

PASS WORD



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EL PASO AND THE POLL TAX

. by Conrey Bryson

As this report is being written, in the closing days of November, 1958, the El Paso County Grand Jury has under consideration the subject of irregular and perhaps illegal issuance of poll-tax receipts. The Grand Jury has not yet issued its report, and the extent of irregularities is still a subject of speculation by opposing newspapers.¹ However, the facts that launched the investigation are more definite. In August, 1958, seven employees of the El Paso City Sanitation Department were discharged because their residence was in Ciudad Juárez, Mexico, instead of in El Paso, as required by a city ordinance. It was subsequently reported that these seven Juárez residents had voted in the Democratic Primary Election of July, 1958. Other reports, unconfirmed, included one that a Juárez resident issued poll-taxes from a cafe he operated on south Santa Fé Street.²

This is not the first time an El Paso County Grand Jury has been called upon to investigate illegal and irregular poll-tax activities. In 1915, shortly before the City Democratic Primary Election, two county officials, District Clerk José A. Escajeda and deputy tax-collector Harry Carr were both indicted for violations of the Texas election laws in the issuance of poll-taxes.³ Carr's violation was apparently of minor nature, concerning only the issuing of a poll-tax to an unauthorized person to be delivered to another. Escajeda was charged with loaning money with which to pay poll taxes. The *El Paso Herald* reported that "perhaps 1000 poll taxes will be invalidated by the investigations the jury is now making."

On November 4, 1915, the Grand Jury made its report to Judge Dan M. Jackson of the 34th District Court. The report said, in part:

The names of men long dead, boys from 18 to 20, foreigners who have never attempted to become citizens; men from other parts of our country, who are not residents of El Paso, and fictitious names by the score are found on our polling list.

The report went on to charge that names only, without addresses were on the poll list, streets only without the numbers, and many non-existent addresses. Poll taxes, it charged, were being paid for at an alarming rate. Summarizing, the report says: "The illegal vote is so large, and in our minds so sure to be cast, that our liberties are in danger."⁴

¹*El Paso Times*, November 25, 1958; *El Paso Herald Post*, November 25, 1958.

²*El Paso Times*, November 24, 1958.

³*El Paso Herald*, February 1, 1915; *El Paso Times*, February 4, 1915.

⁴*El Paso Herald*, February 6, 1915; *El Paso Times*, February 7, 1915.

El Paso has been by no means alone in the state of Texas in the reporting of wide-spread corruption in connection with the law which ties poll-tax payments to the ballot. On March 6, 1940, Maury Maverick, Mayor of San Antonio and former United States Congressman, appeared before the House Judiciary Committee in support of the Geyer Bill, intended to prevent states from imposing a poll-tax as a voting requirement. His testimony included the following:

The poll tax breeds corruption. It breeds corruption in Texas today. Block payment of poll-taxes is common throughout the south. For instance, when they had a brewery controversy in Texas, one county in South Texas issued something like 3000 poll-taxes which were transferred to my county and which were voted. Political machines go out and issue a poll-tax to Juan Gonzalez, Jose Rodriguez, and a lot of other people when there are no such persons, and on election day they vote them all.⁵

Maverick told, in another magazine article advocating prohibition of the poll-tax as a voting requirements, how he himself had been indicted on charges of purchasing poll-taxes for others because he had contributed two hundred and fifty dollars to a union poll tax fund. He was acquitted after testifying that he had supposed the contribution was to be used for poll tax publicity and not for the purchase of poll-taxes directly. But he used this as another example of Texas poll-tax corruption.⁶

Add in the notorious poll-tax corruption of Duval County and a few others, and it becomes obvious that a great question exists as to whether or not the poll-tax has served its purpose in Texas political life. The poll-tax as a voting requirement was not, as many people suppose, instituted for the purpose of disfranchising the negro. It was not adopted as a result of the reconstruction period. The makers of both the 1869 "reconstruction constitution" and the 1876 constitution, which ended the reconstruction period, had specifically rejected propositions to tie the franchise to the poll-tax. A poll tax was imposed upon all male citizens over 21 in the present constitution, adopted in 1876, but the tax was not tied to voting, and the convention rejected the idea of imposing a poll-tax on voters to disfranchise the negro. The tax was intended merely as a means of aiding the schools through imposing a uniform tax on property holders and others.⁷

Through the institution of the "white primary," the negro had already been effectively disfranchised when the legislature decided to tie the poll-tax to

⁵Maury Maverick, "The Poll Tax, Pro and Con," *Congressional Digest*, XX (December, 1941), 307.

⁶Maury Maverick, "Let's Join the United States," *Nation*, CL (May 11, 1940), 592.

⁷Rupert Norval Richardson, *The Lone Star State*, (New York: Prentice Hall, 1943), 293-4.

the franchise in 1902. Dean Abner V. McCall, of the Baylor University School of Law, explains the reason for the 1902 amendment in his "History of Texas elections Law," published as a preface to the Texas Election Code:

Contrary to general opinion now, this amendment was not the result of racial prejudice, but was sponsored by the reform element in the Democratic Party and the Prohibitionists as an election law reform. It was the repeated charge of these groups that the "big interests" and the "liquor interests" controlled thousands of negro and Latin-American voters through paid "fluence" men. The poll-tax was designed to decrease this controlled vote. It also provided an automatic system of mandatory registration of voters without use of the hated phrase calculated to stir bitter memories of the reconstruction.⁸

On the surface, political sentiment in El Paso seemed to favor the 1902 amendment. Both newspapers, one Democratic, the other Republican, favored the amendment editorially.⁹ Both members of El Paso's legislative delegation, W. W. Turney in the Senate and W. W. Bridgers in the House, voted their support of S. J. R. 1, which submitted the amendment to the people providing that "any voter who is subject to pay a poll-tax under the laws of this state, shall have paid said tax before offering to vote at any election in this state, and hold a receipt showing that said poll-tax was paid before the first day of February next preceding such election . . ." ¹⁰

Bridgers had seen abundant evidence of political corruption in his own home town. He was growing up here in the days when politicians led battalions of voters across the river from Juárez, then Paso del Norte, to vote in the election that stole the county seat from Ysleta and established it in El Paso in 1883.¹¹ But, if the evidence of the two opposing newspapers is correct, an equally glaring example of corruption took place here on election night, 1902, in an effort to defeat the poll-tax amendment, the **only** issue in an election that had largely been decided in the Democratic convention. The *Times* reported the morning after election:

In El Paso County there was no opposition to the Democratic ticket and consequently the only persons to take an active interest in the election here were ward heelers, who made money by herding and purchasing voters on election day. They were naturally opposed to the poll-tax amendment, and to the discredit of our

⁸Vernon's *Civil Statutes of Texas*, v. 9. (Kansas City: Vernon Law Book Company), 1952, XXII.

Law Book Company) 1952, XXII.

⁹*El Paso Times*, October 26, 1902; *El Paso Herald*, November 3, 1902.

¹⁰*Texas House Journal*, 1901, 481; *Texas Senate Journal*, 1901, 336.

¹¹Owen White, *Out of the Desert* (El Paso: McMath Company, 1923), 182.

city it must be said they succeeded in defeating it. . . . Unless the intelligent and thrifty colored people in the eastern and southern sections of the state cast their votes with the white farmers and business men in the state, the amendment has been defeated.¹²

The *Herald* was more specific in its charges of bought votes:

The election in the second ward opened rather quietly today but Pat Dwyer and his estimable brothers had things in readiness by the use of free booze last night down at the Crystal Saloon on Utah Street. . . . It is reported that the various candidates contributed one thousand dollars which was put in Pat's hands to be distributed among the faithful of the second ward. Pat and his brothers and the Alderete boys were rolling them in at the courthouse and at 1:20 this afternoon, 500 votes had been cast. The heelers had two objects in view, to swell the vote and increase representation at future conventions and to swell the vote against the poll-tax amendment. A third: to keep the paisanos in practice.¹³

The following day the *Herald* reported the returns. In the second ward, voters had defeated the amendment 730 to 113. The first ward supported it 192 to 80, as did the third, 315 to 80. But the fourth ward rejected it 133 to 99. When outlying precincts of the county had reported, the amendment had been voted down by 1076 to 959. The rest of the state, however, gave it a majority of about 100,000, and for the first time in Texas history it became necessary to pay already legally required poll-tax before voting.

The supposition that the poll-tax amendment would end political corruption in Texas was perhaps naive, and was so seen by three of the legislators who opposed it. O. E. McAnally of Cameron was joined by Representatives Beaty and Stollenwerck in a statement for the record:

Say seven men can make an agreement between themselves to take up say 700 tax receipts, which would be \$175 each. When the election takes place, these seven men will absolutely control and vote this 700 votes, and instead of purifying the ballot it will be far worse than it is at present. In some counties there are men who pay all expenses of Mexicans to become citizens. They hold the Mexicans' papers of citizenship from one election to another and vote him as they choose, and we fear the poll-tax will be managed in the same way.¹⁴

¹²*El Paso Times*, November 5, 1902.

¹³*El Paso Herald*, November 4, 1902.

¹⁴*Texas House Journal*, 1901, 482.

Perhaps a development which the lawmakers did not contemplate was the extensive campaigning to increase the payment of poll-taxes. Editorials favoring the amendment seemed to take it for granted that a good citizen will pay his poll-tax, and that citizens other than the good ones do not deserve the privilege of voting.¹⁵ But in El Paso as in the rest of the state, it became evident within a few years that the new law was serving to reduce considerably the number of voters. By 1908, the first proposals were made to station deputy collectors in various precincts and authorize them to issue receipts for the payment of poll-taxes. It was hoped this measure would induce indifferent voters to pay their poll-taxes and qualify themselves for voting.¹⁶ By 1921, the continued lag in poll-tax payments, and voters, made more persuasive measures desirable. As the poll-tax deadline neared in January, a "complimentary pool-tax tea" was announced for Judge E. B. McClintock's court. Refreshments of tea and cake were served and entertainment provided by a group of talented musicians.¹⁷ One is tempted to make a comparison with the free beer at the Crystal Saloon on Utah street in earlier years.

In 1922, the payment of the poll-tax was, in effect, made mandatory for at least one group of El Paso citizens. At a January meeting of school principals, school superintendent A. H. Hughey announced that all teachers would be required to pay poll-taxes, regardless of whether or not they favored woman-suffrage. Hughey was quoted as saying, "The books will be checked after January 31, to see if any teachers have violated this request."¹⁸

Despite such a variety of persuasions, Texas voting strength continued to lag, and in 1941, the United States House of Representatives was told that only 26.2 percent of the adult citizens of Texas had voted in the Presidential election of 1936. Some of the other poll-tax states had an even worse record, with the average for all being only 24.1 percent. Congressman Lee A. Geyer of New York called it "the worst voting record anywhere in the world under even a pretense of a democratic system of suffrage."¹⁹

Throughout the forties, and with increased emphasis after the war, there were efforts in Congress to force southern states to abandon the poll-tax as a voting requirement. In Texas, there was considerable sentiment to beat the Federal Government to the punch and abolish the requirement by state action. The state Democratic convention of 1948 adopted repeal of the poll-tax voting requirement as a part of its platform. Two Texan congressional leaders, Senator Lyndon Johnson and House Speaker Sam Rayburn, had urged Texans to take

¹⁵*El Paso Times*, October 26, 1902; *El Paso Herald Post*, November 3, 1902.

¹⁶*El Paso Herald*, January 13, 1908.

¹⁷*Ibid.*, January 12, 1921.

¹⁸*Ibid.*, January 27, 1922.

¹⁹Lee A. Geyer, "The Poll Tax, Pro and Con," *Congressional Digest* XX (December 1941), 307.

the initiative in getting rid of a law which, it appeared, Congress was going to get rid of anyhow.²⁰

Following the elections of 1948, this writer, as a news-commentator for Radio Station KTSM, in El Paso, asked each elected member of El Paso's state legislative delegation for a statement on the possible repeal of the poll-tax voting requirement. Representative S. J. Isaacks said he thought it was certainly time to learn how the people of Texas felt about it, and promised to support a constitutional amendment for repeal. Such an amendment was submitted in the Senate by State Senator Rogers Kelly of Edinburg.²¹ A companion bill, sponsored in the house by Frank Ottorf of Amarillo would require registration, by party affiliation, with a registration fee of fifty cents. This was to become effective upon approval of the proposed amendment. Judge Isaacks supported both the Ottorf bill and the House approval of the amendment.²²

In El Paso, the newspapers were as unanimous in supporting the new amendment as they had been in supporting the 1902 amendment which had first tied poll-taxes to voting. The *Herald-Post* called for the repeal to give El Paso greater voting-strength in comparison with other parts of the state and nation, and to stave off a possible Federal poll-tax law.²³ The *Times* said editorially, "The poll-tax has long since outlived its usefulness. Today it limits the number of persons who should vote. The *Times* thinks Texas would be doing the nation and the south in particular a service by eliminating the poll-taxes as a voting requirement."²⁴

Elsewhere in the state, the change seemed to have considerable support. A special committee was organized in Austin with the slogan "Let's Take the Price Tag off the Ballot." The East Texas Chamber of Commerce opposed the repeal amendment, and the Republican party opposed the requirements for registration by party affiliation, but it appeared, nevertheless, that Texas might tear itself loose from the few remaining "poll-tax states." Most Texans, however, were indifferent on the subject. Most constitutional amendments are submitted on the November ballot in the even, general election years. This one was to be voted on November 8, 1949, together with several other amendments and the election of state school-board officials. The vote was a light one, and the poll-tax repeal was turned down, 160,012 to 127,200.²⁵ In El Paso County however, the amendment was supported by a margin of nearly 3 to 1—4,174 for poll-tax repeal, 1570 against. For the second-time in this century, but for different reasons, the

²⁰*El Paso Herald Post*, October 1 and November 9, 1949.

²¹*51st. Leg. Laws* (1949), 1489.

²²*Ibid.*, 1006.

²³*El Paso Herald-Post*, November 4, 1949.

²⁴*El Paso Times*, November 7, 1949.

²⁵*Texas Almanac*, 1952-53, 490.

people of El Paso had differed with the rest of the state on the question of requiring a poll-tax for voting.²⁶

"How can we get rid of the poll-tax?" is a question which the writer still hears frequently. This week we reminded Miss Maude Isaacks, who succeeded her father as State Representative, that in 1959 ten years would have elapsed since Judge Isaacks had helped to get the poll-tax repeal amendment before the people. She agreed that it might be time to try again and promised to support such a proposal in the next session of the legislature.²⁷

²⁶*El Paso Herald-Post*, November 9, 1949.

²⁷As *PASSWORD* goes to press word has arrived from Austin that Miss Isaacks has introduced a bill in the state legislature to abolish the Poll-Tax. (Editor's note.)

CLIMATOLOGICAL AND GEOLOGICAL DATA OF THE EL PASO AREA

. by Helen Orndorff

The climate of the El Paso area is typical of the arid to semi-arid parts of the southwestern United States. The majority of the days are clear, sunny, and warm. The nights are cool, since the altitude is from 3,700 to 7,000 feet, and the heat stored during the day is rapidly radiated away. The annual rainfall is about nine inches, a large part of which occurs in heavy thunder showers in July, August, and September. There is usually a breeze blowing in the El Paso area, and late in the winter and in the spring high winds and sand storms are common. The average humidity is very low, 38.8 per cent; therefore, evaporation is high.¹

The annual precipitation in the El Paso area has been recorded since the year 1879. Partial records are also available for the years 1850 to 1878, inclusive. From 1880 to 1884 precipitation in the El Paso area greatly exceeded the average. From 1885 to 1901, although there were occasional years in which the precipitation was above normal, it was generally less than normal. From 1901 to 1915, with four exceptions the precipitation was greater than normal, while from 1916 to 1936, with three notable exceptions, it was greatly below normal, or was normal.²

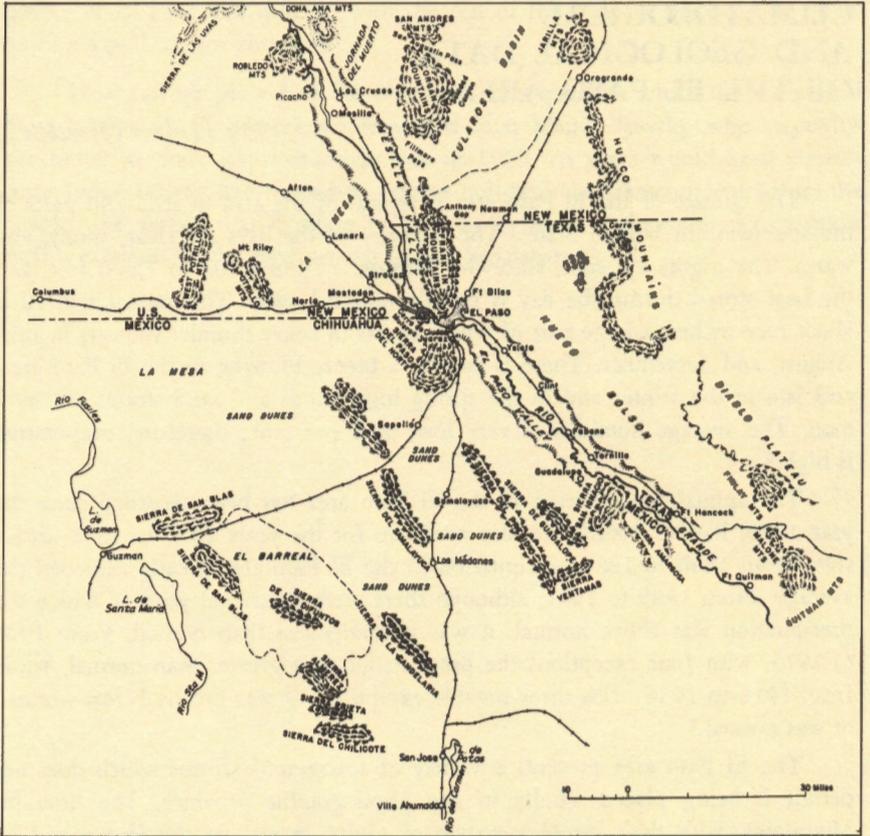
The El Paso area presents a variety of topographic forms which does not permit it being placed wholly in any physiographic province. The Franklin Mountains, with their complex system of faults, as well as the Hueco and La Mesa Bolsons, are characteristic of the Basin and Range Province. The intensely folded mountains south of the Rio Grande in Mexico are typical of the western branch of the Sierra Madre Oriental of Mexico. The Malone, Finlay, and Hueco Mountains, arched in to gentle folds, probably are an outer branch of the system of close folding of the western branch of the Sierra Madre Oriental.³

The Hueco Bolson, locally referred to as the "Mesa," is the term applied to the intermontane basins of the Trans-Pecos region of Texas and New Mexico, included under the name of "Hueco Bolson" all that part of the trough, having a length of some two hundred miles and an average width of twenty-five miles, that lies between the "Franklin-Organ-San Andreas and Quitman-

¹*Ground-Water Resources of the El Paso Area, Texas*, United States Department of the Interior, Geological Survey Water-Supply Paper No. 919 (Washington: Government Printing Office, 1956), 7.

²*Ibid.*, 7-9.

³G. B. Richardson, *United States Geological Survey, Geological Atlas, El Paso Folio No. 166* (Washington: United States Geological Survey, 1909), 1-2.



General Map of the El Paso Area

Malone-Finlay-Hueco-Sacramento chains of mountains."⁴ This bolson is a deep structural trough partly filled with *detritus*⁵ and having a total thickness of over 4,920 feet, which has been washed into the basin from adjacent mountains. While the surface appears to be a nearly level plain, it actually rises appreciably toward the east, somewhat less so toward the north.⁶ The Tularosa Basin, to the north, is an extension of the Hueco Bolson.⁷

⁴Robert T. Hill, *Physiography of the Texas Region*, United States Geological Survey Topographical Atlas, Folio No. 3 (Washington: Government Printing Office, 1900), 8.

⁵C. L. Baker and E. H. Sellards, *The Geology of Texas* (Austin: University of Texas, 1933), 204.

Detritus is defined as any loose material that results directly from rock disintegration.

⁶*Ibid.*, 204.

⁷*Ground-Water Resources of the El Paso Area, Texas*, 13.

West of the Franklin Mountains is another broad plain, called La Mesa. Similar in general appearance to the Hueco Bolson, it extends as a nearly unbroken surface from Las Cruces southward into Mexico. It is bounded on the west by the Potrillo Mountains, and on the east and north by the Mesilla Valley. This plain originally extended northward from Las Cruces for about a hundred miles and eastward to the Franklin Mountains; however, since its formation, it has been divided by the Rio Grande into a northern part known as the Jornada del Muerto, a southern part known as La Mesa, and an eastern part consisting of a dissected pediment about 350 feet above the river on the flanks of the Franklin Mountains. The surface of La Mesa is nearly level, with practically no drainage lines, with the exception of the short, steep-sided arroyos near the Rio Grande. The surface is marked by several circular craters. The altitude of the surface of La Mesa near Las Cruces is about 4,250 feet above the main sea level. From Las Cruces the surface slopes gently southward. The altitude at the international boundary is about 4,100 feet.⁸

The Organ Mountains form a part of the long chain of tilted mountains that stretch from the southern end of the Rocky Mountain chain in North Central New Mexico to the Rio Grande. These mountains extend about seventeen miles southward to Fillmore Pass. The maximum width is about nine miles, and the maximum altitude is about 6,500 feet.⁹

The Franklin Mountains, a narrow range of faulted and tilted sedimentary and igneous rocks, extend in a line slightly "east of south" from Fillmore Pass at the south end of the Organ Mountains, to the Rio Grande at El Paso. Mount Franklin, the highest peak, has an altitude of 7,149 feet. The range is about three miles wide and fifteen miles long.¹⁰

Cerro de Muleros, a more or less circular group of hills about 800 feet high, are four miles west of the south end of the Franklin Mountains and three miles north of the Sierra del Paso del Norte. The international boundary passes near the center of the hills.¹¹

Sierra del Paso del Norte consists of three parallel ranges, the highest peak being about 5,500 feet above sea level. Below are Sierra del Presidio and Sierra de Guadalupe, long narrow ranges trending northwest-eastward.¹²

⁸Willis Thomas Lee, *Water Resources of the Rio Grande Valley in New Mexico and Their Development*, United States Geological Survey Water-Supply Paper No. 188 (Washington: Government Printing Office, 1907), 9-11.

⁹O. E. Meinzer and R. G. Hare, *Geology and Water Resources of Tularosa Basin, New Mexico*, United States Geological Survey Water-Supply Paper No. 343 (Washington: Government Printing Office, 1915), 30-31.

¹⁰*Ground Water Resources of the El Paso Area, Texas*, Paper No. 919, 18.

¹¹*Ibid.*, 19.

¹²*Ibid.*, 19.

The Sierra de San Ignacio is at the south end of the El Paso Valley on the Mexican side of the river and is separated from Sierra de Guadalupe by a rather narrow debris-filled pass with an altitude of about 4,250 feet.¹³

The Quitman and Malone Mountains, on the Texas side of the Rio Grande, rises from the north side of the narrow gorge through which the Rio Grande flows out of the El Paso Valley. The Finlay and Hueco Mountains, a line of broad arches, extend northwestward from the end of the Quitman Mountains into New Mexico. The Jarilla Mountains, a group of low hills about three miles north of the Hueco Mountains, rise directly from the bolson to a height of about 600 feet.¹⁴

The flow of the Rio Grande in the upper part of its course is derived from a few small permanent streams and from torrential rains that occur chiefly in the summer. No permanent streams enter the valley between Rio Puerco, about 200 miles above El Paso, and Fort Quitman, 90 miles below of El Paso. Before Elephant Butte Dam, which is about 125 miles above El Paso, was constructed, there frequently was insufficient water in the river to maintain a flow in the vicinity of El Paso. The river bed was often dry for months at a time.¹⁵

Continuing south from old Fort Selden for a distance of about sixty miles nearly to El Paso, the Rio Grande flows in a flat-bottomed, steep-walled valley five or six miles wide and 350 feet deep, which is cut along the east side of La Mesa. This valley is known as Mesilla Valley.¹⁶

At the lower end of Mesilla Valley the river turns southeastward into the El Paso Canyon, which is a gorge three to four miles long that is cut through the limestones, shales, and deformed gravels between Cerro de Muleros and the Franklin Mountains. In this pass the canyon is about one-quarter of a mile wide and about 300 feet deep.¹⁷ Emerging from the El Paso Canyon, the river flows through the El Paso Valley, also called the Lower Valley. The El Paso Valley includes the land on both sides of the Rio Grande. This valley cuts diagonally across the Hueco Bolson to Fort Quitman about ninety miles below El Paso.

While similar to Mesilla Valley in form, the El Paso Valley becomes deeper downstream. Near El Paso it is about 200 feet deep, and near Fabens, thirty miles below El Paso, it is about 330 feet deep. The El Paso Valley, about six to eight miles wide, has a flood plain four to five miles wide, from which the sides of the valley rise rather steeply to the foot of an abrupt escarpment called the valley wall, rock rim, or Mesa rim, which is about 75 feet high. The valley wall

¹³*Ibid.*, 20.

¹⁴*Ibid.*, 20.

¹⁵Lee, *Water Resources of the Rio Grande Valley in New Mexico and Their Development*, 73.

¹⁶*Ground Water Resources of the El Paso Area, Texas*, Paper No. 919, 17.

¹⁷*Ibid.*, 17.

is very sinuous because of the presence of dry washes or gulleys extending from a few hundred feet to a mile or more into the bolson.¹⁸

The soils of the El Paso Valley are nearly level; the gradient of the valley along the river is about two feet per mile. The land lies approximately fifty feet below the Mesa which borders the valley and is nearly level with the bed of the Rio Grande. Soil units of the area usually are found in blocks of five to fifteen acres in size with many variations because of the change in the course and in the velocity of the river current, which in past years was not restricted to its present channel by levees. Seasonal floods changed its course many times and covered the entire valley floor. The soils vary in texture from coarse sands to very dense clays. A stratified profile is characteristic of nearly all mapping units found in the area. Salt accumulations are a common characteristic of the profiles. The bottomland soils lying within the flood plain of the Rio Grande consist of alluvial deposits from the river. They are classified as deep soils with permeabilities¹⁹ ranging from less than one-half to more than eight inches per hour.²⁰

¹⁸*Ibid.*, 17.

¹⁹Permeability means the capability of being permeated or penetrated; in this case it refers to the passage of water through the soil.

²⁰Larry Freeman, "United States Soil Conservation Service Descriptive Legend of the Soils of the El Paso Valley," (MS on file at the United States Soil Conservation Office, El Paso, Texas, August 4, 1955), 1-5.

THE
EL PASO — FORT YUMA
WAGON ROAD. 1857-1860

by Jack L. Cross

PART TWO OF TWO PARTS

[In the January issue of *PASSWORD*, the organization of the Interior Department El Paso—Fort Yuma road building expedition was described. From a group of applicants James B. Leach of Stockton, California, was selected to head the expedition. After several delays during which plans for the expedition were concluded and other personnel selected, the caravan moved west from Memphis, Tennessee. The object of the journey of forty-odd wagons and about 100 Americans was the construction of a road from El Paso, Texas, to Fort Yuma, Arizona.]

The confusion which attended the gathering of equipment, men, and supplies at the eastern terminus, the unexpected delay which the mule train under Leach experienced, and the absence of the supply-laden ox train with its men and needed wagons, precluded extensive road building for the first season. Late in starting though he was, Leach soon after his arrival broke his men into working parties. Some men went ahead with Hutton to select a location for drilling an experimental water well,¹ a large group under Cook's charge set up camp at the Pimas Villages from which two separate parties worked toward Fort Yuma, while another built west from that fort.² Leach himself directed work on the line of road running from Franklin to Mesilla. Construction on this first line of road began immediately, almost before the wagons unloaded.³ Another main camp was established on the San Pedro River out of which sixty men, mostly Mexicans, labored.⁴ Thus, in the first season, and in an attempt to ready the road for emigration, construction was begun along the entire line.

The road, as it was finally located, ran from Franklin to Mesilla, then west to the Santo Domingo River, thence over the ascending plains to Sycamore springs and on through Nugent's Pass. It hit the San Pedro thirteen miles below the point on the river touched by the old road first located by Parke. Following the right bank of the San Pedro to the Arravaypa Creek, it crossed the river there and turned into a parallel valley, thence onto the divide of the Santa Catarina Mountains which lay between the San Pedro and the Gila Rivers. Descending another arroyo to the Gila, fifteen miles west of the old road, it followed

¹Leach to Thompson, October 22, 1857.

²Hutton to Thompson, January 8, 1858.

³Manuscript dated 1858, entitled "Itinerary of the El Paso and Fort Yuma Wagon Road Expedition under the Superintendence of James B. Leach," 43 pp.

⁴*Ibid.*

the south bank of that river into Maricopa Wells. From these wells it retraced the route of the old road followed by Kearny and Emory in 1846 with some minor exceptions into Fort Yuma. Engineer Hutton figured that by being so located, the road saved emigrants forty-seven and one-half miles in distance.⁵

Improvements on the road were of two kinds: (1) the location, establishment, or bettering of watering places, and (2) the smoothing of road surfaces and the reduction of abrupt inclines and declines. The road was built eighteen feet wide on those lengths that were in a straight line, and twenty-five feet wide on curves. The brush and timber was cleared away on either side of the highway to allow a minimum of twenty-five feet of clearance. Generally speaking, these improvements were scattered along the entire road between El Paso and Fort Yuma, although certain critical areas received more attention.

Three wells, nine tanks, and one reservoir were sunk, increasing water potential by some 300,000 odd gallons. In making side cuts or building up the road bed, over 50,000 cubic yards of earth and stone were excavated. Several irrigation ditches west of Mesilla were bridged, and mesquite was cleared along many miles of the road. These activities made up the major part of the operation of building wagon roads in the West in the late 1850's. Hutton reported to the Secretary of Interior in 1859,

... from the improvements of surface consequent upon our labors (I am informed by freighters over the road,) two days' time is saved by loaded wagons between the Maricopa wells and Fort Yuma.⁶

In summarizing the accomplishments of the El Paso-Fort Yuma expedition, Hutton boasted that future emigrants had been saved five days' traveling time, that seventy miles of the road had been relocated to pass nearer to supplies of water, that six new watering places reduced the distance between water holes to twenty-seven miles, that steep grades had been cut down for easier passage, and that the location of the road through the rich valleys of the San Pedro and Gila rivers now opened them for settlement.⁷

Though the reports printed for public consumption covered the El Paso-Fort Yuma project with an air of success, smouldering underneath was the threat of disgrace and humiliation for its leaders. Suspicion, investigation, and court hearings were to hound Leach for many years. From the very beginning, the

⁵"Report of N. H. Hutton, Engineer, to James B. Leach, Superintendent," *House Executive Documents*, No. 108, 35th Cong., 2nd Sess., 1858-1859, IX (Washington, 1859), 77-80.

⁶*Ibid.*, 85. An excellent summary of Hutton's report may be found in the Secretary of Interior's annual report, *ibid.*, 9-11.

⁷"Report of N. H. Hutton, Engineer, to James B. Leach, Superintendent," *House Executive Documents*, No. 108, 35th Cong., 2nd Sess., 1858-1859, IX (Washington, 1859), 85.

financial affairs of the expedition were completely snarled. Herein lies the story of the road-building experiment.

The confusion began with a series of contradictions in the initial instructions. At the outset, Thompson, from his Washington vantage point, laid down the rules which were to guide Leach's financial arrangements. Although he had granted his superintendent authority to buy all necessary supplies, he warned him to have all of his purchases properly verified before sending the vouchers, actually receipts requiring the signature of the seller and buyer, to the Department for payment.⁸ Leach was to keep a triplicate set of quarterly accounts, an abstract of those, a property return, a pay roll, an abstract of the issued provisions, and a time book, requiring the approval of the engineer or one of his assistants, that logged the number of hours worked by the men and the amount of work accomplished. The superintendent was to certify all the vouchers with his signature before turning them over to the disbursing agent for payment. The disbursing agent was the only person commissioned to make money payments of any kind, and was, furthermore, to pay all vouchers presented to him by the superintendent if they had been properly verified by the latter, that is, signed by him. McKinnon had to pay even if he protested the propriety of any particular voucher, but he was instructed to note his protests on any such voucher.⁹

Thompson outlined the disbursing agent's functions carefully. McKinnon, too, was to render quarterly accounts to the Department. His record of disbursements was to be forwarded to the Treasury for audit, and at all times had to be supported by the proper vouchers, i.e., those verified by the superintendent, properly signed by the sellers, and countersigned by McKinnon.¹⁰ This arrangement, because of the separation of the superintendent and the disbursing agent, was muddled in the field. It was obvious in these first instructions that the Interior Secretary intended for the two men to remain together at all times during their westward march.

As specific as these instructions may sound, they proved insufficient. Thompson found it necessary very early to warn Leach to state distinctly the price per piece, pair, pound, etc., and to see that the vouchers had been signed by the persons from whom the purchases were made.¹¹ Furthermore, no provision was made in the financial blueprint for the illiteracy of many of the frontiersmen. When, upon discovering many "marks" substituted for signatures, the Washington officials demanded that Leach and McKinnon include a witness to such transactions.¹² Departmental officers also overlooked the sharp pencils

⁸Thompson to Leach, April 22, 1857.

⁹Thompson to Leach, May 9, 1857.

¹⁰*Idem.*

¹¹Campbell to Leach, July 23, 1857.

¹²Campbell to Leach, August 17, 1857.

brandished by some frontier merchants in figuring their charges. The Treasury Department auditors always listed these overcharges against the purchasers, even though some involved only ten cents.¹³

Thus, it seems likely that the Interior Department officials did not take into account many of the difficulties that were to be encountered by its frontier expedition. In the first place, the paper work expected of Leach and McKinnon seems to have been voluminous and complicated. It was indeed an intricate system of bookkeeping to assign to a man of Leach's "rough and ready" characteristics. Secondly, the autonomy of Leach was limited by the political caution of Buchanan's Secretary of Interior.

These directions also point to the fact that the men in Washington arm-chairs were reacting as many "behind-the lines" men do in similar situations. They set up procedures that would have been difficult to follow even under ideal conditions, and their demands proved to be as short-sighted as such plans often are.

A conflict between conditions and instructions, thus, developed at the very beginning because events did not follow the pattern of headquarters calculations, and circumstances prevented the execution of their beautifully drawn schemes. Urged on by his desire to get the southern road ready for the 1858 migrations, Thompson empowered Leach to buy the necessary supplies and equipment without a disbursing agent.¹⁴ Leach's long delay in the East and his arrangements for the purchase of some articles did not satisfy Thompson, and he hastily withdrew that authority. Leach was told to cancel his contracts and to return to Washington for further instruction. McKinnon's appointment had been cleared, and he was expected to enter upon the full duties of disbursing agent very shortly.¹⁵

However, McKinnon was late in posting his bond. Thus began a series of accidents that further disrupted the Interior Secretary's plans. Leach's bond had been executed and filed with the Department for \$30,000 on April 29, 1857, but McKinnon had trouble in locating a United States District Judge to legalize the transaction, and, consequently, did not post his bond until nearly one month later. It, too, was for \$30,000.¹⁶

McKinnon's delay resulted in Thompson's advancing Leach \$30,500 to cover his eastern purchases. Soon after filing his bond, McKinnon, too, was advanced \$30,000. From that time forward, all money was to be disbursed through McKinnon. Eventually, according to the memoranda endorsed by

¹³McKinnon's Statement of Difference, June 11, 1860; Leach's Statement of Difference, May 22, 1860.

¹⁴Thompson to Leach, April 22, 1857.

¹⁵Thompson to Leach, May 11, 1857.

¹⁶McKinnon to Thompson, June 1, June 4, 1857; J. Madison Cutts to Thompson, September 17, 1858.

Thompson for the issue of funds, McKinnon was advanced \$148,241.96, and Leach received \$37,200.¹⁷ These amounts were placed to the road builders' credit with the Assistant Treasurer of the United States in New York City. They wrote drafts or checks upon these balances. It was against this credit that their abstracts of vouchers, or expenditures, were to be compared. In the best double-entry bookkeeping fashion the vouchers and credits were to cancel out, leaving a balance of zero. But this was not to be. For in 1860, at which time the Second Auditor of the Treasury figured out the "Statements of Difference" of both accounts, and after Thompson had allowed certain questioned sums to be marked off the books, Leach's account indicated that he owed the government \$13,440.65, while McKinnon's debt amounted to \$4,525.50.¹⁸

Another factor that upset all calculations was the slowness of communication. Although each of the persons involved in the southern road project used the telegraph on occasion for messages of importance, their regular contacts were maintained through an inadequate and much slower mail service. Two and one-half months were consumed in sending instructions from Washington and in receiving a reply. On February 8, 1858, Leach wrote Thompson enclosing a report made by Hutton. Thompson acknowledged receiving that report on March 22, 1858. If this acknowledgement took as long to reach Leach as Leach's letter took to reach Thompson, eighty-four days elapsed before the postal circuit was completed.¹⁹ The bulk of the few telegraphic communications between Washington and the field consisted primarily of requests for money, orders to report to the main office, and the notification of instructions that were en route by mail.

Thus, the expedition, for all practical purposes, was isolated from the Washington command. During the whole of the march from Memphis to El Paso, Campbell and Thompson frequently lost contact with their subordinates. It took Washington some time to realize that the group had split into two sections at Des Arc. Not until Woods reported personally in Washington did the Department officials understand what had transpired or learn of the wintering of the ox train at Fort Belknap.²⁰

If Campbell and Thompson were often out of touch with both groups of their expedition, Leach at Mesilla was completely at a loss to know where his ox train was. He did not locate it until May or early June of 1858. Not until June 4 was Leach able to forward to the Department a report from Woods informing the superintendent of his decision to winter at Fort Belknap. In that

¹⁷These sums were found by adding requisitions for money that were endorsed by Thompson.

¹⁸An earlier Treasury audit, before Thompson made his allowances, indicated that Leach owed some \$23,003.05. J. D. Fuller to Thompson, September 19, 1860.

¹⁹Leach to Thompson, February 8, 1858; Thompson to Leach, March 22, 1858.

²⁰Leach to Campbell, June 27, 1857; Leach to Thompson, October 22, 1857; McKinnon to Thompson, November 25 and November 18, 1857.

document Woods complained to Leach that McKinnon did nothing but stay in camp and send others out to raise the needed money. Woods wrote that he was tired of acting as train commander and disbursing agent too.²¹

This division of forces increased the expenses of the expedition beyond all previous calculations. And, even more important, it split McKinnon and Leach. Their jobs were complementary, and neither was adequate by himself. In fact, each was hamstrung by the other's absence. Leach repeatedly emphasized in his correspondence to Thompson that he needed McKinnon. Although he had ordered him to report to New Mexico his disbursing agent had neither complied with, nor answered his requests.²² In the absence of McKinnon, Leach decided to send vouchers covering his expenditures directly to the Department without his agent's countersignature.²³

In other words, Leach was disbursing money too. He was raising money in any way open to him, using his credit, sometimes writing drafts on the Department, and literally begging and borrowing to keep the work going. The Treasury Department had to set up an account for these disbursements, since McKinnon was innocent of having made them. For the most part, however, Leach expected McKinnon to cover all his unpaid debts upon the arrival of the ox train at Mesilla.

This involved situation helps to explain why an investigation of all the affairs pertaining to the El Paso-Fort Yuma expedition was deemed necessary. Neither Campbell nor Thompson was happy with events as they had transpired, nor were they pleased by the rapid influx of drafts or by the slow presentation of properly verified vouchers. This unbalanced condition between expenditures and receipts worried them. To add to their suspicions two letters reached Thompson from Texas charging Leach with dereliction of duty. James Dawson of Fort Davis accused the superintendent of misconduct, "frisking, gambling, and frolicking," and discrediting the road-building commission.²⁴ From San Antonio one George T. Reynolds informed the Department that part of the project's equipment was being used by a San Antonio-San Diego mail contractor.²⁵

Thus it was that Welcome B. Sayles was called upon the scene to investigate. Sayles was a special investigator for the Postal Department, and the possibility of mail fraud made the use of his services feasible. Thompson, however, authorized his detective to investigate all the charges made against Leach, to ascertain the nature of the road improvements, and to probe all of the financial records. He was to be permitted to ask any question of any member of Leach's

²¹Leach to Thompson, June 4, 1858; Woods to Leach, November 27, 1857.

²²Leach to Thompson, June 4, 1858.

²³Leach to Thompson, February 22, 1858.

²⁴Sayles to Thompson, June 17, 1858.

²⁵*Idem.*

party in order to learn the true condition of affairs. Thompson equipped him with letters to several of the principals, that were to be delivered if Sayles should consider it advisable. In two of these Leach was to be deposed and Hut-ton promoted to his position.²⁶ But these letters were never delivered.

En route to Mesilla, Sayles interviewed Dawson, Leach's first accuser. He reported the man was a "gross exaggerator." After a brief investigation Sayles decided that the charges of collusion with mail contractors was equally false. As for results in road improvement, the investigator wrote that in view of the character of the charges made against Leach, Thompson and Campbell were to be complimented upon so favorable a result. As far as he could judge, after his early researches, the work had been well done.²⁷

Until McKinnon appeared two days ahead of the ox train, Sayles remained favorable to Leach. Upon the arrival of the disbursing agent, however, a conflict between their statements convinced Sayles that he did not yet have the whole truth.²⁸ In his next report to Washington, Sayles wrote that the ox train had cost \$15,000 more than he had anticipated. At that time, the total amount expended on the road, according to the best guesses, was about \$165,000.²⁹

A more thorough investigation and a more careful checking of McKinnon's story convinced Sayles that Leach's conduct had been a discredit to the Department. Sayles then placed John D. Austin, his assistant, in a position where he could watch Leach closely, and wrote Thompson that he would report to him in person on September 10, 1858.³⁰ This change of opinion by Sayles indicates that he had uncovered evidence of Leach's incompetency or dishonesty.

Sayles returned to Washington and after a personal interview with Thompson, went on to New York City where he met Theodore Sedgewick, the United States Attorney in New York City. Sayles carried with him a written introduction from Thompson informing the attorney that he would present certain vouchers that were "doubtless fraudulent." Sedgewick was asked to take the necessary steps to bring the guilty to justice, if he thought the evidence so warranted.³¹

The government moved against the guilty parties immediately. Sayles located Whitcomb, Woods' assistant, in Boston, and found him ready to make a full confession. Believing Whitcomb to have been a mere tool, Sayles believed that Woods was the principal instigator and participant in the frauds. Whitcomb claimed that in getting various dealers to sign blank vouchers he had simply followed Wood's orders. He testified that although he penciled the

²⁶Thompson to Sayles, May 4, 1858.

²⁷Sayles to Thompson, June 17, 1858.

²⁸Sayles to Thompson, June 20, 1858.

²⁹Sayles to Thompson, July 22, 1858.

³⁰Sayles to Thompson, August 5, 1858.

³¹Thompson to Sedgewick, October 11, 1858.

amounts he paid for goods in the margin of the vouchers, Woods filled in the fraudulent amounts later. Whitcomb, however, had kept a record of the prices he paid at some transactions in a personal diary, and these entries showed the falsity of many of the vouchers. Woods was arrested on November 17, 1858, and held for a bail of not less than \$10,000. He was held for four weeks incommunicado while the prosecution checked Whitcomb's story and gathered its evidence.³² Sayles set off for Memphis, the caravan's point of departure, to check Woods' vouchers against the testimony of the local merchants.

On the way to Memphis, he stopped in New York City long enough to discover that one Berford & Company voucher, purporting to cover the freight and commissions for the shipment of wagons and other property to Memphis, was substantially fictitious. One of the company officials stated that they had never received the amount of money receipted on the face of the voucher in question, and denied that the company had derived any advantage or profit from their original contract with Leach. They had been paid only \$1,692.30, and that at Memphis, while the voucher Sayles showed them listed \$3,406.60 as the sum paid for freight. The actual shipment had included ten barrels of alcohol and forty boxes of wine; however, the alcohol and wine was not listed as cargo on the Department's voucher. Sayles recommended that the commission which Leach claimed for completing the transaction should be disallowed. The detective figured that \$15,000 should be subtracted from Leach's voucher for shipments from the East to Memphis.³³

More damaging than this evidence, however, was that of several of the Memphis dealers interviewed by Sayles. He found that Byrd Hill had sold Whitcomb four mules for \$630, but they had been listed on the voucher sent to the Department at \$830. Hill had signed the receipt in blank. John Leftwich had sold one mule for \$100; it was receipted for at \$175. Thomas Ford sold one mule for \$115; it, too, was listed at \$175. This was the common story. Sayles talked to eleven Memphis citizens who agreed that the amount they received for their animals did not agree with the figures that now appeared on their vouchers. Sayles concluded that the sixty-five mules bought for the expedition, in reality, had cost \$8,612.60. They were reported by Woods to have cost \$11,817. This left a balance refundable to the government of \$3,205. Sayles found this same condition of affairs among those who sold horses and vegetables to Whitcomb and Woods.³⁴

Letters from two discharged laborers, Charles B. Smith and Silas H. Handy, stated that they had not received the amount recorded as paid to them. Someone

³²Sayles to Thompson, November 20, 1858.

³³Sayles to Thompson, December 21, 1858.

³⁴*Idem.*

had profited by \$144.20.³⁵ Sayles interrogated these men and was convinced that their stories were correct.³⁶

The mounting evidence against Leach and Woods was very damaging. But, according to Whitcomb, Leach had not directly committed any of the frauds. At this point in his investigation Sayles was willing to agree with Whitcomb. But Leach, because of his position as superintendent, was held responsible for any of his subordinates' actions. He was also liable for all articles bought for the expedition. Campbell notified Leach that some of his purchases were not proper equipment for a road-building expedition to the West and had, therefore, to be disallowed. The questioned items were: one case of sardines, five cans of schnapps, one keg of sherry, six cases of "Choice Old Pale Brandy," a cornet, and a daguerreotype apparatus. It was difficult for Thompson to understand what connection the cornet or the early style camera had with the location of a wagon road. And the alcohol was inadmissible.³⁷ Leach later withheld from Dr. McCay's heirs a sum of \$209.13 for liquor that he claimed was bought for the Doctor out of expedition funds.³⁸ Neither had the government expected to pay transportation of eastern laborers West if they could be obtained in the field. Thus, many vouchers, including Smith's and Handy's, were refused credit by the Department.³⁹

But aside from the lack of propriety of several of his vouchers and disobedience to instructions with which he might be charged, Leach stood in greater danger because of his attachment for Woods. Sayles had previously been unhappy about some of the "worthless hangers-on" Leach kept around him. Sayles considered Woods one of this group. Against the advice of Sayles, Leach had put Woods back on the payroll at Mesilla and practically had to be discharged himself before he would finally fire him. Then he sent him on an "official" mission back East so that his erstwhile assistant could collect travel expenses.⁴⁰

During Woods' confinement, Leach tried to cover up for him in the Berford Company affair. He tried to pay company officials a sum of money that he claimed was still owing them, and Berford mysteriously disappeared as a witness for the prosecution. Sayles, himself, concluded that the two men had been conspirators. In an interview with Abbot of Concord, the famous wagon maker from whom Leach bought his wagons in the Spring of 1857, Sayles discovered one of the ways in which Woods had tried to make some extra money. Abbot

³⁵Smith to Thompson, May 9, 1858; Hardy to Thompson, May 3, 1858.

³⁶Sayles to Thompson, December 21, 1858.

³⁷Campbell to Leach, August 17, 1857.

³⁸Until his death, December 26, 1857, Dr. McCay had been the surgeon of the expedition. Campbell to Wilson, April 13, 1859.

³⁹Campbell to McKinnon, May 27, 1858.

⁴⁰Sayles to Campbell, December 20, 1858.

described how Woods had taken him aside to beg that he add \$25 to his price for each wagon, evidently with the idea of splitting this amount with the manufacturer. Woods informed Abbot that although Leach knew this offer was to be made, Abbot was to say nothing to the superintendent about it for he would have to deny it emphatically. Abbot told Sayles that in the closing moments of the sale he had told Leach of Woods' offer, and Leach had strenuously denied any knowledge of such an arrangement. But Sayles considered Abbot's testimony evidence of Leach's complicity with Woods.⁴¹

In fact, Leach's support of Woods resulted in his eventual indictment. The prosecution had proved Woods' guilt so conclusively that they assumed Leach's backing to be equivalent to an admission of guilt. On May 16, 1859, Thomas Carbery, the foreman of a grand jury empanelled in New York City, reported an indictment against Leach, who,

... being an evil disposed person and contriving and intending to injure and defraud the said United States, and to cause and induce the said United States to pay to him large sums of money unlawfully, falsely, fraudulently and feloniously . . . did . . . present . . . paper writings, purporting to be vouchers of expenditures incurred.⁴²

Totaling over \$10,000, the prosecution listed among the falsified vouchers many that Sayles had traced to their original signers.

The true bills were returned on the same day. In them the jurors found several vouchers false and fraudulent.⁴³ At this time, Woods was returned to Texas for trial because it was decided that the jurisdiction over the case belonged to the Lone Star courts because most of Woods' crimes had been committed while the ox train wintered at Fort Belknap. Charges before the grand jury there were scheduled for June, 1859. Woods, however, escaped conviction because of the lack of witnesses.⁴⁴

Leach, meanwhile, had returned to his California home. In preparing his prosecution the government wrote for the evidence that had been unsuccessfully used in Woods' trial. Although Leach's case was on the docket for the December session of the Criminal Court in the Washington District, it was postponed until January, 1860, because of delay in receiving the necessary papers from Texas.⁴⁵

Leach never stood trial. In September of 1860, Second Auditor Fuller reported to Thompson that his final review of Leach's account showed the super-

⁴¹Sayles to Campbell, January 3, 1859.

⁴²Copies of the indictment and true bills against James B. Leach, May 16, 1859.

⁴³*Idem.*

⁴⁴Campbell to Robert Ould, March 7, 1861.

⁴⁵Campbell to James F. Warren, November 25, December 27, 1859; Thompson to James Henry Nash, December 14, 1859.

intendent to be short \$23,003.05. In reaching this figure the auditor had followed the instructions penned on the Department's copy of Leach's books disallowing certain vouchers.⁴⁶ Fuller forwarded a copy of the "Statement of Difference" to Leach in California. Its arrival jarred Leach into action. He wrote Thompson that he would be in Washington as soon as possible to present his explanations and to defend himself against all charges.⁴⁷

Leach's defense was desperate, but throughout his troubles he carried an air of wounded pride. Frantic as his many statements may have seemed, they were not completely unsound. He had requested a two and one-half per cent commission on money he disbursed in the absence of McKinnon. He claimed that it had cost him approximately that to borrow money or to carry charge accounts. He had signed unauthorized drafts on the Department because the alternative meant closing down operations. He felt that these decisions should be sustained by the Department.⁴⁸

No further action was taken in Leach's prosecution until March, 1861. At that time Campbell wrote Robert Ould, the district attorney handling the government's case, that he was convinced that a further continuance would not benefit the United States, and that the difficulty of procuring witnesses from the "remote parts" of Tennessee and Texas made an early trial impossible.

A more careful examination of his accounts and the circumstances of the alleged frauds has led me to the *animus* involved and as this prosecution was made mainly at my instance I unhesitatingly recommend a "*Nolle Pro*"⁴⁹ in the premises.⁵⁰

Campbell informed Leach who was standing by at the Kirkwood House in Washington that he had since learned, but "not officially," that the Attorney General had secured a discontinuance of the suit.⁵¹

Even after learning this Leach continued to bombard the Department with his explanations. He asked Campbell to write a letter to accompany one set of such documents because he could not write well enough himself.⁵² It had been necessary for him to employ one A. T. Hawley as his amanuensis on his western trip.⁵³ A comparison of the handwriting of Leach's letters and his signature shows this one letter to Campbell to be one of two written by him; all the rest were written by Hawley, public stenographers, or friends.

⁴⁶Fuller to Thompson, September 19, 1860.

⁴⁷Leach to Thompson, October 25, 1860.

⁴⁸Leach to Thompson, March 26, 1859.

⁴⁹*Nolle Prosequi*, an entry made on the record by which the prosecutor or plaintiff declares he will proceed no further.

⁵⁰Campbell to Ould, March 7, 1861.

⁵¹Campbell to Leach, March 12, 1861.

⁵²Leach to Campbell, March 18, 1861.

⁵³See "Statement of Difference" of Leach's account, June 14, 1860.

I wish you would do me the favor of righting me the letter I spook to you about and mail it to me at the Kirkwoods if I do not see you.⁵⁴

These explanations that Leach forwarded with the letter Campbell wrote for him satisfied Thompson that the \$23,003.05 charges were too high. Thompson wrote a memorandum on April 18, 1861, on which he took up each disputed voucher in turn. Following each entry, he entered the words: "allow," "disallow," or "explanation not satisfactory." Campbell wrote on the bottom of the last sheet of the memorandum that:

The Secretary is willing to compromise this matter by reducing the balance as low as justice will permit provided Mr. Stevens will agree to pay the balance then found due the U. S. Otherwise the depmt. will sue for the whole amt. claimed to be due.⁵⁵

The sum left to be paid by Leach or his bondsmen after this adjustment was \$13,400.65.⁵⁶

Thompson left his post as Secretary of Interior when the relief ship was sent to Fort Sumter.⁵⁷ He was probably the only man who would have continued prosecution against Leach if the balance had not been paid. The Civil War also wrote an abrupt *finis* to any further interest in such paltry money matters.

While the investigation and eventual compromise of the financial chaos surrounding the El Paso-Fort Yuma expedition was working toward its climax, Thompson advisedly refrained from airing his dirty linen in public. In an attempt to salvage something from the threatening debacle, he contracted with Captain Charles P. Stone to "... improve and repair (particularly the watering facilities of) a portion of the ... road between the Pimas Villages and Ojo Excavada."⁵⁸ This was arranged in May, 1860. In his annual report for that year Thompson reported that this work was finished.⁵⁹ The amount spent by Stone in making his repairs was \$10,829.44.⁶⁰ An unexpended sum of \$3,535.60 was returned to the Treasury surplus fund by the Interior Department from the original \$200,000 appropriation.⁶¹ Thus, the total cost of building the El Paso-Fort Yuma road was \$196,464.40.

⁵⁴Leach to Campbell, March 18, 1861.

⁵⁵Thompson's memorandum, April 18, 1861.

⁵⁶Evidently Leach's bondmen paid this debt since no record of suit has been found.

⁵⁷Charles S. Snyder, "Jacob Thompson," *The Dictionary of American Biography*, edited by Dumas Malone (New York, 1936), 459 f.

⁵⁸Thompson to John B. Floyd, April 4, 1860.

⁵⁹"Annual Report of the Secretary of Interior," *Senate Executive Documents*, No. 1, 36th Cong., 2nd Sess., 1860-1861, I (Washington, 1861), 47.

⁶⁰"Annual Statement of Balances," *Senate Executive Documents*, No. 13, 37th Cong., 2nd Sess., 1861-1862, IV (Washington, 1862), 13.

⁶¹"Annual Statement of Balances," *House Executive Documents*, No. 20, 37th Cong., 3rd Sess., 1862-1863, IV (Washington, 1863), 13.

A comparison between the Interior Department's southern experiment in road building and the army's thirty-fifth parallel route located by Beale offers several sharp contrasts. In the first place, army experience in the matter of book-keeping and road building was much greater. Secondly, the army was free from extreme political influence in the selection of its men. Thirdly, Beale was not hampered by the frequent and often frustrating reports that took so much of Leach's time. And, lastly, no split of forces ruined Beale's success. For Beale was completely autonomous; he was the commander. There was no divided authority in the disbursement of funds in his case, as there had been in Leach's. Both men experienced many of the same difficulties that arose from the common frontier in which they moved; specie was hard to get and Indians were sometimes troublesome. But Beale came out honored for his work while Leach was lost in disgrace. Beale was given a political appointment by Lincoln; no further trace of Leach has been found.

One explanation of these widely differing results might be that the army by virtue of its organization and psychology was particularly fitted for success under these conditions, while the officiousness of the Interior Department, ever conscious of public opinion, completely controlled the movements of its subordinates and stifled Leach's chance for success. There was no investigation of Beale or of members of his expedition. If there had been, the contrasts between the two projects and the glory and dishonor that attached to their leaders might not be so sharp.

Leach's was no mean accomplishment, however. He pushed across half a continent to build a road that spanned the other half. In magnitude of things attempted there is a great similarity between the two expeditions.

Regardless of the differences or similarities, however, the importance of the building of the thirty-second parallel route cannot be underestimated. In addition to the benefit accruing to Butterfield mail coaches, emigration was made easier, settlement of areas adjacent to the road increased, and the national hold was strengthened on California, Arizona, and New Mexico. Ironic as it may have seemed to Thompson as he sat behind Confederate lines, the road was one of the routes over which California troops moved to hold New Mexico within the Union.

NO DARK AND COLD AND DREARY DAYS— EL PASO, TEXAS, AS A HEALTH RESORT

by Eugene O. Porter

Seventy-five years ago this past January a pamphlet extolling the virtues of El Paso as a health resort was published by Geo. D. Barnard & Co., of St. Louis, Missouri. Its author was an El Paso physician, Dr. Chas. T. Race. In the Introductory Dr. Race noted that:

In presenting this pamphlet to an enquiring public, it is sought not to burden the reader with a quantity of statements irrelevant to the subject to be taken under consideration. A plain recital and weighing of facts in direct connection with a study of the healthfulness of El Paso and vicinity will be made.

The intention is to enable the reader to decide for himself, or the medical advisor to reason out for the advisee, the pre-eminent advantages this city and county present for pleasure, comfort and healing virtue to all, whether in perfect or bad health.

Presentation of points of evidence will be such that the inquirer may see abundant reason for our faith, and realize that our incentive is not one founded in deception, working harm, but a desire to present our section as being *truly worthy* of attention upon this point of healthfulness, thus doing good.

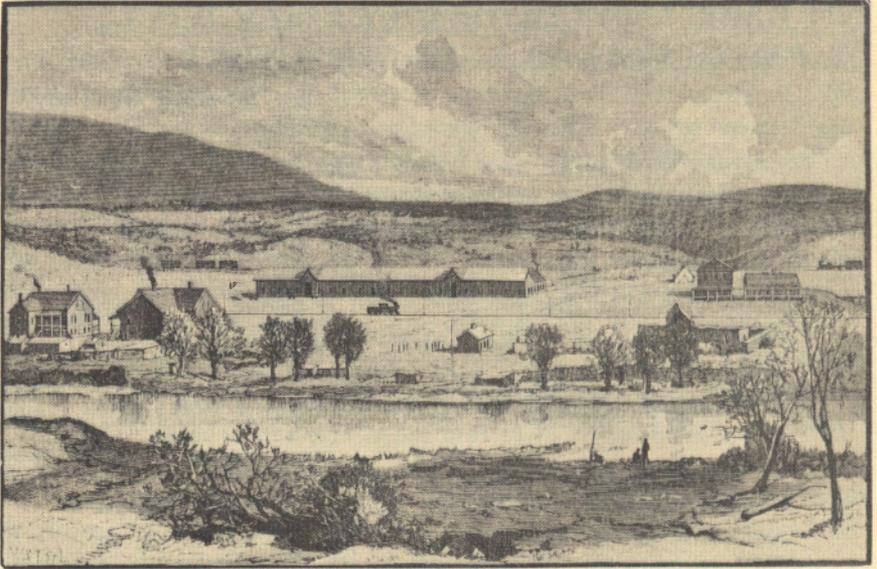
El Paso physicians "cheerfully and heartily" endorsed the views of Dr. Race. These included J. A. McKinney, M. D., W. A. Hall, M. D. (*Asst. Surg. U. S. A.*), A. E. Rodgers, M. D., (*City Physician and Health Officer*), O. C. Irvin, M. D., A. L. Justice, M. D. (*Surg. Mex. Central Ry.*), and T. King Ross, M. D.

Where or how the pamphlet was distributed is not known, as no mention of it is made in any of the El Paso newspapers of that time. It was certainly intended as a "catalog" to drum up business because Dr. O. C. Irvin, "with offices in Irvin's drug store," described the city as "distressingly healthy."¹ Too, "The Celebrated Hot Springs" of southern New Mexico was advertising as a "Resort For Invalids" as early as the autumn of 1881.²

Yet several years before the pamphlet was published El Paso must have been well known as having an excellent climate for tuberculars. Too well known, in fact, because the editor of *The Lone Star* issued a warning several times that

¹*The Lone Star*, January 12, 1883.

²See successive issues of *The Lone Star* from September, 1881.



View of Fort Bliss, near El Paso, Texas

This sketch was made from the Mexican side of the Rio Grande. For an excellent description of old Fort Bliss for the years 1884 to 1886, see the article by the late Mrs. Robert Lee Howze, "Recollections of Old Fort Bliss," *PASSWORD* III, 1 (January, 1958), 30-37.

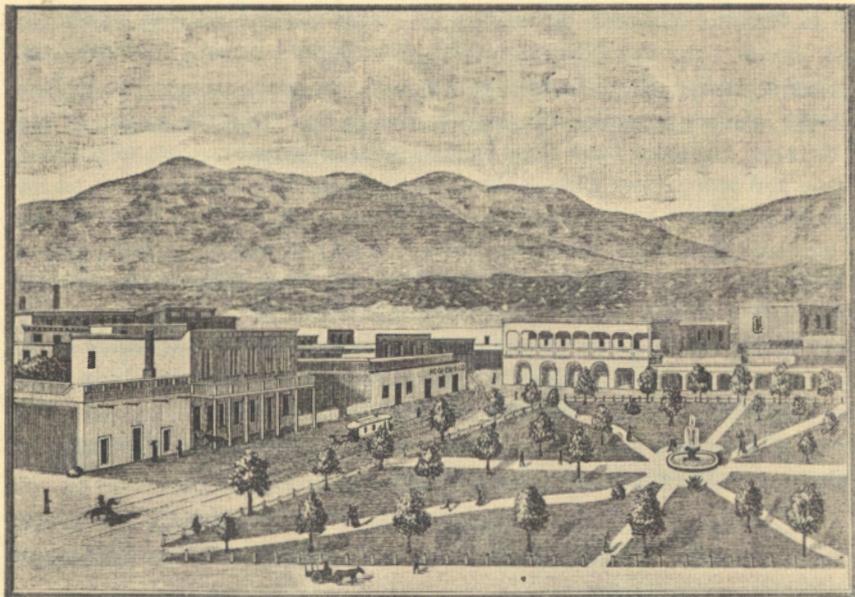
Consumptives in the last stage of the disease have no business in the high altitudes of the upper Rio Grande Valley, unless they wish to hasten their own death. Our climate is almost a sure cure for the disease when it has not reached that stage where death is only a question of time; but, after that the change to our rarified atmosphere is sure to hasten death.³

The author of the pamphlet was born in Covington, Kentucky, and attended the Tulane Medical College. He may have lived in Uvalde, Texas, for a short time because he married a girl of that town. Just when he came to El Paso is not known but he lived here continuously from 1884 until his death in 1913. At one time he was the city health officer. His last place of residence was the yellow brick house still standing on the corner of Mesa and Missouri.

The pamphlet, titled *El Paso, Texas, As A Health Resort*, was donated to the El Paso Historical Society by Mrs. Nancy Lackland Chamberlin, a granddaughter of Dr. Race and a daughter of Carrie Race Lackland. The booklet contains 16 pages, including an announcement "To The Public" signed by the

³December 17, 1881; December 21, 1881; January 7, 1881.

above-named physicians; the "Introductory," quoted above; and four pen-and-ink sketches. Beside the two published herein there is a sketch of an imaginary incident in the Bull Ring in Juárez and one of the church in that city.



Public Square, El Paso, Texas

The following is an exact reproduction of the wording of the pamphlet.

El Paso City and County

EL PASO county, of which the city of El Paso is the county seat,⁴ lies between latitude 31° and 32° North, and longitude 27° and 29° West. The elevation of the city of El Paso is 3,800 feet. The mountains near by, and extending in all directions, present altitudes varying to several hundred of feet above that of the city, affording choice of elevation commensurate with the requirements in a vast number of cases of disease. A writer recently said: "El Paso is truly a great big little city. It is far ahead of any in Texas for its size, and not to be beaten by any town in the country. It is the terminus of three of the principal railway systems on the continent, and the half-way station of another. It has more first-class business and dwelling houses to the general aggregate than any

⁴El Paso became the county seat in 1883 after an election in which "El Paso voted non-residents and practiced multiple voting to win." At the time Ysleta had the larger population. See Richard K. McMaster, "The Evolution of El Paso County," *PASSWORD*, III, 3 (July, 1958), 120-2.

other town, and more city ways and customs than any town of its size on the continent. It enjoys the fullest confidence of its inhabitants, who prove their faith by the substantial character of their investments."

El Paso has municipal government, has water works, gas works, street railways, electric light and telephone exchanges, a population of 4,000, and is altogether a prodigy of quick, solid growth and firm establishment. The El Paso of to-day, though pre-eminently creditable for its age, is but the nucleus of one of the most important large cities of the Union in commercial, manufacturing, mining and professional pursuits. Nearly equidistant from San Francisco on the west, New Orleans on the east, St. Louis on the north and the City of Mexico on the south, with direct trunk line railroad connection with all of them, as well as many other large cities intervening and beyond them, promises to make it a city great in resources and advantages of every nature. The city affords comfortable, healthful and pleasurable surroundings, whatever may be desired or necessity demands, and the adjacent region affords every facility for drives over splendid roads, every turn of which presents new views of mountain and valley scenery of absorbing grandeur and beauty, while the sportsman, be he hunter or angler, can, with little trouble, find game for gun and hook.

Situated as El Paso is, on the Rio Grande, the boundary of the United States and Mexico, opportunity is afforded to visit the Mexican people in their own homes and native country.

Paso del Norte,⁵ the town in Mexico opposite El Paso, Texas, is a settlement of great antiquity, said to have been first settled in 1620,⁶ and presents the interesting features of agricultural pursuits by irrigation; Mexican architecture in dwellings, public buildings and churches, the cathedral⁷ there being 240 years old; and the habits and customs, both social and sportive, of that nation so rapidly approaching complete intimacy of commercial relations with the United States.

The business man, capitalist, tourist, pleasure-seeker and invalid finds at El Paso and vicinity everything to charm him to an enjoyment of advantages unexcelled anywhere.

⁵The name "Paso del Norte" was changed to Ciudad Juárez on September 16, 1882, by act of the Chihuahua State Legislature. Texans continued for a few years after the name change to refer to it as "Old El Paso."

⁶Paso del Norte, originally called "Villa de Nuestra Señora de Guadalupe del Paso del Norte de los Manos," was founded on December 8, 1659. For details of the 300th Anniversary of the foundation of Juárez, see below, page 85.

⁷The church in Juárez became a cathedral only in 1958 when it was made the seat of the newly created bishopric. The cornerstone of the church was laid on April 2, 1662. Construction was completed and the church dedicated on January 15, 1688.

Topography

THE surface of the locality is diversified by mountains, valleys and plains, lending valuable factors, modifying climate and rendering a degree of picturesqueness of scenery pleasing in variety and character.

The mountains are limestone; the valleys alluvial deposit of exceedingly rich and productive soil; the plains very fertile for grasses, and abounding in a luxuriant growth of the indigenous gramma grass.

Water

THE water supply of the city is derived from the Rio Grande, whence it is pumped into one of two large reservoirs on the *mesa*, where it remains until all suspended matter, being free from any organic elements, falls from it, whence it is conveyed to the other reservoir at a point affording 200 feet pressure over the city, thus giving the city an abundant supply of water pure and wholesome for every use.

Distant from the city water works system, surface wells supply wholly unobjectionable water, while from the river many have their supply of water by the same process, in miniature, pursued by the city water works.

Drainage

DRAINAGE, grades and courses have been so liberally supplied by nature as to leave only the future, with the impurities incident to a dense population, to be considered at the proper time.

Surface water does not stand in pools, nor do undrained, marshy lands impact poisonous elements to the atmosphere. There is no malaria here. The section is entirely free from any evil results that might be induced by inadequate drainage.

Air

THE atmosphere cannot be other than as pure and uncontaminated as any under the sun—having none of the factors producing a pernicious condition of air anywhere within distance possible to bring such conditions about. The locality affords a purity of atmosphere truly vivifying and healing in its effects.

A fact of especial value relating to the atmosphere here is its aseptic and non-putrefactive power. Lacking the factor, moisture of the heat and moisture necessary to promote putrefaction, it is notable that animal matter does not undergo putrefactive changes, but simply exsiccates and never becomes putrid.

The same condition found all along the eastern side of Rocky Mountains, is here found exerting its power in an unparalleled manner and to an unequaled degree.

Meteorological

IN point of climate we see from a combination of the modifying factors here existing, a direct sequence of the effect. In view of what has already been put forth as exerting an influence over the climate is here appended a summary of the actual workings. The following tables have been kindly furnished by the observer at El Paso U. S. Signal Station from the record there:

[Here follows a full-page of meteorological data. Arranged monthly for the years 1881, 1882, and 1883, the data include the maximum temperature degrees, minimum temperature degrees, mean temperature degrees, mean humidity, precipitation in inches, prevailing wind, and total miles of wind.]

An examination of the tables develops the following facts: That the average mean temperature for the five months, May 1st to September 30th, for the entire period of three years, is 76.5 F.; that the same for the remainder of the year for that period is 53.8 F.; that the same for the entire year for that period is 63.2 F. That the mean humidity is a truly remarkable one, i.e., 45.3. The average annual precipitation of moisture for the period was 13.11 inches. That of the aggregate precipitation 39.35 inches during the period, 27.40 inches, or nine-thirteenths, was during the months June 30th to September 30th. The general course of the wind for each year and for the period was northwest, with west wind prevailing next in frequency. The average velocity of the wind for each hour of the entire period was 5.31 miles, with March and April as the most windy months. That the highest temperature is during the latter third of June and the lowest about New Year. Sunshine prevails almost constantly, and there are none of the distressing fogs elsewhere encountered. Nowhere on the continent are witnessed such magnificent and varied sunsets, which can be seen almost the entire year. Days "dark and cold and dreary" are seldom seen.

Mortality

WE have access to but one record of deaths extending over a long period, and append the following table compiled from the annual report of Joseph K. Smith, M. D., medical director military department of Texas, and though qualified by his comment that the death rate includes homicides, suicides and fatal injuries, speaks volumes for the salubrity of El Paso, which ranks as the most healthy military post in the department.⁸

⁸Fort Bliss was not made a part of the Military Department of Texas until 1887.

DEATHS PER 1000 OF MEAN STRENGTH

Fort Brown 20.528	Fort McKavitt 8.734
" Clark 12.4	" Ringgold 7.57
" Concho 13.736	" Stockton 5.7
" Davis 15.565	San Antonio 36.806
" Duncan 7.236	El Paso 5.2
" McIntosh 10.753	

Food

As to food, the locality, together with the means of quick and preservative transportation, places at command everything from the local abundant supply of fresh vegetables and fruits, including the famous grapes of the section,⁹ with the grape wines equaling those anywhere in the world, to the northern products of the United States and the tropical productions of Mexico.

The food list comprises articles to meet every requirement of fancy or necessity.¹⁰

Accommodations

ACCOMMODATIONS as to home and family supplies, and rooms and board at the best managed hotels and private houses, are commensurate with every demand made by the permanent resident or the transient sojourner. Rates are reasonable.

Society

THE society of the locality is well organized and presents every characteristic of refinement and high culture. Composed of and directed by an aggregation of people, at an earlier and later period, from the best circles of distant society, the influences have always been toward elevation, and as a result there is today a well governed community upon the highest planes of moral worth, intelligence, hospitality and refinement. The factors composing society—religious influences associated in church organizations with their handsome and substantial edifices—civil government evidenced by the choice of able guardians conscientious.

⁹According to Dr. Rex Strickland, Chairman of the Department of History, Texas Western College, the grape and wine industries in the Juárez area reached their greatest height in the 1880's. By 1900 they were beginning to fail and by 1910 they had completely disappeared, for reasons unknown.

¹⁰For a better appreciation of the foods available to El Pasoans in the 1880's, see Helen Whitener Somerville, "The World was their Oyster—Fine Eating in Early El Paso," *PASSWORD*, 11, 2, (May, 1957), 44-52.

tiously performing their duties—commercial usage characterized by the highest degree of integrity throughout its various channels—educational provision shown by the interest taken by private individuals, the city, county and state in organizing school communities, supplying competent educators and providing good school buildings—home society adorned and honored by men and women of superlative worth and character, combine to stamp El Paso lacking nothing to place her society in the front rank of the country. This is a new community to each other largely and to the locality in great degree, yet the useful unity now existing is an incontrovertible argument that goodness reigned and does reign supreme. Come from where you may, you will always find yourself at home when seeking the best society.

Summary

TO summarize the foregoing in a general way for the use of all, it may be truthfully said that El Paso offers the following advantages:

Intermediate geographical location and elevation above sea level. An abundant supply of pure water. A perfect drainage. A temperature without fault; the heat of summer moderated by frequent showers and cooling breezes, with the nights always cool and refreshing, and an autumn, winter and spring with invigorating temperature. An atmosphere wholly free from deleterious elements and of medium humidity. Wholesome food in variety and quality to meet every desire or necessity, and served properly and palatably. Hotels and dwellings designed tastefully and possessed of apartments and surroundings with view to every hygienic requirement: the rooms large, well ventilated, perfectly heated and comfortably furnished, and the surroundings cleanly and neat. Society of the best, with churches, schools, good government, adequate commercial facilities to meet every requirement. A refined people. A city possessed of all that adds to public or private comfort and convenience. Scenery charming and interesting.

We therefore promulgate that El Paso is equaled by few places in the world for healthful features, and it takes a great many elements to make a perfect health resort, but here are found all essential good features of one and an unequaled modicum of deleterious factors.

THE FRANKLIN GUARD REPORT

. by *Albion Smith*

On July 4, 1862, a strong reconnoitering force of the First Cavalry, California Volunteers, commanded by Lt. Colonel E. E. Eyre, preceding the main California column, arrived on the west bank of the Rio Grande River north of Fort Thorn. Amid cheers the Stars and Stripes were raised aloft in triumph for the first time south of Fort Craig since the occupation of the country by Confederate troops.¹ Eyre turned south from Fort Thorn and, breathing hard on the necks of Sibley's defeated Texans,² pursued them through Fort Bliss, Fort Quitman, and into the heart-land of Texas beyond Fort Davis.

Upon the arrival of the main body under command of General James H. Carleton, the California Volunteers were stationed at various points of importance in Arizona, New Mexico, and West Texas, where for the next three years they were engaged in building forts, maintaining Union supremacy, and pacifying Indians. Units of the First Cavalry and of the First and Fifth Infantry were stationed in Franklin [El Paso] at Fort Bliss.³ In the spring of 1863, General West in command of the District of Arizona moved his headquarters from Mesilla, New Mexico, to Hart's Mill in Franklin.⁴ So it was that the town of Franklin became a two-post station in 1863, with units of two regiments of infantry at Fort Bliss and one of cavalry at Hart's Mill.

An interesting record of the guard maintained in Franklin during the period June 25 to October 25, 1863, is contained in Deed Record Book "B," pages 234-382, stored in the basement record room of the El Paso City-County Building. Entries in this book substituted for the official Guard Report book. A guard report is required of regularly mounted guards at all army posts. The report, which is in book form, gives the names and rank of members of the guard; the organization to which they belong; a list of posts maintained; property, such as tool, etc., for which the guard is responsible; and remarks entered by the Officer of the Day covering important events. Perhaps the supply of guard books was exhausted. At any rate, for four months Deed Record Book "B" was used, for

¹Richard H. Orton, *Records of California Men in the War of the Rebellion, 1861-67* (Sacramento, Calif., State Office, 1890), 57.

²The Texans were defeated in the Battle of La Glorieta, March 27, 1862.

³At the time Fort Bliss was located at Magoffinsville near the junction of present-day Magoffin Avenue and Willow Street.

⁴Aurora Hunt, *The Army of the Pacific* (Glendale, Calif., The Arthur H. Clark Co., 1951), 134.

which we are thankful, as it is now possible to gain first hand information about some of the little military problems encountered in war time at El Paso long ago.

From the report we learn that the guard was mounted daily and consisted of men from both Fort Bliss and Hart's Mill. Although at times as many as nine sentinels were posted, the three most important points guarded were those at the main guard-house, District Headquarters, and the ferry at the foot of Santa Fé Street. Some extracts from the report will be found interesting. During his tour of July 7-8 First Lieutenant Samuel Staddon indignantly recorded that "the allowance was one candle from the adjutant's office; so that I was obliged to go to a citizen store and buy for the use of the guard." During the same day, we are informed, "Jon Souvis" was confined and on the following day was escorted by a file⁵ of the guard which "put him across the river never to return." Those of us who are familiar with "wetbacks"⁶ can hardly refrain from smiling at the naiveté of this sentence, as the culprit was probably back in Franklin for supper.

In order to maintain proficiency in marksmanship members of the guard engaged in rifle practice when their duties permitted. The name and organization of the best shot was recorded daily on the guard report. On July 16-17 it was recorded: "Best shot, Daily, Co. G, 5th. Infantry, C. V." and, the report added, "a new target wanted."

The report for July 25-26 shows that a 15-pound ball with a three foot chain was added to the list of property at the guard-house. Perhaps this was in anticipation of the arrival of Private Averish, 5th. Infantry, C. V., under six month's sentence "to be confined with a ball and chain attached to his left ankle; to forfeit all of his pay except \$3.00 [per month], and to be drummed⁷ out of the service." This incident is of interest principally because it focuses attention on the sociological advances made in the administration of discipline in the armed forces, where unusual or degrading punishments have long been forbidden by law. Ironically enough the prisoner was made responsible for the irons as they were dropped from the property list of the guard, but—let us see.

The remarks on the guard report for July 28-29 clearly indicate that Private Averish was a man not only of restless disposition but also of great resourcefulness. The report notes that "Private Averish escaped from the guard-house about

⁵A file consists of the front rank man and the corresponding number in the rear rank. Sometimes in army slang an individual is referred to as a "file."

⁶The term "wetback" is colloquially used to designate an illegal immigrant from Mexico who gained entry by wading the Rio Grande River.

⁷Drumming out of the service was a practice in vogue since Colonial days and was regarded as a humiliating dismissal wherein a guard, preceded by a drummer, marched the prisoner to the limits of the camp where he was given an unpleasant farewell.

1/4 to 5 o'clock, having secretly cut the rivets to his shackles, and passing to the south end of the guard-house unobserved." The property list for that day faithfully records that the ball and chain were added again to the responsibility of the guard.

What would the army be without the ladies? The report for August 26-27 has the following entry: "Female prisoner Lafafia, was confined on August 25 by order of the Officer of the Day." This event would seem to provide evidence that the oldest profession in the world was old even in 1863. The record informs us, however, that Lafafia was released on the following day by order of the commanding officer.

Apropos of the complaint about a shortage of candles made by Lieutenant Staddon on July 7-8, the commander of the guard on September 23-24 made the following additional requisition: "Candle-stick wanted at the office of the guard," seemingly a sign of the softening effects of prolonged garrison duty. There is no indication that this luxury was ever provided, but in the last entry, on the last day of the book, October 25, 1863, the property record still showed "one ball, 15 pounds, with chain."

Private Averish never returned.

BOOK REVIEWS

THE SEVEN MEN AT MIMBRES SPRINGS

. by *Will Henry*

(New York: Random House, 1958. \$3.50)

The author builds a romance from the fictional diary of a blue-eyed Apache woman, recently deceased at the age of 108 years. She was known to the Indians as Waska-na-Chay, and to others as Apache Annie.

The story is without doubt inspired by the historical episode in which Emmet Mills and six other employees of the Butterfield-Overland Mail tried to escape, with the company records, to California at the outbreak of the Civil War, only to be trapped and killed at Cooke's Spring station by the Apache Indians.

Lucy Henderson, a Southern-born woman employed as a Northern spy, was under orders to take the overland stage to El Paso to obtain valuable maps and records of the American Mail Company, operated by the Waterfield Stage Line. She arrived in El Paso on April 11, 1861, just one day before war was declared, to find that seven loyal employees of the stage line were planning to escape that same night with the company's records in a celerity to Santa Fé, New Mexico. [A celerity is a light wagon designed for rapid transportation.] The station in El Paso was besieged by fourteen Southern irregulars, led by Price Cullross, intent upon securing the records of the mail company. A ruse was devised whereby the besieged were able to leave the station unobserved, and before their absence was discovered were well on their way to Mesilla. Pursuit followed but the pursued were able to gain the shelter of the Mesilla station.

Price Cullross, who had been captured during the assault on the El Paso station, had been carried along by the fleeing employees. He was now offered his freedom if he would call off the attackers. He declined. In order to lose the pursuers it was decided to make their way to California instead of Santa Fé. By changing the route the employees escaped the Southerners but met with a much more lethal enemy. It was at Mimbres Springs, on the road to Tucson, that the party saw Apache smoke signals which informed them that their presence had been detected and that they would be attacked. Price Cullross, now a valued member of the group and no longer a prisoner, volunteered to ride through the Indian lines to Fort Fillmore for aid. He was promptly captured and in plain view of his companions put to the torture.

The Apaches, led by the famous Mangas Coloradas [Red Sleeves] were in strong force and determined to exterminate the small garrison of the mail sta-

tion. Twice the Indians attacked, each time suffering severe casualties, but the attrition of the garrison was progressive and by the morning of the fourth day of the siege all had been killed except the huge Negro servant of Linn Sparhawk and the spy, Lucy Henderson.

Simon Peter, the Negro, had a primitive affection for his white master. When the master died, the slave decided to launch a one-man assault against the entire Indian band. This ended, as might be expected, in his death.

All of the men were now dead. Only Lucy remained alive. Not caring any longer what might happen to her, she left the walls of the station and walked towards the Indian lines. The author leaves us to presume that she married an Apache and learned to love the Indian way of life and in time became known as Waska-na-Chay or Apache Annie.

The book is well written and organized to hold the reader's interest to the end.

El Paso, Texas

Albion Smith

HOW COME IT'S CALLED THAT?

. *by Virginia Madison and Hallie Stillwell*

(Albuquerque: University of New Mexico Press, 1958. \$4.25)

Green Gulch, Cow Heaven, Deadman's Curve, Robbers' Roost, Carter Peak—so go the place names in the Big Bend country. Many people who wander through that rugged country which is cradled in "the mighty elbow" of the Rio Grande might smile at its place names and perhaps wonder about them. Two Texas ladies have done more than merely smile and wonder. They have searched out early-day maps and records, recalled forgotten yarns, unearthed old legends; and they have produced a readable and undoubtedly reliable account of the origin of the place names in the Big Bend region.

"How Come It's Called That" actually amounts to a grand tour of the Big Bend country—a tour into space and time. As our conductors point out this mountain range and that canyon, this community and that water hole, they comment on the stories that surround the place. If several conflicting accounts of name's origin exist, our guides do not hesitate to give us all versions as, for example, the controversy concerning the origin of the word "Chisos." With our friendly escorts, we move back and forth in time, meeting the hardy pioneers to this region, the bad men, the surveyors, the railroaders, the military men, the great ranching families. We are supplied with brief biographical sketches of those

persons who have played an especially significant part in the development of the region—men like Amon G. Carter and General John L. Bullis. We are given tantalizing glimpses of some of the region's popular "characters" as, for example, Maggie Smith, "godmother to the Mexican people"; and Judge Roy Bean.

In point of geography, our tour begins exactly where it should—in the midst of the Chisos Mountains. From the Chisos, we move east, south, west, and north examining with loving detail the spectacular mountain spires, the bare rock formations, the mysterious canyons of the Big Bend National Park, America's newest.

Leaving the Park, we go first in the direction of Marathon ("a mighty high-sounding name for the little one-street cowtown"), then in the direction of Alpine (and the naming of that town is quite a story). Then we shift to Langtry (not named for that famous actress, we learn) and follow the Southern Pacific Road to Valentine (three versions on the naming of that town). Along these routes, our accommodating guides weave the tales of the region, tales of violence, bravery, romance, compassion, tales that produce a colorful tapestry of history and folklore.

At the end of the tour, the authors comment that "some of the place names are drab and uninteresting." The statement comes as a bit of a shock, for we have met nothing drab on this tour of the Big Bend. Looking back, we do realize that some of the place names are less picturesque than others and less provocative perhaps. But we also realize that our guides have managed to lend charm even to the "drab and uninteresting" aspects of the region. They have pursued their subject with directness and enthusiasm. And they have never let the reader forget that every answer to the question "How Come It's Called That?" is a human story.

A few other remarks need to be made about this book. It is scrupulously documented and adequately indexed. Also it is an exceedingly handsome book. The University of New Mexico Press has done its usual fine job of printing, designing, and binding. To make our tour even richer, we are supplied with photographs and maps. Altogether, both authors and publisher can be proud of their accomplishment, one that will provide the student of Texana with some new-told tales and legends and the casual reader with a capacity for enjoying and appreciating the country of the Big Bend.

Texas Western College

Lillian Collingwood

CONTRIBUTORS

Conrey Bryson, considered the Dean of Southwest news commentators at KTSM-TV, will be remembered as the author of the excellent article "The El Paso Tin Mine," in *PASSWORD*, III, 1 (January, 1958). The present article is one of two prize-winning papers tied for first place in the 1958 contest sponsored by the Society.

For further biographical details see the above-cited issue of *PASSWORD*.



CONREY BRYSON



HELEN ORNDORFF

Helen Orndorff, a native of Missouri, came to El Paso in 1935. She received her Master's Degree (History) from Texas Western College in 1957. The present article was taken from her Master's thesis, "History of the Development of Agriculture in the El Paso Valley," written under the direction of Dr. Wayne Fuller, Associate Professor of History. Later issues of *PASSWORD* will carry other chapters from her excellent thesis.

Mrs. Orndorff lives with her husband Buford and their two children, Kay and Buf, at 7451 Ryan Circle.

Dr. Jack L. Cross is Assistant Professor of History at Texas Western College. He received his doctorate in history from the University of Chicago. For further biographical details and a photograph see PASSWORD, IV, 1 (January, 1959).

* * * * *

Lillian Collingwood, a native El Pasoan, is an Instructor in English at Texas Western College. She received her bachelor's degree from TWC and her Master's (English) from the University of Michigan.

Mrs. Collingwood is a frequent contributor to the "Book Shelf" of the *El Paso Herald-Post*.



COLONEL ALBION SMITH
U.S.A. (RET.)

Colonel Albion Smith, USA (Ret.) is a frequent contributor, both of articles and of book reviews, to PASSWORD. He was born in South Carolina and was graduated from the Citadel. After serving as a lieutenant in the Philippine Constabulary, he accepted a commission in the U. S. Army where he served for 30-odd years. Upon retiring he entered Texas Western College where he received a master degree in history.

HISTORICAL NOTES

WINNERS IN THE 1958 ANNUAL WRITERS' CONTEST

CATEGORY I—open only to high school students—NO ENTRIES

CATEGORY II—open only to college students—ONE WINNER

JAMES E. LOWN, "THE GROWTH OF A UTILITY—THE EL PASO NATURAL GAS COMPANY."

CATEGORY III—open to the general public—FOUR WINNERS

CONREY BRYSON, "EL PASO AND THE POLL TAX" and JOHN P. BLOOM, "JOHNNY GRINGO AT THE EL PASO DEL NORTE" tied for first place, while

RICHARD K. McMASTER, "THE NINTH MILITARY DISTRICT—TERRITORY OF NEW MEXICO: 1848-1862" and

ESTELLE GOODMAN LEVY, "EL PASO DEFENDS HER CULTURE—OPERA AT THE PASS OF THE NORTH" tied for second place.

These winning articles will be published in *PASSWORD*, beginning with this issue which contains Mr. Bryson's paper.

* * * * *

SECOND ANNUAL WRITERS CONTEST

The Board of Directors of the Society takes great pleasure in announcing the second annual writers' contest. The categories remain the same and the winning paper or papers in each category will be published in *PASSWORD*. The money awards also remain the same—one hundred dollars for the winner in each category. Deadline for entries is October 1, 1959.

For further information and rules governing the contest, contact
JACK C. VOWELL, JR.,
President, El Paso Historical Society
4835 Emory Road
El Paso, Texas

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AN OMISSION

Due to an oversight the name of Mrs. Charles A. Goetting, Curator of the Society, was omitted from the list of officers on the inside cover of *PASSWORD* for 1959.

All persons who have any material of a local historical nature should contact Mrs. Goetting at her home on Rim Road.

* * * * *

300th ANNIVERSARY

The City of Juárez is preparing to celebrate its 300th anniversary during the present year. Tentative plans call for an Indian foot-race to start in February at San Gelatao, Oaxaco, birthplace of Benito Juárez, the "George Washington" of Mexico, and end in the border city on March 21 during the Benito Juárez festivities.

The Bank of Mexico will issue a special gold coin as well as a silver coin to be placed in circulation the latter part of February to commemorate the founding of El Paso's sister city.

* * * * *

JUAREZ 125 YEARS AGO

Vivian O'Neal, a former El Pasoan and now custodian of the Pecos State Monument, ancient pueblo ruins in northern New Mexico, in an article in the *El Paso Times*, March 30, 1958, quoted from the writings of several early travelers to El Paso del Norte. One, an adventurous American named James O. Pattie, who spent the years 1824 to 1830 traveling through the West, wrote the following description of modern Juarez:

"I know not whether to call the Paso del Norte a settlement or a town. It is, in fact, a kind of continued village, extending eight miles on the river. Fronting this large group of houses is a nursery of fruit trees of almost all countries and climes. I was struck with the magnificent vineyards of this place from which there are made many quantities of delicious wine. The wheat fields are equally beautiful, the kind of wheat I have never seen before, the stalks generally yielding two heads each. The land is exceedingly rich and its fertility is increased by irrigation. There are grey bears and other wild animals which live in the mountains near El Paso Del Norte and are a menace to stock."

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