

# PASSWORD



THE EL PASO COUNTY HISTORICAL SOCIETY

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SUMMER, 1967

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# P A S S W O R D

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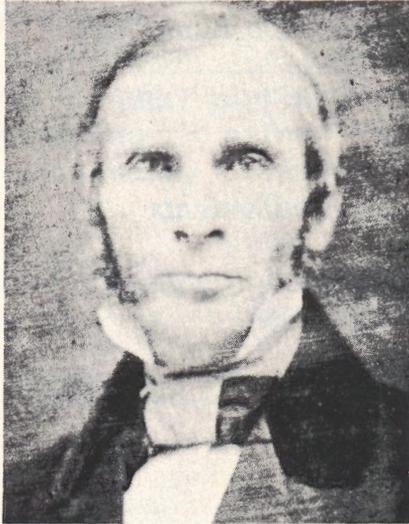
EL PASO, TEXAS

SUMMER, 1967

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MAJOR JEFFERSON VAN HORNE  
*Post Commander, Fort Bliss*  
1849

*(Courtesy United States Military Academy)*

*Published quarterly by THE EL PASO COUNTY HISTORICAL SOCIETY*

EUGENE O. PORTER, *Editor*

JACK C. VOWELL, JR., *Associate Editor* CARL HERTZOG, *Design Editor*

Correspondence in regard to articles for *PASSWORD* should be directed to  
DR. EUGENE O. PORTER, The University of Texas at El Paso

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# MAJOR JEFFERSON VAN HORNE

by RICHARD K. McMASTER

CAPTAIN AND BREVET MAJOR JEFFERSON VAN HORNE, who established the first military post at El Paso in 1849, was born in Pennsylvania in 1802,<sup>1</sup> the son of Mr. and Mrs. Isaac Van Horne. Just when he moved with his parents to Ohio is not known but it was very likely in 1805 when his father was appointed receiver of the land office in Zanesville. Be that as it may, it is known that he was admitted to the Military Academy at West Point from Zanesville,<sup>2</sup> Muskingum County, Ohio on July 1, 1823, at the age of twenty years and ten months. He was graduated on July 1, 1827, number 30 in his class of 38, and commissioned a 2nd lieutenant of the Third Infantry. He was the 499th graduate of the Academy.<sup>3</sup>

Years later, on September 16, 1855, while stationed at Fort Stanton, New Mexico, Van Horne wrote a letter to General George W. Cullum in reply to the latter's request for information regarding himself and other graduates of his acquaintance, for inclusion in a Register of Graduates. His letter follows:

Fort Stanton, New Mexico 16 Sep. '55.

Sir

I had the pleasure to receive your circular of 1st July and am gratified at the interest you take and at your efforts to make the Register of Graduates of the U.S.M. Academy more and more full and interesting. I think all officers should write to increase the information afforded by it and with that in view I sat down to give you such items as I could with regard to my acquaintances, but isolated as I am here, I find I cannot recollect the dates, and that my information would be so vague as to be of little service to you. I give a few items with regard to myself.

"No. 499. Actg. Ast. Qr. Mr. and Comsy. 1831 & 2; Disbursing Agent for removal of Indians from E. to W. of Missi. from 1832 to 1840; In Florida Ind. War from 1840 to 1843; In Mexican War from 1846 to 1848. Was in battles of Contreras, Churubusco, Chapultepec, Garita de Belen and skirmishes at Tolome and Paso de Ovejas, June 1847, near Buena Vista 17 Aug. '47, and in City of Mexico 15th Sep. '47, when with part of his regt. he took the convent of St. Augustin containing Arms, munitions, clothing, etc." No. 1156. A. J. Williamson. Resigned 1851, Professor of Mathematics and Philosophy, Kentucky Military Institute from 1851 to 1853, Civil Engineer, Ohio 1855.

No. 453. Jno. Archer. In lumber business Harve de Gras Md. until 1847 since then Farmer in Texas.

No. 775. J. L. Coburn. 1855 Farmer on St. Joseph Island, Texas.

No. 1039. B. R. Johnson. President Western Military Institute, Ky. since 1852. Very respectfully your obt. servant, J. Van Horne,<sup>4</sup> Capt. Infy. Bt. Maj. U. S. Army.

The Third Infantry evacuated the City of Mexico and sailed from Vera Cruz in the summer of 1848, arriving at Camp Jefferson Davis, Mississippi on 21 July. In October and November, Headquarters and Companies A, B, C, E, I and K were transferred to Texas, taking station at Camp Salado, four miles from San Antonio; and Companies D, F, G and H were transferred to Jefferson Barracks where they remained until the following April when they were sent to Fort Leavenworth.<sup>5</sup>

On 1 June 1849, the Texas battalion under Major Van Horne was sent to El Paso del Norte, arriving at a camp five miles below El Paso on 8 September, a distance of about 670 miles. Companies D, F, G and H, under Brevet Lieutenant-Colonel Alexander (who was also commanding the regiment), left Fort Leavenworth about the middle of May for Santa Fe, where they arrived 22 July. The entire regiment was now in New Mexico, headquarters and three companies being at Santa Fe; two companies at the post opposite El Paso; and the others scattered along the Río Grande as far north as Taos, N. M., and as far south as San Elizario.<sup>6</sup>

Major Van Horne commanded the two posts at El Paso and San Elizario until his three companies were transferred in September of 1851 to the recently established posts of Fort Fillmore and Fort Conrad, along the Río Grande above El Paso del Norte. He remained at Fort Fillmore until July of 1852 when he was ordered out on Recruiting Service.<sup>7</sup>

Major Van Horne's tour of duty at the Pass to the North was characterized and illuminated by his official correspondence found in the Reports of the Secretary of War and the Letters Received files of the Adjutant General. Three of the letters written by this conscientious frontier soldier and administrator follow:

Headquarters post opposite El Paso, New Mexico,<sup>8</sup>

November 8, 1849.

Sir:

Mr. Benjamin Leaton<sup>9</sup> is at present on a visit here from Presidio del Norte, two hundred and fifty miles below this. He says that he had, for the last year or two, endeavored to gather the Apaches about there, advising them to preserve friendly relations with the United States, and hoping that an Indian agent would be along there to make a treaty with them. He says also that we came through the midst of them—their warriors numbering about eight hundred—and to his advice to them not to disturb us he attributes the fact that they did not molest us. Immediately after we had passed, however, the party of American outlaws, under Glanton,<sup>10</sup> crossed at his station, and, after attacking the Indians, and with difficulty escaping, returned by Leaton's again, on their way to Chihuahua. This Leaton says, has made them hostile to him, and to all Americans, as they do not know any distinction between Glanton's party and any other Americans. He says

that all the settlers on our side, except himself, have gone to the other side; that he considers his position very unsafe, and urges strongly that government should have troops there. He thinks it was some of Gomez's party who made the attack at Janos.

Leaton desires me strongly to urge the necessity of having troops at Presidio del Norte, to restrain the inroads of the Indians upon the Mexican territory.<sup>11</sup>

Since writing the foregoing, I have received a communication from Colonel Laugberg, Mexican commandant, El Paso, enclosing another from Angel Trias,<sup>12</sup> governor and commandant general of the Mexican general government, dated Chihuahua, October 10, in which great complaint is made to Ben Leaton for trading with the Apaches and Comanches, and giving them powder, and lead, and guns, etc., in exchange for animals and other property which the Indians steal from the Mexicans—thus encouraging the Indians to continue their depredations in Mexico, and violating the treaty of peace, which forbids this.

I take the liberty to enclose these documents to you, at the pressing request of Colonel Laugberg, as it relates to matter in your department. On inquiry, I think that there is no doubt that Leaton deals extensively in buying mules and horses stolen by the Indians from the Mexicans, and in trading them off. The Torrys and others carry on the same traffic; and the Indians are extensively supplied by traders at Santa Fe, San Miguel, etc., with arms and ammunition, in exchange for animals, etc. Many of those traders rove about among the Indians, and live with them.

It is highly probable that the Presidio del Norte<sup>13</sup> will be an important point on the great route of trade from San Antonio, Lavaca, Corpus Christi, etc., to Chihuahua, Durango, etc., which is an additional reason why troops should be stationed there.

I am, sir, very respectfully, your obedient servant,

J. Van Horne,  
Brevet Major 3d Infantry, Commanding.

Major George Deas,

Asst. Adjt. General 8th Military Department, San Antonio, Texas.

Despite the fact that Major Van Horne had but recently arrived in the Paso del Norte area, and was at once confronted with both domestic and international problems, he yet had the qualities of initiative and leadership to cope with the exigencies of the military situation. During the fall and early winter of 1849-1850 two of his six companies were engaged in escorting supplies from the lower crossing of the Pecos River and also near Delaware Creek. And his own Company E was dispatched under Brevet Major (1st Lieutenant) Israel B. Richardson to conduct an expedition against the Mimbrenño Apaches at the Copper Mines of Santa Rita del Cobre, about 200 miles from El Paso in a northwesterly direction, from October 17 to November 12, 1849.

Hd. Qrs. Battn. 3d Infantry  
Paso del Norte, New Mexico  
Sept. 19, 1850

Sir,

Simon Manuel, Simon Porode, another Chief, and eight other Apache Indians of the Mescalero Band living between the Sacramento Mountains and Presidio del Norte, came into this Post and San Elizario a few days since instructed, they say, by their People to ascertain whether they would be kindly received, and that if they were assured that their People would be received in a kind and friendly manner, that they would return to their Tribe and bring them in about ten days or more from this time; they were received with kindness and some presents made them both at this Post and at San Elizario, and appeared to go away with satisfaction saying they expected their People would be in considerable numbers about the time specified to make a Treaty; They also visited the Town of El Paso over the River<sup>14</sup> and were very kindly received there.

I presume it is the wish of the Government to cultivate friendly relations with them, and to do this effectually I should be authorized to issue Provisions in limited quantities and to make small presents to the influential men among them.

A Part of the Train of Supplies have arrived, the remainder will all be here within a week probably; the Teamsters and Coons part of the Train (about 120 in number and well armed) are represented to me by Mr. Coons<sup>15</sup> and his Agent Smith,<sup>16</sup> as a lawless and desperate set of men over whom they could exercise no control and that they have lost 250 of Coon's oxen and wasted and lost much of his property; He had declared he will not pay more than a third of them—They drove off Smith and tried to shoot the Issuing Agent; There are some apprehensions that they may seize upon the Train and Supplies. This I think not very likely, Coons had promised to have them disarmed before they reach here, I have no doubt these men will occasion much disorder and annoyance here; Major Sprague informs me that the immense Horde of Teamsters and about 350 attached to this Train are by the Contract subsisted from the Govt. Stores which they brought up and until their return to San Antonio; and that together with the Supplies destroyed, lost, and unfit for issue only about one half the Subsistence will remain for the use of the Troops here. The Clothing and other Property is also damaged, pieces being broken open, Major Sprague calculated that by this mode of transportation the ration will cost the U. S. here at least \$150; the provisions are badly and inconveniently put up, and many of the packages broken.

A Mr. French<sup>17</sup> is also arrived here, with a letter from V. E. Howard M. C.<sup>18</sup> to me with a Train of carriages and some 300 passengers for California and employers. An Express is just in from Washington City, the house of Howland and Aspinale<sup>19</sup> upon whose authority he had been lavishing immense sums to carry 120 emigrants from New York to California and subsisted them on the way for \$250 each !!! have dishonored his drafts

and a Sheriff is now here to seize him and all his property, carriages, etc. They say the letters of credit which French exhibits purporting to be from them is a Forgery; Lockwood Divine and others at San Antonio furnished his outfit chiefly and it is believed the Govt. Officers at San Antonio and elsewhere may suffer losses; most of these 300 men are also wholly destitute and with others, there is likely to be some 500 men wholly destitute of means and those first mentioned of the most lawless character thrown out of employment at this place where there is at all times a Horde of Loafers and Desperadoes.

L. McLaws  
A.A.A. Genl.  
9 Mil. Dept.  
Santa Fe, N. Mex.

Very Respectfully  
Your obt. servt.  
Signed J. Van Horne  
B. Maj. 3rd Infy. Comdg.

A true copy  
Lieut. L. McLaws

By the mid-summer of 1850 Major Van Horne retained under his command but three of the companies of his original battalion. When his two posts were inspected by Colonel George A. McCall in the fall of that year, there were only 4 officers, an assistant surgeon, and 81 men present at the El Paso post, and 1 officer and 44 men on duty at the Presidio de San Elizario. Major Van Horne, Captain Bowman — the Regimental Quartermaster, and two second lieutenants were at El Paso, with Captain Johns the sole officer at the old Spanish presidio twenty miles down the river.<sup>20</sup>

On October 1st Major Van Horne sent the following letter to Department Headquarters at Santa Fe:

Head Quarters Battn. 3rd Infy.  
Paso del Norte N. M.  
October 1st, 1850.

Sir,

I have the honor to enclose Post Returns and Copies of Orders for Sep. 1850.

Major Sprague says he thinks the Supplies brought by the Train will not last longer than 1st March next. The arrangements for transporting Supplies here seem very defective. There were 304 Teamsters etc. who have been drawing rations from these supplies, and are entitled to draw until they get back to San Antonio, the Contractors being paid for transporting these as well as the other rations. And besides this it seems, that the larger bodys (about 150) of California emigrants and their teamsters were also supplied from these stores. A considerable quantity is damaged and lost from being hauled in miserable Mexican carts and by uncontrolable teamsters. The train

started on the first of May. Five months has this horde been living on these supplies and it will take two months at least for them to return.

The arrangements made for escorting trains seems to be very defective. The escort of the 8th Dept. accompanies the train to the Pecos, where one is to meet it from this Post. Their time of starting from San Antonio seems to be always uncertain, and the time of arrival on the Pecos depends on the condition of the road, etc. The escort from this post will have to wait its arrival, besides having 1400 miles to travel in bringing up the stores and then taking back the empty teams to the Pecos,—meanwhile the escort from the 8th Dept. would have to wait two or three months for the return train, and both escorts would be absent on this service some seven months of the year, while one escort from the 8th Dept. would perform the service quite well. Gen'l. Brooke was so convinced of this that he determined to send Major Sprague's escort all the way, as the latter preferred this to waiting at the Pecos.

About sixty of Coon's large teams still 120 miles distant, and unable to move on account of the entire absence of water between here and there. It is uncertain when they will arrive—perhaps within a month.

The crops of Corn and Wheat in this quarter and about Chihuahua are very meagre. Corn has risen from \$2.00 to \$4.50 per fanega<sup>21</sup> at Chihuahua. The escort and employes of the Boundary Commission will no doubt make considerable demands on this post for subsistence, etc. and considering the increased force of recruits on the way, there is likely to be a deficit of Subsistence here.

Capt. Johns, the senior Officer next to myself at the two posts under my Command, has applied for the command at San Elizario, and as I thought it no more than his due, and as conforming with the usage and the good of the service, I have transferred his Company to San Elizario in place of K Company commanded by Lt. Wood, which is transferred to this post.

The Sierras Prieta and Diavala are about 100 miles from this and ten days to two weeks would be needed to search for water and a route here. It was not my expectation to make the examination as long as there might be other employment for the troops, or under the existing order to be ready for a prompt movement.

As I believed the road to San Antonio can be much shortened and improved by this examination, it was only my request that the examination might be made at a period of leisure.

I am Sir,  
 Very respectfully  
 Your obt. servt.  
 J. Van Horne  
 B. Maj. 3 Infy. Comdg.  
 1st Lt. L. McLaws, 7th Infy.  
 Asst. Adjt. Genl.  
 Santa Fe, N.M.

Returning to duty with his regiment in 1855, Major Van Horne was placed in command of another new post, Fort Stanton, situated in the heart of the Mescalero Apache country, high in the Sacramento Mountains. He remained at Fort Stanton until 1857 when he was transferred to Albuquerque to take command of the garrison at that place. It was there that he died on 28 September 1857, after having served for thirty years with the 3rd U. S. Infantry.

#### REFERENCES

1. *Register of Graduates of the United States Military Academy* (West Point: The West Point Alumni Foundation, Inc., 1961).

2. The A.O. Form, United States Military Academy, dated January, 1915, clearly states that Van Horne was admitted to the Academy from "Lanesville, Muskingum County, Ohio." This is definitely an error, due very likely to the fact that "Z" and "L" in script can look very much alike and that the "Z" therefore was mis-copied. Mrs. Dorothy L. Freiermuth, Deputy Clerk of Muskingum County, assured the editor in a letter that so far as she knew there never was a "Lanesville" in her county. Also Mr. Vincent B. Linn, President of the Muskingum County Historical Society, wrote that "Lanesville" is definitely an error." Another correspondent, Mr. Norris Schneider, whom Mr. Linn described as "a professional author on local history," gave a similar assurance. Mr. Schneider sent the editor his article, "Gen. Van Horne Was One of Zanesville's Pioneers," *The Times Recorder* (Zanesville, Ohio), January 27, 1963. It is a biographical sketch of Jefferson Van Horne's father.

Incidentally, Mr. Linn wrote in his letter to the editor: "I am under the impression that at one time there was Zanesville capital invested in El Paso, in one or more downtown blocks. Whether Jefferson Van Horne's association with the fort there had any bearing on this I do not know. It seems possible."

3. A.O. Form, USMA, 1915.

Lt. General Leondas Polk, C.S.A., Brig. General Phillip St. George Cooke, a Virginian who stayed with the Union, and Major Isaac Lynde who surrendered Ft. Fillmore to the Confederates, were classmates of Van Horne. — *Register of Graduates*.

Cooke, by the way, was with the Whiting expedition to locate a route for military and commercial purposes between San Antonio and El Paso, Texas. See Phillip St. George Cooke, William Henry Chase Whiting, Francois Xavier Aubry, *Exploring Southwest Trails, 1847-1854*, ed. by Ralph P. Bieber and Averam (Glendale, Cal., 1938).

4. George W. Cullum, *Note-Book* (Archives, U.S.M.A.).

5. T. F. Rodenbough & W. L. Haskin, *Historical Sketches, U. S. Army*, 1896, 440.

6. *Ibid.*, 441.

7. Jos. K. F. Mansfield, *Report Regarding His Inspection of the Department of New Mexico, 1853*.

8. The Texas Government did not send an official representative to West Texas until late summer of 1850. Meanwhile, the area was administered as part of Valencia County, New Mexico. This is the reason Major Van Horne heads his letter "Headquarters post opposite El Paso [Mexico], New Mexico."

9. Benjamin Leaton may have been from Virginia. He went to Mexico sometime in the 1830's and remained there until after the Mexican War, living largely by his wits although he did a little scalp hunting, a little mining, etc. He married Juana

Pedraza a widow who was a large landowner in the vicinity of Presidio del Norte. (See below, footnote 13.) He occupied Fortin and carried on trade with the Indians. He died about 1852, some say in San Antonio, Texas, and others, New Orleans.

10. John Joel Glanton was described by a contemporary as "The meanest man I ever knew." He first appeared on the Southwest scene as a gambler in San Antonio, Texas, at the end of the Mexican War. In the spring of 1849 he married into the Menchaca family. He moved to Presidio del Norte where he obtained a contract from "some" Mexican government to hunt scalps. The Yuma Indians caught Glanton and his group drunk and beat them to death.

11. In the Treaty of Guadalupe Hidalgo the United States government assumed responsibility for stopping Indian raids into Mexico.

12. Angel Trías was one of the wealthiest men in Chihuahua and also one of the most powerful. He had traveled in the United States and Europe and spoke English, French and German fluently. In politics he held a number of offices from city alderman to Congressman of the Republic, supreme court justice and Governor of the state of Chihuahua. — Max L. Moorhead, *New Mexico's Royal Road: Trade and Travel on the Chihuahua Trail* (Norman, Okla., 1958), 115n.

At the time this letter was written the boundary between Mexico and the United States had not been fixed as provided for in the Treaty of Guadalupe Hidalgo. For the story of the boundary controversy and the part played by Angel Trías see Robert N. Mullin, "David Meriwether, Territorial Governor of New Mexico: A Sidelight on the Mexican Boundary Controversy of 1853," *PASSWORD*, Vol. VIII, No. 3 (Fall, 1963), 83-98.

13. Presidio del Norte is the present Presidio, Texas, on the bank of the Río Grande opposite Ojinaga, Mexico.

14. This is present-day Juárez.

15. Benjamin Franklin Coons of Franklin, Missouri, is credited with establishing the first mercantile business on the present site of El Paso, Texas. He called his place "Santa María," but friends sought to honor him and spoke of "Coon's Rancho" and also of "Franklin." Later, when W. T. Smith (see below, footnote 16) bought out Coons the village was called "Smithville." It was this village which developed into El Paso. — Rex W. Strickland, "Six Who Came to El Paso — Pioneers of the 1840's," *The Southwestern Studies*, Vol. 1, No. 3 (Fall, 1963), 7-8.

16. "Agent Smith" was William T. (Uncle Billy) Smith, a native of Kentucky, who was born in 1810. He was wagon master for Benjamin F. Coons. When Coons left the Pass for California in 1853, Smith bought Coon's equity in the Ponce Rancho. Smith died in San Elizario in 1860 from injuries received when he was thrown from a stagecoach. — Rex W. Strickland, ed., *W. W. Mills, Forty Years at El Paso 1858-1898* (El Paso, 1962), 190.

17. This was very likely Parker H. French who came to El Paso in 1850. Dr. Strickland called him "the Notorious." — *W. W. Mills*, 87n.

18. Volney E. Howard was a land speculator from San Antonio, Texas.

19. Howland and Aspinwall was a New York shipping house. The latter gave his name to Fort Aspinwall, Panama.

20. George A. McCall, *Inspection Reports Relating to New Mexico Posts, 1850*.

21. The term *fanega* was used to denote amounts of produce in bushels, one *fanega* equaling about one and one-half bushels. The El Paso County Police Court Minutes defines one-half *fanega* as seventy pounds of corn. — Katherine H. White, "Spanish and Mexican Surveying Terms and Systems," *PASSWORD*, Vol. No. 1 (Winter, 1961), 24.

## *A Brief History of the Origin of Elephant Butte Dam*

by HELEN ORNDORFF

Beginning in the early 1870's and continuing until after the construction of Elephant Butte Dam, water shortages in the Río Grande, in both the Mesilla Valley and in the El Paso Valley caused considerable distress. This lack of water was occasioned by a greater number of people settling along the river and by insufficient rainfall. By 1880 the seasons of drought had become of such frequency as to alarm the people. Consequently, in that year the City Council of El Paso appealed to Anson Mills for advice.

Mills recommended that a storage dam be built three miles above El Paso. But Mesilla Valley residents were not enthusiastic about a dam below their farms, especially since the reservoir would flood valuable lands. Mexico then made it a three-cornered dispute by protesting against the diversion of the water by Americans from the international stream. Farmers on the Mexican side complained that they were being ruined by a lack of water, and Mexico entered claims for damages. The litigation delayed the completion of Elephant Butte Dam until 1915.

Meanwhile, in the middle 1890's, while the United States and Mexico were seeking a solution to an equitable distribution of the waters of the Río Grande, the State of New Mexico chartered a syndicate of English capitalists, headed by Dr. Nathan Boyd, to build a dam at the Elephant Butte site. But Mexico entered a protest and, at the same time, urged the United States to halt the private dam project. The United States brought suit against Boyd. The suit went to the Supreme Court three times, consuming several years. Eventually the Government got an injunction to prevent construction of the dam.

In the meantime, a joint commission composed of representatives of Texas, New Mexico, and Mexico, was named to conduct a study and to make a report to the National Irrigation Congress. On this commission were many of the real pioneer-builders of the Southwest — the Texan members were all El Pasoans. The Commission made its report at the 1904 Convention of the National Irrigation Congress at El Paso. It recommended that a large dam be erected at Elephant Butte, on the site selected by Engineer B. M. Hall of the Reclamation Service. A bitter debate over how the stored water was to be divided almost broke up the convention. However, the location of the dam and the manner of dividing the water was finally agreed on, and the United States negotiated an agreement settling Mexico's claim for damage. The treaty provided that by 1906 the United States would guarantee to deliver 60,000 acres feet of water annually from the reservoir. This water is still the basis of agriculture in the Juárez Valley.

As a starter to build the dam, the United States appropriated one mil-

lion dollars. However, several states opposed the project, and for three years no additional appropriations could be obtained. El Paso and New Mexico kept the project alive by sending strong delegations to the annual meeting of the National Irrigation Congress. Meanwhile, in 1902, Congress passed the National Reclamation Act which was designed to bring about the reclamation by the government of arid public lands. Under the terms of this act, the Río Grande problem was made a project of the Department of Interior. Five years later, in 1907, Congress authorized construction of the dam but work was delayed until November, 1912.

People in both the Mesilla Valley and in the El Paso Valley began making preparations to receive water benefits from the dam. Various water associations were formed. The right of the water users to participate in the benefits were secured by subscribing to stock in the water users' association in accordance with the number of acres each user owned. This act also limited to 160 acres the amount of land for which one owner could secure a water right under the project.

The Franklin Canal passed from the control of private enterprise into the hands of the government. On November 15, 1912, the Franklin Irrigation Company executed the deed transferring the canal and all rights, properties, easements, and other privileges for the consideration of \$120,000. The transfer of Franklin Canal to the government marked the end of private enterprise capitalizing on irrigation in the El Paso Valley. Previously, in 1911, the question was raised as to the validity of the canal's right-of-way through a section of the city of El Paso known as "El Chamizal." Mexico had laid claim to the section several years before, but the matter was never settled.

Mexico claimed that "El Chamizal" had been cut from Mexican territory in the 1860's by avulsive actions of the river which, according to the treaty of 1884, should leave the boundary line in the abandoned river bed, where it was located in 1852. The United States held that the area was added to this side by the slow and gradual process of alluvion, under which conditions, by the same treaty, the boundary line moves with the river. The commissioners of the two countries were unable to reach an agreement and the matter remained in deadlock. Meanwhile, the United States exercised sovereignty over the area, and it was included within the city limits of El Paso where it has remained pending its transfer to Mexico in accordance with the recent Chamizal settlement.

Elephant Butte Dam was completed in 1916, and the water began to back up in the reservoir, which has a capacity of 2,296,900 acre feet. The dam alone cost five million dollars. Diversion dams, hundreds of miles of canals and ditches, the construction of a secondary dam at Caballo, and a hydroelectric power project brought the total cost to \$26,641,000.

# WHAT TIME IS IT IN EL PASO

by CONREY BRYSON\*

CONFUSION OVER THE TIME OF DAY is nothing new to El Paso. The *El Paso Herald's* account of the arrival of the first Southern Pacific train on May 19, 1881, says in part: "A little after nine the train arrived, which, according to agreement, was not due until 10 o'clock, and this of itself was the cause of a temporary flurry which was apparent at that time, as the cannon which were to fire the salutes as the train approached had not yet arrived. Only a short delay was made, however, and the guns in charge of Lieutenant McGonegal were soon on the ground and spoke forth in mighty tones El Paso's greeting to the distinguished guests."<sup>1</sup>

Perhaps the confusion between local time and railroad time already existed. Certainly it existed all over the nation, and was becoming worse. In 1881, there was no "standard time" as we know it today. As the nation had expanded from coast to coast, each community of any importance had developed its own standard of "sun time." When the sun reached "high noon" at the town hall or some other important location, it was noon all over town and throughout such surrounding areas as cared to use the time standard so established."<sup>2</sup>

In the major cities, of course, this sun time was quite scientifically calculated. "Time balls," usually erected on tall buildings near the center of town, were the signs of the times, more than a hundred separate local times throughout the country. The time-ball was a large ball, pierced by a mast, the ball usually resting at the bottom of the mast. Each day, about three minutes before noon, the ball was elevated to the top of the mast. At precisely the time of the meridian, local time, the Naval Observatory in Washington would send a telegraph signal which would cause the time-ball to drop. This was a daily event, except on Sundays, and people on the streets in major cities would stop, watch the ball drop, and set their watches.<sup>3</sup> A survival of this practice is seen in the crowd that gathers at Times Square on New Year's Eve and watches the time-ball drop from its place above the Allied Chemical Tower.

But with the telegraph, which had made such precise operation of the time-balls possible, had come the railroads. They found the problem of a hundred time-zones across the nation to be confusing and burdensome, and it was the railroads who eased the task of Naval Observatory personnel who were dutifully observing a multitude of noons. Railroads at first tried to simplify their scheduling and time-tables by adopting the time of certain cities along their routes. This was only moderately successful. It was necessary, for example, for a traveler to set his watch three times on the way from New York to Boston, just to keep up with rail-

road time. By 1883, railroads of the United States were operating on fifty different time standards.<sup>4</sup>

There were many pioneers of the solution which, today, seems so obvious. Sir John Herschel had long ago urged the standardization of time in England, and by December 6, 1848, all of England, Scotland, and Wales were using Greenwich Mean Time. There were many who had urged that the United States be divided into hourly time zones, based on distance from the Greenwich Meridian, but the man most responsible for developing these plans for practical use was William Frederick Allen (1846-1915), Managing Editor of the *Travelers Official Guide of the Railways*. In 1881, Allen attended a General Time Convention for railway managers, held in New York, and thereupon began a year and a half of intensive study. By the time of the next General Convention, in St. Louis, April 11, 1883, Allen was able to outline a plan for the time-zones of the United States, substantially the same as those in use today. In Chicago, on October 11, 1883, Allen was secretary of the General Time Convention at which his plan for a system of five time-zones was formally adopted, to be put into effect at noon on November 18, 1883. A plaque in the Union Station in Washington commemorates Allen's pioneering.<sup>5</sup>

Allen's map, published in 1883, shows the five zones, later designated as Atlantic Time, Eastern, Central, Mountain and Pacific times. They were, respectively, the "sun times" of the 60th, 75th, 90th, 105th, and 120th meridians. The map shows the 105th meridian, standard for the Mountain Standard Time zone, to pass just east of the point, about 100 miles east of El Paso, where the Southern Pacific and Texas and Pacific Railways came together to share a common right of way into El Paso. Allen's time-zone boundaries were planned for the convenience of the railroads, so time changes were planned at railroad stops, rather than at state lines. The Mountain Time zone on the Southern Pacific started at Sanderson, Texas, on the east, and Extended to Yuma, Arizona, on the west. On the Texas and Pacific, travelers going west would change to Mountain Standard Time in Big Spring; the Texas and Pacific terminated at El Paso. On the Santa Fe, to the north, Mountain Standard Time extended from Dodge City, Kansas to Needles, on the Arizona-California border.<sup>6</sup>

Mr. Allen was not content to have merely the railroads adopt his time zones. He began to campaign with mayors and other officials of the major cities. Their task was made easier when the Naval Observatory, on October 19, 1883, offered to change the time of its signals for dropping the time-balls across the nation. A letter from Superintendent R. W. Schufeldt saw a marked simplification of the task that had kept his employees busy observing a host of noons:

By the proposed plan of having standards differing by one hour, it is made possible to furnish the mean time of each standard meridian by a single time-signal; for the signal which marks noon of the 75th meridian would mark the hour of eleven for the meridian of 90 degrees, and so forth.<sup>7</sup>

On the agreed date of the change, November 18, 1883, a pattern for the nation was set in the city of New York. An agreement had been reached with the City to change from local time to the new Standard Time of the 75th meridian. A larger than usual crowd gathered to watch the time-ball dropped on a Sunday, for the first time. It marked the transition from local time to Standard Time, not only for New York, but for most of the nation. Congress was not in session in November, but on March 13, 1884, it made the time of the 75th meridian official for the District of Columbia.<sup>8</sup>

Revolutionary though the change was, it was far from uniform. Entirely voluntary, and without any central supervision, communities and railroads continued to use the time zones that seemed to suit their convenience. In El Paso, there was evidently no disposition to change. El Paso newspapers of the day show no announcement of a time change, and the daily railroad schedules for the weeks following the November 18th time change date continue to show two times, local time and railroad time, with railroad time being an hour later. Despite Mr. Allen's history-making plans, railroads seemed to find El Paso a more satisfactory spot to make their change to Central Standard Time.

Although there were many variations from standard time across the country, it was not until 1918 that any move was made by the federal government to stabilize time zones, certainly an important ingredient of interstate commerce. The situation which brought it about was the movement, during World War I, to save fuel through closing offices and factories before dark. This was to be accomplished by the expedient of "Daylight Saving Time" — simply turning all the nation's clocks ahead one hour. But, in so doing, Congress investigated the whole picture of the Standard Time zones and found them considerably lacking in uniformity.

As a result, Congress turned again to the railroad's system of time zones, and came up with a few changes. The country would still have five time-zones, but since the Atlantic Time zone, local time of the 60th meridian, was entirely east of the continental United States, it was disregarded. The five zones were listed as follows:

The standard time of the first zone shall be based on the mean astronomical time of the seventy fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree, that of the third zone on the hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska,

on the one-hundred and fiftieth degree. The standard time of the first zone shall be known and designated as United States Standard Eastern Time; that of the second-zone shall be known and designated as United States Standard Central Time; that of the third zone shall be known and designated as United States Standard Mountain Time; that of the fourth zone shall be known and designated as United States Pacific Time; and that of the fifth zone shall be known and designated as United States Standard Alaska Time.<sup>9</sup>

The same Act required the Interstate Commerce Commission to define the limits of each zone—a task it had never undertaken before. In order to carry out its assignment, the Commission held hearings in many parts of the United States, one of them in El Paso.

The El Paso hearing was held at 10 A.M., June 17, 1918. The list of witnesses included O. C. Coles, President, and A. W. Reeves, Secretary, for the El Paso Chamber of Commerce, and Robert Krakauer for the City of El Paso. Railroads represented included the Southern Pacific; Texas and Pacific; Chicago, Rock Island and Pacific; Atchison, Topeka and Santa Fe; and El Paso and Southwestern.<sup>10</sup>

John T. Money, Special Examiner for the Interstate Commerce Commission, opened the meeting with a statement that the only question to be decided from the El Paso hearings would be the question of the "break-points," the locations on the various railroads at which the roads would change to Central, or Mountain Time. Mr. Reeves, for the Chamber of Commerce, made El Paso's position clear:

El Paso, so far as I see it, it, is perfectly satisfied with the present time divisions, with one exception, and that is that it believes it would be better and serve business better, and would create less confusion with the traveling public—and we have seen a great deal of that here—if the time of the Texas and Pacific and Southern Pacific lines were changed *east* of this city . . . so passengers arriving here would arrive on mountain time, the same as they do on the Southwestern, the El Paso and Southwestern, or the Santa Fe. There is a good deal of confusion with the traveling public on that account.<sup>11</sup>

Later, he pointed out that the confusion had been even worse about 18 months earlier:

There was Central Time, used by the Texas and Pacific and the Southern Pacific Eastern Division; there was Mountain Time, used by the City of El Paso, by the El Paso and Southwestern and the Santa Fe; and there was Pacific Time, used by the Southern Pacific west of here.<sup>12</sup>

This would have meant that a traveler going west on the Texas and Pacific might, for example, arrive at one P.M. (Central Time), have a fifteen minute layover, and depart at 11:15 A.M. (Pacific Time). But eventually Southern Pacific had agreed to use Mountain Time in its western division in El Paso.

Reeves pointed out that, technically speaking, Mountain Time should extend between 50 and 200 miles east of here, strictly Mountain Time, and there is considerable complaint east of here on account of having to use Central Time rather than Mountain Time, because Mountain is sun time, and especially since the clocks have been advanced one hour; they say they get up in the middle of the night, and start to leave in the middle of the afternoon.<sup>13</sup>

Robert Krakauer testified only briefly for the City of El Paso, emphasizing that the change to Central Time should be made far enough east of El Paso. Big Spring, on the Texas and Pacific, and Sanderson, on the Southern Pacific, were suggested as the break-points. These were the same points suggested by W. F. Allen in 1883.

R. M. Seale, for the Texas and Pacific Railway, explained the advantages to train crews of changing time in El Paso, but admitted under questioning that a smaller place would be preferable as a break-point. Fort Worth was discussed briefly as a possible point of change, but Mr. Seale felt it would have all the disadvantages El Paso had. Clearly, there was a feeling in the short and amicable El Paso hearing that the change should be in some relatively small place, well to the east of El Paso.

After completing its series of hearings and studying the evidence, the Interstate Commerce Commission, on October 24, 1918, rendered its decision. The final determination of the various time zone boundaries was preceded by a review of time conditions—a review which left little doubt that the time-zones so well arranged in 1883, and so quickly accepted, had been widely disregarded. As the Commission put it:

The existing zones, so far as the term "zones" can be applied to areas interlaced by railroad lines, are so irregular as to preclude an attempt to define them, even approximately. The meridian lines have been ignored as boundaries. Railroads and localities in many instances employ different bases of time. In many cases, railroads in the same locality use different time standards.<sup>14</sup>

As a prime example of the discrepancies it found, the commission cited the fact that railroads in El Paso, Texas and Buffalo, New York, were using the same time-zone, Central, although the sun-time between the two communities differed by one hour and fifty minutes. Of 53 railroad stations listed in the report, those railroads using Central Standard Time in El Paso showed a greater variance from sun-time than any other station on the list. According to the chart, true sun-time in El Paso is 66 minutes behind Central Standard Time.<sup>15</sup>

After some thirteen pages of justification, the Commission delineated the boundaries between the four time zones of the forty eight states. As

pertaining to Texas, the boundary line between Central and Mountain Time is described as:

along the north-south boundary line of Oklahoma and Texas to the southeast corner of Collingsworth County, thence along the south line of said county and Donley County to the northwest corner of Hall County; thence south along the boundary line between Briscoe and Hall, Motley and Floyd, Dickens and Crosby, Kent and Garza Counties to the north line of Scurry County; thence east along the north line of said Scurry County to the northeast corner thereof, thence south along the east line of Scurry County to the Atchison, Topeka and Santa Fe Railroads near Pyron, thence easterly and immediately north of and parallel with said railway to Sweetwater; thence crossing the last named railway and running westerly and immediately north of and parallel with the Texas and Pacific Railway to Big Spring; thence south across the Texas and Pacific to the north line of Glasscock County; thence east along the north line and south along the east line of said county and Regan County to the northwest corner of Irion county, thence along the north line of Irion county to the northeast corner thereof, and thence in an easterly direction to San Angelo; thence crossing the Kansas City, Mexico and Orient Railway, east to the meridian of 100 degrees west; thence south along said meridian to the Rio Grande river and the boundary line between the United States and Mexico.<sup>16</sup> (see map on page 63)

Some exceptions along the boundary were noted: The area along the Southern Pacific between Del Rio, the change point, and the 100th meridian, to the east of Del Rio would remain in Central Standard Time. The communities of Big Spring, Sweetwater, and San Angelo, all of them on the boundary line, would observe Central Time. Any other Texas communities located on the line would observe Mountain Time. This was the only occasion when the Interstate Commerce Commission ever undertook to draw a line between Mountain and Central time zones. Within 2-1/2 years, Congress would take away from the Commission that prerogative in the state of Texas.

This came about because, clearly, the Panhandle and Plains areas of Texas and Oklahoma did not like Mountain Standard Time. They had never used it, and felt it interfered with their established patterns of life. On February 17, 1920, the Interstate Commerce Commission held another hearing in Amarillo, Texas. City and County governments and Chambers of Commerce in the Panhandle and Plains area and the adjoining Panhandle area of Oklahoma were unanimous in petitioning the Commission to return the area to Central Standard Time. On May 18, 1920, that petition was denied.<sup>17</sup>

In its decision the Commission pointed out that the drawing of a new line would create new problems:

It would also be necessary to include within the Central Time zone the western triangle of Texas to and including El Paso, in order that the Southern Pacific and the Texas and Pacific Railways could change time there, as El Paso is the only point west of Big Spring and Del Rio where it would be practicable for these carriers to change time. El Paso is about 106 degrees and 30 minutes west of Greenwich, or 6 minutes in time west of the standard meridian upon which Mountain Time is based.<sup>18</sup>

Having failed in their petition to the Commission, Panhandle and Plains representatives turned to Congress for relief. Before the year 1920 was out, Congressman Marvin Jones, now Senior Judge of the United States Court of Claims, but then serving his second term in Congress, introduced legislation which would do just what the Interstate Commerce Commission had refused to do.

The bill was brought to the floor under suspension of the rules on March 3, 1921, the day before the 60th Congress, and the Woodrow Wilson administration, were to pass into history. A roll call vote to suspend the rules and pass the bill would have required a two thirds majority, but there was no such request. In view of the controversy to follow many years later, the colloquy between Jones and Congressman Mann, of Illinois, is of interest:

Mr. Jones: Mr. Speaker, this bill simply transfers a little strip of West Texas, and a little corner of Oklahoma from Mountain Time to Central Time. Up to the time of the Daylight Saving Law, it was always Central time, and the people are in favor of going back to Central Time. This does not affect anyone except those living in that section.

Mr. Mann: Why was it not sufficient to give the Interstate Commerce Commission authority to do this without directly requiring it?

Mr. Jones: The authority could have been given to the ICC perhaps, instead of requiring them to do it, but the law, which was a general one, that was passed, recommended them to make the time zone as nearly as possible along certain meridians.

Mr. Mann: Instead of giving them authority to do it, we propose now, without our knowing anything about it, to require them to do it.

Mr. Jones: The Commission has a good many things on its hands. It is difficult to secure a hearing, and if you got action at all on a local matter, it would probably be done by some clerk. The Commission has no objections. This was the easier way to do it. If a general law was passed, we would still be under the necessity of securing further action by the Commission.

Mr. Mann: It may be that the gentleman represents the sentiment of the entire country down there. I do not know whether he does or not.

Mr. Jones: The Texas House of Representatives unanimously passed a resolution favoring it.

Mr. Mann: Oh, an ordinary state legislature will pass a resolution ask-

ing Congress to do anything on earth at the request of a representative in Congress.

Mr. Jones: I made no such request. The people were so much interested that they secured a hearing before a representative of the Interstate Commerce Commission, and I think practically every organization in that whole country attended, and there was hardly a dissenting voice on the proposition.<sup>19</sup>

Congressman Jones was obviously referring to the hearing held in Amarillo, at which the El Paso area of Texas was not represented. He did not mention that the Interstate Commerce Commission had already turned down the request for the change which Congress was about to authorize. A few minutes later, the bill was passed by a voice vote. There is therefore no record of the sentiments of El Paso Congressman Claude Hudspeth, then completing his first term. He took no part in the brief floor debate, and the record does not show whether or not he was present.

The Jones bill was signed by President Woodrow Wilson March 4, 1921, as one of his last official acts. The title of the Act reads "An Act to transfer the Panhandle and Plains Sections of Texas and Oklahoma to the United States Standard Central Time Zone." Although its sponsors had assured the House that it pertained only to "a little strip of West Texas and a corner of Oklahoma," the bill is specific in its inclusion of a much larger area. It defines the boundary between Central and Mountain Time as follows:

Beginning at a point where such western boundary time zone crosses the state boundary line between Kansas and Oklahoma, thence westerly along said state boundary line to the northwest corner of the state of Oklahoma; thence in a southerly direction along the west state boundary line of Oklahoma and the west state boundary line of Texas to the southeastern corner of the state of New Mexico; thence in a westerly direction along the state boundary line between the states of Texas and New Mexico to the Rio Grande river as the boundary line between the United States and Mexico.<sup>20</sup>

In simpler words, all of Texas and Oklahoma were transferred to Central Standard Time. With Wilson's signature it was the law of the land, and it still is today. Considering the 1966 controversy over the time of day, the passage of the law which brought it all about seems to have caused hardly a ripple. El Paso newspapers made only one brief mention of the Congressional action. It was carried on page 3.

#### *Railroad Time Change Ordered in West Texas*

Washington, March 7—The Interstate Commerce Commission this afternoon issued an order transferring West Texas, including El Paso, from mountain time to central time. Zone railroads passing through El Paso are permitted to change time in that city instead of on the state boundary line.

The order was issued in compliance with House Resolution 14,490 in-

roduced by Representative Marvin Jones of Amarillo, passed by both House and Senate late Thursday evening, and signed by President Wilson as one of the last acts of his official career. It is effective immediately.

By the new time, all trains going east will leave El Paso one hour later than the schedule now provides. H. L. Graham, chief clerk to the Superintendent of the Union Depot stated last night. Westbound trains will be affected only by running the time up one hour.<sup>21</sup>

Apparently, El Paso felt that the new law pertained only to the railroads. The community went right on using Mountain Standard Time as it had done since 1883. Apparently there was no attempt to enforce the new legal standards, and when this writer came to El Paso in 1929, it was clearly a Mountain Time community and has been ever since. In later years, as a broadcaster, the writer took occasion frequently to point out, whimsically, that El Paso was legally on Central Standard Time, but his comments received only whimsical attention. Weatherman Arthur Brooks said he was once ordered by his Washington bureau to submit his reports in Central Standard Time, but he was able to convince the authorities that Mountain Time was the only time used in El Paso, and the order was rescinded.

In 1966, there was a new development, and, as in 1918, the subject that spurred Congressional action was Daylight Saving Time. On March 16, the House of Representatives passed the bill, already approved by the Senate, entitled "The Uniform Act of 1966." The bill was intended primarily to make more uniform the observance of Daylight Saving Time. It provided that the advanced time should begin on the last Sunday of April and end on the last Sunday of October each year, except in those states, which, by law, exempt themselves from the provisions, "but only if such law provides that the entire state (including all political subdivisions thereof) shall observe the standard time otherwise applicable under such Act of March 19, 1918, and as so modified, during such period."<sup>22</sup>

The words "as so modified" referred to the amendment of 1921, specifically mentioned in Section 2 of the 1966 Act. To further indicate the full intentions of the Act, Subsection (c) of Section 3 reads:

For any violation of the provisions of this section the Interstate Commerce Commission or its duly authorized agent may apply to the District Court of the United States for the district in which such violation occurs for the enforcement of this section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of this section and enjoining obedience thereto.

The 1966 law, then, had done two things—set up a federal control over the observance of Daylight Saving Time; and had given the Inter-

state Commerce Commission, for the first time, power to enforce the existing time-zone designations.

Congressman Richard C. White of El Paso, serving his first term in Congress, was one of a small minority who opposed the Uniform Time Act of 1966. He explained at the time that the bill did not grant any option on time observance to the people of his District. Still, there were some who thought that Section 4-a might provide a means whereby the Interstate Commerce Commission could change the El Paso area to Mountain Standard Time. That section provides:

The limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time.

Did not this seem to give the Interstate Commerce Commission power to modify time zone boundaries? Congressman White asked the Commission for an interpretation of this section. The Commission's answer follows:

Washington, D. C. June 15, 1966

The Honorable Richard C. White  
House of Representatives

Washington, D. C. 20515

Dear Congressman White:

This responds to your inquiry of June 1, 1966, submitting a copy of a letter, dated May 20, 1966, received from Mr. Mark T. Miles of El Paso, Texas, representing the El Paso Chamber of Commerce, concerning the affect upon that community of the recently enacted Uniform Time Act of 1966 (Public Law 89-387) and whether the Commission can modify the present western limits of the United States standard Central Time zone for the purpose of embracing the El Paso area in the Mountain Time zone.

Your inquiry acknowledges that in 1921 the Congress amended the Standard Time Act and placed all of the state of Texas in the Central time zone (15 U.S.C. 265). The observance of Mountain standard time in the El Paso area is a local departure from the federal standards of time measurement.

Public Law 89-387, which becomes effective generally on April 1, 1967, provides for the adoption and observance of uniform time within each prescribed standard time zone and supersedes any state or local option laws in the matter. The law further provides for the uniform observance of one hour faster daylight saving time, as standard time, during the period from the last Sunday in April to the last Sunday of October each year, except that a state may, through legislative action, exempt the entire state from the daylight saving time provision.

The recently enacted public law will not, as such, affect the current boundary lines of the various time zones in the continental United States established under the underlying Standard Time Act, as amended. Consequently, beginning in 1967, El Paso will observe Central standard time under the presently defined zone limits.

Public Law 89-387 also empowers this Commission to modify the boundary lines of the various time zones within certain guidelines. However, section 2 of the law specifically refers to the 1921 amendment as modifying the Standard Time Act of 1918. Thus, the 1921 amendment will remain in force and in effect. Since the Congress, by the 1921 amendment, undertook to specifically define the western limits of Central Time zone to include all of Texas, that body pre-empted any authority vested in this Commission with respect to modification of such boundary.

In the circumstances and in the absence of enactment of further legislation appropriately amending or repealing the 1921 amendment, this Commission lacks authority to entertain and consider any petitions for modification of the Congressionally prescribed western limits of Central Time zone.

Sincerely yours,  
James T. Corcoran  
Congressional Liaison Officer<sup>28</sup>

This letter, and numerous conferences between the El Paso Congressman and ICC officials made the Commission's position clear. It had made the necessary surveys, held hearings, and placed the western part of Texas in Mountain Standard Time. Congress didn't like it, and took away from the Interstate Commerce Commission all power to change time-zone boundaries in Texas. That happened in 1921, and Congress has never given that power back. The Commission could change time-zone boundaries in any other state, but not in Texas. Congress had spoken.

Congressman White was faced with the problem of either letting the El Paso area go automatically into Central Standard Time, or introducing legislation giving the ICC the power it had lost to alter the boundary. During the closing months of the 89th Congress, in late 1966, he was assured by members of the Committee on Interstate and Foreign Commerce that such legislation would never get a hearing. The Committee had a heavy schedule, and felt it had disposed of the time problem.

By the time the 90th Congress convened, it became evident that El Paso was not at all united in favor of the time zone it had always observed. White's office was receiving letters, telegrams, telephone calls and petitions in favor of Mountain Time on the one hand, and Central Time on the other. Then, there was the possibility of Texas accepting Daylight Saving Time. This would mean that, without some kind of corrective

legislation, El Paso County residents would have to turn their clocks ahead two hours in April.

Richard White felt that, at least, El Paso ought to have some opportunity to maneuver in a difficult situation. With this purpose, he introduced a bill, H. R. 3168, on January 18, 1967. Its pertinent paragraph follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that, notwithstanding the provisions of the first section of the Act of March 4, 1921, (15 U.S.C. 265), Upon written request of the County Commissioners Court of El Paso County, Texas, to change the boundary line between the Central Standard Time zone and the Mountain Standard Time zone, so as to place El Paso County, Texas, in the Mountain Standard Time zone, the Interstate Commerce Commission is authorized to act upon such written request, after considering the geographic location, the needs of interstate commerce, the relative hardships entailed by the time zones, and the convenience of the residents of El Paso County, and may hold such public hearings as may be necessary for the purposes of this act.<sup>24</sup>

The bill was referred to the House Committee on Interstate and Foreign Commerce, which, by early March, had not set any hearings on the subject. Meanwhile, the question had become more complicated by the fact that New Mexico, by failing to reject Daylight Saving Time, had accepted it. Those El Pasoans who feared that Central Time would put them an hour ahead of New Mexico, now could consider the fact that Mountain Standard Time for El Paso would leave them an hour behind New Mexico six months of the year. The question of Daylight Saving Time for Texas is yet to be decided by the Texas State Legislature. Yet another factor to be considered is the time of Juárez, Mexico, equivalent to Central Standard Time.

At the Pass where two states and two nations join together, each with its own jurisdiction as to the time of day, there may be merit in a proposal which was presented and considered briefly by William F. Allen when he drew up the nation's first time zones in 1883: the entire nation to use Greenwich Mean Time.<sup>25</sup> Then each area would merely change the name of the hours at which it went about its accustomed ways. El Paso, for instance, might have breakfast at 14 hours; downtown stores might open at 16:30; lunch at 19 hours; dinner at 23, and a new day would begin at the beginning of the evening.

## AUTHOR'S NOTE

Since the above was written, the Texas State Legislature has defeated a bill that would have exempted the state from Daylight Saving Time, and Texas clocks were advanced one hour on April 30. But on March 29, the Department of Transportation, which had taken over time-zone responsibilities from the Interstate Commerce Commission, told Congressman White it would not enforce Central Time in the El Paso area, pending a study as to whether it could act administratively to move the area to Mountain Time, and pending further action on White's bill. The Department is new; officially it did not come into being until April 1. On April 28, it made the reprieve official in a formal release of "Guidelines for Observance of the Uniform Time Act of 1966." The Department found eight states in which special circumstances made deviations from the Act advisable. In its application to Texas, the directive said: "El Paso and portions of three surrounding counties are technically located in the Central Time zone but historically observed Mountain Time. The state is expected to file a petition requesting that El Paso be placed in the Mountain Time zone to conform to historical practice. It will be consistent with the Act if Federal installations observe Mountain Time in these areas until further notice from the Department."

## REFERENCES

\*NOTE: The author wishes to thank Dale Walker, Director of News and Information, University of Texas at El Paso, for assisting with research in El Paso.

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3. *Ibid.*, 19.
4. *Ibid.*, 1.
5. *Ibid.*, 5.
6. *Ibid.*, 5.
7. *Ibid.*, 15.
8. *Ibid.*, 9.
9. *U. S. Code* (15 U.S.C. 261).
10. *Interstate Commerce Commission Docket No. 122*, "Transcript of Hearings in El Paso, Texas, June 17, 1918," 586.
11. *Ibid.*, 595.
12. *Ibid.*, 596.
13. *Ibid.*, 598.
14. *Interstate Commerce Commission Reports* (Washington, 1919), 51: 273.
15. *Ibid.*, 280.
16. *Ibid.*, 294.
17. *Interstate Commerce Commission Reports* (Washington, 1920), 57: 455-459.
18. *Ibid.*, 457.
19. *Congressional Record*, 60th Congress, 4485.
20. *U. S. Code* (15 U.S.C. 265).
21. *El Paso Times*, March 8, 1921, 3.
22. *Public Law* 89-387, April 13, 1966, Sec. 3-a.
23. Letter in files of Congressman Richard C. White.
24. *H. R. 3168*, 90th Congress, January 18, 1967, Sec. 1.
25. Allen, *Standard Time in America*, 6.

# HISTORICAL NOTES

## COUNTY JUDGES

The title "county judge" was created by the Constitution of 1876 which provided for the establishment of a "commissioners' court . . . composed of four county commissioners and a county judge." Previously the Constitution of 1845 had provided for a county court with jurisdiction in matters of probate as well as in matters pertaining to the general business of the county, such as the raising of taxes, building of roads, schools, etc. The head of the court carried the title of "chief justice." Actually the '45 Constitution made no significant changes in the composition and jurisdiction of the court as it had existed in the last days of the Republic.

With the Reconstruction Constitution of 1869 the authority of the county was vested in the five justices of the peace within the county with the justice at the county seat acting as presiding judge. These persons made up the police court which in theory was the county court exercising the powers of an administrative court. For instance, in 1870 Maximo Aranda (see below) was elected justice of the peace at the county seat which at that time was in San Elizario. Aranda thus became the presiding judge of the county. The term of office for the county judge was two years until 1954 when the term for all elected county officials was increased to four years.

In the following list the names of all persons who have served as county judge since 1876 as well as those who served as "chief justice" and as "presiding justice of the peace" are included. The list begins with 1850, the year El Paso County was created. The names of the judges and the dates of their administrations were kindly furnished by Mr. J. W. (Wally) Fields, County Clerk.

Charles A. Hoppin—April 15 to August 20, 1850	Jose Baca — December 1880 - 1882
A. C. Hyde — August 20, 1850 - 1852	E. J. Orn — September - November 28, 1882
Simeon Hart — 1852 - 1854	Marsh Rogers — November 28, 1882 - 1886
A. C. Hyde — 1854 - 1856	W. M. Chandler — 1886 - 1888
Henry L. Dexter — 1856 - 1858	J. E. Townsend — 1888 - 1890
John L. McCarty — 1858 - 1860	Allen I. Blacker — 1890 - 1892
Henry L. Gillett — 1860	F. E. Hunter — 1892 - 1896
(It is assumed that Gillett served until the Confederate forces retreated from El Paso and Union military rule pre- vailed.)	James R. Harper — 1896 - 1902
Albert H. French — 1866 - 1870	Joseph U. Sweeney — 1902 - 1908
Maximo Aranda — 1870 - 1872	A. S. J. Eylar — 1908 - 1914
Telesforo Montes — 1872 - 1874	Adrian Pool — 1914 - 1916
Jose M. Gonzales — 1874 - 1876	E. B. McClintock — 1916 - 1932
Joseph Magoffin — 1876 - 1877	Joseph McGill — 1932 - 1942
G. M. Garcia — 1877 - 1878	M. Scarborough — 1942 - 1946
J. B. Leahy — 1878 - 1879	Victor B. Gilbert — 1946 - 1952
Jose M. Gonzales — 1879 - 1880	Hugh McGovern, Jr. — 1952 - 1958
Baptiste Mariany—Jan.-Feb., 1880	Woodrow W. Bean — 1958 - 1962
H. C. Cook — February-December, 1880	Charles R. Schulte — July 2-December 31, 1962
(Mariany was elected by the County Court, his election declared illegal and the District Judge appointed Cook.)	Glenn Woodard — 1962-1965 (resigned)
	Travis Johnson — June 28, 1965 - 1966
	Colbert Coldwell — 1966

## BOOK REVIEWS

### THE BOYHOOD OF BILLY THE KID

by *Robert N. Mullin*

(El Paso: Southwestern Studies, Texas Western Press)

Robert N. Mullin, a former city alderman in El Paso and now a retired oil man living in California, undertakes in this monograph (No. 17 of the Southwestern Studies series) to separate truth from the mythology surrounding Billy the Kid's boyhood, particularly his two and a half years as a teenager in Silver City, N. M.

Sheriff Pat Garrett's ghost-written "Authentic Life of Billy the Kid" relates that as a boy in Silver City Billy, then known as Henry McCarty, used a pocket knife to kill a town loafer who insulted his mother. Another publication has stated that Billy's first victim was a man who made love to but refused to marry the Kid's sister. (The legend persists that Pancho Villa also killed his first man to avenge his sister's honor.) Author Mullin says there is no evidence of any kind that the lad ever killed anyone in Silver City—or even had a sister.

According to Mr. Mullin, Billy had a normal boyhood in Silver City, going to school and taking part in local talent theatricals. In 1875, at about age sixteen, he went to Arizona as a colorless farm worker, cowhand and teamster. Tales of Billy's sensational adventures in Mexico and his prowes as an Indian killer are dismissed by Mr. Mullion as pure fiction.

During this period the Kid sometimes was known as Henry Antrim, after his stepfather.

It was at Bonito, Ariz., in 1877, that Billy killed his first man, Mr. Mullin says. The victim was a blacksmith named Frank (Windy) Cahill, who gave a deathbed statement that the two got into a fight after he called Billy "a pimp and he called me a s.o.b." Escaping on a stolen horse, which he later returned, the Kid wound up with a job at the Tunstall Ranch in Lincoln County in time to become a partisan fighter in the Lincoln County War. Only after that conflict was ended, the author informs us, did Billy become "the common horse thief, the cattle rustler, the desperado, which made the name Billy the Kid notorious."

A lifelong researcher himself, Mr. Mullin as literary executor had access to a mass of original material collected by the late Col. Maurice Garland Fulton, an authority on the Lincoln County troubles. The combination, says Dr. C. L. Sonnichsen in a preface, has produced "a definitive statement on the boyhood of Billy the Kid." The study is illustrated with twenty-eight photos, including a previously unpublished picture of the Kid as a child.

—MARSHALL HALL

### WITH THE BARK ON. Popular Humor of the Old South.

*Compiled and Edited by Joseph Q. Anderson*

(Nashville, Tenn.: Vanderbilt University Press \$7.50)

All of the material contained in this compilation of humor appeared in magazines and newspapers between 1835 and 1860. Very little of it has been

reprinted and for the purposes of this work selections were taken from microfilm copies of the New York *Spirit of the Times*, New Orleans *Picayune*, the Richmond *Compiler* and others. Many of the stories appeared as letters or asides to the editor and most of them were written under *noms de plume* behind which many humorists of the old southwest masqueraded.

In the days before the Civil War pioneers were faced with the necessity of making their own humor to while away the monotony of long trips down the Mississippi or cheerless treks into the uncharted wilderness. These were perfect situations for the telling of tall tales because they brought together a variety of ethnic and social types that "spurred the imagination of many amateur story tellers." Many writers became quite adept at re-telling these tales in proper dialect and they were regularly written up for the newspapers and periodicals of the day, eventually becoming known as "frontier" or "backwoods" humor.

The book is divided into sections, each containing stories pertinent to the category, such as "The River," "The Backcountry," "Varmints and Hunters," "The Professions," "Masculine Amusements," etc. Each section is introduced by explanatory pages and documentation by the editor. There are 70 stories in all printed exactly as they appeared during the first half of the nineteenth century.

John Q. Anderson is a native Texan who has been writing about American humor, folklore and Civil War history for many years. He is the author or compiler of five other books, among them, *The Journal of Kate Stone, A Texas Surgeon in the C.S.A., Louisiana Swamp Doctor* and *Tales of Frontier Texas*. He was a member of the faculty of the Department of English at Texas A&M University from 1953 to 1966 and is at present professor of English at the University of Houston.

*With the Bark On* is cleverly illustrated with authentic drawings by Mary Alice Bahler and the Vanderbilt University Press is to be congratulated upon the beautiful design and format of the book. At current price structures, \$7.50 is indeed a reasonable price to pay for this slick paper edition of fun and frolic among the backwoods, the cities and the frontiers of the old southwest.

*El Paso, Texas*

—MARY ELLEN B. PORTER

## CHARLES LITTLEPAGE BALLARD: SOUTHWESTERNER

by Colin Rickards

(El Paso: Texas Western Press. *Southwestern Studies*. Monograph No. 16)

The subject of the monograph which composes the current issue of *Southwestern Studies* is, as its title indicates, a southwesterner. The author of the article, however, is an English journalist—"a leading member of the English Westerners' Society" and "a student of the American West for more than a decade."

In the Preface, Colin Rickards describes his subject, Charles L. Ballard, as "one of New Mexico's most active and constructive sons from the last decade of the nineteenth century until his death . . . in 1950." In his article, he presents in chronological order an outline of Mr. Ballard's "active and constructive" life—or, to be more exact, Mr. Rickards allows Mr. Ballard himself "to tell his story in his own words." The entire monograph is actually

an edited, annotated, and briefly-commented-upon version of Mr. Ballard's "brief personal Memoir" which in "his later years he set down for his children" and "which he never intended for publication"—a Memoir supplied to Mr. Rickards by El Pasoan Mayo C. Seamon, the husband of Mr. Ballard's youngest daughter, Cathryn.

Looking back over his activities, Mr. Ballard apparently saw his life as falling roughly into three phases. his early manhood, when he served his local community in various peace-officer capacities; his middle years, during which his military service to his country and his abundant response to life took him to many parts of the world and into high levels of political, financial, and social responsibility; and his later years, when he suffered "financial ruin" as a consequence of a drought in the New Mexico of the early 1920's and repeatedly encountered frustration, disappointment, and hardship as he attempted valiantly to recover his losses.

It is well that Mr. Rickards allows Mr. Ballard for the most part "to tell his own story." Even though Mr. Ballard did not intend his Memoir for publication, he wrote it as he apparently did everything in his life—with joy and vigor. His phrasing and word choice, while somewhat unpolished and inexact in places, resounds with heartiness and an honest desire to communicate. Regrettably, the same cannot be said for Mr. Rickards' writing. The English journalist assumes a style which presumably he feels is appropriate to his subject. The result is a self-conscious "folksiness," a stilted syntax, and an array of clichés (the "gang hid out"; "New Mexico was gripped by a terrible drought"; "wild and woolly traditions"; "whirlwind tour").

Mr. Rickards' spurious "westernese" mars considerably the quality of his work as a whole. But this defect may prove to be a kind of accidental advantage; because it throws into bold relief Mr. Ballard's authentic idiom, it may help the reader to appreciate Charles Littlepage Ballard as a true *southwesterner*—a person who genuinely embodied the needs, hopes, achievements, and failure of a real time and place in mankind's real history.

*University of Texas at El Paso*

—LILLIAN COLLINGWOOD

SAM FORE JR. — Community Newspaper Editor

by *Emily Lamon*

(Austin: Department of Journalism Development Program, University of Texas, 1966. \$3)

This is the story of a country editor. The author points out that novelist Sherwood Anderson described the country editor as "a colorful fellow, full of life, with a writing hunch, . . . taking an interest in politics, having [his] say about things." Another writer is quoted to the effect that "country editors wield big influence in molding the opinions of the people." In these respects Sam Fore, Jr., for fifty years the editor and publisher of the *Floresville (Texas) Chronicle and Journal*, "fulfilled all the prerequisites for the editor of a good country weekly."

In a sense this is a biographical study of an unusual man—one "whose heart belong[ed] to his family, his church, his community, and his newspaper." Basically, however, the book is an interpretation and an evaluation of the role of a small town editor in our modern society. And therein lies its

importance, for Sam Fore, Jr., the man, is not important except to those who knew and loved him. He is important, however, in his capacity of editor.

The research, writing and publication of this delightful little book was made possible by the E. L. Kurth Award for Research in Journalism, presented by the Southland Paper Mills, Inc., and named in memory of its first president. Under the terms of the grant the holder of the award, with guidance of a research committee of the Department of Journalism of the University of Texas, conducts a "project of potential value to the newspapers of the South and Southwest." The results are printed in book form and mailed to editors and publishers throughout that area. The present volume is No. 14 in the series. If it is typical of the others, then the series is very much worthwhile and the Kurth Award has not been made in vain.

Mr. Fore, it should be noted, died on Christmas eve, 1966, after the book was published. He was in his seventh-fifth year.

*University of Texas at El Paso*

—EUGENE O. PORTER

## BOOK NOTICES

### RECENTLY PUBLISHED BOOKS OF INTEREST TO TEXANS

*The Diary of Col. Wm. Fairfax Gray from Virginia to Texas, 1835-1836* (Fletcher Young Publishing Co., Houston, Texas, 230pp., \$8.50). Reprint from 1909 first edition.

*The Diary of Millie Gray, 1832-40* (Fletcher Young Publishing Co., Houston, Texas, 168pp., \$10.00).

*Dividing the Waters—A century of Controversy Between the United States and Mexico* (University of California Press, Berkeley. 266pp., notes, illus., biblio., index, \$6.95). By Norris Hundley, Jr.

*German Seed in Texas Soil: Immigrant Farmers in Nineteenth-Century Texas* (University of Texas Press, Austin. 237pp., tables, notes, biblio., index, \$6.00). By Terry G. Jordan.

*Mirrors, Mice, & Moustaches: A Sampling of Superstitions & Beliefs in Texas* (The Texas Folklore Society, Austin. 110pp., intro., index, \$3.00). By George D. Hendricks.

*Tales of Frontier Texas, 1830-1860* (Southern Methodist University Press, Dallas. 315pp., intro., index, \$5.95). Ed. by John Q. Anderson.

*Texas Ben Thompson* (Westernlore Press, Los Angeles. 215pp., index, \$6.95). By Lauran Paine.

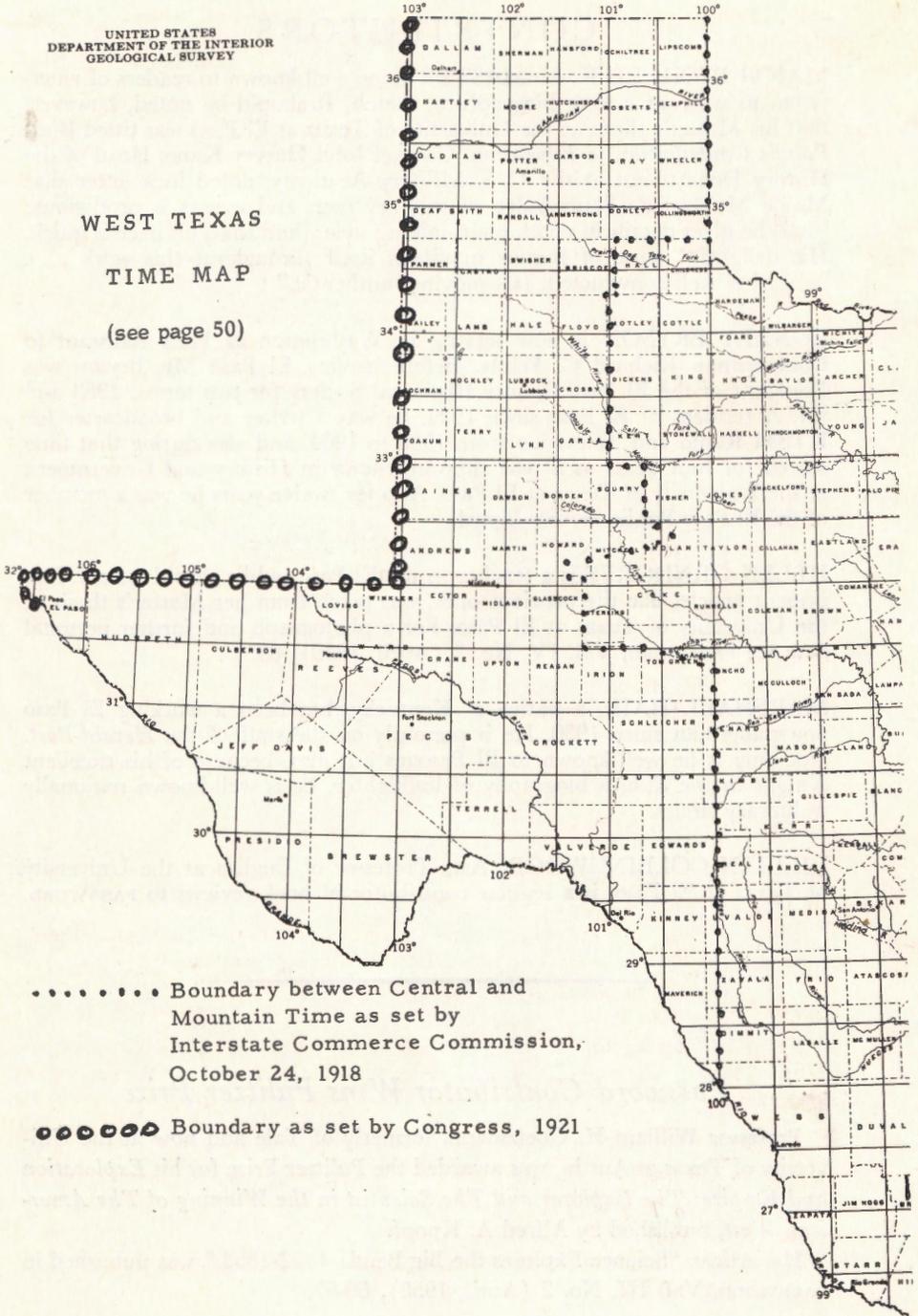
*Texas Homes of the 19th Century* (University of Texas Press, Austin. 276pp., biblio., index, illus., \$15.00). By Drury Blakeley Alexander; photographs by Todd Webb.

*Texas Riverman: The Life and Times of Captain Andrew Smyth* (University of Texas Press, Austin, 181pp., intro., maps, notes, biblio., index, \$5.00). By William Seale.

*Farewell To Texas: A Vanishing Wilderness* (McGraw-Hill Book Company, New York. 242pp., Foreword, drawings and photographs, index, \$6.95). By William O. Douglas. This book will be reviewed in the Fall issue of *PASSWORD*.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

WEST TEXAS  
TIME MAP  
(see page 50)



..... Boundary between Central and Mountain Time as set by Interstate Commerce Commission, October 24, 1918

●●●●●● Boundary as set by Congress, 1921

## CONTRIBUTORS

MAJOR RICHARD K. McMASTER is too well-known to readers of *PASSWORD* to warrant a long biographical sketch. It should be noted, however, that his Master's thesis at the University of Texas at El Paso was titled *West Point's Contribution to Education*. Colonel John Harvey Kane, Head of the History Department at the U. S. Military Academy, noted in a letter that Major McMaster's "knowledge of military men and events is prodigious; [that] he gives details in vivid, plain-talking style; [and that] his pace is quick. His delightful sense of humor manifests itself throughout this work . . . [which] is well-constructed, fast-moving, authentic."

CONREY BRYSON is now serving in Washington as Press Assistant to Congressman Richard C. White. Before leaving El Paso Mr. Bryson was President of the El Paso County Historical Society for two terms, 1963 and '64. A resident of El Paso since 1929, he was a writer and broadcaster for KTSM Radio and Television from 1936 to 1964, and also during that time served for four years as a part time instructor in History and Government at the University of Texas at El Paso. Also for twelve years he was a member of the El Paso Public Service Board.

HELEN ORNDORFF is a teacher in the El Paso public school system. Her present article, like the previous ones, was taken from her Master's thesis at the University of Texas at El Paso. For a photograph and further personal date see *PASSWORD*, Vol. IV, No. 2 (April, 1959), 85.

MARSHALL HAIL, a native of Kentucky, has been a working El Paso newspaperman since 1930. He is presently on the staff of the *Herald-Post*. Not only is he well-known to El Pasoans but also, because of his excellent *Knight in the Sun*, a biography of bullfighter, he is well-known nationally in literary circles.

LILLIAN COLLINGWOOD, Asst. Professor of English at the University of Texas at El Paso, is a regular contributor of book reviews to *PASSWORD*.

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### *Password Contributor Wins Pulitzer Prize*

Professor William H. Goetzmann, formerly of Yale and now at the University of Texas at Austin, was awarded the Pulitzer Prize for his *Exploration and Empire: The Explorer and The Scientist in the Winning of The American West*, published by Alfred A. Knopf.

His article, "Science Explores the Big Bend: 1852-1853," was published in *PASSWORD*, Vol. III, No. 2 (April, 1958), 60-67.

