas enriquecido, que la Historia? Allí tenemos presentes las cosas pasadas, y testimonio, y argumento de las por venir: alla nos dà noticia, y declara, y muestra lo que en diversos Lugares, y Tiempos acontece: Los Montes no la estrechan, ni los Rios, ni los Años, ni los Meses, porque ni està sujeta à la diferencia de los Tiempos, ni del Lugar. Es la Historia vn Enemigo grande, y declarado contra la injuria de los Tiempos, de los cuales claramente triunfa. Es vn reparador de la mortalidad de los Hombres, y una recompensa de la brevedad de esta Vida.* Y por eso es mui conveniente rendir homenaje à los que se han cōsagrado a esclarecer las cosas pasadas.

Porquanto teniendo bueno relaciō y larga esperiencia del distinguido señor D. Lansing Bartlett Bloom tenemos entera satisfacciō de q. es persona de partes, suficiencia, calidad, y letras, hōbre estudioso, compuesto, y recogido, de mucha christiandad y zelo: y porquanto ha muchos años q. el susodho asiste en este Reyno del Nueuo Mexico, donde ha gastado lo màs del discurso de su vida en el exercicio de virtud y letras, en q. parece siempre se ha ydo aventajando, y ha acudido con mucha diligencia al estudio de la historia de estas provinziias, buscando en los archivos y bibliotecas de la vieja y nueva España, de Francia, y de Ytalia, los materiales para su empresa, trabajando dilatada y perseverantemente, hasta agotar el ultimo recurso para averiguar tal punto ò tal detalle: y ha escripto obras sabias y eruditas tratando las cosas de esta region cō mucha claridad: e avnque la labor intensa de investigaçiones y estudios parecia ser suficiente, ha contado cō tiempo para comenzar, y cōtinuar, la publicacion de la Revista de la Historia del Nueuo Mexico, periodico trascendental, de mucha utilidad, y prouecho para personas graues, que son aficionadas al

estudio de las cosas destes reynos: e ademàs ha diez y seys años, poco màs ò menos, q. sirve de catedratico de historia en la gran vniuersidad del Nueuo Mexico, con mucha aceptacion por su habilidad y virtud, teniendo fama de hòbre de ciencia y conciencia.

Y visto lo susodho, como quienes tenemos la cosa presente, y sabemos, y nos cōsta ser cierta y verdadera, nos los miembros de la confraternidad de Phi Alpha Theta y los socios de la sociedad de Historia del Nuevo Mexico, queriendo ofrecer al nro mui distinguido y mui amado colega (Dios le guarde mui largos y felices años como deseamos) algun testimonio de nro cariño, y estima, hemos acordado dar la presente, firmada de nros nombres. Fecha en la Çibdad de Albuquerque en veynte y siete dias del mes de mayo, año del nascimiento de Nuestro Saluador Iesu Christo de myll y novecientos y quarenta y cinco.¹

1. This testimonial was presented to Mr. Bloom by Phi Alpha Theta upon announcement of his retirement from teaching.

THE WEST JEMEZ CULTURE AREA¹

By LANSING B. BLOOM

WHEN THE first Spaniards entered New Mexico, the Jemez people occupied two regions, one to the east, the other to the west, of the central valley of the Rio Grande. Separated though they were by the countries of the Tiguas, the Queres and the Tanos, they were nevertheless one in culture, language and origin. When therefore the East Jemez who occupied the pueblo of Pecos and other sites adjacent for over a thousand years, had dwindled in numbers to a mere handful, it was very natural that these survivors should rejoin their cousins of the west from whom their ancestors had separated so many centuries before. This event took place in the year 1838, and today there are, among the Jemez, fifty-five who claim descent from the survivors of Pecos Pueblo.

Our present interest, however, is a survey of the culture area of the West Jemez, and some review of the history and archaeology of their country.

The so-called "grant" to the Jemez people, issued from El Paso in 1689 by Governor Domingo Jironza Petriz Cruzate after the Spaniards had been driven from the country by the Indians, was similar in purpose to a concentration camp. The intent of that act was to reduce the Jemez to a single pueblo and to restrict their range to nine square leagues. Two centuries later a grant of this extent, with the present pueblo of Jemez as its center, was confirmed by the United States government.

Before this cutting down of their country, (and for how many centuries before is not clear,) the country of the West Jemez was contiguous on the south and east with the Queres people, on the northeast with the Tewas, on the north and west with the "Apaches Navajoses." The pueblo ruin at the Ojo de Chihuahua on the high mesa east of the Vallecito Viejo, is not many miles distant through the forest from

1. Paper read before the History Section of the New Mexico Educational Association. Reprinted from *El Palacio*. Vol. XII, No. 2 (January 15, 1922).

sites which were occupied by the ancient Cochitenos; and only one and a half miles eastward from that ruin lies a thirty foot dugout, felled and shaped by the Indians of Santo Domingo and left high on the mountain range like a miniature Noah's ark for which there had been no pressing need.

Cerro Conejo, Cerro Pino, Cerro Pelado, Cerro Redondo, and Cerra Venado, were all mountains of that early Jemez world which extended from the high mesa east of the Vallecito westward to the Rio Puerco, and from the region of the present pueblo of Jemez north to the San Anton. It was a world of mountain and valley, of towering forest and living streams, of high majestic mesas which tapered into many a commanding potrero flanked by deep canyons. Even today the Jemez have community rabbit drives in the valley, and in the sierras they hunt the deer and bear, the wolf and fox, the gallina de la tierra and the eagle of the sky. But gone is the buffalo which (if we may trust the maps of Miera y Pacheco) formerly ranged the prairie like meadows of the upper Valles and the San Anton. The streams still teem with trout; the bluebird still flashes in the sunlight which filters down through the royal pines; the bluebells and grasses, mariposa lillies and yellow flowers of countless species still wave waist deep in the sun drenched glades of the mountains.

The archaeological survey and mapping of this Jemez country which had been planned for the past summer by the School of American Research was necessarily postponed because of an unusual and long continued rainy season. From partial surveys made some years ago, however, it may be stated that there are in the whole region the sites of at least twenty-two pueblos, of from one to five plazas each, which are claimed by the Jemez as having been built and occupied by their ancestors. This number does not include twelve others reported by the Jemez Indians but not yet verified and it also excludes three pueblo sites of this region which the Jemez state were occupied by other peoples.

One large ruin is reported west of the Nacimiento range in the Rio Puerco drainage, but all the others are very equally divided in two main groups for which we might re-

tain the designations given by the earliest Spanish explorers, namely, the "Jemez" and the "Aguas Calientes" (Hot Waters). The later name can refer only to the sites found in the San Diego-Guadalupe drainage, and the group which they reported as the "Jemez" must therefore have been the group in the Vallecito drainage. There are no thermal or medicinal springs in the Valles, whereas there are such springs in the San Diego canyon and at intervals as far north as the San Anton.

Castaneda was the earliest writer to give any information regarding the pueblos of the Jemez country, and the significance of the fact that he placed them in these two groups has been overlooked by every modern student. Much confusion has resulted, especially as to names and sites, and for the sake of clearness it would therefore be better to adopt such designations for the two groups as the "Vallecito" and the "Guadalupe-San Diego."

Captain Barrio-Nuevo and his "handful of soldiers," connected with the Coronado Expedition of 1540-42, were the first Spaniards to enter the West Jemez country, and Castaneda, who recounts the event, states that after leaving Tiguex (near the present Bernalillo) and having visited the Queres nation, they journeyed seven leagues northeast to the Jemez Pueblos. The direction indicated has perplexed Bancroft and others. The country under discussion did lie northwest of the main Queres country yet from Zia, the last Queres pueblo and the one doubtless which supplied Barrio-Nuevo with guides to the Jemez, the direction up the Vallecito Viejo does bear east of north. Moreover, the Queres Indians would advise Barrio-Nuevo that the trail by way of the Vallecito Viejo up into the Vallecito de los Indios and on through the Valle Grande would be far better for the Spaniards and their horses than would any trail north by either the San Diego or the Guadalupe canyon. Doubtless, also, it seemed to Barrio-Nuevo more important for him to visit the eastern, or "Jemez," group of seven pueblos than to visit the "Aguas Calientes" group of three.

It was more than forty years before another Spaniard entered the country. Then early in 1583 Espejo made the

Jemez a hurried visit, apparently following the general route taken by Barrio-Nuevo from Tiguex to the Queres, and from the Queres to the Jemez. He also reported seven pueblos of the Jemez, but his directions and distances are unreliable and unfortunately neither he nor Barrio-Nuevo recorded the names of the pueblos which they reported.

The next reference to the West Jemez is in Oñate's Obediencia of July 7, 1598, in which the "province of the Emmes," nine pueblos being named, is assigned to Fray Alonzo de Lugo. A month later Oñate visited the West Jemez country in person. As he recorded in his *Discurso de las Jornadas*: "On the fourth (August, 1598,) we descended to the pueblos of the Emmes, which altogether are eleven, of which we saw eight. * * On the fifth we descended to the last pueblo of the said province, and saw the marvelous hot baths which spring up in many places and have singular marvels of nature, in waters cold and very hot and many mines of sulphur and rock alum, and certain it is there are many wonders."

Coronado's headquarters had been at Tiguex, below the mouth of the Jemez river, and as we have seen, Barrio-Nuevo entered the Jemez country from the south. Oñate on the other hand had established his real at San Juan pueblo, and the wording of his report indicates that he had entered the country from the north. He "descended" thro the Valles to the pueblos in the Vallecito drainage then working to the west over the high mesa land he "descended" from the potrero to the "last pueblo" of the province which he associated with the marvelous hot springs. Guiusewa is the pueblo meant beyond any reasonable doubt, and the trail from the Vallecito down into Hot Springs is still in daily use.

It is not certain whether the missionary Fray Alonzo de Lugo entered upon the field assigned to him; in any case his labors in New Mexico were brief as he returned to Mexico in 1601 and drops out of sight. If Dr. F. W. Hodge is right in listing two Jemez churches among the eleven which had been erected in New Mexico by 1617, the honor of establishing these missions is very probably due to the fraile

or frailes who succeeded Lugo, but no missionary to the Jemez can be named for the period from 1601 to 1617. In the latter year Fray Geronimo Zarate Salmeron was made comisario of the "work in New Mexico" and he established his residence among the Jemez, but whether at the convent of San Diego de Jemez, in the pueblo of Guusewa, or at the convent of San Jose de Jemez cannot yet be stated.

Salmeron labored among the Jemez for probably not more than four years, since Fray Alonzo de Benavides¹ came to New Mexico in 1621 as the first incumbent of the newly erected "Custodio de la Conversion de San Pablo" and in the same year Fray Martin de Arvide, missionary at Picuris, having learned that the Jemez had deserted their pueblos and were roaming the mountains, obtained permission from Benavides and the governor to go to that field. He was successful in restoring peace and in re-establishing the Jemez, laboring among them from 1622 possibly until 1631.

The next 50 years are almost a blank, because of the destruction of records in the insurrection of 1680, but from the first the Spanish policy was gradually to draw the people of each province into fewer and fewer pueblos. Under Arvide's ministry the Jemez seem to have occupied not more than three or four pueblos; by 1680 there may have been only two served by the missions of San Diego and San Juan; and as already stated, the "grant" of 1689 restricted them to one. Like the streams of their native land, converging into one river which diminished in volume the further it flows from its headwaters, so the Jemez have merged and diminished into a single pueblo which today has less than six hundred inhabitants.

One of the problems as yet unsolved is the identification of the church and convent of San Jose de Jemez. Aside from the church of San Diego at Guusewa, the only church among the Jemez known to have stood previous to 1680 is that of which the ruins may still be seen on the lower mesa at the confluence of the Guadalupe and San Diego rivers. Now in 1631 Benavides stated that the scattered Jemez had

1. [Fray Estévan de Perea is the earliest known Custodian, 1616-1617 to 1621. Benavides served from 1625 to 1629.]

been congregated in the two pueblos of San Diego (which was rebuilt for this purpose) and of "San Jose which was still standing, with a very sumptuous and beautiful church and monastery." But this language cannot possibly apply to the ruin in question, which is small and insignificant especially when contrasted with the imposing ruins of San Diego. Also the manuscripts relating to the insurrection and reconquest, 1680 to 1696, repeatedly speak of this ruin on the delta as "San Juan de Jemez." Moreover, Bandelier was informed positively by the Jemez Indians that San Jose was much higher up on the mesa proper.

The solution of this problem may come in the study of the Vallecito group of pueblos. If the earliest Spaniards considered that group more important, than or even as important as the "Aguas Calientes" group, naturally one of the first missions would be established among them, and this would be the "San Jose de Jemez." Later between 1631 and 1680, when the peoples of those pueblos were brought over and merged in the pueblo of Guiusewa and perhaps others of the San Diego, naturally the mission of San Jose would be abandoned.

It may be well to state in this connection that not a single site in the Vallecto drainage has yet been studied or even carefully mapped yet it includes such ruins as Pe jun kwa (pueblo of the heart) with four plazas; Kia ba kwa (pueblo of the lion of the arroyo) of two plazas; Wa ha j ha nu kwa (pueblo of the calabaza) of three plazas; Beo le tsa kwa (pueblo of the abalone shell); Kwa tsu kwa (pueblo of the royal pine); Seh sho kwa (where lives the eagle), and Waw ba kwa (where lives the oriole). The three last named ruins have four plazas each besides extended wings. There are also in the Vallecito and its confines seven reported sites which have not yet been verified and various minor ruins.

The western group also of this cultural area, which we have named the Guadalupe-San Diego group, is still largely untouched. Some preliminary survey work has been done by A. F. Bandelier, W. H. Holmes, N. C. Nelson, and others but the only intensive research work in the whole West

Jemez cultural area is that which was done by the School of American Research during the season of 1910, 1911, 1914, 1921, and 1922.

BEGINNINGS OF REPRESENTATIVE GOVERNMENT IN NEW MEXICO¹

By LANSING B. BLOOM

A RECENT review of a book relating to Mexico stated, "it is universally admitted that the Mexican people as such have never exercised a voice in their governmental affairs." Many will doubtless assent to this sweeping assertion, but there are others who have studied back into the theory and practice of Spanish government who read Spanish-American history differently.

In New Mexico for example, which began her colonial history contemporaneously with the earliest of the thirteen colonies on the Atlantic seaboard, there were beginnings of representative government from that earliest time down to 1846.

In New Mexico, as in other parts of the new world, discovery was followed by exploration and exploration followed by colonization. As Hernando Cortez was the first "governor and captain general" of Nueva Espana, so Juan De Oñate was the Spanish king's first governor of "El Reino de Nuevo Mejico." As such, he engaged to colonize this northern frontier of the Spanish realm.

Now in the establishing of la Villa de Santa Fé de San Francisco, probably in 1609 or 1610 by Oñate's successor, Peralta, we meet the first indication of representative government; for a villa was a municipality descendant through past centuries of the Roman municipium and its citizens might be termed heirs of the Latin civitates. It had been through colonization and through the extension of the municipal system that Spain had been Romanized, and this process had been completed before the end of the first century of the Christian era. Each colony, whether civil or military, was a type of old Rome and was an integral part of the Empire. Municipal life, municipal customs, municipal law and administration were taken directly from the

1. Reprint from *El Palacio*. Vol. XII, No. 6 (March 15, 1922).

parent city. The inhabitants were treated as tenants, various taxes were levied on them, and on demand they had to furnish requisitions in time of war; but on the other hand, the colonists were Roman citizens and might, if they so desired, go to Rome and exercise their rights as such.

It is true an early municipium received its laws from the Roman senate and that its whole form and process of administration were received from the mother country; and likewise Spanish colonists had no rights which had originated out of themselves or out of any popular government. The rights which they enjoyed through the civil fuero flowed from above; in theory all political power originated in the king.

Yet, as Blackmar points out "the towns must have made some progress in self government at an early date, for we find that the towns were granted popular representation in a general assembly about the middle of the twelfth century," which according to Hallam was a century earlier than the appearance of popular representation in France, England, Italy, Germany. In 1188 the towns were represented by deputies in a *cortez* held in Leon, "possibly the first occasion in the history of Europe when representatives of the towns appeared in such an assembly," while "the first known instance in Castile occurred in 1250."

Each king called the *cortez* of his realm whenever he wished, and none of the individuals called, whether nobles, ecclesiastics, or representatives of the villas, had the right to present themselves. That was left to the choice of the king, but the custom gradually became fixed that certain towns should have the privilege of being represented. Each member had one vote, but the number of representatives from the towns differed without being subject to a general rule. The towns themselves chose who should represent them, but the methods of choice were various. The *cortez* was allowed to make petitions to the king, each branch for itself, and to fix the sum of money that it would grant him. It had no true legislative functions, but the king sought its advice or its approval of his laws, and its influence was such that it was able to procure desired legislation.

At first thought it seems strange that the most flourishing epoch of the third estate, the free towns, should have been in the middle of the thirteenth century, yet the explanation is simple. As is well known, kingship was an evolution from nobility; and the king of Castile, for example, as an aid in getting the upper hand of the nobles, favored the towns. Their number and political importance increased; they received many new privileges; and they made their presence felt in national affairs through their representatives in the *cortez*. As the king's position became more secure the authority of the towns was reduced by him in various ways. Yet this decline was not uniform, for some of the towns, especially on the frontiers and on the north coast retained their earlier liberties, including popular election, down to the time of Ferdinand and Isabella, when the monarchy became most absolute. Also the municipal rights which had come down from Roman law and others which had been granted by Spanish kings and had become established by long continued custom were imbedded in the *Siete Partidas* which gradually became recognized as the principal law of the land and which, as applied to the Spanish colonies in America by the Council of the Indies were made specific in a multitude of details.

This glimpse into early Spanish history may be helpful in estimating the quality and degree of local government in New Mexico during the Spanish and American periods. This is possible because of the uniformity which we know to have prevailed throughout the Spanish colonies, supplemented by scattered data from local archives.

There is no reason to think that the Villa of Santa Fé lacked conformity in any important details with the laws of the realm as promulgated by the Council of the Indies and as later gathered in the *Recopilacion de las Leyes de las Indias*. As such the *cabildo* (council) was composed of an *alcalde ordinario*, four *regidores*, an *alguacil* and *escribano de consejo*, and perhaps also an *escribano publico* and a *major domo*. The *alcalde* and *regidores* were elective until after 1620, when the latter were made subject to sale, as the remaining offices had been since early in the sixteenth

century. All such officials, however, had to be land owners of the town and the elective franchise lay in the resident citizens. All meetings of the cabildo had to be held in the town hall, and at the capital of a province were presided over by the governor or his lieutenant, or in their absence by the *alcalde ordinario*. The *alcalde* had authority in the first instance in all cases civil and military. *Regidores* were forbidden to have an interest in any public occupation such as the *carniceria*. They were all to be land owners and were forbidden to have any sort of a retail establishment. When entrusted with public funds they had to give sufficient bond.

At the capital the office of *alguacil* was filled by the governor; in other towns by the *alcalde ordinario*. He was the executive officer of the court and the police officer of the town.

As to the *escribano*, who was a sort of combined notary public and clerk of court, it would seem that on the frontier of New Spain he was conspicuous by his absence.

The archives of the Indies will doubtless in time throw much light on such details in the early history of Santa Fé and of the whole province of New Mexico. Enough has been said, however, to show the evident intention in the laws of the Indies to make the local government indigenous, growing naturally out of local conditions. The attachment of citizens and officers was to the soil. On the other hand, the provincial officials were, all through the Spanish period, supposed to be detached from local ties and local support; their attachment was to be to the crown, to the Council of the Indies, and to the viceroy.

Besides the Villa of Santa Fé, the Spanish period saw also the establishment as villas of El Paso del Norte (1682), Santa Cruz de la Canada (1695) and Albuquerque (1706). It can hardly be questioned that all four of these villas had *cabildos*, although no data are at hand except as to Santa Fé. There were also *alcaldias* (consisting of an *alcalde* appointed by and representing the governor, and a *procurador*.) at Taos, Alameda, Jemez and Belen; and there were at least *alcaldes* for other settlements and for the Indian pueblos. For example, Miera y Pacheco, to whom we are

indebted for our best early maps, was for a time "alcalde of Pecos." The governor was jefe de alcaldes and any appeal from his decision was to the audiencia at Guadalajara.

In time the term *cabildo* fell into disuse and town councils were designated by the more democratic term *ayuntamiento*. The meager evidence available seems to indicate that what little representative government existed in New Mexico during the seventeenth century disappeared during the eighteenth century and was not revived until the Independent movement in New Spain began in 1810. At least in that year the governor of New Mexico had to summon a special electoral *junta* as he stated, "because of there being no *ayuntamiento* in all the province."

By a decree of the Spanish *cortez* dated May 23, 1812, all towns of 1,000 population or more were expected to have such councils, and at the time of Mexican independence 15 settlements in New Mexico were of that size. It is probable that many of these had at least what were known as "half *ayuntamientos*," soon after the receipt of that decree, while several of them may have had regular *ayuntamientos*. In 1821, for example, Albuquerque had a council consisting of an *alcalde*, three *regidores*, *procurador*, *sindico* and secretary. In an electoral *junta* at Santa Fé in January, 1822, the *ayuntamiento* of that villa was represented by the *alcalde primero nombrado*, 10 *regidores* and the *sindico-procurador*. On January 4, 1823, the four villas of Santa Fé, Santa Cruz, Albuquerque, and El Paso, were made the county seats of four *partidos* into which the province was then divided, and in these four counties were 18 *ayuntamientos* altogether. In fact, there is considerable evidence that all during the Mexican period a great deal of initiative was exercised in municipal affairs, though at the same time all such action was subject to review by the first provincial deputation and its successors. For example, the *ayuntamiento* of El Paso forwarded the proposal of one, Don Luis de Lujan, to establish a school of Spanish and Latin grammar in that villa. He offered to teach the children, looking to those interested to meet the cost. The deputation approved the offer and directed the *ayuntamiento* carefully to

supervise the school. A few months later the deputation vetoed a grant at Brasito which the El Paso ayuntamiento had made to an Anglo-American, John J. Heath.

Representation in a wider sphere than that of municipal affairs was accorded New Mexico when the Spanish cortez of 1810 was summoned. In that body one member was to be from the Province of New Mexico. By action of a special electoral junta assembled in Santa Fé on August 1, 1810, Don Pedro Bautista Pino was chosen to represent the province and he actually took his seat in that body. His "Noticias Historicas de Nuevo Mejico," submitted to the cortez, is even today a valuable book. Don Pedro returned home after Ferdinand dissolved the cortez in 1814, but upon summons for a new cortez in 1820 he was re-elected and made the journey as far as Vera Cruz, where for financial reasons he turned back. In 1821 again New Mexico elected a deputy to the cortez for 1822-3, the choice this time falling upon Don Jose Antonio Chavez, but the final achievement of independence by Mexico made his attendance unnecessary.

Towards the close of the Spanish period New Mexico formed part of "the internal province of the west," with capital at Durango, and in the legislative body which assembled there (upon the re-establishment of constitutional government in 1820) New Mexico was represented by a former militia captain, Don Lorenzo Gutierrez, as deputy. In the summer of 1823, while the form of government for New Mexico was still undecided, the deputation at Durango proposed that New Mexico join with the provinces of Nuevo Vizcaya, Sinaloa and Sonora, in a "federative state," and the deputation at Santa Fé sent representatives to Chihuahua to help effect such an organization. As arranged in the Acta Constitutivo of the national federation, Durango, Chihuahua and New Mexico were made the "internal state of the north." The state legislature was to consist of five deputies each from Durango and Chihuahua, and one from New Mexico, and Chihuahua City was to be the capital. New Mexico accepted the plan, though asking two additional deputies, and proceeded with the election. Primaries were

held on March 21st, 1824, county elections on the 28th, and the electoral junta meeting in Santa Fé on April 6th selected Don Jose Bautista Vigil as deputy, with Manuel Armijo as alternate. The deputation raised the necessary funds by assessing "individuals of the first class" 25 pesos and "individuals of the second class" 10 pesos each. This arrangement, however, was short lived, as Durango and Chihuahua were soon afterwards made states and New Mexico made a territory of the Mexican Republic.

Meanwhile, immediately upon establishment of Mexican independence, New Mexico took steps to institute her provincial government. In the first election of deputies there was no *eleccion secundaria*, as the province had not yet been divided into counties, but each of fourteen *alcaldias*, including El Paso, sent an elector to Santa Fé late in January, 1822. The electoral junta assembled in the "sala de cabildo" of the *ayuntamiento* of Santa Fé in the presence of that body and with Governor Facundo Melgares presiding.

The choice of a deputy to congress for New Mexico fell upon Don Francisco Perez Serrano y Aguirre, the first representative to the national capital of a series which was to extend to 1846.

The same electoral junta on the following day elected seven deputies and three alternates who were to constitute the first provincial deputation. This little group, likewise was the first of an unbroken succession of legislative bodies which functioned throughout the Mexican period, 1822—46, while New Mexico was a province, territory, department, and again territory of the Mexican nation. As the *ayuntamiento* administered in the municipal affairs, so the deputation operated in the wider sphere for New Mexico as a whole, and no one can read the minutes of its sessions during this twenty-five years without realizing that its deliberations and legislative enactments affected every line of common weal.

Too far removed to take anything but a nominal part in matters of national interest, receiving pitifully small assistance from beyond their own borders, the citizens of New Mexico during the Spanish and Mexican periods were

thrown almost entirely upon their own resources. It would be an easy matter to draw unfavorable comparisons with the more advantageously situated states of the American union, but when the conditions which the early New Mexicans had to face, and the meagre resources and facilities with which they had to do are rightly estimated, the results which they obtained loom up impressively, nor is it so material that they received the forms of government in town and province ready made from king or cortez as is the fact that they made those forms their own by adaptation and use.

LEDGERS OF A SANTA FE TRADER ¹

By LANSING BLOOM

IN THE LONG list of names of Governors of New Mexico not all have been those of men belonging to the military class or whose profession was that of the law. John Greiner, David Merriwether and Henry Connelly, were governors who had previously been engaged in the commerce of the Santa Fé Trail. Manuel Alvarez, some of whose activities in this same trade we are to consider, was never governor of New Mexico in his own right, but he did take an active part in political affairs and was lieutenant governor under Connelly and during his absence acted for him.

Manuel Alvarez was born at Abelgas, Kingdom of Leon, Spain. The year of his birth is not known, but he left home in the year 1818, and five years later we find him leaving Habana for New York City. On September 3, 1824, he received from Governor McNair of Missouri a passport made out for him and eleven other men who were described in the passport as "all citizens of the U. S., traders to Mexico." During this year and the year following, Alvarez made three attempts to secure Mexican citizenship, but all of them were unsuccessful, due possibly to his unfortunate designation as "a citizen of the United States." All twelve names given in this passport are French or Spanish, and at least two of them, Francis Robidoux and Antonio la Marche, were men who later appear in New Mexican annals.

Despite the statement in the above passport, Manuel Alvarez never was a citizen of the United States, and yet for some years in the late 30's and 40's he served as U. S. consul. In the spring of 1850 we find him at the head of the so called "State Party" in company with Calhoun and others, opposed to the military party which had the support of the military governor, Colonel Munroe and such men as St. Vrain, Houghton, and Beaubien. Later in the year he was

1. Read September 9, 1922, at the Meeting of the Southwestern Division of the American Association for the Advancement of Science, at Santa Fé, N. M.. Reprint from *El Palacio*. Vol. XIV, No. 9 (May 1, 1923).

serving as lieutenant governor of the new territory, and he was an unsuccessful candidate for the position of territorial secretary.

Our present interest in Manuel Alvarez, however, has to do with the period from 1834 to 1846, and two ledgers which were kept by him covering a part of the years 1834-44, give an insight into the details of the commerce which went over the old Santa Fe Trail and into the retail business as it was conducted at the western end of that trail. Any one who is at all familiar with commercial activities of that period is familiar with the names of the more famous Santa Fe traders and knows something of that trade in a more or less vague way, but in such ledgers as these one finds numerous details which give light and color to our mental picture of that trade. A sketch is of value, but when lights and shadows can be added the picture is to that degree more interesting and enlightening.

One of these two books records the invoices of three buying trips made by Alvarez to the eastern markets in the winters of 1838-39, 1841-42, and 1843-44. The purchases made on the first of these trips, principally in New York and Philadelphia, show a total valuation of \$9,411.93. An inventory of the caravan at Independence, Missouri, including wagons, oxen, mules, etc., gave an additional estimate of about \$2,500. At the end of this inventory is added a single item, "a tobacco press, \$47."

The second purchasing trip as inventoried in March, 1842, gave a total of \$14,657.44, an increase of approximately 50 per cent over that of the preceding trip. The invoices of the third trip as made out in May, 1844, showed a great falling off. Purchases made in New York, Philadelphia, Pittsburgh, St. Louis and Independence, Mo., had a total valuation of only \$4,149.42.

One has but to look over the invoices of goods purchased from various New York and Philadelphia houses to have a very comprehensive idea of the kinds of goods which American traders carried on the shelves of their stores in Santa Fe. Here we find listed all sorts of beads purchased by the gross, which were doubtless used in barter with the Indians

of New Mexico, and here also are listed all sorts of merchandise desired by the soldiers, civilians, and clergy and which were thus secured for them by the traders.

The second book is a day ledger which gives us a different point of view on many names well known in Santa Fe during this period. The very first entry in the book under date of August 1, 1834, is an account with Santiago Abreu, a man then prominent in public affairs, and one who received credit from Alvarez to considerable amounts. The names of three governors are in this day ledger, Francisco Sarra-cino, Albino Perez, and beginning under date of March 13, 1838, "the most excellent Senor Governor Don Manuel Armijo." Jesus Maria Alarid, Ramon Abreu, Marcelino Abreu, Juan Bautista Vigil, Manuel Doroteo Pino, are the names of others who were prominent at different times in civic affairs. The Reverend Father Castro, Senor Cura Valdez, Curate Leyba and Curate Martinez, were among the ecclesiastics of that time who carried accounts. Among the military officers and troopers who ran accounts we find Alferes Caballero and Captain Don Jose Caballero, mentioned in Gregg's "Commerce of the Prairies," Cadet Baca, Alferes Manuel Baca, Corporal Antonio Sena, Captain Montez, Lieutenants Garcia, Madrigal, Martinez, and Hurtado. Sergeant Antonio Sena, Corporal Marquez and Commandant Blas Hinojos.

Credit was frequently given in small amounts to individuals whom Alvarez designated in unusual ways. We find credit given among others to "the Snake woman;" the tailor (Juan Saavedra); the woman of the candles; teacher Boten; the wood carrier; the silversmith of Abiquiu; an Indian of San Juan; tailor Barela; Juliana the laundress; the wife of Smith; Cecilio; the mother of Jose; a man, neighbor of Melendez; the cross eyed woman; the woman of the shawl; and in July of 1837 two entries which perhaps may be taken as an index of the desperate condition prevailing just previous to the revolution of that fall: "a woman who leaves me her wash tub," and "a woman who leaves me a flat iron."

For several months of 1838 an interesting account was

run with "the illustrious ayuntamiento (city council) of Santa Fe." On April 11th of that year credit of 112 pesos was given to the ayuntamiento as rental of the cienega. A rebate of \$25 is entered apparently for certain damages unknown. Six reales were spent for a quarto of paper, and the balance was all checked out on orders of the secretary or treasurer. The last payment was of 2 pesos to the porter of the ayuntamiento on order of the treasurer.

In June of 1837 an account was started by "The Society," but unfortunately the full name of the society is not given. It started business with a dozen small spoons, a dozen tin plates, a wooden handled knife, and later in the same month they got a dozen more tin plates, two papers of vermillion, a yard of embroidered velvet and four yards of yellow ribbon. The total indebtedness was 7 pesos, 4 reales, and an entry under date of August 31st states that this was a loss to Alvarez by reason of the death of the head of the establishment.

Five other accounts are balanced off on the same date in similar ways. An account of "El Senor Jefe," who in 1837 was Albino Perez, has the notation "irreparable loss by the death of the debtor the 10th of the current month," the figure 10 being written over with a 9. Similar notations confirm the death in that same uprising of Jesus Maria Alarid, Lieutenant Hurtado, Ramon Abreu and Santiago Abreu. The account against the last named showed a balance of 1371 pesos with the following notation: "irreparable loss by the death of the debtor occasioned on the 10th of the current month in the morning, having passed the night as prisoner in Santo Domingo and his numerous family remaining insolvent." A balance of 53 pesos against Lieutenant Madrigal is closed out with the note: "irreparable loss by his having taken his departure to the outer country without having arranged to pay his creditors, by reason of the recent events." A small account under the name of Captain Zuniga was a similar loss, he having gone to the outer country, leaving as payor Don Santiago Abreu, who was killed on the tenth in or near Santo Domingo. An interesting comment on the character of Alvarez is afforded by the fact

that he extended small credit to "Dona Chepita, widow of Don Santiago Abreu" and to "Dona Peregrina, widow of Don Ramon Abreu."

Many other well known names besides those already given are found on the pages of this ledger, and others which though less well known are of interest as being those of Americans and Frenchmen who were in New Mexico during these years. Here are the names of Simon Turley, Julian Workman, Carlos Beaubien, Louis and Francois Rubidoux, Antonio Leroux, Antonio La Marche, Juan Fournier, Dona Carmen Alarid de Robidoux, the Senores Gregg and Co., Dr. Josias Gregg, Thomas Roulands, the American Ryder (elsewhere entered as Don Patricio Ryder), Jonathan Ross, Dr. David Waldo, Mr. Sutton (also found as Don Jose Sutton), Blanchard, the blacksmith Boggs, and many others. Among the French names it is interesting to note Auguste and Henrique Masure, each of whom is given the title "doctor." Other men who are given the same title during these years include Drs. Bacon, Hobbs, David Waldo, Josias Gregg, and East.

In short, we have in these two ledgers variegated data from some ten years of the life of a Santa Fe trader. Not only did Manuel Alvarez retail goods over the counter of his store in Santa Fe, but at different times we see either him or his partner, Damaso Lopez, leaving with a stock of goods to sell or barter as far north as Taos and Abiquiu, and at other times carrying on business dealings with firms in Chihuahua to the south. Some facts have been given regarding three purchasing trips which Alvarez made to eastern markets during this period, and copies of letters which he entered in these ledgers would indicate that during the winter of 1843-44 Alvarez crossed to London and possibly also to Paris. There is no record of purchases made in those cities, but there are copies of letters in Spanish, French and English, addressed to firms there as well as a letter written by him from London. He was a man of wide interests and in touch with the events not only of the little world centered around Santa Fe, but with the affairs which were going on in the great tierra afuera.

NEW MEXICO'S FIRST CAPITAL

By MARJORIE F. TICHY

HISTORIANS and archaeologists have long had the desire to establish the exact site of the first capital of New Mexico for many reasons. More specifically have the Historical Society and Museum of New Mexico had an interest, because their headquarters are in the oldest public building in the United States, the Palace of the Governors in Santa Fé, which was built in 1610 after Oñate's capital was abandoned. The discovery of the San Gabriel bell fragment has given added interest to the matter. A resume of events leading up to the discovery of the fragment and the subsequent analysis of it by Fink and Polushkin is as follows:

The curator of archaeology of the Museum spent the week beginning October thirtieth, 1944, exploring and excavating at Yuque Yunque, which is said to be the site of San Gabriel, founded in 1598 by Oñate. History, Indian tradition, and hearsay all point toward this spot as New Mexico's first capital. Hence, the site is of extreme importance archaeologically and historically. A brief description of the site and the work done there follows.

The ruin is the first in what is called the Chama Valley group. It is situated on the delta formed by the confluence of the Rio Grande and Chama rivers. It lies west of the Pueblo of San Juan, across the bridge to the left hand side of the road as one proceeds toward Ojo Caliente. Originally of considerable size, the ruins have been reduced, through cultivation, to an irregular quadrangle with breaks, or openings, on the southeast and northwest. Modern Indian dwellings are erected on the west and southwest side of the original site. A cienega, or pond, is said by the Indians to have once been a part of the depression that forms the center. In recent times it was drained to bring the area under cultivation. Remnants of a rather large adobe and rubble building and a well that appears to be recent occupy the top center of the east mound. San Juan Indians say that

this structure and the ruined houses directly across the road to the north were occupied by Spanish-Americans until about 1916, when the inhabitants were evicted from Indian land.

Indian informants maintain that San Gabriel Mission occupied the southwest point of the site where an Indian dwelling now stands. The family living here did not permit any digging.

Because of war time conditions in the vicinity only one digger could be procured. Thus it was that results of the week's work were of a scanty nature. Excavation consisted, first, of a stratigraphic test on the northeast side of the main mound. This was not very productive. Two consecutive five foot blocks were taken down to bed-rock, and revealed disturbed soil down to a depth of six to eight inches above the bottom. This test was abandoned, and digging was shifted to the southwest side of the same mound. Here it was discovered that a large portion of the original mound had been destroyed by farming and, more recently, by rather large scale adobe making projects on the part of nearby residents.

A test trench was started heading northeast into the main mound. The yield of potsherds, animal bones, and artifacts was good from the start. Badly damaged room walls were soon encountered revealing that most of the original floor and walls had already been destroyed by adobe making operations. However, enough architectural detail remained to indicate a well built adobe room with a diagonal measurement of twelve feet seven inches from southwest to northeast, and a depth to the floor of over a foot. Large, undressed stones formed the foundation. The next room to the north of this was intact with the exception of a break in the south wall. It was of excellent adobe construction with well laid walls and hard floor. It measured well over twelve feet by seven feet, and was almost four feet deep. A portion of rotted roofing, or fallen pilaster, was recovered from against the north wall. It is hoped that a date can be gotten from this specimen. Refuse near the floor contained potsherds, one possibly restorable vessel, animal bones, and broken stone material.¹

1. Tichy, Marjorie F. *El Palacio*. Vol. LI, No. 11 (November, 1944).

Sherds found can be classified into the following types; dark, plain, or corrugated culinary; Potsuwi Incised, large amounts of black on grey decorated ware, so typical of the Chama and Pajarito Plateau; and glazed decorated. Discolored plastering clung to a portion of the west wall of the room.

Rooms three and four, which were badly damaged, were uncovered west of room one. An upright pilaster, probably juniper, was removed from room three. Both of these rooms showed some indication of being destroyed by fire. Both were similar to room one, although most of the original walls and floors were badly damaged. Cultural material was also similar to that already described from the other two dwellings.

While no definite conclusions can be made from so little work, a few pertinent deductions can be made at this point regarding the site. Careful examination of the entire vicinity as well as the excavation, seemed to verify that this is the Yuque Yunque of history and tradition. The site consisted of one, or more, large, communal type, adobe dwellings of one or more stories. It is regrettable that no actual proof of the site being San Gabriel as well could be gotten at the time of this investigation, but appearances of the surface surrounding the Indian dwellings to the west and southwest of the mound, where actual tests were made, reveal remnants of what may well have been a late 16th, or early 17th, century settlement. For diplomatic reasons no testing was made in either of these areas during the week spent there.

Perhaps, the most important point to be made here, is the absolute necessity of marking and preventing any more destruction to the site, which may sometime settle the important historical and archaeological question of the site of the first capital of New Mexico. Although cultural remains consisting of axes, hammerstones, broken manos, a metate, fingerstone, one shell gorget, several bone implements, pottery, animal bones and tree ring specimens were found,² not one vestige of Spanish material came to light during the digging.

2. *Ibid.*

The reader can see from this account that the results of this excavation were somewhat disheartening from a historical point of view. However, when the bell fragment came into our hands we took a new lease on the situation. Early last spring Dr. C. S. Defandorf of Santa Fé came into the writer's office with the specimen, which had been given him by Stephen Trujillo, an Indian living in San Juan Pueblo. The latter had had it about three years. A trip was arranged, and shortly afterwards Mrs. J. K. Shishkin of the Historical Society, Dr. Defandorf and myself went up to San Juan to see Stephen. We asked him to direct us to the exact spot where he had found the fragment. He guided us across the river to Yuque Yunque, and on to a *field, adjoining on the east the house which is situated on the southwest corner of the ruin.* Upon being questioned further regarding the circumstances of his find, he said, "About three years ago I was coming through this field when my toe struck something hard. I saw a dark object sticking from the ground, which I thought was a mano, or a corner of a metate; but when I picked it up it was the old bell. I scratched around, but couldn't find anything else. I have had it around my house all this time because I thought it would be valuable someday. My friend (Dr. Defandorf) liked it, so I gave it to him." (The fact that the bell fragment is rather smooth and greasy to the touch may be accounted for because it was handled frequently by the family. We have not cleaned it.)

Stephen Trujillo is a man of good character, and we have no reason to doubt any of the things he told us.

It was through the encouragement of Dr. Sylvanus G. Morley, well known Mayan archaeologist, that the writer made efforts to have the bell analyzed. Dr. Morley thought, as I did, that this was one of the best kinds of evidence to help establish the identity of San Gabriel Mission. After due consideration we turned to Dr. Colin G. Fink, to whose credit goes the metallurgical research in connection with *Drake's Plate of Brasse Authenticated.* (California Historical Society publication, 1938.)

Dr. Fink's valuable report makes obvious two factors which must be followed up immediately. These are:

1. Efforts should be made to mark the site, and particularly the southwest and west ends. Furthermore, arrangements ought to be made to excavate, and screen the dirt from, the field adjoining the house from whence came the fragment.

2. A search for bells known to date 1600, or earlier, should be launched, so that Dr. Fink may make further tests. (The writer is glad to report that plans are being made to continue the search for additional bells.) If these two items are followed through, the question of the original capital of New Mexico ought to be settled once and for all.

METALLOGRAPHIC EXAMINATION OF THE SAN GABRIEL BELL FRAGMENT

By COLIN G. FINK AND E. P. POLUSHKIN

Introduction

The bell fragment was submitted to us by Mrs. Marjorie F. Tichy, Curator of Archaeology of the Museum of New Mexico at Santa Fé. Mrs. Tichy reported that the fragment had been found some months ago at a site called San Gabriel del Yunque. This site is not far from the San Juan Indian Pueblo where the original capitol of New Mexico was founded by Oñate in 1598. The fragment was possibly part of a church bell of Oñate's San Gabriel Mission.

To establish more positive evidence of the old origin of the bell, we submitted the fragment to an examination of the metal, its workmanship and composition. We also examined the patina and other products of corrosion. It was presumed that on the basis of the information thus obtained it would be possible to form a definite opinion as to the age of the metal of the bell, in particular whether the bell had been made before or after 1598.

General Characteristics of the Fragment

The fragment is of triangular shape with a rounded front surface and a plain flat base (Fig. 1). The front view discloses a crudely designed baluster in relief. The maximum height of the fragment is approximately 3 inches, and the maximum width of the base is approximately 3 inches. The inside surface of the bell is concave and smooth.

The fracture is coarse-grained and somewhat unusual. (Figs. 2, 3, and 4), reflecting the poor quality of the alloy. It is very porous, especially near the base. There are numerous blow holes (Fig. 4). This indicates that the bell was a very crudely made casting.

The Patina

The patina is particularly interesting and noteworthy. The relatively smooth surfaces are covered with a continu-

ous thin layer of a lark green patina. The patina of the fracture is more variegated: Besides the green hydrous carbonate (malachite) there are the blue hydrous carbonate (azurite) and the red cuprous oxide distinctly visible. There are also some gray and brown mineral particles imbedded in the fracture.

Careful examination of the surface of the fragment did not disclose any artificial patination or vestiges of some other recent treatment of the specimen aside from scratches due to overzealous cleaning. It has the typical surface characteristics of a genuine old bronze. The malachite and azurite are products of slow disintegration or corrosion of the surface.

Microscopic Examination

In order to examine the structure of the metal under the microscope, a very small piece was cut off from a protruding section of the base. Its dimensions were approximately 7.5 mm. by 4.5 mm. The location of the sample is shown in Fig. 3.

The specimen was imbedded in mounting material and finely polished.

Examination of the polished section under the microscope proved that the fragment contains a considerable amount of lead, mostly mineralized. In Figs. 5, 6, and 7 which represent typical views, lead appears as dark shaded areas. The lighter areas represent copper oxide and some calcareous substance. Examination under polarized light revealed the presence of red copper oxide (Cu_2O) and black and gray minerals. At the edge of the polished section many foreign inclusions were revealed (Figs. 8-10). Very likely these were taken up from the soil in contact with the metal and cemented to the metal by silica solutions or by some other bonding material.

In order to develop the metal structure, the polished section was etched with ferric chloride solution plus hydrochloric acid. Figs. 11 and 12 show typical views of the microstructure after normal (Fig. 11) and after prolonged etching (Fig. 12). In both photomicrographs the back-

ground is a solid solution of tin in copper. Deeper etching (Fig. 12) proved that this solution is not entirely homogeneous. The white specks represent tin-rich constituent in excess (δ), and black areas represent lead.

This structure differs essentially from that of the modern bell metal which contains much more tin and does not contain lead. Due to this difference in chemical composition the modern bell metal has a large proportion of tin-rich component (δ & α) and is free from lead. On the other hand, lead is almost always found in old bronzes.

Summary

1. The examination of the surface of the bell fragment revealed a genuine, old, slowly formed patina, such as is frequently encountered on old bronzes that have lain buried in relatively dry soils. The patina contains the red oxide of copper and the two basic carbonates of copper (malachite and azurite). This patina requires some moisture for its formation. But on the other hand, too much rain will tend to disintegrate buried bronzes relatively fast.

2. Examined under the microscope the evidence is very clear that the bell fragment is composed of a genuine old bronze. Its structure and chemical composition differ from those of the modern bell metal or, for that matter, from the modern bronzes in general.

3. The date of the metal of the fragment cannot be definitely determined as earlier or later than 1598. Examination has revealed no "hall marks", no inscriptions, no numerals or initials of any kind. And secondly, the composition and metallographic characteristics of the fragment are those of bell bronzes extending over a period of many hundred years. Before the advent of modern metallurgy strict specifications as to composition of bell metal and casting procedure were either not available or else, seldom adhered to.

Conclusion

The bell fragment is composed of a lead-bearing bronze. The characteristic composition and metallographic struc-

ture of the bronze as well as the patina on the bronze definitely establishes that the fragment is very old. But whether it is a 16th, 17th or 18th century product cannot be determined due to lack of sufficient evidence. This evidence might be obtainable upon further excavation at the site where the fragment was found and discovery of other articles unquestionably assignable to 1598.

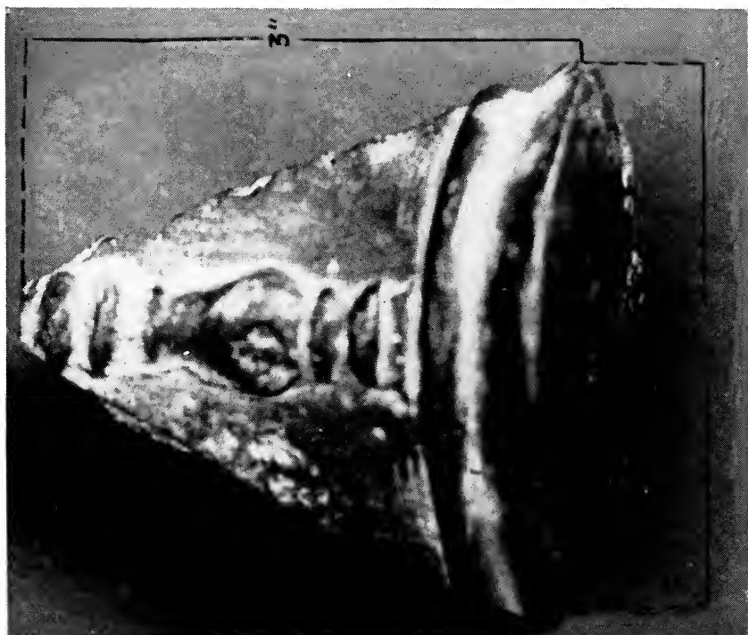


FIG. 1. Natural Size



FIG. 2. Natural Size

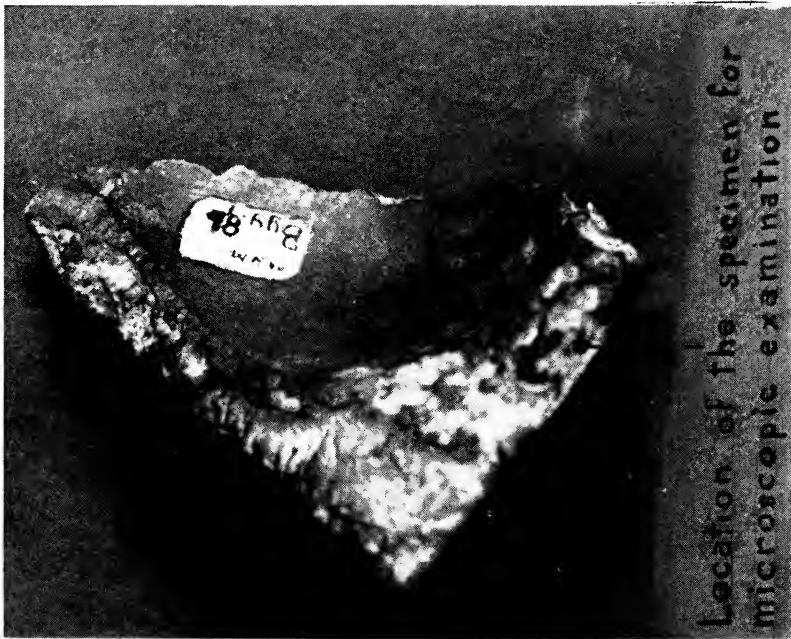


FIG. 3. Natural Size



FIG. 4. Natural Size

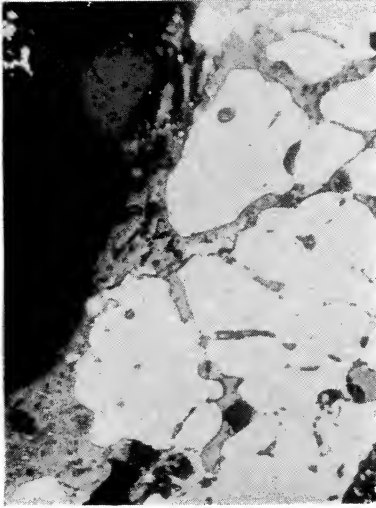
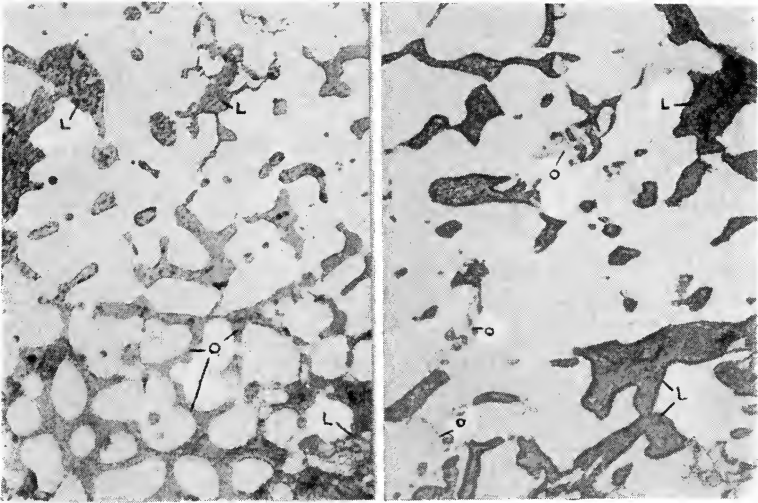


Fig. 5. Upper left. Unetched. x 200 dia.

FIG. 6. Upper right. Lead (l) and oxidation (o) products. x 200 dia.

FIG. 7. Lower. x 200 dia.

AGGLOMERATION OF FOREIGN PARTICLES ON THE SURFACE

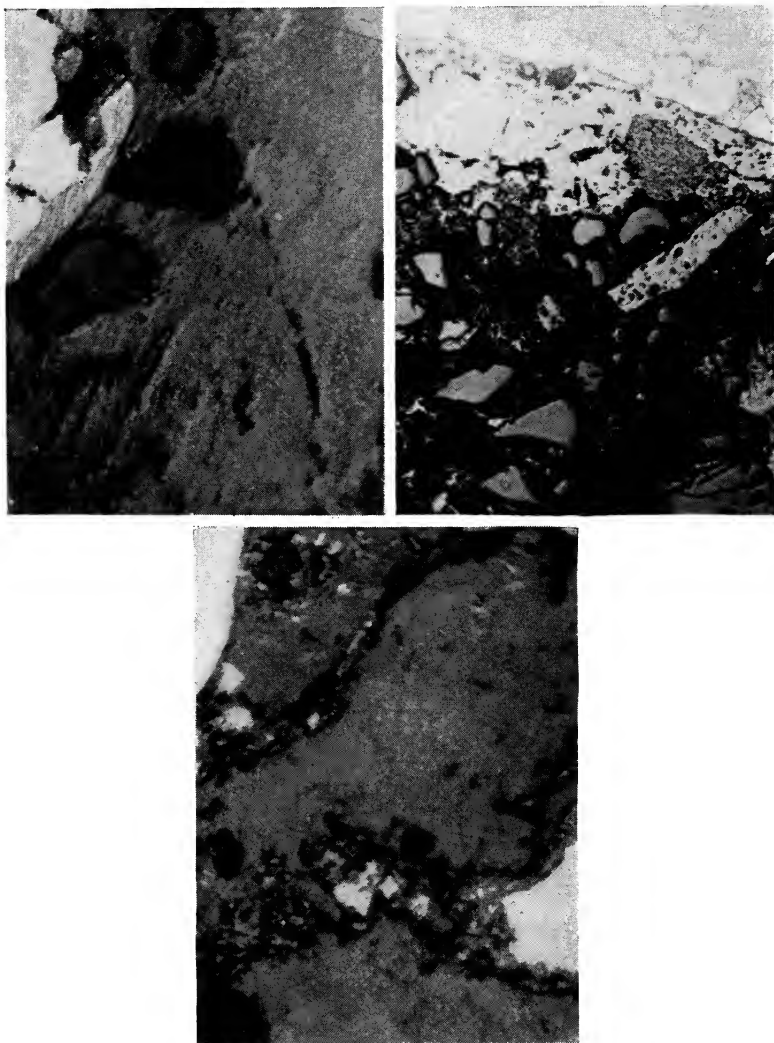


FIG. 8. Upper left. Unetched. x 750 dia.

FIG. 9. Upper right. Unetched. x 200 dia.

FIG. 10. Lower. Unetched. x1000 dia.

VIEWS OF MICROSTRUCTURE

SS—Solid solution of tin in copper. d—Tin-rich constituent. l—lead

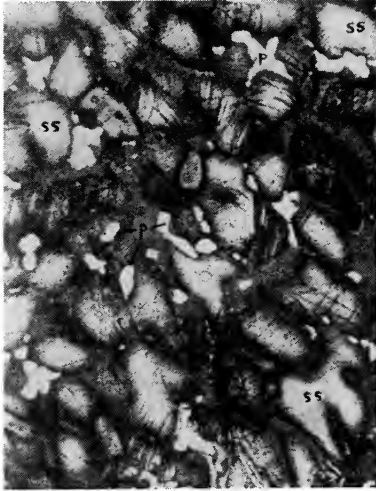


FIG. 11. x 200 dia.

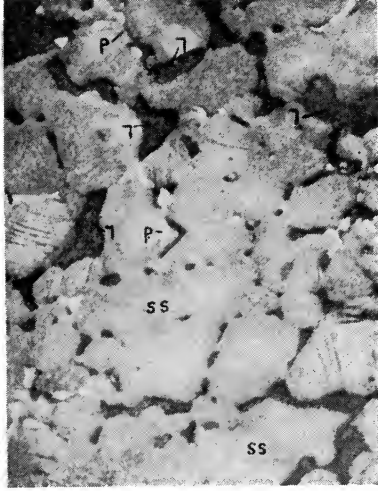


FIG. 12. x 200 dia.

Editorial Announcement

In accordance with the agreement between the University of New Mexico and the Historical Society of New Mexico, the University has named Frank D. Reeve, associate professor of history, to succeed the late Lansing B. Bloom as managing-editor of the *NEW MEXICO HISTORICAL REVIEW*. Born in Ogden, Utah, in 1899, Professor Reeve has resided in Albuquerque for the better part of twenty-five years, arriving in the spring of 1921 in order to enroll as a freshman student in the University. He received the B.A. degree in 1925, the M.A. in 1928, both from the University of New Mexico, and the Ph.D. from The University of Texas in 1937.

The Historical Society of New Mexico has named Arthur J. O. Anderson to succeed the late Frank T. Cheetham as an associate editor. Dr. Anderson was born in Phoenix, Arizona, in 1907, and lived in Mexico near Guadalajara, Jalisco, from 1908 to 1922. He attended High School in San Diego, California, from 1922 to 1925, and later received the B.A. degree from San Diego State College, 1930, the M.A. from Claremont Colleges, 1931, and the Ph. D. from the University of Southern California, 1940. He has had a varied professional career: assistant instructor in English, San Diego State College, 1934-1937; instructor in English, Riverside Junior College, 1939; associate professor in Social Sciences, Eastern New Mexico College, 1939-1940; professor anthropology and archaeology, Eastern New Mexico College, 1942-1945; Director of Roosevelt County Museum 1939-1945; and curator of history, Museum of New Mexico, since August, 1945.

Historical Society Meeting

The biennial meeting of the Historical Society of New Mexico was held in Saint Francis auditorium of the Museum of New Mexico in Santa Fé at 7:30 P. M. February 28, 1946. President Paul A. F. Walter presided.

Elected to membership in the Society were 170 applicants previously approved by the Executive Committee.

Wayne L. Mauzy, Treasurer, read the financial report covering the fiscal years from July 1, 1943 to June 30, 1945 and the status as of February 28, 1946. In view of the balance on hand, the purchase of a \$1,000.00 United States Government bond was authorized.

The report of the Curator of Archaeology of the Museum of New Mexico, who cares for the collections of the Historical Society, was read. The report contains a listing of accessions received and special events held during the past two years, a vote of thanks being extended to various donors.

The President appointed a committee consisting of Mrs. Gerald Cassidy, Mr. Rupert Asplund, and Mr. Albert G. Ely to draft resolutions in memoriam of Mr. Lansing B. Bloom, managing editor of the REVIEW, and of Mr. Frank T. Cheetham, associate editor.

Dr. Arthur J. O. Anderson, curator of history for the Museum of New Mexico, was named associate editor of the NEW MEXICO HISTORICAL REVIEW, to succeed the late Francis T. Cheetham.

The nominating committee; Mr. Rupert F. Asplund, chairman; Miss Jennie Avery, and Mr. Henry Dendahl presented their report recommending the election for the biennial term of Mr. Paul A. F. Walter, as president; Mr. Pearce C. Rodey, vice-president; Mr. Wayne L. Mauzy, corresponding secretary; Mr. Albert G. Ely, treasurer; and Miss Hester Jones, secretary. There being no further nominations, the above were unanimously elected.

A. G. E.

Elected to membership in the New Mexico Historical Society on February 28, 1946, were:

R. M. Elder, Albuquerque	Mrs. Flora M. Ryan, Carlsbad
S. P. Vidal, Albuquerque	Herbert S. Murdoch, Springer
Dr. W. M. Sheridan, Albuquerque	Taylor T. McCosland, Portales
Dr. Leo B. Cohenour, Albuquerque	Byron T. Mills, Las Vegas
Guy L. Rogers, Hobbs	Dr. Albert S. Lathrop, Santa Fé
A. R. Losh, Albuquerque	Dr. José Maldonado, Santa Fé

- Mrs. Chas. W. Devendorf,
 Santa Fé
 William C. Euler, Santa Fé
 Julius G. Gans, Santa Fé
 B. W. Petchesky, Santa Fé
 Tom P. Delgado, Santa Fé
 Chas. E. Ballard, Santa Fé
 Judge Daniel K. Sadler, Santa Fé
 Henry J. Hughes, Santa Fé
 Joseph A. Bursey, Santa Fé
 Mrs. E. Dana Johnson, Santa Fé
 S. B. Healy, Santa Fé
 Catherine Farrelly, Santa Fé
 Mrs. Clarence P. Dodge, Santa Fé
 Mrs. Joseph Byrne, Santa Fé
 Dr. Ralph B. Coombs, Santa Fé
 Mrs. Dorothy S. McKibbin,
 Santa Fé
 R. V. Boyle, Santa Fé
 O. H. Lincoln, Santa Fé
 R. J. Mullins, Santa Fé
 Joe B. Scrimshire, Santa Fé
 Byron T. Mills, Las Vegas
 Louis D. Carellas, Santa Fé
 E. L. Barrows, Santa Fé
 David L. Neumann, Santa Fé
 Harry L. Bigbee, Santa Fé
 Mr. Charles O. Greenwood,
 Santa Fé
 S. F. Chambers, Santa Fé
 Lois Field, Santa Fé
 C. A. Bishop, Santa Fé
 Mrs. William M. Field, Santa Fé
 Dr. John F. Glenn, Santa Fé
 Walter Mayer, Santa Fé
 William Blake, Santa Fé
 John E. Miles, Santa Fé
 Frank C. Rand, Jr., Santa Fé
 Dr. V. E. Berchtold, Santa Fé
 J. Frank Calvin, Santa Fé
 J. V. Lannigan, Santa Fé
 Roberta Robey, Santa Fé
 Mrs. Sterling Rohlfs, Santa Fé
 Dora H. Sargent, Santa Fé
 Eleanor O. Brownell, Santa Fé
 Thomas Closson, Santa Fé
 Mrs. McHarg Davenport,
 Santa Fé
 Charles B. Barker, Santa Fé
 Francis C. Wilson, Santa Fé
 H. R. Hoyt, Santa Fé
 Fred D. Gliddon, Santa Fé
- Sophie C. Ochompaugh, Roswell
 J. E. Moore, Roswell
 Dr. Hugh Brasell, Portales
 Ira C. Ihde, Portales
 Mrs. Lacy Armstrong, Portales
 George Geake, Albuquerque
 Charles A. Eller, Albuquerque
 Harry D. Robbins, Albuquerque
 William T. O'Sullivan,
 Albuquerque
 C. M. Botts, Albuquerque
 Mrs. J. M. Doolittle, Albuquerque
 E. L. Moulton, Albuquerque
 Dr. Claud S. Guthrey, Silver City
 Austin D. Crile, Roswell
 Caswell S. Neal, Carlsbad
 Dr. Louis F. Hamilton, Artesia
 Filiberto Maestas, Española
 Dr. Chester F. Bebbler,
 Albuquerque
 Dr. Vincent Accardi, Gallup
 H. Brady Magers, Santa Fé
 Don E. Woodward, Albuquerque
 Margaret E. Heck, Raton
 Betty Love, Glen Rock,
 New Jersey
 A. H. Harvey, Carrizozo
 Ralph Ortiz, Bernalillo
 Charles M. Tausey, Jr., Carlsbad
 H. L. Galles, Albuquerque
 Dr. Thomas Hale, Jr., Shiger-
 lands, N. Y.
 J. R. Lassiter, Santa Fé
 Dr. B. P. Connor, Roswell
 Horace Moses, Hurley
 W. C. Kruger, Santa Fé
 Mrs. Margaret Barnes,
 Albuquerque
 H. Dillard Schenck, Lovington
 R. M. Murray, Jr., Hobbs
 Burton G. Dwyre, Santa Fé
 Floyd W. Lee, San Mateo
 Dr. G. H. Buer, Mountainair
 James C. Harvey, Santa Fé
 H. M. Huff, Roswell
 H. Vearle Payne, Lordsburg
 Albert H. Schmidt, Santa Fé
 A. J. Taylor, Santa Fé
 Arthur Prager, Albuquerque
 James Morrow, Raton
 William T. Clark, Santa Fé
 J. L. Werntz, Albuquerque

Wallace B. McBride, Denver, Colorado	Dr. A. E. Bessette, Belen
Harold F. Petersen, Albuquerque	A. S. MacArthur, Wagon Mound
Joseph B. Grant, El Rito	Martin Gates, Jr., Artesia
Edwin L. Swope, Albuquerque	Harry R. Parsons, Ft. Sumner
Dr. Albert W. Egenhofer, Santa Fé	L. T. Lewis, Roswell
Judge James B. McGhee, Roswell	J. D. Atwood, Roswell
Mrs. Chas. H. Dietrich, Santa Fé	I. J. Marshall, Roswell
George A. Fleming, Las Vegas	Emmett Patton, Roswell
Miss Lily Mae Streicher, Santa Rosa	J. F. Hinkle, Roswell
Reese P. Fullerton, Santa Fé	Harry Leonard, Roswell
C. C. Broome, Albuquerque	Mr. I. L. B. Wright, Las Cruces
Arthur A. Hartmann, Santa Rosa, California	Mrs. I. L. B. Wright, Las Cruces
Dr. John B. Erich, Rochester, Minn.	Dr. R. N. Caylor, Las Cruces
Clyde T. Bennett, Silver City	W. C. Whatley, Las Cruces
Dr. Robert O. Brown, Santa Fé	Carlos C. Sanchez, Las Cruces
Elinor D. Gregg, Santa Fé	W. D. Girard, Jr., Hobbs
Neil Mc Nerney, Albuquerque	C. G. Gunderson, Grants
C. L. Linder, Albuquerque	Dr. Ernest C. Lee, Española
W. Miles Brittelle, Albuquerque	Charles T. Brown, Santa Rosa
W. R. Jack Harper, Albuquerque	J. H. McLaughlin, Hatch
Albert G. Simms, Albuquerque	John E. Wright, Carrizozo
J. P. Brandenburg, Taos	John W. Turner, Sr., Turnersville
Senator Milton R. Smith, Carlsbad	Ben Shantz, Silver City
H. E. Blattman, Las Vegas	Viola K. Reynolds, Springer
Clarence Iden, Las Vegas	Dr. H. D. Corbusier, Plains- field, N. J.
Earl George, Tucumcari	Oscar S. Huber, Madrid
James L. Briscoe, Tucumcari	J. G. Heaston, Albuquerque
L. C. Becker, Belen	Merritt W. Oldaker, Albuquerque
	Dr. M. V. Berardinelli, Santa Fé
	Charles N. Batts, Santa Fé
	Dr. Frank C. Hibben, Albuquerque
	Clyde Oden, Albuquerque

Additions to the Museum

The following were received from the Stephen Watts Kearny chapter of the Daughters of the American Revolution:

1. One plain silver lustre ware cup and saucer.
2. One 'Guy Mannering' Davenport platter.
3. One unmarked blue and white platter.
4. One 'Oberwessel on Rine' plate by Wood & Sons.

These pieces were added to the already generous D.A.R. collection housed with the Society.

From the estate of Mary Dissette the following pieces of china were received:

1. One dinner plate by Adams.
2. One dessert plate—Nanking Province.
3. One Wedgewood casserole.

From Mrs. Rupert McClung, daughter of the late Mrs. Frank Applegate:

1. One painted Spanish Colonial shelf.
2. One Kitchen Spanish Colonial shelf.
3. One Table Spanish Colonial.
4. One Spanish Colonial painted chest.

Gifts in memory of mother and father (Frank Applegates):

1. Embroidered colcha.
2. Two wooden candelabra.
3. Three strips gerga.
4. One small piece colcha embroidery.
5. Two bayonets and one Confederate army belt.

Loans:

1. Carved wooden kitchen chest.
2. Church bell from near Santa Fé.

Two Historical Society bultos with the numbers B 87/84 and B 87/105 were traded to Ben Miller for a Rio Grande Valley woven blanket.

The society received from the Chamber of Commerce a sword inscribed with U. S. L. D. 1862. It was found during Santa Fé Fiesta by two boys, who brought it into the Chamber of Commerce.

Miss Gertrude Leach of Iowa Falls, and daughter of the late Don Leach, former cattleman and rancher of Largo Canyon, N. M. (D-H-L Ranch) gave the following personal belongings of her father:

1. One pair chaps.
2. One cowboy saddle.
3. One deerskin jacket made by the father between 1880-90.

4. One bridle.
5. Two pairs spurs.

This gift represents an almost complete cowboy ensemble of the 1880's.

Mrs. Anna M. Dorrah, 802 S. Walter, Albuquerque, N. M., gave an old spur found in 1916 below Stanley, N. M.

A Rough Rider badge dated 1899 from Joseph Gorman, Santa Fé.

Mary C. Wheelwright of the Navajo Ceremonial Museum, presented the Society with an old Army bell, which was found on the east slope of Pecos Baldy by Mrs. Wm. Baucus. It may have been worn by the 'bell mare' of an early American Army party judging from the embellishments.

The following items were received from H. J. Hughes, Santa Fé:

1. Packet of nails from Fort Union.
2. Old metal ladle.
3. Leather trunk of the 'Stage Coach' variety.
4. Wooden and metal scraper.

Kit Carson table from Mrs. Tom Doran in memory of her husband.

Mrs. Howard Stark of Santa Fé gave the Society an old handmade shovel made by C. E. Hampton, pioneer cattleman around 1860.

Bruce Cooper of Santa Fé presented an old historic gambling table, or chusa, which originated in Bernalillo, in the Mexican Period.

E. Boyd Hall gave an 1876 map of the state, interesting because of the advertisements of merchants of that period, whose names appear around the borders of the map.

Mrs. Ina Cassidy loaned an old Spanish Colonial door and frame and a carved wooden panel, brought to her years ago by a Spanish-American.

E. Boyd Hall presented the Society with a blue and white majolica plate she acquired in Morgantown, Pa., from a family whose relative had served in the Mexican campaign

of 1846. He brought it home as a keepsake. Mrs. Hall brought it to Santa Fé in 1930.

Agnes Morley Cleveland, author of *No Life for a Lady*, presented an old metal boot sole, found on the family property near Datil, N. M., by Les Reed. Dr. S. G. Morley identifies this piece as Spanish Colonial.

John D. W. Veeder of Las Vegas gave an old mission church key from Pecos Mission.

Captain B. M. Heimlich presented a New Mexico State flag, which was carried on numerous missions with the B-29 Superfortress, 'The City of Santa Fé,' which served in World War II in the south Pacific.

An old Spanish colonial painted leather shield, embossed with the Spanish House of Bourbon crest and the wording, 'Fernando Septimo.' *Such shields were carried by soldiers stationed in the Palace of the Governors in Santa Fé, who rode out from this point to quell Indian uprisings.

Mrs. Earl Shoop of Santa Fé loaned a Spanish Colonial silver and iron spur to the Society.

Notes and Documents

The Historical Society has acted with the Archaeological Society of New Mexico in sponsoring the following events:

Dr. Joaquín Ortega was presented in a lecture on Santa Fé in the Women's Board Room of the Art Gallery.

Mrs. Ruth Kirk of Gallup gave a lecture on Indian silver in the same room.

The Society, together with the School of American Research and the Museum of New Mexico presented to Santa Fé the first showing of the Morley collection.

An address by Archbishop E. V. Byrne on ecclesiastical symbolism in the Patio was followed by a reception and tea honoring Dr. Sylvanus G. Morley.

The Society has loaned its storage facilities to Dr. Morley, who requested that the bulk of his Spanish Colonial Church pieces be kept in the institution.

Retablos belonging to the Society have been loaned to

Dr. Fisher for a circulating exhibition which is making the rounds of the state at the present time.

* * *

Portraying the history of Colorado, a sound motion picture is being made for use in schools and clubs, Dr. Leroy R. Hafen, curator of history for the Colorado museum, announced. It will be a travelog illustrating the narrator's story of the development of Colorado from the time of the Mesa Verde cliff dwellers to the present, Dr. Hafen said. Shots of the dioramas in the state museum and scenes along the trails of the early explorers will be included. Models will wear the wedding dress of Mrs. Kit Carson, wife of the Indian scout, and exhibit apparel from the Tabor collection. The film is being financed by the state publicity department, the Denver & Rio Grande railroad and a group of individuals. It will be available to schools, clubs and organizations throughout the state and duplicate prints will be circulated outside Colorado.

* * *

Fifteen pioneer New Mexico cattle growers, all active ranch managers, whose aggregate age is 1050, held their private "roundup" at the Roy K. Stovall ranch at Cutter, N. M., on February 24, 1946. All 15 came to New Mexico before 1900 and a majority before 1888, and all at one time rode the range on the vast "jornada" between Fort Selden and Fort Craig or between Las Cruces and Socorro. In the March issue of the New Mexico Stockman a picture shows the group assembled at the Aleman ranch of the Stovalls, describing it as one of the oldest ranches in New Mexico. It was established in 1878 by the Detroit and Michigan Cattle Co., of which the late Gen. Alger was president. Sourdough biscuits, barbecued beef and the trimmings were served the group from the Diamond A Ranch chuckwagon, brought in from the range for the occasion. Rough horses were ridden in the ranch corral by Cole Railston and Ed James, both past 70 years of age, to show they were as good as they used to be. The pioneers who gathered for the Feb. 24 event and dates of their arrival in New Mex-

ico were listed as follows: George Curry, Kingston, 1872; B. A. "Ace" Christmas, Las Cruces, 1879; James C. Calhoun, Chloride; Ed James, Chloride; Mrs. Edith J. Calhoun, Chloride; Miss Minnie James, Chloride; all 1882; Mr. and Mrs. Jack Bruton, Socorro, 1886; Watt Gillmore, Hatch, 1887; Cole Railston, Magdalena, 1887; Robert Martin, Hot Springs, 1888; A. D. Lytton, Hatch, 1895; A. B. Sewell, Custer, 1896; Rose M. Atkins, Arrey, 1899; George Cook, Socorro, 1900.

* * *

Thomas C. Donnelly, *The State Educational System*, Division of Research of the Department of Government, University of New Mexico, 35 pp. and appendix, was published in March. It is the first of a series of studies on "federal, state, and local problems of government in New Mexico."

* * *

Three Bolivian educators have arrived in Albuquerque for about a year of academic work at the University and practical work in New Mexico schools, President J. P. Wernette announced recently. They are Humberto Angel Quezada, professor of didactic pedagogy in the Sucre Normal School, Bolivia; Tomas Vera, technical professor of the National Industrial School, and Max Benjamin Saravia, chief of the section of peasant education, department on Indian affairs, Ministry of education.

The program, of which Dr. L. S. Tireman is technical director, was worked out between the Inter-American Educational Foundation at Washington and the School of Inter-American Affairs of the University and the United Pueblos Agency, with the coöperation of Highlands University of Las Vegas, Dr. Wernette said. Problems of rural education, vocational education, and school administration will occupy the three visitors during the year, and they will live at the Albuquerque Indian School. During their stay they will study and work at other places in New Mexico. The program results from a visit to Albuquerque in January of Ernest Maes, chief of the coöperative educational program

of Bolivia, and Dr. David Campa, formerly of State College and now directing the training program of the Inter-American Educational Foundation in Washington.

* * *

A competition open to writers and historians of the 21 American republics is announced by the Bolivarian Society of Venezuela, according to word received by the School of Inter-American Affairs at the University of New Mexico. A cash award of 3000 bolivars (about \$900 U. S.) is offered for the best original literary work based on the theme, "The Pan American Ideal of the Liberator Simon Bolivar, Its Development, Evolution and Influence." The contest closes Oct. 12, 1946. Entries may be submitted in English, Spanish, Portuguese and French.

* * *

The American annexation of New Mexico naturally resulted in the introduction of politics in the Anglo-American style. One of the early items of friction in territorial affairs was the matter of the public printing. The following documents illustrate that fact. They are transcribed from microfilm copies in the library of the University of New Mexico. The originals are to be found in the National Archives, records of the Office of Indian Affairs, New Mexico Superintendency, Letters Received. The letters are tied in bundles of a size convenient for grasping in one hand. Four or five bundles will represent the correspondence for one year. Each letter has a serial number, but they do not show clearly on the microfilm. The original can be found without much delay although the seeker does not have the serial number; moreover, the letters are sometimes mixed up due to successive handlings, which minimizes the importance of the number.

In transcribing the microfilms, the original spelling, capitalization, and punctuation has been adhered to as much as possible. These points are sometimes a matter of puzzlement due to difficulties in reading the film, but it is believed that no serious errors have crept into the published copies, especially any that would change the meaning.

F. D. R.

Santa Fe New Mexico
Feb'y 28th 1856

Sir

As acting Govr W. W. H. Davis has Represented to your Department that I had threatened to draw upon you for funds to purchase agricultural Implements for the Pueblo Indians, he no doubt thought he done his duty—while I can say that I have not drawn any Drafts Except for salary, nor shall I do so unless I consult His Excellency—I made suggestions to him which I thought was for the Best Interest of the Indians, that I still think that If any more agricultural implement are Perchased, some Regard should be had as to the manner they are perchased, my Impression is that If these articles were bought by your department and sent to the agent for distribution a large Portion of the Fund would be saved in the first cost, as well as the commission allowed the merchants. It has always been my wish to comply with the superintendent of Indian affairs Instructions, I have invariably asked the advice of my superior officer when a doubt arose in my mind as to my duty—I have used my official station for no other purpose that did not belong to it, I shall continue to discharge the Duty of my office faithfully—and hope no cause may arise to give dissatisfaction.

Mr. Secty Davis¹ has been in office over two years, can he say that he has not used his official station for any other Purpose than that for which he was appointed. If he can let him contradict what I here state, and I pledge myself to Prove every word I say—

During the last two years Mr Davis has been the Editor of of the Santa fe Gazete, In which office all the Public Printing for New Mexico has been done, he by virtue of his office of secretary had the Power of contracting for this work, he gave the contract to Mr Collins² and Received one half of the Profits which I am informed amounted to several thousand Dollars, If this is not contrary to the rules Established by the secty of the Interior, then Mr Davis has a fine opportunity to make money by his official Position, while it is notorious that he has given these contracts to himself & Partner, yet not a word is said about the matter.

Certainly no officer of the Government should be allowed to do these things, yet for two years Mr Davis has participated in the Profits of the Public Printing by which snug contracts he has made several thousand Dollars. By Reference to the laws of 1853 it will be seen that Mr Davis name is connected with Mr Collins as Publisher, after that the laws were codified by Judge Devenport,³ and Published by the same Party, but they say Printed at the office of the Santa fe Gazete, fearing I suppose that If Mr Davis name appeared it might Expose him to the department, while it was well known that he gave the contract to himself & Partner, so also of the laws 54 & 55 the Endorsement is Printed at the Santa fe Gazete office, yet all this time Mr Davis was Editor of the Gazete.

1. W. W. H. Davis is best known today as the author of *El Gringo*.

2. James L. Collins entered the Santa Fé trade in 1827 and later resided in Santa Fé. He was superintendent of Indian affairs from 1857 to 1863.

3. J. J. Davenport, chief justice of New Mexico, 1853 to 1857.

Now It does seem to me that Mr Davis has used his official Position for other Purposes than secty and Should be held accountable for its abuse. I see no Reason why all officers should not be treated alike, you may think sir that I feel a disposition to misrepresent Mr Davis, or to seek satisfaction for his letter to you in Relation to my conduct, but I assure you that I ask nothing more than that the Rules & Regulations shall be put in force, that all may Receive the Bennifit of their official misconduct.

I shall do nothing in my official capacity that may cause alarm, I may Err, but it will not be Intentional, my wish is to do my duty, nothing more, I shall not turn my office into a speculating machine, and hope sir to quit it with clean hands.

I have to ask your Indulgence for this letter, while I state to you that I would be the last man in the world to do any one an Injury, while I claim the Right to Express my opinions of the acts of official corruption as well as the high officers of this Territory.

I have the Honor to be
Your obedient Svt.

A. G. Mayers

Indian agent for New Mexico
Hon. G. W. Mannypenny
Commissioner of Indian
Affairs Washington City
D. C.

(Copies)

Santa fe March 25th 1856

My Dear Sir:

I would like you to come up to santa fe before the mail leves for the United States as I desire to see you about a matter that may redound to your interest, let this be *entirely confidential*.

Yours Respectfully
W. W. H. Davis

Major S. M. Baird⁴

Dear Sir

Please to state if consistent with your feelings what object was intended by the above letter, as I have accused Davis with Prostituting his Position of secretary of the Territory of New Mexico to make money by giving himself the contracts of Public Printing.

Very Respectfully
Your friend & obdt. st.

Santa Sept. 12th 1856

A. G. Mayers
Agent for the Pueblo
Indians of N. M.

4. S. M. Baird was appointed special agent for the Navaho by Governor Calhoun on February 1, 1852.

To this letter I Rec the following Reply from Major S. M. Baird,

Dear Sir

I have never seen Mr. Davis in reference to the within note, but have been informed in a manner that admits of no doubt, and which can be proven when doubted, that the object of the note was to make some arrangement about the Public Printing of this Territory, that he wished to advise me that the auditor had decided that the secretary had not a right to control the Public Printing of this Territory, but the Legislature had, the Principle which I had contended for, when the secretary Entered into Partnership with Mr Collins, for the Public Printing—this was the avowed object of the note referred to—the real object was to get me to run a Newspaper for his Benifet at my own Expencc, and I have no doubt but I might have made a corrupt Bargain with him—his bargain with the former Printer is notorious.

Yours

S. M. Baird

Sir.

The above letters with that of Mr Collins letter shows you how things have been managed in this territory and yet this Honest secty Expects to be made Govr in the Event of Mr Buchanan is Elected President.

I Remain very Respectfully
your obt st

Hon. G. W. Manypenny
Commissioner of Indian
affairs, Washington City
D. C.

A. G. Mayers
Agent for the Pueblo Indians of N. M.

Santa fe, New Mexico October 6th 1856

Major A. G. Mayers

Dear Sir

Your note of this morning asking information in regard to Secretary Davis connexion with me in the territorial Printing is received. It was my intention to remain silent on this subject, but in consequence of the false information which I understand Govr. Meriwether has furnished to the Department at Washington about the matter I deem it my duty to state the facts. I do not intend that anything with which I have connexion shall be misrepresented, Especially when such misrepresentation is intended to deceive and mislead the Government.

Govr. Meriwether knows all the facts in reference to Mr. Davis connexion with the Public Printing, and he knew that Davis continued to receive one half of the Profits for the Printing done in the Gazette, both private and public, for more than twelve months after the contract closed, which legally connected Mr. Davis with the Printing.

Mr. Davis connection with the Gazette office commenced in December 1853, at which time a contract was made with Mr. Messer-vay then secretary and Collins & Davis, for doing all the Territorial

Printing which might be ordered by him the said secty as well as that to be ordered by the Legislative Assembly, befor the close of His contract. Mr. Davis received the appointment of secretary of the Territory, but I never considered any thing wrong or improper in his connexion even as secretary while fullfilling the contract which him and myself made with secretary Messervey, Toward the end of the year 1854, when the time approached to renew the contract for the territorial Printing, I was much surprised to receive a proposition from secretary Davis for a continuation of the firm of Collins and Davis in the business of Public Printing.

He prefaced his proposition with remarks to the following effect; that he would as secretary make the contract with me in my own name, which would show at washington that I was the Public Printer, but he desired to share the Profits of the work as he had done under the contracts with secretary Messervey;⁵ as an inducement to me to accede to this proposition, he stated that he would order the Printing of all the back Journals, and he could in various ways increase the amount of Public Printing to be done for the lower branches of the Government.

To understand the nature of these back or unprinted Journals it is Proper to state, that they covered the proceedings of the two first sessions of the legislative assembly, one commencing on the 1st of June 1851, and the other in the december following; these Journals had been badly kept, and were indeed in no condition to be printed, for I had submitted a proposition to Each of the secretaries who preceeded Mr. Davis in the office to print them, and they all refused to have it done.

Mr. Allen⁶ our first secretary Examined them carefully with a view to give me the Printing, which he was inclined to do as far as was consistant with his duties as an officer, but after the Examination, he stated that he did not feel justified to have it done on account of the imperfection of the Journals, he stated that he found them to have been badly kept, and not only this, many of the sheets were missing; Mr. Greiner⁷ and Mr. Messervey, who filled the office after Mr Allen refused to have the work done on this same grounds; After my conversation with Mr Davis I Requested him to submit the matter to Messervey again, which he told me he had done, and that he again refused to have the Journals Printed, these then were the Journals which Mr Davis stated he would have printed, and as there would be four Volumes of them, it was an item of some importance in the amount of work to be done, I did not however, give Mr Davis an immediate answer, but told him I would think of it, which I did do, and although I regarded the matter as of doubtfull propriety on the Part of the secretary, I concluded that I was not the keeper of his

5. W. S. Messervey: a long time resident of New Mexico. Secretary of the territory under Governor Lane and acting governor between the departure of Lane and the arrival of David Meriwether.

6. William S. Allen: secretary of the territorial government under Governor Calhoun.

7. John Greiner: held the successive offices of Indian agent, superintendent of Indian affairs, and secretary from 1851 to 1853.

conscience, nor yet the guardian of his acts as a public officer, and as the proposition suited me for several reasons I Exceeded to it, and the contract was made with me as the secretary Proposed, and he continued to receive one half the Profits of all the Public and all other Printing, down to about the 16th of Feby last, all this was known and well understood by Govenor Meriwether.

But what gave me still greater surprise on the Part of secty Davis was, that when he made out the vouchers for Printing these back Journals, it was done in the name of Collins & Davis, and it now appears upon the records at Washington as work done under the contract made with Secretary Messervey, and Collins & Davis, and this after Mr Messervey had positively refused both Davis and myself to have the Journals Printed, this is the case with the revised code, the vouchers are made out in the name of Collins & Davis, showing it to be work done by them, where by no construction, that can be given to the transaction, can it be shown to be work done under the contract made with Messervey, these then are the facts connected with secretary Davis, and myself in the Public Printing, and the records will show them to be true as stated. I am sir very

Respectfully your ob. st.

(Signed) J. L. Collins

Santa Fe, N. M. Oct. 20th 1856

Sir

Some time ago Mr. Davis made statements to you that I intended to interfere with his official duties while acting Govr. of this Territory, and caused you to notify me that if I drew any drafts upon your department unless approved by the superintendent they would not be accepted. I have in various ways been misrepresented to your department by both the Govr. and Secty. while the latter was acting govrr and believing that great injustice has been done to me, I felt it my duty to Expose some of the Rascality Practiced in this Country. My letter dated to you on the 28 of February last in which I charged W. W. H. Davis with Prostituting his office of secretary to make money outside of his salary, has brought down the power of His Excellency D. Meriwether upon me, and no doubt both His Excellency & Davis together will be able to crush me, but they shall not do it without a fair investigation of my official conduct. I am willing to stand or fall by it, I court investigation into my official acts. They are open to the world. I may have committed Errors, but no man shall accuse me of official corruption.

I enclose you a copy of W. W. H. Davis letter to Major Baird and it will show you How this honest officer, who is Ready, and willing to create suspicion upon others—has been doing while secretary of the territory

read Mr Baird's letter in Reply to me.

Then Sir, read J. L. Collins esqs letter to me and you will no doubt be satisfied of Davis official conduct, here is the best evidence in the world of the corrupt conduct of Davis, Yet this Honest Secty gets indignant at my presuming to discharge the duties of my office accord-

ing to my own Judgment, I ask no favors at the hands of these Gentlemen, all I ask is that if any charges are made against me that I have an opportunity to defend myself.

You can form your own opinions of the within Correspondence. If this is not sufficient to convince you that Davis is guilty of Prostituting his office to make money by it, then I am unable to judge what constitutes such an offence. If he is guilty, then apply the remedy where the Evil exists, and let even handed Justice be delt out to all of us. I am perfectly willing the rules shall be applied to me, & shall not complain, if found guilty, for being dismissed.

I shall leve in the mails next month for new orleans, I am anxious to settle my accounts, and hope an oppportunity will be given me to defend myself from the attacks made upon me. I shall send copies of these letters to the Proper Department, and if Davis disputes the authenticity of them, I hold myself Ready to Prove the facts contained in them.

Very Respectfully

Your obedient st

A. G. Mayers

Agent for the Pueblo Indians
of N. M.

Hon
G. W. Manypenny
Commissioner of Ind.
Affr Washington City
D. C.

New Orleans La Decr 10th 1856

Sir

You will see by this letter that I have arrived at New Orleans. I have availed myself of your leve of absence for Ninety days forty of which are past at this date, to return within the time allowed me would require me to start back almost immediately, under these circumstances I will thank you to Extend my leve of absence for Ninety days longer.

And in the mean while I could attend to some business belonging to my agency as I am now in the states would it not be good Policy for me to purchase the agricultural Implements for the Pueblo Indians. If Permitted to do this, I could select such articles as I have recommended for them, and I am satisfied they can be purchased at an advantage *over the goods turned over to me in Santa Fe.*

There are many suggestions that I could make in behalf of the Pueblo Indians that should receive attention, while I am at a loss to know why the appropriation for the Pueblo Indians has been withheld from them, it is now nearly three years since Congress made this appropriation yet there has not been over sixteen hundred & forty dollars & seventy five cents Expended out of the ten thousand dollar appropriated, for the Pueblo Indians.

When I left santa fe the superintendent of Indian affairs stated that he was not aware of any Implements being Perchased for the Pueblo Indians, and as so long a time has Elapsed since the appropriation was made It seems to me it is not at all improper to bring the

subject to your notice, that steps may be taken to distribute this appropriation among the Pueblo Indians. I can see no just cause for further delay, and hope you will Pardon me for thus frankly Expressing my opinion on the subject and again calling your attention to the subject.

I am ready and anxious to perform any duty pertaining to my agency, and considering the perchase of agricultural implements of much importance to the Pueblo Indians, I hope that another season may not pass without their getting their Presents, and as I am now here and willing to Perform any service pertaining to my Indians I hope to be permitted to discharge the duty of my office. If the goods have been purchased, all right I do not wish to usurp the Power of the supt. I simply wish to forward the interests of the Indians of my Agency.

I send this through Hon. R. W. Johnson⁸ and shall be ready at any minute to give attention to any order that you may think Proper to give.

I Remain very
Respectfully your
Obt st A. G. Mayers
Agent for the Pueblo
Indians of N. M.

Hon. G. W. Manypenny
Commissioner of Ind.
Affairs Washington City
D. C.

P. S. When I left santa fe Govr. Meriwether was very sick, no Indian hostilities in New Mexico, on my way in a few days before I reached Eagle Springs, Texas, a Party of Alabama Emagrants where attacked by Muscalero Apache Indians, four of them were wounded they lost five out of nine animals and they suppose they killed four of the Indians. We did not see any Indians during the trip but heard many rumors of depredations committed on the road, on trains, and small Partys—the Alabamians had seven men in all. I saw the wounded, none of which were dangerous, although suffering greatly for medical aid, the Party are from Marion County Alabama, the Capt name is J. C. Read

Hon G. W. Manypenny Very respectfully A. G. Mayers
Comr of In Aff Washington City D. C. Agent

8. Probably Robert Ward Johnson, lawyer in Arkansas, representative in Congress from 1847 to 1853 and senator from 1853 to 1861.

Necrology

DR. ABERDEEN O. BOWDEN

Death came to Dr. Aberdeen Orlando Bowden, president of the New Mexico State Teachers College from 1922-1934, on Sunday, February 10, 1946, at Los Angeles. Dr. Bowden was born at Fulton, Kentucky, December 13, 1881, the son of Isaiah and Malenda Agnes Emerson Bowden. He received his A.B. from the University of Kentucky in 1908 and his A.M. in 1910. Harvard in 1912, also conferred the A.M. degree. One year was spent at the University of Chicago in post-graduate study, and in 1928 Dr. Bowden received his Ph. D., from Columbia. His teaching career before coming to New Mexico, included principalships of the high schools at Maysville, Ky., 1908-1909; Henry county high school, Paris, Tenn., 1909-1911; Laurel, Mont., 1913-1914; Huron, S. D., 1914-1920. He was head of the department and professor of education and philosophy, Baylor College, Belton, Texas, 1920 to 1922, coming to New Mexico the latter year, to take the presidency of the State Teachers' College at Silver City, a position which he held to 1934, when he succeeded D. Edgar L. Hewett as chairman of the department of Anthropology in the University of Southern California, at Los Angeles, a post he held until two years ago. Dr. Bowden in his addresses at the meetings of the New Mexico Educational Association and other gatherings took an advanced stand in educational theory and practice which aroused some opposition and this culminated in a controversy with the state authorities when he insisted upon higher salaries for his staff at the College. This resulted in his dismissal by a new board of regents appointed by the governor of the State. Dr. Bowden obtained judgment in Federal Court for the breach of contract by the State and the New Mexico legislature appropriated \$3800 to pay the judgment, thus vindicating his claim.

Among other positions and responsibilities held by Dr. Bowden were director of the California branch of the School of American Research of which later he was a member of the managing board when he died; director of the Jemez

field school of archaeology in the summer of 1935; field work in anthropology in South America. He had been president of the New Mexico Educational Council and of the Geographical Board of New Mexico; he was a fellow of the American Association for the Advancement of Science, member of the National Illiteracy Commission, American Academy of Political and Social Sciences, National Educational Association serving on the committee on tenure; president of the New Mexico Educational Association and of the New Mexico Schoolmasters Club, of the National Economic Council; and member of a number of other learned societies and educational associations. He attended the meeting of the world federation of educational associations in Geneva in 1929. Dr. Bowden was the winner of various awards for scholarship, a Phi Beta Kappa, a member of various Greek Letter honor societies, governor of the 42d district (New Mexico and Texas) of International Rotary, 1932-1933, a Mason and a Baptist, thus showing a wide range of interests and activities. He was the author of *American Scene* 1942, *Man and Civilization* 1938 and a number of educational text books besides being a contributor to various magazines and other periodicals. Dr. Bowden married Katherine Kennan Marsh on August 21, 1913, who with a son, Gordon T., and a daughter, Mrs. Frank W. Troost, survives him.

—P.A.F.W.

FRANCIS T. CHEETHAM

Interested in the history of New Mexico, especially in the Kit Carson period, Francis T. Cheetham, associate editor of the NEW MEXICO HISTORICAL REVIEW, died in the Holy Cross hospital, in Taos, after a month's illness, on January 30, 1946. Born 72 years ago in Kansas, Cheetham came to New Mexico 34 years ago and engaged in the practice of law at Taos. Active in politics as a Republican, he served in the lower house of the New Mexico legislature and proved himself a special friend of the New Mexico Historical Society of which he had been a vice-president. He had gathered a library of New Mexicana which included a number of

rare first editions and publications now out of print. Cheatham was a member of the Masonic Lodge and Consistory. In religion he was a Unitarian and his funeral took place from the Hanlon funeral parlor in Taos on Sunday afternoon, February 3. Surviving are the widow, four sons, Herbert, Wallace, Everett and Lowell, and a brother, Arthur, living in California.

—P.A.F.W.

The Historical Society of New Mexico

Organized December 26, 1859

PAST PRESIDENTS

1859 — COL. JOHN B. GRAYSON, U. S. A.

1861 — MAJ. JAMES L. DONALDSON, U. S. A.

1863 — HON. KIRBY BENEDICT

adjourned sine die, Sept. 23, 1863

re-established Dec. 27, 1880

1881 — HON. WILLIAM G. RITCH

1883 — HON. L. BRADFORD PRINCE

1923 — HON. FRANK W. CLANCY

1925 — COL. RALPH E. TWITCHELL

1926 — PAUL A. F. WALTER

OFFICERS FOR 1946-1947

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PEARCE C. RODEY, *Vice-President*

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J. LLOYD MECHAM

THEODOSIUS MEYER, O. F. M.

FRANK D. REEVE

FRANCE V. SCHOLES

ALFRED B. THOMAS

PAUL A. F. WALTER

CONSTITUTION
OF THE
HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 25, 1941)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, a vice-president, a corresponding secretary, a treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

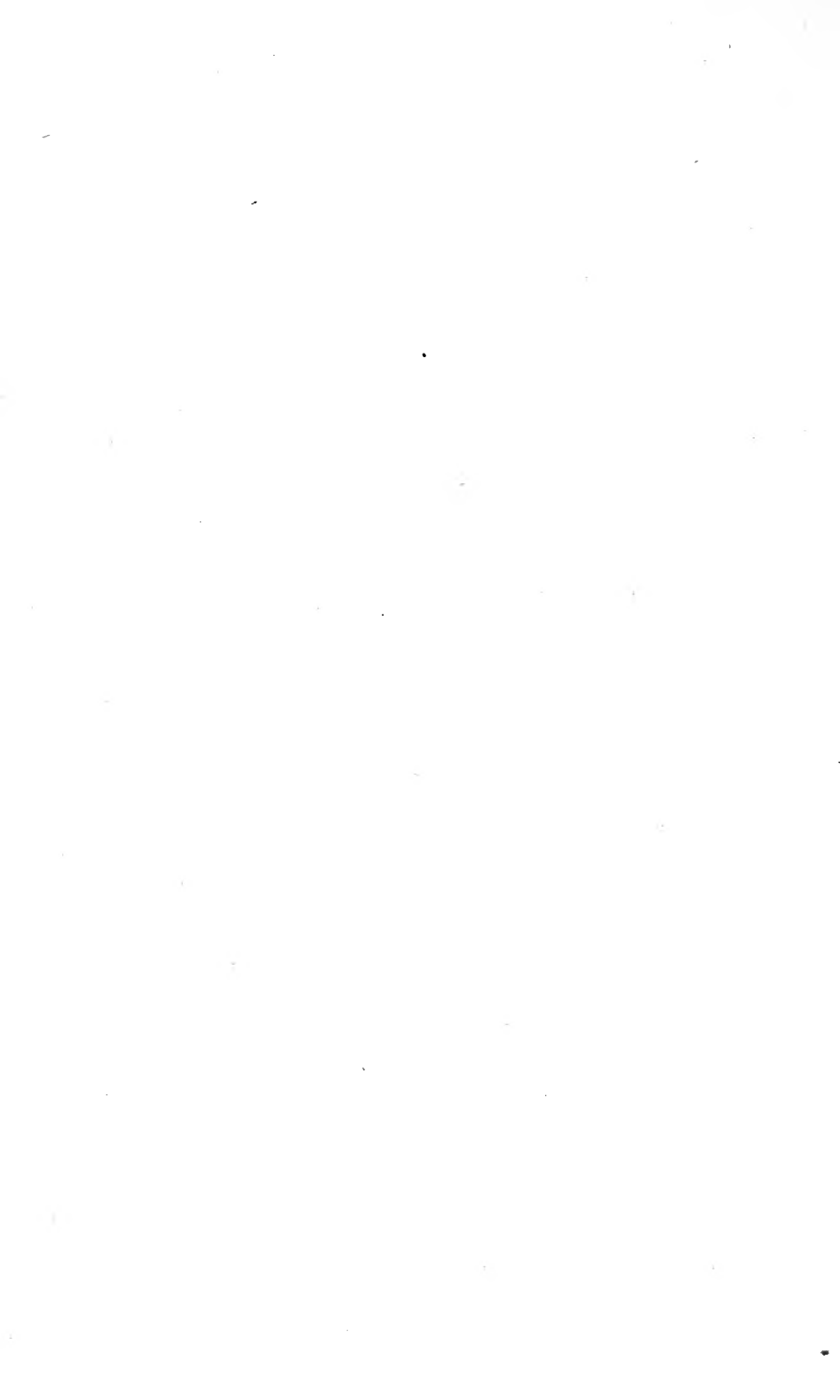
Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendments shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Wayne L. Mauzy, State Museum, Santa Fé, New Mexico.



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New Mexico Historical Review



PALACE OF THE GOVERNORS, SANTA FÉ

July, 1946

Editors

FRANK D. REEVE

PAUL A. F. WALTER

Associates

PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANCE V. SCHOLDS

THEODOSIUS MEYER, O.F.M.

ARTHUR J. O. ANDERSON

VOL. XXI

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Business communications should be addressed to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Prof. Frank D. Reeve, University of New Mexico, Albuquerque, N. M.

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STEPHEN WATTS KEARNY

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VOL. XXI

JULY, 1946

No. 3

THE WESTERN SERVICES OF STEPHEN WATTS KEARNY, 1815-1848

By *MENDELL LEE TAYLOR

STEPHEN WATTS KEARNY, the fifteenth child of Phillip and Susannah Kearny, was born at Newark, New Jersey, August 30, 1794. He lived in New Jersey until he matriculated in Columbia University in 1809. While here the national crisis of 1812 brought his natural aptitudes to the forefront. When a call for volunteers was made for the War of 1812, Kearny enlisted, even though he was only a few weeks away from a Bachelor of Arts degree. In the early part of the war he was captured at the battle of Queenstown. But an exchange of prisoners soon brought him to Boston. Later, for gallantry at Queenstown, he received a captaincy on April 1, 1813.

After the Treaty of Ghent the army staff was cut as much as possible. Kearny survived this reduction and was given a choice of being stationed in the East or of becoming a pioneer in exploration and construction work on the western frontier. This western life would include Indian fighting, living either in the saddle or in crude barracks, suffering privations and exposures of every type. In spite of these uninviting prospects, Kearny elected to become a man of the West. His interest in the West became even more manifest when he married Mary Radford, the step-daughter of the famous General William Clark of St. Louis.

* Mendell Lee Taylor is a member of the department of history, Nazarene Theological Seminary, Kansas City, Mo. His doctoral dissertation is *The Western Services of Stephen Watts Kearny, 1815-1848*, University of Oklahoma, 1944, ms.

Between 1815 and the end of his life in 1848, Kearny remained almost constantly associated with the West.

Now began his interesting services to the West—divided into three periods—in exploration, in the building of forts, and in leading the Army of the West. Kearny was connected with four important western exploring expeditions. The first was in 1820 when he was assigned the task of laying out a military road between the upper Missouri and Mississippi rivers. This was the first overland route of white persons between the upper regions of the two rivers, and it marked the opening stage of the military occupation of the Northwest. A day-by-day journal of this expedition was compiled by Kearny, and recently has been edited and printed by Valentine Mott Porter.

The party consisted of Lieutenant-Colonel Willoughby Morgan, Captains Kearny and M. J. Magee, Lieutenants Joseph Pentland and Andrew Talcott, fifteen soldiers, four servants, and an Indian guide and his wife and papoose (an infant of four months). On July 2, 1820, they departed from Council Bluffs. After three weeks of continuous travel, everyone had reached the point of exhaustion. But on July 21, they were given new courage by seeing from a high ridge the Mississippi River. The weary party reached Fort Snelling at the confluence of the St. Peters and the Mississippi on July 25, and were cordially greeted by Colonel Henry Leavenworth.

During the next few days, Kearny accompanied several exploring parties into the surrounding country. One trip was to the Falls of St. Anthony, and another was to a point of land at the mouth of the St. Peters River, where the building of permanent barracks was planned. The return trip was made down the Mississippi, the small company reaching St. Louis on August 18, having traveled on the average twenty miles per day. The total distance traveled by land was 450 miles and by water 900 miles. Kearny reported three results from this expedition: first, the protection of northwestern frontiersmen against Indian attacks was assured; second, the fur trade was expanded; and third, the influence of British traders with the Indians was checked.

The second expedition was in 1825. Kearny with four companies under his command was invited to accompany General Henry Atkinson on his famous Rocky Mountain expedition. Benjamin O'Fallon, United States Agent of Indian Affairs, also went with the explorers to conclude treaties with Indian tribes which might be encountered on the trip. The full complement of troops for the journey numbered 476 men. A detachment of this group under Atkinson ascended the Missouri as far as one hundred and twenty miles above the mouth of the Yellowstone River, which was approximately 2,000 miles from St. Louis. The expedition ended on September 19, 1825; during the period of travel twelve treaties had been concluded with the various tribes along the way.

The third expedition was to the country of the Pawnee Picts in 1834. The first assignment of the newly organized Regiment of First Dragoons was to make this trip into the wildest part of the Indian country, near the present site of Fort Sill, Oklahoma. And since Kearny was second to Colonel Henry Dodge in command of the Second Dragoons, he was in part responsible for the success of the whole expedition.

On June 15, 1834, Dodge ordered the Dragoons to move out from Fort Gibson, and in the latter part of July the Pawnee Picts' country was reached. Included in the party was George Catlin, the famous Indian portrait painter, who had been given permission by the Secretary of War to accompany the column. After a conference, at which the Indians were assured of the white man's friendship and protection, Dodge persuaded the chiefs to return with him to Fort Gibson for a friendly visit. The return march started on July 25, and along the way chiefs from various tribes joined the column.

The campaign met with near-disaster. General Leavenworth and a large number of his officers and men died from malaria fever and other causes. Even the survivors who returned to Fort Gibson were half naked and emaciated with nothing to identify them as the smartly dressed troopers who had left the post two months before. But

the expedition was considered a success, since the three day conference with the chiefs of the Pawnee Picts, Kiowas, Osages, and Delawares paved the way for agreements and treaties essential to the ultimate occupation of a great part of this country by immigrant Indians.

The fourth and most important of Kearny's expeditions was to South Pass, Wyoming, in 1845. In making this expedition he had recognized the need of employing troops on the trails traveled by Oregon emigrants and Santa Fe traders. This would impress upon the Indians the necessity of refraining from attacking all whites moving across the prairies. Accordingly, he organized a force of five companies of fifty Dragoons each. He left Fort Leavenworth, May 18, 1845, and by June 14 reached Fort Platte, at the mouth of the Laramie River, about one mile north of Fort Laramie, a rival fur-trading station. The operators of the two posts extended a welcome to Kearny's command. Later, on June 30, Kearny's party, after an almost imperceptible ascent of two miles, arrived at South Pass.

The next day the return trip began. A southward route towards the Santa Fe trail via Bent's Fort was taken. Three shots from the post's swivel gun sounded a noisy salute to the regiment, and the proprietors, Charles Bent and Ceran St. Vrain, extended a hospitable welcome to Kearny and his men.

The marchers arrived at Fort Leavenworth on August 24, 1845, having traveled on the expedition 2200 miles. Kearny's report to the government as to this trip vitally affected the development of this northwestern area.

During the period of this phase of frontier service, Kearny had not only led in important explorations, but he had also supervised the erection of five forts. The first post was erected at Jefferson Barracks, St. Louis, in 1826. The need for an infantry practice school in the west had become apparent, and orders for its erection went out on March 4, 1826. Ground work was started on July 10 by the four companies serving under Kearny, who continued at this task for the next fifteen months, during which time most of the buildings were completed. When finished,

the camp was named Jefferson Barracks in honor of Thomas Jefferson, who had just died. This new garrison became the regional depot and figured in most of the frontier events.

The second fort Kearny built was Fort Crawford, Wisconsin, in 1829. During the winter of 1828, he had received instructions to tear down the dilapidated barracks at Fort Crawford and construct new ones. Early in the spring of 1829 he examined the surrounding country for a better site. The location chosen comprised some two hundred acres extending from the Mississippi on the west to the bluffs in the rear of the Prairie du Chien. Here the construction of barracks was presently begun. After a year's labor at this new Fort Crawford, a commodious stone and log structure was completed. This new fort had a vital part in protecting the northwestern frontier.

The third fort which Kearny built was Fort Towson, Oklahoma, in 1831. In the spring of 1831, he received final instructions to establish a new garrison near the confluence of the Kiamichi and Red rivers. By April 26, 1831, he had arrived at a landing on the Red River near the mouth of the Kiamichi, and had immediately proceeded to search for a site. He finally decided to build on the spot where Cantonment Towson formerly stood. Plans for the fort included a series of buildings enclosing an area with the outer dimensions of 302 by 256 feet. Presently troops occupied the new quarters, and in November, 1831, the post was christened Fort Towson. It rapidly developed into an important center from which patrols of the Indian country operated.

Kearny's fourth post was Fort Des Moines, No. 1, Iowa, in 1834. His command arrived at the Des Moines River, where a new fort was to be erected, in September of 1834. But he was preceded by Quartermaster George H. Crossman, who was to perform the preliminary task of barrack construction. Upon arriving, Kearny found that Crossman had done little. The quarters for officers and soldiers were hardly started, and not a log was yet laid for stables. But by employing all his available force, Kearny

completed the structures by November. Secretary of War Cass designated the new barracks as Fort Des Moines.

The War Department named Kearny's fifth fort Camp Kearny. It was located in Iowa near the place where the Sioux hunting parties often committed offences against the recently settled Potawatomi, Chippewa, and Ottawa Indians. To quiet all apprehensions, Kearny's Dragoons erected a blockhouse and set up barracks in the danger zone, completing their work in the spring of 1838. In May, Father de Smet, the famous Jesuit missionary, arrived among the Potawatomes, and Kearny donated to him the log structure for a mission station.

As excellent as was this second phase of Kearny's contributions to the West in the building of frontier forts, his most distinguished service was to command the Army of the West during the Mexican War. On May 13, 1846, he was officially informed that he had been appointed commander of an expedition against the capital of New Mexico. That part of the army which marched with Kearny was composed of five veteran companies from the First Dragoon Regiment and several volunteer companies from Missouri. This latter group was organized into four units: namely, the First Regiment of Missouri Mounted Volunteers; the Battalion of Light Artillery; the Battalion of Infantry; and the Laclede Rangers. By June 18, 1846, the First Regiment of Missouri Mounted Volunteers had its eight companies mustered into service at Fort Leavenworth. According to the regulations for volunteer corps, each unit was allowed to elect its own field officers as well as company officers.

The two leading candidates for Colonel of this regiment were John W. Price of Howard county and A. W. Doniphan of Clay county. Although he was only a private in his company, the latter had been an eminent lawyer and distinguished soldier, serving as brigadier-general in the campaign of 1838 against the Mormons. To choose a colonel, the volunteers formed a line behind the man of their choice. The longest line was behind Doniphan and he was declared elected. Other important officers of the Regiment

were C. F. Ruff, Lieutenant-Colonel, and William Gilpin, Major.

The second group of Missouri volunteers, composed of two companies, was known as the Battalion of Light Artillery which, by the middle of June, was mustered into service at Fort Leavenworth. The two companies were formed into a battalion and M. L. Clark was chosen as its Major.

The third group of Missouri volunteers was a Battalion of Infantry. Those elected to command the companies were Captains W. Z. Angney and W. S. Murphy. But since the two companies operated separately, a battalion was never organized. Kearny was surprised to find even two companies of infantry willing to make the long journey to New Mexico.

The fourth Missouri volunteer organization was the company of Laclede Mounted Rangers under the command of Captain T. B. Hudson.

The above four Missouri units, plus the five companies of Dragoons, made a total of approximately 1,600 men composing the original Army of the West to march under the immediate command of Kearny. Soon thereafter, however, four other units were created to help occupy the conquered territory, including: (1) the Mormon Battalion; (2) the Second Regiment of Missouri Mounted Volunteers; (3) the Battalion of Missouri Mounted Volunteers; and (4) the Regiment of New York Volunteers. These organizations, although not among the initial invaders, were a part of the Army of the West.

In relation to the Mormons, Kearny had received information that a large body of Mormons was desirous of emigrating to and settling in California. He decided to ask them for a battalion to supplement his command. He told them that those companies which marched to California could form the advance guard of migrating Mormons and could spy out the land at the expense of the government. Also, in addition to their pay, they would be permitted to retain their guns and accoutrements as private property

when their term of service had expired. Captain James Allen was given the assignment of raising this battalion.

The second addition to the Army of the West was the Second Regiment of Missouri Mounted Volunteers. By August 1, the regiment was mustered into service at Fort Leavenworth, and twelve days later the election of officers was held. Sterling Price was chosen as Colonel, D. D. Mitchell as Lieutenant-Colonel, and B. G. Edmonson as Major.

The third accession was the Battalion of Missouri Mounted Volunteers composed of four companies, of which David Willock was commanding officer.

The fourth addition was the First Regiment of New York Volunteers. When the War Department decided that the Army of the West should have the Pacific coast as its destination, it became apparent that one regiment of troops should go by water to this theatre of War. New York was asked to furnish this regiment. By August 1, all companies had arrived at Governor's Island, and the election of the regiment's field officers was held—J. D. Stevenson as Colonel, Henry S. Burton as Lieutenant-Colonel, James A. Hardie as Major.

While the original units of the Army of the West were still coming into Fort Leavenworth, Kearny gave attention to organizing the field and staff officers and other assistants. The first officer he chose among these was Lieutenant A. R. Johnston as Adjutant, who kept a complete diary of the activities of the Army of the West. Even today his day-by-day account is a valuable source of information on Kearny's movements. Thomas Fitzpatrick was to serve as guide for the expedition. He had become famous as a mountaineer and was familiar with the West. Surgeon S. G. DeCamp was to head the medical corps; Major Thomas Swords was Quartermaster; Lieutenant W. N. Grier was head of the commissary; and Lieutenant John Love had charge of Ordnance.

The official roster was completed when Lieutenants W. H. Emory, W. H. Warner, W. J. Abert, and W. G. Peck, Field and Topographical Engineers, arrived at Fort Leav-

enworth. They kept a detailed record of travel, adventures, of the region's flora and fauna, and of its altitude, longitude, and latitude. Their reports, too, became valuable sources of information on the western country. Indeed, Emory's *Notes of a Military Reconnaissance* . . . constitute a wealth of material about the entire journey from Fort Leavenworth to California. Abert spent a year exploring New Mexico and his record of topography, geology, and botany, has become invaluable. Moreover, these topographical engineers aided the expedition greatly.

Although the organization of the Army of the West was completed, it did not operate as a unit until it reached Mexican soil. Both troops and supplies were dispatched at intervals. In order to provide a steady flow of provisions, early in June Kearny started trains of supply-laden prairie schooners for stations along the road to Bent's Fort.

The Army of the West, like its supply trains, left Fort Leavenworth in separate sections. Two companies of Dragoons under Captains B. D. Moore and J. H. Burgwin were the first troops to depart for the West. On June 5, 1846, they were sent to intercept a quantity of arms and ammunition being transported to New Mexico by the trading caravans of Armijo and Speyer. This process of dispatching troops continued until June 30, at which time Kearny and his headquarters detachment departed for Santa Fe.

The line of march led through Creek No. 110 (so named because of its distance from old Fort Osage) on July 6; Council Grove, July 8; the banks of the Arkansas, July 14; Crossing of the Cimarron, July 21; and a camp within ten miles of Bent's Fort, July 29. Kearny remained at this place three days in making preparation to invade foreign soil. Here all of the units of the Army of the West merged together for the first time.

At the same time, Kearny prepared a proclamation to the citizens of New Mexico urging them to accept peacefully the American occupation of their country. Then he sent two small parties into New Mexico with copies of his proclamation. One under Eugene Leitensdorfer was sent to Taos and the other under James Wiley Magoffin to Santa

Fe. Both parties were to prepare the Mexicans for peaceful American occupation.

By August 2, Kearny was ready to resume march. Presently the American flag was visible floating from a turret of Bent's Fort. Here Kearny left the soldiers who were too ill to travel, then moved across the international boundary into New Mexico.

On August 15, 1846, Kearny and his command arrived at Las Vegas, the first Mexican town to be occupied. There was no resistance on the part of the natives. In fact the Mexican officials took part in the military ceremony which placed the town under American control. After these officials had taken the oath of allegiance, they were allowed to continue in their positions. On the same day the troops arrived at Tecolote and the same ceremony of occupation ensued. The reception was even more friendly here than at Las Vegas. The next day, Kearny marched into San Miguel. Again Kearny addressed the assembled people and allowed the officials of the town to continue as usual. And finally, in the afternoon of August 18, without the firing of a shot, the American troops marched into Santa Fe, where Kearny claimed the whole region for the American Union. That night he slept in the Palace room which Governor Armijo had recently occupied.

Up to this point, Kearny's accomplishment had been spectacular. In fifty days his Army of the West had marched from Fort Leavenworth to Santa Fe, a distance of 883 miles, over solitudes and semi-arid wastes, and had subjugated, without striking a blow, a province of one hundred thousand people. He had immediately placed New Mexico under military control, becoming thereby its first American military governor.

On August 19, 1846, Kearny assumed his duties as military governor of New Mexico. Early in the morning many citizens of Santa Fe gathered on the plaza near the Palace and Kearny addressed them. He informed them that the Americans had come as friends to make them a part of the Republic of the United States; that their property and

religion would be respected; and that they should now consider themselves American citizens.

Presently Kearny instructed Lieutenant W. H. Emory to select a site for a fort. The spot chosen was an eminence overlooking the town. Construction began on August 23, and in a short time an imposing structure arose. The name given it by the War Department was Fort Marcy, in honor of the Secretary of War.

In order to reconcile the southern portion of New Mexico, Kearny decided to make an expedition into this area. With a total of 765 men, the trip into the south was started on September 2, and each village which the Americans passed through extended its hospitality. At Albuquerque, on September 5, Kearny and his staff visited Señora Armijo, wife of the ex-governor, who greeted them as friends. Two days later they marched into Tomé, the end of the journey. They started their return journey on September 9 and arrived at Santa Fe five days later.

Kearny was ready to establish the civil government by September 22. In this connection he issued the well known "Kearny Code," a document dealing with every detail of civil government. It contained a bill of rights guaranteeing the principles of civil and religious liberty. Its regulations were taken in part from the laws of Mexico with such modifications as our laws and constitution made necessary; in part from the laws of the Missouri Territory; in part from the laws of Texas; and the remainder from Livingston's Code. Its compilation and organization was performed by Colonel Doniphan and Private Willard P. Hall. The laws were printed in both English and Spanish and became the law for the territory of New Mexico for forty-five years.

In addition to instituting civil law, Kearny appointed the following civil officers: Charles Bent, governor; Donaciano Vigil, secretary of the territory; Richard Dallam, marshal; Francis P. Blair, United States district attorney; Charles Blummer, treasurer; Eugene Leitensdorfer, auditor of public accounts; Joab Houghton, Antonio Jose Otero, and Charles Beaubien, judges of the superior court.

While the civil government was being formed, Kearny

made plans to extend his conquest into California, the second objective of this expedition. And on September 25, 1846, he with five companies of Dragoons departed for the Pacific.

During the march, on October 6, the California-bound Dragoons met Lieutenant Kit Carson with a party of fifteen men. Carson was carrying secret information from Americans in Monterey to army officials in Washington. He reported that late in August Commodore Stockton, with a naval force, and Lieutenant-Colonel John C. Fremont, acting in concert, had conquered California; that in about ten days they had completed their task and that now California was in their possession. Learning this, Kearny ordered Carson to join his column as guide. He also ordered two companies of Dragoons to return to Santa Fe.

By October 20, the column had arrived at the precipitous banks of the Gila River. Traveling conditions were extremely unfavorable for a long stretch along the Gila. The bed of the river where it was not covered with fragments of rocks was loose, resembling volcanic dust, in which a mule would sometimes sink to its knees. After leaving the soft path, the column started climbing rugged basalt mountains. The ascents were steep, the footing uncertain, and here and there a dangerous precipice lay only one step off the dim path. The steep ascents and descents caused the packs to shift on the animals, cutting them dreadfully. After a month of travel under these conditions camp was pitched at the confluence of the Gila and the Colorado.

The ninety miles of travel west of the Colorado proved to be the most difficult of all. The desert region took the lives of many animals and was trying on the troops. There was no relief from thirst and from fear that the next mile would be the last one. But the column luxuriously refreshed itself when Carrizo Creek was reached, on November 29. After inspecting his men at this point, Kearny observed: "Poor fellows! they were well nigh naked—some of them barefoot, a sorry looking set. But in those swarthy sunburnt faces, a lover of his country will see no signs of

quailing. They will be ready for their hour when it comes." The revived Dragoons continued their march without contacting the enemy until they reached San Pasqual, thirty miles out of San Diego.

The outcome of the battle of San Pasqual, which was fought on December 6, 1846, has become controversial. Some writers believe that Kearny was unjustified in engaging the Californians; others charge him with a serious defeat, which could have been avoided; others insist that Kit Carson saved the Americans. But all reliable accounts show that at the end of the fight, Kearny's forces were in possession of the field which the enemy had occupied at the beginning of the battle; that the Californians did not attempt to counter attack to regain lost territory; that when they endeavored to block the way to San Diego, two days after San Pasqual, they were forced to flee before the advancing Americans; and that Kearny ordered his men to cut their way through to San Diego before knowing whether his messengers had reached Commodore Stockton at San Diego or not. In addition to these facts, it should be remembered that the President and Senate breveted Kearny a Major-General for his gallantry at San Pasqual.

When Kearny arrived in San Diego, he learned that Stockton was calling himself Governor and Commander-in-Chief in California; that Lieutenant-Colonel Fremont was on his way from Monterey to San Diego, expecting to meet the enemy's strongest forces in the neighborhood of Los Angeles; and that the Californians had recaptured some of the key cities after the Bear Flag Republic had been formed. Upon receiving this information, Kearny suggested to Stockton that they make an expedition northward to meet Fremont and that the group which made contact with the enemy first would try to force his surrender. This suggestion was followed and on the morning of December 29, 1846, the American forces marched out of San Diego, about six hundred strong. From all evidence the column marched under the command of Kearny.

The Americans moved northward until January 8, 1847, when about five hundred Mexicans were sighted at the

Paso de Bartolo, on the San Gabriel River. Quickly the Americans organized for battle and advanced straight towards the enemy. Then the Californians broke into retreat. The next morning the Americans set out for Los Angeles, ten miles away. The road lay across the "Mesa," a wide plain between the San Gabriel and San Fernando rivers. After a march of six miles, the Californians were seen again a little to the right, occupying a high ridge. And again they withdrew. Then on the morning of January 10, the Americans marched into Los Angeles unopposed.

Kearny and Stockton remained in Los Angeles to await the arrival of Fremont. The latter reached the city on January 14 and paraded his battalion through the streets. He also produced a copy of the armistice which he had drawn up with the Californians whom Kearny had defeated five days before. This document had been signed on January 12 at San Fernando. A short time later, the three officers, each of whom had so materially contributed to California's conquest, began quarreling among themselves, a quarrel soon to become one of the bitterest of early American history.

Kearny produced evidence that he had been instructed by the Secretary of War to conquer California, to serve as military governor, and to command all troops in this region. But Stockton and Fremont contended that these instructions were void, since the government's desires had already been accomplished before Kearny arrived. The latter could not hope to carry out his instructions by force since he had only a small force of Dragoons. Nevertheless, he was expecting the arrival of the Mormon battalion and the First Regiment of New York Volunteers at anytime. So he decided to return to San Diego to await the arrival of these troops, then force Stockton and Fremont to recognize his authority. The Mormons did arrive at San Diego on January 29 and the New York Volunteers reached Monterey a few days later. In the meantime, Stockton was replaced by Commodore W. Branford Shubrick as commander of the Pacific Squadron. But before departing from Los Angeles, Stockton had commissioned Fremont Governor and Commander-

in-Chief of California and had appointed Colonel Russell as Secretary of State. Stockton then reported to the Navy Department that the civil government in this territory was in successful operation.

When Shubrick arrived at Monterey, Kearny laid before him the whole case and he immediately acknowledged Kearny as governor and commander of the troops. Then Kearny and Shubrick agreed to issue jointly a manifesto to the people of California, announcing Kearny's governorship. Thereupon, on March 1, 1847, Kearny assumed authority as military governor.

At this point he issued orders for Fremont to muster his volunteers into the regular army of the United States and to turn in all papers and documents which related to Stockton's and Fremont's governments. Fremont refused to do so. After a personal interview between Kearny and Fremont, and an exchange of communications, the former convinced Fremont that he had sufficient troops to force him into submission, if the matter came to a showdown. Under these conditions, Fremont submitted.

Presently, both Fremont and Kearny were ordered back to the United States. On May 30, 1847, Kearny appointed R. B. Mason as Governor of California, and the next day he and his party, including Fremont, started their return journey to the United States. After eleven weeks of constant travel, the escort reached Fort Leavenworth where Kearny issued orders for Fremont's arrest.

From this post Kearny proceeded to Washington and filed with the Secretary of War charges and specifications against Fremont, including (1) mutiny, (2) disobedience of the lawful command of his superior officer, and (3) conduct to the prejudice of good order and military discipline. These charges were explained in a series of twenty-three specifications. The Adjutant General arranged for a court martial of thirteen members to convene at Fort Monroe, Virginia, on November 2, 1847, to try Fremont.

The trial lasted approximately three months. The complete record of the court proceedings as found in *Senate*

Executive Document, No. 33, 30 Cong., 1 Sess. covers 447 printed pages. Fremont was found guilty of all charges and specifications and was sentenced to be dismissed from the service. But the court recommended leniency to President Polk who, in keeping with this recommendation, decided that since Fremont had rendered valuable service to his country, he should be released from arrest, resume his sword, and report for duty. Fremont would not accept Polk's clemency and withdrew from the army. That Kearny was justified in his position is proved by these facts: (1) he alone had won in California's most serious battles; (2) after February 9, 1847, his authority was properly recognized by naval officers; (3) from first to last his claims had the support of the President and the War Department; and (4) his authority was validated by the court martial.

Kearny's final western service was as commander of the Sixth Military Department with headquarters at Jefferson Barracks. He assumed duties here on July 30, 1848. But in the interim between the trial of Fremont and commanding the Department, he had served with the army of occupation in Mexico. He had arrived in Vera Cruz on April 7, 1848, and assumed command of the Military Department of Vera Cruz. Then he was transferred to Mexico City and until the armistice between the United States and Mexico, he served as Military and Civil Governor of Mexico City. While in this tropical region he contracted a fever from which he never recovered. Consequently his activities after returning to the United States were very limited. In fact, a note attached to the regimental returns for September, 1848, from Jefferson Barracks, stated that Kearny was dangerously ill and that the physicians despaired of his recovery. His death occurred on October 31, 1848, in St. Louis.

THE STORY OF JEFFERSON BARRACKS

By *HENRY W. WEBB

THOUGH a great deal has been written of and about Jefferson Barracks, there appears to have been nothing prepared or written which presents a historical continuity of the post. Spotted references are plentiful. Incidents have been told and retold, and in the telling have been changed and distorted. A brief and incomplete history of the Barracks was compiled by Captain Harry E. Mitchell in 1921. In 1938 Post Chaplain Walter B. Zimmerman copied the Mitchell version, made some revisions, and added a brief history of events from August 16, 1921, to November 4, 1938. Both efforts were mimeographed and but few copies are known to exist at this writing. Aside from these two efforts, which were both incomplete and in many instances incorrect, the story of Jefferson Barracks and the men who manned it has never before been assembled.

That no complete history of the post has been written is partially explained by a number of facts. Through its long life, the post has been headquarters for a number of different organizations, some of which took their records with them as regimental or organization archives when they were transferred elsewhere. Some of the records of the famous 6th Infantry, which occupied the post on many occasions and for the longest period, were sent to Nebraska, where they have become part of the state's historical records. Others followed units of the regiment to Fort Knox and Fort Benning. Justification for the transfer to Nebraska is the fact that old Fort Atkinson was estab-

* This ms. was forwarded for publication in March, 1946, by Major Earl W. Smith, Headquarters Army Service Forces, Jefferson Barracks, Mo., with the following comments: "The preface to 'The Story of Jefferson Barracks' is inclosed for your information. The addresses of persons responsible for 'The Story . . . ' are unknown to me." The title of the paper, however, was accompanied with the following words: As Compiled and Edited by Major Henry W. Webb, Air Corps Public Relations Officer 1942-43-44.

The ms. was a compilation of episodic information arranged in chronological form. Dr. Arthur J. O. Anderson, Curator of History, Museum of New Mexico, Santa Fe, smoothed it over for readability and added the explanatory footnotes. Ed.

lished by the 6th under General Atkinson before the present Jefferson Barracks was founded. Other discrepancies doubtless resulted when authority to clean house was received and many records probably were destroyed.

When the Works Progress Administration was supporting a writers' guild, the guild was commissioned to prepare a history of Jefferson Barracks. In February 1943, the writers' guild was disbanded. From the unassembled material accumulated by the guild, supplemented by additional data since obtained, the following story of Jefferson Barracks has been prepared. In many instances, the material is substantiated by official documentary evidence. In others, the information was obtained from newspapers of the day and from the writings of others in which the factual content appeared to be dependable.

* * *

ON MARCH 3, 1805, an Act of Congress created the Territory of Louisiana. General James Wilkinson, commander of the United States Army, Department of the West, was appointed governor of the new territory. Wilkinson thereby had united in his person the civil and military authority controlling the northern section of the Louisiana Purchase. He was authorized to select a site for a new trading post.

General Wilkinson did not reach St. Louis until July 4, 1805, but immediately after taking over the reins of government, turned his attention to the establishment of the new post. The first site selected was north of Florissant on the south bank of the Missouri River. The owner, a widow, hesitated to sell her land, and on July 23, 1805, Wilkinson selected another site just east of Cold Water Creek, also on the south side of the Missouri. The tract embraced 5,000 acres and was purchased from a William Massey.

Oddities in the purchase were that a first deed, dated April 20, 1806, was for five acres sold to the United States. A second deed, specifying 5,000 acres, dated July 29, was in favor of James Wilkinson, and a third deed showed that

the first was included in the second. The consideration was \$2,500. Not until August 16, 1809, was a deed recorded transferring the land from Wilkinson to the government.

Notwithstanding the dates on the deeds, there was little delay in attempting to get construction under way, though many difficulties were encountered later. The site was first occupied by Major Russell Bissell and his troops, who had accompanied General Wilkinson to St. Louis as an escort.

Progress was made with construction, parade grounds were cleared, logs were floated down the river, and log cabins replaced soldiers' tents. A quartermaster store, a bake house, a blacksmith shop, a commissary, and cabins for officers gave Fort Bellefontaine, the immediate predecessor of Jefferson Barracks, an aspect of permanence.

The prospect of the movement of most of the troops from Fort Bellefontaine to construct and man new outposts and protect western pioneer movements, awakened a new clamor for military protection in the immediate vicinity. As a result, on May 16, 1818, President James Monroe commissioned Captain Boone, who had had a similar assignment in 1808, to recruit another company of mounted rangers. In addition, personnel of the territorial guard was increased.

On June 14, 1819, Colonel Chambers left the post to rejoin the Cow Island contingent. In the meantime, 600 men of the 6th Infantry had assembled at Fort Bellefontaine and were preparing to ascend the Missouri by steamboat under the leadership of Colonel Atkinson. Steamboats were then new inventions. Those to be used were the *Western Engineer*, the *Expedition*, the *Jefferson*, and the *Johnson*.

The scientific wing of the expedition under Major Long, accompanied by Major Thomas Biddle, Captain Ben O'Fallon, three scientists, and others in the *Western Engineer*, left Fort Bellefontaine on June 21. Colonel Atkinson and the others did not get away until July 4 and 5. Only a portion of his command was able to board the steamboats;

the remainder traveled on four barges propelled by paddle wheels operated by treadmills. The barges proved the more capable craft, as the steamboats developed complications. Colonel Atkinson arrived in Cantonment Martin on Cow Island on August 29. The *Western Engineer*, transporting the Long contingent, met with fewer difficulties and had reached Old Council Bluffs, where they awaited Colonel Atkinson. Some weeks later the Colonel arrived and established Camp Missouri, later named Fort Atkinson in his honor. At this time and for the next seven years it was the most remote outpost of the United States.

Colonel Atkinson returned to Fort Bellefontaine on May 13, 1820. He was given the rank of Brevet Brigadier General and made commander of the right wing of the Western Department of the United States Army. Thoroughly dissatisfied with conditions at Fort Bellefontaine, General Atkinson on January 21, 1821, advised Secretary of War Calhoun that the post was located in an out-of-the-way place, that the buildings and conditions in general were bad, and that it should be abandoned in favor of a new fort to be constructed nearer St. Louis.

It would appear that Fort Bellefontaine had become a rather dull place where tempers were easily frayed. The soldiers settled their disputes with fists, while officers revived the custom of meeting "on the field of honor." In 1823 Lieutenant Thomas C. Rector, who had been at Fort Shelby in 1814 and later the same year with Taylor on an expedition on the Missouri, killed Joshua Barton in a duel.

In August, 1824, Lieutenant William Selby Harney, with four companies of men, stopped at the fort en route to settle reported Indian uprisings in the Yellowstone country. Peace was declared before Harney could reach the scene, and he returned to spend the winter at the fort. In September, Major Stephen Watts Kearny, with a battalion of the 1st Infantry, made a brief stop en route from Fort Snelling to Fort Atkinson to replenish supplies.

In the spring of 1825, General Atkinson was ordered to conduct another expedition to the mouth of the Yellow-

stone to make treaties with the Indians. Lieutenant Harney, placed in command of 476 men of the 6th Infantry, departed for Fort Atkinson on March 20, 1825. Joined by Major Kearny, the detachment then proceeded on the expedition up the Missouri.

General Lafayette visited St. Louis on April 29, 1825, and General Daniel Bissell, who had retired in 1821, was master of ceremonies for the occasion. Major Kearny returned from the Yellowstone expedition on May 10, followed by Harney (now Captain) who arrived on the 14th. He departed soon afterward for frontier duty.

At this time the old fort was truly in a bad state of decay. Huts and barracks were hardly habitable, and Kearny sought for immediate arrangements to move. Major General Brown, Chief of Staff of the United States Army, directed that a site for a new post be selected in the vicinity of St. Louis, and General Atkinson and Major General Edmund P. Gaines, commander of the Western Headquarters at Memphis, were selected to determine the exact location.

The village of Carondelet had been given a grant of 6,000 arpents¹ of land by the Spanish Governor Trudeau in 1797. Carondelet originally had been called Vide Poche, which means Empty Pocket. The name may indicate why the villagers were anxious for the encampment to be located where it would create a market for their wares. An offer was made to donate a tract of land for the new establishment. The site offered was satisfactory to both Gaines and Atkinson, and a conditional deed was drawn up and approved by Colonel Joshua A. Brandt, Assistant Quartermaster, representing the United States. Although there were technicalities to be ironed out, the deed was signed on July 8, 1826. In the original deed, which did not specify the exact size of the tract, boundaries were defined by land sites. Later it was found to contain 1,702.04 acres. The original description of what was to become Jefferson Barracks is of interest: it was bounded "On the north by the

1. Five thousand and forty acres. The *arpent* or *arpen* was an old French land measure whose value varied with the locality. In Canada it corresponded to .84 acres.

land of Julian Choquette and Benjamin Patterson, on the east by the Mississippi River, on the south by general tract #31 and on the west by the Carondelet-Herculaneum Road." Today in modern St. Louis, Fort Bellefontaine or what was the site of the old post, is located at the extreme north end of Broadway, while the newer post, Jefferson Barracks, is at the extreme south end of the same street.

An order of the Adjutant General No. 66, dated October 23, 1826, named the new post "The Jefferson Barracks" and designated it to become an "Infantry School of Practice" (basic training center). It was named to honor the memory of President Thomas Jefferson, who had died on July 4 of the same year.

Some historians credit Colonel Talbot Chambers with being the first to occupy the new site. Chambers, however, had been cashiered from the Army on April 28, 1826, more than two months before Major Stephen Watts Kearny, with four companies of the 1st Infantry, set up camp on July 10. Kearny, therefore, was technically the first commander of the camp, which was named Cantonment Adams, in honor of John Quincy Adams, then president of the United States.

Major Kearny was given full charge of construction by General Atkinson. Kearny had been in and around Fort Bellefontaine for about two years before being sent to Fort Atkinson and then was with Harney on an expedition up the Missouri River. He returned to Bellefontaine on May 10 in time to prepare for occupancy of the new site.

On September 19, 1826, Brevet Brigadier General Henry Leavenworth arrived with a battalion of the 3rd Infantry, setting up an adjoining camp named Cantonment Miller in honor of Colonel John Miller, then governor of Missouri. As ranking officer, Leavenworth was in direct command.²

Some historians have designated many officers, beginning with Major Kearny, as commanders of the Barracks during its early years. Though General Atkinson was commanding officer of the 6th Infantry and was later designated Commander of the Right Wing of the Western Department

2. Previously, as a colonel, he had established Fort St. Peters, later to become Fort Snelling, in Minnesota.

of the Army, and though he was in St. Louis or farther afield a great deal of the time, records are not available to indicate that he ever relinquished command of the new post until his death on June 14, 1842. Thus it is assumed in this chronicle that while others may be credited with acting command, General Atkinson, having had the responsibility, was in actual command from the founding of the post on July 8, 1826, until his death.

In November 1826, the Barracks garrison consisted of the 1st Infantry, a battalion of the 3rd Infantry, and a detachment of recruits. By late December, barracks buildings had been erected for the 1st Infantry and occupied by the soldiers. On January 18, 1827, the first military ball, formally opening the post to the public, was held in a central building which had just been completed. Some two weeks later the people of St. Louis returned the honor, entertaining the officers of the garrison. This was with a ball said to have been the most brilliant affair in the early history of the city. Held at the mansion of former Governor Clark, it marked the beginning of a friendship between the post and the city which has lasted ever since.

At this time the land adjoining the post was a wilderness. St. Louis was but a trading center, and the post itself was a frontier station organized for the protection of the inhabitants of the surrounding territory.

General Atkinson spent most of the latter part of the winter of 1826-27 at Fort Atkinson, the post he had built at the mouth of the Nebraska River (Council Bluffs, Iowa), but when navigation opened in the spring he returned, arriving on April 22. He speeded up construction activities, supervising the drafting of plans for permanent stone quarters and the improvement of the grounds. The work was done by soldier labor. Some \$70,000 was spent for quarters of officers and men, hospitals, and subsistence and quartermaster stores.

General Atkinson was soon afield again, and Major Daniel Ketchum was acting administrative commander of the post. The 6th Infantry was ordered to abandon Fort Atkinson, and soon units under Major Bennett Riley arrived at

the Barracks. This brought General Atkinson's own regiment to the Barracks, which remained its home for varied periods until 1941.

On June 20, 1827, Major General Jacob Brown, Chief of Staff of the United States Army and hero of Lundy's Lane, arrived for a seven-day tour of inspection of both construction and troops. There were twenty-two companies on duty—six of the 1st, six of the 3rd, and ten of the 6th—hard at work on the buildings and grounds.

Plans for the Infantry School of Instruction had met with little success, primarily because of the intensive building program. General Leavenworth had been in charge of the school plan, but when this was given up in the spring of 1827, he left the Barracks to establish Fort Leavenworth, Kansas. He was accompanied by three companies of the 3rd Infantry.

On August 7, 1827, a four-acre tract was purchased by a commission selected for the purpose to be used for the construction of an arsenal to serve the post. This land, which is that now bounded by Broadway, Utah, and Arsenal Streets in St. Louis, provided the beginning of the famous St. Louis Arsenal. The site was then some three miles below St. Louis between Jefferson Barracks and the city.

In June 1827, Captain William S. Harney was recalled from visiting Washington on leave and ordered to Winnebago, Wisconsin, with two companies of the 1st Infantry. The Indians and their troublesome old chief, Black Hawk, were causing trouble with the white settlers and had been joined by the Sioux under Red Bird. General Atkinson followed Captain Harney in September with a brigade, determined to eliminate permanently a constant source of trouble. The campaign was brief. Black Hawk and Red Bird were captured, and the Indians dispersed with a promise to cause no further annoyance.

Atkinson and Harney returned to the Barracks. Red Bird died within a few months; Black Hawk, tried in the United States Circuit Court, was acquitted for lack of evidence approximately a year after his capture.

General Atkinson apparently was away from the post on January 9, 1828, when Colonel A. R. Wooley was acting commander, and also on July 1, when Major Bennett Riley was temporarily in command. Riley had returned with three companies of the 6th from escorting an emigrant train to Arkansas. On the latter date, Jefferson Davis, a cadet assigned to the 1st Infantry, reported for duty on his first assignment after graduation from West Point. He was sent to Fort Crawford at Prairie du Chien to join Captain Harney and proceeded with him to Green Bay, Wisconsin, where they were to construct Fort Winnebago.

Headquarters of the 3rd Infantry was moved from Fort Leavenworth to the Barracks and eight companies arrived early in the spring of 1829. During the summer, Major Riley, with a detachment of the 6th Infantry, conducted expeditions over the Santa Fe Trail, and on November 20 Captain Lewis left with two companies of the 3rd Infantry to establish a garrison at Black Creek in the Choctaw Nation of the Indian Territory. Albemarle Cady was a second lieutenant at the post.³

Early in 1830 dueling again showed its venomous head as a method of settling personal differences. Second Lieutenant Charles O. May was killed in a duel and buried in the post cemetery. Bloody Island continued to be the scene of such encounters between officers. Later in the year, Major Thomas Biddle, Army paymaster at St. Louis who had been breveted for gallantry at the Battle of Lundy's Lane and who had been with the Long party in 1819, became involved in a political controversy with Pettis Spencer, a candidate for Congress. In the resultant duel, Biddle, whose eyesight was poor, chose the weapons and the distance. He named pistols at five paces. The result, as could be expected, was the death of both men. Several officers from the Barracks witnessed the tragedy. News of it reached Washington, and high Army authority threatened harsh reprisals if further dueling took place in military circles.

In December Major Kearny, who had been placed in

3. He returned a major in 1854 and eventually wore the star of a general.

charge of construction at the Barracks, was relieved of his duty and left for Natchitoches on the Red River with the first battalion of the 3rd Infantry.

In the meantime, rumblings of trouble with the Indians had been emanating from the upper Mississippi. The basis of the difficulties was the same as in 1810; namely, dissatisfaction of the Indians with regard to territory. Some of the tribes who had agreed to treaties, selling and trading their lands, and had been moved to reservations west of the Mississippi, were again expressing their dissatisfaction with the results of the exchange. They were attempting to return to their old home, which by that time had been occupied by white settlers. Others, like the old troublemaker Black Hawk and his followers, had never consented to the terms of the treaties and would not give up their lands which incoming settlers had purchased from the government. Clashes occurred which threatened to assume the proportions of a real war.

The situation became so serious that Governor Reynolds of Illinois called out the militia, and Major General Edmund P. Gaines, Commander of the Department of the West, came to Jefferson Barracks to investigate. He took a detachment from the post and on June 7, 1831, held a council with Black Hawk, who told him that his people would not leave their lands and that they were not afraid of United States troops. This was apparently a bluff, for Gaines learned that the Indian opposition was not as strong as had been indicated. On the arrival of Illinois volunteers on June 25, Black Hawk requested another parley. This resulted in a treaty which, unfortunately, was broken by both parties before the year was out.

The roster at the Barracks had gained a battalion in 1831 when Major Bennett Riley, who had been acting commander of the post in 1827, returned from Fort Leavenworth with four companies of the 6th Infantry. The same number left in September when headquarters of the 3rd Infantry, including staff, field officers, and four companies, was transferred to Fort Jesup, Louisiana.

Indian difficulties were stirred up again early in 1832. Several tribes, including Black Hawk and his followers, were again defiantly returning to their former lands, serving notice that the whites might attack if they wished. General Atkinson embarked from the Barracks by steamer on April 8 to run down Black Hawk. He was accompanied by six companies of the 6th Infantry under command of General Daniel Baker, with Lieutenant Albert Sidney Johnston as Adjutant, and Lieutenant Jefferson Davis a member. The party departed from the post on board the steamers *Enterprise* and *Chieftain*.⁴ A reconnoitering expedition of 270 men under Major Stillman was met by three of Black Hawk's warriors carrying a flag of truce and an invitation to a parley at the Indian camp. Stillman disregarded the white flag and took the Indians prisoners. Black Hawk sent five more men to ascertain the fate of his messengers. Two of these were killed by a detachment sent out by Stillman, who followed with an attack on the main force of Black Hawk. This was disastrous for Stillman. The Indians fell on the soldiers with such fury that the attack was turned into a rout. Thus began the Black Hawk War.

With the news of the rout of Stillman, other tribes and portions of tribes joined Black Hawk. On the other hand, preparation was made by the Army for a decisive campaign against the Indians. The final showdown came on August 2, 1832, when they were completely defeated. Participating with the regulars from Jefferson Barracks were some 900 volunteers from Illinois, one group of which was commanded by Captain Abraham Lincoln, and volunteers from Missouri, Wisconsin and Michigan. Mounted rangers of the latter state were led by Colonel Henry Dodge, soon to be heard of at the Barracks. Black Hawk was again captured and, guarded by Second Lieutenant Jefferson Davis, brought to Jefferson Barracks to be imprisoned.

While the chieftain was confined at the Barracks, Washington Irving paid him a visit and Catlin, the artist, journeyed to the post to paint him. Later transferred to Fort

4. The 6th Infantry did not return from the Black Hawk War until October 2.

Monroe, he was, by a strange coincidence, imprisoned in quarters where some thirty years later Jefferson Davis was confined.

While most of the troops were away on the Black Hawk expedition, two cases of Asiatic cholera were discovered on the post and others were reported in nearby St. Louis. Fears of an epidemic were great, but the malady disappeared within a few months.

An Act providing for the organization of the United States Regiment of Dragoons was passed by Congress on March 2, 1833. Colonel Henry Dodge, who had distinguished himself as Colonel of the Michigan Mounted Rangers during the Black Hawk War, was selected by President Jackson to be its commander. The unit was organized at the Barracks. Jefferson Davis, who had been promoted to first lieutenant, was adjutant of the regiment, which was fully recruited in June, 1834.⁵

On November 30, 1833, five troops of the Dragoons were moved to winter quarters near Camp Jackson, Arkansas, while four companies of the 6th Infantry returned to the Barracks from Fort Leavenworth. During 1834 and 1835 changes in personnel were continuous at the post, with detachments leaving for and returning from various sections of the frontier. By this time there were 230 steamboats with a tonnage of 39,000 plying between St. Louis and New Orleans.

Albert Sidney Johnston,⁶ who had helped to run down Black Hawk in 1832, resigned as Adjutant of the 6th Infantry on May 31, 1834, and went to Texas. Lieutenant Colonel Stephen Watts Kearny, the first acting commander of the Barracks under General Atkinson, was ordered to succeed Brigadier General Leavenworth as commanding officer of Fort Leavenworth. General Leavenworth died on an Indian expedition on July 21, 1834.

5. Davis, who had arrived at the Barracks just out of West Point, in 1828, was later ordered to Kentucky. On June 30, 1835, he resigned from the Army, but reappeared subsequently as a hero of the Mexican War, Secretary of War, and President of the Confederacy.

6. He subsequently became Adjutant General and Secretary of War of the Republic of Texas. He was on the Confederate side during the Civil War.

Dr. William Beaumont, proclaimed one of the six greatest heroes of American medical science, was Surgeon General at the Barracks from 1835 to 1840. It was during this period that he completed his thesis on digestion from observation of the exposed digestive organs of a patient.

The 6th Infantry under Lieutenant Colonel Abner R. Thompson left the Barracks on February 29, 1836, for Louisiana, not to return until after the Seminole War of 1842. Colonel Dodge resigned command of the 1st Dragoons on July 4 and accepted the governorship of Wisconsin Territory. This composed what is now Wisconsin, Minnesota, Iowa, and part of the Dakotas. Lieutenant Colonel Kearny again returned to the post, this time to succeed Colonel Dodge. St. Louis was made a port of entry during the year.

On November 30, Colonel Zachary Taylor, who had returned to the area, arrived from Fort Crawford, Wisconsin, to assume acting command of the Barracks. In the absence of General Atkinson, the temporary command of the right wing of the Western Department of the United States Army also devolved on Taylor.⁷ He had been known in the vicinity since before 1814, when he was appointed commander of the United States troops in Missouri. He was at Bellefontaine on numerous occasions including the time when he assumed command of troops west of the Mississippi on the death of General Howard in September, 1814.

The following months were uneventful except for hard work. "Old Rough and Ready" took pride in the excellence of his troops and occasionally resorted to roughness to keep them up to expectations. His favorite methods of roughing was to grab a recalcitrant soldier by the ear, and give him a good shaking. This was called "wooling." On one occasion while reviewing a dress parade, Taylor noticed a burly immigrant recruit out of line. Pointing to the soldier he ordered, "Dress!" but the soldier, not under-

7. Taylor commanded United States forces in Louisiana and Texas; at the outbreak of the Mexican War he led the invasion of northern Mexico, and was President of the United States, 1848-1850.

standing English, did not know what was meant. Taylor walked up to him and proceeded to give him a good "wooling." As soon as the astounded trooper could shake himself free, he landed a haymaker which stretched the Colonel out full length on the parade ground. This was mutiny in the eyes of nearby officers, who rushed at the soldier. Before they could do anything, however, "Old Rough and Ready" commanded, "Let that man alone. He will make a good soldier."

Despite the proximity of St. Louis, Jefferson Barracks was still in wild surroundings in 1837. On June 11 of that year Daniel Webster paid a visit to the post and enjoyed the thrill of shooting deer within sight of the Barracks.

Colonel Taylor was called back to Fort Crawford at the urgent request of (Colonel) Governor Dodge on May 19 to intercede in an embryo war between the Sacs and Winnebagos.

For some time the channel of the Mississippi River had been undergoing a change. Its course, moving toward the Illinois side, threw up sand bars that offered a serious threat to the wharves of St. Louis and the commercial activity of that city. Congress had appropriated \$15,000 to build a pier "to give direction to the current," and on August 15, 1837, First Lieutenant Robert E. Lee arrived to apply his engineering and scientific knowledge to the problems at hand. After a preliminary survey he reported to General Gratiot, Chief Engineer of the War Department, enclosing a hand-drawn map of the area. Lee's efforts were successful, and the channel of the river was moved back toward the Missouri side. Bloody Island, remembered as a dueling ground, became part of the mainland near what is now East St. Louis on the Illinois side. In recognition of his accomplishment, Lee was assigned as a captain to construction and repair of New York harbor defenses in 1840. He returned to Jefferson Barracks in 1855. Lee lived at the Barracks for a time during his river control activities, but on the arrival of his family moved to St. Louis.

In the interim, President Van Buren was very much

disturbed about the difficulties United States troops were having in subduing the warring Seminole Indians in Florida. A discussion with Senator Benton of Missouri suggested that tactics employed with Indians in the Mississippi region would also prove effective there. As a result, Colonel Taylor was ordered to take command of United States troops in Florida. He returned to the Barracks on July 20, 1837, and left on September 5 for Jacksonville, Florida, with six companies consolidated with four companies from Fort Snelling under Colonel William Davenport, who had arrived July 22, and three troops of the 2nd Dragoons, which had been transferred to the Barracks from New Orleans, having arrived on May 20. The journey required 55 days, the troops marching 1,200 miles overland with Captain David E. Twiggs in command. In addition, a regiment of 600 Missouri volunteers was ordered mustered in on September 8, 1837, at Columbia, Missouri, for Seminole-Florida service. These troops marched from Columbia to the Barracks on October 6, 1837. The regiment included two companies composed of Osage and Delaware Indians. After a short period of preparation, the regiment left by boat for New Orleans and went from there to Florida to join Colonel Taylor's command.

In the battle of Okeechobee, which took place on Christmas Day, 1837, Colonel Richard Gentry, of the Missouri Guards, was killed, and with but one exception every officer was wounded. The United States troops lost 26 killed, and 112 suffered wounds. Lieutenant Colonel Thompson, Captain Joseph Van Swearingen, and Lieutenants Francis J. Brooks and John B. Center, of the 6th, died on the field of battle. None of the bodies but Thompson's could be identified, and on return to the Barracks they were buried in one grave in the post cemetery.

The Missouri volunteers saw no further service and returned to the Barracks to be mustered out early in the spring of 1838. Other troops, however, did not return until 1842.

General Atkinson remained at the Barracks during the

Florida campaign. In the fall of 1837, Lieutenant Philip Kearny, nephew of Colonel Stephen Watts Kearny, was assigned to the general's staff, having been transferred to the post from Fort Leavenworth. He distinguished himself during approximately eight months of duty at the post, and was then selected to be one of a contingent of young cavalrymen sent to France to study the cavalry tactics of the French Army. It was while at the Barracks that he married Mrs. Atkinson's younger sister, Diana Bullitt, of Kentucky.

Much of the construction begun with the establishment of the new post was completed by 1840. There was a permanent brick hospital building 24' x 120' on the ridge about 500 yards north of the parade grounds, a dispensary, a mess hall, storerooms, etc., an imposing house for the commanding officer, a quartermaster's storehouse, and outbuildings of various kinds.⁸ The oldest landmark on the grounds is a stone tablet now mounted on a knoll just north of the entrance to the gymnasium building at the west end of the parade ground on which is chiseled:

1827

Jefferson Barracks

6th Infantry

This tablet is eroded and part of the lettering obliterated.⁹

Except for occasional calls for troops to guard against Indian uprisings and excursions to the frontier, nothing noteworthy occurred for a time in or around the Barracks. Colonel William Jenkins Worth arrived on the post early in 1840 with the 8th Infantry, departing shortly afterward, ahead of his command, for Tampa, Florida. He was followed by his regiment led by Lieutenant Colonel Newman C. Clarke. Both were to wear the stars of generals for gallantry in the Mexican War.

During the year a tract in the northeast portion of the Barracks containing approximately 110 acres was set aside for ordnance supply depots, principally for powder in connection with the St. Louis arsenal.

8. None of the buildings remain (1943).

9. In 1937 a replica made by the W. P. A. was placed at the south entrance to the gymnasium building.

The sun dial that now stands in the rear of the present headquarters building on a bluff overlooking the Mississippi, also one of the oldest landmarks on the post, was placed in 1841. For many years it was the official chronometer of the post. Another feature of that period was a nine-acre garden in which the officers and men took considerable pride. In it were raised most of the vegetables needed to supply the garrison.

The entire 6th Infantry that had left the Barracks in February 1836 returned from Florida on March 20, 1842. The regiment had suffered much loss of men, and those surviving were badly in need of rest and recuperation.

General Atkinson, himself in poor health, was greatly distressed by the condition of his men. On April 16, 1842, the 6th was sent by transport to Fort Lawson, Choctaw Nation, Indian Territory, and he bade a last farewell to his regiment after having been its commander for 28 years. From Fort Lawson the regiment was distributed to various posts in the territory.

On June 14 the General died, ending an Army career of thirty-four years, which included sixteen years as actual commanding officer of Jefferson Barracks from the time of its establishment in 1826. He was buried in St. Louis with full military honors. General Atkinson was a soldier devoted to his duty and to those who served with him. He was not a publicist; obtaining data about him and his activities is a difficult task. That he had no civil ambitions is attested by the fact that he was offered but declined the governorship of the Iowa Territory in 1838.

Colonel David E. Twiggs was the only field officer at the Barracks when General Atkinson died, and he assumed temporary command until the arrival of Lieutenant Colonel Stephen Watts Kearny. On Kearny fell the responsibility of carrying out the program of expansion which the General had planned. The building in the present Reception Center, described as the "old headquarters," was reconstructed. It is the oldest building standing on the post, although no information is available as to when the original structure

was erected. It is said that the basement was used as a prison, and the story has been handed down that in 1832 Black Hawk was confined in a cell which still exists.

The stone building across the street to the north was erected in 1842 and became ordnance headquarters that year. The stone storehouse now used as a powder magazine was also built in 1842 at a cost of \$35,000. It stands on an eminence about 800 yards southeast of the Reception Center and is now surrounded by a stone wall. A tunnel runs from beneath this building to the banks of the Mississippi River. Through it ammunition and supplies unloaded from boats were transported to the building. The first of the powder depots to be built sits in a deep sink about 200 yards south of the storehouse and is completely obscured on all sides. It cost \$45,000 and was not completed until 1843. A remarkable feature of this building as well as four others constructed in similar sinks during the period from 1865 to 1867 is the natural drainage provided by deep crevices in the rock formation beneath the surface.¹⁰ The powder depots were all connected by tunnels.

The 1st Dragoons were back at the Barracks in July, 1842, after nearly four years of continuous service on the western frontiers. They had blazed trails through uncharted regions, established outposts, convoyed immigrants and trade caravans, and subdued Indian uprisings.

The 4th Infantry arrived from Florida in August and with it was Brevet Second Lieutenant James Longstreet, of whom much was to be heard later in the Mexican War, and as "Old Pete," a Lieutenant General, in the Confederate Army.

With the arrival of the 3rd Infantry under Lieutenant Colonel Ethan Allen Hitchcock on April 22, 1843, Jefferson Barracks became for a time the largest military establishment in the United States. Two companies of the 3rd Infantry were soon moved to Fort Leavenworth and sixteen companies of the 4th and 8th were organized into a school for brigade drill by Colonel Kearny.

10. This advantage is useful even in present activities (1943), in connection with camouflage and other training.

On September 30, 1843, Ulysses S. Grant, cadet and second lieutenant, arrived on the post on his first assignment from West Point and was assigned to the 4th Infantry. Grant arrived on his own steed expecting to be assigned to the Dragoons, but the powers that be had other ideas. Winfield Scott Hancock, cadet, was made a second lieutenant on July 1, 1844, and was assigned to the 6th Infantry, beginning what was to prove to be another brilliant career under the stern discipline and able tutelage of the post commander, Colonel Kearny.

The shadow of war with Mexico was hanging over the country as early as April 23, 1844, when General Taylor was ordered to take command of the First Department with headquarters at Fort Jesup, Louisiana. Orders were issued for the mobilization of the "Army of Observation" at or near that point. Eight companies of the 4th Infantry at the Barracks were ordered to join Taylor's command.

Lieutenant Grant was away on leave when his regiment was ordered to move out. He returned immediately, obtained an extension of his leave, and proceeded to call on Miss Julia Dent, sister of Lieutenant Dent, a classmate at West Point. The Dent family were at their country place, White Haven, about five miles from the post. When Grant reached Gravois Creek, he found it swollen by recent rains and was forced to swim his horse. As a result, the irrepressible lover had to borrow dry clothes from Lieutenant Dent when he reached White Haven. His ardor was not dampened, however, and he was richly rewarded. Before he rode away to join his regiment, Julia Dent had agreed to become Mrs. Ulysses S. Grant.

In October Kearny, now a full colonel, returned from an expedition to the Rocky Mountains with five companies of the 1st Dragoons. The expedition had covered nearly 3,000 miles.

The entire 3rd Infantry, under Lieutenant Colonel Ethan Allen Hitchcock, followed the 4th to Louisiana in a short time. There the troops wiled away nearly a year in and around Fort Jesup. Texas had been recognized as an

independent republic by the United States, England, and France, but in spite of the defeat of Santa Anna at San Jacinto it was still claimed by Mexico. The republic had applied for admission to the Union, and annexation by the United States awaited only formal acceptance by the Texas Congress of terms laid down by the Congress of the United States. Mexico was on the alert awaiting final action.

On May 28, 1845, General Taylor was notified to prepare his troops for immediate embarkation and to be in readiness to defend the territory about to become a part of the United States. Annexation was ratified in July. It was to be a full year, however, before hostilities began.

In the meantime, following the departure of the 3rd and 4th Infantry from the Barracks, the 1st Infantry, under command of Colonel Ivan H. Davenport, replaced them, maintaining detachments at Fort Scott, Kansas, and at Fort Snelling, Minnesota.

The year 1846 was a period of great activity at the Barracks and an anxious time for the nation because of the Mexican situation. On April 23, the 1st Dragoons were transferred to Fort Leavenworth. On June 30, Kearny, promoted to Brigadier General, was given command of the Northern Wing of the Army of the West. Major Richard B. Mason, who had been at the post when the Dragoons were organized in 1833, succeeded General Kearny as commander of the 1st Dragoons.

In the meantime, the outlook for President Polk's hopes for a diplomatic settlement of difficulties with Mexico had virtually faded away. Proposals for a friendly arbitration of boundary disputes were ignored. American blood was shed on "American" soil in April and on May 11, 1846, General Taylor's troops clashed with Mexican forces at Palo Alto; on May 13 war was declared on Mexico.

Missouri was requisitioned for 1,200 volunteers for an enlistment of six months at \$7.00 per month. Three St. Louis companies reporting to the Barracks on May 12 were mustered in and embarked for New Orleans on the morning

of the 12th. Three companies of the 64th Missouri Militia which had arrived on the 16th were consolidated with five companies of volunteers which had been mobilized in St. Louis and were shipped for New Orleans on the 23rd. After departing, these troops were organized into a regiment which was designated the "St. Louis Legion."

On May 19, Congress had passed an act authorizing the organization of the 3rd Regiment of Cavalry and substituting the name "Cavalry" for "Dragoons." The two regiments previously created were numbered in the order of their formation. Jefferson Barracks was designated as the depot for eight companies to be raised in Ohio, Illinois, Kentucky, and Missouri. Only two companies were to be organized in the east.

On June 18, Braxton Bragg, who had been promoted to captain, was put in charge of the reorganization of Batteries B and C of the 3rd Artillery on the post. The result was Bragg's famous battery. He left shortly afterwards to join General Taylor in Mexico and became an outstanding hero of the war.

On June 29, General Kearny, commander of the Northern Wing of the Army of the West, departed westward via the Santa Fe Trail with 1,528 men. This expedition was to add what is now New Mexico, Arizona, and California to the United States after difficulties with Mexico were settled.

Recruiting of the 3rd Cavalry continued throughout the summer. The 1st Cavalry proceeded to Bent's Fort on the Arkansas River in Colorado under Philip St. George Cooke, where it joined General Kearny's command.

Captain Edwin Voss Sumner was promoted to major and remained at the Barracks, taking charge of recruiting for the 3rd until the arrival of Colonel Persifer F. Smith. He then rejoined the 2nd, serving with it throughout the Mexican War. That Major Sumner was a strict disciplinarian is indicated by the remarks of an old Army surgeon who said, "Companies would go to drill with full complements of officers, and return under command of brevet second lieutenants, and all of the seniors having been relieved

by the stern old Major for inefficiency. The regiment was chaffed for a time as the 'Kangaroo Regiment.' It will be recalled that the Major had also been at the post when the Dragoons were organized in 1833.

By October, nine companies of the 3rd had been fully recruited at the post and had left for New Orleans under the command of Colonel Benjamin L. E. Bonneville.

Brigadier General Kearny, former commander of the post, had been successful in the New Mexico and California theaters of the war and had been joined by Colonel John C. Fremont. Difficulties soon arose between the two officers. The General ordered Fremont to return to St. Louis, where he was placed under arrest at the Barracks pending trial. Many officers were ordered to attend the hearing. Among them were Major Cook, Major Mason, and Captain Turner. Cook had previously been stationed at the post as a first lieutenant in 1833, and in 1846 had left to join Kearny in Colorado. Found guilty, Fremont resigned from the Army. President Polk intervened, however, and the penalty was remitted. Fremont returned to California, and on the state's admission into the Union in 1849 became its first United States Senator. In 1856 he received the Republican nomination for President.

General Kearny, having completed the occupation of California, was promoted to Major General and made Governor of the district of Vera Cruz in Mexico. Major Mason, who had succeeded him in the 1st Dragoons in 1846, again succeeded him in California.

During the summer of 1846, four companies of the 1st Infantry left the Barracks to join General Taylor's forces in Mexico. Troop B, of the 1st Cavalry, was reorganized at the post in February 1847, and left on April 10 for Albuquerque, New Mexico, to be joined in September by Troop K, reorganized at the Barracks in August.

Enlistments of the Missouri volunteers had been for only six months, and between August 9 and August 29, 1847, members of the St. Louis Legion returned to the Barracks and were immediately mustered out of the service.

The war did not end until the fall of Mexico City on September 14, 1847. Through this victory the prestige of the United States was raised high among the nations of the world. Over a million and a half square miles of land had been added to its territory, and no single spot in the Union could lay claim to a greater share in the glory of the accomplishment than could Jefferson Barracks. It was there that the outstanding figures in the brilliant achievement had received their training and seasoning.

In November Brevet Brigadier General David Emanuel Twiggs, who as a colonel assumed command of the post on the death of General Atkinson in 1842, was made commander of the Department of the West with headquarters at the post. Twiggs had left the post in 1837 for Florida and the Seminole Wars with the rank of captain. He afterwards returned to the Barracks.¹¹

Many others of the men who have been mentioned or who passed through the Barracks during these turbulent times appeared again at the post. In all wars in which this country has taken part, Jefferson Barracks has been a hub of activity, drawing to it the men who make the Army a business as well as those who heed their nation's call in time of need. By this time the post was losing some of its importance. Missouri was now safe from outside conquest and military protection was no longer necessary. As a central base for Western forces, however, the Barracks continued to reign as the queen of Army posts and its commanders were men of marked ability.

Under date of June 8 orders were received providing that the 6th, 7th, 8th, and Mounted Rifles should assemble at the Barracks under General Kearny. The 3rd Cavalry arrived home from Vera Cruz on July 24, 1848. It had suffered severely both from battle casualties and from deaths caused by disease. Lieutenant Colonel Loving was in command and Lieutenant Winfield Scott Hancock, who had been a cadet at the post in 1844, was regimental quartermaster. On July 27 the 6th Infantry arrived from Vera

11. Twiggs was later connected with the surrender of Texas to the Confederates.

Cruz via New Orleans. Its strength, too, was badly depleted, and as a great many of its members had enlisted only for the duration, arrival at the post meant a heavy termination of enlistments. The 8th Infantry arrived by steamer on August 1 and three months later was transferred to Fort Lavaca. There one-third of the regiment was claimed in a short time by an epidemic of cholera.

Ulysses S. Grant, who had been promoted to first lieutenant, returned on August 22 and was married to Miss Julia Dent. Brevet Captain Longstreet, who had been a brevet second lieutenant at the Barracks in 1842, was among the officers present and acted as best man.¹² In 1843, while Grant was at the Barracks, it is said that he had difficulties with a Captain Robert Buchanan. Later, on the Pacific Coast, further difficulties developed between the two men. Buchanan preferred charges and Grant resigned in 1852.

Troop F of the 1st Cavalry had arrived in July 1848, and headquarters of the regiment was transferred to the Barracks in September. Troop B arrived in October and Troop K in November.

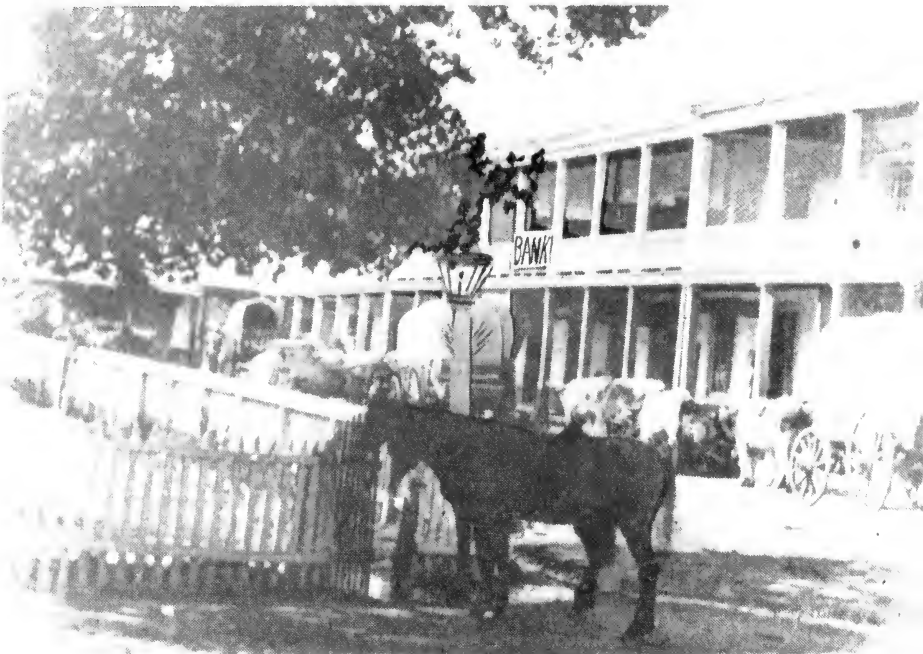
Major General Kearny returned to the Barracks in precarious health, the result of yellow fever contracted in Mexico, and died on October 30, 1848. Major Edwin Voss Sumner, as commanding officer of the post, provided the escort for his funeral on November 2.

The ranks of the 3rd Cavalry had been filled by recruiting at the Barracks under the command of Lieutenant Colonel Loving. The organization was ordered to establish a fort at Vancouver, Washington, and left on July 17, 1849.

12. Grant was later transferred to Sackett's Harbor and then to Walla Walla, Washington.



EAST SIDE, SANTA FE PLAZA, 1870



WEST SIDE, SANTA FE PLAZA, 1870

NEW MEXICO'S PIONEER BANK AND BANKERS

By PAUL A. F. WALTER

THE First National Bank of Santa Fe, chartered three quarters of a century ago, was founded under extraordinary circumstances in an unusual environment by four men who would have been deemed remarkable in any place at any time. The story of the early days of the Bank is a drama of a struggle for land, wealth and power on the frontier, a saga as romantic as any recorded in the pioneer history of the West.

The Bank owes its creation to the wealth brought to Lucien B. Maxwell by his sale of the Maxwell Land Grant, a domain of 1,714,764.93 acres in northern New Mexico, a gift made under Mexican law by Governor Manuel Armijo on January 11, 1841, to Charles Hipolyte Trotier, Sieur de Beaubien, a French Canadian, and to Guadalupe Miranda, a citizen of Mexico. Beaubien bought Miranda's half interest in the Grant from the latter for less than three thousand dollars. Having married Luz, Beaubien's daughter, Maxwell through inheritance and purchase from the other Beaubien heirs, acquired the entire Grant for less than fifty-thousand dollars. True, there were other claimants than the title holders, among them the Jicarilla Apaches, the Utes, Mexican settlers as well as squatters from the States. However, Congress in 1860 confirmed the title, although litigation over the Grant, its boundaries and ownership continued until May 27, 1887, when the United States Supreme Court finally confirmed the title in the Maxwell Land Grant Company, the Court holding: "We are entirely satisfied that the Grant, as confirmed by the action of Congress, is a valid grant; that the survey and the patent issued upon it are entirely free from any fraud on the part of the grantees or those claiming under them; and that the decision could be no other than that which the learned judge of the circuit court below made, and which this court affirmed."

William A. Keleher, historian, in his interesting *Max-*

well Land Grant, expresses doubt that Maxwell "had the faintest conception, when he first settled on the Grant, of its potential acreage, being under the impression probably for many years that it contained between 32,000 acres and 97,424 acres, or twenty-two Spanish leagues." Continues Keleher: "Nevertheless, people of Maxwell's time lived to see the day when the grant was legally declared to embrace a total of 1,714,764.93 acres of land. The Grant held within its boundaries chains of mountains, rivers, creeks, wide valleys, thousands upon thousands of acres of fine grazing land, important mineral deposits [gold, coal, etc.], great areas of standing timber."

The uncertainty about the boundaries of the Grant was resolved for the time being in 1869, through a survey by William W. Griffin and John T. Elkins, who interpreted the land marks, vaguely designated in the original Grant, to include the vast domain finally adjudicated. John T. Elkins was a brother of Stephen Benton Elkins, law partner of Thomas Benton Catron, who as legal advisers of Lucien B. Maxwell, persuaded the latter to grant an option for the sale of the Grant for \$650,000 to Charles F. Holly, later to become cashier of the First National Bank, Jerome B. Chaffee and George M. Chilcott. The option was taken up when the Grant was sold to British interests, early in 1870, for \$1,350,000. Maxwell executed the deed on April 30, 1870, the deed being assigned to the Maxwell Land Grant and Railway Company of which Stephen B. Elkins was president, and which promptly mortgaged the grant for some \$3,500,000. John S. Watts, former territorial supreme court justice and delegate to Congress, who became vice-president of the Bank, was one of the directors of the Company. Some years later, Catron bought in the Grant at a tax sale. Suffice it to record, that of those who figured in the transaction, Maxwell, Elkins, Catron, Griffin, Watts and Holly became directors and officers of the Bank, Maxwell providing the cash for the entire capital of \$150,000.

Lucien Benjamin Maxwell.

Frontiersman, hunter, trapper, scout, pathfinder and pioneer cattle raiser and horseman as well as capitalist and banker, Lucien Benjamin Maxwell, boon companion and life-long friend of Kit Carson, was born on September 14, 1818, at Kaskaskia, Illinois, scion of a distinguished and cultured family of Irish and French origin. He received what in those days was considered a good education. Stockily built, he was 5 feet 10½ inches in height, had blue eyes, brown, curly hair and a fair skin. Seeking adventure, he met General John Charles Fremont in St. Louis in 1842 and was hired by him as a hunter on his first two western expeditions. It was in that period that Maxwell settled in Taos and it was there he met Luz, daughter of Beaubien, marrying her in 1844. Beaubien, a prosperous merchant and contractor, who after the American occupation was named a judge of the territorial supreme court, entrusted Maxwell with the management of his mercantile business and land enterprises. With Kit Carson, Maxwell successfully trailed 5,500 sheep to California, selling them for \$5.50 a head and netting a handsome profit. Maxwell became fluent in Spanish, was a favorite of the Mexican population whose Penitente rites he was privileged to attend. The Pueblo Indians, Apaches, Utes, Navajoes and Comanches, who came to Taos to trade, held him in high esteem and he enjoyed their confidence.

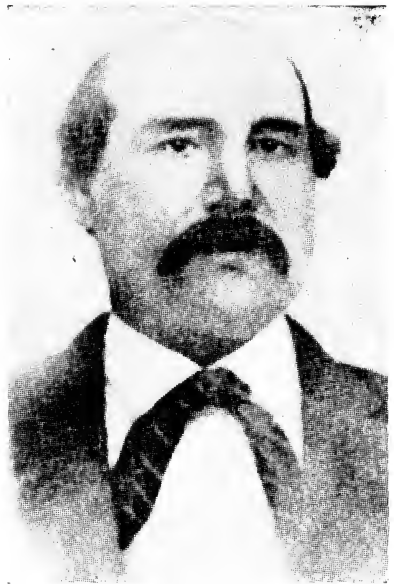
In 1847, moving eastward over the mountains onto the Grant, Maxwell built himself an adobe home of some forty rooms at Rayado, then a military post. Kit Carson, living in a more modest adobe house, was a neighbor. Later in the fifties, Maxwell duplicated his Rayado mansion at Cimarron, where his bountiful hospitality earned the gratitude and praise of travelers over the Santa Fe Trail. He founded the town of Cimarron in 1859, made it the county seat of the new county of Colfax, and had himself elected probate judge. Many are the romantic incidents,—including the runaway marriage of his own daughter to an army officer,—some tragic, some pathetic, some thrilling and

bloody, told of life at Cimarron, but in the main existence was idyllic. The discovery of gold on the Grant made Maxwell a rich man long before the sale of the Grant, although in later years the wealth derived from coal mines on the Grant by its new owners, was more than that derived from the gold. Henry Inman, in his classic *The Old Santa Fe Trail*, reports: "Maxwell was rarely, as far as my observation extended, without a large amount of money in his possession. He had no safe, however, his only place of temporary deposit for the accumulated cash being the bottom drawer of an old bureau in the large room . . ., which was the most antiquated concern of common pine imaginable. There were only two other drawers in this old-fashioned piece of furniture, and neither of them possessed a lock. The third, or lower, the one that contained the money, did, but it was absolutely worthless, being one of the cheapest pattern and affording not the slightest security; besides, the drawers above it could be pulled out, exposing the treasure immediately beneath to the cupidity of any one. I have frequently seen as much as thirty thousand dollars—gold, silver, greenbacks and government checks—at one time in that novel depository. Occasionally these large sums remained there for several days, yet there was never any extra precaution taken to prevent its abstraction; doors were always open and the room free of access to every one, as usual. I once suggested to Maxwell the propriety of purchasing a safe for the better security of his money, but he only smiled, while a strange, resolute look flashed from his dark eyes, as he said: 'God help the man who attempted to rob me and I knew him!'"

Another phase of Maxwell's many-faceted career was that of a successful grower of livestock, his cattle and sheep grazing literally upon a thousand hills. As a breeder of fine horses, his passion was racing his horses against all comers, from St. Louis to Santa Fe, for large purses of money. A Santa Fe newspaper records such a race as follows: "A race between Maxwell's mare 'Fly' and Ben Dowell's 'Kit' came off today. There was great excitement



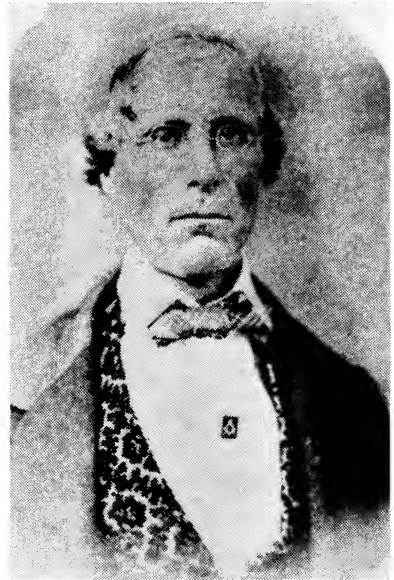
HUGH H. MAXWELL
FATHER



LUCIEN B. MAXWELL



MARIE ODELE MENARD
MOTHER



FERDINAND MAXWELL
BROTHER

and people came from many miles in all directions to see the race. Probably twenty-five thousand dollars changed hands on the result of the race. Charlie Kitchen, Shelby and others were backing Maxwell's 'Fly' and Ben Dowell, Jack Davis and many others were backing Dowell's 'Kit'. The judges decided 'Fly' had twelve feet the start and 'Kit' came out about fifteen feet ahead. After the first race, another race was run between Maxwell's Nolan horse and Ben Dowell's Stallion 'Ned' in which Maxwell's horse came out a considerable distance ahead." The race was run around the Plaza. A local paper commented: "The practice of racing horses furiously through the streets is still indulged in, and on Saturday last an old man was knocked down by a reckless rider and seriously injured. We ask that the law be enforced against these gentry."

Maxwell, in 1870, was having trouble with his Indian friends at Cimarron. It was reported: "Utes restless because of recent sale of the Maxwell estate, they claiming it as their property. The truth of the matter is this, that Mr. Maxwell has sold out and intends leaving the country and as he has so long acted as sort of a foster father to them they dislike the idea of losing him. For several years past they have been receiving their rations issued every ten days at Cimarron and also have been procuring liquor from some source. This with the change of proprietorship and loss of their hunting grounds has rendered them very troublesome and impudent going so far on one occasion as to threaten Maxwell's life and breaking the windows of his store rooms." Thus it happened, on the very day that Maxwell had elected himself president of The First National Bank of Santa Fe, he was compelled in self-defense to shoot one of his Indian friends. Said the report: "Party of drunken Apaches attempted to break into Maxwell's store but were prevented. One of them seized the muzzle of Maxwell's gun from under his buffalo robe. The gun went off and killed the Indian."

After the sale of the Maxwell Grant, Maxwell established a ranch at Fort Sumner, where he died on July 25,

1875, at the early age of 57, disillusioned, and as report had it, from illness caused by homesickness for his beloved Cimarron.

Stephen Benton Elkins.

Next to Maxwell, whom he succeeded as president of The First National Bank, it was Stephen Benton Elkins who was instrumental in creating the pioneer national bank of the Southwest. In fact, it was he who originated the idea of a bank in the territorial capital. The career of Elkins was even more colorful than that of Maxwell. Born in Perry County, Ohio, September 16, 1841, he accompanied his parents to Missouri as a child. He was only 29 years of age when he ousted Maxwell as the owner and president of the Bank and elected himself its president. He had graduated from the University of Missouri and was teaching school when at the outbreak of the Civil War he enlisted in the Union army. He was captured early in the War by Quantrill's Confederate guerillas and ordered shot as a Union spy. His life was saved by two young men who had been pupils of his, Cole and Jim Younger, later to become widely known bandits, whom Elkins in later years vainly sought to have pardoned. Captain Elkins came to New Mexico in 1863 at the height of the Civil War and the year in which the National Bank law was enacted. Elected to the New Mexico legislature in 1866, he was appointed United States attorney for the Territory when 25 years old. He successively served two terms in the U. S. House of Representatives from New Mexico and later, for eighteen years, as U. S. Senator from West Virginia. As chairman of the National Executive Committee, he was held responsible for the nomination of James G. Blaine and of Benjamin Harrison for the Presidency of the United States, serving as Secretary of War in the latter's cabinet. He gained international fame when he entertained the crown prince of Italy in his magnificent mansion in Washington, D. C. The press reported the engagement of Katherine, the daughter of Elkins and his second wife (daugh-

ter of Henry Gassaway Davis of West Virginia), to the Duke d'Abruzzi, a match which was vetoed, so report had it, by the Italian royal family. Elkins amassed immense wealth and founded the town of Elkins in West Virginia. Like Maxwell and Catron, Elkins spoke Spanish and was so popular among the Spanish-speaking voters that he was elected to Congress while away in Europe on his honeymoon tour, writing from Amsterdam, Holland, in accepting the nomination: "I am convinced that there is no place like New Mexico to live in; it is there that I have established myself and there that I expect to live the balance of my life." Nevertheless, he was reported by his political enemies to have muffed the opportunity which the Territory had to become a state in 1876 at the same time as Colorado, necessitating 34 years of additional struggle before an enabling act for New Mexico became law.

Thomas Benton Catron.

Thomas B. Catron, law partner of Elkins, had attended the University of Missouri with him before the outbreak of the Civil War. Although Elkins enlisted in the Union army and Catron with the Confederates, both remained fast friends. Catron, about the same age as Elkins, also quickly gained prominence in New Mexico. He was attorney general of the Territory when Elkins was U. S. attorney at the time the First National Bank was chartered in 1870. Catron, too, was elected to Congress from New Mexico and, when statehood came, to the U. S. Senate. He acquired wealth and large land holdings, and for more than four decades exercised great influence on the course of political events in New Mexico. As one of the founders and directors of the First National Bank he was very active in its management and its financial transactions.

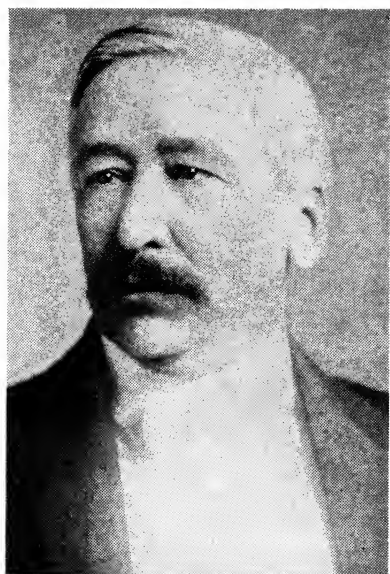
William W. Griffin.

As the fourth member of the group, William W. Griffin, U. S. surveyor, was a Virginian born in 1830 in Clarksburg, now in West Virginia. He came to New Mexico in 1860 by

way of Little Rock and Galveston, walking a great part of the way.* He was prominent as a Mason and was president of the Santa Fe Tertio Millennial Exposition. Maxwell, Elkins, Griffin, were successively presidents of the Bank and Catron served intermittently as chairman of the board of directors and briefly as vice-president.

Organized at Maxwell's Hacienda.

It was at Cimarron, some 150 miles north of Santa Fe, on September 3, 1870, that the articles of association of the First National Bank were executed. The papers, undoubtedly drawn in the law office of Elkins and Catron in Santa Fe, were in the usual form suggested by the Comptroller of the Currency, with a unique interpolation or two, such as that the seal adopted by the Bank shall be "a wild Indian surrounded by 'The First National Bank, Santa Fe,'" thus testifying to Maxwell's interest in the aborigenes. The seal is still in use by the Bank. Maxwell retained 1,270 shares of stock for himself and gave 200 shares to Charles F. Holly, 10 shares each to his son, Peter M. Maxwell, Judge John S. Watts, and Henry A. Hooper, all residents of Cimarron except Watts. These constituted the stockholders as well as the directors of the Bank, Lucien B. Maxwell being designated as president, Watts as vice-president and Holly as cashier, all officers to act without compensation until further orders. As far as the record goes there were no further meetings of stockholders or directors of the Bank until more than eight months later when Elkins and Catron took over control of the Bank. In fact, there would be ground for suspecting that Maxwell and Elkins were the only persons present in the Maxwell mansion when the stockholders, directors and officers were named, were it not for the fact that Justice of the Peace Jesus G. Abreu certified that all five stockholders and directors had appeared before him personally to affix their signature to the articles and to subscribe to the oath which was the same as taken by national bank directors at the present day. The officers gave \$50,000 bond for each other. Elkins



PEDRO PEREA



LEVI A. HUGHES



R. J. PALEN



ARTHUR SELIGMAN

and Delegate to Congress J. Francisco Chaves certified "that the papers were executed before Jesus G. Abreu, a justice of the peace, instead of a 'Judge, clerk or notary' as no such officers could be obtained within fifty miles of this place." It was ordered on motion of Judge Watts "that certificates of stock to the amount of three thousand shares be procured and have the impressions of the bank's president's photograph engraved thereon." This was done, a portrait of Maxwell smoking a cigar, appearing prominently on the 3,000 certificates, a number of which were signed in blank by Maxwell. A similar portrait appeared on the letterheads and other stationery of which a big supply was printed but seldom used.

It was further ordered at this first meeting that the officers demand that the Bank be designated as the U. S. depository and that "the Bank procure on the best terms possible the use of the depository in the Palace for banking purposes." This effort to establish the Bank in the historic Palace of the Governors, built in 1612 on the north side of the Plaza, was frustrated by the military fiscal officers who desired to retain this agency through which flowed the public funds of the United States and the Territory. It made up the military payrolls and issued exchange on New York for a fee of one per cent, all this meaning much prestige and additional income to the officers in charge. Its disbursements for the fiscal year 1870-1871 were \$2,869,007.66.

Quoting Historian Lansing Bloom (in an unpublished letter):

"The U. S. Depository had occupied the southwest corner of the Palace and had special vaults constructed for its use. It had, however, discontinued to occupy the space in the autumn of 1876. On May 3, 1877, the then secretary of treasury leased the space formerly used by the Depository to John Sherman, Jr., for a term of two years. Sherman was then U. S. Marshal for the Territory and it was expected that he would occupy the rooms. His lease was renewed for three additional years, during which time a financial institution, the Second National Bank,

moved into the premises. When the extended lease expired May 2, 1882, the bank gave notice that it had not vacated and did not intend to vacate until ejected by due process of law.

"The U. S. attorney was given instructions to commence legal proceedings, but on May 10, 1882, the bank addressed a letter to the postmaster general saying that it only wanted to remain in the building for eight or ten months more while it was constructing a new bank building (the Spiegelberg block on the south side of the Plaza, now the Masonic block) and that it would pay \$75 for the privilege. Lehman Spiegelberg, an officer of the bank, on July 5, wrote Tranquilino Luna, then delegate in congress, saying that the new bank building would be completed by the first of January and that all the bank wanted was an extension until that date.

"But that did not prove to be the case. The postmaster general, T. D. Hour, on January 6, 1883, asked the Secretary of the Interior to set aside the old depository space for a postoffice and the following day, Henry M. Teller, secretary of the interior, sent instructions to the secretary of the Territory to make the space available to the postmaster. A month later, an inspector from the postoffice department informed his chief that he had been in Santa Fe waiting for the Second National Bank to move and that 'the bank moved late Saturday night' but failed to deliver peaceable possession to the department when the bank building was ready to be occupied. D. K. Osborne, a clerk of the Texas, Santa Fe and Northern Railway, headed by T. B. Catron, had jumped the property as a squatter. William Breeden was retained to defend him and Breeden was also the regularly retained attorney for the bank, as well as an occupant of rooms in the Palace." Eventually, however, the postoffice moved in and was still an occupant when the present president of the Bank was Santa Fe's postmaster from 1902 to 1909, and lived with his family for a year in the Palace, in rooms adjoining the postoffice.

In a letter dated September 8, 1870, to Hon. H. R. Hulburd, Comptroller of the Currency, Maxwell stated

that he enclosed various documents certifying to the organization of The First National Bank of Santa Fe and "One hundred and twenty-five thousand dollars in United States Five-seventy registered bonds * * * intended to procure at the earliest possible date all the circulation to which said bank is entitled by law." He wrote further: "This is the only bank in the Territory of New Mexico or within four hundred miles of Santa Fe, and it is our purpose to manage it in strict conformity with the law and your instructions, and we will be much obliged if you will aid us with such information and facilities as will enable us to properly and successfully conduct this new enterprise."

Difficult Going.

It was more than three months later, on December 13, 1870, that the charter, No. 1750, was issued. Of the first 1750 national banks, only 537 have survived to date. Seven attempts were made to organize banks in Santa Fe from 1863, when the territorial legislature chartered a bank a few months after the Confederates had evacuated Santa Fe, until the twenties in this century, when Santa Fe had three banks, two of them state-chartered, only the First National Bank surviving.

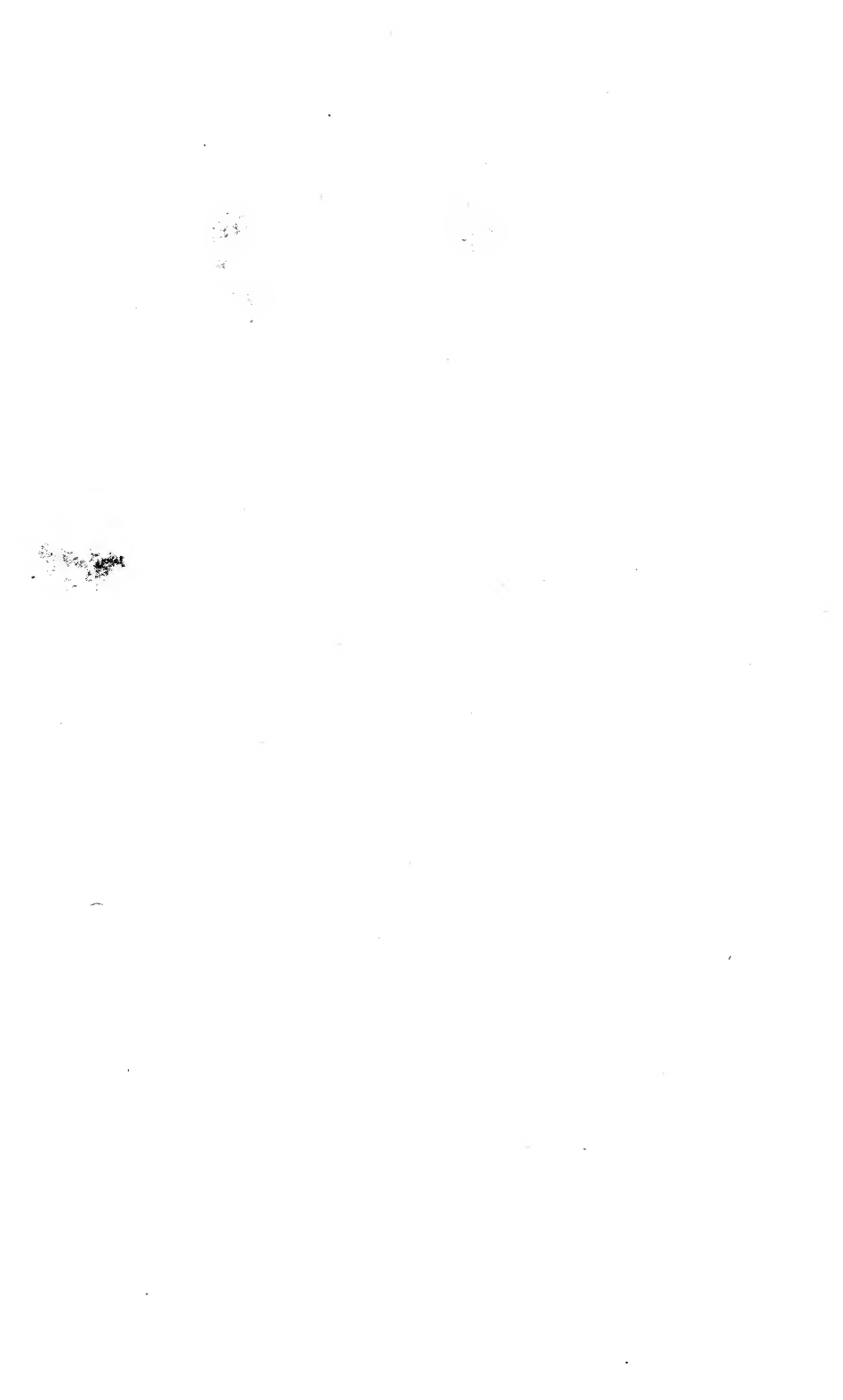
In December 1870, Charles F. Holly, cashier, made the long wearisome journey, partly by stage coach, to New York, to see what could be done to expedite the granting of the charter and the issuing of currency to the Bank. It was not until February 20, 1871, that the currency, \$135,000 in Fives, Tens, Twenties and Fifties, was received in Santa Fe. Of the difficulties that had to be surmounted in transporting money to Santa Fe, the *Daily New Mexican* reported "Three ambulances with an escort of 25 soldiers came in this afternoon bringing a large sum of money for the U. S. Depository in this place. The money was sent from Washington in charge of three gentlemen connected with the Treasury, and has been brought safely through. We learn that most of the money now in the Depository is to be replaced by the more recent issues of the Treasury brought by these gentle-

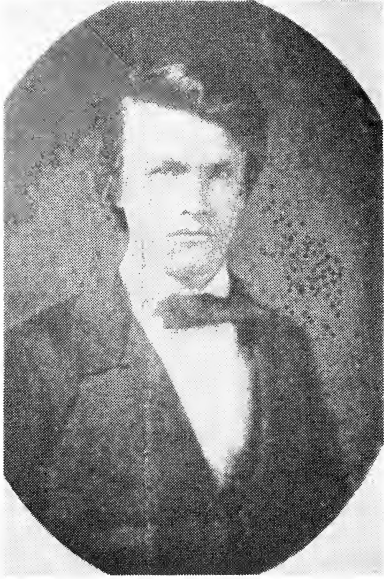
men and the Depository furnished with ample funds to meet all the demands of the government. The party was ten days on the road between Forts Lyon and Union and experienced disagreeable weather throughout the entire trip. The troops were in charge of Captain Gagsby, 3d U.S. Infantry and the three Treasury gentlemen were S. A. Johnson, S. S. Gregory and C. E. Coon." The night they arrived the temperature in Santa Fe dropped to ten degrees below zero.

It was still a long wait until the Bank attempted to open for business. In the meanwhile, Elkins had been elected president of the "New Mexico Immigration Society" at a convention in the Senate chamber in the Palace, primarily to induce settlement on the Maxwell Grant. Editorialized the New Mexican, after stating that the convention was "the most pitiful and ludicrous farce ever enacted in New Mexico": "Of idlers, bummers and adventurers, and men who want to profit by or live on the toil and industry of others, without adding anything to the common weal and the growth of the country, we have by far too many already."

The Bank rented a small storeroom on April 15, 1871, in the two story Don Fernando Delgado building, on the west side of the Plaza. It was three days later, on April 18, 1871, or more than seven months after the Bank had been organized, that it opened for business. The furniture and equipment cost \$622.38 of which \$400 was for a secondhand iron safe. Among the first expense items entered in the huge leather-bound ledger was fifty cents for two burro loads of wood and \$1.50 for repairing the high stool on which the cashier sat behind the high wooden counter. Among other early expenditures were \$6.00 for a gold pen and \$2.50 for a microscope. A kerosene lamp and candles furnished light on dark days and evenings.

However, the populace, unused to banking facilities, except through merchants and the U. S. depository, did not flock to patronize the Bank. Other trouble, too, suddenly loomed above the horizon. Elkins, Catron and Griffin, evidently miffed because Maxwell had overlooked them in distributing the bank stock and naming the directors and officers, organized a rival bank of which a Santa Fe newspaper





STEPHEN BENTON ELKINS



THOMAS BENTON CATRON



WILLIAM W. GRIFFIN

on March 23, 1871, stated: "The National Bank of New Mexico has been authorized by the Treasury Department and preparations for business will soon be perfected. The members of the association are, without exception, gentlemen of the highest character, men of large business experience, unquestionable integrity and sound financial condition. The new bank will probably have a monopoly of business in this Territory."

The time had come, evidently, for a showdown between the two groups. No meeting of the stockholders and directors had been held since the First National Bank had been organized eight months before. But now an advertisement appeared in the *Santa Fe Post*, calling a meeting of the five directors, who were also the stockholders, on May 3, 1871. Maxwell, ostensibly busy with mining interests in southern New Mexico, failed to appear, so that neither a quorum of directors nor majority of stockholders were present. Recess was taken day after day by Watts and Holly until May 10, when Maxwell attended and thus created the legal quorum of directors and majority of stock. But again recess was taken day after day until May 17, when Maxwell was willing to surrender control of the Bank to Elkins and his associates, fondly called "the Santa Fe Gang" by their opponents, while Maxwell and his associates were "the Cimarron Crowd." Elkins voted 900 of the 1,500 shares, Catron 250 shares, Griffin 100 shares. L. B. Maxwell retained 10 shares for the moment but absented himself, his ten shares being voted by Holly, who too held on to ten shares for the time being. The only other stockholder present was S. B. Wheelock, 20 shares, a member of the legislature, and belonging to the Elkins-Catron-Griffin combine. Nine directors were chosen: Jose L. Perea, Manuel A. Otero, F. A. Manzanares, S. B. Elkins, T. B. Catron, S. B. Wheelock, J. L. Johnson, William W. Griffin, and John Pratt. The only other but, perhaps, significant action of the meeting was the adoption of a by-law: "No officers of this association shall endorse any paper presented to the Bank for discount or sale, without the consent of the Board of directors." The directors then elected Elkins,

president; Jose L. Perea, vice-president; William W. Griffin, cashier; S. B. Wheelock, assistant cashier. One of the first actions of the Board was the adoption of a resolution authorizing the purchase of gold at not less than three per cent. below the market price in New York. A scale to weigh the gold was added to equipment and is still a prized possession of the Bank. Elkins, the next day, brought gold dust and nuggets to the Bank for sale, and one of the other two directors proved his confidence in the Bank by borrowing \$3,000 on his note on that same day. The Bank, a short time later, moved into its second home, one door north of its first quarters, adjoining what is today the Cassell Block on the northwest corner of the Plaza, just acquired for its proposed new building by the Bank.

The Bank's first statement published June 10, 1871, showed deposits of \$22,712.63 (present deposits more than one thousand times as great), loans and discounts \$33,486.66, or fifty per cent. more than its deposits (at present loans and discounts are more than sixty times as great but only nine per cent. of deposits.) In August 1, 1871, the directors declared the first dividend, 4 per cent. on the \$150,000 capital. Since then, the \$150,000 invested by Maxwell have earned more than \$1,800,000 in cash and stock dividends, or more than 1,200 per cent. The Bank has always paid cash on demand, never has resorted to re-organization or preferred stock issues. It has served not only the public, but commonwealth, county, and community in many a crisis by advancing cash in emergencies to save the public credit and took on deficiency certificates and bonds when there was no market for them elsewhere. This in addition to selling to the public and purchasing for itself tens of millions of dollars of U. S. War, Savings and other bonds and aiding local enterprises in the same manner.

Santa Fe and the World in 1870 and 1871

A more inauspicious time to engage in banking enterprise in New Mexico than 1870 and 1871 is difficult to imagine. The money panic of 1869 had left its mark on the

financial resources of the Nation. The world was very much in turmoil. The Franco-Prussian War set in motion the chain of French-German animosity which culminated in World War II. The payment of a Billion Dollars in gold by France in reparations to Germany left financial circles aghast for so huge a sum as a Billion Dollars was deemed simply unthinkable by bankers of that day. The demonetization of silver by Germany and the United States and the panic of 1873, followed by five years of depression, were echoes of the War. News of the first German victory over France in 1870, and the surrender of Napoleon III at Sedan, a day before the First National Bank was organized, were celebrated in Santa Fe by a torch light procession around the Plaza and an address by Governor Pile. Revolutions were aflame in Mexico, Cuba and Spain. Russia threatened world peace by wanting to interfere on behalf of France while Great Britain favored Germany. War between the United States and England seemed probable over the Alabama claims, the northwest boundary dispute with Canada, the Fisheries controversy and the Fenian invasion into Canada from the United States. The emperor of Germany, called in as arbitrator in the boundary dispute ruled in favor of the United States. The surrender of Rome by the Papal troops to the King of Italy was unpleasant news to Santa Fe's Catholic hierarchy and preponderant Catholic population. The world in 1870 and 1871, as viewed from Santa Fe, seemed as much askew as it does in A. D. 1946.

In the United States, yellow fever broke out in New York and other seaboard cities. The Ku-Klux clan was rampant in the South and Reconstruction in the former Confederate states led to underground warfare and extreme political bitterness. A statehood bill for New Mexico, changing its name to "Lincoln", had been reported favorably in the U. S. Senate. A constitutional convention was to be held in Santa Fe. The territorial legislature in session was disrupted by partisan strife, so much so, that a Las Cruces newspaper commented: "But the climax of this infamous scheme was reached when the chief justice of this territory sent his marshal into the house of representatives

to forcibly drag its members from their seats when in session and put on the finishing touch of disorganization. Has the chief justice of New Mexico the power granted him to Ku-Klux the legislative assembly of this Territory? Are its members to be dragged from their seats at his will, and treated as criminals, because he thinks they will have the hardihood to express their appreciation of his merits as a man and a judge?" The Chicago fire gave the First National Bank an opportunity to head a subscription list for the sufferers and it sent on more than a thousand dollars to the relief committee.

The Santa Fe Railroad in 1870 had reached Newton, Kansas, 652 miles from Santa Fe, the place which had given its name to the enterprise and for which it was headed. It was stymied at Newton for two years for lack of funds. Nine years later the Santa Fe won the race with the Denver and Rio Grande Railroad for Raton Pass. In 1880, the first train puffed into Santa Fe, the First National Bank having headed the movement for a \$150,000 bond issue to build the branch line from Lamy and thus averting the contemplated removal of the Capital to Albuquerque. The census of 1870 credited New Mexico with 86,245 inhabitants, the territory retaining its lead as the most populous commonwealth in the inter-mountain region, Colorado being second with 39,681 and Idaho third with 14,886.

Santa Fe's population in 1870 was 4,765, it being the largest town in a vast region. Albuquerque first appeared in the census twenty years later with 3,785 inhabitants.

Indian raids and massacres disturbed and distressed the Southwest. There was complaint in New Mexico over the burden of taxation, the annual expenditures of the Territory having increased to \$40,000 according to the newspapers (\$43,144,838 annually at present). Of the \$40,000 cost of New Mexico's government seventy-five years ago, \$16,000 was derived from property tax and \$24,000 from licenses, Santa Fe county's share of the total being \$2,868. The military telegraph line had been built into Santa Fe under the command of Colonel Max Frost. A United States

Weather Bureau was established with Observer J. P. Clung in charge. Santa Fe, and no other place in New Mexico, for that matter, had paved streets, very few sidewalks and these of rough planks. The highways throughout the Territory were mere trails in most part, impassable after rains or snows. There were no telephones, nor gas nor electric lights nor power, nor sanitation, nor public school system, nor public institutions, nor stenographers, nor typewriters, nor bookkeeping machines, nor cash registers, and of course, no railroads, no automobiles, no radio, no motion pictures. Those who sigh for "the good old days in Santa Fe" do not remember the frightful children's death rate, the annual spring recurrence of small pox and fall outbreak of typhoid fever, the lack of public health service and the scarcity of physicians and nurses. They do not recall the pest-house on the southern loma and the pauper cemetery on the northern outskirts, the inconvenience of travel on stage coach, buckboard or bullock cart, and the lack of many comforts which today are essential to living.

Yet, Santa Fe was then as now, the gateway to a land of romance, the Ultima Thule of many a seeker for the picturesque and the charm of frontier life among Indians and descendants of Conquistadores and Pioneers glorified in song and story.

A DIARY OF KIT CARSON'S NAVAHO CAMPAIGN,
1863-1864

Edited by *RAYMOND E. LINDGREN

THE Navaho campaign, one of Kit Carson's most famous accomplishments, is probably the first introduction of the use of scorched-earth tactics in Southwestern Indian warfare. In pursuit of orders from General James H. Carleton, commanding officer of the Department, Kit Carson with his command of First New Mexico Volunteers during the summer and fall of 1863 ravaged the Navaho country and left the Indians only the defense of the famous Canyon de Chelly.

Kit Carson's strategy consisted of killing as many sheep, horses, mules, and cattle as possible and also to destroy all standing corn. It was proposed to starve the Indians and force them to surrender. Prices as high as twenty dollars per horse was given for the purpose of encouraging Indian groups hostile to the Navahos to join in the quest.

The campaign began in July when Kit Carson established Fort Canby and the base supply at Fort Defiance. In August he moved into the Navaho country by first making a circle in the direction of the Little Colorado and then swinging northward to the Canyon de Chelly, finally to return to Fort Defiance on August 31, 1863. In October a second attempt was made to enter the famous Canyon de Chelly, but Carson did not dare "beard the lion in his den." It was decided then that a winter campaign was necessary and this proved to be the final blow to the Navaho hope of isolation. In January, 1864, a considerable force went to the Canyon de Chelly under the command of Carson and this time a detachment under Captain Albert H. Pfeiffer entered the canyon at the upper end and emerged at the base camp to greet Carson upon his arrival there. During the time that Captain Pfeiffer was in the canyon Carson suf-

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ferred great anxiety and for a while gave up the detachment as lost. He was greatly surprised to find Captain Pfeiffer in the base camp and the whole canyon traversed. Later Major Asa B. Carey asked for, and secured, the permission of Carson to attempt the journey from the mouth of the canyon and again the Navahos were compelled to see their home country invaded. Up to this time the canyon had been considered impregnable, even Colonel Carson stated such in his report of October.

The January campaign was at the end of the Navaho War. Steadily small groups of Navahos surrendered to Carson and orders were given for them to appear at the Bosque Redondo at Fort Sumner which was established as the reservation for the Navaho tribe. Eventually some 8,000 Indians congregated at the Bosque Redondo. The full story of Federal Indian policy¹ here is another report of blundering; eventually a full and complete analysis was given during a Federal investigation of Indian affairs. The Bosque Redondo, an experiment in Indian reservation policy, proved impossible to continue and the Navahos were permitted to return to their former lands after promising to keep the peace.

The diary which follows was written by one of Kit Carson's officers, probably Captain Eben Everett, commanding officer of Company B, First New Mexico Volunteers. It is the only complete story of the first two months of the campaign outside of the reports of Carson in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Series I, Vol. XXVI, Pt. I, which are mere digests of the depredations on Indian property. It adds materially to the historical detail of the war and should be appreciated by those interested in Indian affairs and those attracted by the character and career of Christopher Carson, Colonel of the First New Mexico Volunteers. The diary itself is a posses-

1. For the full record of the Navaho problem during this period see Frank D. Reeve, "The Government and the Navaho, 1846-1858," *NEW MEXICO HISTORICAL REVIEW*, XIV (1939), 82-114; "The Federal Indian Policy in New Mexico, 1858-1880," *ibid.*, XII (1937), 218-269. See also Charles Avery Amsden, "The Navaho Exile at Bosque Redondo," *ibid.*, VIII (1933), 31-50.

sion of the Huntington Library of San Marino as a part of the Ritch Collection, and grateful acknowledgement is hereby accorded the Library for permission to publish it.

Navaho Campaign as especially refers to
Co. "B" 1st. N. M. Vols.
August 4, 1863

Co. B. 2 officers,² 61 non-com. and Pvt.s., including 9 attached, left Defiance³ and marched to Hay Camp.⁴ 6 miles. Got a wetting before reaching camp. Drew 24 Pack Saddles &c. complete. Rained all night, slept in wagon.

August 5

Drew 25 mules, and packed 30 days rations, &c., on them, sent back to the Fort 2 boxes Cartridges, rain in the forenoon, marched about [?] miles came to an Indian farm of large extent, planted with principally corn & fine wheat and some Beans Pumpkins and melons. Our Animals were turned loose & enjoyed themselves. Wheat was pulled for them at night. About 6 miles from our last nights camp came to a Cornfield which was destroyed. A good camp & plenty of wood and good water. Everett⁵ Off. Day and as dark as[?]. Co. Rear guard of Pack Train.

2. These two officers were Captain Eben Everett and Lieutenant David McAlister, *Register of Volunteer Officers, Headquarters Department of New Mexico. General Orders No. 21.* The citations of officers hereafter are all taken from this separate list.

3. For a picture of Fort Defiance in the 1850's see Charles Avery Amsden, *Navaho Weaving Its Technic and History* (Santa Ana, Fine Arts Press, 1934), facing p. 148.

4. Ewell's Hay Camp.

5. Captain Eben Everett, believed by the editor of this diary to be its author, first joined the army at Fort Leavenworth in 1851 with H Company of the 1st Dragoons, Captain Stein commanding officer. He appeared on the frontier shortly thereafter and volunteered with the New Mexican troops. During the campaign of 1863, he served as commanding officer of Company B although he was charged with drunkenness while on duty in July, 1863. At that time he signed a pledge "as an officer and a gentleman, that for one year from this date, I will not drink one single drop of any intoxicating liquid in any manner or shape whatever." In the fall, after returning from the portion of the campaign which is the subject of the diary, he was again found in the condition which he had sworn to avoid, but was excused. Later a third offense, at least the only ones noted, caused his court martial and dishonorable discharge from the army in April, 1864. Later further notes indicate that he was a defaulter in the summer session of the New Mexico court in 1872 but his bondsman made good. From these notes it would indicate that Everett would not

August 6

Left Camp at 6 o'clock. Packs in advance and the troops left to destroy the grain which they did. Sgt. Lippe sick and Pvt. Hernandez Co. M. also. Some little rain—marched thro' a rolling country heavily timbered with Pine, Pinon & Cedar & scrub oak. Co. relieved from Rear Guard on account of Co. M. not being ready to march at the proper time. I being Off. Day. was in charge of the rear Guard. Noted many singular formations of rocks, towers, &c. Lost one mule and Pack flour and blankets. Overtook 11 men out from our last night's camp on a spying party they found nothing. Camped in a large bottom good wood, grass, and water in holes, collected from rain and muddy. Left the Zuni road⁶ about 12 miles from last nights camp. Capt. Pfeiffer⁷ & Co. joined us at this camp with 5 prisoners 100 sheep he had taken. He left the command at the Hay Camp. Mc.⁸ Off. Day.

August 7

Hard rain during last night. Sgt. Lippe & Pvt. Hernandez sent back to Defiance. Left camp about 8 o'clock, marched a long distance down a broad valley, then struck into the hills, rather rough road good grass and plenty of Pinon & Cedar. Comp. on Rear Guard, much trouble in re-packing mules. March [?] miles & encamped in a large valley, near some muddy water holes filled by rains, pretty

be a reputable witness to the events of the campaign, but from all checks with the reports of Christopher Carson and Benjamin Cutler, the adjutant of the 1st New Mexico Volunteers, his accuracy cannot be doubted. From internal evidence the choice of Eben Everett as the diarist is doubtful, but he was the commanding officer and the diary indicates it had to be one of the three officers of Company B. McAllister at one point took over command of Company H and Lieutenant Antonio Abeytia was at Fort Defiance so that neither could have written the diary. The only choice, as harmful to the case as it might be, is Eben Everett.

Notes from the Ritch Collection, Huntington Library, Rare Manuscripts Division.

6. For a good map of this territory see A. B. Bender, "Governmental Explorations in the Territory of New Mexico, 1846-1859," *NEW MEXICO HISTORICAL REVIEW*, IX (1934), facing p. 16.

7. Captain Albert H. Pfeiffer. For the story of his record during this campaign see Edwin L. Sabin, *Kit Carson Days (1809-1868)* (Chicago, 1914), p. 435; also appendix, pp. 591-595, 614-617. Cf. his personal story in U. S. Army, Department of New Mexico, General Order Number 21, p. 5.

8. Lieutenant David McAllister.

good grass no wood, but sage brush, heavy rain during the day. Pickets out, during the day discovered a party of Indians which were captured after a lively little run they proved to be five Zunis they were taken along with us. Again during the night [rain] and every thing wet. Trouble about the morning Report.

August 8

Commenced raining, a cold wet rain just as we began saddling up, so that all men & things were double weight, got started through mud and mire, some mules down in mire before we got out of Camp, very hard marching for men & animals through the valley. After striking the hills it was better, most of the days march thro high rolling sandy country with plenty of wood cedar & pinon. Had to descend a precipice to reach another valley after crossing which we encamped at a large hole or spring on the edge of a range of hills. Wood & water plenty, poor grazing, one of my mules shot today having given out. Marched 6 hours it rained incessantly the whole time. Reached camp about 2 o'clock & rec'd order to cook 2 days rations as no fires would be lit except to make Coffee until we overtook the Inds., Discharged firearms. Cleared up in the afternoon but a prospect of more rain tonight. Have passed many old Indian huts & corrals on our march every day.

August 9, 1863

Slight rain during the night. Left camp at day break, without breakfast in order to reach some place where there was grass for the Animals. Reached water with my company, Rear Guard, at 11 o'clock A. M. after a fatiguing march of some 12 miles. Animals began giving out soon after we started. Had to leave 2 Cos. (Murphy⁹ and Deus¹⁰). Mules, all, on the road besides detachments of other Companies, threw away Beans & Vegetables, lightened

9. Probably Lieutenant John Murphy, Company G. It could possibly be Lawrence G. Murphy, although he was attached to Colonel Carson as adjutant and would not have a command.

10. Captain Charles Deſis, Company M.

Packs, changed mules and about 2 O'clock the whole command was in camp, except one mule of Lt. Murphys Co. Killed having hurt himself crossing a ravine & unable to travel. Found water Poor, grass poor, wood, sage brush.

At 4 o'clock P. M. Lt. McAlister was detached with 25 men joined by 50 Infy. of Capt. Pfeiffer en route for Moqui, with three days rations. At 5 P. M. 4 Mtd. Cos. H.G.D. & K. left with Hdqrs. for the same destination. Lt. Fitch¹¹ and 26 men of Capt. Pfeiffers Co. were attached to Co. B. Capt. Deus. left in command with Capt. Everett, Lt. Fitch, and total 105 men, 250 hd. of Horses & mules, a Herd of Cattle & Sheep & a lot [of] 8 or 10 Indian prisoners. And all the packs. The first real pleasant day yet.

August 10th 1863

At Daybreak turned our animals out to graze, got breakfast and started from Camp at 8 o'clock making the best disposition we could of our force to guard so many animals. A pleasant day & good road, no trouble with packs. Camped at 12 M. close by some springs in a huge rock issuing from a large cavern, plenty of water but only a few animals can get in at a time. Wood plenty, tolerable good grass. At 3 P. M. a Sentinel posted on a high rock overlooking miles of country gave the signal Indians coming, sure enough, with a Glass we saw at a mile's distance a party coming as hard as possible & by their riding we knew them to be Indians. As they approached we discovered them to be our own Utahs returning from Col. Carsons Command. They brought some 20 or 25 horses with them & state that *they* had a fight with the Navajoes. That the command did not go until they, the Utahs, had whipped the Navajoes, Killed one, took all their stock, that Col. Carson took 8 horses 1000 sheep which they had captured in the fight from them. Kuniatche,¹² the Chief would not stand this, as he wanted all the property captured, and so in high dudgeon he left and is returning home. He says one Co. is coming back from the command, probably the Infantry.

11. Second Lieutenant Charles H. Fitch, Company K.

12. In the Report the Indian chief's name is spelled: Kan-a-at-sa.

August 11th

Left camp at 5½ A. M., proceeded very well for some 22 miles, when our troubles commenced. We were one hour climbing the first rocks. Killed Goats, Sheep, horses & mules. One half mile on came to a still worse rocky ascent about as bad a place as I ever saw a trail made. Two and one half hours hard work accomplished the ascent with the loss of one horse and One Mule and an awful amount of profane language in English Spanish & Dutch. On arriving at the top where were the ruins of an old Indian tower or house, here we met a party sent back from the advance to show us the way to the camp where we arrived (the foremost of the party) about 5 P. M. The Rear arrived about 7 P. M.

The days march was about 30 miles without water except a little for the men some five miles before reaching Camp. Our losses to-day have been two horses, four mules, and some Sheep & Goats, and perhaps a Pack of 2 sacks flour & saddle left by Co. B. some 2 miles from Camp which may be found in the morning and may not.

Some six miles from our last nights Camp, some object was descried moving upon the side of a hill some 12 or 1500 yards to our left. A Glass was called for and after a long and careful observation by the Chiefs of the command it was pronounced to be either a white horse or a white mule. A Consultation was held, but before any decision was arrived at Lieut. Fitch, with that utter disregard of danger for which he is noted, nobly and bravely volunteered his services to discover the truth of the matter. His offer was immediately accepted and calling one man to go with him he dashed off. Our experienced Captain¹³ being better versed in the wiles and strategems of the Navajoe, stopped him and ordered him to take two more men, doing this off he went. With straining eyes and beating hearts we watched his career. He reached the unknown animal, halted and soon we heard the report of a Pistol and a poor broken

13. Captain Charles DeRis who was in command

down sore-backed old Navajo pony had gone where his fathers have gone before him. Finis.

We found the advance of the command encamped on a high cedar covered mesa about 12 miles South of East from Moqui plenty of wood poor Grass and not sufficient water for so large a command as ours.

We found Col. Carson Maj. Commings¹⁴ & about 100 men, having heard that there was a large drove of horses and other stock some 10 miles distant had started after them about 2 o'clock today. The command that left us the evening of the 9th marched until 8 o'clock next morning without halting when they discovered near the old ruin previously mentioned a heard of horses and Sheep guarded by a few Navajoes, they charged upon them the Navajoes fled, and about 30 horses and 800 sheep were taken. One Navajo killed by the Utahs, some of the horses were beautiful animals.

The command then marched to this camp and awaited our arrival. Lieut. Hubbell¹⁵ who was with the mounted party got lost from the command some six miles from here, about 8 o'clock on the morning of the 10th with two men and after wandering through the mountains, found Camp this afternoon about 4 o'clock. Parties were out all day in search of him. He reports having taken 75 Sheep but abandoned them.

August 12

Rose later than usual. Sent back and found my Pack of Flour. About 9 A. M. Stragglers from Col. Carsons party began to arrive, their horses having given out in the first 25 miles. They say the Col. is after the Indians at full speed and is determined to overtake them if horseflesh will stand it.

Col. Carson and his command arrived at camp about 10 A. M. did not overtake the Indians and were compelled to return for water. Many horses were completely broken

14. Major Joseph Cummings: see story of his death later in the diary.

15. Lieutenant Charles M. Hubbell, Company H.

down. Lt. McAllister and detachment were ordered to join the company.

About noon received orders to move as our animals were starving where we were and the water had given out. Capts. Deus & Birney¹⁶ also moved. We left Camp at 2 o'clock, Co. B. acting as sheep drovers, the position or a very similar one, that they seem destined to occupy on this trip. Lt. McAllister was assigned to the command of Co. H. Capt Pfeiffer taking command of a mounted party. Left one mule unable to travel to be brought up by the party tomorrow if possible, if not to be given to the Moquis who have treated us very honestly. About four miles from Camp we descended another of those precipices and entered a beautiful Cañon from fifty to 200 yards in width and miles in length, abounding in cool springs and green grass, luxuries that we seldom meet with, and to our poor animals it is indeed a Godsend for from want of water and grass they are growing very weak. Found a small Corn and melon field which was soon packed off for our horses. Left one mule at Camp as it could not be found.

This is the first good pleasant Camp since we left Defiance, everything requisite being found in abundance and good quality. From the appearance of the numerous trails it must be a favorite resort of the Navajoes.¹⁷

Col. Carson with the rest of the command comes up tomorrow.

August 13 Day of Rest

Laid in Camp all day. Col. Carson with the remainder of the Column joined us about 9 A. M. Found a mule that I lost in our last camp in another company, slightly altered, but not enough to prevent recognition. Animals sent on the hills to graze. Soldiers washing clothing. Officers eating, sleeping, reading & gambling, and so the day passed.

16. Captain Joseph Birney, Company D.

17. Apaches crossed out in the original and Navajoes inserted.

August 14th 1863

Still in Camp in Volunteer Cañon.¹⁸ Guards in and around camp doubled and trebled last night. Co. "B" being encamped between the two Battalions of Majors Morrison & Cummings, and belonging to neither, had the full benefit of a neutral position between to [two] active powers, i. e., to furnish details for Guards and Pickets for both Columns with an extra supply for Herd Guard (Sheep & Cattle) and also an additional force called for directly from Hdqrs. The details were not so heavy as to cause any inconvenience but I was called on six times yesterday evening to furnish guards and every one was altered again & again. As I am my own 1st Sergeant I didn't like it.

One of our men was yesterday at work chiseling in the face of a smooth rock on the side of the Cañon the Legend "1st Regt. N.M. Vols." Aug. 13, 1863" in letters a foot square.¹⁹ Ages hence this may cause as much curiosity among antiquarians, as do now the old names upon the famous Inscription Rock²⁰ near Zuni, where there are hundreds of names and records of events, back to the year 1618.

Found in our camp a rather rare thing in this country, abundance of wild rose bushes. Gathered and prepared some sprigs for home on the Hudson.

Our present Camp is about 50 [miles] South west or west of south from Fort Defiance and on the wagon road from that Post to the seven Moqui villages²¹ which lie some 12 miles south of west from us.

We have had a good many of the Moquis in camp, trading for old clothes and picking up everything thrown away. Their dress is of the most primitive style, consisting simply of a Breech clout of the scantiest dimensions. Some of them had a piece of Blanket or a Buckskin thrown over their shoulders, these I suppose are the quality. Since they have

18. Named thus by the column, today Keam's Canyon, Arizona.

19. For a picture of this inscription see p. 17 in George H. Pettis, *Personal Narrative of the Battles of the Rebellion*, Historical Society of New Mexico, No. 12, Santa Fe, N. M., 1908. Also in Amsden, *op. cit.*, facing p. 148.

20. Inscription Rock is located near Zuni, see picture and description in Charles F. Coan, *A History of New Mexico* (New York, American Historical Society, Inc., 1925), vol. I, pp. 190-1, picture on p. 539.

21. Moqui pueblos are the present day Hopi pueblos.

met us they have traded with the men so that most of them can sport a shirt, an article they seem to value highly. Some have even mounted Pantaloons.

Tomorrow morning we leave this haven of rest, en route, they say for Casa Colorada.²²

August 15, 1863

About one o'clock this morning while all except the Guards were wrapped in the arms of *Murphy*²³ we were aroused by a demoniac yelling and the firing of guns. It needed no explanation—Indians—was perfectly understood and the purpose, a stampede of our animals, but this in the position we occupied was almost an impossibility. As quick as possible the Companies were formed and awaiting orders. Some twenty shots were fired when the yelling ceased and the firing also. The Companies after being under arms some 15 or 20 minutes were dismissed and ordered to lie down with their arms in their hands, hardly had this been done when the whooping and shooting commenced with treble power. The men were roused again but Co. B took the precaution, instead of forming in line, so as to present a broad target, to scatter over their camp, but not so far as to prevent an instant formation. Immediately after the first alarm the Out Pickets had been strengthened, and as the Indians had not succeeded in their first attempt at a surprise, we were little afraid of their success, now that we were ready and waiting for them.

This second edition of firing & yelling lasted perhaps 5 minutes during which nearly a hundred shots were fired, when with an occasional whoop, the Indians retired. We returned to our Blankets taking the precaution however to move them from under the Flies that we had stretched, as they presented most too good a target, and ready at a moment to turn out again, but apparently Mr. Navajoe had become convinced that he was somewhat in the predicament

22. Near Ganado, Arizona, site of Fort Canby which was established by Carson as a supply depot and fort. See picture of probable site of the fort in Amsden, *op. cit.*, facing p. 168.

23. Probable reference to the fact that Lieutenant John Murphy was the officer of the day, hence a pun on Morpheus, God of Sleep.

of the Bull trying to butt off the Locomotive, or perhaps some of the Rifle Balls that were sent [at] him had gone unpleasantly near. At any rate he disturbed us no more during the night.

This morning upon counting up our losses the total amounts to one mule missing, which was tracked out of the cañon and to a point where a party of Navajoes had been waiting for the success of the stampeding party, ready to run the animals as fast as they should emerge from the Cañon. On this they were disappointed. As they have now commenced we shall very likely have nightly visits from them, but "forewarned, forearmed," is our motto. We left Camp this morning at 6 o'clock. Our animals much improved by the two days rest. Co. B guard of Pack train. Before arriving at Camp nearly every pack had been repacked, more packs came off than I have yet seen in any one day. Our route was nearly east over rolling ground, the higher portions covered with Piñon & Cedar. Most of our route was on the old Zuni & Ft. Defiance Road. Camped near noon on a small rise easily guarded. Companies formed an irregular parallelogram within which the animals are to be kept at night. Wood plenty, grass poor, water plenty at the distance of a mile. Thermometer past endurance. Off of Day Capt. Everett.

August 16

Left camp at 5½ A. M. Everything in pretty good order. About 7 or 8 miles from Camp the Animals commenced giving out, and were shot as fast as they became unable to keep up with the Command. After some 12 or 15 miles we found several cornfields part of which were cut down, but we were in a hurry to reach water and could not stay to entirely destroy them. Saw two Indians leaving for the hills as fast as possible, no animals however in a condition to pursue them.

At noon, having travelled about 15 miles, halted and unpacked animals rested two hours and started on. Up to this time today six horses and two mules had been shot. Orders were given not to shoot any more as it was supposed

we were near water, but to leave them, so that they might be sent for tomorrow. During the afternoon we passed several Corn-fields some of which were destroyed. After a fatiguing march of 15 miles from our resting place we reached the creek of the Pueblo Colorado about sundown, having left on the road this afternoon five horses and six mules, and two packs of Flour. 2 Citizen Horses also were killed on the road and it would probably have been better had our horses & mules all been killed for doubtless before we can send for them the Navajoes will have taken them. Our march today could not have been less than 30 miles and no water on the road. Made a very good camp, wood water and grass abundant.

August 17

A party sent back to look for the Animals left yesterday. Six men on foot sent to Defiance for news and to report progress so far. Wrote to Lt. Abeyta,²⁴ by Col. Cs. order, about the equipment of men of B Co. now at Fort Defiance, ordered by the Colonel to join the Company to furnish them with cartridges, shoes, Pack mules &c, &c, and also for other supplies for trip about to be made to Cañon de Chelle.²⁵

It 12 o'clock the command moved up the river about three miles and camped in a broad valley, wood water and grass plenty. Corn fields near which are appropriated for the use of our animals. Party sent back for mules returned, found one horse and two packs, the Indians having taken the others 8 in number.

August 18

Left Camp this morning at 8 O.C. After marching about 4 miles, Co. B in advance, just after entering a large

24. Second Lieutenant Antonio Abeytia, Company B., who had been left at Fort Defiance.

25. The Canyon is fully described in Sabin, *op. cit.*, p. 432; the supposed origin of the name is discussed in George Gwyther, "An Indian Reservation," *Overland Monthly*, X (February, 1873), 130-131. Two pictures are in Dane and Mary Roberts Coolidge, *The Navajo Indians* (Boston, Houghton-Mifflin, 1930), facing p. 14, and a beautiful one in the *Desert Magazine*, VII (January, 1944), p. 18.

bottom where we were to encamp, Indians were discovered just leaving and running into the hills and timber. The Cavalry were immediately called to the front and a pursuit commenced. After about an hour the troops began to return without any success, having seen but two Indians. Some half hour later a man came in with the sad news that Major Cummings was killed by the Indians. We could hardly believe it possible. A party with the Surgeon²⁶ was immediately sent out and found him lying dead about 4 miles from Camp. His body was brought in and tomorrow will be sent to Defiance. The manner of his death as stated by Betts the only one with him at the time is as follows. At the first Alarm the Major, who was commanding the second and rear squadron, as soon as the first had deployed, dashed on alone, after the first, leaving his own command which was ordered in another direction. Being splendidly mounted he soon passed ahead and following the trail through a narrow cañon, (although cautioned by some men he passed not to go farther), and accompanied by one man, Betts, only, and he unarmed, after proceeding at a rapid gait some distance, the report of a Rifle was heard and the Major was seen to fall from his horse. Betts being alone, caught his horse and returned for assistance.

The party sent out found him lying on his face, dead, some ten feet from where he fell. On examination it was found that a Rifle Ball had struck him about one inch below the navel and probably lodged in the spine, cutting the Artery and causing almost instant death. There was no appearance of any struggle or pain. Major Cummings was beloved by all his fellow Officers and has many friends in this country by whom his loss will be felt. He had \$4,200 on his person at the time. His death was the result of rashness, in rushing into a dangerous place without any support, an act that he had been repeatedly warned against.

26. If the command was at full strength it could have been Surgeon Major Allen F. Pick, Assistant Surgeon Lieutenant John H. Shout or Assistant Surgeon Lieutenant George Gwyther, although the diarist would probably not have referred to either of the last two as Surgeon if either were the person who attended Major Cummings. Lieutenant Gwyther does not mention the incident in his article, previously mentioned, from the *Overland Monthly*.

While the party were out for the body of Maj. C. Maj. Morrison and Capt. Deus returned, they had run on to 4 Indians and took from them five horses, but got no scalps.

The other parties returned to camp having accomplished nothing.

A little after noon Capt. Carey²⁷ & Lt. Cook²⁸ with an Escort arrived from Defiance with a large mail of Letters and Papers and the glorious news of the Capture of Vicksburg and the battles on the Potomac and vicinity. The excitement caused by Maj. C's death was almost entirely merged in the greater events of the war in the States. A very few more as decisive victories will close this war. We hear of the death in battle of many of the old Officers who have served in this country.

At dark Capt. Pfeiffer with 50 Foot men and Lt. Fitch with 40, started out for a night march hoping to reach the vicinity of the Indian Pueblos during the night and attack them by surprise in the morning. A few minutes after Pfeiffer left we were startled by firing some half mile from Camp, the result of which was the capture of one squaw by Pfeiffer's Co. probably a spy.

August 19

The remains of Maj. Cummings were this morning sent to Defiance with an escort. Lt. Hubbell took in, with some 50 men, most of the horses of Cos. D & G. to recruit, the broken down mules and extra saddles, &c., were also sent in. Capt. Pfeiffer and Lt. Fitch returned this morning having found no Indians. About 11 A. M. Sergt. Pino with 19 Pvts. of Co. "B" arrived and joined the company. Brought Stockings and Shoes for issue. Five men of Co. "B" (att.) detached to Co. D. which now with Co. G. serves chiefly on foot. Lt. McAllister with 20 men of the Co. and ten from Cos. M. and G. started out this evening for a night walk of 20 miles, Capt. Thompson²⁹ also goes with a party. They

27. Captain Asa B. Carey, quartermaster for the command, later Brigadier-General, see sketch in George H. Pettis, *The California Column, Historical Society of New Mexico*, Santa Fe, N. M., 1908, no. 11, pp. 25-27.

28. Lieutenant Franklin Cook of the California Column.

29. Captain John Thompson, Company K.

go to Canon de Trigo³⁰ where the Indians live and hope to avenge the death of Maj. Cummings. Success to them. Just after dark we were aroused by the firing of one of the Pickets. The companies fell in and went to the support of the outposts. The firing soon ceased and the Companies returned to the Camp. The Alarm was caused by four Indians who apparently were unaware of our vicinity and were coming down for water. One Indian was wounded and dropped his pack containing fragments of Bones, &c., picked up at our old camps. The Indian after being wounded endeavored to shoot the man pursuing him but had not strength to bend his bow and his arrow fell short of its mark.

August 20th, 1863

Started at 6 o'clock enroute for Cañon de Chellé about 8 miles from last Camp found some very fine corn and pumpkin fields which were destroyed, soon after we struck into the hills and for four or five miles had a very rough, rocky road. After about 16 miles travel we encamped on a high barren bluff overhanging the Canon de los Trigos. We passed many very singular, grotesque, formations of rocks. Caves, domes, arches, towers, steeples, &c. &c. and all in their proportions exceeding any artificial work of the Kind. Capt. Thompson and Lt. McAllister with their parties joined us during the afternoon. They had seen some Indians and exchanged shots with them, the only result being that some of their men, eager for a chance, threw off their Great Coats, for pursuit, and while they were after one party, another party of Indians came round and stole them. Just as we reached Camp a man of Capt. Birneys came across an Indian mounted pursued and fired at him wounding him, the Indian left his horse (which the man got) and fled to the mountains of Hepsidam.

Our Animals were loose in a poor Cornfield during the afternoon, and tied up to trees at night.

30. Cañoncito de los Trigos in Sabin, *op. cit.*, appendix, p. 570.

August 20th, 1863³¹

Left Camp at 5 o'clock, without breakfast, to explore the Cañon de los Trigos which Capt. Thompson reports to [be] filled with Corn. Marched a couple of miles when detachments, 30 of Co. B., on the left side and 30 of Co. E. on the right side, were sent over the rocks on each side as flankers while the command marched up the Canon. The flankers had a rough time clambering over the rocks, on the summit of the mountain, on the left hand side, were many huts, corrals, threshing floors, metatas, &c. &c, some three miles up the Canon the command camped. For some three or four miles this Cañon is from 50 to 150 yards in width, a small stream running down it, and enclosed by perpendicular walls of rock 100 to 200 feet high. All the arable land herein was covered with a fine crop of Corn Beans and Pumpkins. The wheat had all been gathered. Most of the Corn we destroyed. There were a number of huts and some built of stone. At 2 P. M. we started to return to our last nights camp, all the animals being packed with as much corn as possible. Capt. Pfeiffer with 30 men of his company was left behind concealed in the bushes to wait for the arrival of Indians who it was supposed would, as usual, visit the place as soon as we left.³² A very short time after we had left some 8 or 10 Indians came down to see what we had done. They were fired on and two of them were killed or badly wounded according to Capt. Pfeiffer's report. He returned to Camp about dark. One man shot in the finger.

August 21st, 1863

Left Camp at 5 o'clock intending to make Cañon de Chelle, passed several Corn fields, and one dead Indian lying by the trail, had been dead a month.

At 8 o'clock after about 8 miles travel came to a large valley, covered as far as could be seen with fields of Corn. As the advance came in, one Indian was discovered making

31. Note the duplication of August 20, 1863. Evidently the diarist made this mistake in dating this entry and did not correct it later.

32. In the reports of Carson this plan was arranged on August 21, when the command left Pueblo Colorado. Cf. *U. S. Army, Department of New Mexico, General Orders #3* (Synopsis of Indian Scouts and their Results for the year 1863), p. 9.

tracks for the mountains.³³ He was pursued by Lt. Fitch and a mounted party, overtaken and killed, but not until he had shot one horse through the neck. He fought to the last. As there was water near by the command went into camp and after dinner the whole force set at work to cut down as much as possible of the Corn. The animals were turned loose and destroyed much of it, a large amount was husked out to feed the animals here and also to take along. It seemed a pity to destroy so much fine Corn & Fodder when not 50 miles from here at Fort Defiance it is so much needed. Rifle Pits were dug for our Pickets and care taken to be prepared for a night attack which we confidently expect.

August 22, 1863

The night passed quietly, and at 6 o'clock, after caching the Corn that we could not carry away, we started again for Cañon de Chellé. Passed by the body of the Indian killed yesterday and found the scull bare, every particle of hair having been taken off making at least a dozen scalp locks. This style of proceeding may inaugurate retaliation and a system of warfare in which we may be sufferers. The Navajoes seldom or never scalp their prisoners and the barbarous practice should not have been commenced by us.

Marched, without a halt being ordered, until 2 o'clock, most of the way through deep heavy sand, without any water—and water being so far from our last nights camp, many of the men did not have their canteens filled and suffered from the want of it. Water was found about a half mile from the road some 2 or 3 miles before we encamped where some of the men went for it.

Found a very good camp, tolerable grass, water plenty and good. Packed on our mules Corn to feed to night. Made about 17 or 18 miles according to general opinion 25. Passed without being aware of it, some 7 or 8 miles back from this camp the mouth of Cañon de Chellé, a broad shallow ravine of deep sand.

33. This is reported to have happened on the same day as leaving Pueblo Colorado, i.e., August 21, Cf. *idem*.

August 23d., 1863

Left Camp about 6 o'clock this morning, found hard marching through sand travelled about six miles and camped in the valley near a long pond of standing water, colored by, and tasting of, the soil, tolerable grass, no wood but sage bushes, but "Cuckold" burs to any amount.

What point is now our destination, or what purpose is in view, is unknown to all but the Chief. Off. of Day.

August 24

Started this morning at 6 o'clock. Some three hours travel on a rather sandy trail brought us in sight of "La Ventana," (The Window), a large hole through a large, reddish clay, castle shaped hill or mountain. The surface of the earth in this vicinity was utterly barren, a very few of the hardiest shrubs, cactus & sage weed only thinly scattered over it. The soil was a greyish color light, and apparently there was more of the mineral matter in its composition than usual. It looked as though it might have been formed by the detrition of rocks, ages since. On our path, and near it were lying large numbers of Petrified trees, of all sizes and in all stages of preservation, some were as perfect, with the exception of the limbs as the day they fell, others were crumbling to pieces. One tree was found in a perfect state some 50 feet long and two feet through. Most of the trunks are broken or seamed across in sections of from 2 inches to 4 feet, showing the grain of the wood, &c. The stone is a black flint, very heavy. There is now no timber of this size in any place near here, nor except by the deluge is there any way of accounting for these huge trees in this place, unless the country at some thousands of years since has been, as set forth by a late writer, the Garden of Eden and the original dwelling place of mankind on this Planet.

After arriving at Camp an expedition of 100 men to go through Canon de Chellé was proposed and volunteers were

called for. 26 of Co. B. volunteered but it is not likely to come off.³⁴

August 25. 1863

Left Camp at 6 o'clock, travelled until 11 A. M. making 12 or 14 miles over a rough road. Camped near the foot of high mountains. Wood water & grass abundant. We seem to be passing round the mountains and striking for the upper end of Cañon de Chellé.

August 26th, 1863

5½ A.M. the march commenced some portions of the command leaving camp before the General sounded, followed at irregular intervals by Cavalry. Infantry Pack Mules, &c., until at the time when the advance sounded the command was displayed in admirable confusion along one or two miles of the trail.

Our march today was about 15 miles, the first five through thick sage brush, chaparal, with some rocky hills to clamber up and down and some ugly cañons or arroyos to cross. After this we struck into a smooth high rolling country, covered with green grass and pretty thickly wooded with Piñon, Oak and very heavy Pine timber, crossed some 3 or 4 miles before camping quite a large stream. On our march were some very high and prominent mountains, high masses of Rock with perpendicular sides. Names unknown if they have any. Saw on our route a number of Indian houses built of Logs & Poles, conical shaped, and better than we have heretofore seen. Found one house of respectable size, built, (or piled up), of rough stone. The days march the latter part of it, has been the pleasantest of the trip. Camped a little after noon in a smooth valley, with a beautiful stream running through it, wood & grass plenty.

Several men of the command sick to day and unable to march. Our mules also commencing to fail and will con-

34. The diarist's prognostication was correct for the immediate future, but in January, 1864, the trip was made twice, each being in opposite directions, Captain Pfeiffer down canyon and Captain Carey up canyon.

tinue so to do unless we can find some more of Mr. Navajoe's cornfields.

August 27th

Left Camp this morning at 5½ o'clock and camped in a large valley near a pond of standing water plenty of grass, wood & water, marched about 12 miles and camped at 9½ A.M. The first three or four miles route through thick, low, sage chapparal, then struck into high rolling land, heavily covered with Pine, Pinon and Oak. Pine trees of enormous size, beautiful oak groves of small size.

August 28th

Marched from 6 o'clock A.M. to nearly 10, and camped in the valley of the old grazing camp, making 12 miles. Most of the route was through sage brush chapparal, through which at nearly every step were the residences of the Prairie dogs. The Indians have a way of catching them by leading a stream of water into their holes and so forcing them out. A party of some thirty men were sent off from our route today to go round by way of an Indian village. They joined us at Camp about 3 o'clock bringing with them one scalp of an Indian they had shot. From the appearance of the scalp the original wearer of it must have been an hombre grande.

Some thunder, hail, and rain in the afternoon. A number of the men of the command were engaged in hunting for topazes and rubies in the hills at Camp. Many were found but mostly of small size and no value. Orders were received this afternoon for Capt. Everett with 40 of his men, to start for a days scout after Indians, two hours before daylight tomorrow morning, the party all on foot and to try to intercept the small parties of Indians that are now striking for Canon de Chelle & Cañon de los Trigos.³⁵

[Diary breaks off here abruptly]

35. The endeavor was fruitless and Captain Everett returned without having seen any Indians. Cf. Col. Carson's report in *The War of the Rebellion* . . . , XXVI, Part I, p. 251.

MATERIALS IN THE NATIONAL ARCHIVES FOR THE HISTORY OF NEW MEXICO BEFORE 1848

By *RALPH G. LOUNSBURY

DURING the Spanish period, contact between the United States and the New Mexican region was infrequent.¹ This was partly because of the remoteness of the province from American settlements and partly because of Spanish restrictions on foreign commerce. Foreigners were prohibited from residing or engaging in trade in New Spain. The severity of this exclusive policy was relaxed somewhat just before and during the war of Mexican independence, and overland trade from Missouri to Santa Fe was established by 1821. Frequent and continuous intercourse did not begin until the Mexican War brought about the American conquest.² Consequently, official records of the Government of the United States which contain information about New Mexico before 1846 are not extensive. Even records of American military operations, 1846-1848, are relatively few in number.

Generally, records in The National Archives which are of value to students of New Mexican history relate to exploration, boundaries, consular representation, claims, communications, and military affairs. Materials are interspersed as single documents or small groups of papers among the records of the Department of State, the War Department, and the Senate of the United States. Of particular interest are the records of the American Embassy and Consulate General at Mexico City which were trans-

* Ralph G. Lounsbury was formerly employed in The National Archives. This paper was written about 1940. Mr. Lounsbury now states that additional information on New Mexico might be found in later additions to the Archives, as follows: records of the General Land Office and of the Department of Justice. Ed.

1. For purposes of this report the New Mexico region comprises the province of New Mexico within the limits established to the north and east by the Adams-Onís Treaty of 1819, and includes the adjacent Pecos River country of West Texas, and the neighboring regions now embraced in Arizona and the Mexican states of Chihuahua and Sonora.

2. William R. Manning, *Early Diplomatic Relations between the United States and Mexico* (Baltimore, 1916), 166-189, cited hereafter as Manning, *Early Relations*.

ferred recently to The National Archives. These two collections have not heretofore been readily accessible to scholars in the United States, although they were consulted by searchers prior to their removal to Washington.

The first officer of the United States to enter New Mexico was Lieutenant Zebulon Pike, while on his expedition of 1806-1807. The story of his arrest and detention in New Spain constitutes a well known chapter of South-western history. There are two special collections of Pike papers in the records of the War Department in The National Archives. A group of twenty-one items comprises papers confiscated at the time of Pike's arrest by the Spaniards. They were returned to the United States by the Mexican Government in 1910 and now form a special collection in the files of The Adjutant General's Office. Most of the documents relate to Pike's previous activities. Several, however, concern the expedition. Pertinent to New Mexican history is the fragmentary "Diary of Progress", written about March, 1807, a brief chronicle of Pike's journey under guard from Santa Fe to Chihuahua. The possibility of encountering Spaniards on the upper Arkansas was discussed in two of Pike's letters, written en route, to General James Wilkinson. These also told of Spanish trade from New Mexico among the Plains Indians. There is a map of the territory near the border of New Mexico explored by the Pike party. A book of meteorological observations contains entries made along the Arkansas. In several letters dated 1806, Governor Jahiel Kinson of Louisiana Territory commented to Pike on the effect of European events and of Miranda's Venezuelan expedition on Spanish policy.³

The second group of Pike papers, 1805-1813, is a special collection brought together from the files of letters received by The Adjutant General, to which has been added some incoming correspondence from records of the office of the Secretary of War. Pike's efforts to find traces of Spaniards on the Plains, and rumors of Spanish attempts to influence

3. These and other records of the War Department deposited in The National Archives and cited herein cannot be used except by authority of that Department.

the Indians, are recounted by him in a letter to General Wilkinson from the upper Arkansas country. After his return to the United States in 1807, Pike discussed his release, detention of his men, and treatment accorded the party by Spanish authorities in several letters. Wilkinson communicated his impressions of the effect of the expedition on Spain in a letter to the Secretary of War, which inclosed a translation of a protest received from Governor Salcedo. A statement drawn up in 1808 showed the sums advanced to Pike by Spanish officials for his return home. Among these papers is also to be found a letter concerning services of Ensign Vásquez, interpreter on the expedition.

A few letters of General James Wilkinson, 1804-1807, in the files of The Adjutant General, concern New Mexico and Pike. One contains a proposal, made in 1805, for construction of a fort midway between Missouri and New Mexico to protect the frontier against Spanish encroachment. Wilkinson stated that New Mexican towns could turn out 1,200 fighting men. In the same letter, the General also remarked that a man named Morrison had recently equipped a friend for a trading venture to Santa Fe. A Spanish expedition to the Pawnee country on the Platte River was reported in another letter of 1805. There are two items for the year 1807 which refer to Pike's expedition: one concerning purchases of provisions, the other announcing that Lieutenant James Wilkinson's sketches of the Arkansas country were nearly completed.

Although the Louisiana Purchase of 1803 made the United States sovereign over a vast territory adjacent to New Mexico and other parts of New Spain, the international boundary was not formally defined for sixteen years. For the first time, the northern and northeastern confines of New Mexico were fixed by the Treaty of Amity, Settlement, and Limits of February 22, 1819. Record of negotiations, 1815-1819, is in the files of the Department of State.⁴ Later, when the United States and Mexico defined their

4. See *Diplomatic Instructions*, vols. 7 and 8; *Diplomatic Despatches*, Spain, vols. 12-18; and *Notes to Foreign Legations*, vol. 2. The ms. text of the treaty, accompanied by documents concerning its ratification, is in *Treaty Series*, no. 327.

mutual boundary, the limits established by the Spanish treaty of 1819 were retained. Negotiations were initiated in 1823 and continued until Mexico and the United States finally ratified the agreement in 1832. Documentary evidence of the attempts of the two Governments to reach a satisfactory understanding is also found in the records of the Department of State.⁵

Before definitive treaties were concluded with Mexico, the Government of the United States surveyed the route from Missouri to the confines of New Mexico and attempted to negotiate with Mexico for mutual protection of travelers using the Santa Fe Trail. Records of the survey by the Sibley Commission, 1825-1827, are in the files of the Senate of the United States.⁶ Diplomatic aspects of the question are recorded in the files of the Department of State.⁷

Efforts of the United States to establish consulates in northern Mexico before 1849 were unsuccessful, partly because early appointees for Chihuahua and Santa Fe, 1825-1833, declined to serve, but principally because the Mexican Government objected to having consular functions performed by men who were engaged privately in trade. As almost all of the consuls appointed for Santa Fe, Chihuahua and Saltillo were traders, Mexico persistently declined to grant them exequaturs. While many appointees were formally commissioned and actually performed some consular duties they remained unrecognized even after the conclusion of the Treaty of Amity, Commerce, and Navigation of 1831. Although this agreement provided for consuls, the status of American representatives was that of commercial agents.⁸

5. *Diplomatic Instructions*, vols. 10-12; *Diplomatic Despatches*, Mexico, vols. 1-4. The manuscript texts of the Treaty of Limits signed on Jan. 12, 1828, the Additional Article, Apr. 5, 1831, and documents concerning ratification are in *Treaty Series*, no. 202.

6. They are described in Buford Rowland, "Report of the Commissioners on the Road from Missouri to New Mexico, October 1827", *NEW MEXICO HISTORICAL REVIEW*, XIV, 213-229.

7. *Diplomatic Instructions*, vol. 10; *Diplomatic Despatches*, Mexico, vol. 1.

8. Manning, *Early Relations*, 169-170. The Commercial Treaty of 1831 provided for the subsequent negotiation of a consular convention, but no such agreement was concluded prior to the close of the Mexican War. The ms. text is in *Treaty Series*, no. 203.

Efforts to establish a consulate at Santa Fe go back as early as 1825, for in that year instructions were issued by the Department of State to Augustus Storrs, consul. Unfortunately, however, there are no other records concerning him.⁹ In 1830, James Davis of Tupelo, Alabama, was appointed but did not go to his post.¹⁰ Céran St. Vrain represented the United States there from 1834 to 1838.¹¹ His activities are shown in the records of the Consulate General, Mexico City.¹²

Manuel Álvarez was appointed consul in 1839 and commissioned in the following year. He was reappointed again in 1845, but the Department of State withheld his commission pending recognition by the Mexican Government. Álvarez performed the duties of commercial agent until after the American occupation of Santa Fe in 1846. Although his instructions are routine, his communications and inclosures cover a variety of topics concerning overland trade and Mexican-American relations in the Southwest. He reported on damages wrought by Indians in Mexican territory, seizures of goods, land ownership by Americans in New Mexico, and questions of property and religion involved in mixed marriages. Álvarez also reported upon the Texan-Santa Fe expedition of 1841, and later gave account of his part in influencing Governor Armijo to surrender New Mexico to General Kearny in 1846.¹³

Consular records for Chihuahua date from 1825. Unfortunately, however, the early records of the office were

9. Storrs' instructions, Apr. 12, 1825, are in *Consular Instructions*, vol. 2, p. 351. See also *List of U. S. Consular Officers by Posts, 1789-1939*, vol. 17, records of the Department of State.

10. *Consular Instructions*, vol. 5; *Consular Letters, Santa Fe, Mexico*.

11. St. Vrain's instructions are in *Consular Instructions*, vols. 5 and 9 *passim*. There are no communications from him in *Consular Letters, Santa Fe*.

12. Records of the Mexico City Consulate General, *Letters Sent (Series C8.1)*, Letter Book 1.

13. Instructions to Álvarez are in *Consular Instructions*, vols. 6 and 11. Despatches and inclosures from him form the bulk of the documents bound in *Consular Letters, Santa Fe, Mexico*. His efforts to obtain Mexican recognition as consul are discussed in Powhatan Ellis to Álvarez, Mexico City, November 2, 1839, *Letters to Consuls, 1836-1838 (Series C8.13)*, American Embassy, Mexico City. A letter and petition of 1845, asking for the reappointment of Álvarez as consul or commercial agent are filed with *Papers of M. Alvarez, 1850, 1852*, State Department Records, Applications for Office.

destroyed by fire in 1922, and there are only six communications from it for the period previous to 1848 in the Washington files of the Department of State.¹⁴ According to existing records, Joshua Pilcher was commissioned consul in 1825, and Charles Webber in 1827, but both declined. John Ward, appointed in 1829, actually went to his post, but the Department received only two despatches from him, dated November 27 and 30, 1830. From 1833 to 1848, John S. Langham, George C. Beeton, John J. Messervé (Messervey), Edward J. Glasgow, and James Semple served at Chihuahua, sometimes under consular commissions but frequently as commercial agents.¹⁵ Moreover, other men appear to have represented the United States there, either temporarily or unofficially.¹⁶

Records of the Consulate General at Mexico City contain more items concerning Chihuahua than are to be found elsewhere. Correspondence passing between the two posts relates to letters of security for Americans trading to New Mexico, Indian depredations, restrictions on foreign retailers, detention of trades and confiscation of goods.¹⁷

Applications for letters of security (*cartas de seguridad*) should prove of historical interest. Communications concerning them form a large part of the correspondence carried on between Chihuahua and Mexico City. Requests usually described single persons and sometimes groups. Through them it is possible to identify individuals and parties in overland trade, as the occupations, citizenship, places of residence in the United States and physical characteristics of the applicants were set forth. The consul at Mexico City formally requested the Ministry of Foreign Affairs to issue the *cartas de seguridad*, but the applicants

14. Lee R. Blohm, Consul, to the Secretary of State, Chihuahua, Sept. 6, 1935 (Despatch no. 96), reports the destruction of the records. The six despatches are in *Consular Letters, Chihuahua*, vol. 1.

15. The names of the appointees at Chihuahua are in Records of the Department of State: *List of U. S. Consular Officers by Posts, 1789-1939*, vol. 5; and *Consular Officers of the United States, 1775-1893*, vol. 1. Beeton, Messervé and Semple are not included in the first citation.

16. Mexico City Consulate General. *Letters Sent (Series C8.1)*, Letter Books 1-4.

17. Mexico City Consulate General, *Miscellaneous Incoming Letters (Series C8.2)*, vols. 1-3; and *Letters Sent (Series C8.1)*, Letter Books 1-4.

received them directly from the officials of the Department of Chihuahua.¹⁸

Alleged confiscations of goods by the authorities led several Americans at Santa Fe and Chihuahua to file claims against the Mexican Government. Initial complaints, often accompanied by statements of the type and value of the goods seized, were transmitted to the consulate at Mexico City.¹⁹ Declarations by claimants with inventories and affidavits are in the records of both the Embassy and Consulate general.²⁰ Some of the cases were adjudicated under the Convention of 1839 by the Claims Commission which sat during 1841-1842.²¹ Others were not settled until after the Mexican War in accordance with claims provisions of the Treaty of Guadalupe Hidalgo, February 2, 1848. The later cases were decided by the Commission of 1849-1851.²²

Misfortunes of the members of the ill-fated Texan-Santa Fe expedition of 1841, and efforts of the United States to procure release of the captives, are set forth not only in the files of the Washington office of the Department of State, but also in the records of the American Embassy and Consulate General at Mexico City. Besides official communications on the subject, the latter contain appeals from relatives and friends asking aid for the prisoners.²³ The issues raised by Texan attacks on Santa Fe traders along the Trail in 1843 are also covered in the same series of records.

18. Mexico City Consulate General, *Miscellaneous Incoming Letters* as cited in Note 17 *supra*.

19. Mexico City Consulate General, *Miscellaneous Incoming Letters (Series C8.2)*, vols. 1-3.

20. Embassy, *Letters Sent (Series C8.1)*, Mar. 25, 1837-Feb. 8, 1839; Mexico City Consulate General, *Miscellaneous Record Books*, 1-4 (1834-1839).

21. Certified copies of Awards, a Letter Book of the Commission, and three Day Books, 1841-1842, are in the files of the Department of State.

22. Records of the Claims Commission, 1849-1851, in the files of the Department of State, consist of *Awards*, 2 vols.; *Opinions*, 3 vols.; and *Letter Books*, 3 vols.

23. *Diplomatic Instructions*, Texas, vol. 1; *Diplomatic Despatches*, Texas, vol. 1; *Notes from Texas*, vol. 1; *Notes to Texas*, vol. 6; *Consular Letters*, Texas, vol. 1; *Special Agents*, vol. 13; *Diplomatic Instructions*, Mexico, vol. 15; *Diplomatic Despatches*, Mexico, vols. 10 and 11; *Consular Letters*, Santa Fe; Embassy, *Letters to Consuls (Series C8.13)*, May 15, 1836-Sept. 25, 1858; Mexico City Consulate General, *Miscellaneous Incoming Letters (Series C8.2)*, Feb. 4, 1842-Dec. 26, 1844. See also mss. of President Tyler's Message, June 15, 1842, and accompanying correspondence in the files of the Senate. This was published in 27th Cong., 2d Sess., Senate Doc. 325.

Materials concerning the American conquest and occupation of New Mexico, 1846-1848, the advance to California from Santa Fe, and the expedition to Chihuahua and Durango are in the records of the War Department, principally in the files of The Adjutant General's office. A card index of Mexican War records assists the searcher in finding documents. References are classified under several headings: Army of the West, Santa Fe Expedition, Santa Fe Post, Santa Fe Route, New Mexico, and Chihuahua. Papers may be located also by consulting the cards for Stephen W. Kearny, Alexander W. Doniphan, Philip St. George Cooke, Sterling Price, Charles Bent, Christopher Carson, and others. This index refers to letters received and sent. Correspondence of the Office of the Secretary of War also contains some materials for the history of New Mexico.²⁴ However, the files of The Adjutant General are more prolific in Southwestern items than those of the Secretary's Office.

Records of the Army of the West cover the entire military activity in New Mexico and adjoining regions. Early items describe the organization of the expedition at Fort Leavenworth, arrival of the Mormon volunteers, election of field officers, appointments to Kearny's staff, instructions to the commander of the artillery, and the raising of Shawnee and Delaware scouts.²⁵ Progress of the army across the plains and into New Mexico is recorded in a series of despatches and a journal sent in from places along the route or after Kearny's arrival at Santa Fe.²⁶ The advance down the Rio Grande into southern New Mexico is also recounted in two reports submitted in 1846.²⁷ Departure of Kearny's forces for the Pacific, their march thither, and

24. War Office, *Military Books*, 26-29. There are indexes to persons in the forepart of each. The Secretary's letters received may be located by referring to the *Register of Letters Received* for the proper year.

25. The Adjutant General's Office, 1846, File nos. 79-K, 80-K, 83-K, 84-K, 86-K, 88-K, 97-K, 98-K, 104-K, 105-K, 106-K, 111-K, 112-K, 216-C, 185-S, 206-S; and *Letters Sent*, vol. 22, p. 379.

26. AGO, 1846, nos. 114-K, 127-K, 131-K, 163-K, 164-K, 165-K, and 438-W. The Journal is no. 128-J.

27. AGO, 1846, nos. 173-K and 177-K.

their subsequent conquest of California, recorded voluminously in the files of The Adjutant Generals office.²⁸

A copy of the Organic Law of New Mexico, the so-called "Kearny Code", September 22, 1846, as well as a number of reports from the military commander, concern the establishment of territorial government and the appointment of civil officers.²⁹ The uprising in the Rio Arriba country resulting in the murders of Governor Charles Bent and others, and the engagements at Cañada, Moro, Embudo, and Taos, which crushed the revolt, were recounted in four despatches transmitted in 1847.³⁰ Materials concerning Indian affairs, notably about Doniphan's operations against the Utes and Navahos, and Indian depredations along the Santa Fe Trail, are in reports for the years 1846-1848.³¹ In the files of The Adjutant Generals Office there are despatches from Doniphan and Price describing the expedition from New Mexico to Chihuahua and Durango, and others written during the occupation of Chihuahua, as well as numerous reports from General John E. Wool on his intended expedition thither in 1842.³²

The Santa Fe trade continued during the Mexican War. In July, 1846, Robert J. Walker, Secretary of the Treasury, authorized the Surveyor of Customs at St. Louis to permit goods purchased at Pittsburgh before the declaration of war, May 13, 1846, and destined for Santa Fe, to be exported through Independence, Missouri.³³

New Mexico and California were ceded to the United States by the Treaty of Guadalupe Hidalgo, February 2, 1848. Negotiation and ratification of the treaty are re-

28. Kearny's departure is in AGO, 1846, no. 190-K. For other documents one should consult the index.

29. The Kearny Code, is AGO, 1846, no. 187-K. See also nos. 173-K, 177-K, 188-K, and 254-R. Additional items on civil affairs are listed in the index under New Mexico.

30. AGO, 1847, nos. 150-P, 99-F, 132-G, and 272-W.

31. AGO, 1846, no. 295-D; 1847, nos. 132-D, 174-D, 342-L, 448-L; 1848, no. 211-H.

32. AGO, 1848, nos. 132-D, 174-D, 176-P, 365-P, 565-P. See also Chihuahua, and John E. Wool, in the index.

33. Files of the Secretary of the Treasury, Letters to Collectors of Customs, Small Ports, Series G, vol. 10 (Feb. 1, 1846-Nov. 10, 1846), 309-310.

corded in the files of the Washington office of the Department of State.³⁴

Much of the foregoing material relating to New Mexican history before 1848 has been generally known and used by scholars for many years. However, most of these records were consulted at a time when they were widely dispersed and accessible only after the expenditure of considerable time and money. Since 1935, they have been gradually acquired, together with other important records, by The National Archives, which now makes them readily available for examination and comparison.

34. *Diplomatic Instructions*, Mexico, vol. 16; *Diplomatic Despatches*, Mexico, vol. 14. The ms. text of the treaty is in *Treaty Series*, no. 207. Accompanying it are documents concerning ratification, notably the protocol of exchange of Querétaro, May 30, 1848, two articles of which concern land grants in the ceded territory.

Notes and Documents

IF Lucien B. Maxwell founder of the First National Bank in Santa Fe, and his neighbor and closest friend, Kit Carson were to step into the territorial room of the Palace of the Governors, they would find themselves in familiar surroundings. Not only were they frequent visitors to the Palace, but Miss Marjorie Tichy of the Museum staff, has installed a First National bank exhibit which vividly brings to memory the Santa Fe and its pioneer bank of 75 years ago.

In one wall case is to be seen a life-size figure in the costume of the ranchero of 1870, the jacket, chaps, spurs, rope, etc., being those of Don M. Leach, early-day cattleman. In the case is a diorama of a Barlow-Sanderson stage coach, replica of one of the two stage coaches in the patio of the Palace, gifts of the late Arthur Seligman, governor of New Mexico and president of the bank. Rifles and revolvers and a leather satchel in which money was carried complete the display in the case. Above it hang the portraits of the seven former presidents of the bank, Lucien B. Maxwell, Stephen Benton Elkins, William W. Griffin, Pedro Perea, Rufus J. Palen, Levi A. Hughes and Arthur Seligman.

Beaver skin and bayeta robe of Kit Carson, powder horn and rifle of Carson, his inlaid chess board and his checker board, on which he and Maxwell often played, both having been skilled chess and checker players, are to be found in other cases together with a small manikin costumed in trousers of hide, leggins of heavy cloth, tunic of buckskin, cap of fur, and accessories. In a third case are photographs of the five successive homes of the bank, of old customers such as the five Spiegelberg brothers. In the photographic display, is a picture of Adolph Bandelier and his family, taken under the portal of the Kaune home on East De Vargas street. Bandelier was a customer of the bank during his 10 years in Santa Fe when he wrote his novel, "The Delightmakers," painted the magnificent portfolio of antiquities and wrote the history of the southwestern missions for a presentation volume to Pope Leo X, lodged by the

latter in the Vatican library. Photographs of Maxwell and family, a costume doll illustrating the dress of the period, loaned by Mrs. Paul A. F. Walter, currency of 1871 bearing the signatures of Stephen B. Elkins and William W. Griffin, specimen of early-day check with revenue stamp imprint, an original stock certificate of the bank embellished with a portrait of Maxwell smoking a cigar, are other items in the exhibit.

The high desk and stool, the long sofa, the old typewriter lent by Mrs. Gerald Cassidy, testify to the simplicity of equipment of the day. Prominent are the scales with which the gold dust and nuggets brought to the bank for deposit and sale by Elkins and others were weighed. Not the least interesting are the huge bank ledgers, journals and statement books, as well as the stockholders minute book, a feature of which is the first drawing of the seal of the bank "a wild Indian surrounded by the First National bank."

The exhibit is a feature of the 75th anniversary celebration of the bank and is well worth a visit and study as illustrative of old Santa Fe before the day of the railroad.—*Santa Fe Daily New Mexican*, April 16, 1946.

ELI CHEVALLIER [fifty years ago] met his death at the hands of Deputy Sheriff McDaniels. Few words passed, then both men emptied their six-shooters and Chevallier died in six hours. The killing occurred Saturday night about 7 o'clock at Phenix, the saloon town about a mile south of Eddy. The room being full of smoke after the first shot no other shots took effect, though Chevallier fired four times and McDaniels five times. Chevallier then walked to the bar in the front room and gave up his gun, laying it on the bar. Immediately becoming faint, he was caught while falling and laid on the floor and Doctor Kensinger summoned.—*Eddy County News*, March 15, 1946.

TWO hitching posts from in front of homes of pioneer Carlsbad residents have been placed beside the main walk leading to the Carlsbad Library by Gene Roberts,

city clerk. The hitching posts are serving two purposes—as historical monuments and as a block to persons making unauthorized paths across Halagueno Park. The red stone post was brought to the library from in front of the old Harris home which stood on the corner of Stevens and Alameda streets. The grey stone post with hitching ring came from in front of the old Mulane home on North Canyon street. Mulane was publisher of the old *Carlsbad Current*.—*The Daily Current-Argus*, (Carlsbad), April 4, 1946.

FIRE destroyed the old Catholic church at Nambe, north of here [Santa Fe], early last night, city fire chief Ellis Bauer reported, after a candle fell over on the altar. Santa Fe firemen found the church practically destroyed when they arrived at the village. Both river and irrigation ditches were dry and the fire fighters were unable to get water. Only crumbling adobe walls remain of the edifice, Bauer said. The church is believed by State Museum authorities to be of 18th century origin.—*Las Vegas Daily Optic*, April 19, 1946.

DR. T. M. PEARCE JR., head of the English Department at the University of New Mexico, was elected president of the revived New Mexico Folklore Society and instructed to name regional vice-presidents who will motivate activity in Las Vegas, Santa Fe, Roswell, Las Cruces and similar communities of the state. Fall and spring meetings will be held, sometimes outside Albuquerque. Papers presented before the group and other notations will be published by the society in its own volume, to be called "New Mexico Folklore Record." The society's reorganization after a dormant period of some years was effected at a luncheon session Saturday at La Placita.

—*Albuquerque Morning Journal*, May 21, 1946

THE autobiography of Harry H. Bailey will be printed serially in the *Las Cruces Citizen* beginning with the issue of April 11, 1946. Mr. Bailey is a pioneer resident of the Mesilla Valley.

THE William A. Pile letter printed below came into the hands of the Editor through the courtesy of Professor C. Herbert Laub, department of history and government, University of Tampa, Florida. Professor Laub wrote as follows:

I believe I purchased it from John Heisi, dealer in Autographs in Syracuse, New York; it was listed in one of their frequent bulletins. I wish to say that it is the only item I recall seeing in Heisi's bulletins, relative to the history of New Mexico.

The original is now on deposit in the State Museum, Santa Fe.

The General G. A. Smith mentioned in the letter may have been Giles Alexander Smith who entered the Civil War as captain of the 8th Missouri infantry and rose to the rank of major-general. W. F. M. Army was acting governor of New Mexico in 1866. Pile was governor of New Mexico 1869-1871. F. D. R.

Territory of New Mexico,
EXECUTIVE OFFICE
Santa Fe, N. M. Jany 7th 1871

His Excellency

U. S. Grant

President U S

Sir

I have been assured by Genl G. A. Smith and Gov. W. F. M. Army that the various representations made to you touching my connection with the disaffected Republicans in *Mo* and enemies of your administration in the party have not been believed by you.

This renders it proper for me to say what I could not have felt free to say while resting under suspicion in that direction; viz that while I believed in the propriety of reenfranchising the "*rebel element*" of that State, I *did not* justify the bolt; but believed it a mistake, although most of my intimate political friends were in it.

The recent course of the *Mo* Democrat in criticizing your administration I think unfair and unjust. Healthful, fair criticism upon the conduct of public affairs is the duty of the "press" but it should always be dignified and just.

I sincerely congratulate you on the success of the Resolutions providing for a commission to San Domingo; in the Senate.

Whatever may be the final action of Congress in reference to

the annexation of that Island it is certainly desirable to have the information sought to be obtained by this Commission.

With sincere thanks for much personal kindness and sentiments of Very high Esteem

I am

Your Obt Servt

Wm. A. Pile

WHEN the United States acquired the Southwestern territory from Mexico in 1848, the problem of the nomadic Indians came to the fore at once. In the 1850's the plan of settling them in a reserved territory was adopted in California and attempted in New Mexico. Selecting the land for the permanent homesite in New Mexico was difficult because both the Indians and the New Mexicans must be satisfied, not to mention the various branches of the government that dealt with the matter. An illustration of the problem is presented in the following documents.

Governor Meriwether negotiated a treaty with the Jicarilla Apaches on September 12, 1855, and another one with the Mohuache band of the Utah tribe on September 11, 1855. Neither treaty was ratified by the Senate of the United States. The first quotation below is Article IV of the Jicarilla treaty, the second quotation is Article IV of the Mohuache treaty. Both excerpts are from the records of the United States Senate, and were obtained in typewritten form through the courtesy of Watson G. Caudill, Division of Legislative Archives, The National Archives, Washington, D. C. The Taos memorial and letter are transcribed from a microfilm copy in the library of the University of New Mexico; the originals are in the National Archives.

F. D. R.

The United States agree to set apart and withhold from sale, for the use of the Jicarillas, for their permanent homes, and hereby guaranty to them the possession and enjoyment of a tract of country within the Territory of New Mexico, to be bounded as follows, viz: Beginning on the north side of the Chama river, at the mouth of the Saboya creek, and thence up the said creek to its source; thence westwardly with the summit of the range of mountains in which said creek heads to the range of mountains that divides the waters of the Chama

from those of the San Juan; thence southwardly with said last named range of mountains to the spur thereof, which divides the waters of Chama from those of the Rio Puerco, which empties into the Rio Grande; thence along said dividing spur of said mountains eastwardly to the headwaters of the Arroyo of the Puerto de Abajo; thence down said creek to its entrance into the Chama river; and thence down said river to the beginning. It being understood by the parties that the foregoing boundary is to include all the waters of the Chama river above the mouth of the Saboya creek.

The United States agree to set apart and withhold from sale, for the use of the Mohuaches for their permanent homes, and hereby guarantee to them the possession and enjoyment of a tract of country bounded as follows, viz: Beginning on the west side of the Rio Grande, at the mouth of the Jarro creek, thence with a line running due west to the top of the range of mountains which separates the waters of the Rio Grande from those of the San Juan; thence northwardly along the top of said range of mountains to the northern boundary of the Territory of New Mexico; thence east, with the northern boundary of New Mexico, to the Rio Grande; thence down the Rio Grande to the beginning. But if the said boundary should not contain one thousand square miles, then the Mohuache Utahs are to have other lands assigned to them adjoining the foregoing, sufficient to make up one thousand square miles.

Don Fernandez de Taos

April 21, 1856

Pursuant to previous notice a large meeting of citizens convened this morning at eleven o'clock, and on motion of Antonio José Martinez, Judge Charles Beaubien was unanimously elected President of the meeting.

On motion of Santiago Valdez, Gabriel Vigil was elected First Secretary, and on motion of A. I. Martinez, Leandro Martinez was appointed Assistant Secretary.

The President having explained the object of the meeting, Mr. A. I. Martinez moved that a committee be appointed by the President consisting of seven gentlemen, including the President, with instructions to prepare a memorial to the President of the United States soliciting the disapproval of Governor Meriwether's treaty of peace with the Utah and Jicarilla Apache Indians on our immediate frontier.

The motion was carried, and Messrs. A. I. Martinez, José Martinez, Pascual Martinez, Santiago Martinez, Juan Antonio Archuleta, José Francisco Martinez were appointed upon the committee which then retired.

On Motion the meeting adjourned till 4 o'clock P. M.

Afternoon Session

The meeting assembled pursuant to adjournment.

The committee, through their chairman, reported the following memorial, which was read as follows:

Memorial addressed to the President of the United States

By the Inhabitants of the County of Taos

Your memorialists, residents in the County of Taos in the Territory of New Mexico, have the honor of elevating their petition to the high consideration of His Excellency, the President of the United States, as the only remedy for the evil which so heavily presses upon them—which they do representing with all due respect that the Treaty of Peace celebrated by His Excellency, the Governor and Superintendent of Indian Affairs in this territory, David Meriwether, with the Utah and Jicarilla Apache Indians, appropriates and designates to them lands upon which to establish a permanent residence within the limits of this Territory, and even within the very settlements occupied by a large portion of the inhabitants of the northern district of this Territory, which provision will result in great injury and the constant danger not only to the vital existence of the residents of this county, but also to their possessions from which they supply the necessary support of their families.

Your memorialists further represent that the residence of these savage tribes in our midst will tend in a great measure to increase the number of human victims and encourage frequent robberies, as their natural instinct is ravenous, and in which way they procure a great portion of their support—subjecting our people to perpetual distress and poverty, and causing thereby the ruin and destruction of the wealth acquired by our labor and industry.

Your memorialists further represent that the residence of these savages in the midst of our settlements will be an inducement for them to become habitual drunkards, a propensity already almost universal among them—and the result will be worse for this people, already distressed for such a long period.

Your memorialists would further represent that the policy of establishing these roving Indians in permanent residences is one of the most beneficent measures that could be adopted for the interests of this Territory, but the residences should be placed upon tillable land out of the limits of the Territory, or where their constant and cruel depredations would be held in check.

Your memorialists further represent that, being citizens of the United States, they consider themselves under the paternal care of the General Government, and under the privileges of such citizens they are bold to ask and request the President of the United States, in whom they have great confidence, and the circumstances rendering proper and necessary our petition, not to consent to these memorialists

being exposed to so much grief and to so lamentable a condition, and your memorialists pray as follows:

1.—That Gov. Meriwether's treaty of peace appropriating lands to the Utahs and Jicarilla Apaches be disapproved as soon as possible, for it conflicts too much with the welfare of our people, who did not know that any such treaty had been made until some time afterwards, and who were in no manner consulted, nor were the interests of the Territory secured, and which treaty has been disapproved by our people generally.

2.—That lands be assigned to the said Utah and Jicarilla Apache Indians to the west of the county of Taos, where there is a great deal of fertile and fine public domain, which they might occupy, the climate being very healthy, and which might be occupied by them without injury to the inhabitants of this Territory.

3.—That His Excellency the President of the United States is hereby respectfully requested to give his serious attention to the contents of this petition, and your memorialists pray that you comply with this their request, should your Excellency deem it necessary so to do for the interest of this distant Territory.

And your memorialists as in duty bound will ever pray.

County of Taos,

New Mexico

April 21, 1856

On motion of Hon. Santiago Valdez the committee's memorial unanimously adopted, and the committee discharged.

On motion of Mr. S. Valdez a copy of the memorial was ordered to be transmitted to the President of the United States, and one copy to the Delegate in Congress from New Mexico, and the Editor of the Santa Fé Gazette was requested to publish the proceedings of the meeting.

On motion the meeting adjourned *Sine die*

Charles Beaubien

President

Gabriel Vigil

Leandro Martinez

Secretaries

A true transcription from the original

Dav. I. Miller

Abiquiu Agency, N. M.

March 30th, 1856

Sir:

I have the honor to report, that during the present month, no depredations or injuries have been committed within the vicinity of this Agency by any Indians, but to the contrary the Capote Utahs

and Jicarilla Apaches show the greatest disposition to remain quiet, and abide the conditions of their respective treaties.

During this month, the said Utahs and Jicarilla Apaches have been visiting my Agency for the purpose of being supplied with provisions for the maintenance of themselves and families. I have furnished them with corn, meat, and some clothing in sufficient quantities to meet their most urgent wants; these Indians are at this time very destitute of food and clothing, and are without means of support. They are anxiously awaiting the arrival of H. E. Governor Meriwether, in hopes of his being able to assist them in commencing the cultivation of the soil for their future maintenance.

The deer, on which the Indians principally lived heretofore, in consequence of the heavy fall of snows and severe cold during the passed winter, have been so much scattered, that they have been very unsuccessful in the chase; and therefore it is very necessary that the Indian Department should establish some regulations for the supplying of these with provisions, for the support of themselves and families; in order that they may not be compelled through hunger to commence stealing and committing other outrages again.

I have the honor to remain

Very respectfully

Your Obedt. Servt.

Lorenzo Labadi

Indian Agent

Hon. G. W. Many penny
Comms. of Ind. Affrs.
Washington City
D. C.

and Licitia Apaches show the greatest disposition to remain quiet and abide the conditions of the treaties.

Necrology

Merritt Cramer Mechem. The death from pneumonia of Ex-Governor Merritt C. Mechem at Albuquerque on Friday evening, May 24, 1946, leaves only one survivor of the territorial supreme court, (Judge Edward R. Wright).

Judge Mechem was born at Ottawa, Kansas, on October 10, 1870, the son of Attorney Homer Clark Mechem and Martha Shannon Davenport Mechem. He attended the public schools, the Ottawa, Kas. Baptist University, his parents having been devout Baptists, and Kansas University. He was admitted to the practice of law at Fort Smith, Ark., in 1895, and came to Tucumcari, N. M., for his health on March 23, 1903. Mechem was appointed by Governor Otero, on March 16, 1905, to be district attorney for Quay and Guadalupe counties, and served in the territorial council in 1909 for the Fifth district, consisting of Quay, Guadalupe and San Miguel counties. That same year he was appointed by President Taft to the New Mexico territorial supreme court, being assigned the Seventh judicial district with headquarters at Socorro, which he continued to make his home until elected governor of New Mexico in 1920. Upon New Mexico being admitted to statehood in 1912, he was elected district judge without opposition, serving out his term until 1920. As governor, Mechem was instrumental in New Mexico becoming the 36th state to ratify the 19th amendment to the United States Constitution, granting the ballot to women. The legislature was lukewarm, maintaining that New Mexico was one of the states in which women were not yet ready to vote. However, Mechem brought the Republican leaders over to his viewpoint, and thus New Mexico enabled the President to proclaim the amendment adopted, the ratification by 36 states having been necessary. Governor Mechem, to attest his faith in women's ability to participate in government, nominated a woman on every institutional board except that of the penitentiary. Retiring as governor in 1922, having refused renomination, Mechem resumed the practice of law in Albuquerque, taking as partner Frank Vellacott of Silver City. In 1931 he was

elected president of the New Mexico Bar Association, and in 1934 formed a law partnership with A. B. Hannett, and other ex-governor, remaining a member of the firm until his death.

Mechem is survived by his wife, Eleanor Frances O'Hair of Chicago, whom he married on December 12, 1910, and by his brother, Judge Edwin Mechem of Las Cruces. He was a 32nd degree Mason, a Son of the American Revolution, a member of the New Mexico Historical Society, the Albuquerque Lodge of Elks, and of the New Mexico and American Bar Associations. A man of fine personality, of wit, humor and friendliness, he was popular and esteemed by a host of friends of all parties throughout New Mexico.

Funeral services were conducted by the Elks of Albuquerque, on Monday afternoon, May 27. Interment was in Calvary Cemetery. The *Albuquerque Morning Journal* paid Mechem the following tribute:

In the death of Merritt C. Mechem, New Mexico loses a beloved citizen and a foremost member of the legal profession.

Coming to New Mexico in the early 1900's to seek relief from an asthmatic condition, Mr. Mechem, through his ability in his profession, and his integrity and forthrightness soon became a prominent figure in the life of the state in its territorial and later statehood days.

He was elected to public office, first as a district attorney and later as a district judge. In 1919 he was drafted from the bench by the Republican convention as the party's candidate for governor, to which office he was elected. He had reluctantly accepted the nomination. Although he served the public well as chief executive, he was not entirely happy in political life, and did not seek a second term, preferring to return to practice of law. He established his office in Albuquerque to engage in his profession until his death.

Mr. Mechem was a man of high ideals and sterling character. He was kindly and considerate of others. He was highly respected by all of his fellow members of the bar and by the thousands of persons who came to know him in his long and active career. His death is mourned by all these persons, who will honor him as one of the state's noblest characters.—P.A.F.W.

Lorenzo Martinez—On Sunday, March 31st, the venerable Lorenzo Martinez, of the Taos Indian Pueblo, died at the age of seventy-nine years. He held the distinction of

being one of the first Taos Pueblo Indians to be educated at St. Joseph's School, St. Michael's in Santa Fe, and later at the famous Carlisle Indian School at Carlisle, Pennsylvania. Upon returning to Taos he worked as a printer at the Taos Valley News and interpreted in local courts where he showed unusual facility in not only Spanish and Indian, but the English language as well. He was the first Pueblo Indian to serve in Washington on Indian affairs from this area and also served for many years as a United States Special Deputy officer for the Indian service.

Taoseño, April 11, 1946

John Rhodes.—John Rhodes, 79, old timer in the San Juan basin, passed away Friday, April 12, 1946, at a Farmington hospital following a lingering illness. Mr. Rhodes came to the San Juan Basin in 1880, first locating at Animas City, later moving to Bondad, then later to Aztec where he resided until his death. He spent his life engaged in farming and stock raising. John Martin Rhodes was born May 3, 1867 at Mineral Wells, Texas. On February 17, 1891, he was married to Clara Longwell at Animas City, Colo. . . .

Aztec Independent Review, April 19, 1946

Book Reviews

River of the Sun. By Ross Calvin. (The University of New Mexico Press, Albuquerque, New Mexico, 1946, 153 pp, \$3.50).

Selected as one of the six best-looking trade books for May (*Publishers Weekly*, May 4, 1946, pp. 2477-2479), *River of the Sun* is beautifully designed by Carl Herzog, and delightfully written.

From an introductory chapter describing the flora and fauna of the Gila Valley, the author follows in chronological order the history of the area. First he tells of the fabled days of Coronado, a great Spanish explorer who led his men through the country, then of the days of the Americans, of trapper and trader, the forty-niners and the official scientific expeditions. When colonizers came to mine or farm, the Apaches raided, murdered, and continually warred against the invaders. This struggle down to the Geronimo episode and final removal of the Indians to government reservations is carefully related. The last chapter turns again to the river, its transformations and the changes in the country due to the overgrazed lands and the resultant erosion, droughts and floods.

Interestingly written, the book presents the history of a section of the Southwest that is filled with strange and fabulous tales of the remains of Indian ruins, ghost towns of the mining booms, deserted cattle ranches and abandoned farms. Yet, the beauty of the desert dominates all, the Indians still live on the reservations, the mines still produce vast amounts of copper and silver, cattle still range the area and farmers through control of water supplies have made the farm lands bloom again.

Without the usual impedimenta of the scholarly treatise, Mr. Calvin has written a convincing, entertaining and factual volume. But as it is a book designed for the general reader, one wishes that certain additions could have been made. Early in the volume the author refers to the Austrian Cartographer "Kino or Kuehn." Although

described at some length in a later discussion the reviewer feels confident that few readers will know Father Kino from this casual first reference (p. 11). When one cites numbers they are pretty definite and the ninety years of American control (p. 2) is actually ninety plus. (05.88)

Although Mr. Calvin is an enthusiast for the Southwest, he would find it a bit difficult to defend his nation's richest farm crops (p. 5) when challenged by Iowa, Florida or the Lower Rio Grande Valley.

And the historian will take issue with the brief statement that after Texas became a part of the Union in 1845 "Mexico retaliated by declaring war" (p. 33). The events are far more complicated than this unqualified sentence would imply. Although the Gadsden Purchase was ratified in 1854 (p. 40), the far more familiar date is 1853, the year of the treaty. Robert McKnight (p. 64) was a trader on the Santa Fe Trail before the trade was legalized (1821), and was taken captive for his activities. This explains his ten year period in the Mexican dungeon which otherwise might bring some questioning. Although the California Column (p. 65) did assist in holding New Mexico during the Civil War, to give it the unqualified glory is a little exuberant, since Colorado Volunteers plus New Mexican and Union troops had forced a Confederate retreat before the Californians arrived.

One, too, would question the expressions such like (p. 10) and "not in the cards" (p. 19) as not quite the standard English which characterizes the book as a whole.

Despite these criticisms the reviewer hails the book as delightfully written, beautifully illustrated with excellent photography of the region, and as an outstanding example of craftsmanship and art.

DOROTHY WOODWARD

Without the usual impediments of the scholarly *Memoirs of Elisha Oscar Crosby* edited by Albro Barker; (The Huntington Library, San Marino, Calif. 1945, 119 pp., \$2.75). This is another volume of the Huntington Library Publications and is of considerable interest. Beginning

with the author's background, the *Memoirs* record experiences on the early gold rush to California via the Isthmus of Panama. . . with the emoluments incident to his office.

Arrival at San Francisco is described, also the hardships of living there and the desire and determination of practically every (one to) push on to the gold fields. Crosby decided to follow his profession rather than mining, but he recounts the mining methods and the working and living conditions in the area of Sutter's Fort. . . Soon a citizen of the section, he accompanied Butler King of the Special U.S. Commission on his visit to investigate the general situation in California. . .

Delegate for the Sacramento district to the State Convention of 1849, Crosby relates the proceedings and work which resulted in drawing up California's constitution. Later appointed Land Commissioner to handle private claims the author roundly criticizes the litigation and delaying action which so unjustly deprived many original land owners of their rightful claims. . . Crosby returned to New York in 1860 and after Lincoln's election was appointed Minister to (Guatemala), then under dictator President Rafael Carrera. . . (The experience in getting to the post, his visits to President and Bishop and other incidents during his mission, are certainly additions to the history of the period. . . He tries (unsuccessfully) to further a plan for negro emigration from the U.S. to Honduras during his sojourn there. This was to be a partial solution of the then Union-splitting racial problem. Another question for considerable comment is the diplomatic service. His criticism is most aptly put. . .

There is little use in sending into a country as our representative one who has had a successful career in Congress and who is totally disqualified for such position by reason of his not understanding the language, habits and customs of the people he is to live among and who has perhaps never before travelled out of the limits of his own state and

who has no other ambition in representing his country abroad than an easy residence coupled with the emoluments incident to his office. Some of these men live for years in those countries . . . after they are superseded by some one equally ignorant and inefficient. . . . (p. 92).

Crosby traveled all over Guatemala and gives interesting comments upon people and conditions. His contacts with President Carrera were evidently quite pleasant and somewhat close for the reflections and stories of the dictator are very illuminating.

The Anecdotal Scraps which end the book give an insight into "high" society of early San Francisco.

The volume is adequately edited although some additions and explanations could be made that would make the book more valuable. The editor sets forth his policy in correction of the spelling of unfamiliar places and persons in the introduction, yet it would be helpful if the original text were specified at times, for example: Caribbean (p. 12), *biscuit* (p. 19) spelled correctly on the following page, *frejoles* (p. 80), Nicaragua (p. 81). Mr. Crosby refers (p. 81) to the Vice Royal Palace and the viceregal government of Guatemala when the area was only a Captaincy-General under Spain. Occasionally the author seems to have coined his own words, *marquiset* (p. 18) for the usual marquisate and the editor makes no comment.

The volume is an addition to our information on California's statehood convention and the conditions in Central America. Three illustrations from contemporary prints add to the book. The *Memoirs* end abruptly and the subsequent events of the life of the author are supplied in the editor's introduction.

DOROTHY WOODWARD

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EARLY SPANISH AND MEXICAN SETTLEMENTS IN ARIZONA

* By Ray H. Mattison

ARIZONA, like few other states, is largely the product of the fusing of two influences possessing widely divergent backgrounds. When the American pioneers, largely of northern European descent, first came into this region in the middle of the 19th century they found portions of it already settled by people of Spanish origin. This latter group had first established itself in southern Arizona a century and a half earlier, when the English colonists were settling the Atlantic seaboard. Spanish laws, customs, political, religious and economic institutions had already become firmly implanted there. These two ethnological elements, aside from the aboriginal Indian population, have given Arizona, in common with the other neighboring southwestern states, a uniqueness in character.

The story of the westward movement of the English-speaking peoples in the United States is a familiar one. The northward push by the Spanish groups, while much older, is a comparatively new field of research. The work of the early missionaries along the northwestern frontiers of New Spain has been adequately told by Professors Bolton, Wyllys, Father Engelhardt and others. Professor Lockwood, Mr. Farish and others have told the story of the American occupation. Unfortunately for the intervening late Spanish and the Mexican periods, little historical source material

* Mr. Mattison is a Park Ranger in the National Park Service and was stationed at one time at Tumacacori National Monument, Nogales, Arizona.

seems to be available. For a general history of Arizona, Bancroft's works still remain the standard authority.

While the writer was stationed at Tumacacori, he became interested in some of the old land titles of Arizona. Practically no new fragments of historical evidence could be found by him on the Spanish settlements in Arizona in the 18th century. An examination of the *expedientes, titulos* and evidence supporting the claims to the old Spanish and Mexican land grants in the General Land Office, however, did reveal some new material regarding the settlements in Arizona in the late Spanish and Mexican periods. For that reason, the writer has devoted his greatest attention to these grants. To fill in the many gaps in the story, however, it became necessary to borrow heavily from the works of Bancroft, Professors Bolton, Chapman and others.

In collecting material for this paper, the writer is indebted to the Library and Law College of the University of Arizona as well as the General Land Office at Phoenix for their assistance.

The Mission Period

THE early phases of Spanish penetration into what is now southern Arizona in the late 17th and the 18th centuries followed a pattern similar to that in the rest of that nation's colonial empire. In order to protect the already conquered Mexico, she continued her push toward California. Previous attempts had been made to occupy that region by sea. These failed because of the lack of nearby bases of supply. It was, therefore, necessary for Spain to try the more difficult method of controlling the land route between Mexico and California through Arizona. Complete military occupation would have been too expensive. For these reasons, Spain again resorted to the method which had proved so successful in Mexico and her South American colonies. She employed the mission system to further her colonial schemes.¹

The missionaries were agents of the state as well as of the church. Hostile Apache and other Indian tribes ravaged

1. Charles Edward Chapman, *Colonial Hispanic America*, (Macmillan, New York, 1933) 99 ff.

the northwestern limits of New Spain. By making friends and allies of the peaceful Pimas and Papagos along this frontier, Spain planned to form an effective buffer state against the hostiles.² It was partially with this object in view that the Jesuit father, Eusebio Francisco Kino, made his *entrada* in Pimeria Alta in 1687. And the Spanish government as well as the church generously supported him with both finances and soldiers.

Under the leadership of Father Kino the first Christian missions were established in Arizona. Missions and *visitas* were built along the Santa Cruz Valley at Guebavi, Tuma-cacori, San Xavier del Bac, San Cosme del Tucson, San Agustin de Oir; on the Sonoita a *visita* was established at Sonoidag; farther east along the San Pedro *visitas* were instituted at Huachuca, Quiburi and Santa Cruz.³

The influence of Father Kino was not only spiritual in character. He started stock ranches to support his growing missions. Every domestic plant and animal in Europe was introduced. Flourishing ranches were established of cattle, horses, sheep and goats. A wide variety of food plants were cultivated in the fields and gardens.⁴ Professor Bolton summarizes the work of Kino as a pioneer in the following words: "The work which Father Kino did as a ranchman would alone stamp him as an unusual business man and make him worthy of remembrance. He was easily the cattle king of his day and region. From a small outfit supplied him from the older missions to the east and south, within fifteen years he established the beginning of ranching in the valleys of San Ignacio, the Altar, the Santa Cruz, the San Pedro and the Sonoita. . . ."⁵

The push of the Spanish to the north, however, was arrested by a formidable obstacle which they were never able to overcome effectively. That was the Apache Indians. While they occasionally conducted vigorous campaigns

2. H. E. Bolton, "The Mission as a Frontier Institution," *American Historical Review*, October, 1917, 42 ff.

3. H. E. Bolton, *Rim of Christendom*, (Macmillan, N. Y., 1936) From Map of Pima Land.

4. Bolton, "The Mission as a Frontier Institution," 42ff.

5. Bolton, *Rim of Christendom*, 589.

against this tribe with some success, the Apaches continued to remain a potential threat preventing Spanish occupation and settlement of southern Arizona.

After the death of Father Kino in 1711, the missions languished in Pimeria Alta (now southern Arizona and northern Sonora) for about two decades. Then there was a renewal of activity. New missionaries arrived and the northern missions were reoccupied. Journeys to the Colorado and Gila, began by Kino, were continued with the view of establishing missions along these rivers.⁶

Under the normal functioning of the Spanish colonial system, the religious occupation of a locality paved the way for the civilian colonizer—the stock-raiser and the miner. The few records of the activities of these two groups in the 18th and early 19th century are vague, often contradictory and very confusing. The 18th century writers of Pimeria Alta indicate that there were some early attempts to occupy the region by civilian colonists. Venegas implies that in 1720 there were Spanish farms around Guebavi.⁷ Father Sedelmayr wrote that in 1736 various mines had been discovered near the missions of San Xavier del Bac, Santa Maria and Guebavi. About eight leagues from the last mentioned place (near Arizonac, Sonora, which is just across the line from Arizona) was the famous *Cerro de las Bolas* mine “. . . in which were found nuggets of virgin silver, and many arrobas of metal.”⁸ The difficulties of the miners were described as follows: “The various inhabitants have left there, partly because they had exhausted the wealth, partly because of the invasions and killings of the enemy Apaches, and doubtless because there was nothing more to collect and work. . . .”⁹ Sedelmayr urged the establishment of missions along the Gila and Colorado rivers to hold back the Apaches who “. . . in growing numbers . . . rob

6. H. E. Bolton and Thomas M. Marshall, *Colonization of North America*, (Macmillan, N. Y., 1936) 104.

7. H. E. Rensch, *Chronology of Tumacacori National Monument*, (Berkeley, California, 1934) 13.

8. Jacobo Sedelmayr, *Relaciones*; translated and edited by Ronald L. Ives, *Anthropological Papers*, No. 9, Bulletin 123, U. S. Bureau of Ethnology, (Washington, D. C., 1939) 114.

9. *Idem.*

and kill in the province of Sonora doing so much damage to its settlements that today, because of their continued invasions, many lands, ranches, *haciendas* and mines of great promise are abandoned."¹⁰ Due to the fear of the French, the Spanish king in 1744 and 1747 approved advancing the frontier to the Gila river.¹¹ The *Rudo Ensayo* states that during this period there was a gold mine and several silver mines operated near the *visita* Aribaca;¹² there was a *rancheria* at Sopori;¹³ along the Sonoita valley was a *visita* at Sonoitac.¹⁴ The anonymous author of this book also mentions that Guebavi had a few Spaniards living there.¹⁵

Under the protection of the presidios small Spanish settlements sprung up near the garrisons and missions. Mines were also operated. The author of the *Rudo Ensayo* stated that in November, 1762 there were 24 inhabited Spanish towns, including five Spanish forts, mining settlements, farms and ranches and 174 uninhabited ones in the province of Sonora.¹⁶ Professors Bolton and Marshall claimed that in the following year there were eight missions and several Spanish settlements in that province having a total population of 1500 persons.¹⁷

Within a few years, however, the missionary efforts of the Jesuits were to come to an end. In 1767 the Spanish monarch decreed the expulsion of this order from all of his dominions.¹⁸ The Franciscans took over the old Jesuit missions the following year. To Pimeria Alta were sent priests from the College of Queretaro.¹⁹

Due to the rapid advance of the Russians eastward into Alaska, the Spanish decided in the late 1760s to occupy Alta California. Cooperating with the Spanish army, the first mission was established at San Diego in 1769. Others were

10. *Ibid.*, 113.

11. Bolton and Marshall, *op. cit.*, 304.

12. *Rudo Ensayo*; translated by Eusebio Guiteras, (American Catholic Society, 1894) 223.

13. *Ibid.*, 254.

14. *Ibid.*, 223.

15. *Ibid.*, 254.

16. *Ibid.*, 257.

17. Bolton and Marshall, *op. cit.*, 306.

18. Chapman, *op. cit.*, 193.

19. Bolton and Marshall, *op. cit.*, 386

built in succession farther northward on the coast. Expeditions were made by Francisco Garces of San Xavier del Bac with the view of establishing a land route from Arizona to California. As a result of Garces' discoveries, Captain Anza of Tubac offered to open a land route to Monterey. In 1774, he was ordered to lead a soldier colony from Sonora to occupy the port of San Francisco. The following year, Anza assembled some 250 persons at Tubac. The expedition descended the Santa Cruz and the Gila to the Colorado. From here he led his party to Monterey where he arrived in March, 1776. In order to safeguard this route it was decided to advance the frontier northward to the Gila-Colorado junction. Two missions were founded near there among the Yuma Indians. Instead of a *presidio*, ten families were settled near each mission to serve as a protection to the missionaries. In 1781, the Yumas rebelled and murdered Father Garces and most of the settlers. Although the Indians were punished, this massacre put an end to the efforts to establish an outpost among the Yumas and closed the Anza route to California.²⁰

Due largely to the attacks of the Apaches, the Spanish occupation of Arizona at the end of the 18th century was little beyond where it had been at the beginning. It is true that there were thriving settlements around the walls of the *presidios* of Tubac and Tucson which will be treated later. There were a few scattering Spanish *ranchos* along the Santa Cruz valley extending from the present international boundary to Tucson. As for the missions, San Xavier and Tumacacori were the only ones thriving as monuments to the efforts of the Jesuit and Franciscan fathers.

Early Mines

There are many legendary stories regarding the mines operated in Arizona during the pre-American period by the missions and miners. Some of these mines, alleged to be wealthy, were located at Arivaca and Sopori. Others were in the Santa Rita and Patagonia mountains as well as along

20. *Ibid.*, 384-394, *passim*.

the present international boundary west of Nogales. The wealth of these has been very much overrated. Bancroft best summarizes these mining activities as follows:

Of mining operations in Arizona during any portion of the Spanish or Mexican period, nothing is practically or definitely known. The records are barely sufficient to show that a few mines were worked, and that the country was believed to be rich in silver and gold. . . . But from 1790 for twenty or thirty years . . . there can be no doubt that many mines were from time to time profitably worked, though we have no particulars, and though there is no reason to believe that there were any extensive or wonderfully rich developments. It is to this period almost exclusively that we must trace the old workings discovered in later years and also all the traditions of lost mines that have anything other than a purely imaginary foundation.²¹

The Pueblos

As did the English along the Atlantic seaboard, the Spanish brought with them into the New World their own type of community organizations. The inhabitants of Spanish America like their forbears in Europe resided mostly in towns and villages. This was partly for protection and partly for social and religious considerations.

The towns or pueblos were laid out in accordance with the laws of the Indies which were passed from time to time for their establishment and government. Under these laws, the sites selected for pueblos were to be in a healthy spot with pleasant climate, good water, "and abounding in wood and pasturage, and in the neighborhood of which are many Indians, who may be taught the doctrine of the holy evangelists." Each organized pueblo was to have at least thirty inhabitants, each one to have ten breeding cows, four oxen, one brood mare, one sow, twenty Castillian ewes, six hens and one cock. House lots and sowing lands were to be distributed among the pueblo settlers.¹²

21. Hubert Howe Bancroft, *History of Arizona and New Mexico*, (San Francisco, 1888) 399-404 *passim*.

22. Sen. Ex. Doc. No. 207, 46 Cong., 2 Sess. by John Wassen, U. S. Surveyor General of Arizona. From *Law of the Indies*, Book IV, Title V.

Four square leagues of land were granted to each pueblo in square or oblong form according to the topographical features of the country. The law required that each village was to be at a distance of at least five leagues from any other Spanish town. As soon as it contained at least thirty settlers, a council was established composed of two *alcaldes*, six *regidores*, one *syndico* or prosecuting attorney, and one superintendent of the municipal property. The common lands containing the woods, pastures, waters, stone quarries, fruit trees, hunting and fishing for common benefit were marked out. The royal or vacant lands outside the limits were used in common with other pueblos. Both building and sowing lots were divided among the inhabitants.²³ The *alcaldes* supervised the granting of these in the name of the king. The Otero and Martinez grants, listed below, were of these types.

Each pueblo had its plaza, church and *juzgado* (court house) around which the dwellings of the inhabitants were located. At a short distance from the village were the "milpas" or planting and sowing grounds of the villagers. Remote from these, generally, were the stock *haciendas*, which were under the charge of the *majordomos* or foremen. The owners resided with their families in the village or town. Both Tucson and Tubac seem to have had at one time a community organization of this pattern.

When the Spanish priests moved into the Indian villages to establish their missions, they found many of them well organized and worthy of self-government. The Spanish authorities, therefore, gave many of them the same status as their own towns.²⁴ Each mission pueblo was entitled to a grant of four square leagues. The civil officers were usually a governor, captain, the *alcaldes*, *andalguacil*, who by law constituted a *cabildo* or council. They, in addition, had a military organization as well. The Indians administered their own mission pueblos under the direction of the *padres* who in turn might use the restraining force of nearby presidios to hold their wards in check if necessary.²⁵

23. *Idem.*

24. Leslie Byrd Simpson, *Many Mexicos*, (New York, 1941) 88 ff.

25. H. E. Bolton, *Wider Horizons of American History*, (New York) 145-146.

Tumacacori in the early 19th century appears to have had this type of organization.

The Presidios

The *presidios* played as important a role in the Spanish colonial system as did the mission. Without these garrisons the missionaries and civilians could not proceed with the occupation of a region. Since the soldiers with their superior fighting equipment were more than a match for an equal number of Indians, it was not necessary to maintain a very large number of soldiers at the *presidios*. Usually a guard of one to five or six soldiers was stationed at each of the missions. These served to keep in check hundreds of mission Indians. Without these guards, the missions could not have survived.²⁶

As a result of the Pima revolt in 1751, a *presidio* was established at Tubac the following year. This was the first permanent white settlement in Arizona. It served as a link in the chain of frontier garrisons of New Spain which eventually stretched from San Agustin to San Francisco.²⁷ From 1764 to 1767 and some years later it was under the command of Juan B. Anza and had a population of nearly 500.²⁸ As a result of the reglamento and instructions of 1772 the *presidio* was transferred, probably under the order Inspector Hugo Oconer, in 1776 to Tucson.²⁹ This left the few settlers of the region exposed to the attacks of the Apaches. They were prevented from abandoning the country by orders from the government. After sending in many petitions for more troops, a company of Pima allies was organized and stationed there before 1784. Spanish soldiers were added to the garrison.³⁰

The government of Spain encouraged the permanent settlement of the region about the *presidios*. In order to stimulate this by soldiers with families, inducement was offered for them to marry native women. Under an order

26. Chapman, *op. cit.*, 97.

27. Bolton, "The Mission as a Frontier Institution", *op. cit.*, 42.

28. Bancroft, *op. cit.*, 382.

29. *Ibid.*, 381.

30. *Ibid.*, 382-383.

of Pedro de Nava in 1791, the *intendentes* were authorized to grant house lots for settlers who might desire them for residence. A grant of four square leagues was given each *presidio*. The captains of the garrisons were permitted to make grants within these limits. This gave to the presidial establishments the character of an incipient pueblo, making it a nucleus around which a pueblo might and frequently did, as in the case of both Tubac and Tucson, grow up.³¹

In 1881 the Otero Ranch claimed some 400 acres of land on both sides of the Santa Cruz river about a mile north of Tubac. The original grant was made in 1789 by Don Nicolas de la Erran, Lieutenant Commandant of the Company of Pimas at Tubac, to Torbio de Otero for a house lot, a tract of about one-eighth of a league, and four *suertes* (farming lots) of a circumference of 3400 varas. Under the terms of the grant, Otero was required to keep arms and horses to defend the country against enemies whenever he was called upon to do so. The grant also specified that until a term of four years had passed, the grantee could not sell, alienate or mortgage the lands nor impose one upon the house or lands even though it might be for pious purposes. He was required to build his house on the land within two years and reside upon it for four years before he could acquire possession. To prevent the land from passing into the hands of the church, it was specified that Otero should "never be permitted to sell the same to the church or to any monastery, ecclesiastical persons or community nor convey them in mortmain." Fruit trees or other kinds of trees of some utility were required to be planted on the granted lands.³² This grant appears to be the oldest one recorded in the General Land office Records at Phoenix.

The historical source material for Tubac during the Mexican period is very fragmentary so no adequate story of that place can be given. The law of 1826 provided for a presidial company at Tubac as well as Tucson, though in later years the company seems to have been one of infan-

31. John Wassen, *op. cit.*, 39-40; Matthew G. Reynolds, *Spanish and Mexican Land Laws*, (Santa Fe, 1895) 25 ff.

32. *Journal of Private Land Grants*. In five volumes in manuscript form. General Land Office, Phoenix, Arizona. Afterward abbreviated JPLG, 3:27 ff.

try.³³ The Land Office records indicate that by 1838 Tubac had assumed the status of a pueblo under the Mexican laws. It was governed by municipal rather than military authorities. Its land grant, in the meantime, had been enlarged to nine square leagues.³⁴

A part of the land included in the Otero Ranch, mentioned above, was that which had been given to Jose Maria Martinez. In a petition addressed to the Justice of Peace of Tubac, Don Trinidad Yrigoyen, Martinez in 1838 stated that he had purchased a lot of ground from the justice. He asked, therefore, that measurements be made for his security. Official measurers were appointed and a rectangular lot 700 *varas* long and 175 *varas* wide, was surveyed. The conditions of this grant were substantially the same as those made Otero almost fifty years before. One of the terms which reflected upon the state of affairs at that time was that Martinez was to be always ready to march against the enemy when called upon to do so and to give such military services as was required of him on account of the scarcity of regular soldiers.³⁵

The lands given to Martinez and Otero were occupied continuously by the grantees and their descendants down to 1880 except at times when they were driven away by hostile Indians.

At the time the *presidio* was transferred from Tubac to Tucson in 1776, the Indians were quartered in a little pueblo adjoining it called San Agustin de Tucson. The *presidio* at this time was called San Agustin. According to the historian Bancroft, "Annals of this place are blank for years, and practically so down to 1846, since we know only by occasional mention that the presidio maintained its existence; that the garrison numbered in officers and men, about 106 men, though the ranks were often not full; and that there were frequent complaints of inadequate arms, ammunition and other supplies."³⁶ The population of Tucson and the adjoining districts for this period is estimated to have

33. Bancroft, *op. cit.*, 382-382.

34. JPLG, 3:35.

35. JPLG, 3:38 ff.

36. Bancroft, *op. cit.*, 381.

been about 2,000 including the families of soldiers.³⁷ On account of the frequent Apache raids the few remaining ranches in the Santa Cruz valley were abandoned in the last decade of the Mexican regime. Often livestock was driven off under the very walls of the *presidios*. A census report of September 1848 reveals that the population of Tucson at that time was 760 while Tubac had 249 inhabitants.³⁸ In December of that year after an attack, Tubac and Tumacacori were abandoned. The people transferred to Tucson.³⁹

One of the interesting cases arising out of the exodus from Tubac to Tucson was the Martinez grant. Jose Maria Martinez was a Mexican soldier who had been garrisoned at Tubac. As a result of the destruction of that *presidio*, Martinez and others fled to the pueblo of San Xavier. By virtue of the laws of Sonora of February 4, 1851, the state declared that each of the immigrants should be given a plot of sowing grounds in the vacant and uncultivated lands of the missions of San Xavier and Tucson for their subsistence. Martinez, in the same year, petitioned for land under this law and asked for a title. Ignacio Saens, Justice of the *Presidio* of Tucson, then called a meeting of all the Indians of San Xavier Pueblo. Here Martinez' petition for a grant of land and for the right to pasture his stock on the common lands of the mission was approved. The Indians agreed to a grant of land of 400 by 500 *varas*. The tract was accordingly measured and a title issued Martinez by the Justice on the terms similar to those of Otero and Martinez at Tubac listed above.⁴⁰

After the Americans acquired this land under the Gadsden Treaty of 1853 and 1854, the Martinez claim became the test case for the San Xavier Indians. The Indians were recognized as Mexican citizens under the Treaty, and were living within the pueblo communities. They were without formal titles to their lands.⁴¹

37. *Idem.*

38. Bancroft, *op. cit.*, 474, 475.

39. *Idem.*

40. JPLG, 4:82 ff.

41. *Idem.*

The Spanish and Mexican Land Grants

The two chief industries in Arizona in the Spanish and Mexican periods, as in the American era, were stock-raising and mining. As has been stated earlier, little is definitely known regarding the extent of the mining operations prior to the 18th century.

Indian attacks had caused most of the *rancherías* around the missions and the *visitás*, established by Father Kino and his successors in the 18th century, to be abandoned. Little is known of the Spanish *ranchos* other than a few vague references since they did not have titles from the Spanish government. It may be concluded that these 18th century *rancheros* too were forced to withdraw southward out of present Arizona on account of the Indian incursions.

The period from 1790 to 1820, however, was one of comparative peace and prosperity for the remaining missions and the ranchos of Pimería Alta. This may be accounted for in part to the effective work of the Spanish garrisons in policing the region. In addition the Apaches were, on the whole, at peace under treaties by which the government bribed them by food and gifts. As a result, the missions and the frontier *rancheros* counted their possessions by the thousand.¹ So great became their herds that they found it necessary to push northward. This was a part of a great movement in that direction all along the northern frontier of New Spain. They pushed into Texas, New Mexico, Arizona and California and gave the foundation to the great cattle industry of the United States which was to play such an important part in the history of the West.

During the latter part of the Spanish regime, these stock-raisers began to seek grants of land from the government. They continued to petition for additional lands until the late 1830s and early 1840s from the Mexican authorities. Through these *expedientes* and *titulos* one is able to get some clue to who they were and the extent of their operations. In the 1830s these *rancheros* carried on very extensive stock-raising activities all along the present interna-

1. Hubert Howe Bancroft, *North Mexican States and Texas, 1801-1889*, (San Francisco, 1889) 750-751.

tional boundary as far north as Tucson. Along the Santa Cruz valley were the Ortiz brothers at Canoa and Aribaca; farther south at Buenavista was the ranch of the Tuveras; at San Rafael de la Sanja the herds of the Romeros ranged. On the Sonoita was the *hacienda* of the Herreras family. Still farther east along the San Pedro valley and its tributaries were the vast holdings of the Elias (Gonzales) family. In the extreme southeastern part of present Arizona and extending well into modern Sonora was the famous San Bernardino ranch of the Perez family. These *rancheros* not only held the land granted them by the Spanish and Mexican governments, but their numerous herds of stock grazed over large tracts of "overplus"² lands which they controlled.

Mexico became independent from Spain in 1821. The laws regarding the granting of land, nevertheless, remained fundamentally the same under the Mexican regime as under the earlier Spanish rule. Under the Law of the State of the West (comprised until 1830 the present states of Sinaloa, Sonora and southern Arizona) of May 20, 1825,³ the amount of land granted to one stock-raiser was limited to four square leagues⁴ unless he could prove that due to the abundance of his stock he needed more.⁵ The land was graduated Fees for surveyors and appraisers were fixed by law.

The procedure for making grants also remained substantially the same under the two regimes. Under the provisional law of the State of the West, the lands were to be according to its quality and a minimum price placed on it.⁶

2. While most of the grants in Arizona specified a certain amount of lands, the descriptions of their boundaries were by natural boundaries or between certain limits. Actually, the grantees usually occupied lands far in excess of that stipulated in the terms of the grants. These were known as "overplus." Under the Mexican laws, title could be acquired for the overplus by having it surveyed and paying into the treasury the price which prevailed when the original grant was appraised. Later American purchasers of them claimed a right to the overplus also by paying over to the government the appraised prices of the original grants.

3. Reynolds, *op. cit.*, 129-131.

4. A *sitio* or square league contains 4,338.464 acres.

5. The applicant was required to submit proof that he was a stock-breeder before he was entitled to a grant.

6. Reynolds, *op. cit.*, 163. Under this law: (1) for each dry *sitio* that can serve only for the pasturing of stock, \$10; (2) for those where water can be obtained, \$30; (3) for those which have a spring or river, \$60. This price was increased under the decree of July 11, 1834, of the state of Sonora.

surveyed, valued and published for thirty days by the public crier in solicitation for bidders; at the end of that time at public auctions which were held for three consecutive days, they were finally sold to the highest bidder. Under this law the treasurer general occupied the same position under the state government in granting lands as did the *intendente* under the Spanish government. All titles were issued by him. The grants, however, did not require the approval of the Supreme Government.⁷ The Constitution and laws of 1824 gave the states the power to appropriate lands to individuals. Later under the Constitution of 1836 the states lost this power as it was reserved to the Supreme Government of Mexico.⁸

Most of the *titulos* issued by the Spanish and Mexican governments contained essentially the same provisions. All of them required the grantees to erect monuments on the boundaries of mortar and stone. To prevent the abandonment of the granted land, with few exceptions, all provided that if the land was abandoned for a period of three years or longer, it should revert to the public domain; exception was made in case the invasion of enemies or as sometimes stated "Apache" or "hostile Indians" were the cause of the abandonment. These grants conveyed in addition to the ownership and possession of the soil itself, "all its rights, uses, customs, servitudes, timbers, woods, pastures, springs and watering places and other things thereunto belonging."⁹ In no cases were mineral rights given.

Grants made by the various Mexican states or departments were of three types. First, there were grants by specific boundaries in which the donee was entitled to all of the land described; second, grants by quantity wherein the grantee was entitled to a specific amount of land, e. g., four *sitios* within a larger tract as described by outboundaries; third, where the recipient was entitled to a tract according to the limits, as shown by its settlements and possession or other competent evidence.¹⁰ As it will be seen,

7. JPLG, 1:113-114.

8. *Corpus Juris*, (New York, 1930) 50:1203-1206.

9. Copy of *titulo* to San Rafael de la Sanja Grant, JPLG, 1:415 ff.

10. *Hornsby vs. United States*, 77 U. S., 224.

a large number of grants in what is now southern Arizona were of the last two classes. These ambiguities in description were to cause a great deal of controversy and litigation later.

It is significant that the Spanish and Mexican *rancheros* of the early 19th century who pushed into the San Pedro, Sonoita and Santa Cruz valleys reoccupied many of the lands and sites where the missionaries the century before had established *visitas* and *rancherías*. Their predecessors had been forced to abandon them on account of the hostile Apaches. These *rancheros* were to suffer the same fate. Had it not been for the hostile Indians along the northwestern frontier, it is quite possible that the cattlemen would have continued their push northward and changed the course of Arizona's early history.

Most writers maintain that after Mexico had secured its independence there was a sudden abandonment of southern Arizona due to Indian attacks. It is true that with the degeneration of the presidial system under the Mexicans the raids of the Apaches increased in intensity.

Along the Santa Cruz valley, most of the petitions for land grants were filed during the period from 1820 to 1833, although the Los Nogales de Elias grant was filed as late as 1841. Tubac, according to Bancroft, maintained a weak *presidio*.¹¹ This garrison and town were abandoned in 1848 on account of Indian attacks.¹² These facts would indicate, in the opinion of the writer, that during the 1820s the ravages of the Apaches were not so severe as generally believed as *rancheros* would not have sought to move into a region where their herds of stock would have met certain dissolution and destruction. The deterioration of the presidial system increased in the 1830s and 1840s on account of the civil wars in Sonora. The culmination was reached in 1848 and in the following years when Tubac and all of Arizona was abandoned by the Mexicans with the exception of Tucson. This may be attributed in part to the withdrawal of soldiers to fight in the war against the United States and the exodus

11. *Arizona and New Mexico*, 381-382 Footnotes.

12. *Ibid.*, 474-475.

of settlers to the California gold fields. Before 1852, a small detachment of Mexican soldiers reoccupied Tubac.¹³ What available records exist indicate that in 1854, when the American government acquired title to southern Arizona by the Gadsden Treaty, all the white settlements in Arizona had been abandoned except those at Tucson and Tubac.¹⁴

The history of the 19th century settlements along the San Pedro valley is different in many respects from those along the Santa Cruz. With one exception, the petitions for these grants were filed in the period from 1820 to 1831 inclusive. This too would indicate the Apache raids were perhaps not so serious in the 1820s. The petition for one huge projected grant, the *Tres Alamos*, for 58 *sitios* was filed in 1831 with the Sonoran government by nine promoters. The proceedings for this grant were stopped by the Apache raids.¹⁵ Since no more petitions were filed after this date it might be inferred that after this time the Indian raids discouraged further settlements. While no records exist other than the descriptions of the ruined buildings on these grants by travelers through this valley in the late 1840s and early 1850s, these accounts indicate the operations of these San Pedro *rancheros* were very large. Two families, the Elias (Gonzales) and Perez, appear to have had very extensive holdings. The latter family's *ranchito* extended for the most part into Sonora. These early writers relate seeing large herds of wild horses, cattle and mules, descendants of those left by the early *rancheros* in their haste in fleeing before the Apaches. The abandonment of this valley seems to have been complete. No attempt was made to reoccupy it until in the 1870s and 1880s.

The Spanish and Mexican land grants were to offer some very complicated problems and it was not until after the end of the 19th century that they were solved. By the Treaty of Guadalupe Hidalgo of 1848 and the Gadsden Purchase several years later, Arizona became American Territory. Only the latter treaty affected that part of Arizona

13. *Ibid.*, 474-475.

14. Peter Kitchen, Sen. Ex. Doc. No. 93, 48 Cong., 1 Sess., 47-48. Land Office Reports (1887), 26-27. These will hereafter be abbreviated LOR.

15. JPLG, 4:389.

where the grants were located. It stipulated that before they should be approved by the American government, evidence of the titles should be found in the Mexican archives.¹⁶ Under the machinery set up by Congress,¹⁷ it became the duty of the surveyor general of the territory to investigate these claims and report upon their validity to the secretary of interior. The secretary in turn was to submit these reports to Congress for final action. By 1888, 13 of these grants had been examined and reported upon favorably by the surveyor general and two unfavorably.¹⁸ Congress, however, had not passed upon any of them.

During the period immediately following the acquisition of this region by the United States, the Apache attacks were so severe that there was little thought of reoccupying any of these lands. Little or no value was attached to them by the original grantees or their heirs. After the Apaches were brought under control in the 1870s and 1880s, settlers again poured into the San Pedro, Sonoita and Santa Cruz valleys. They discovered to their disappointment that many of the choicest tracts were held by absentee owners and withheld from settlement by virtue of these old grants. Speculators, largely from California, had sought out these Mexican grantees and their heirs and had bought up their rights for a mere song. These claims amounted to over 5,000,000 acres and the owners were waiting for an opportune moment to present them to Congress for approval.¹⁹

Congress, after many years of continued pressure, in 1891 established the Court of Private Land Claims to pass upon the validity of these grants in the territories of Arizona and New Mexico that it had not already acted upon under the provisions of the former law. The examination and untangling of these claims and rendering equitable decisions upon them was a tremendous task for the court. Under the original act, the court was to terminate in 1895. Actually, it continued in existence until June 30, 1904.²⁰

16. *United States Statutes at Large*, 10:922, 929.

17. *Ibid.*, 10:308; 16:304.

18. LOR (1888) 394-395.

19. LOR (1887) 524-525.

20. *Corpus Juris*, 50:1240; *United States Statutes at Large*, 26:854.

Many of its decisions were appealed to the Supreme Court. Perhaps the most famous one passed upon was the Peralta-Reavis claim for almost 13,000,000 acres which the Attorney General of the United States characterized as “. . . probably the greatest fraud ever attempted against a government in its own courts. . . .”²¹

When the Court of Private Land Claims completed its work in 1904, of the 282 cases decided, it confirmed titles to 1,934,986 acres of a total of 34,653,341 acres claimed in New Mexico and Arizona or about six percent. Of that amount, titles in Arizona to 116,540 acres of land were confirmed out of a total of 837,680 acres claimed.²² So after fifty years, the problem of the settlement of the Spanish and Mexican land claims was brought to a close.

The Tumacacori and Calabasas Grants

The Tumacacori grant is probably the oldest large grant made in Arizona. During most of the 18th century Tumacacori was a *visita* of Guebavi. In 1784, it became the main mission while Calabasas and Guebavi were made *visitas*. The two latter places were finally abandoned about the close of the century due to the attacks of the Apaches.

The *expediente* sets forth that the lands belonged to the mission by right of “legal, public and financial purchase from their primitive owners.” The documents relating to the purchase of them had been in the possession of Don Leon Carrera, political judge of that jurisdiction. They had, however, been lost or destroyed. Juan Legarra, the governor of the Indians, and other principal natives of the pueblo of Tumacacori, therefore, in 1806 petitioned the governor, *intendente* and judge *privativo*, Don Alexo Garcia Conde, to take the necessary steps to issue them a new grant. The Indians asked for four *sitios* for sowing purposes (*fundo legal*) and in addition land for stock-raising (*estancia*), which was to include that of the old mission of Gue-

21. Report of the Attorney General, (1895) 17-18.

22. Report of the Attorney General, (1904) 100 ff. Final Report of Private Land Claims, June 30, 1904. This does not include the Peralta-Reavis claims which was submitted to the New Mexico district for examination.

bavi.²³ The boundaries on the south were described as the Rancho of Buenavista²⁴ which was owned by the Romeros and the Yerbabuena.²⁵ The commandant of the presidio of Tubac, Don Manuel de Leon, appointed other officers and completed a part of the measurement of these lands.²⁶ The Indians of the pueblo, however, considered the lands measured them were inadequate. Stating that "The stock cattle and horses of Tumacacori are increasing each day through the industry of the natives under the direction of its present minister, Rev. Fray Narciso Guitierrez," they asked that the lands of the abandoned pueblo of Calabasas be given them for a stock farm.²⁷ A title was accordingly issued them for all the lands petitioned for in 1807. It contained a provision that if the grant should become totally abandoned for a period of three years, it should be given to anyone who might claim the lands.²⁸

The last three decades of Spanish rule in Pimeria Alta was the golden age for the remaining missions. After independence was achieved in 1821, most of them were abandoned, perhaps in the late 1820s, the 1830s and early 1840s.

The general abandonment of the missions along the northwestern frontier of Mexico may be attributed to several causes. During the three decades following independence, Sonora was in a state of chaos. It was torn asunder by civil wars between first the Gandara-Urrea and later by the Gandara-Pesquiera factions. A part of the time the state was in rebellion against the national government. It appears that the mission lands and property were appropriated in one way or another by the Mexican political leaders. Coupled with the civil wars was the constant raids of the Apaches which increased in the 1830s and 1840s.

While the frontier missions were encouraged by the Spanish, the legislation of the Mexican government became

23. Sen. Ex. Doc. No. 207, *op. cit.*, 18-24.

24. This may have been the abandoned ranch described in the Buena Vista grant. *Infra*, 56.

25. Sen. Ex. Doc. No. 207, *op. cit.*, 18-24.

26. *Ibid.*, 21, 22.

27. *Ibid.*, 24.

28. *Ibid.*, 25-26.

increasingly oppressive. In 1833, the Mexican congress declared education should be free, lay and obligatory. Church officers were to be appointed by the national government. The collection of church tithes was suppressed and the civil obligation of monastic oaths annulled.²⁹ In the following year the missions of the Republic were declared secularized and were ordered to be converted into curacies.³⁰ Finally, on February 10, 1842, Santa Anna, the Mexican dictator, decreed the sale of temporal lands.³¹

The fate of the Tumacacori mission seems to have been much the same as many of the frontier missions in Pimeria Alta in that period. The time of its abandonment remains a matter for conjecture. The *expediente* of the Los Nogales de Elias grant indicates that Tumacacori was a functioning pueblo having a governor and a priest, Antonio Gonzales, as late as November, 1841.³² On April 19, 1844, the mission lands were sold at public auction under the law of February 10, 1842, to Don Francisco Aguilar, a brother-in-law of Governor Gandara, for \$500.³³ Coutts, a traveler, described the mission in October, 1848, as standing in a group of conical Indian huts. The images, pictures and fixtures still remained.³⁴ Bancroft states that Tumacacori and Tubac were abandoned in December of that year as the result of an Indian attack.³⁵ Cox in September and Hayes in December of 1849 speak of the mission as being deserted.³⁶ Bartlett, in 1852, wrote that Tumacacori “. . . had lately been abandoned in consequence of the incursions of the Apaches.”³⁷ All of these statements indicate that someone was probably living at Tumacacori until late in 1848 although it had been some time since it had been actively functioning as a mission.

Aguilar, evidently, purchased the mission lands in behalf of his brother-in-law, Governor Manuel Gandara, who

29. H. I. Priestly, *The Mexican Nation*, (Macmillan, N. Y., 1923) 270.

30. Reynolds, *op. cit.*, 185.

31. *Ibid.*, 239. Decree of February 10, 1842.

32. JPLG, 2:381 ff.

33. Sen. Ex. Doc. No. 207, *op. cit.*, 27.

34. Rensch, *op. cit.*, 40-41.

35. *Arizona and New Mexico*, 474-475.

36. Rensch, *op. cit.*, 42.

37. John Russell Bartlett, *Narrative of Explorations and Experiences in Texas, New Mexico, Sonora and Chihuahua*, (New York, 1854) 2:302 ff.

was very active in politics in Sonora in 1844. Gandara occupied the ranch in the 1850s. He had thousands of head of sheep, erected substantial buildings and carried on very extensive operations.³⁸ In 1865 and formally in 1869, Aguilar deeded the lands to Gandara for \$499.³⁹ In 1878, the latter sold his claims to C. P. Sykes of San Francisco for \$12,500.⁴⁰ In the same year Sykes sold three-sixteenths ($\frac{3}{16}$) interest in the grant to John Curry for \$9,000.⁴¹ Sykes and Curry then proceeded to secure congressional sanction for their rights. The matter was presented before the surveyor general of Arizona in 1879. The following year that officer approved their claims for 52,007 acres.⁴² Since Congress took no action, the owners presented their petition before the Court of Private Land Claims seeking confirmation of 81,350 acres.⁴³ This court refused to recognize their right to a title. The owners then appealed to the Supreme Court. Here, the decision of the lower court was sustained. The proceedings of the Mexican government in selling the lands in 1844 was declared illegal; also, the treasurer of the department of Sonora had no right to sell the mission lands to Aguilar.⁴⁴

The Canoa Grant

“La Canoa” was perhaps first described in the diary of Padre Pedro Font in 1775 as being located five leagues north-northwest of the Presidio of Tubac. It is the place that the Anza expedition stopped at the end of its first day’s journey to what is now San Francisco.⁴⁵

In September, 1820, Tomas and Ignacio Ortiz, residents of the military post of Tubac, petitioned the governor and *intendente*, Antonio Cordero, of the provinces of Sinaloa and Sonora asking for a grant of land called “la Canoa.” This place is described as being located about five leagues north of Tubac. They requested a grant of four *sitios* on which

38. Sen. Ex. Doc. No. 207, *op. cit.*, 34.

39. *Ibid.*, 29.

40. *Ibid.*, 81.

41. *Ibid.*, 32.

42. *Ibid.*

43. Report of the Attorney General, (1904) 95.

44. William Faxon *et al.* vs. United States, 171 U. S., 242 ff.

45. H. E. Bolton, *Font's Complete Diary* (Berkeley, California, 1981) 26.

they proposed to stock with cattle and horses. These brothers asked, further, that the commanding officer at Tubac be authorized to proceed with the measurement, appraisal and other proceedings preliminary to securing a title.⁴⁶

The governor and *intendente*, accordingly, authorized Commandante Gonzales of the garrison to proceed with the measurements of the lands. In July, 1821, Gonzales appointed officers and ordered them to make the measurements and survey. His account describes Canoa as "containing a vast tract of ground in which the Santa Cruz runs. During the rainy seasons when from its sides, little streams carry water to it. On account of the rains it has water, otherwise not. Its vast extent is covered by shrubs, as mesquites, china trees, tamarisks, palo verdes, giant cactus and very few cottonwoods and willows." The land measured followed along the highway toward Tucson. On the north the boundaries reached a place called "Saguarita where there exists a plant of this tree"; on the west for about five leagues was the Mission of San Xavier del Bac; the southern boundaries was the military post of Tubac.⁴⁷

The local authorities, after making the measurements, proceeded to take all the other necessary proceedings to alienate the land. The appraisers valued the land at \$30 per *sitio* or \$120 since it did not contain running water but "such could be obtained by digging a well." By order, the 30 days publications of the sale began July 12, 1821, at Tubac. On the last day of these Reverend F. Juan Bano, curate of the mission of San Xavier appeared in behalf of Ygnacio Sanches and Maria Francisco Flores of that place and the bid on the land was raised to \$210. The proceedings were sent to the governor *intendente* at the capitol at Arispe for approval. After he and the attorney general of the treasury passed upon them, Governor *Intendente* Bustamente authorized the three final auctions of the land be held at the capitol December 13, 14, and 15, 1821.

At the final auction, no bidders appeared at the first and

46. JPLG, 1:339, ff.

47. *Ibid.*

second auctions. At the third, however, competitors appeared and the land was finally struck off to the Ortiz brothers for \$250. This amount plus the other costs and taxes were paid into the royal treasury. The records of the proceedings were forwarded to the supreme office of public lands for its approval. At this time Mexico was undergoing its separation from Spain. No *testimonio* of title was ever issued the brothers from the Spanish government. In 1849 they presented themselves in Ures and asked that the Sonoran government issue them a title for their protection.⁴⁸

Canoa had a gory history during the outbreak of the Chiricahuas in the 1860s. Professor Lockwood relates that in 1861 two Americans and a Papago Indian were killed at the Canoa Inn.⁵⁰ Farish tells the story of the murder of ten lumbermen there about that time. These men had been employed in whipsawing lumber in the Santa Ritas for the Heintzelman mines. On this raid the Apaches carried off 280 head of animals from the Canoa and adjoining ranches.⁵¹ Pete Kitchen, famous Indian fighter, had a ranch on the Canoa from 1855 to 1862.⁵²

Half interest in this grant was acquired by Frederick Maish and Thomas Driscoll, purchasers of the Buena Vista claims, from the Ortiz heirs. Confirmation of the title was recommended by the surveyor general of Arizona under the laws of 1854 and 1875. Congress took no action on the recommendation. The matter was brought before the Court of Private Land Claims in 1893.⁵³ The amount claimed by the petitioners was 46,696.2 acres which was considerably more than the four *sitios* originally granted. This amount was confirmed to the owners.⁵⁴ The case was appealed to the Supreme Court by the government in 1898. Here the decision of the lower tribunal was reversed and the title of the

48. *Ibid.*

50. Frank Lockwood, *The Apache Indians*, (New York, 1939) 109.

51. Thomas E. Farish, *History of Arizona*, (Phoenix, 1915) 2:54-56.

52. Kitchen's testimony, Sen. Ex. Doc. No. 93, *op. cit.*, 47 ff.

53. Clearance Docket, Court of Private Land Claims, (General Land Office, Phoenix) 12.

54. Report of the Attorney General, (1896) 27.

claimants was confirmed to only 17,203 acres or slightly less than the four square leagues originally granted.⁵⁵

Buena Vista Grant

(Rancho De Maria Santissima Del Carmen)

Jose Tuvera, a citizen of Arispe, on September 30, 1826, petitioned the treasurer general of the State of the West in behalf of his father-in-law, Don Josefa Morales, for four square leagues of land for stock-raising. The land requested was for the "ancient abandoned place of Maria Santissima Carmen," a part of which is now in Arizona and a part in Sonora. On the north boundaries of the land sought was the old mission grant of Calabasas; on the south was Rancho Santa Barbara.

In November of the same year the second *alcalde* of Arispe was authorized to take the necessary steps preliminary to holding public auctions for the land. In October, 1827, measurements were made. The lands were valued by the appraisers at \$190, or \$60 for three of the *sitios* with water and \$10 for the fourth. In the following month, from November 1 to 30 inclusive, they were publicly offered for sale each day.⁵⁶

The proceedings were then referred to the treasurer general for approval October 21, 1830. When they were in turn examined by the attorney general as to their legality, the measurements were declared to be in error and the survey not made in accordance to the law. That officer, therefore, ordered the defects corrected. A resurvey was made and subsequently approved by him.⁵⁷

Three public offers of sale were made early in September, 1831, and the land was sold on the last date to Don Josefa Morales. A title was accordingly issued September 9 of the same year by Treasurer General Jose Mendoza

55. United States vs. Frederick Maish and Thomas Driscoll, *et al.*, 171 U. S. 242.

56. JPLC, 4:21 ff.

57. *Idem.*

under the act of May 20, 1825,⁵⁸ and under the usual terms of the grants of that period.⁵⁹

The land was occupied by Tuvera and his heirs until 1851 when they were sold to Hilario Gablando. In 1872 Jose Maria Quiroga purchased the tract for \$500. It was finally bought by Frederick Maish and Thomas Driscoll, who owned half interest in the Canoa claims, in 1881 for \$4,000. These owners pressed for a confirmation of their title by the American government. The matter was referred to the general land office and in 1882 the surveyor general, John Wassen, recommended that their claims be confirmed. They later appealed to the Court of Private Land Claims. Here title was confirmed to 5,733 of the 17,354 acres claimed.⁶⁰ A motion to appeal the case to the Supreme Court was dismissed.

The San Jose De Sonoita Grant

Sonoita, earlier called Sonoitag and Sonoitac, was one of the early *visitas* established by Padre Kino in Arizona along the river of the same name,⁶¹ although there is very little mention of this place in later accounts. It was mentioned by the author of the *Rudo Ensayo* in 1762 as being a *visita* of Guebavi and Reyes' report in 1772.⁶² According to Bancroft it was abandoned before 1784 but the name was still retained.⁶³

Don Leon Herreras, a *ranchero* and resident of Tubac, in 1821 found his herds of cattle were increasing so fast that he had no adequate place to pasture them. He, in May of that year, therefore, addressed a petition to Juan Miguel Riesgo, commissary general of the treasury, etc., of the State of the West for two *sitios* of land at a place known as Sonoita. This place is described in the petition as being located about eight leagues distant from Tubac "which had been anciently an Indian town and was abandoned by reason

58. *Vide Supra*, 8.

59. JPLG, 4:21 ff.

60. Report of Attorney General, (1904) 109: Buena Vista files, GLO, Phoenix.

61. Bolton, *Rim of Christendom*, Map of Pima Land, 594.

62. *Rudo Ensayo*, 223. Robert H. Rose, *Southwestern Monuments Monthly Reports*, December, 1936, 427.

63. *History of Arizona and New Mexico*, 384-385.

of the incursions of the Apache Indians, being stationed very near their customary hiding places." He asked that the commissary general institute the necessary proceeding to obtain a title. This petition was then transmitted to the governor *intendente*.⁶⁴

An order was accordingly issued to Ygnacio Elias Gonzales, Lieutenant Commander and Subdelegate of the Military Post at Tubac to appoint the necessary officials to measure and appraise the two *sitios*. The center of the survey was the old San Jose de Sonoita mission. The survey was completed in June, 1821, for $1\frac{3}{4}$ *sitios*. Appraisers were appointed and the lands were valued at \$60 per square league, since they had running water and were fit for cultivation. They were then published for 30 days as the law required. The *expediente* was then examined and approved by the promoter fiscal; three public offers were made in November, 1821, and the lands were sold to Herreras. The sale was then approved by the *intendente pro tem* of Sonora and Sinaloa, Ignacio Bustamente, as valid. Herreras paid the \$105 plus the customary 18% tax for land fee, plus 2% for the general fund and \$3.00 general fee as the Spanish law required into the royal treasury. These proceedings were then reported to the Spanish "junta superior de hacienda."⁶⁵

A title was issued in May, 1825, to Herreras by Juan Miguel Riesgo, Commissary General of Mexico for the State of the West. It contained the usual provisions that the grantee was to erect monuments of stone and mortar on the outboundaries. One provision is unusual in this title. It contained a proviso that if the owners should abandon the lands for a period of one year or more, they should revert to the public domain.⁶⁶ Another unusual feature of this grant was that it was under the Spanish Act of 1754 but in the name of the Sovereign State of Mexico. At the date of this grant the system of granting lands under the Act of the

64. JPLG, 1: 297 ff.

65. *Ibid.*

66. In most grants the period was for three years.

Mexican Congress and the Provisional Regulations of 1825 had not been organized.⁶⁷

The Apaches, who had for the previous three or four decades been comparatively peaceful in this region, began to make raids after 1821. These attacks increased up to about 1835 when the settlers became discouraged and abandoned their homes. The Herreras family were driven from the grant by them in 1833 and again in 1836. In 1857, the heirs sold their interest in the lands.⁶⁸ After several transfers, they were finally acquired by Matias Alsna, who submitted his claim to the land office for approval. The surveyor general of Arizona, after examination, recommended the title be confirmed but Congress took no action on it. After the claims were examined by the Court of Private Land Claims in 1892, they were rejected. The matter was then appealed to the Supreme Court in 1898. In the higher tribunal the decision of the lower court was reversed and the case was remanded with directions to determine the true boundaries.⁶⁹ The amount of land finally confirmed to the Sonoita claimants was 5,123 acres.⁷⁰

El Sopori Grant

El Sopori is another of the old and famous place names in Arizona. It is mentioned in 1762 by the author of *Rudo Ensayo* in 1762. He described it as a depopulated ranch located more than two leagues north of the *presidio* of Tubac.⁷¹ This place had been abandoned in 1751 on account of the revolt of the Pima Indians.⁷²

The ranch in the 1860s was a strip of some 140,000 acres located south of the San Xavier mission. According to the alleged documents issued by the Mexican government and submitted by the claimants to the American government, the original grant to this land was made by the Sonoran government to Joaquin Astiazaran, a wealthy *ranchero*

67. JPLG, 1: 297 ff.

68. *Ibid.*

69. Ely's Administrator vs. United States., 171 U. S., 220.

70. Report of the Attorney General, (1904) 109.

71. *Rudo Ensayo*, 254.

72. *Ibid.*, 231.

who lived at Horcasitas.⁷³ Astiazaran, in March, 1838, requested the second *alcalde* of that city to appoint commissioners to inquire as to his ability to stock the unoccupied lands between Tubac and San Xavier. Upon verifying this, that officer ordered the lands to be surveyed, measured and appraised which comprised $31\frac{7}{8}$ *sitios* and a *caballeria* to the southern boundaries of San Xavier. The appraisement was for the sum of \$919 as follows: for 8 *sitios* with permanent water, \$480; 10 *sitios* susceptible to irrigation, \$300; the remaining for \$139. The measurements were returned in May, 1838, and publications were made immediately for the thirty days, which the law required. After three public auctions were held, the land was struck off to Astiazaran on June 30 of the same year. No title to the lands, however, was ever submitted to the American government to verify the grant.⁷⁴

There is little evidence to indicate the grantee or his heirs ever occupied the grant with stock. During the late 1840s to the time of its cession to the United States, this region was abandoned on account of the attacks of the Apache Indians.⁷⁵ James W. Douglas and his executor, C. C. Dodson, occupied the ranch in 1854 or 1855 and erected buildings there.⁷⁶ They later sold the cattle and fixtures to the Sopori Land and Mining Company.⁷⁷ In 1858, Sylvester Mowry⁷⁸ of the Sopori Land and Mining Company, a cor-

73. Sen. Ex. Doc. No. 93, *op. cit.* Testimony of Fernando D. Astiazaran. The original grantee, according to his son, Fernando D. Astiazaran, was one of the wealthiest men in Sonora. He owned flour mills, several ranches and thousands of cattle and horses. He took no active part in Mexican politics and held no offices. He died in 1845. His son, Fernando, on the other hand, held many offices under the Mexican government. He married the daughter of Governor Manuel Gandara, several times governor of Sonora during the period from 1830 to 1860.

74. JPLG, 3:68 ff.

75. Testimony of Peter Kitchen, Sen. Ex. Doc. No. 93, *op. cit.* Kitchen was a well known *ranchero* of southern Arizona. He stated in 1880 that when he came to the country in 1854 the country from Tucson to Sonora was entirely depopulated on account of the ravages of the Apaches.

76. Charles D. Poston's testimony, *Ibid.*, 71. According to Poston, William H. Rhodes also occupied the ranch in conjunction with Douglas and Dodson. See also Will C. Barnes, *Arizona Place Names*, (Tucson, 1935) 362. According to Barnes, J. Ross Browne stated that Rhodes later owned a ranch 18 miles from Tubac on the road to Tucson.

77. Kitchen's testimony, *op. cit.*, 71.

78. Frank C. Lockwood, *Life in Old Tucson*, (Los Angeles, 1943) Chapter X.

poration organized under the laws of Rhode Island, purchased a part of the claims of the Astiazaran heirs.⁷⁹ Two years later, Mowry and the heirs sold their interests to the Arizona Land and Mining Company, another Rhode Island corporation.⁸¹ During the period from 1859 to 1861, the operations of the company were carried on under the direction of Richmond Jones, Jr., the superintendent of the Sopori Land and Mining Company. Pete Kitchen, who assisted in the survey of the claim, described the boundaries of the Sopori ranch as the arroyo on the edge of the Santa Rita mountains on the east; on the south the Revanton and the foothills of the Santa Ritas near the hot springs; on the north to the Sahuarito.⁸² In 1861, a party of some 600 Apaches raided the Santa Cruz valley and killed Jones, raided the Sopori ranch and drove off and killed all of the stock on it amounting to about 300 head.⁸³ This put an end to the company's operations for some time.⁸⁴

79. Copies of conveyances, power of attorney, and contracts of sale. Sen. Ex. Doc. No. 93, *op. cit.* "The mine of Sopori opened many years ago, had in Mexico an extensive reputation. The ores extracted were exceedingly rich in gold and silver, but the works were so badly carried on that the vein is lost, and not even any exterior traces of its position is left. A few arastras in bad condition are all that are left of the operations there. The mine forms a part of the Sopori Rancho, of an area of 21,000 acres, situated west of the Mal Pais Sierra and south of the Canoa Rancho, which are both considered as the best ranches of Arizona. The Sopori Company is incorporated in Providence, Rhode Island with a capital of \$1,000,000. Governor Jackson is the president; Lieutenant Mowry, one of the principal share holders, is, at the same time, one of the trustees." F. Biertu (1861) in Sylvester Mowry, *Arizona and Sonora: The Geography, History, and Resources of the Silver Region of North America* (New York, 1864), 81.

81. *Idem.* "This company owns a large tract of land of 32 leagues square, on which is situated the old silver mine of San Xavier, which was worked during the time of the Jesuits, and which appears exceedingly rich; other veins equally rich are to be found in the center of the property, on the Sierra Tinaja. The company was incorporated in Providence, Rhode Island, with a capital of \$2,000,000. The Hon. S. G. Arnold is the president. The Treasurer is Mr. Alfred Anthony, President of the Jackson Bank of Providence. Col. Colt, Lieut. Mowry, and other rich capitalists in the East, are the actual owners. Mr. Mowry is the holder of more than one half of the stock of the company. N. Richmond Jones, Jr. is the engineer-in-chief of this mine, as also of the Sopori Mine."

82. Kitchen's testimony, *op. cit.*, 71

83. *Ibid.* This statement is substantiated in general by the testimony of Charles W. Poston.

84. Mowry, *op. cit.*, written in 1863. "The Sopori and Arizona Land and Mining Companies, who own a vast tract of mineral, grazing and arable lands in the Santa Cruz Valley, have also suspended operations. Their stock is in good hands, and will be good property. They intend, I am informed, to recommence operations at an early day. Some of the heaviest eastern capitalists are the principal owners of these stocks."

J. Ross Browne, several years later, described the Sopori ranch as he saw it in his customary style:⁸⁵

A delightful ride of five or six miles through a broad, rich valley of grass, pleasantly diversified with groves of mesquit and palo-verde, brought us to a narrow pass, on the right elevation of which stand the remains of the buildings of the Sopori Land and Mining Company. Little is now left saved ruined adobe walls and tumbled in roofs. As usual not a living thing was to be seen. Silence and desolation remained supreme. At the time Col. James W. Douglass lived here the Sopori was one of the most flourishing ranches in the country. He had herds of fat cattle ranging over the pastures; fields of grain and vegetables in the rich bottom that lies just in front of the dwelling house; domestic animals and fowls of various kinds and could always afford the traveller a generous reception. . . .

The Sopori Ranch, although at the present uninhabited, possesses advantages as a mining and grazing region which have long since given it a reputation in Sonora. . . .

In 1866, the Sopori Land and Mining Company, which had several years previously suspended operations, repurchased the grant for \$30,000.⁸⁶ Due to repeated Apache raids, which continued from 1861 to 1872, the ranch was not reoccupied until the 1870s.

The claims of the Sopori Land and Mining Company were presented to John Wassen, surveyor general of Arizona, for his approval. In his recommendations to the Secretary of the Interior in 1881, he advised their rejection "on the grounds that the original title papers are forged, ante-dated and otherwise invalid."⁸⁷ His report was submitted to the committee on private land claims in the Senate in 1882 and ordered to be printed.⁸⁸ Congress, however, took no action on the matter. After the Court of Private Land Claims had been established, the grants were sub-

85. J. Ross Browne, *Adventures in the Apache Country*, (New York, 1866) 260 ff.

86. Sen. Ex. Doc. 93, *op. cit.*

87. *Ibid.*, 158.

88. *Ibid.*, 1.

mitted before that body in 1893.⁸⁹ The court rejected the mining company's claim *in toto* for 141,722 acres.⁹⁰

San Rafael De La Sanja (Zanga) Grant

Don Manuel Bustillo, a citizen of the *presidio* of Santa Cruz, on July 19, 1821, petitioned Governor *Intendente* Don Antonio Cordero, for a grant of land of four *sitios* for the raising of stock. The land sought was at a place named "de la Sanja." Three of these *sitios* requested were within the boundaries of the *presidio* while the other was outside and was for a stock farm. Bustillo asked that the necessary legal steps be taken preliminary to securing a title. He also asked that appraisers take "into consideration that the lands asked for borders upon the country of the Apaches who are constantly hostile."

An order was subsequently issued by the governor *intendente* to the commandant of the *presidio* of Santa Cruz, Captain Simon Elias Gonzales, to proceed with the measurements of the land petitioned for, to appoint appraisers, and make the publications for sale of the lands. A counter, a noter and measurers were appointed. On October 5 and 6, 1821, they made the measurements, starting from the center and using natural landmarks. The lands were valued by "intelligent experts" for \$210; three of the *sitios* were appraised at \$60 each as they contained running water and the fourth at \$30 since it contained no water other than what was furnished by running wells.

The commandant then authorized that publications be made for a period of 30 consecutive days for the sale of the four square leagues. The sworn testimony of three witnesses was taken that Bustillo had sufficient livestock to stock the land. The *expediente* was transmitted to the *intendente* who, by decree, referred it to the attorney general. The latter approved the legality of the transactions. The public sales were held January 8, 9, and 10, 1822. On the first day of the sale Don Ramon Romero, for himself and the residents of Santa Cruz, bid \$10 higher than the ap-

89. Clearance Docket No. 19, Court of Private Land Claims, Phoenix.

90. Report of the Attorney General, (1904) 95.

praised value. The bidding went up to \$1,200 and the land was struck off to Romero. No higher bid was made the next two days on which the land was offered for sale so it remained sold to Romero and the citizens of Santa Cruz. The *expediente* was transmitted to Romero who replied that he was satisfied and would pay into the national treasury the sum required. He then paid the \$1,200 to the royal government plus the \$97 taxes connected with the sale.

Before the proceedings were entirely completed Mexico became independent from Spain. A title was accordingly issued Romero May 15, 1825, by Juan Miguel Riesgo, commissary general of the State of the West and Jose Maria Mendoza, provisional secretary. An interesting feature of this title is that it, as the Sonoita grant, was given by a Mexican state in accordance with the Spanish law of 1754.

The grant contained about the same provisions as the others of that period. One exception is that in case the land was abandoned for one year, instead of the usual three years, except by reason of the invasion of the Apaches, it should revert to the public domain.⁹¹

Ramon Romero died in 1873. His descendants pressed their claims before the land office for approval. The original title papers stipulated that the grant was for *cuatro sitios para cria de ganado mayor*. According to the interpretation of the claimants it was for "four leagues square" or sixteen *sitios* and that the grant was one by metes and bounds and not one of specific quantity. John Wassen, surveyor general for Arizona, maintained that the literal interpretation of this clause was "four square leagues" and that the grant was for a specific amount of land. He, therefore, recommended confirmation for four *sitios* only.⁹² Since Congress never acted upon the matter the grant was submitted before the Court of Private Land Claims for its decision. The claimants paid into the treasury \$1,359 for the "overplus"⁹³ and \$200 for the expenses at the same time claiming that the grant was 152,890 acres.⁹⁴ The Court

91. JPLC, 1:415 ff.

92. *Ibid.*

93. *Vide Supra*, 2.

94. United States vs. Green *et al*; Christie vs. United States., 185 U. S., 638.

of Private Land Claims confirmed their rights for only four square leagues.⁹⁵ The matter was then appealed to the Supreme Court in 1902. Here the opinion of the lower court was sustained.⁹⁶

The Aribaca (Arivaca) Grant

Aribaca is another of the abandoned 18th century settlements of Arizona which was reoccupied by the stockmen in the early 19th century. The author of the *Rudo Ensayo* in 1762 speaks of it as having been a *visita* of Guebavi. The Spanish operated several mines near it. His description of the place is as follows:⁹⁷

There was a fourth (*visita*) called Ari (Arivaca) where the rebels camped in 1751, and it was 10 leagues Northwest (of Guebavi). There used to be near this place one gold mine and several silver mines which are now, I believe abandoned.

This writer again mentions the place as having been depopulated on account of the rebellion of the Pima Indians in 1751.⁹⁸ In 1764, Reyes speaks of the place as:⁹⁹

. . . about one league from the Presidio (Tubac) (is) the fourth (*visita*) which it (Guebavi) has, and it was called "Arivaca"; together with its locality the Pimas devastated it in the year 751 (1751), and it used to be about twelve leagues from the headquarters. There is a gold mine and several silver mines, and they are worked at the present time.

Bancroft mentions that, during the period from 1790 to 1820, mines were operated at Aribaca.¹⁰⁰ From the statements above, it appears there were considerable mining activities there prior to 1830.

On June 20, 1833, Tomas and Ignacio Ortiz, citizens of Tubac who had some years earlier secured the Canoa grant,

95. Report of the Attorney General, (1900) 64.

96. U. S. vs. Green, *op. cit.*

97. *Rudo Ensayo*, 223.

98. *Ibid.*,

99. Rose, *op. cit.*, 419.

100. *Arizona and New Mexico*, 407.

presented a petition to the constitutional *alcalde* at Tubac. They requested that proceedings be instituted for the possession, measurements and appraisalment of two square leagues of land. In this petition the two brothers presented a statement from the treasurer at Arispe showing that on October 10, 1812, their father, Agustin Ortiz, a citizen of the *presidio* of Tucson, deposited \$747 and 3 *reals* as the highest bid for two *sitios* for stock-raising which were sold to him by action by the Spanish government. This land comprised the old and depopulated settlement called Arivac in the jurisdiction of Pimeria Alta. The *expediente* containing the measurements, appraisements and bids of 1812 were lost or filed away, it was claimed, and could not be found. The monuments on the boundaries still existed the Ortiz brothers asserted. They, therefore, asked that a title be issued them.

Steps were then taken to substantiate the claims. Atanacio Otero, the *alcalde*, received the testimony that the applicants had occupied the lands since 1812 and that the landmarks had existed since that date.

The matter was finally presented to the Sonoran officials. Both the treasurer general, Jose M. Mendoza, and the governor approved the petition in 1833. A title was ordered then to be issued. The sum of \$30 was paid for this service and a title was subsequently given the brothers by the treasurer general under the date of July 2, 1833, for the two *sitios*. The terms were the same as that given to other recipients of land grants of that time.¹⁰¹

After the United States had acquired this territory by treaty, the lands changed hands several times. Samuel P. Heintzelman, president of the Sonora Exploring and Mining Company acquired title to them in 1856.¹⁰² Mines were operated on the Aribaca and reduction works were carried on there.¹⁰³ During the Apache outbreaks of the 1860s, these

101. JPLC, 2:83 ff.

102. *Idem*.

103. Sylvester Mowry, *op. cit.*, 73. Mowry described the operations of the Aribaca mines as follows by the Sonora Exploring and Mining Company. "This mine, situated at about 30 miles from Tubac in the Cerro Colorado, is one of the principal mines, if not the richest in the territory. The company is working the vein known as the Heintzelman mine, rich in argentiferous coppers and also several other veins on the

mines as the others, were abandoned. In 1863, the grant was transferred to the Arizona Land and Mining Company.¹⁰⁴

J. Ross Browne leaves us with a description of the ranch as it appeared to him on his journey in 1864:¹⁰⁵

Seven miles from the Cerro Colorado we reached the Arivaca Ranch, long celebrated for its rich mines and fine pastures. The ranch called by the Mexicans La Aribac, comprises within its boundaries 17,000 acres of agricultural lands, 25 silver mines formerly worked by Mexicans and numerous gold, copper and lead mines, as yet undeveloped. It contains a large amount of rich meadow land bordering on a never-failing stream; it is well wooded with oak, walnut, ash, cottonwood and mesquit, and is capable of sustaining a population of 5 to 6,000 souls. The range for cattle and sheep is almost without limit extending over a belt of grazing country as far south as the Arizona Mountains. . . . The title is held by the Arizona Mining Company and is derived from Tomas and Ignacio Ortiz who perfected it as early as 1802 (sic). . . . Up to the abandonment of the Territory in 1861 it was a progressive state of improvement under the Company's agent. The reduction works of the Heinzelman mine were situated on the ranch for the convenience of wood, water and pasturage, and were projected on a costly and extensive scale. Little now remains of them save the ruins of the mill and furnaces, the adobe store houses and offices and a dilapidated corral.

After Charles D. Poston¹⁰⁶ had acquired possession of the grant in 1870 the claim was submitted before the surveyor general of Arizona for his examination. In his rec-

Rancho Arivaco. The actual and imperfect system of reduction is by means of amalgamating barrels. Steam engines of 40 horsepower with a new process of amalgamating and refining will soon be introduced. One of the principal shareholders, Mr. Charles D. Poston, is the director, and at the same time lessee of the mine for the term of ten years. The company was incorporated in Cincinnati, Ohio with a capital of \$2,000,000 divided into 20,000 shares. The sum already expended for the working of the mine is estimated at \$230,000 either in ready cash or from the proceeds of the mine."

104. JPLC, 2:83 ff.

105. Browne, *op. cit.*, 271.

106. *Life in Old Tucson*, 57 ff.

ommendation the latter advised that Poston's title be confirmed in spite of the fact that no trace of the transactions of 1812 nor 1833 could be found in the Mexican archives. A *testimonio* of proceedings of 1833 by the Mexican government which recognized the right of the Ortiz brothers to the grant in accordance with the petition was all that could be found.¹⁰⁷ The matter was later submitted to the Court of Private Land Claims in 1893 by the Arivaca Land and Cattle Company who had acquired the title.¹⁰⁸ Here the claims of the company were rejected. The case was appealed to the Supreme Court in 1902. Here again the claimants met defeat. The court refused to confirm title to the grant because its location could not be identified with any certainty.¹⁰⁹

Los Nogales De Elias Grant

In May, 1741, Don Jose Elias and his parents, Don Francisco Gonzales and Dona Babanera Redondo, owners of the Rancho La Casita¹¹⁰ and residents of the town of Ymuris, petitioned Ygnacio Lopez, treasurer of Sonora, for a grant of land. The land requested was $7\frac{1}{2}$ *sitios* and two *caballerias* for the raising of cattle and horses. This vacant tract was located north of the La Casita and on the western side of the Tumacacori and Calabasas grant. The petitioners asked that steps be taken so that its measurements, valuation, publications and sale might be made.

With the permission of the governor and president of the superior board of the treasury, it was agreed to re-measure, in addition, the lands already occupied by La Casita. The law required separate proceedings for the measurements of both the old and new tracts. Three witnesses testified that the petitioners had sufficient stock to settle the $7\frac{1}{2}$ *sitios*. One of them claimed Don Francisco and his wife possessed 4,000 head of cattle. To prevent encroaching on the property of others, notifications were made to contiguous ranches according to law. The $7\frac{1}{2}$

107. JPLG, 2:83 ff.

108. Clearance Docket, 13. Court of Private Land Claims, Phoenix.

109. Arivaca Land and Cattle Company vs. United States, *et al.*, 184 U. S., 649 ff.

110. La Casita was a *rancho* located below the international boundary of what is now Nogales. It was surveyed by the Spanish government in 1741 and 1742.

square leagues were appraised for \$15 each since they were without water. Publications were begun November 11, 1841, and were continued for thirty days. A summary of the proceedings were placed before the treasury of the department. The fiscal attorney authorized the three public auctions be held beginning January 5, 1843, under the supervision of the commission of public sales and the office of the treasury. The sales were accordingly concluded with the lands being sold to Elias for \$113.50.

A title was given the grantee at Arispe on January 7, 1843, by Ygnacio Lopez, president of the treasury department. The grant was made under terms similar to others of that period.¹¹¹

The claims to this grant were finally transferred to the Camou brothers who submitted them to the surveyor general for his examination. Since a part of this grant was in Mexico, that official recognized their claims as valid for 10,638 acres although the *expediente* was lacking in the Mexican archives.¹¹² Congress took no action on the surveyor general's report. A petition asking the confirmation of their rights to 32,763 acres was submitted to the court of Private Land Claims by the owners in 1892. This tribunal refused to recognize the grant as valid. The case was appealed to the Supreme Court. Here the claimants met defeat again. The proceedings of the Sonoran government in 1841 in sanctioning the resurvey of the lands of La Casita were declared illegal.¹¹³

The San Bernardino Grant

The San Bernardino was one of the most famous of the ranches in what is now southern Arizona and northern Sonora in the early 19th century from accounts of that region. The *expediente* of the original grant refers to it as having been abandoned earlier on account of the incursions of the Apaches. A part of it lies in what is now Cochise

111. JPLG, 2:381-493, 3:1-18.

112. *Ibid.* List of Unconfirmed Land Claims in Arizona, LOR, (1888) 495.

113. *Ainsa, et al. vs. U. S.*, 161 U. S., 208 ff.

county but the larger portion of it is in Mexcio. The original grant was for 29,644 *hectares* or 73,240 acres.¹¹⁴

On December 16, 1820, Lieutenant Ignacio Perez, in a petition addressed to the governor *intendente*, Antonio Cordero, requested a tract of land known as the San Bernardino which extended from the sites of Batefito and the Sierra del Cubullon, owned by Nazario Gomez, to the sources of the San Pedro. He stated that he proposed to establish a buffer state against the Apaches by covering ". . . that central frontier post thereby having access to frontier posts of Tucson, Tubac, Santa Cruz, Fronteras and Babispe, thus favoring and aiding my own enterprise." His needs for the lands, he stated, were to hold the hereditary rights of his wife. The petition further outlined the great benefit the nation would derive by making this grant to him because he might induce the Apache barbarians to till the lands and lead a peaceful life. For the above reasons, he asked that the lands be surveyed, appraised and published for thirty days according to the law.

The governor *intendente* then ordered proceedings be taken to alienate the land in Perez' favor. He authorized Constitutional Judge D. Nazario Gomez to proceed with the inspection, survey and valuation. At Fronteras, on March 29, 1821, the judge proceeded to survey the four *sitios*. The lands were valued as follows: for one *sitio* containing springs without much water, \$30; for the three remaining ones which were dry, \$10 each. Three witnesses were called to testify as to Perez' ability to stock the land. Two of them claimed that he had more than enough to stock it. The other stated that the petitioner had over 4,000 head of cattle. In February, 1822, the lands were authorized to be cried out at Fronteras for thirty days. In Arispe on May 21, 22, and 23, 1822, the *intendente* as president and the board of public sales supervised the auctioning of the land to Perez for \$90. Perez paid the above amount plus the fees into the treasury. No *titulo*, however, was ever issued the grantee by the Spanish government.¹¹⁵

114. Walter Noble Burns, *Tombstone*, (New York, 1928) 258.

115. *Copy of expediente*, San Bernardino Files, General Land Office, Phoenix.

The operations of the San Bernardino Hacienda were very large. According to Haskett, "At the height of its existence it is said to have had 100,000 cattle, 10,000 horses and 5,000 mules."¹¹⁶ The ranch was apparently abandoned in the 1830s. In their haste in leaving the ranch, the owners left a large amount of stock which reverted to their wild state. Colonel Cooke relates encountering this stock in his expedition in 1846 in the Mexican War. He found bands of wild horses and herds of cattle. He also tells of the engagement his command had with wild bulls in this region on December 11.¹¹⁷

Several years later, in 1851, Commissioner Bartlett gave a very good description of this magnificent old *hacienda*.¹¹⁸

San Bernardino is a collection of adobe buildings in a ruined state of which nothing but walls remains. One of the buildings was about 100 feet square with a court in the centre, and adjoining it were others with small apartments. The latter were doubtless the dwellings of peons and herdsmen. The whole extending over a space of about two acres, was inclosed with a high wall of adobe, with regular bastions of defense. Being elevated some 20 or 30 feet above the valley, this hacienda commands a fine view of the country around. Vast herds of cattle were formerly raised here, but the frequent attacks of the Apaches led to the abandonment of the place. Some cattle which had strayed away and were not recovered at the time have greatly multiplied since and now roam over the plains as wild and more fierce than buffalo. . . . This establishment was abandoned about twenty years ago; since which time no attempt was made to reoccupy it.

The claimants to this grant submitted their title to the surveyor general of Arizona for his examination. He recommended confirmation of 2,360 acres.¹¹⁹ Congress took

116. Bert Haskett, "Early History of the Cattle Industry in Arizona", *Arizona Historical Review*, October, 1935, 8 ff.

117. Farish, *op. cit.*, 1:138-139.

118. Bartlett, *op. cit.*, 1:255-256.

119. San Bernardino files. General Land Office, Phoenix.

no action on it. In 1884, John Slaughter, famous and celebrated sheriff of Cochise County from 1887 to 1890,¹²⁰ purchased the grant in 1884. He submitted his petition before the Court of Private Land Claims in 1893 for 13,746 acres. The court, however, confirmed his rights to only 2,383 acres.¹²¹

The San Ignacio Del Babocomari Grant

The Babocomari is another of the sites of the early 18th century which was reoccupied by the later *rancheros*. According to Professor Bolton, the *visita* of Huachuca, established by Father Kino, was located on the Babocomari ranch.¹²² This grant was located in what is now Santa Cruz and Cochise Counties along the valley of the same name, which is a tributary of the San Pedro river.

Ignacio and Dona Eulalia Elias, the first a citizen of Rayon and the second of Arispe, on July 1, 1827, addressed a petition to Treasurer General Mendoza, asking for a tract of land known as San Ignacio del Babocomari for stock raising. This tract joined Tres Alamos and was situated in the jurisdiction of the presidio of Santa Cruz.

The necessary proceedings were then taken to alienate the land. The treasurer general authorized the *alcalde* of Santa Cruz to proceed with the measurement and publishing of them for thirty consecutive days. On October 3, 1828, the *alcalde* authorized the surveyors to proceed to the San Pedro for measuring the eight *sitios*. The lands were valued by the appraisers for \$380: six square leagues contained running water and were placed at \$60 each; the other two were valued at \$10 each because of their dryness. Offers of sale were then made of them to purchasers by the *alcalde* for thirty days beginning October 30. No buyers appeared so the *expediente* was concluded on November 30 and was sent to the treasurer general's office. It was finally submitted to the attorney general who notified the former official that the proceedings were legal and the lands might be sold.

120. Burns, *op. cit.*, Chapters XVIII, XIX, XX.

121. Final Report of the Court of Private Land Claims, Report of the Attorney General, (1904) 99 ff.

122. *Rim of Christendom*, 594.

Auctions were held December 22, 23 and 24, 1828, in the city of Cocospera and the eight *sitios* sold to Ignacio and Eulalia Elias for \$380. At a meeting of the *junta de almonedas* the sale was confirmed. The money for the lands was deposited in behalf of the Elias'.

The title given the grantees December 25, 1832, at Arispe was similar to the others made by Treasurer General Mendoza in that period. It contained the three year abandonment clause and required the purchasers to erect monuments, etc.¹²³

There seems to be only one account of the Babocomari *ranch* and that was written long after it was abandoned. Commissioner Bartlett gave a very good description of the place in 1851:¹²⁴

. . . This hacienda, as I afterwards learned, was one of the largest establishments in Sonora. The cattle roamed along the entire length of the valley; and at the time it was abandoned, there was not less than 40,000 head of them, besides a large number of horses and mules. The same cause which led to the abandonment of so many other ranchos, haciendas and villages in the State had been the ruin of this. The Apaches encroached upon them, drove off their animals and murdered the herdsmen; when the owners to save the rest, drove them further into the interior and left the place. Many of the cattle, however, remained and spread themselves over the hills and valleys near; from these numerous herds have sprung, which now range along the entire length of the San Pedro and its tributaries.

No attempts appear to have been made to reoccupy the grant until long after that region became American territory. In 1877, E. B. Perrin of California purchased the rights of the heirs. The claims were submitted to the surveyor general of Arizona. This official in 1879 recommended the title be confirmed.¹²⁵ Congress took no action on the grant. After the Court of Private Land Claims had

123. JPLG, 1:129 ff.

124. Bartlett, *op. cit.*, 1:396-397.

125. JPLC, 1:129 ff.

been created, the claimants submitted their cause before that body for 128,000 acres claiming overplus lands. The court denied confirmation of any of the grant on the ground that there was not sufficient location of any of it. The owners then appealed to the Supreme Court. Here the case was remanded to the lower court for re-examination.¹²⁶ On the subsequent review of the case, the Court of Private Land Claims confirmed their claims for 33,792 acres or for approximately eight *sitios*.¹²⁷

The Tres Alamos Grant

The Tres Alamos was the only *empresario* (promoter) type of grant in Arizona. It is interesting in that two vain attempts were made to occupy the same lands. Both failed for practically the same reason—the Apache Indians.

In a petition addressed to the treasurer general at Arispe on June 9, 1831, Leonardo Escalente, in the name of eight different *empresarios*, requested a grant of land in the jurisdiction of the *presidio* of Tucson. The limits of the tracts desired were described as: the Pinal mountains on the north; on the south, the lands taken up on the San Pedro, on the east the Cobre Grande; and the common lands of the *presidio* of Tucson on the west. The petitioners offered to people the tract with colonists.

The congress of Sonora on December 6, 1831, accordingly, authorized the grant and exempted the recipients from municipal taxation. Petitions were filed by the eight *empresarios* for 58 *sitios* as follows: Leonardo Escalente, 8 *sitios*; Dona Maria Perz Ortiz, 8; Dona Maria Guadalupe Escalente Narbona, 8; Manuel Narbona, 8; Antonio Pascual Narbona, 6; Miguel Bustamente, 4; Jose Desiderio Veldasola, 8; Jose Escalente, 4; Rafael Escalente, 4. The proceedings for securing these grants were stopped by an uprising of the Apaches so no further steps were taken to occupy them.¹²⁸

126. Perrin vs. United States, Crittenden Land and Cattle Company, *et al.*, 171 U. S., 290.

127. Final Report of the Court of Private Land Claims, *op. cit.*, 95 ff.

128. JPLG, 4:289 ff.

After the war between the United States and Mexico, the latter nation attempted to colonize its unoccupied lands along the frontier. This was no doubt due to fear that Americans and other foreign groups might settle upon and eventually seize them. The congress of the state of Sonora, therefore, on January 29, 1852, passed an act to encourage and promote the settlement of the vacant and abandoned frontier lands. It authorized the governor to make grants in order to oppose by means of a barrier the incursions of the marauding bands of Indians.¹²⁹

In compliance with the above legislation, Jose Antonio Crespe, a Spaniard who was a resident of Guaymas, on September 10, 1852, petitioned the government for a grant of land ten square leagues for the purpose of stock-raising and agriculture at a place known as "Tres Alamos." Crespe stated in his petition to the governor of Sonora that since the land had been abandoned on account of the Indians, he should be permitted to take possession of it. He stated that he intended to settle one hundred or more Catholic families on it which he would bring from South America or Spain. The tract desired was north of the *presidio* of Tubac and San Ignacio which lay along the San Pedro river. He further said that it would take from five to ten years to carry out his plans.¹³⁰

A grant was accordingly made by Governor Fernando Cubrillas to the petitioner for ten *sitios*, one league wide and ten leagues long, on the San Pedro river. It stipulated that a maximum period of eight years would be given the grantee to segregate, take possession of and have the lands occupied by stock and cultivation.¹³¹

Before Crespe had an opportunity to survey and establish a settlement on his domains the Gadsden Treaty was signed and ratified which transferred the region to the United States. The hostilities of the Apaches continued. Crespe found it impossible to occupy the tract. Several years later, his heirs transferred their interests to George

129. House Report No. 187, 49 Cong., 1 Sess.

130. JPLG, 4:213 ff.

131. *Ibid.*, House Report No. 187, *op. cit.*

Hill Howard, who bought up several other Mexican grants in Arizona in the 1870s and 1880s.

The claims were submitted before the surveyor general of Arizona who, in 1883, recommended the approval of ten square leagues to the owners. As the result of an investigation several years later, however, the land office recommended the rejection of the grant on the ground that the description was "too indefinite and vague to permit an intelligent survey."¹³² As Congress took no action on the recommendations, the owners submitted their cause before the Court of Private Land Claims in 1893.¹³³ Here again their grant was held invalid. The Supreme Court, upon appeal, refused to review the case.¹³⁴

The San Rafael Del Valle Grant

The San Rafael del Valle grant was located along both sides of the San Pedro river north of what is now Hereford, Arizona. It was south of the San Juan de las Boquillas grant.

On March 12, 1827, at Arispe, Joaquin Elias, in behalf of his brother Rafael Elias, addressed a petition to Treasurer General Mendoza as follows: "Needing lands for my stock, I denounce the vacant land tract that adjoins the Ranch of San Pedro in the jurisdiction of Santa Cruz, as far as the place three Alamos, obligating myself to pay the nation the corresponding taxes and do all other things that may be justly required in order to acquire a title to said lands and a confirmation thereof; therefore Your Honor will be pleased to consider said land as registered and vacant."

The *alcalde* of Santa Cruz was authorized to proceed with the alienation of the land in Elias' favor. After it had been surveyed and measured by officers appointed by the *alcalde* commissioner, the four *sitios* were appraised at \$240 or at \$60 each since they contained running water. He then made publications for thirty days beginning August 30 and

132. LOR, (1888) 495; LOR (1886) 22.

133. Clearance Docket, *op. cit.*, 14.

134. Final Report of the Court of Private Land Claims, *op. cit.*

ending September 28, 1827. Since no purchasers appeared, the *expediente* was concluded September 30. This was forwarded for sale and public auction to the treasurer general. After the proceedings had been approved as legal by the attorney general, the lands were auctioned at three public sales held at Arispe April 16, 17 and 18, 1828, and sold to Don Rafael Elias for \$240. This transaction was supervised by the board of sales.¹³⁵

On September 25, 1832, a title was issued the grantee by Treasurer General Mendoza. The terms are similar to the other ones granted by that officer during that period.¹³⁶

The claims to this grant were purchased in 1869 by the Camou brothers who also bought the rights to the Los Nogales de Elias¹³⁷ and the Agua Prieta grants.¹³⁸ After examination, the surveyor general of Arizona recommended the approval of four *sitios* of the grant.¹³⁹ Since Congress took no action, the claimants submitted their case before the Court of Private Land Claims in 1891 asking confirmation of their rights to 20,034 acres.¹⁴⁰ Here their cause was rejected.¹⁴¹ The owners then appealed to the Supreme Court who reversed the decision of the lower court and remanded the case back to it for further review.¹⁴² In the subsequent examination, the Court of Private Land Claims approved the grant for 17,475 acres. The government then appealed the case to the Supreme Court. Again the cause of the owners was upheld for the four *sitios*.¹⁴³

The Agua Prieta Grant

Several years after the request for the San Rafael del Valle grant was filed, Rafael,¹⁴⁴ Juan, and Ignacio Elias

144. His name would indicate he was also the recipient of the San Rafael grant. (Gonzales) petitioned for several tracts of land known as Agua Prieta, Naidenibacachi and Santa Barbara. They

135. JPLC, 1:47 ff.

136. *Idem*.

137. *Vide Supra*, 112.

138. *Vide Infra*, 146.

139. LOR, (1888) 495.

140. Report of the Attorney General (1894), 5.

141. *Idem*.

142. *Camou vs. United States*. 171 U. S., 277 ff.

143. *United States vs. Camou*, 184 U. S. 572 ff.

stated in their petition, which bore the date of July 21, 1831, that they had large numbers of cattle and sheep whose numbers they could not feed on the *sitios* belonging to them. For that reason, their stock wandered to the four points of the compass, more particularly towards the waters of the Santa Barbara, Naidenibacachi, Agua Prieta and Coagu-yona by which they suffered incalculable damage. They, therefore, made formal denouncement of the above territory that might be "found to be public lands within the points and waters aforesaid, which are bounded on the north by the Chiricahua Mountains, on the south by the lands of the Sinaloas, on the east by the mountains of Coagu-yona and on the west the lands of the Sans." The petitioners, furthermore, asked that orders be issued for their survey, appraisalment, publication and sale.

After making an investigation of the case and taking testimony in October, 1831, the treasurer general at Hermosillo ordered Vincente Elias, a resident of San Ignacio, to proceed with the survey, appraisalment and publications under the then existing laws. In August, 1835, Elias proceeded to execute the commission. He, in September, appointed assistants, measurers and recorders and proceeded with the survey of the $6\frac{1}{2}$ *sitios* of the Agua Prieta lands. Then the Santa Barbara and Naidenibacachi tracts were measured, which contained an area of $11\frac{1}{2}$ *sitios* and $12\frac{1}{2}$ *caballerias*, making a total of 18 square leagues and $12\frac{1}{2}$ *caballerias*. The $6\frac{1}{2}$ *sitios* were appraised as follows: one at \$60 which contained a limited water course; the others were valued at \$15 each as they were absolutely dry. The remaining $11\frac{1}{2}$ *sitios* and $12\frac{1}{2}$ *caballerias* were valued: one at \$80; another at \$60; and the remainder at \$15 each—making a grand total of \$432.50. Publications were made for 30 consecutive days from June 4 to July 3, 1836. The three auctions were held the same year on September 15, 16 and 17 and the grants were sold to the petitioners for the amount of the appraisalment. A title was issued them on December 28, 1836, on the usual terms.¹⁴⁵

145. Estate of Frank Ely and Edward Camou vs. United States, 184 U. S., 638 ff.

The Camou brothers acquired 32 square leagues of the Elias' lands, in addition to the San Rafael del Valle grant, in 1869 for \$14,000.¹⁴⁶ The claimants in 1893 filed a petition with the Court of Private Land Claims arguing for confirmation of rights to 68,530 acres. They maintained that the original grant to the Agua Prieta tract was one based on natural boundaries by metes and bounds and not one of a specific amount. For that reason, they claimed rights to overplus lands totalling approximately 40,000 acres. In compliance to the Mexican laws which existed at the time the original grant was made, they paid into the treasury \$600 and asked for a title to the overplus as well as to the $6\frac{1}{2}$ *sitios*.¹⁴⁷ The court refused to confirm their rights to both the Agua Prieta tract as well as the overplus. The owners then appealed to the Supreme Court. Here the decision of the lower court was sustained and the confirmation of the grant denied.¹⁴⁸

San Juan De Las Boquillas and Nogales Grant

This grant was located along both sides of the San Pedro River in what is now Cochise County. It was $5\frac{1}{2}$ leagues long and $\frac{3}{4}$ of a league in width. The town of Fairbanks, Arizona is almost in the center of this old grant.

On May 12, 1827, Captain Ignacio Elias Gonzales and Nepomucino Felix made formal denouncement of four *sitios* for stock raising. In their petition to Treasurer General Mendoza, they asked for a tract known as San Juan de las Boquillas. This request was admitted July 1 of that year. The land was accordingly surveyed and appraised at \$240 or at \$60 for each *sitio*. After the 30 days of publications and the three public auctions, the land was sold for \$240 to Gonzales and Felix. On May 8, 1833, a title was issued the grantees to the tract by Mendoza under the customary conditions of that period.¹⁴⁹

George Hill Howard purchased the grant from the descendants of Elias (Gonzales) and Felix in 1879 and 1880.

146. House Report No. 192, 49 Cong., 1 Sess., 3.

147. Ely's Adm. vs. U. S., *op. cit.*

148. Ely's Adm. vs. U. S., *op. cit.*

149. JPLG, 2:210 ff; 3:64-67.

In the latter year, Howard transferred half of his claim to his wife, Janet G. Howard, and the other to the Hearst interests.¹⁵⁰ The rights of the claimants to four square leagues was approved by the surveyor general of Arizona in 1881.¹⁵¹ The owners petitioned the Court of Private Land Claims in 1893 for confirmation of their rights to 30,728. Of this amount, only 17,354 acres or four *sitios* were approved.¹⁵²

The San Pedro Grant

In 1821, Don Jose de Jesus Perez presented a petition to the governor *intendente*. He stated that he had some property "acquired in the military service and by my own industry and without owning a place upon which to locate and bring them together." The petitioner, therefore, requested that the depopulated place known as the San Pedro be granted him pursuant to the national laws and the term of the royal *cedula* of February 14, 1805. He asked that he be allowed to pay the cost of the purchase and that a commission be ordered for the necessary proceedings, oracular examination, reconnaissance of the ground, survey, publication and final sale of the four *sitios*.

This petition was referred by the governor *intendente* for survey, appraisalment and other customary proceedings and notices were sent to the owners of adjoining lands. On May 3, a *promotor fiscal*, appraisers, and recorder of courses were appointed by the constitutional *alcalde* of the district and the judge surveyor of that registry. These officers accepted their positions, took oaths and were properly commissioned.

The survey was proceeded with from the place called San Pedro. On May 21, 1821, the *alcalde* directed the appraisalment of the lands. These *sitios* were valued at \$60 each; the remaining one at \$10. Testimony was taken as to whether Perez could stock the land which was satisfactory. The *alcalde* then directed the publications be made

150. *Ibid.*

151. LOR, (1888) 495.

152. Report of Attorney General (1899), 68; Decree of Court of Private Land Claims, San Juan de las Boquillas files, General Land Office, Phoenix.

for 30 consecutive days. These proclamations took place for the stipulated period. As no one appeared to outbid the petitioner, the *alcalde* and judge surveyor submitted the proceedings to the governor *intendente*, Antonio Cordero. After finding the *expediente* satisfactory, the sale was ordered to be held at Arispe on July 3, 4, and 5, 1822. The land was sold to Perez for \$190.

Some time elapsed before a title was issued. Following the sale, the \$190 plus \$18 and 1 grain for taxes and expenses were paid into the royal treasury. The board of the imperial treasury approved the sale in favor of Perez. Mexico at this time was undergoing separation from Spain. No action was taken until October 25, 1832, when Ignacio Perez (perhaps the grantee of San Bernardino), in behalf of his brother, presented a petition to the treasurer general of Sonora for the land. In the meantime, the petitioner had sold his rights to Rafael Elias.¹⁵³ Mendoza, on May 8, 1833, issued the title to Elias.¹⁵⁴

In 1888, the investigation by the surveyor general of Arizona was pending for the approval of the four *sitios*.¹⁵⁵ The claimants, the Reloj Cattle Company, in 1897 presented their petition before the Court of Private Land Claims maintaining the original grant with the overplus contained 57,000 acres, 38,000 of which was in the United States and 19,000 in Mexico. The petition also claimed that the grant was one of natural objects by metes and bounds and not one of specific quantity. This court refused to confirm the grant. The cattle company then appealed their case to the Supreme Court in 1901. Here the opinion of the lower court, in refusing to confirm the title of the owners, was sustained.¹⁵⁶

The El Paso De Los Algodones Grant

This grant is very unusual in several respects. It was far removed from other Mexican settlements at that time. There were no prospects of the grantee being able to settle

153. Probably the Rafael Elias of the Agua Prieta grant.

154. Reloj Cattle Company vs. United States, 184 U. S., 624 ff.

155. LOR, (1888) 495.

156. Reloj Cattle Co. vs. U. S., *op. cit.*

it at a very early date. It was not the policy of the Mexican government to grant lands which could not be occupied immediately. This grant was at a place known as the El Paso de Los Algodones on the northern frontier of the state of Sonora.

The petition set forth that the applicant, Fernando Rodriquez of Hermosillo, had sufficient means to settle and cultivate this tract. It was described as being "entirely on the northern frontier of the State, situated between the Colorado and Gila Rivers; said land including a tract . . . on the south side of the Gila in front of the junction of the same with the Colorado River; as far as the crossing (pass) of the Algodones; and from said point following the eastern margin of the Colorado River, as far as the junction of the same with the Gila, a distance of about five leagues." The petitioner made a formal registry of the five *sitios* and requested that steps be taken for the measurements, valuation, and publications as the law required. He stated that he would settle upon and occupy the tract "when the notorious condition and circumstances of the region . . . permit . . . since the said vacant lands are situated in a country desert and uninhabitable, on account of the hostility of the savages, it being well known that a settlement made by Spanish government in the desert country of the Colorado, was entirely destroyed in a short time by the Yuma Indians and other savages." The date of this petition was January 4, 1838, a time when Sonora was in rebellion against the Mexican government.

Steps were then taken preliminary to selling the land and issuing a title. Notifications were sent to others claiming this land that they might protest. The treasurer then authorized the acting commissioner to proceed with the measurement, valuation and offering the tract for sale. The five *sitios* were measured in February. On March 18, 1838, the appraisers valued the land at \$400 or at \$80 per square league "since the same is susceptible for irrigation by waters of the Gila river, and because the lands are suitable for irrigation in the large part if not the whole." Orders for 30 public offers of sale (*pregones*) were ordered to be pro-

ceeded with beginning March 7 and concluding April 7, 1838. After notification had been made to the treasurer general of the state that publications had been completed by the commissioner, the *promotor fiscal* of the treasury authorized the three public offers be made. The offers of the sale were held in the city of Arispe May 8, 9, and 10, 1838, under the supervision of the *junta de almonedas* (board of sale). The sale is described as follows:

At the sound of a bell many individuals assembled at the office of the Treasurer General, when the auctioneer, Florecio Baldizan, said in a loud and clear voice, "There will be sold on account of the Public Treasury of the State, five square leagues of vacant lands, a little more or less, surveyed in favor of the Register of the same, Don Fernando Rodriquez, a resident of Hermisillo; said lands, etc. . . ."

The tract was sold to the petitioner for \$400.

The proprietary auditor of the general treasury of the state issued Rodriquez a title on April 12, 1838. It contained one unusual provision that the grantee was to settle upon the lands "as soon as the circumstances surrounding that distant and desert portion of the state may permit him to do so in view of the eminent danger there on account of the savages."¹⁵⁷

There is no evidence that Rodriquez ever occupied the grant. It was sold in 1845 to Juan A. Robinson of Guaymas who in turn transferred his rights to the Colorado Commercial and Land Company of California in 1873. This firm presented their claims before the surveyor general of Arizona. In 1880 this official recommended the rejection of the grant on the ground that title papers were antedated and forged.¹⁵⁸ The land office repeatedly urged that Congress give the grant special attention by rejecting it so that the lands could be opened for settlement.¹⁵⁹ Earl B. Coe, as owner, in 1892 filed a petition with the Court of Private Land Claims asking confirmation of 21,700 acres. In the

157. JPLG, 1:473 ff.

158. *Ibid.*

159. House Report No. 1585, 51 Cong., 1 Sess.; LOR, (1888) 32; LOR (1892) 223.

following year, this tribunal ordered that the grant be confirmed for the above amount.¹⁶⁰ The government then appealed the case to the Supreme Court. Here the decision of the land court was reversed. The case was remanded for further proceedings on the ground that the state of Sonora had no authority to make the grant as the vacant public lands became the property of the nation in 1836.¹⁶¹ The claimants in 1898 asked for a rehearing of the case. Their request was denied.¹⁶²

The Alleged Peralta-Reavis Grant

Without doubt, the most sensational case brought before the Court of Private Land Claims was the alleged Peralta-Reavis grant. Since the foundation of these claims were found to be spurious, the writer made no attempt to give it any more than the most superficial attention.

James Addison Peralta-Reavis and Sofia Loreto Micaela de Peralta-Reavis, nee Maso y Silva de Peralta de Cordova, maintained they were owners of a large grant of land covering 12,740,000 acres in Arizona and New Mexico. This included the land on which are situated Phoenix, the capital of Arizona, the towns of Florence, Tempe, Silver King, Pinal and Solomonsville and a portion of White King of San Carlos Indian Reservation. The claimants averred that this grant was made to Miguel Peralta, "Baron of Arizonac, Knight of the Colorados, Grandee of Spain, etc."

In support of their claims, the Peraltas asserted that the original grant had been recommended by Philip V of Spain in 1744 and by his successor, Ferdinand VI in 1748. It had actually been made by the viceroy of New Spain in 1748 and had been subsequently ratified and enlarged by Carlos III. Possession had been given the grantee in 1758. The female claimant, Mrs. Peralta-Reavis, it was maintained, became vested with the title to the property as the grantee's only descendant and heir.¹⁶³

The title to the grant had been examined by eminent

160. Report of the Attorney General, (1894) 5.

161. United States vs. Earl B. Coe, 170 U. S., 681 ff.

162. United States vs. Earl B. Coe, 174 U. S., 578 ff.

163. Report of the Attorney General (1895) 17-18.

counsel employed by the claimants. Many persons and corporations had purchased lands from the alleged owners believing the original title valid. The grant was submitted before the surveyor general of Arizona in the 1880s. That officer, in 1887 after examination, asserted that the purported survey was fraudulent and did not furnish a foundation for claims to the lands.¹⁶⁴ In 1890, he recommended the prosecution of the fabricators of the alleged grant for fraud and forgery.¹⁶⁵

The claimants presented their case before the Court of Private Land Claims in October, 1892. They submitted a large number of certificates and authenticated copies of original title papers on file in the archives of Spain and Mexico in support of their cause.

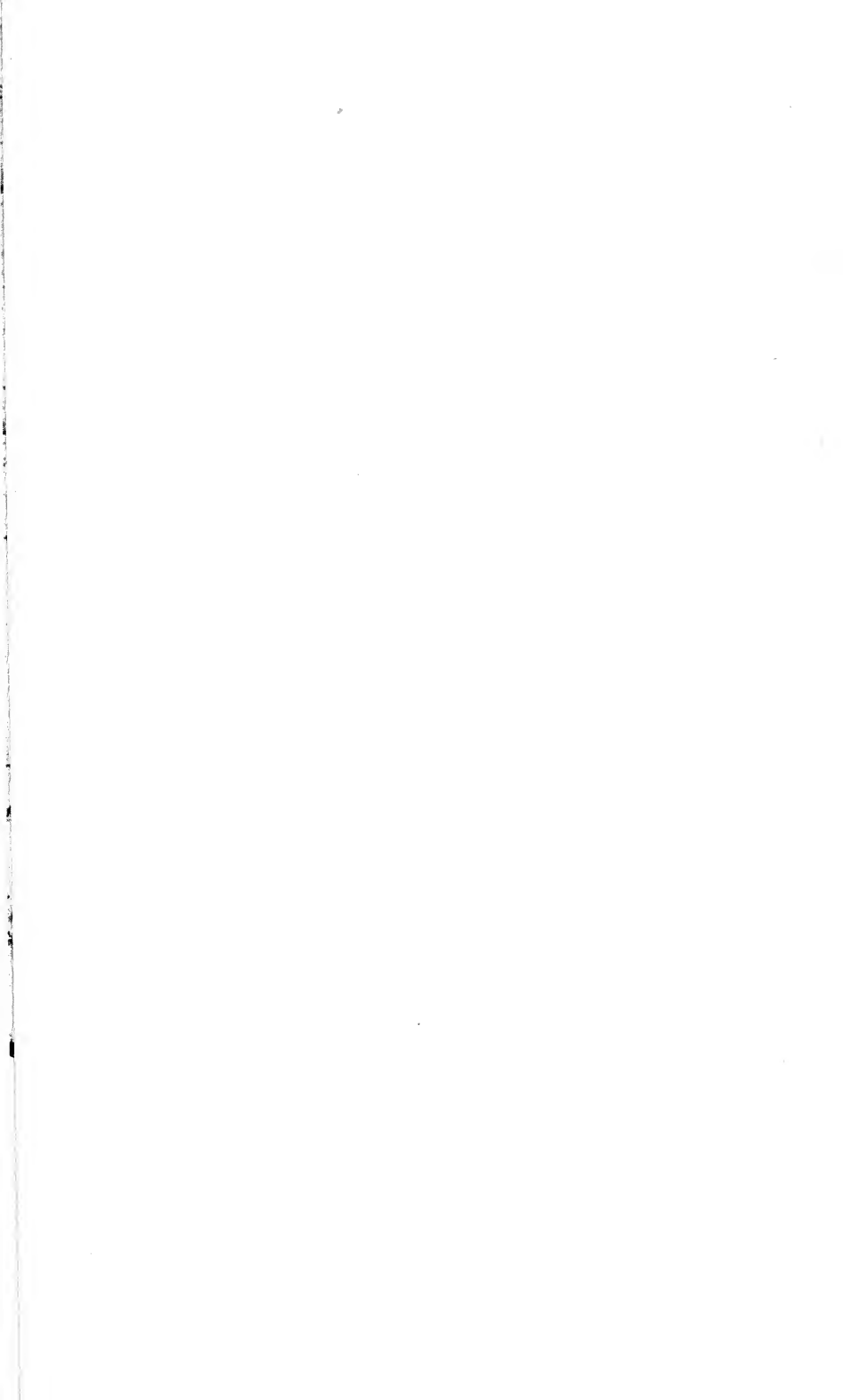
The government, however, made a very thorough examination of the case. Mr. S. Mallet-Provost of New York was retained as counsel by the attorney general's office. The government sent him to Spain and Mexico to make a personal investigation in the archives of those countries. It also made a very thorough investigation as to the identity of Mrs. Reavis. It took masses of testimony in California, Mexico and Spain.

As the result of these investigations, startling facts were revealed. It was discovered that Mrs. Reavis was an imposter. She was in no way related to the alleged "Baron of Arizonac." The documents of which the copies were correct and duly authenticated, and upon which the petitioners based their claims, were found to be cunningly forged on ancient parchment. The earlier writing on this old parchment had been erased. Reavis had found means of placing these forged documents in the archives of Spain and Mexico on his visits to those countries for that purpose. The suspicions of the government's counsel had been aroused first by an error of a date due to the forger's ignorance of Spanish history.

The court, therefore, by unanimous consent held that every title paper out of the hundred or more presented were

164. LOR, (1887) 27.

165. LOR, (1890) 354.



forged and surreptitiously placed in the archives of Spain and Mexico. This removed the clouds from thousands of titles held by settlers in New Mexico and Arizona.¹⁶⁶

Reavis was subsequently ordered to be arrested by the attorney general of the United States. He was indicted for fraud and forgery and finally convicted of conspiracy to defraud the government of its public lands by means of a false claim. As a result, he was sentenced to a maximum term of imprisonment and to pay a fine of \$5,000. The attorney general characterized this case in the following words: "In the magnitude of the claim made and the fertility of criminal resource displayed in its support, this case has rarely, if ever, been equaled in judicial annals".¹⁶⁷

SPANISH TERMS USED

Alcalde. A judicial officer whose duties are similar to those of a justice of peace in the United States.

Caballeria. 105.75 acres.

Cabildo. Council.

Cedula. Order or decree.

Empresarios, Undertakers or promoters of extensive enterprises, aided by concessions or monopolistic grants from government; particularly, persons receiving extensive land grants in consideration of their bringing into the country emigrants and settling them on the lands, with the view of increasing the population and developing the resources of the country.

Entrada, entrance or entry.

Expediente, A complete statement of every step taken in the proceedings in making a grant.

Hectare, 2.471 acres.

Intendente, The immediate agent of the minister of finance or chief and principal director of the different branches of the revenues, appointed in the various departments in each of the provinces into which the Spanish monarchy is divided.

Presidio, Garrison of soldiers.

Promotor fiscal, Secular or ecclesiastical attorney general.

Rancho, As used in Mexico, it signifies a ranch or large tract of land suitable for grazing purposes where horses or cattle are raised, and is distinguished from *hacienda*, a cultivated farm or plantation.

Rancheria, A hamlet.

Regidor, Alderman or magistrate of the city.

Reglamento, Regulation or order.

Sitio. A square league containing 4,338.464 acres.

Testimonio. The first copy of the *expediente*.

Titulo. Title or legal title to property.

Vara. Contains 32.9927 inches.

166. Report of Attorney General, (1895) 17-18.

167. *Ibid*; Report of Attorney General, (1896) xxii.

THE SPANISH TOBACCO MONOPOLY
IN NEW MEXICO
1766-67

By LAWRENCE KINNAIRD*

IN MARCH 1766 the inhabitants of New Mexico were forbidden by viceregal proclamation to plant their customary crops of tobacco. The Spanish government, as a part of its program to increase revenues, had taken over the tobacco industry in New Spain and created a monopoly under which tobacco cultivation was prohibited in all except three districts. In New Mexico, where tobacco was extensively planted, the establishment of the monopoly upset an important part of frontier economy and affected relations with the neighboring warlike Indians who were accustomed to obtain their supply from that grown by the inhabitants. Governor Vélez and his successor Governor Mendinueta both recognized that, to an appreciable extent, tobacco cultivation in New Mexico and frontier defense were related. They also realized that complete enforcement of the prohibition was impossible and probably not desirable.¹

The Spanish government had long considered the possibility of establishing a tobacco monopoly. The step had been deferred chiefly because of fear of opposition in the colonies and possible local disorders. In 1642, Viceroy Palafox had recommended that the monopoly be created. He maintained that the advantages to the government would be greater than any dangers involved.² Finally, as a part of the "reforms of Carlos III," the tobacco monopoly was established. Arriaga, the Minister of the Indies, sent the order in 1761 to the Marqués de Cruillas, viceroy of New Spain. Since Spain became involved in the Seven Years' war early in 1762, the viceroy delayed the matter. How-

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1. See documents at end of this article.

2. Hubert Howe Bancroft, *History of Mexico* (6 vols., San Francisco, 1883-87), III, 613.

ever, in 1764 he instituted governmental sale of tobacco. The first tobacco distributed in this manner was imported from Cuba.³

By the latter half of the eighteenth century tobacco growing in New Spain had become a very important economic activity and consequently its regulation was an essential step in the creation of a monopoly. At first the sale of Tobacco was entrusted to Juan José Echeveste, but the necessity of enlarging the plan in order to obtain greater revenue, resulted in turning the business over to Jacinto de Espinosa, who was appointed director and organizer, and to a *junta* which was created to assist him. This *junta*, which included the viceroy, evolved a plan for the gradual liquidation of private interests involved in the production and sale of tobacco. Espinosa prepared *bandos* or proclamations which the viceroy signed and published on December 14, 1764 and January 18, 1765. They prohibited the growing of tobacco in all parts of New Spain except Córdoba, Orizaba, and Tesuitlán. Since these districts produced the best quality and largest quantities of tobacco they were selected to supply the monopoly. Their *alcaldes mayores* were ordered to send representatives of the planters to Mexico City to work out a contract with Espinosa. The agreement was eventually approved by the *junta* and signed on February 21, 1765. Espinosa recommended that the sales rights under the monopoly should be leased to the bishoprics of New Spain and on April 30, 1765 the *junta* so ordered. A *bando* was issued on June 1st covering the details of the plan.⁴

Instructions for the establishment of the tobacco monopoly in New Mexico reached Governor Vélez on November 26, 1765. The viceroy's letter was dated September 14, 1765 and in it he enclosed ten printed copies of a proclamation of September 10 which prohibited all tobacco planting thereafter.⁵ Vélez did not publish the proclamation at once.

3. Herbert Ingram Priestley, *José de Gálvez, Visitor-General of New Spain, 1765-1777* (Berkeley, 1916), 142-143.

4. *Ibid.*, 54, 55, 143-145; Proclamation of the Marqués de Cruillas, June 1, 1765 (printed but signed with rubric), Bancroft Library, University of California.

5. Proclamation by Thomas Vélez Cachupín, March 4, 1766, MS., Bancroft Library.

Instead he drew up a report dated January 3, 1766 in which he discussed the economic situation of New Mexico and the detrimental effects which would result from the new regulations.⁶ He explained that the inhabitants, both Spanish and Indian, were accustomed to grow a kind of tobacco called *punche*.

The characteristics and origin of *punche* recently have been the subject of considerable speculation and study by scholars. Professor Leslie A. White, in an article entitled *Punche: Tobacco in New Mexico History*, asked the following questions: "What kind of tobacco was called *punche* in the eighteenth century? Was it an indigenous plant or one introduced by the Spaniards? Did the Indians learn to grow *punche* from the Spanish colonists?"⁷

According to Governor Vélez, the seed of *punche* had been brought from the province of Córdoba and Orizaba in Mexico. Apparently the Pueblo Indians had acquired the seed from their Spanish neighbors. In New Mexico the quality of the tobacco had deteriorated because of poor cultivation and curing, but it was so universally grown and used that its prohibition would be difficult. The governor wrote as follows:

La calidad de este Tavaco Punche es semilla que an yntroducido del de Cordova, y Orizava; pero en esta region se produce sumamente fuerte, y bastardeada, y careciendo de el legitimo veneficio, es dañoso; pero la fuerza de el vicio lo tolera; y estas gentes que todas son laboradoras siembra cada uno respectivamente, el que necesita para su gasto, y venta alas Varbaras naciones de Yndios con quienes se tiene amistad y comercio; y con especialidad a la de los Cumanches que son los que mas consumen: Ygualmente los Yndios naturales en sus Pueblos, tambien lo siembran para su gasto y a estos les a de ser aun mas sensible la privacion de la siembra y dificil de conseguir, pues en los centros de las Sierras como practicos de ellas, y entre sus Maizales será ymposible evitar lo egecutado Pero Yo atento a las ordenes de VE. publicaré los vandos a principios de Marzo, que es quando, ya se ha régresado la Vecindad de hacer sus

6. Vélez to Cruillas, January 3, 1766, Tomo 102, Provincias Internas, Archivo de la Nación, Mexico. Bancroft Library transcript.

7. *New Mexico Historical Review*, XVIII (October, 1943), 393.

comercios foraneos de la Vizcaia, y estan proximas las siembras de todas Semillas; pues hasta entonces no se puede hacer el cultivo, por lo elado y frio de la tierra cubierta de Nieve; y celaré con toda mi aplicacion el que se verifique la prohibicion de la siembra del tal tav.^{co} en todo mi Governacion.⁸

Consequently, before planting time in the spring, Governor Vélez ordered that the proclamations prohibiting the cultivation of tobacco be made public in all the towns and pueblos of his jurisdiction. As expected, there was a shortage of tobacco the following year and much discontent among the settlers and Indians. The royal treasury profited little because the New Mexicans had insufficient funds to buy tobacco from the monopoly and, lacking *punche*, they turned to the use of *mata*, pennyroll [*poleo*] and other wild plants as substitutes.⁹

When Pedro Fermín de Mendinueta succeeded Vélez as governor early in 1767, he inherited the tobacco problem. He also found a letter waiting for him from the Marqués de Croix, the new viceroy, asking for information upon the situation. Mendinueta, in preparing his answer, consulted his predecessor because Vélez had more knowledge of New Mexico since he had been its governor for sixteen years.¹⁰ On May 19, 1767 Mendinueta replied to the viceroy's letter and explained the difficulties and dangers of enforcing the monopoly in New Mexico. He obviously agreed with the opinions of Vélez because the ideas expressed were similar to the latter's contained in the letter of January 3, 1766. Under the cover of polite verbiage both governors made it clear that they considered the prohibition of the cultivation of tobacco to be a detriment to the welfare and safety of the province.¹¹

The order of Governor Vélez dated March 4, 1766 and the letter by Mendinueta of May 19, 1767 to Viceroy Croix are given here in full because they show how the tobacco monopoly was proclaimed and what effects the suppression

8. Vélez to Cruillas, January 3, 1766, as cited.

9. Pedro Fermín de Mendinueta to Marqués de Croix, May 19, 1767, MS. (unsigned copy), Bancroft Library.

10. Alfred Barnaby Thomas, *The Plains Indians and New Mexico, 1751-1778* (Albuquerque, 1940), 21-38.

11. Mendinueta to Croix, May 19, 1767, as cited.

of the cultivation of *punche* had upon the people of New Mexico.

*Prohibition of Tobacco Cultivation in New Mexico, March, 1766*¹²

Don Thomas Vélez Cachupín, Governor and Captain-General of this Kingdom of New Mexico and Warden in command of the Royal Presidio of Santa Fé for His Majesty.

Whereas, on the date of the 14th of September of the past year of 1765, I received a letter by order of his Excellency Señor Viceroy of these Kingdoms of New Spain, the Marqués de Cruillas, in which he encloses ten copies of printed proclamations regarding the administration of tobaccos of both species on the account of his Majesty in all the kingdom and Provinces of this New Spain; whereas, His Excellency orders me to make these proclamations public in all the jurisdiction under my government, for public information that all planting of tobacco is prohibited except in the districts ordered in the proclamation issued on the 10th of September of the said past year; whereas, the inhabitants of the interior of this Kingdom, who were away in the Province of Viscaya on their regular annual trip to carry on the customary sale of their products and goods, have returned to their districts at the time when the aforesaid letter and order were received from the Señor Viceroy; and whereas, this is exactly the time when planting of every kind of seed begins in this country: I consequently command in prompt and punctual execution of the order of his Excellency, the Señor Viceroy, that these proclamations be published in this capital villa of Santa Fé, in the customary manner and places, to the sound of the beating of the war drum, so that it may come to the knowledge of all. This will be done by the Alcalde Mayor of this villa, Don Francisco Guerrero, placing at the end of this proclamation the judicial affidavit that it has been done.

And in order that it may also be made known to the other districts of my government, I sent to the Alcaldes Mayores of each of them a copy of the said printed proclamations, so that they may be published respectively in them, and care taken that planting of the tobacco called *punche* shall not be made, either in the Pueblos of the Indians or in the settlements of Spaniards and other civilized people. The said Alcaldes Mayores shall inspect, at the times that seem best to them, the lands in their respective jurisdictions, to discover whether there is any violation of the prohibition of the planting of the tobacco called *punche*.

And if they discover any plantings of this kind they shall proceed to destroy them and send to me as prisoners to the jail of this town the offenders, owners of the plantings, so as to proceed against them according to what is ordered in the said proclamation of the 10th of

12. Translation of MS. in Bancroft Library.

September. And for all omissions, neglect, or deceit in this execution of which the Alcaldes Mayores and their lieutenants may be guilty, they will be held responsible, and proceedings will be instituted against them in conformity with the law. The Alcaldes will send me a report of having executed the order, and they shall be sent a copy of this order, which they will also make public preceding the Proclamations, for the general information. The original of this order shall be placed in the archive of this government. Done at this capital of Santa Fé of New Mexico on the 4th of March, 1766, signed by my hand, and by two witnesses in my presence, for lack of notaries, of whom there are none of any class in this district.

THOMAS VÉLEZ CACHUPIN [rubric]

Witness CARLOS FERNANDEZ [rubric]

Witness JOSEPH MALDONADO [rubric].

Publication of the Proclamations

In this capital town of the state of New Mexico on the ninth day of the month of March, 1766.

I, Don Francisco Guerrero, Alcalde Mayor and Military Captain of this said town and its inhabitants, published and made known by the sound of the drum, in the customary places, this order of Don Thomas Vélez Cachupin, Governor and Captain-General of this Kingdom, and the two proclamations of his Excellency of the 10th and 14th of September of the past year of 1765. And so that it may appear to all I certified it with the document which I signed with two witnesses in my presence, in lieu of clerks, of whom there are none of any class in this Kingdom.

FRANCISCO GUERRERO [rubric]

Witness MANUEL SIGIL [?] [rubric]

Witness JOSEPH ANTONIO ORTÍZ [rubric]

Memorandum

On the 10th day of the month of March of this current year of 1766, I, Don Thomas Vélez Cachupin, Governor of this kingdom of New Mexico, in consequence of the superior orders of his Excellency, the Señor Viceroy, Governor and Captain-General of the Kingdom of this New Spain, the Marqués de Cruillas; and by me issued in the above order; sent the copy spoken of in it, with copies of the proclamations mentioned, to the Alcaldes Mayores of Albuquerque and Fonclara, Santo Domingo, and Cia; Acoma and Laguna; Santa Cruz de la Cañada; Taos and Pecos; for publication in their respective districts. I had previously done this for the Alcalde Mayor and Captain of the Presidio of El Paso, for the same purposes.

And so that it may be evident, I set down the proceeding at the end of this original order, and of that of its publication by the Alcalde

Mayor of this capital town of Santa Fé, which I signed with two witnesses in my presence, for lack of clerks of any class in this district.

THOMAS VÉLEZ CACHUPIN [rubric]

Witness CARLOS FERNANDEZ [rubric]

Witness JOSEPH MALDONADO [rubric]

*Mendinueta to Croix, May 19, 1767*¹³

EXCELLENT SIR: Shortly after having taken command of this government of New Mexico, and given account to your Excellency, I received your letter dated December 1st of last year, '66. I am ordered by this letter to inform you immediately upon its receipt with the greatest clarity and precision relative to points therein contained, particularly with reference to the matter of tobacco. This order, noted by me, caused me to confer at once with my predecessor Don Thomas Vélez Cachupin, to whom the letter was addressed, and into whose hands it would have fallen had I not been entrusted with the government here. He, acquainted with its contents, showed me a copy of the report, bearing date of January 3rd of last year, '66, which he had submitted to the superior government of your Excellency, during the term of your predecessor, the Excellent Señor Marqués de Cruillas.

This report was duplicated by him under date of the 31st of March of the same year, because of orders received relative to prohibiting the planting of tobaccos and the establishment of a monopoly thereof for the benefit of the Royal Treasury of this government, and applicable to all the other provinces of New Spain, so that all, cognizant of the exceptions made in the case of New Mexico, and recognizing the obstacles offered in the regular handling thereof, could prudently take measures or make arrangements adapted to their own needs. In this manner there would be noticed no marked inconsistencies nor improbable factors not generally accepted. My predecessor assured me he has not received reply nor any information of its receipt. Both of us have examined the points contained in the afore-mentioned order of your Excellency and noted those contained in the report of my predecessor, checking all details as applied to the practical knowledge covering a period of more than ten years during which he has served in this government. We have determined to direct to your Excellency in triplicate the copy of the aforementioned report in compliance with and in satisfaction of the order of your Excellency.

It is well known that in all the districts and territory of this interior northern government, there is not a farmer who raises tobacco. But all the individual neighboring inhabitants who make up its popu-

13. Translation of MS. in Bancroft Library.

lation being farmers each one plants the tobacco *punche* which he considers necessary for his consumption, as noted in paragraph 9 of the said report. Thus it becomes obligatory to regulate that part of the tobacco which is raised in the government, correlating it to the respective consumption of each grower. It is impossible to form any idea of profit or gain either within or outside of the districts of the government. Even within it the inhabitants are not in a position to trade with the surplus except through that demand afforded them by the barbarous friendly nations which represents a very slight commerce. This is effected in exchange for dry buffalo meat; and very rarely in exchange for the tobacco are they able to get hides already processed when there is any commerce with the Cumanche nation.

The expenditure made by these inhabitants to please these barbarous Indians and cultivate their friendship and maintain them faithful is greater than the advantages obtained in the exchange. Therefore, the barbarian's friendship is not proportionate to the demonstration provided in furnishing him tobacco when he requests it. He deduces from a [refusal] a lack of confidence, and withdrawing his affections, retires in bad temper and is not very loyal in his continued friendship. This lack of friendship lessens his comings, his commerce, and his society. As a result, he cannot be brought to God nor to the King. All the inhabitants of this government who are farmers, and as such interested in the peace and tranquility of all the barbarous nations which surround it, are loath to refuse presents of tobacco to them when they arrive at their homes, or come to fairs or designated places. The usage of this necessary courteous demonstration forces them to have a crop of the kind of tobacco which they call *punche*, to which they have become accustomed.

This aforesaid kind of tobacco is likewise planted by the Indians of all the converted pueblos. Each raises it for his own consumption and the tobacco is of poorer quality than that raised by the Spanish inhabitants and civilized people. They do nothing more than remove the leaves from the plant, and poorly dried they form bunches of it, leaving it with the color green. Only for their own use and that of the barbarians, because they are accustomed to it, is it passible. The quality of that raised by the inhabitants is not much better. Although they try to give it more care, they do so only long enough for it to acquire the color of the tobacco of Córdoba or Orizaba, but this does not apply either to its color or taste, nor can it remove its fiery strength. It degenerated in this climate because the seed was introduced from outside. The bunches are thin and their weight does not exceed eight to ten ounces. Not all of them arrange the tobacco in bunches, but rather leave it loose in the leaf, and in this form they use it.

The price here for this quality of tobacco is arranged between the inhabitants themselves and the natives at the time they barter and is indeterminable. Since the most usual exchange is not that of the tobacco of the country for another kind, it does not have a definite assigned price. If, perchance, the meager crop of tobacco of some inhabitant failed, or should he not have planted any because of the necessity of paying more attention to his crop of maize, wheat, and vegetables, and to the care of his stock of sheep and cows, and if he be addicted to the use of tobacco, he barterers with some other who has secured a crop, and the exchange is made by supplying seeds, or wool from his sheep. Sometimes the exchange is effected with others by supplying the overabundance of some articles which are lacking to the other inhabitant. It is under such a situation that this government carries on, for in it there does not circulate in commerce either silver bullion or money, as is outlined in the report in the second and fifth paragraphs.

The value commonly attributable to the legitimate tobacco which enters through the annual commerce which these inhabitants have with the royal villa of Chiguagua, is plainly outlined in paragraph three of the report. Its exchange and sale is for deer skins, but as these are not always available, they find it impossible to buy the tobacco, and even if they were to get the deer skins from the barbarians, they reserve them to exchange for cloth and other kinds of clothes with which to dress themselves and their families, or they take them to the annual exchange in Chiguagua and sell them in that market thus to provide themselves with clothes. This accounts for the small consumption here of the legitimate tobacco, and for the necessity of seeing themselves obliged to use the *punche* of their crop to which they have become accustomed, although it is of such inferior quality.

It is only the soldiers in the presidio who are an exception and use the good and legitimate tobacco, because they obtain it on account and payable from their salaries, as is permitted to them in the provisions of the Ordinance of Presidios. The fixed price is nine and eleven reales per bunch of tobacco, from which must be distinguished the good clean leaf which brings eleven reales and the medium quality nine reales. This provision is made from that city at the same time as that for the rest of the goods for the uniforms of the soldiers. There is no set time assigned for the introduction of these goods as it is governed merely by the needs of supplying the soldiers in prudent proportion, to the end that no soldier shall lack what is necessary.

In addition to the aforesaid kind of tobacco *punche*, there is an herb which they call *mata*.¹⁴ It grows wild and abundantly in the

14. On March 15, 1784, Felipe de Neve, commandant-general of the Interior Provinces, ordered Juan Bautista de Anza, then governor of New Mexico, to sup-

hills where are located the towns and missions of the Pecos and the Taos, and is consumed by the Indians when they lack *punche*. In order to use it they give it no other care except to gather it and leave it to dry. Those accustomed to it say that it does not resemble tobacco, but necessity and strong acceptance of the vice make it usable.

Therefore, by reason of the information given in the said report of the 3rd of January of '66 as well as that which we now explain, the superior intelligence of your Excellency will realize that this government does not find itself with ability, nor its poor inhabitants with disposition to give profit to the royal Treasury through monopoly of tobacco which might therein be established. It could only render some advantage to the factory consumption or monopoly, as outlined in paragraph eight of the report in which it is proposed to establish such a factory in the villa of Chiguagua, government of Vizcaya. These inhabitants in their yearly journey to that villa to sell the goods of their country would necessarily consume, during the period of their remaining, considerable portions of the monopoly tobacco, and those who found it possible, would set aside sufficient for their return. Others more clever would arrange to do some free bartering in exchange for deer skins, although few are able to do this because of the reasons already advanced.

For these same reasons, it may not be possible to make effective the prohibition against the planting of their tobacco, *punche*, by the inhabitants and the pueblos of converted Indians for their respective consumption; and it becomes doubly impossible to regulate in the one or the other the disposition to make gifts with the tobacco of their crop to the barbarous nations or to exchange it with them. It places their friendship in jeopardy, occasions great displeasure in our pueblos, and brings about great discontent in this neighborhood. Since the publication of the orders prohibiting the planting, according to your Excellency's superior mandate at the beginning of the past year, '66, the greatest dissatisfaction is evident.

This proclamation, despite compliance to it particularly on the part of the inhabitants, has resulted in there not being at the present time any tobacco for their use. They have had to avail themselves of the weed *mata* from the Taos and Pecos, and the *punche* from the Indians of the pueblo. The latter because they were not the most obedient to the proclamation or because of their economy, put aside the aforementioned crops, having had sufficient for their own needs, and find themselves in a position to provide, although meagerly, for

press the use of "the herb known as '*Oja de Mata*' which was being used as a substitute for tobacco and in this manner reducing the revenues." On April 27 of the same year de Neve countermanded "the order for the destruction of the native tobacco." Ralph Emerson Twitchell, *The Spanish Archives of New Mexico* (2 vols., Cedar Rapids, 1914), II, 294, 295.

the satisfaction of the vice of these inhabitants, who at this present moment do not hesitate to smoke [*chupar*] any herb which they believe acts as a substitute for tobacco. The women, equally addicted, also use the herb *poleo*, and do not hesitate to express their displeasure at the total lack of the tobacco, both *punche* and that meager amount not exceeding five hundred bunches, which yearly used to come in from the exchange at Chiguagua.

This present year, because of the shortage in Chiguagua, tobacco was not brought in by the inhabitants when they returned to their homes. One inhabitant alone of the Presidio and pueblos del Paso, having after a short absence brought back fifty bunches, has exchanged each one of them for ten sheep, which represent a value of twenty pesos. Your Excellency will discern the general discontent which is to be feared because no provisions of a palliative nature are forthcoming to minimize the dangers incident to the prohibiting of tobacco planting. This discontent necessitates a silent polite dissimulation in order to prevent further exasperation and requires that the inhabitants be supplied in the accustomed manner. In this respect no provision has been made up to now nor has any decision been given, as my predecessor, under the dates of the 26th of November, '65, 3rd of January, and 31st of March, '66, informed the superior government of your Excellency, during the time of his Excellency, your predecessor.

Even though in this interior government there be conceded permission to plant, or planting be tolerated, on the part of each individual inhabitant, the poor quality of the tobacco, the meager amount and the limited commerce on account of the distance from the provinces of Vizcaya and Sonora, exclude the suspicion that supplies could be obtained or introduced profitably; and even were malice to prompt such procedure in the future, it would be very easy to avoid it, because of the situation of this government.

In consideration of the incomparable prudent judgment with which the wise mature reflection of your Excellency prepares the detailed points of your regulation, and in order that you may be informed with clarity, truth and integrity about these particular matters, thus assuring the decided effect of that which may be agreed upon, we take the liberty of presenting to your Excellency the facts already referred to. We are informing your superior intelligence, so that you may decide whatever is most conducive to the service of the King, and to the prosperity and alleviation of this government. It must be considered as the most exposed to ruin because of the barbarous nations which surround it; the poorest and most lacking in immediate aid when compared to all others despite its being the bulwark of Vizcaya and Sonora. It has only 130 cavalry to defend it in all its extent. This cavalry is divided into two companies. Their

meager number is supplied by the inhabitants, militia of the country, who without any expense to the royal treasury, make campaigns into the enemy territory, when so ordered, with such equipment, horses and rations as are available, being constantly endangered by the barbarians, subjected to the loss of their lives and property. In justice such worth and merit should receive consideration.

May God preserve you many years. Santa Fé, 19th of May, 1767.

Sir, your Excellency's servant,

[PEDRO FERMÍN DE MENDINUETA]

To his Excellency, Señor Marqués de Croix.

MEMOIRS OF FORTY YEARS IN NEW MEXICO¹

By FRANK BOND

YOU gentlemen have been very kind to me in allowing me to select my own subject, and I am afraid I am imposing on your good nature to a further extent in giving you a few recollections of my early days in Northern New Mexico, and some of the old timers I knew. This to a large extent is personal and for that I must apologize.

I recall my arrival in Santa Fe in September of 1883. The plaza had board walks and balconies overhead, full of saloons and a wide-open town, gambling going on in most of the saloons if not all of them, and Motley's dance hall was going full blast. Spanish was about the only language spoken, or so it seemed to me then. I felt that I was in a foreign city. I recall the drive in the four horse stage to Española, the driver quite picturesque in his blue shirt, broad-brim hat, with buckskin on the seat and knees of his trousers. The country seemed to me to be a perfect desert, and the people we met, with their few burro loads of wood and sacks of grain in tanned buffalo sacks, seemed so poor that I was by no means very favorably impressed with my new home. My brother² was then working for Mr. Eldodt at Chamita and I joined him that afternoon. Sunday was the big trading day in the week when the people came to church, and I recall that on the first Sunday we took in so much silver the till had to be emptied. There was not much other money in circulation that day apparently. It was more money than I had ever seen before. Two weeks after arriving in Chamita or San Juan, we bought out Scott and Whitehead³ at Española who had a very small stock of goods. They came in with the Denver and Rio Grande rail-

1. This paper was read before the Ten Dons in Albuquerque in 1929.

See Frank Bond, *Necrology*, *New Mexico Historical Review*, XX, p. 271 (July, 1945). A few explanatory footnotes have been added. Editor.

2. "My brother George got on the train one day with about \$125.00 which Father furnished him to go to Toronto for his educational test to take up law . . . [A letter from George stated that] he had never stopped at Toronto but was at that time at La Junta, Colo., on his way to Santa Fe." Frank Bond, *Mss. Notes*.

3. For this business venture Father loaned \$1,800.00, George invested \$500, and Frank put in \$30. *Ibid*.

road as bull-whackers and spent three years in the mercantile business. It was a quiet little town then comparatively to what it had been in the railroad building days, when it was really wild and wooly, having eighteen saloons in which people drank and gambled. A real tent town.

Mr. Alex Douglas was a well educated, polished Scotch gentleman, very exact in his dress and carriage, extremely particular in every thing he did. He spoke the Spanish language perfectly; in fact he used to say he dreamed in Spanish. He ran a little store at Abiquiú in company with Mr. Eldodt. He used to take pleasure in recounting some of his early experiences. One time he had occasion to go over to Ojo Caliente on a collecting trip. This was his first visit to Ojo Caliente, and when he got through with his business it was late and he decided to stay over night. Everybody traveled on horseback in those days, so he made up his mind to stop at the most attractive looking house he came to. He finally located one that looked just right to him, so he rode in and no sooner got off his horse than a gentleman came to the door and invited him in, telling him that a boy would take care of his horse. His host was very agreeable and he had a very good supper, and just before retiring he said to him, "You have treated me fine and I want to know your name, so that when you come to Abiquiú for our big feast day, Santa Rosa, I will be able to call you by name, and I want you to come and stop with me." He answered, "My name is Antonio Maez, at your service." Alex said he could have sunk through the floor, as Antonio Maez was a man who was feared, a noted desperado and killer. He went to his room, locked the door, but sat up all night long with his pistol in his hand. Don Antonio returned his visit *el día de Santa Rosa*, and stayed with him, much to the chagrin of his Spanish-American friends. He and Antonio walked around the plaza arm in arm, and every little while one of his friends would call him to one side and say to him, "Don Alejandro, do you know who this man is you are with? There is no more desperate man in the whole territory." It was not long after this until Maez killed a man in Ojo Caliente at a baile and left for parts unknown.

Alex Douglas is the only man I ever knew who forgot his native tongue. He had first come out from Scotland as a boy in his teens, and located in Canada for a few years and then came to this country. He did not realize that he had forgotten his native tongue until one night in Abiquiú after he had retired, leaving his window open off the porch, a couple of men came up on the porch and seated themselves in front of his window and began talking in a language that seemed to sound familiar to him. In the morning these same two men came in to the store and he inquired if they were the parties who had conversed outside his window the previous evening. They answered, "yes," and then he asked them the language they were talking, and when they said "Gaelic," he realized that he had forgotten it. He was called home to see his mother at her last sickness, and one of his sisters had to interpret for him, as his mother could not speak English.

Another of his experiences he used to tell about was how he was the bravest of all his companions. This occurred in Española. A couple of young fellows held up one of the stores, and shot the proprietor, and escaped; but a posse was organized to follow them with two San Juan Indians as trailers. Alex Douglas joined the posse. The two hold-ups separated, but they trailed one to Embudo in an old adobe house. The Indians were ahead, and when they found him they came back to the posse and said in Spanish that he was there and asleep; Alex Douglas was the only one who understood Spanish. He said, "when I knew he was asleep, I rushed ahead of all the others, threw my rifle down on him and told him to surrender." They took him back to Española and that night they hanged him, although Alex did not appear at the hanging. The only request the young fellow made before they strung him up, was that they should take off his boots as his father had told him he would die in his boots, and he said he wanted to make a liar out of the old man.

The Spanish-American people lived very economically in those days, confined themselves to the barest necessities, bought in Groceries—flour, sugar, coffee, lard, syrup and

candles; in Drygoods—calicos, gingham, bleached and unbleached muslin. They made their own underwear out of the bleached and unbleached muslin. The women would occasionally buy silk fringe shawls, some of which were quite expensive. They also bought some filigree jewelry. They were extremely honest about paying their bills, and to this day in case of a death in the family, a son will pay his father's debt, or a father the son's. They look on this as a personal obligation. There is very little money lost even today in trading with the Spanish-American people, if you do not give them too much credit. They spend so much more now and their wants are so much greater, that they have to be watched more carefully.

We had some real wild west characters in Española in those days, like the three Bachelor Brothers who were ex-buffalo hunters out of Dodge City. We also had with us a man called Tucson John, who was half Negro and half Cherokee. He did a little barbering and a great deal of drinking, stole a few chickens, and was supposed to have been with Billy the Kid, although he never claimed the honor. He was all right when he was sober. One-eyed Joe was a cattle rustler; armed to the teeth with Winchester rifle, six-shooter and knife, he used to delight in taking a few drinks, mounting his flea-bitten mare and making that mare curvet up and down in front of the stores and saloons in town. He was really inviting death. He used to get drunk at the bailes and shoot them up, and one night he shot up the town. I know he shot two holes through the roof over our bed where my brother and I were sleeping. This was almost too much to be endured. Some of the citizens decided he should be strung up to a tree; he was tipped off and left town, wandered into a sheep camp where the herders seemed to have known him. He asked for something to eat. They happened to have strychnine for coyotes, and in some unaccountable way that got mingled with his food, and Joe died. There was no investigation; everybody was satisfied that it was an accident.

Two of the Bachelor Brothers finally secured a tie contract and moved to Tres Piedras. The youngest brother re-

mained at Española and secured a job as care-taker of the engines in the round house at Española for the D&RG. They had a friend who visited them from Santa Fe occasionally with the good sounding sobriquet of Pistol Johnny. He was a dangerous man drunk or sober, particularly so when drinking, very treacherous. He got in an altercation one night with Bachelor and killed him. The Bachelors spent a lot of money they could ill afford in prosecuting him, and he finally went free. I recall while attending the trial at Tierra Amarilla, one of the Bachelors' tie men came to him and told him that he was wasting his money in prosecuting John, that he had three good boys with good horses and good guns, and if he would just say the word, they would be glad to accommodate their good friend Bachelor by shooting down Johnny on his way from Tierra Amarilla to Santa Fe. "But," I said, "you would have to kill Frank Chavez the sheriff," as he was a brave man, and would put up a fight. He grinned and said that another one would not matter in the least.

This same man some years later rode into Española on horseback. I had only met him once, so did not recall him. He went over, however, to the blacksmith, who came over with him and told me that this man had two loads of wool on the way from Ojo Caliente to Santa Fe, but if we would pay as much as Santa Fe, we could have it. I assured him that Española was a much better market than Santa Fe. He hung around all day waiting for that wool, suggesting that they must have had a break-down; about six o'clock or dark he decided they would not arrive until the next day or along in the night, and as our friend was very anxious to attend a baile that night, we kindly fixed him up with a new suit, shoes and hat. He shot up the dance that night, and I never saw him again until he came through on the train in shackles. He had killed his wife; and that wool is still on the way.

Mr. A. Staab, father-in-law of Mr. Max Nordhaus and Mr. Louis Ilfeld, was the leading wholesale dealer of General Merchandise in Santa Fe, and I believe of the whole territory. He was very shrewd and keen. I always considered

him the brightest business man in the state. He carried a general stock and did a large business. He used to recount some of his early experiences when Santa Fe was the big and only city west of Kansas City and north of Chihuahua, and they did business in all that vast territory that now comprises Colorado, Arizona, New Mexico, and got a very considerable trade from Chihuahua, Mexico. I recall his telling me of one sale of \$30,000.00 he made to a Chihuahua merchant, straight calicos, all paid for in Mexican silver dollars. They packed the goods on mules.

He spoke of a very interesting experience he had with a competitor in Santa Fe. This competitor had grabbed all the sugar trade and Mr. Staab could not sell a single bag. He just could not understand it. He had his own trade who of course were friendly to him and bought all their goods from him except their sugar. It occurred to him one day to take a sack of sugar from the load of one of his customers. He weighed it, and it only weighed ninety pounds. The problem was solved. He immediately wrote the refinery, and they advised him that his competitor had informed them that their trade packed all their goods on burros and that a burro could only carry 180 pounds, and in packing sugar ten pounds had to be taken out of each bag, a source of great inconvenience and trouble to all, so in order to accommodate him, they finally put up a car in 90-lb. bags. This, however, was the first and last car they put up this way.

They received so much silver in trade for goods that they had no place to store it, there was far more than they could take care of in their safes, so they packed it in empty axe boxes and piled them up in their offices, and when their bull teams went east for goods, they gave the silver in charge of the boss freighter. He did not tell me but I was told that they carried stocks of goods in Santa Fe invoicing a million dollars in those days. I have just been thinking that in these more civilized times when people are so much better than they were then, that these axe boxes of silver would not be at all safe piled up in an office.

I will say that Mr. Staab was a very good friend to all his customers who were fair and honest with him. He would

lend them money, or carry them for a year if necessary and was always absolutely square in his dealings. He amassed a fortune there in Santa Fe, and no one did as well before or since.

Mr. Griffin was president of the First National Bank when I first came to the state, but died soon after, when Major Palen succeeded him. Major Palen was very precise in his manner, was a small man and carried himself very erect and always carried a cane. He was a very high type, very careful of the bank's money. I have always thought what an excellent banker he would have proved himself for the time of stress we had after the recent war when so many of our banks failed. I predict that his bank would have lost very little money. He was very outspoken and fearless.

I recall a story they tell about him in connection with George Armijo and Liberato Baca. Both political parties had had their convention and George was running on one ticket and Liberato on the other as candidates for the same office. A few days after the convention George saw the Major coming down the street and he thought this an opportune time to approach him, so he went over and said, "Good Morning Major." "Good Morning George." "Major I am running for office as assessor and would like to have your support." "Who is your opponent George?" "Liberato Baca." The Major coughed his little cough as usual, and responded, "Of two evils I shall choose the lesser," and walked on.

During the panic of 1893 he was very much annoyed one morning as he came down the street to see Don Pablo Gallegos of Abiquiú hitching his team in front of the Plaza. Don Pablo was a heavy depositor of the bank, a wealthy man for those days. He was sure Don Pablo had come down to draw out all his money, and as it was a very considerable amount, he was quite worried. They talked about the crops and politics in Rio Arriba County, and after they had visited, Don Pablo said, "Well Major, I have just come down to make a little deposit with you," and handed him \$10,000.00

in currency, and went away, never knowing that there was such a thing as a panic.

When Major Palen became president of the bank, Howard Vaughn became cashier. Howard was a protege of Steve Elkins. He was very capable regardless of the fact that he got drunk every night of his life; he was sober as a judge and right on the job every morning. Howard Vaughn is a very good man, and I do not believe he touches liquor now. At this time a man by the name of Raynolds of Nebraska and his partner Stinson of Santa Fe were operating in sheep. Raynolds was a big operator, but not at all successful, he never saw anything but the silver lining. He operated on a shoe string. He paid a very small advance on the lambs and always hoped to be able to find a buyer for them before receiving time, or to find somebody to put up the money to pay for any he could not sell at receiving time. They had induced the Major to loan them some money, promising prompt payment when they would turn their next lambs. They had some lambs to receive at Galestee that morning and he had no means of paying for them, so Mr. Stinson called up the bank from Lamy and Howard Vaughn answered the 'phone. Howard had probably taken a little bracer that morning; he called the Major to the 'phone. Stinson explained his position that he had to receive these lambs from Mr. Juan Ortiz who was a good friend of the bank's, and would pay for them just as soon as he could ship them and distribute them to his feeders, and really it was absolutely necessary that he should have this money. The Major responded that he was still owing the bank money which they had promised to pay without fail some weeks ago, they were not reliable people and he simply did not want the business, in fact he got quite angry and finally said, "You are drunk, I smell whiskey on your breath." Vaughn used to take delight in telling this story on the Major.

I recall the panic of 1893, the banks would not loan a dollar. We bought all the wool in our country at six cents per pound and sold it for six and a half cents; in fact we had it sold before we bought it; otherwise we could not have

handled it. We had no competition. Wool was so low in price that the Arizona wool growers were unable to get enough for their wool to pay the freight and the shearing charges. Those fine Arizona ewes sold under the hammer at 50 cents per head. We were forced to take ewes in payment of accounts at one dollar per head which was full value for them. This price seems ridiculous now when ewes are selling at ten and twelve dollars per head. During this panic of 1893, most of the merchants had to remit the currency for their groceries which they bought in Colorado, as the wholesale grocery dealers were afraid the banks would break before the checks would be paid. Conditions were bad in New Mexico, but I doubt very much that we had anything like the suffering they had in other states; in fact I am sure we didn't.

The Roosevelt panic in 1907 was a bad one too in our business, that is, trading in sheep. We buy and advance a dollar a head, and we contract to the feeder and he advances us a dollar per head. These feeders don't have their own money to operate, but in those days borrowed generally from their local banks which were necessarily small banks. They came on to receive their sheep (the panic occurred in the fall). Not knowing that there was a panic, they gave us their checks and drafts on their banks, quite a number of these were turned down, and the result was we had to appeal to our banks for help, as there was no other way to do except carry these sheep for those feeders until they were fat and sold on the market. The Major surely proved a loyal friend to us during this cataclysm, which by the way was one of his favorite words.

I recall during this trouble having received word that one of these drafts for \$18,000.00 had been turned down. I took the train from Española to see the Major at Santa Fe. I was feeling bad when I left home but when I got to Santa Fe the agent handed me two wires when I got off the train advising me of two other drafts for different amounts being turned down. By that time I was sick! I could not find Major Palen, and did not see him until late that night, at least it seemed long to me. He told me he would see us

through, but not to use the bank for any more than we had to. I still had quite a number of sheep to receive and pay for. I recall going up to Servilleta to receive lambs from a bunch of our old customers. I told them about the panic and the position we were in, that we could borrow the money to pay for the lambs, but if they did not need all the money we would appreciate it if they would wait until the lambs were marketed next spring. One of the biggest men spoke up at once and said he did not need a cent, and I could keep all his money, and there was not one but what left part of his money with us. One man who was not there had one of his neighbors deliver his lambs, and as I could not talk to him personally, I mailed him a check for his in full. He wrote me back at once enclosing my check, and said he understood I was giving out my notes in payment of lambs as all his neighbors had told him, and he would be glad to have a note instead of the money. I never forgot how those Spanish-Americans stood by me in our time of need. I remember another customer telling me that he had some \$2,000.00 in twenty dollar gold pieces, to send up one of the clerks and he would give it to him. He said he did not want any interest, but he wanted me to pay him back in gold coin. No doubt he buried it. I, however, did pay him interest. I will say for our old time Spanish-American people that they are the most loyal people that I have ever met, and if you get their confidence, they are your friends always. I thank you.

Notes and Documents

The United States Postoffice Department has adopted a design for a three cent stamp to commemorate the Kearny Centennial. The design is a copy of a picture by Kenneth M. Chapman, formerly with the Museum of New Mexico and the School of American Research and lately with the University of New Mexico and Laboratory of Anthropology. It appeared in Ralph E. Twitchell, *The Military Occupation of New Mexico*, 1909. The stamp will be first placed on sale at Santa Fe on October 16, at Washington, D. C., on October 17, and at other postoffices in the United States thereafter, one hundred millions of the stamp being printed. The movement for the issue of a commemorative stamp was originated by the New Mexico Historical Society and obtained the sympathetic attitude and approval of United States Senator Dennis Chavez, who is the chairman of the U. S. Senate Committee on Postal Affairs. The stamp is to be formally presented to the world at a Kearny ceremonial meeting in the Palace of the Governors at Santa Fe on the forenoon of October 16, to be followed in the evening by a public meeting of the New Mexico Historical and the Santa Fe Archaeological Societies at which a Kearny memorial address is to be delivered.

Nearly 200 gathered about the little stone Kearny monument in the Plaza yesterday to participate in the Daughters of the American Revolution's memorial services in observance of the 100th anniversary of New Mexico's annexation by the United States. . . . The services were simple, but impressive in the dignity with which they were conducted. . . . During a business meeting, which preceded the memorial services, the DAR group made plans to have the inscription on the monument recut. *Santa Fe New Mexican*, August 20, 1946.

The *Las Vegas Daily Optic*, August 16, carries a story of the celebration in Las Vegas of the American occupation of New Mexico.

The Historical Society has on hand for sale seventy copies of L. Bradford Prince, *The Stone Lions of Cochiti*, 1903, 21 pages, priced at fifty cents, and about 150 copies of Prince, *Old Fort Marcy, Santa Fe, New Mexico*, 1912, 16 pages illustrated, priced at fifty cents. Both of these items have been heretofore erroneously listed in the Society catalogue as out of print.

Hundreds of pictures of men and women of Roosevelt county who served in World War II, along with short histories of their service, will make the World War II Service Book, soon to be published by the Daily News, one of the most cherished momentos [sic] of the great military conflict. *The Portales Daily News*, June 24, 1946.

. . . a monument to the first Anglo-Saxon settlement in Colorado . . . will be placed on ground obtained by the historical society just east of Pueblo. It was there, in 1845, that a number of members of the celebrated Mormon battalion . . . remained . . . during the winter of 1845-46, becoming the first Anglo-Saxon settlement in Colorado. There the first Anglo-Saxon child was born and the first Anglo-Saxon marriage performed in the state. *Eddy County News*, June 21, 1946.

The Daily Current-Argus (Carlsbad, New Mexico) under date of June 9, 1946, carries a story on Frederic G. Hodsoll, 82-year-old pioneer of Eddy County, born in England. Excerpts from his letter to Mrs. C. H. McLenathen, 303 North Canal Street, are included. Mr. Hodsoll now resides at 1925 Ash street, Victoria, British Columbia.

A bronze plaque bearing the names of members of the State Constitutional convention was hung in the Hall of Representatives . . . [in the Capitol in Santa Fe on Friday, September 6] in honor of those New Mexicans who in 1910 labored two months in drafting the state's basic laws. Mrs. George Graham, state regent for the Daughters of the American Revolution, and Francis C. Wilson, on behalf of

Thomas J. Mabry, president of the Sons of the American Revolution, presented the plaque, which was accepted for the people of New Mexico by Governor Dempsey. Speakers at the presentation ceremony included Daniel K. Sadler of the state supreme court, Land Commissioner John E. Miles, and George W. Curry, a former territorial governor and delegate.—*Albuquerque Morning Journal*.

A comprehensive history of the Catholic church in New Mexico entitled "The Old Faith and Old Glory" will be on the book stands soon, the office of Archbishop Edwin V. Byrne announced today. Archbishop Byrne commissioned the Rev. Angelico Chavez, a Franciscan priest, to compile the brief but comprehensive history to mark the centennial of the American occupation of New Mexico. The book will include photographs, descriptive maps for various periods in church history and [reproductions of] several paintings.—*Santa Fe Daily New Mexican*.

The Division of Research, Department of Government, University of New Mexico, has published the following studies since the last issue of the REVIEW.

Thomas C. Donnelly and Paul Beckett with the cooperation of the U. S. Soil Conservation Service, *The Soil Conservation Problem in New Mexico*, 20 pp., 20c.

William J. Parish, *The New Mexico State Budget System*, 24 pp., 30c.

Rupert F. Asplund, *New Mexico's Tax Structure*, 31 pp., 35c.

Frank D. Reeve, *New Mexico: Yesterday and Today*, 20 pp., 20c.

The following documents are transcribed from microfilm copies in the Library of the University of New Mexico. The originals are in the records of the Office of Indian Affairs, National Archives, Washington, D. C. They illustrate the chronic difficulties caused by the Indians in New Mexico during the early years of the American occupation. F. D. R.

Santa Fé, New Mexico July 1st 1853

Sir:

I have the honor herewith to forward you my affidavit & that of Geo. I. Morgan in respect to my having lost 19 yoke of oxen by the Nabajos Indians — These Indians have since been paid large amounts as presents but have not returned my stolen property—

My claim I respectfully request you to examine—

Please forward to John W. Dunn [?] at Santa Fe New Mexico

I am Sir

Respectfully

Your obdt servt

A. Ferguson

Hon. Secretary of War
Washington City
D. C.

Territory of New Mexico)

)set

County of Santa Fé)

On this first day of July in the year 1853 personally appeared before me the undersigned, a Justice of the Peace within and for the county aforesaid Augustus Ferguson and who being duly sworn according to law says that he had stolen from him by the Nabajos Indians Nineteen yoke of Oxen which cost him fifty dollars per yoke—that they were stolen from him at Los Balles about 15 Oct. 1850 about 45 miles from Santa Fé N. M. and that he has never been able to recover them from the Nabajos Indians—

Sworn to & Subscribed before me)

the day & year above written) A. Ferguson

James W. Reed J. P. seal)

Territory of New Mexico)

)set

County of Santa Fé)

On this first day of July 1853 personally appeared before me, the undersigned, a Justice of the Peace within & for the county aforesaid, George I. Morgan and who being duly sworn according to law says that Augustus Ferguson who made the foregoing affidavit did have stolen from him nineteen yoke of oxen on or about the 15th Oct. 1850—that they were stolen by the Nabajos Indians at Los Balles about 45 miles west of Santa Fé N. Mexico: and that he firmly believes that the said oxen has never been recovered or paid for by the Indians.

Sworn to & Subscribed before me) his

the day & year above written) George I. X Morgan

James W. Reed J. P. seal) mark

Leavenworth City

K. T.

Oct 4th, 55

Hon. Sir

Will you have the kindness to give me the necessary information in reference to claims against the U. S. Govt for depredations by theft and robbery etc committed upon the citizens of New Mexico by the indians of that [territory]. I have purchased some claims of this description being the value of stock of various kinds which has been stolen by the indians from the citizens of New Mexico. Now Sir I understand that when certain forms prescribed by law have been complied with that those become valid claims against the U. S. If so Sir as I have made a "Bona fide" contract I should be under great obligations to you Sir if you will send me the necessary blanks forms and instructions for perfecting those claims. Please send them addressed to me at Leavenworth City K. T.

And oblige

Very respectfully

yours H. Tucker

Superintendency of Indian Affs. Terry, N. M.
Santa Fe, January 18th 1856

Hon. Geo. W. Manypenny
Comr. of Indian Affairs
Washington D. C.
Sir;

Enclosed please find a list of depredations committed in the county of Socorro since the month of September last. The greater part, if not all, the property enumerated was taken by the Gila and Mogoyone Apaches, from the west bank of the Rio del Norte, and on the part of which two bands there appears a disposition to continue their depredations. There is also a small party of the Mescalero Apaches who continue hostile, and commit depredations when they have an opportunity. The Jicarilla Apaches and Utahs are entirely peaceable, and I have no apprehension of them again becoming hostile.

I remain,
Very Respectfully,
Your Obedt. Servant,
W. W. H. Davis

Actg. Govr. & Supdt. of Indian Affairs

TRANSLATION

A list of persons residing in Socorro, from whom, the Inds. have stolen animals—to wit-

Moreno Montoya—22 head of cattle and 3 head of horses—
 Andres Romero—2 head of Cattle—
 Antonio Abeyta 16 head of Cattle and 2 mules—& 1 mare
 Tomas Molina 1 mule—
 Esquipulo Vigil 9 Mares with fold by jacks — 2 horses & 7 head
 of Cows
 Juan Rafael 1 Cow
 Gabriel Savedra 1 Cow and 3 head of horses—
 Manuel Chavez — 1 horses—
 A. Mads. Sedio — 2 head of Oxen—
 Manuel Gallegos 4 head of cattle
 Dolores Gallegos 4 Oxen
 Valentin Torres — 1 Mare
 Sesario Lopez 1 ox.
 Juan Ma. Garcia 1 cow—
 Felipe Parlia 1 Bull
 Candelario Garcia 2 head of Cattle
 Pedro Baca 4 head of Cattle
 Cristoval Lucero 1 horse
 Pedro Muñis 1 horse
 Francisco Baca 1 Mare—
 Ignacio Apodaca 1 horse
 Julián Conner 9 Cows and 2 head of horses—
 Jesus Ma. Chavez 1 ox—
 Jesus Valdez 1 Mare
 José de Jesus Montoya 1 Mare
 Julian Lucero 12 Mares
 Baltasar Montaña 9 Yoke of Oxen & 2 mares—

Socorro Dec. 30th 1855

To. Dr. Juan Montoya—

Sir:

I herewith transmit to you a list of the persons, from whom the Apache Indians have stolen animals, since the month of September up to this time — as also the number and class of animals run off.

I am Sir, Your Obt. Servt.

(signed)

Manuel Chavez

Toribio Gallegos 1 horse
 Ambrosio Lucero 1 Ox—

I transmit the foregoing list to the Hon. Judge of probate, this 3d day of January 1856.

(signed)

Juan Montoya
 Justice of the Peace

Territory of New Mexico

This 22d day of January A. D. 1856, I the undersigned Indian agent caused to come before me, Luis Torres, and being by me duly sworn, deposes and says as follows, that he has no interest in the foregoing claim of San Antonio Governor of the Pueblo of Acoma, on behalf of several of the Indians of that Pueblo. That he saw the Indians take the property mentioned in said petition. The Indians, who committed the offence, belonged to the tribe of the Gila Apaches, That the property belonged to the several persons mentioned in said petition respectively as mentioned therein, That he knew the property well, and its value was as is placed upon the same in said petition or more. That the people of the Pueblo followed the Apaches three days, but did not overtake them, and was unable to recover the property, and none of said property has ever been recovered by the owners of the same. And further, this informant saith not.

Sworn to and subscribed)

before me this 22d Jan'y 1856,))

A. G. Mayers agent))

for the Indians New Mexico))

his
Luis X Torrez
mark

Attest

R. H. Tompkins
John Ward

Lorenzo Romero being duly sworn say, as follows, That he was present at the time of the taking of the property mentioned in said petition, that he saw the Indians take and drive the same away, that the Indians who took said property belonged to the tribe of the Gila Apaches, does not know their names, but knows that they were of that tribe. That the property mentioned in said petition he knew well, that it was the property of the persons named in said petition respectively, and of the value therein mentioned if not more.- That the people of the Pueblo followed said Indians, and the witness in company, for three days but could not overtake the Indians, and did not recover any of the property. And none of said property has ever been recovered. That witness has no interest in the claim above mentioned. And further this deponent saith not.

Sworn to and subscribed)

before me this 22d))

day of Jan'y 1856))

A. G. Mayers agent))

for the Indians New))

Mexico))

his
Lorenzo X Romero
mark

Attest

R. H. Tompkins
John Ward

Superintendency of Indian Affs. Terry, N. M.
Santa Fé, January 26th, 1856

Hon. Geo. W. Manypenny,
Commr. of Indian Affairs,
Washington D. C.
Sir:

I have the honor to acknowledge the receipt of your favor of the thirteenth of December in reference to the Mexican boys lately captives among the Comanche Indians. I am free to acknowledge that I erred in my view of the present treaty obligations to restore captives to Mexico, which arose from there being no copy of the treaty of Guadalupe de Hidalgo in this office to refer to, and my memory was at fault as to the section which contained the provisions under which I acted, and since abrogated by the Gadsden Treaty. In time to come there can be no misapprehension in this particular.

Before the receipt of your letter four other captives made their escape and came in for whom I made some expenditures for food and clothing, and of which you have heretofore been informed; but they will be forthwith discharged, and no longer be an expense upon this Superintendency. The four boys first mentioned have long since been sent to the Mexican Authorities at El Paso, Mexico.

I remain
Very Respectfully,
Your obdt. Servant
W. W. H. Davis
Actg. Govr. & Supdt. Ind. Affs.

Book Reviews

Of the Night Wind's Telling; Legends from the Valley of Mexico. By E. Adams Davis (with drawings by Dorothy Kirk). (Norman, University of Oklahoma Press, 1946. Pp. xxiv, 276; illustrated, bibliography, index). \$3.00.

Mexico is rich in traditional lore. The Aztecs and the Toltecs had innumerable legends; the Spaniards imported their own by the additional thousand, and these were built atop the legends of the Indians as the Christian church was built atop the pyramid temple of Huitzilopochtli, the bloody war god of the Aztecs. Elements of the two mythologies eventually became fused. The result is a paradise for the folklorist.

The present volume is a selection of these legends from merely Mexico City and the region round about. The three main sections of Professor Davis' work are (a) the Valley of Anahuac, (b) the City of Mexico, and (c) the Valley of Mexico. The first relates legends of the Indian precursors of the Spaniards—Valley of Anahuac being the Indian designation of what is now called the Valley of Mexico.

Perhaps there is no better way of learning the social and religious attitudes of a people than to read their folklore. Certainly there are few methods that are more interesting. The author, a teacher in Louisiana State University, has carefully recorded and translated the legends he has selected. Frequently he employs the straight narrative method; occasionally he uses the words and the mannerisms of the Mexican informant, thereby achieving an added interest and an increased sense of the "legitimacy" of the legend.

The tale, "The Four Destructions of the World," affords the reader an insight into the religious beliefs of the aboriginal Mexicans. "The Energetic Lover" relates the story of the prodigious physical effort that a Spanish young man was constrained to put forth in order to win the hand of his beloved at a time when "for a young lady to have a mind was rare indeed" (p. 82). From "La Casa de Los Azulejos," the tourist will learn some interesting beliefs concerning the

history of the most famous colonial building still standing in Mexico City. "The Phantom Guard" is a case of miraculous teletransportation, the guard in question having been almost instantly snatched from Manila, in the Philippines, and put down in the streets of Mexico City. So exceedingly obliging was "The Obedient Nun" that when, after her death, it was found that her body was too long for the only available coffin, she promptly shortened herself by several inches on being ordered by her abbess to do so!

Professor Davis has, it is clear, had a wonderful time in collecting these stories and has done an excellent work in putting them in their present form. The folklorist will welcome the volume and the general reader will be entertained in reading it. The advocate of "good neighborliness" will be delighted that another volume has been presented to the public to further mutual understanding between North Americans and Mexicans.

WATT STEWART.

New York State College for Teachers,
Albany.

Maverick Town—The Story of Old Tascosa. By John L. McCarty (University of Oklahoma Press, Norman, 1946. Pp. 277). \$3.00.

This ghost town of the old west grew up where the buffalo had found an easy crossing of the Canadian river. Thither came hunters—both Indian and white—and traders from New Mexico interested in livestock and goods stolen from Texas settlers. When the buffalo had been largely killed and the Indians placed on reservations, sheepmen from New Mexico grazed their flocks into the Texas Panhandle and established Tascosa and other settlements on the river. Later the free grass also attracted large cattlemen and a conflict ensued in which two of New Mexico's most colorful outlaws—Sostenes l' Archevêque and Billy the Kid took part. Tascosa was a settlement of "little men" who thrived when mavericking was a common practice of the open range. The cowboy's strike failed, however, and the rancher began to blacklist employees who ran cattle of

their own. The big ranchers used Pat Garrett first to eliminate Billy the Kid in New Mexico and later to organize the Home Rangers in the Panhandle. Many said that the Rangers were primarily to run the little man out and help the big outfits gain possession of the open range. Incidents such as the "Big Fight" of 1886 might easily have led to a war more deadly than that associated with Lincoln County.

Meanwhile Oldham County had been organized in 1880 and Tascosa became the county seat. It was also the judicial center for nine other counties and the supply center for the big ranchers of the Panhandle. Although it was a town of the "little men," it aspired to leadership in a large region. *The Tascosa Pioneer* (founded in 1886) realized that the town faced boom or decline. Optimistically Editor Raymond predicted that the old town would become "the Queen City of the Panhandle." Again and again he enumerated its advantages, together with the latest rumors as to the coming of a railroad. Many factors, however, contributed to the doom of Tascosa. The railroad passed it up and created new rivals in Amarillo and Dalhart. The great ranchers built barbed wire fences across its trails and literally fenced it in. One big ranchman had sworn he would ruin Tascosa as a town, because of the higher taxes made necessary by the wagon bridge across the Canadian. Texas tick fever and drouth brought more trouble and less employment and much of the town was swept away by a great flood in 1893. More and more of the townsmen moved away.

The book is based on adequate research and has a good style. The author, a newspaper man of Amarillo, shows both enthusiasm and understanding; interesting light is thrown on various aspects of the cattle industry, the relations between New Mexico and Texas, the struggle for decency, etc. A number of good stories and photographs, as well as chapter decorations by Harold D. Buglibee, add much to the interest and pleasure of the reader. The press has done an excellent job in producing the book.

MARION DARGAN.

University of New Mexico.

Journal of the History of Medicine and Allied Sciences
Published Quarterly by Henry Schuman, New York
Vol. I, No. 1 (January, 1946)

This Journal is a welcome addition in the field of the History of Medicine; a phase of medicine that has been relatively neglected for a good many years. As in so many sciences much of our present knowledge of diagnosis and treatment is the cumulative effect of the trials and errors in medicine of preceding generations. Much of the future in medicine relates to the history of development in preceding years and as the editor, George Rosen, aptly says, "What is past, is prologue." Of special interest is the article by Josiah Charles Trent from the Department of Thoracic Surgery, University of Michigan Hospital on the London Years of Benjamin Waterhouse. Waterhouse was the first Professor of the Theory and Practice of Medicine at the Harvard Medical School when it opened in 1783 and brought to American medicine the choicest medical knowledge of Europe. The consulting editors and contributors are men and women of high standing nationally and internationally in the field of medical history and research.

J. E. J. HARRIS, M. D.

University of New Mexico

Necrology

RICHARD HENRY HANNA.—One time Chief Justice of the State of New Mexico, Richard Henry Hanna died in St. Joseph's Hospital in Albuquerque, on August 17, shortly after his return from an operation in the Mayo Hospital in Rochester, Minn. He was born in Kankakee, Ill., on July 31, 1878, the son of Isaac Bird Hanna and Belle Hanna, his father having been superintendent of national forests in New Mexico and Arizona from 1900 to 1905, with residence in Santa Fe.

Judge Hanna after attending Northwestern Academy, graduating in 1898, was a U. S. forest ranger for a brief while with headquarters in Tucson, Arizona. Later he attended the University of Colorado law school, receiving the LL.B. degree in 1903. The year following he came to Santa Fe as a partner of Attorney Francis C. Wilson, having been admitted to the New Mexico Bar and becoming a member of the American Bar Association. In the forty years that followed, Hanna was not only active but often aggressive in legal, civic and political movements and controversies, making for himself a name as a leader in reform campaigns. Many professional distinctions and responsibilities were his in the course of four decades. He was secretary of the Territorial Law Library 1904 to 1911, and served as secretary of the Territorial Bar Association. He was special attorney for the Pueblo Indians during the administration of President Woodrow Wilson. As author of the Pueblo Lands Act of 1924, he contributed vitally to settlement of land titles from Taos to Isleta and from there to Zuñi. As special assistant to the attorney general of the United States and guardian of the Walpi Indians in Arizona, he was instrumental in recovering half a million acres of land for that tribe after years of litigation with the Santa Fe and Pacific Railroad. He rendered similar service under Secretary of the Interior Ickes in recovering lands in Alaska claimed by the Eskimos. As attorney for the Middle Rio Grande Conservancy District, he represented the district in its suit with Texas which, carried to the U. S. Supreme Court, resulted

in the compact of New Mexico, Texas and Colorado for the equitable distribution of the waters of the Rio Grande. As New Mexico commissioner he formulated the adjudication of water rights of settlers along the Pecos river.

Originally a Republican, he joined with U. S. Senator Bronson Cutting in the Progressive party movement of Theodore Roosevelt, and was elected as a Progressive to the New Mexico State Supreme Court in the first election after statehood had been achieved by the Territory, serving from 1912 to 1919, functioning as chief justice in 1917. Aligning himself with the Democratic party, he was unsuccessful candidate for governor in 1920, being also unsuccessful as a candidate for the United States Senate in a special election in 1921. From 1928 to 1932, Hanna was a member for New Mexico of the Democratic National Committee. Upon his retirement from the State Supreme Court, Judge Hanna moved to Albuquerque where he was a member of the law firm of Hanna, Wilson & Brophy up to 1943, being widely acknowledged as an expert in Spanish law, in Indian affairs and in water rights.

Judge Hanna, a 33d degree Mason, also won distinction as a member of that order, which he joined in Santa Fe in 1905. He was the deputy for New Mexico of the Supreme Council of the Scottish Rite from 1912 to 1926. During his term, the Scottish Rite Temple was built in Santa Fe. He was coroneted inspector-general in 1913. He was grand master of the grand lodge in 1920, grand high priest of the grand chapter of Royal Arch Masons, grand commander of Knights Templar in 1923, and potentate of Ballut Abyad Temple of the Shrine in 1927. Upon him was conferred the grand cross of the Court of Honor, the only Mason in New Mexico so honored and one of the few who have received this award under the jurisdiction of the Southern Supreme Council. Judge Hanna was a member of Alpha Tau Omega, a Methodist and a member of the New Mexico Historical Society. On February 8, 1905, at Santa Fe, he married Clara Zimmer who, with a son, Richard John, and a brother, Thomas W. Hanna, survive him. Funeral services were private in the chapel of Fairview Park Crematory in Albu-

querque, Mrs. Georgia Hammerstrom, Christian Science reader, officiating.—P.A.F.W.

CELESTINO ORTIZ.—Celestino Ortiz, 88-year-old descendant of a leader in the expeditions of the Conquistadores, died at Gamerco—McKinley County, on June 11, 1946 at the home of a daughter, Mrs. Roy Woods. Ortiz was the son of Don Antonio Ortiz y Salazar, of Santa Fe and at one time territorial auditor, who still is remembered for preventing the Palace of the Governors at Santa Fe from being replaced by a new structure in 1880. His Conquistador ancestor was Captain Nicolas Ortiz of Spain. Another daughter, Mrs. Amada Scott, lives in Gamerco and two sisters reside in Santa Fe. A cousin, Mrs. Eloida Sandoval, lives in Albuquerque. Celestino Ortiz after leaving Santa Fe was for many years a merchant at Estancia, Torrance County.—P.A.F.W.

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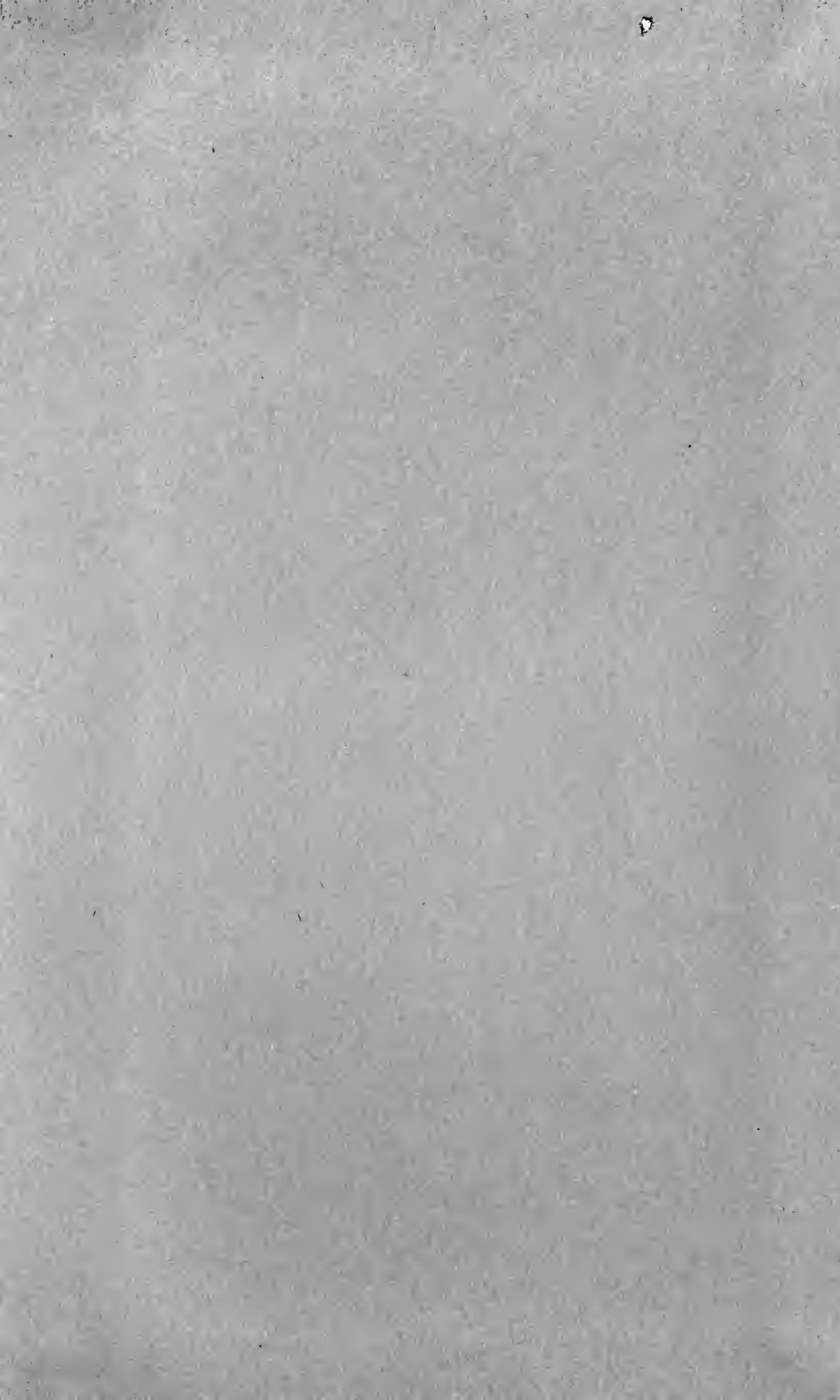
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