

PASSWORD



THE EL PASO COUNTY HISTORICAL SOCIETY

VOL. XX, No. 2

EL PASO, TEXAS

SUMMER, 1975

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ACTIVITIES OF YOUR HISTORICAL SOCIETY

The second quarterly program of 1975 was held Thursday, May 29, at the Cavalry Museum. Dr. Wilbert H. Timmons, Professor of History at the University of Texas at El Paso spoke on the subject "The Borderlands and the Bi-Centennial."

The Annual Picnic is scheduled August 28 — tentative site, McKelligon Canyon.

Winners of the Society's annual essay contest for Seventh Graders, the Frank Gorman Memorial Essay Contest, will be announced in the September issue.

Thomas D. Westfall, Director of the Society, has been named Chairman of the Historical Memories Committee. Details will soon be announced on a Historical Memories essay contest for persons 60 years of age or older. Prizes will be \$100, \$50, and \$25, with five honorable mention prizes of subscriptions to *PASSWORD*. The planned deadline is October 15, 1975.

The deadline for submitting nominees, one living and one deceased, for the El Paso Hall of Honor, will be announced in an early issue of the Society news-letter, *El Conquistador*.

IN MEMORIAM

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Correspondence in regards to articles, and books for review should be directed to
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Rex Gerald

AN INTRODUCTION TO MISSIONS OF THE PASO DEL NORTE AREA

by REX GERALD

EDITOR'S NOTE: The following article is excerpted from Dr. Gerald's address before the seminar "Preservation of Indigenous Mexican Colonial Architecture in the El Paso area and the Rio Grande Valley," co-sponsored by the Texas Historical Commission and the El Paso County Historical Society, and held at the Ysleta Mission in El Paso March 1, 1975.

Missions have long received the attention of travelers and scholars in the Southwest but in our concern with modern problems we sometimes fail to realize that the missionaries were often the first non-aboriginal settlers in many areas. Spanish missionaries were among the first Europeans to set foot on soil of the El Paso-Ciudad Juarez region when, in the summer of 1581, the Rodriguez-Chamuscado expedition passed through on their way to convert the Pueblo Indians of New Mexico. The Paso del Norte area held no attraction for them, however, because there were no Indian settlements of any type within many leagues (Hammond and Rey 1966:80). A year and a half later, in the winter of 1582-3, Antonio de Espejo led an expedition through the Pass of the North to rescue Father Rodriguez and the other priests who were reported to be in danger. The party camped at La Barranca de Los Vuelos (the Canyon of the Oxbows)—probably the Pass—after having bypassed the swamps below the Pass without encountering any natives. The last village visited was 20 leagues (approximately 73 miles) downstream from the Pass below the present location of El Porvenir, Chihuahua, and no Indians were encountered above the Pass for many leagues although recently abandoned rancherías (camps) were noted within the first 14 leagues (ca. 51 miles) (Hammond and Rey 1966:169-70).

Other expeditions, including that of Captain Juan de Morlete with the imprisoned Gaspar de Sosa and his colonists (Schroeder and Matson 1965), traversed the area during the next decade and a half but it was not until the time of Don Juan de Oñate with his colonists bound for the Pueblo region that additional descriptions of the people and the terrain are available. Instead of following the Rio Conchos east to the present Ojinaga, Chihuahua, area and then traveling up the Rio Grande to the Pass and on north, as had earlier expeditions, Oñate's party of 400 men and 130 families, together with 83 wagons and carts containing their possessions, and a herd of over 7000 head of livestock, marched due north through the present Ciudad Chihuahua area and reached the Rio Grande some 31 miles below the Pass in the vicinity of the modern town of Guadalupe Bravo.

Captain Gaspar Perez de Villagra recounted in his epic poem of the expedition that his advanced party reached the river on 20 April 1598 after having suffered great thirst while crossing the sand dune areas of

interior Chihuahua. They found the river so swollen that two thirst-driven horses were swept away when they rushed into the river to drink. Oxen were driven overnight to the river for water and back through the sand dunes again to pull out the wagons (Perez de Villagra 1967). His description of their satisfaction upon finally reaching the haven afforded by the river's banks is portrayed as follows:

Joyfully we tarried 'neath the pleasant shade of the wide spreading trees which grew along the river banks. It seemed to us that these were, indeed, the Elysian fields of happiness, where, forgetting all our past misfortunes, we could lie beneath the sandy bowers and rest our tired aching bodies, enjoying those comforts so long denied us. It was with happiness that we saw our gaunt horses browsing in the grassy meadows, enjoying a well deserved and needed rest. Happy, indeed, were we, as happy as the buzzing bees which flitted from flower to flower, gathering the sweet nectar for their winter's store; as happy as the countless birds of every size and hue which hopped from branch to branch among the leafy bowers, singing their sweetest peans of praise to our good Lord, the Father of us all (Perez de Villagra 1967:127).

On 30 April 1598, Ascension Day, Don Juan de Oñate took possession of New Mexico at a point on the west side of the Rio Grande some three leagues (ca. 11 miles) upstream from the place at which the expedition struck the river and some 5.5 leagues (ca. 20 miles) below the Pass and ford. This locality was known henceforth as "La Toma," the place of taking possession. After fording the river just below the pass but before reaching the Pass Oñate saw the ruts cut by the carts of Castano de Sosa's colonists on their way back to Mexico City guarded by Morlete. This would have been in the present downtown El Paso area. Some 20 miles above the Pass Oñate stopped at the campsite at which Captain Morlete was said to have hanged four Indians for stealing horses—the law of the west was already in effect (Hammond and Rey 1953).

Between 1598 and the time of the establishment of the mission, Nuestra Señora de Guadalupe in 1657 or 58, Paso del Norte was visited only by the drovers and travelers on the supply caravans making the round trip from Mexico City to Santa Fe every three to six years. Mission supplies were transported to New Mexico and cotton and woolen blankets, hides, pinon nuts, and salt were taken to the markets in the south (Scholes 1937:188).

The Indians usually encountered near the Pass, according to the Franciscan priest, Father Alonso de Benavides, who came through the area in 1625 on his way to assume duties as Custodian of the New Mexico missions, were called Mansos or Gorretas. Gorretas because they cut and fashioned their hair in such a way that it resembled a small club-like cap standing on the head and colored red with paint or blood, and Mansos because they had apparently had unfortunate experiences with the

Spaniards' dogs and had learned, even before the passage of the Onate colonists, that they were called off by the imperious command, "Sal ai!"—"get out!", and the proclamation that they come quietly and in peace—"Manso!"—to the undoubted amusement of the Europeans (Ayer 1965:13-16; Hammond and Rey 1953:315).

The Manso are described as a people that had no houses, only huts of branches. They did not sew and the men did not wear any clothing. The women only covered themselves from the waist down with two deer skins, one in front and the other behind. They, like others in the region, are said to have tried to do all the evil they could to the travelers whenever they found the opportunity; otherwise, they came into camp to beg for food. An entire cow was said to have readily been consumed raw by a few of them without anything being left over. In spite of their barbarity Benavides made a strong plea for priests to convert the Manso (Ayer 1965:13-14).

It was not until 1656 that missionary activities were finally initiated among the Manso, however. In that year Fathers Francisco Perez and Juan Cabal congregated some of the Manso in a mission settlement at the Pass and built a little church. Father Cabal had also started missionary work among the Suma, another nomadic group living down river from the Pass (Scholes 1930:194).

Circumstantial evidence suggests that the success in obtaining funds and supplies needed for the establishment of the mission among the Indians at the Pass was due to providence, or else that Fathers Perez and Cabal were opportunistic enough to take advantage of the egoism of a political figure and were wise enough to see the potential of the synonymous names of an Indian group and ecclesiastical authority.

On their way to New Mexico in 1652 the two priests noted the possibilities of the Manso conversion and actually baptized an infant, and of course, they were aware of the name of the Franciscan supply officer, Procurator-General Father Tomas Manso, who was conducting them and the supplies north. During the preceding 20 years he had occupied every important Franciscan post in New Mexican religious circles and was well known and trusted by representatives of the crown in Mexico City (Scholes 1930:191). When, on their second trip to New Mexico in 1656, Fathers Perez and Cabal found themselves in the company of the newly appointed governor of New Mexico, Don Juan Manso de Contreras, the younger brother of Father Tomas, on a wagon train controlled by their old supporter Father Tomas Manso, recently appointed Bishop of Nicaragua, the script of the allegory must have been completed. Alms were solicited in New Mexico by Governor Manso, support from the crown was arranged by Bishop Manso in Mexico City (Scholes 1930:194-5), and the success of the mission seemed assured.

There is no doubt that work was actually begun because on All Souls' Day (November 2) 1656 former governor of New Mexico Don Juan de Samaniego spent the day at the Manso mission where he was confessed and received communion along with others. The mission building must have been a flimsy temporary structure to have been erected in the six months or so since Fathers Perez and Cabal had returned to Paso del Norte in the spring. Unfortunately, no name is mentioned and there is no indication that the mission had been formally dedicated (Scholes 1930: 194-5), and Fathers Perez and Cabal appear to have returned to Mexico when the caravan continued on its way in the fall of 1656. At least there is no further mention of Father Cabal and a priest named Francisco Perez Barba is listed as having abandoned the supply caravan bound for New Mexico in 1658 along with nine other priests (Scholes 1930: 208-10). This flight of priests was precipitated by a quarrel that broke out in Mexico and continued on the caravan between the newly named governor of New Mexico, Don Bernardo Lopez de Mendizabal, and the newly elected procurator-general and custodio of New Mexico missions, Father Juan Ramirez (Scholes 1930: 197-8). As a result of the flight of the priests there were not enough for the proposed new mission at Paso del Norte and the unattended Manso mission apparently fell into ruin.

The traditional date for the founding or refounding, of Mission Nuestra Señora de Guadalupe de los Mansos del Paso del Norte is 8 December 1659, when Father Garcia de San Francisco recorded an *Auto de Fundacion*, now known only from a copy of a certified copy in the mission made by Adolph Bandelier in the 1880's. It has been suggested, however, that Father Garcia could not have been in Paso del Norte on Guadalupe day in 1659 and that a clerical error had probably altered the original date of 1657 or 1658 (Walz 1951: 16). Father Garcia described his 1657 or 1658 structure as a small church of mud and palings with a friar residence of thatch in the midst of congregated Manso rancherías or camp groups (Hughes 1914: 306). On 2 April 1662 the cornerstone of a permanent building was blessed and some six years later the completed structure was dedicated, on 15 January 1668 (Hughes 1914: 308).

A description of the mission complex, penned a few days later by Father Salvador de Guerra, maintains that the temple was the most beautiful in the entire Custodia of New Mexico and that the convento had seven roomy cells for the priests; the Mission church and convent were surrounded by vineyards and orchards. Four or five priests participated in the dedication ceremony which was attended by 400 persons, heathen and Christian Indians, and the event was enlivened by native dances and fireworks (Walz 1951: 18).

The location of this original permanent Mission Guadalupe has generally been assumed to be identical to that of the present mission on

the plaza beside the Cathedral in downtown Ciudad Juarez (Kubler 1940:97), but it is only within the last few years that actual tests of this assumption have been possible.

In 1968-69 the Mexican government and the Catholic church cooperated in the restoration of Mission N. S. de Guadalupe to its pre-1850 condition insofar as that condition could be ascertained by arquitecto Felipe Lacouture, then director of the Museo de Arte e Historia of Ciudad Juarez. Reinforced concrete pillars and steel I-beams were incorporated behind the wall plaster and above the original roof beams, and indirect lighting and air conditioning were installed. During this restoration I had the privilege of examining the structure from-below the floor to above the ceiling, and, in the process, collected samples from ceiling and wall beams and from the bell tower. These wood specimens have been dated by Mr. Tommy Naylor, formerly of El Paso and now of the Tree-Ring Laboratory of the University of Arizona, to three distinct periods. Beams from the church proper indicate that most construction took place over a relatively brief period of time but that some beams in the roof and choir loft were added or replaced a few years later. The outer rings were removed from these beams during the process of reducing them to uniform diameters so that the exact cutting dates cannot be determined but all were alive during the middle or early part of the 17th century, making a 1662-68 construction period possible. The third series of dates come from the bell tower and indicated that it was probably built around 1800. A map of the mission made in 1766 (Urrutia n.d.) does not show the bell tower while a stone engraving made about 1850 and published in a boundary survey report does show it (Emory 1857: Plate opposite p. 92).

It may also be of interest to note that the compass rose pattern carved into the original beams in the ceiling was also repeated as a wainscot painted in red and yellow over a black outline on the lower five feet of the original interior plaster. A portion of this original painted plaster along with fragments of three later designs was recovered and preserved during the reconstruction. A carved corbel of cottonwood noted in the clerestory area bore an inscription burned into it that read, "Hizo por Fran.o Pico," i.e., "made by Francisco Pico." This name, hidden away for over 300 years in an inaccessible portion of the church, has not yet been located on any of the preserved lists of priests, lay brothers, Indians, or citizens from this time period so that the man thus immortalized is still really unknown.

The Suma Indians living in the general area south of the Pass were not neglected during the 1650's and 60's. Fray Juan Cabal is said to have been about to begin missionary work among them in 1656 (Scholes 1930:194-5) but it remained for the founder of the permanent Manso

mission, Father Garcia de San Francisco, to get the mission work going again among the Suma and in 1665 at a site 12 leagues (ca. 31 miles) from Mission N.S. de Guadalupe that was named Las Llagas de Nuestro Serafico Padre San Francisco (the Wounds of our Angelic Father Saint Francis). This site is said to have been located at the place where the road from the south strikes the river, and near the Sierra de la Toma—the mountain range named in memory of Oñate's taking possession of New Mexico in 1598 (Vetancurt in Hughes 1914:310; Map of Miera y Pacheco in Adams and Chavez 1956:268-9). This mission has not been located on the ground but is presumably some 10 miles below Guadalupe Bravo, on the Chihuahua side of the Rio Grande. Several additional Suma missions were founded and existed for short periods of time in the Paso del Norte area but only those located near the Rio Grande will be mentioned specifically since they are the ones that may have been placed on the American side of the river by channel changes.

At the beginning of 1680 there seem to have been only two permanent settlements on the Rio Grande below the Pass, Mission N.S. de Guadalupe for the Mansos just below the Pass and Mission San Francisco for the Sumas some 12 leagues (31 miles) below that. Before the end of the year all of the surviving Spaniards and friendly Indians in New Mexico—almost 2000 souls—would be in the area, refugees from revolting Pueblo Indians. The Pueblo Revolt began on San Lorenzo day (10 August 1680) and by 18 September 1680 the refugees had reached the area of the Pass but were prevented from crossing to Mission N.S. Guadalupe by political jurisdictional technicalities and the flooding river. They remained on the Texas side at a place named La Salineta some four or five leagues (ca. 10 or 13 miles) above the Mission for three weeks before crossing to settle at the Mission and at three camps located at two league (5.2 mile) intervals down river. The camps were named, in sequence down river, El Santisimo Sacramento, San Pedro de Alcantara, and San Lorenzo. All were relatively short-lived, although some sites may have been reoccupied later (Walz 1951:36).

In preparation for an attempt at the reconquest of New Mexico, in September and October of 1681 Governor Otermin ordered a census of men capable of bearing arms and their equipment. There were five localities in which Spanish men at arms were residing thus suggesting in itself that the various households had moved to advantageous locations during the winter and spring of 1680-81. San Lorenzo was then called "San Lorenzo de la Toma" and was probably located near the point at which the Camino Real left the river for the interior some 12 leagues or 31 miles south of the Pass. San Pedro de Alcantara was listed and was presumably in the original location. La Punta de Jimenez was located three leagues (ca. 8 miles) from San Lorenzo and La Punta del Ancon

de Jimenez was two leagues (ca. 5 miles) from La Punta de Jimenez. "El Paso," the fifth location listed is N.S. de Guadalupe del Paso (Walz 1951:51-3). The following year San Lorenzo de la Toma is described as a district of more than four leagues along the river in which fifty-five different households had sowed some 45 acres of grain (Walz 1951:89).

As a result of an unsuccessful attempt to reconquer New Mexico over the winter of 1681-82 Governor Otermin captured and brought to the Paso del Norte area 385 more Tigua Indians from Isleta, New Mexico, and settled them with other Tiguas in the pueblo of Corpus Christi de la Ysleta del Sur. Piro and Tompiros brought with the initial refugees were settled in Mission San Antonio de Senecu and more Piro and some Tanos were settled at the Mission of N.S. de Socorro. Socorro was apparently directly across the river from San Lorenzo but the location of Ysleta and Senecu at this time is unknown. The old Suma mission of San Francisco was located 1.5 leagues from San Lorenzo de la Toma.

The site of San Lorenzo de la Toma was located in the vicinity of the place at which Oñate took possession of New Mexico in 1598. His journal records only 8.5 leagues from the point where the colonists first reached the river, and presumably where New Mexico began, to the Pass rather than the 12 leagues from the Pass at which San Lorenzo was located. This discrepancy in distance from the Pass is not yet completely resolved but it seems probable that the Spanish geometric league of about 3.65 miles may have been used by Oñate while a hundred years later the Mexican league of about 2.6 miles may have been in use (Haggard 1941:8-9). Eight and one-half Spanish geometric leagues and 12 Mexican leagues are each almost exactly 31 miles and this distance below the Pass brings one to the mouth of the Arroyo de San Marcos de Cantarrecio which is also known as the Puerto de Guadalupe. This Arroyo provides an easy route into and out of the Rio Grande Valley and leads directly south. The mountain range immediately southeast of the Puerto is named Sierra de la Toma on Miera y Pacheco's map made in the 1770's (Adams and Chavez 1956:268-9).

Don Domingo Jironza Petriz de Cruzate became governor of New Mexico in August 1683, replacing Governor Otermin. One of his first acts was to establish a garrison or presidio, named Nuestra Señora del Pilar y Gloriosa San Jose, in a location midway between Mission N.S. de Guadalupe and San Lorenzo and believed by some modern students to be quite near the present site of San Elizario, Texas, which site was then on the west side of the Rio Grande. Although timber was cut and adobe prescribed for the construction it is doubtful that the presidio was actually constructed because of the opposition of the soldiers and citizens to its location and because of the Indian revolts and threatened revolts (Hughes 1914:364).

As a result of threatening revolts in 1683 among the Indians settled at Socorro, that pueblo and mission was moved to a site near the present location of the church of Socorro and the following year the presidio, the pueblos and missions of Ysleta and Senecu, and the provisional capital, San Lorenzo, were all moved to the immediate vicinity of Mission N.S. de Guadalupe so that the Spaniards and Indians could be better protected from the revolting Manso and Suma Indians and so that the Christianized Indians could be prevented from joining in the revolt (Hughes 1914: 366). The present churches of Ysleta and Senecu are presumably on or near the sites to which they were removed in 1683.

The presidio was probably located near Mission N.S. de Guadalupe where it was shown on the map drawn by Urrutia in 1766 (Urrutia n.d.) and where it was still located in 1852 as shown in an engraving published in the U.S. Boundary Survey Report (Emory 1857: Plate opposite p. 92). Until recently that site was occupied by the governmental offices of the Municipality of Ciudad Juarez. San Lorenzo was apparently moved to a site close to or identical to that now occupied by the church of San Lorenzo some four miles east of Mission N.S. de Guadalupe where traditional Indian dances are still held each San Lorenzo day.

Revolt, real and threatened, continued to plague the Spaniards in the Paso del Norte area until the reconquest of New Mexico in 1692 when most of the Spanish families were forced to resettle in the northern province thus relieving the population stress locally. The pueblo of San Lorenzo was apparently completely abandoned because it was later repeatedly settled by missionized Suma bands who just as often revolted and fled because of real or imagined mistreatment by local Spanish authorities. The Indian pueblos were not returned to New Mexico and the missions of the Paso del Norte area remained relatively stable during the next century except for the periodic settlement and flight of the numerous Suma bands in missions with names such as Santa Gertrudis, San Diego, and Guadalupe (this is not the Manso mission at the Pass).

Shortly before the reconquest of New Mexico in 1692 Governor Diego de Vargas gave formal title of mission buildings, furnishings, and lands to Missions Guadalupe, San Lorenzo, Ysleta, Socorro, and Senecu but refused to give the church officials title to the lands of the pueblo surrounding these missions (Records in El Paso County Clerks Office Book 287:298-305;² Walz 1951:301-4). In 1751 the Pueblo of San Antonio de Ysleta, and by inference the other mission towns of the area, was given title to its land with a grant extending one league in the cardinal directions from the church. This title was recognized by the State of Texas in a relinquishment act of 1 February 1852 which is recorded in Gammel's Laws (1898:4:53). The landmarks designating the corners of this grant are still known by the older Tigua of Ysleta—Loma Tigua (Tigua Hill),

on the east side of Interstate 10 near the Lomaland exit; Palo Clavado (Nailed Stick or Cross), near Interstate 10 and the Avenue of the Americas exit; Loma Colorada (Red Hill), a high red hill on the terrace edge and visible on a clear day behind Ciudad Juarez near highway Mexico 45; and El Sausal (Willow Thicket), a barren place now on the edge of the flood plain in the eastern Ciudad Juarez (personal interview notes). Some 11 square miles of the present City of El Paso is included in this grant which may still be valid.

In 1766 a Spanish nobleman, the Marquis de Rubi, was traveling through northern New Spain under orders from Charles III to inspect the garrisons on the frontier and make recommendations to increase their efficiency at keeping the marauding Apaches out of the settled areas. The cartographer of the expedition was Nicolas Lafora, Captain of Royal Engineers, to whom we are indebted for a short but enlightening description of the Paso del Norte valley and its inhabitants. The expedition arrived in mid-July 1766. Lafora wrote:

On the 19th we traveled five leagues north over rolling hills with several small ravines and gorges along the road and much mesquite but little pasture. We arrived at the presidio of Nuestra Señora del Pilar del Paso del Rio del Norte, where there is a cavalry company composed of forty-six men, one sergeant, and three officers.

The map I drew shows the arrangement of what they call a presidio and part of Guadalupe pueblo. Following the river to the east along its right bank one comes to the pueblos of San Lorenzo del Real, San Antonio de Senecu, San Antonio de la Isleta, La Purisima Concepcion del Socorro, and the hacienda Los Tiburcios. These places constitute a continuous settlement seven leagues long. The inhabitants of Nuestra Señora de Guadalupe are Spaniards, mestizos, mulattoes, and Indians of the Tigua and Piro nations, and some Genizaros. At San Lorenzo are the Sumas Indians; at Senecu the Piros; at La Isleta the Tiguas; at Socorro more Piros. In each one there are a few civilized people. Those who live in Los Tiburcios hacienda belong to this class. The total is 5,000 souls.

All this stretch of land is very well cultivated, producing everything that is planted, particularly very good grapes which are in no way inferior to those of Spain. There are many European fruits which are produced in such abundance that they are allowed to rot on the trees. The inhabitants make passable wine and better brandy, but at times they do not harvest enough maize for their support, because the ground is devoted to vines and other crops (Kinnaird 1958:82-3).

A map of the Paso del Norte valley made in the mid-1770's shows the relative location of the settlements in the order named by Lafora. In addition, across the river from Tiburcios, on the east side, are the ruins of the Suma Mission of Las Caldas and the abandoned hacienda of San Antonio. Still farther down river on the west side is the former Suma mission of Guadalupe (not the Manso mission at the Pass), and still

further down, the Presidio of San Elceario, in the original location suggested by the Marquis de Rubi as a result of his inspection tour. Rubi was also instrumental in having the presidio removed from Paso del Norte in 1773 to the site of Carrizal some 100 miles to the south. The San Elceario garrison was moved to the Tiburcios location in 1780 and thereby transferred the name of San Elceario, now spelled and pronounced Elizario, to that locality, since shifted by a channel change to the east side of the river, where it is retained today.

These towns of Spaniards and Indians, all of whom were to become Mexicans after 1821, continued with relatively little change throughout the succeeding decades, planting their crops, combating the river to prevent its washing away their fields, rebuilding irrigation ditches and dams after each flood, and fighting Apaches constantly.

Floods had, from time to time, brought about changes as a result of their destruction of fields and structures. The church of Socorro is now on a site selected after the earlier church was destroyed by the overflowing Rio Grande in 1829 (Calleros 1951:32 or in 1838 (Conklin 1947:II:53). The new structure was in the present location by 1842, if not earlier, to judge from a beam over the stairway to the choirloft that bears that date together with the names of the constructors—this inscription has recently been removed or covered over. The pre-1829 or -1838 site is said to have been less than a mile to the south southeast of the present location (Conklin 1947:II:53). Another flood a few years later, possibly on 12 January 1849 (Sonnichsen 1968:132), brought a major alteration in the course of the river and placed the lower river settlements of Ysleta, Socorro, and San Elizario on the east side of the main channel although for decades they were actually on an island in the river. When the boundary was surveyed in the 1850's the line was drawn between Mexico and the United States along the main channel west of these villages.

At the turn of the 20th century several of the Indian communities in the Paso del Norte area were still functioning as Pueblos. Adolph Bandelier, the famous archeologist-ethnographer-historian, visited Guadalupe, Senecu, Ysleta, and other pueblos in 1883 and interviewed Manso, Piro, and Tigua Indians. He also learned that the last Suma had recently died and that his son lived nearby (Bandelier 1890:230-1, 248ff.; Lange and Riley 1970:164).

In 1901 Dr. Jesse Walter Fewkes, an anthropologist with the Smithsonian Institution, visited Ysleta and discovered that that Pueblo still had a functioning tribal government with a Cacique or chief, a Governor, a Lieutenant Governor, a Captain, and lesser officials, and that a number of ceremonial dances were still performed annually. That tribal government is still functioning today under rules set down in writing in 1895 (Fewkes 1902:62-4), and many of the men holding offices have genealo-

gies leading back to the original refugees from Isleta, New Mexico. The Ysleta tribal drum is believed to be the shell of the same one brought down from Isleta, New Mexico, in 1682.

A few years ago I was taken by Nicholas Hauser, who was studying the Paso del Norte Indian communities, to a house in San Lorenzo and was shown a pole-and-brush structure that had been occupied until his death years ago by a Manso Indian. Many of the imperishable artifacts were still in the house.

In view of the slight knowledge available on the Piro Indians who once lived just above Elephant Butte reservoir and were settled in Senecu and other Paso del Norte area missions in 1682, it is of interest to know that there are still a few Piros living in the Senecu-Socorro-Ysleta communities and that a retired tribal officer at Ysleta pueblo, who is half Piro and half Tigua, owns and still plays a drum he inherited from his Piro father.

Indigenous buildings, Spanish Colonial Missions, and Mexican haciendas still survive in the Paso del Norte area, as do the descendants of the people responsible for them. The preservation of these bits of the regional heritage is of great importance to both native and newcomer to the area, if one is to gain an appreciation of one's cultural environment and if one is to realize the satisfaction that comes with an understanding and pride in one's heritage.

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1. An earlier version of this paper was presented at the Missions Seminar: A Regional Conference on the Preservation of Indigenous Mexican Colonial Architecture in the El Paso area and Rio Grande Valley, Cosponsored by the Texas Historical Commission and the El Paso County Historical Society, Ysleta Mission, El Paso, 1 March 1975.
2. This reference and many others were brought to the attention of the writer by Tom Diamond who generously made available his extensive chronology of events affecting the Paso del Norte area.

The Mescalero Apache Indian Reservation, Mescalero, New Mexico, long recognized by Spanish, Mexican and American treaties, was formerly established by executive order of President Ulysses S. Grant on May 27, 1873. Mescaleros on the reservation numbered about 400 when the reservation was established more than 100 years ago. The reservation has a gross area of 719 square miles or 460,741 acres.

Hugh Stephenson was probably the first Anglo-American to settle what is now El Paso. He may have seen the valley as early as August, 1824. His home at Concordia (near the present Concordia cemetery) was probably founded by 1840.

—Rex W. Strickland, *Six Who Came to El Paso*.
(El Paso, Texas Western Press, 1963)

BISHOP SALPOINTE'S VISITATION OF 1877

Translation of a letter to the President of the Society for the Propagation of the Faith, annotated and edited by

Francis J. Fox, S.J.

Archivist of the Diocese of Tucson

EDITOR'S NOTE: Father Fox submitted this article to Dr. C. L. Sonnichsen, Editor of Publications of the Arizona Historical Society. Because the article pertains directly to the El Paso Southwest, and particularly to San Elizario in the critical year of the Salt War, Dr. Sonnichsen suggested it be submitted to *PASSWORD*.

In the late summer and fall of 1877 John Baptist Salpointe,¹ first Vicar Apostolic of Arizona, undertook the difficult and dangerous task of visiting the parishes of his far-flung territory, which included Arizona, southern New Mexico, and El Paso County, Texas.² His title carried with it the dignity of consecration as a bishop since it was necessary for the vicar to exercise jurisdiction over the area which he governed. From time to time a bishop is required to inspect the parishes and missions in his charge to observe how temporal as well as spiritual matters are being carried out by the priests and missionaries, to make sure the administration of sacraments is being properly recorded, and to administer the Sacrament of Confirmation.³ It was such a visitation that Bishop Salpointe undertook in 1877.

Recruited for missionary service in New Mexico by the vicar general of Bishop John B. Lamy, Salpointe left his native France and arrived at Santa Fe in 1859. He served as priest at Mora until 1866, when he came as a volunteer to Tucson and began a new life on the frontier. His appointment as Vicar Apostolic occurred in 1868, when the vicariate apostolic was formed by decree of Pope Pius IX.

On his return to Tucson, he wrote a detailed report to the president⁴ of The Society for the Propagation of the Faith, who maintained his headquarters in Paris. He had traveled 1,687 miles, twice had narrow escapes from bands of Apaches, enjoyed one friendly visit with Navajos, and returned to Tucson none the worse for his dangers and difficulties.

His letter, in abridged form, appeared in *Les Missions Catholiques* (September 26, 1879), published by the Lyons Council of The Society for the Propagation of the Faith. The map which appears herewith was printed with the letter. It may be assumed that the copy of the letter in the Archives of the Diocese of Tucson is a first draft which the bishop corrected before he sent it off to Paris. It is printed for the first time in English, translated from the French by Sister Mary Sheila Cannon, B.V.M., and the late Gilles Couvrette. The original in the Lyons archive of the Society could not be located at the time of my visit in 1971.



Map showing route of Bishop Salpointe's visitation of 1877, as published in *Les Missions Catholiques*, No. 538, September 26, 1879, p 467.

November 4, 1877

Mr. President:

Tucson, Ariz. Terr.

In a letter which I had the honor to address to you yesterday, I spoke of a pastoral visit which I had made some time ago to a portion of my Vicariate. Now, permit me to give you some interesting details about that trip, details which will give you an idea about travelling in general on these missions.

I had just returned from a visit to Florence, Tempe, Phoenix, Wickenburg, Weaver and other Central Arizona communities, where I had spent almost the entire month of May, when my presence was required by the missions located along the Rio Grande River in New Mexico and Texas. After a month's sojourn in my residence, I began this new trip on July 2. As usual, I travelled in a small covered carriage, drawn by two horses; behind the seat, which was occupied by my young companion^s and myself, was an enclosed area in which I placed sleeping blankets, a small number of utensils for cooking, a few provisions and a Mass kit.

This manner of travel may appear very primitive to you, but it is the one which we must still use whether because it is the least expensive or because the stage lines do not reach every place we must visit. So, for more than one reason, I resigned myself to making a sacrifice of time and personal convenience, and travelled a short distance each day.

On the third day of the trip, I arrived at Fort Bowie,⁶ a distance of 140 miles or about 40 hours from the point of departure. There they had just learned that there had been an Indian attack on the road I was to follow and that Indians had the courier cornered in the neighboring station fifty-five miles from the Fort. An expedition was being organized to go to the rescue; since they intended to follow devious paths, I could not follow by carriage and, moreover, my route would have been lengthened. I was safe [at the Fort], it is true, and in a house where I would have been able to stay without inconveniencing anyone, but this state of affairs could have lasted a long time. On the other hand, to turn back could have been as dangerous as going forward because when Indians are attacking, they can be met anywhere. Whether it is due to superstition or some other reason, it is the opinion that they almost never attack by night; with this in mind, I decided to advance.

Having taken sufficient provisions, even water, I once again continued my journey. The night was dark, and seemed much longer because I avoided conversation with my travelling companion. The night was calm and only the noise of the wheels on the hard-packed earth broke the silence and seemed all too evident. The horses are more vigorous during the freshness of the night, so we made good time and, early the following day, we arrived at the way-station.

The siege of the station had been lifted; the Indians, forty in number, had only followed the courier the preceding evening, and circled the station without attacking. From the direction that they had taken, it appeared that we no longer had anything to fear from the Indians.

Ralston,⁷ the name given to this station, is a place where there are a large number of silver mines which had been discovered six or seven years earlier; the development of the mines, however, had been delayed pending the arrival of the railroad in the vicinity.

After a day of rest here, I again set out and arrived at San Elzeario⁸ Texas, on July 24. It was here that I decided to begin my pastoral visitation. I pass over in silence the different stops that I had to make whether it was for Sunday Masses or to regulate affairs in the missions which I visited. I will say nothing either about the reception accorded me by the people I visited. On this point, the Mexicans are second to none, and though I often tried to forestall these receptions by arriving earlier than expected, I noticed that it was to the great disappointment of these good people.

I come back to San Elzeario which has a population of about 1,500 inhabitants, almost all Mexican and all engaged in agriculture. As is the case with all the people located in this part of the Rio Grande Valley, they enjoy a temperate climate and possess an immense quantity of very

fertile land. Other than wheat and corn, which are the principal crops of the country, they cultivate grapevines and almost all kinds of fruit trees successfully. As a mission, San Elzeario is at least 300 years old;⁹ it is one of those spoken of in the military reports of the time which were addressed to the Viceroy of Mexico. It is also said that it was provided with ministers thirty years after the conquest of Mexico by Cortez and it was the headquarters for a presidio or military fort during the period of colonial government. There I was agreeably surprised to see the pleasant changes which had taken place in the village since the time of my preceding visit.¹⁰ Next to the old church, which was not only too low and of bad appearance but also too small for the congregation, stood the half-completed walls of a new church which seemed to be larger, well-proportioned and of elegant construction, as well as solidly built. This church was the result of voluntary contributions and the persevering work of both pastor and parishioners for a space of four or five months. The people of San Elzeario who were enjoying a modest prosperity cannot, for the most part, make a big donation, but they know how to give from what little they have. Especially they know how to walk in agreement with the priest who directs them. It was with a kind of pride that these good people told me that only another summer would be needed to complete their church and in anticipation they asked me to bless the church when completed. It goes without saying that I willingly agreed to their request. There was still something else to show me. It was the beautiful piece of property of which I spoke in another letter which was just purchased by the pastor, Father [Peter] Bourgade,¹¹ in order to establish a school; it will be opened next March or April under the direction of the Sisters of St. Joseph.¹² I remained here two days and administered the Sacrament of Confirmation to 204 people. The 26th of the same month [July], I gave Confirmation also to 101 persons in the Chapel of St. Michael at Socorro,¹³ a small town of 500 or 600 souls which is situated over one league from and is almost completely dependent on the mission of San Elzeario. There I also found some repairs and new construction. The chapel had been enlarged and whitewashed during the course of the year. There is among the inhabitants of this locality the same spirit as is found among those of San Elzeario. The same day I went to La Isleta¹⁴ which is located not much more than one league from Socorro. The mission of La Isleta dates probably from the same era as that of San Elzeario. Its population which was composed of primitive Indians also includes today some Mexicans as well as some Americans in almost equal numbers. The total number of inhabitants may be estimated at 1,100. I remained three days during which time I was able to administer the Sacrament of Confirmation to 168 persons. I was informed by the priest of this locality that the entire population wanted to have a school taught by some sisters and that a

suitable location had just been purchased in order to establish one as soon as possible.



Bishop Peter Bourgade, 1845-1908,, Second Vicar Apostolic of Arizona, first Bishop of Tucson, and fourth Archbishop of Santa Fe.



Bishop John B. Salpointe (1825-1898), first Vicar Apostolic of Arizona; second Archbishop of Santa Fe; retired to Tucson in 1894.

Franklin,¹⁵ a town more recent and of less importance than the preceding, is located five leagues up river [Rio Grande], and depends on the mission of La Isleta. I said Mass there on July 30 and, on the same day, confirmed 93 persons. There I concluded my visit to that part of Texas which is under my jurisdiction and which is known here under the name of [El] Paso County. In all, I confirmed 566 persons there.

I had only a short distance to go in order to enter New Mexico. The missions which I visited on the right bank of the river are: El Nombre de Dios,¹⁶ Chamberino,¹⁷ La Mesa¹⁸ and Santo Tomas.¹⁹ The three first form a mission of which the principal church is located in La Mesa. All are of recent date and are far from enjoying the advantages which one meets in the older localities of which I have already spoken. The lands cultivated there are excellent but almost all are at the level of the river and exposed to flooding. This causes the loss of a part of the harvests almost every year. The inhabitants of this area, therefore, are all in an unfortunate condition. This is evident from the poor condition of their

chapels and from the few offerings which they contribute to the priest who cares for them. The number of Confirmations which I administered in this mission was 126.

Santo Tomas, mentioned above, is a little village of 20 or 25 families belonging to the mission of La Mesilla.²⁰ There I noticed a faith which manifested itself by their efforts to obtain a suitable chapel although the one at La Mesilla has not yet been completed. La Mesilla is the chief place of the mission found on the left bank of the river at almost 54 miles from the limits of [El] Paso County. This town which dates from 1850 or 1851 is made up of around 1,800 souls. It is situated in the valley which carries its name and is one of the places most favored for cultivation of grapevines and fruit trees. The church, too small for the people, has been decorated and repaired considerably in these later years and is maintained in a very respectable state. It has also been enriched by a good bell in the course of this year. What is lacking here is a Catholic School; this is due to the fact that there is little good will and little docility toward the advice of the zealous priest who is in charge of the mission. The persons who received Confirmation at this mission numbered 256.

Two miles from La Mesilla is Las Cruces²¹ whose origin dates from about the same period as that of La Mesilla. There is there a private boarding school and a parochial school which are directed by the Sisters of Loretto;²² both schools care for about 150 children. The church is kept in good condition. The occasion of my visit there was marked by the blessing of a large beautiful bell which the priest aided by the generosity of the faithful had just procured for his church. 280 persons received the Sacrament of Confirmation.

On August 12, I left Las Cruces that I might again go along the right bank of the river in the hope of visiting El Colorado²³ Santa Barbara²⁴ and Las Palomas.²⁵ The first of these towns is made up of 100 and some families and the second of 36. They have been in existence only two years and are very poor because of the expenses of clearing the land; however, each town has a temporary chapel and each is visited every month by the pastor of Las Cruces. They are found respectively one at 45 miles and the other at 53 miles from the principal church of the mission. Las Palomas, 35 miles further north on the same bank, was founded in 1867. It is a town of almost 140 families which I have confided temporarily, in agreement with the Archbishop of Santa Fe,²⁶ to one of the priests of New Mexico.

Fever gripped this locality which made me decide that, after having visited the sick who requested my ministry, I would put off the Sacrament of Confirmation until the occasion of my return from the other areas which I still had to visit. I gained nothing by that. After an absence of 25 days during which I had returned to the territory of Arizona to visit the towns of the Little Red River (Colorado Chiquita),²⁷ I found the people

still in the same poor condition, if not worse. It was impossible to find a family in the village in which there were not sick ones to care for and who could give me hospitality. I had, however, resolved to stay that I might visit the sick and I was going to set up my camp outside the town in the shadow of some trees when one of the inhabitants came to offer me an abandoned house which belonged to him. It was there that I fixed up my residence for two days. Needless to say, I found easily enough work with which to occupy myself! I scarcely had time to recite my beviary and to take some nourishment which my travelling companion had obtained for me. But of greater concern was the general state of the residents of the place. In several houses there was not one person who was able to give care to the others, all were ill. I was told of some persons who had died alone and without help in their homes. It is necessary to say, finally, that I found the locality almost without resources, most of the people with some wealth had gone elsewhere temporarily in order to wait until the epidemic had passed. The people of Las Cruces and of La Mesilla had much the same illness, although a degree less alarming and everybody is counting on a change for the better in the season we are now entering.

In order to arrive at Colorado Chiquita, I had to take a much longer route as you will see from the map I am sending you. It was the most sure and easiest way for me of all those open to me. The villages in the area of Colorado Chiquita which were founded only two years ago are distributed over three or four different points of a rich and vast valley where it is probable that there will be great growth. The principal villages existing today are Round Valley,²⁸ San Juan²⁹ and El Concho³⁰ with about 240 families, almost all Catholic. These villages are for the moment in the care of priests from New Mexico although they are located nearly 200 miles (about 66 hours) from their residence. There is still not one chapel built in the entire valley.

Starting from Sabinal,³¹ New Mexico, between the Rio Grande and Colorado Chiquita is found a stretch of country of 210 miles which is known under the name of Navajo lands. It was this country, very hilly, very rugged and rich in pasture lands that formerly lived the Navajo tribes which are in large part under the protection of the government on the reserve of Fort Wingate.³² I say this in large part because I met a certain number of these Indians³³ on their former lands at a place known by the name of Alamosita. Not many years ago these Indians were the terror of all New Mexico, so, at first, I was not very reassured at seeing myself in their presence at a moment I least expected it. My fear was not of long duration. I found myself almost in the middle of the tents of these Indians, and I had only to take a few steps to see their seeded fields and their flocks of sheep which were grazing on the slopes. There is never any

danger for persons in the neighborhood of the families of the Indians. There wasn't any danger for me because I learned later that these Indians were there with the permission of agents of the tribe as a privilege in recompense for their peaceful dispositions. They were all dressed simply but in a decent and similar manner. One of them spoke Spanish well enough. He told me that members of the tribe who were living in this place found a great many advantages which they did not have in the military reservations, such as the abundance of wood, lands to seed and pasturage for their animals.

When I asked where their beaded moccasins had come from, he [the Navajo] told me that they were made by the women of the tribe as were the blankets of which they had need to protect them from the cold. In fact I recalled that, before I had become acquainted with the Navajo, I had seen the woolen blankets with varied colors decorated in regular designs. Navajo women made these from the wool of the flocks and the blankets were looked on as objects of luxury by those who were able to obtain them. I would have wished to be able to prolong the conversation with these good inhabitants of the forests but the hour of leaving had come. We left each other then after the mutual exchange of the desire to meet again on some other occasion. It could be wished that all members of the tribe were of the same disposition as the ones I had just met and that they would, like them, regain their liberty. In this case, it would be easy for the Catholic missionaries to approach them and to instruct them which is not practicable under the system which governs them today.

I had reached the final place on my itinerary and had nothing to do now but retrace my footsteps for a good part of the way that I might reach my residence. From Santa Barbara, a place that you are already acquainted with, I turned toward Rio Mimbres³⁴ where I visited the newly formed villages of San Lorenzo³⁵ and San Ysidro.³⁶ The two have their chapels newly constructed, but do not have sacred vessels and the necessary vestments for the celebration of the Holy Mysteries. From San Lorenzo I went through Georgetown³⁷ to Silver City.³⁸ These two towns have some 1,500 inhabitants, almost all occupied in the work of the silver mines which abound in the vicinity. Silver City has a good church which is not yet decorated on the interior but does have a rectory for the priest.

The visitation ended with this mission; there was nothing more but to continue the trip as far as Tucson. But there appeared a serious difficulty. The Apache Indians had revolted near the spot where I found myself and perhaps would be on the entire route I was to follow. Nine victims of these savages had just been interred with the same ceremony in the parish; others who were seriously wounded were on the point of dying. One estimate said that seventeen persons had been killed by the Indians within two or three days. No one travelled on that route any more save for a

courier once a week and that with a good escort of soldiers. As I could not go at the pace of the courier, who changes animals at the stations, I had returned to the system which had already served me, that of travelling by night under the greatest possible secrecy. I must say finally that I felt myself stronger because my travelling personnel had increased when I met one of my priests³⁹ who was returning from a tour of mission duty and who also was returning to Tucson. We left Silver City after having provided ourselves, it is true, with a few arms though we relied especially on the protection of Providence.

I pass over in silence what the imagination might conjure up when it observed the remains of carriages and baggage which were all that remained of those who had been massacred just a few days ago. After four days travel, I arrived back in Tucson on October 2, just three months after my departure; [during the time I] did not have the slightest accident.

In recapitulation, I found that I had confirmed 1,773 on my pastoral visit and that the distance I had covered was 1,687 miles or about 562 leagues.

NOTES

1. John Baptist Salpointe (1825-1898), a native of eastern France, volunteered for missionary work in the American Southwest in 1859 and arrived in Santa Fe, N.M., in the fall of that year. He expressed a desire to work in Arizona when Bishop Lamy was looking for men; but was unable to make the journey until 1866. As first Vicar Apostolic of Arizona, Bishop Salpointe labored there until 1885, when he was appointed second Archbishop of Santa Fe. After nine years, he retired and returned to Tucson, where he died in 1898.
2. Decretum S.C. de Propaganda Fide (Lettre Vol. 360, f1110-1111), 11 Septembre '68, No. 3, photographic copy, Archives, Diocese of Tucson.
3. *Concilii Plenarii Baltimorensis II: In Ecclesia Metropolitana Baltimorensi A Die VII ad Diem XXI Octobris A.D. MDCCLXVI, habiti et a Sede Apostolica Recogniti Acta et Decreta, Editio Altera Mendis Expurgata* (Baltimore: Exudebat Joannes Murphy, 1894), p. 65, no. 86. According to this decree of the council, bishops are urged to visit their districts frequently and regularly; if distance prohibits, they should visit the principal churches of the area at least every two years, and if this is impossible at least every three years. This decree, no doubt, applied to bishops who governed more populated areas; but was certainly an admonition to Bishops such as Salpointe with vast areas under their jurisdiction, to be sure to visit their dioceses or vicariates as often as humanly possible.
4. At this time the President of the Paris Council of the Society for the Propagation of the Faith was probably Alexander Guasco. Over the years the Propagation of the Faith sent a great deal of financial support to the Bishops of Arizona for their work; between 1869 and 1921 the Catholic Church in Arizona received a total of \$136,148, and the *Arizona Enterprise* noted in the December 21, 1893, issue that "it is owing to the high esteem in which his [Bishop Salpointe's] merit is held in the church that the French Society for Propagation of the Faith has been sending from five to six thousand dollars, every year, to the Territory of Arizona, for the support of the Catholic Clergy, the schools, and the churches."
5. The young man in question was Octaviano A. Larrasolo, Archbishop J. B. Salpointe, *Soldiers of the Cross; Notes on the Ecclesiastical History of New Mexico, Arizona and Colorado* (Banning, Calif.: St. Boniface's Industrial School, 1898) p. 266; The third part of this book was published under the title *John Baptist Salpointe: Soldier of the Cross*, ed. by Odie B. Faulk (Tucson: Diocese of Tucson, 1966), P. 124, to commemorate the centennial of the arrival of Salpointe; references to this work will be placed in parentheses after the page reference to the original.

6. Fort Bowic, named for General George W. Bowic of the Fifth California Cavalry, was situated at Apache Pass in order to protect a vital spring; it was established in 1862 and abandoned in 1894. Will C. Barnes, *Arizona Place Names*, Rev. and enlarged by Byrd H. Granger (Tucson: University of Arizona Press, 1960), p. 31; Salpointe, p. 267 (p. 125).
7. Ralston was named for William C. Ralston, a San Francisco banker, who invested in a mining claim in the area; the name was changed to Shakespeare in 1872 when the Shakespeare Mining Company was established. T. M. Pearce, ed., *New Mexico Place Names* (Albuquerque: University of New Mexico Press; 1965) p. 154.
8. San Elizario (spelled by Salpointe "San Elzeario"). The early history of this town has been clouded by error and misinformation. Simply stated, sometime previous to 1760, the Hacienda de los Tiburcios was staked out near Socorro in the present San Elizario area. Most contemporary authors believe that the presidio, and hence the town, was probably dedicated on the saint's feast day, September 27. Eugene O. Porter, *San Elizario, A History* (Austin: Jenkins Publishing Company, 1973) pp. 27-38, cf. also Appendix A., pp. 55-56.
9. When Bishop Salpointe refers to San Elizario as a "mission," he may well have been referring to it in much the same way in which he referred to San Xavier del Bac as a mission [cf. Salpointe, p. 227 (p. 59)]; he also refers to San Elizario as an "old parish" [ib. p. 266 (p. 124)] which he re-established and entrusted to Father Bourgade. I am assuming also that it was a parish under the Bishop of Durango, because Father Borrajo seems to have been assigned there as a pastor—at least he certainly acted as one who had jurisdiction. This is certainly indicated in C. L. Sonnichsen, *The El Paso Salt War (1877)* (El Paso: Texas Western Press, 1961).
When the bishop refers to San Elizario as being "at least 300 years old," and also as having been "provided with ministers (priests) thirty years after the conquest of Mexico by Cortez . . ." he is clearly in error because there was nothing founded in the area that early; the date for the founding of Santa Fe, for example, is given as about 1609 or 1610.
10. This statement by the bishop seems to indicate that he had visited or attempted to visit San Elizario on a previous occasion when the welcome was probably not as gracious, and in his book on the El Paso Salt War, q.v. pp. 23-24, Sonnichsen indicates that the bishop had indeed made such an attempt earlier in 1877, but that he was repulsed by Father Borrajo who "called [the bishop] hard names and threatened dire consequences if he proceeded."
11. Father Peter Bourgade (1845-1908) came to the Southwest in 1869 as a seminarian and was ordained to the priesthood by Bishop Salpointe at Las Cruces, New Mexico, in November of that year. His first pastoral assignment was to Immaculate Conception Parish, Yuma, then to San Elizario. He succeeded Salpointe as Vicar Apostolic of Arizona; later became first bishop of the newly established Diocese of Tucson in 1897; and finally was appointed Archbishop of Santa Fe in 1899.
12. It is doubtful that the Sisters of St. Joseph ever took charge of this school; at least, they have no record of having done so. Sister Maryellen Tierney, CSJ, to the author, November 12, 1973.
In *Soldiers of the Cross*, p. 268 (p. 127), Bishop Salpointe notes that the Sisters of Loretto from Santa Fe took over this school on July 23, 1879.
13. Socorro was named for Nuestra Señora de la Concepcion del Socorro; the mission and pueblo were founded in the spring, 1683, after the Pueblo Revolt of 1680. Walter Prescott Webb, ed. *The Handbook of Texas* (Austin, Texas Historical Association, 1952) Vol. 2, pp. 292, 633.
14. Ysleta grew out of Corpus Christi de la Isleta; it was founded in 1682, and is described as the oldest permanent settlement in the present limits of Texas. *Ibid.* vol. 1, p. 415, vol. 2, p. 949.
15. Franklin was named for Ben Franklin Coons, a Santa Fe trader who is credited with establishing a trading house on the Rio Grande in the area of the present El Paso in June, 1849. The post office was officially named El Paso. Rex W. Strickland, *Six Who Came to El Paso, Pioneers of the 1840's* Southwestern Studies I, 3 (El Paso: Texas Western Press, 1963) pp. 3-8.
16. Nombre de Dios, Spanish for "name of God," is located 21 miles south of Las Cruces; the town was destroyed by a flood in 1884. Pearce, p. 109.

17. Chamberino, reported to be an Indian word for "deep ford," is located 18 miles south of Las Cruces, *Ibid.*, p. 31.
18. La Mesa, Spanish for "tableland," is a town six miles south of Las Cruces; it was founded by Spanish-Americans and a few Anglo-American pioneers. *Ibid.*, p. 150.
19. Santo Tomas de Iturbide, probably named for St. Thomas the Apostle, is located eight miles south of Las Cruces. *Ibid.*, p. 150.
20. La Mesilla, Spanish for "little table," is located two miles southwest of Las Cruces; on March 16, 1861, a secession convention met here and, supposedly speaking for all the people of the area, attached the area, often referred to as "Arizona," to the Confederate States of America. *Ibid.*, p. 100; Jay J. Wagoner, *Arizona Territory, 1863-1912. A Political History*, (Tucson: University of Arizona Press, 1970), p. 4.
21. Las Cruces, Spanish for "the crosses," is the county seat for Doña Ana County; the origin of the name is uncertain; what seems to be certain is that there was a collection of crosses in the area which marked a burial site in the 1840's. Pearce, p. 84-85.
22. Salpointe, p. 262 (117).
23. El Colorado, a small community just south of Hatch, is now known as Rodey, and the old church is owned by Mr. William H. Mitchell, district manager of Schulmerich Carillons, Inc. Pearce, p. 38.
24. Santa Barbara was located on the west bank of the Rio Grande in virtually the same place as old Fort Thorn, some four miles northwest of the present day Hatch; the town can be found on the map drawn up by First Lt. George M. Wheeler, Corps of Engineers, U.S. Army, in the Map Collection, University of Arizona, Special Collections, University Library.
25. Las Palomas, Spanish for "doves", is a town seven miles south of Truth or Consequences, New Mexico. It was settled by the Garcia and Tafoya families. Pearce, p. 85.
26. Archbishop John Baptist Lamy (1814-1888), a native of France, came to New Mexico as Vicar Apostolic of the territory in 1850; on July 29, 1853, he became first bishop of the newly established Diocese of Santa Fe. Joseph B. Code, *Dictionary of the American Hierarchy, 1789-1964* (New York: Joseph F. Wagner, Inc., 1964), p. 160.
27. Rio Colorado Chiquito, "Little Colorado," a river in eastern Arizona; it was first called Colorado by Juan Mateo de Oñate, in 1604. Barnes, p. 19.
28. Round Valley contained a small colony of Mexicans by 1872; they referred to it as Valle Redondo. *Ibid.* pp. 20-21.
29. St. Johns, originally called El Vadito (Spanish, "the little crossing"), is located at the crossing of the Little Colorado; some say the community was named for Señora Maria San Juan Baca de Padilla; others for San Juan Bautista, whose feast is celebrated in most places on June 24. *Ibid.*, p. 21.
30. By the late 1860's a Mexican colony had settled in a shell-like basin west of St. Johns—hence the name Concho (Spanish, "shell"), *Ibid.*, p. 9.
31. Sabinal, place of the juniper, was a few miles south of Belen; the town, however, does not appear on modern maps. From this point, Bishop Salpointe turned west to visit the three towns in Arizona just named. A guide was hired for this portion of the journey through Navajo lands. cf. accompanying map. Salpointe, p. 267 (p. 125).
32. Fort Wingate, located southwest of Gallup, was established in 1868, named for Captain Benjamin Wingate. It has been used as a reservation for the Navajos ever since those Indians were brought there by Kit Carson in 1868. Pearce, p. 59.
33. Salpointe writes: "The Indians whom the travelers met between Sabinal and Colorado Chiquito were peaceable Navajos who had left the reservation assigned by the government to their tribe and were taking care of their horses and sheep outside of it." After a long conversation, the Bishop, promising to return, went on his way to visit the three Arizona towns. When he returned, however, "the Indians failed to be present for the reason, as it was ascertained later, that the water having become too scarce it had been necessary for them to move to another place." Salpointe, p. 267 (pp. 125-126).
34. Rio Mimbres, Spanish for "willow trees," is located in southwestern New Mexico. cf. map.
35. San Lorenzo, named for the third century deacon, St. Lawrence, was founded in 1714 by Governor Juan Ignacio Flores Mogollon. Pearce, p. 146.

36. San Ysidro—about three miles south of San Lorenzo. cf. map.
37. Georgetown was a silver mining town which flourished from 1876-1886. The town was named for George Magruder, a native of Georgetown, D.C.; its prosperity was brought to an end, however, by two disasters: a smallpox epidemic and a decline in the price of silver. Pearce, p.63. In January, 1972, the editor and a seminarian friend almost met disaster while looking for this town when the car went off the road. They had been following the path of Bishop Salpointe's journey and were on the way home when the mishap occurred near Georgetown. Little is left today except the cemetery and foundations of some buildings.
38. Silver City, a name evidently originated by Anglos in the mid-1870's because of the mines, was originally named San Vincente de la Cienaga when founded about 1870. In 1874, it became the county seat of Grant County, formerly part of Doña Ana County. Pearce, p. 156. Father Peter Bourgade was pastor here at St. Vincent de Paul when he succeeded Bishop Salpointe as Vicar Apostolic of Arizona.
39. Father Antonio Jouvenceau, a much-travelled missionary as is evident from the sacramental registers of the diocese preserved at the Cathedral in Tucson, met his bishop in Silver City and accompanied him on the journey to Tucson. Salpointe, p. 267 (p. 126).

To the Apache Indian, the mountain gods or "Gahe" are spirits living in the sacred mountain who come forth to drive away evil and sickness and to bring good fortune.

There were at least two salt wars in El Paso County history. The most publicized was the Salt War of 1877, centered around San Elizario, then the county seat. Another, the so-called Magoffin Salt War of 1854, involved El Paso pioneer James Wiley Magoffin, and was first chronicled in *PASSWORD* by J. J. Bowden, Vol. VII, No. 3, Summer, 1962.

The United States Army and Navy Journal and Gazette of the Regular and Volunteer Forces of August 2, 1879, carried an account of a proposed military experiment wherein ostriches would be used in place of horses for mounted troops in the southwest desert regions. The plan stressed the adaptability of the birds to the desert climate, noted the fact that they could endure long periods of time without water, and it was believed that the dread "Jornada del Muerto" could be crossed with no more supplies of food and drink than each man could carry in his haversack. The plan was advanced by one Philip Strauss, who had passed some time on a ranch near Las Cucharas, New Mexico, where his host was Major J. Gordon Bryce, formerly of the British Army. Major Bryce believed that the moral effect which the appearance of a mounted ostrich troop would have on the hostile savages would be prodigious. The outcome of this novel experiment is not known.

The El Paso Bar Association was organized June 7, 1897. Wyndham Kemp was its first President.

—*PASSWORD*, VIII, No. 3. 99

THE BADGE OF MILITARY ENFRANCHISEMENT IN TEXAS

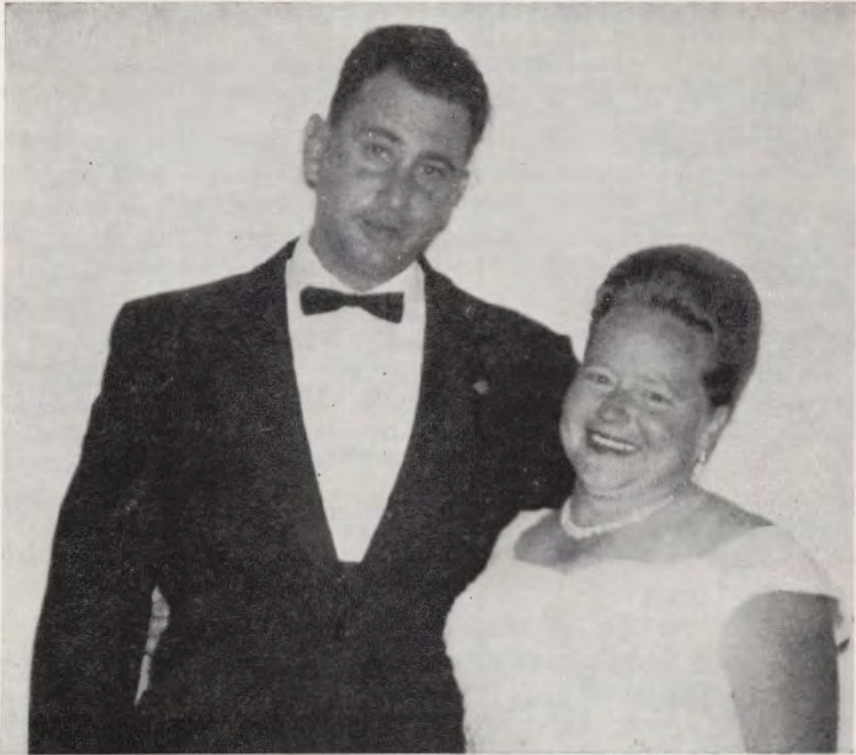
Carrington vs Rash
by LEON W. BLEVINS

Members of the armed forces of the United States have comprised a major population category within the city of El Paso, Texas, for many years, particularly since the founding of Fort Bliss in 1848. Many members of the armed services who were originally sent to El Paso under military order made El Paso their "permanent" home. In most cases "permanency" meant the purchasing of a home, the registering of motor vehicles, the paying of local taxes, and voting in local elections.

This treatise is about one legal struggle which began in El Paso, Texas, on October 2, 1963 and culminated in the United States Supreme Court on March 1, 1965. The battle involved the right of military personnel to vote in the State of Texas. The principal contestants were the State of Texas and two army sergeants and their wives who were off-base residents in El Paso. The two sergeants were Sergeant First Class Nicola ("Nick") Niglio of 300 Cullen Drive and Sergeant First Class Herbert N. Carrington of 3408 Sirius Drive.

The legal problem involving voting rights for military personnel in Texas was first brought to the attention of Niglio's wife, Dalphine, on the morning of October 2, 1963 when she read an article on page 12-A of the *El Paso Times*. The small headline proclaimed, "Change In Texas Election Code Causes Many GIs To Lose Vote."¹ The article was about El Paso County Attorney Jack Fant's public statement concerning a recent change in the Texas Election Code, a change that became effective in August 1963. In essence, the article indicated that military personnel who were originally from Texas would have to vote in the counties where they first enlisted. Military men who had entered service in other states could not vote in Texas. They could vote only in the counties in which they were residents when they entered service. This meant that Sergeant Niglio would have to vote in Delaware, a state he had not lived in for almost twenty years. County Attorney Fant was quoted as saying in this regard that, ". . . an enlisted man or officer who has bought property in El Paso and has made this his home for the last 30 years is nevertheless ineligible to vote in any election here unless that person originally entered service from El Paso County."²

Once Mrs. Niglio contacted Fant she was told that she could continue to vote in Texas but that her husband would have to vote by absentee ballot in Delaware. Sergeant Niglio's reaction was one of dismay since he had been away from Delaware so long that political issues there did not really involve him. Since he owned a home in El Paso it was El Paso



Sergeant and Mrs. Nicola Niglio, who instigated the case which eventually reached the courts as Carrington vs Rash.

elections which concerned him and in which he had been participating since 1960. In reality, the announcement meant that Sergeant Niglio could not vote in either Texas or Delaware. As interpreted by Jack Fant, the Texas Constitution and Election Code meant that Sergeant Niglio could not vote in Texas. However, when Sergeant Niglio wrote to the appropriate voting registrar in Delaware he was informed that they would not send him an absentee ballot because he was a homecowner who had declared Texas as his official residence.

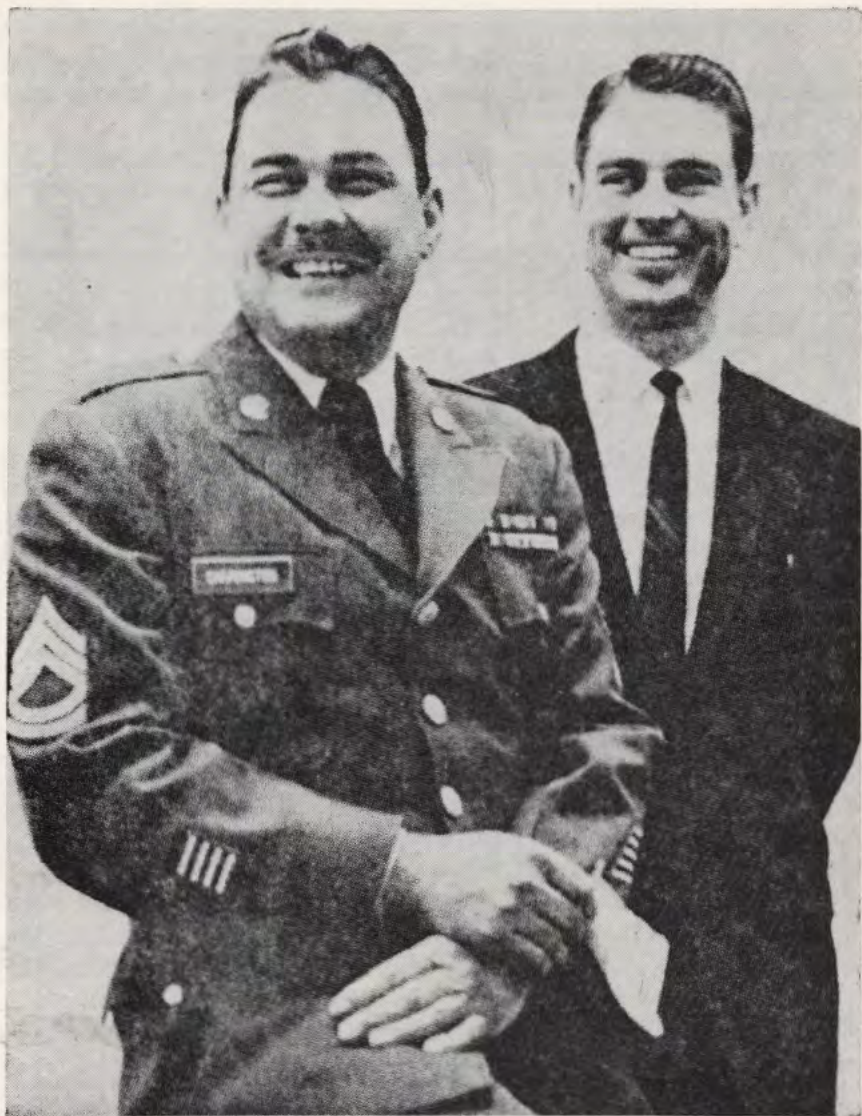
Sergeant Niglio's public reaction was, "What must I do to become a naturalized citizen of Texas? What I have to do I will do, short of changing my occupation. It's a terrible thing to go to bed one night having a country and being a member of what I thought was the finest state in the 50, and wake up and learn that the state I adopted had made me a second class citizen!"³ Once Sergeant Niglio read some Texas history and the appropriate portions of the Texas Constitution and the Election Code he was startled to find himself "classed with minors, idiots, lunatics, paupers, and felons."⁴ Mrs. Niglio expressed the feeling she and her hus-

band both had when she said, "We have lived in El Paso seven years and bought a home here. We planned to live here permanently. But if the state refuses to recognize us as citizens, then we will get out of Texas as soon as we can."⁵

Sergeant and Mrs. Niglio put out a public call for assistance from other individuals concerned about the loss of their voting rights. Their largest single financial contribution, \$250, came from building contractor Joe Yarbrough and real estate businessman Harry Rearick. Mrs. Niglio received one letter dated October 8, 1963, from a Sergeant First Class Herbert N. Carrington, an off-post resident of El Paso who worked at White Sands Missile Range in New Mexico. He enclosed \$12 on behalf of himself and two other men, and he indicated that he had checked on his legal status at White Sands and was told that he was "not getting into politics" when he fought for his voting rights. He enclosed a copy of an army regulation on voting. He concluded his letter by stating, "As I see it now from White Sands, you may use my name, Herbert N. Carrington and my wife's name Johanna Carrington. I am not afraid so if you need a military name for anything just use it."⁶ Little did Sergeant Carrington realize that his name would be "used" to the fullest, all the way to the U.S. Supreme Court.

Sergeants Niglio and Carrington viewed themselves as loyal American citizens who had faithfully served their country, Niglio since 1945 and Carrington since 1946. Niglio had been away from his home state of Delaware since he entered service and Carrington had not lived in his home state of Alabama since 1946. Sergeant Carrington found it strange that he, a native-born American citizen, could no longer vote in Texas but his wife, Johanna, a naturalized American citizen from Germany, could vote in the state.

The Niglios and the Carringtons became the nucleus of an organization founded and led by Mrs. Niglio, the Military Taxpayers Association. The two primary purposes of the organization without a formal membership roll were to generate publicity and to raise money to fight the battle in court. Due to pressure from commanding officers at Fort Bliss, most soldiers stationed there were hesitant about getting involved in the issue of military voting rights. This was the major reason the Military Taxpayers Association was led by army wives. Sergeant Carrington was in a unique position among those involved in the association. He was feeling no pressure from his commanding officer in New Mexico. It was for this reason that he said, "I will be your test case. I am not afraid of what will happen. I will suffer the consequences."⁷ Sergeant Carrington felt that if Sergeant Niglio stayed as mad as he was when he first met him that the case would be taken all the way to the U.S. Supreme Court, regardless of the consequences.



Sergeant Herbert Carrington, with his attorney Wayne Windle, who took the Carrington vs Rash case to the Supreme Court, and won.

Actually, Sergeant and Mrs. Niglio had sought a solution to their problem before turning to legal remedies. They first contacted several of the Texas legislators from El Paso and asked them about the new Election Code and if it was possible to get it changed. Most of the members of the El Paso legislative delegation said they did not know about the provision in the Election Code restricting military voters, although they had voted

for the total Election Code revision on the last day of the previous legislative session. Sergeant Niglio's reaction to this revelation was that "it proved it is not necessary to know what you are doing to get elected to office."⁸ Actually, the 187 page bill in question was accepted without full analysis or debate by the Texas Legislature. Through his research of the problem and his contacts with public officials Sergeant Niglio discovered the real problem was less with the Election Code than it was with the Texas Constitution. Although since 1845 the document had said military personnel could not vote, the provision had not been enforced by local officials. Now, through the Election Code, the state was saying the Constitution must be enforced.

The Niglios contacted almost every public official they felt might be of some assistance. They made numerous long-distance telephone calls and wrote many letters to officials in Austin and Washington, D.C. Nearly everyone was on their side but no one felt that anything could be done to remedy the injustice. Finally, Niglio and Carrington decided to seek legal assistance and to take a stand, even if they had to stand alone.

Ironically, the first stand the two sergeants took on the matter of the military vote involved a special election to amend the Texas Constitution, the instrument with which the men were legally jousting. Of four proposed amendments scheduled for a vote on November 9, 1963, the most significant one involved a proposition to repeal the poll tax, a tax that had been in the Texas Constitution since 1902 and a tax which was viewed as an obviously discriminatory voting device.

It was the poll tax which most irritated Sergeant Carrington concerning the restrictions upon military voters. He said, "After being sold a 'POLL TAX' and thinking I would be allowed to vote, I was fit to be tied when I found out I was disfranchised. I was so mad I was ready to go to court right then."⁹ Ironically, when the election was scheduled in which Sergeant Carrington could have voted to repeal the poll tax, he was disfranchised and unable to vote even though he had paid for a valid poll tax. In fact, most members of the Military Taxpayers Association had paid their poll taxes in Texas. The military men were told they could not use the poll tax to vote but their wives could. They were also told they were on their "honor" in upcoming elections since it would be difficult to distinguish between civilian voters and military voters not in uniform.¹⁰

On November 9, 1963, Sergeants Niglio and Carrington went to their respective polling places in full dress uniform and carried their poll tax receipts with them. They were politely turned away; it was absolutely clear that they had indeed lost their votes. A photographer from the *El Paso Times* caught a Sergeant Thomas G. McKeever, a military man unknown to Niglio and Carrington, in the act of being turned away from the polls.¹¹ The television media, primarily in the persons of Jack DeVore

and Conrey Bryson, agreed to cover the story fully, especially if Sergeant Niglio suddenly found himself standing before a court-martial for his local political activities. The publicity did not raise a court-martial but it did help raise some funds for the test case which was being prepared for a possible trip to the U.S. Supreme Court.

To Sergeant Niglio the U.S. Supreme Court seemed a long way off in late 1963. However, if that was where he had to go to keep his right to vote, then that was the ultimate goal. He said, "My strategy from the very beginning, from the very first time I found out I wasn't allowed to vote, was to hire a lawyer and go all the way to the U.S. Supreme Court and let the U.S. Supreme Court decide whether I could vote or not. From the beginning this is what I planned to do right up until we finally did it."¹²

The lawyer Niglio telephoned about his voting problem had the distinct impression in their first conversation about the matter that Sergeant Niglio would take the case to the Supreme Court. Wayne Windle, the lawyer in question, turned to his wife, Janice, after that conversation and said, "Well I've got a case that's gonna go all the way to the U.S. Supreme Court."¹³

Sergeant Niglio had met Wayne Windle when he, Niglio, served on a jury in a civil case which Windle won for his client. Ironically, Sergeant Niglio's name had been taken from the poll tax list and placed on the El Paso County jury wheel. He had bought poll taxes and voted from 1960 through 1963. In essence, the State of Texas was now telling him that he could buy a poll tax, be required to pay local taxes and serve on a jury, but he could no longer vote since he had entered military service in another state.

Once Sergeant Niglio outlined his predicament to attorney Windle, Mr. Windle began to meet with the members of the Military Taxpayers Association. He told them they had two courses of action: they could seek to amend Article VI, Section 2 of the Texas Constitution, or they could attempt to get a court ruling indicating that provision did not apply to servicemen who entered the service as non-residents.¹⁴ The constitutional provision in question read, "Any member of the Armed Forces of the United States or component branches thereof, or in the military service of the United States, may vote only in the county in which he or she resided at the time of entering such service so long as he or she is a member of the Armed Forces."¹⁵ It was this provision which County Attorney Jack Fant had spoken of in his October, 1963, press release. Since the Niglio's and their attorney raised a question about the constitutionality of the provision Jack Fant wrote to the Texas Attorney General, Waggoner Carr, and asked for an Attorney General's Opinion clarifying the matter.

On November 6, 1963, Carr rendered Opinion C-173 in answer to the El Paso County Attorney's letter. The opinion, having the force of law, not only interpreted the provision in the Texas Constitution, it interpreted Article 5.02 of Vernon's Texas Election Code, a provision passed as part of amendments to the Election Code enacted during the 58th Texas Legislature in 1963. Part of the Election Code had been amended in order to make the code fully correspond to the Texas Constitution in relation to military voters.

Baylor University Law School Dean Abner McCall wrote of the issue of the military vote and its history in a commentary published in Vernon's Annotated Statutes in 1952:

The second Congress [of the Republic of Texas] in 1837 enacted the first election law. This first act contained a novel section providing 'that regular enlisted soldiers, and volunteers for during the war, shall not be eligible to vote for civil officers.' This provision was no doubt inspired by the mutinous conduct of the nonresident volunteers who had been recruited in the United States after the Battle of San Jacinto. They had defied the provisional government and on one occasion in July, 1836, had sent an officer to arrest President David G. Burnet and his cabinet to bring them to trial before the army. They had continued their rebellious conduct after Sam Houston became the first president under the Constitution of 1836. It was not until May, 1837, that Houston was able to dissolve the army and eliminate this threat to civil authority. This provision disfranchising soldiers in the regular army was placed in the 1845 Constitution of the State of Texas and has remained in each succeeding constitution. It was modified in 1932 to exempt the National Guard and reserves and retired officers and men.¹⁶

The controversy involving Sergeants Niglio and Carrington arose primarily due to the amendment which was added to the Texas Constitution in 1954, an amendment added two years after Dean McCall's commentary. The 1954 amendment appeared to be generous. It would let military personnel vote, albeit in a restricted fashion in their home counties. On December 18, 1954, then Texas Attorney General John Ben Sheppard, delivered Opinion S-148, an opinion which said, in part, "no person who entered service as a resident of another state may acquire a voting residence in Texas while he is in service."¹⁷ In essence, John Ben Sheppard's opinion was reaffirmed by Attorney General Waggoner Carr's 1963 opinion. Waggoner Carr wrote of Article VI, Section 2 of the Texas Constitution:

This provision relates only to residents of this State; but it does relate both to persons who were residents of Texas before entering service and to persons who became residents of Texas after entering service. If the only place at which a person may vote in this State is the County in which he resided at the time of entering service, and

and he was not feeling undue military pressure since his military assignment was in New Mexico rather than Texas. In addition, Sergeant Carrington had obviously chosen El Paso as his place of residence; he had not been ordered to live in El Paso. In light of these facts, Wayne Windle convinced the two sergeants to let him switch the names on the case. Of the switch, Carrington stated, "I volunteered the use of my name. I would have much preferred the use of his name had the threat not existed."²³

Once it was agreed by the leaders of the Military Taxpayers Association that Carrington would be the party to attack Article VI, Section 2 of the Texas Constitution and all election laws in relation to it, it was necessary to determine how to proceed. Wayne Windle found an opportunity to proceed in the fact that Sergeant Carrington was a Republican and wanted to vote in the Republican Party primary scheduled for May 2, 1964. The Niglios felt the Democratic Party of Texas, the dominant party in the state, wanted to exclude military voters from participating in the 1964 election because it was perceived that they would vote in large numbers for Republican Barry Goldwater.²³ Alan Rash, the Republican Party chairman of El Paso County, felt the same way.²⁴

Rash, the Republican, helped his friend Wayne Windle, one of the leaders of the Democratic Party in El Paso, establish a "test case" for the military voters of El Paso County. Alan Rash was anxious to get involved when he recalled his own feelings when he had been in uniform and faced shopfront signs in San Antonio saying, "No Mexicans or Soldiers Allowed."²⁵ Rash and Windle agreed upon a strategy designed to avoid the problem of the issue of the military vote becoming moot before it could be settled in court. Windle wrote to Rash and asked if Sergeant Carrington "would be allowed to vote in the Republican Primary election to be held on May 2nd."²⁶ Carrington's situation was briefly described. The Republican Chairman answered that Sergeant Carrington would not be allowed to vote due to the recent opinion of the Texas Attorney General. This put Alan Rash in an interesting position since he was one of the first persons to express publicly his disapproval of the restrictions upon military voters. He was also one of the first to believe the issue would eventually be settled in the United States Supreme Court.

As the case began to develop the chairman of the Democratic Party of El Paso County, Tom Diamond, became concerned about the possibility that the Democratic Party could be made the culprit in the case. Diamond called a meeting of the Democratic Executive Committee and announced that he was planning to file an amicus curia brief, a "friend of the court" brief assisting the legal argument of the plaintiff, Sergeant Carrington. Wayne Windle already had the legal machinery operating and he saw such a brief delaying the case. He was quoted in the *El Paso Times* of April 18 as saying, "If a brief were to be filed at this late date, I believe

if at that time he did not reside in any County in Texas, it follows that he cannot vote in this State. Accordingly, it was said in an opinion S-148 that no person who entered service as a resident of another State may acquire a voting residence in Texas while he is in service.¹⁸

It was the legal language of the Texas Constitution, the Texas Election Code, and the opinion of the Attorney General of Texas which was now keeping the military personnel within Texas from continued participation in election procedures in their local areas. For many years local voting registrars had registered military personnel on the basis of where they reenlisted rather than where they entered service. Now they were told they could no longer do that. In light of the change in registration practices some of Sergeant Niglio's friends in El Paso who were native Texans wrote to their home counties within Texas and asked for ballots. They were told they could not vote in their home counties unless they had registered their automobiles there.¹⁹ In essence, this meant that almost all military personnel in Texas were now being kept away from the polls regardless of where they entered service.

Due to the voting restrictions both Sergeant Niglio and Sergeant Carrington felt they had been made second class citizens. This was a situation they had full intentions of fighting in court. Their lawyer, Wayne Windle, informed them that as far as he could ascertain Texas was the only state in the union which denied voting privileges to a legal resident of the state "solely for the reason that he is in the military service."²⁰

Both Niglio and Carrington had been kept from voting in the special election concerning the poll tax. However, of even more concern was the fact that they would not be permitted to vote in the party primary elections and the presidential election of 1964. The elections came and went and the military voters of Texas were excluded from participating. The soldiers lost their votes. Sergeant Niglio and Sergeant Carrington publicly protested that loss.

Wayne Windle was fully aware that Sergeant Niglio's public protestations were getting him in trouble with his superior officers at Fort Bliss. He knew that such difficulties could have severe consequences since Sergeant Niglio was near retirement from the Army. He decided that the way to reduce the pressure was to take Carrington as his principal client. In addition, Windle felt that Sergeant Carrington's situation presented the better "fact situation" and the best opportunity to overturn the provision in the Texas Constitution.²¹

Like Niglio, Carrington had entered service in another state, he owned property in El Paso, he had paid his poll taxes and property taxes, and he had children in public schools. However, unlike Niglio, he was operating a small speaker reconing business on a partnership basis out of his home

it could cause the hearing which has already been set for next Wednesday, to be delayed."²⁷ Alan Rash, in a partisan comment, charged the Democratic position with being hypocritical, particularly since the statute in question was a product of a legislature controlled by the Democratic Party.²⁸ Quickly, Tom Diamond changed his mind about filing the brief. He simply got the Democratic Party of El Paso County to pass a resolution supporting the plaintiff in the suit. This put everyone on record as in opposition to the constitutional provision and the law. Tom Diamond announced in the newspaper that he had no intentions of making the case "a political football."²⁹

Windle, as attorney for the Military Taxpayers Association, actually began the "legal football game" on April 9, 1964. He had discovered that voting rights cases could go directly to the Texas Supreme Court without arguments at a lower level. Therefore, he petitioned the Texas Supreme Court to take the case of *Carrington v. Rash* on a writ of mandamus designed to force Republican Party officials of El Paso County to let Sergeant Herbert N. Carrington vote in their primary elections. The Texas Supreme Court agreed to take the case and arguments were scheduled for April 22, 1964. The Court's decision was handed down on April 29, 1964. Everyone concerned was surprised at the speed with which the Texas Supreme Court handed down its decision, a decision which went against Sergeant Carrington.

In the legal arguments in his petition and in his oral arguments before the Texas Supreme Court, Wayne Windle maintained that the Attorney General's Opinion of November 6, 1963, was "incorrect," that it was subject to various interpretations, and that to deprive his client of "his right to become a qualified voter in any national, state or local elections in the United States of America so long as he remains a member of the Armed Forces and resides in Texas . . . violates the equal protection clause of Section 1 of the Fourteenth Amendment to the United States Constitution." Windle's basic claim was that "Respondents owe a duty to Relator to recognize that Relator can become a qualified voter in Texas without resigning or retiring from the military service."³⁰

Mary K. Wall, a Texas Assistant Attorney General and an election law specialist who helped write the controversial Attorney General's Opinion of November 6, 1963, was the principal lawyer assigned to argue the case for the State of Texas. She based her case before the Texas Supreme Court on several grounds: the possibility of military control of local elections, the prerogative of the state to regulate election qualifications, the reasonableness of classification of voters, the possibility of an out-of-state resident voluntarily relinquishing his legal residency, and the possibility of persons voting in other states by absentee ballots.

In her presentation before the Texas Supreme Court Mrs. Wall cited

numerous publications analyzing the 1954 amendment to the Texas Constitution at the time it was before the electorate for approval or rejection. One of her major conclusions concerning the restriction of military personnel to voting in their home counties was that military voters should not become concentrated in such a way that they could control elections. She felt that the people of Texas understood the 1954 amendment was designed to avoid "a concentration of military voting strength in areas where military bases are located."³¹ With regard to early Texas history and Sam Houston's disbanding of the army she later said, "Burned as a child, Texas has continued to be wary of the fire — more so than the majority of her sister states."³²

On another point Mrs. Wall contended that Sergeant Carrington and other military personnel in Texas had no right to vote in the state simply by claiming protection under the United States Constitution. She quoted from the 1904 U.S. Supreme Court decision of *Pope v. Williams* which said, in part, "the privilege to vote in a state is within the jurisdiction of the state itself, to be exercised as the state may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the Federal Constitution."³³ In this regard, Mrs. Wall claimed the state could reasonably classify military personnel for voting purposes, either in granting privileges or setting restrictions.

Finally, Mrs. Wall argued that Sergeant Carrington had voluntarily chosen residency in Texas and had thereby voluntarily given up his right to vote. She said, "It is true that he cannot become a qualified voter in Texas or elsewhere during his period of residence in Texas while in military service; but this results from his own voluntary act of relinquishing the legal residence which he possessed at the time he chose to become a legal resident of Texas in 1962. At that time he was charged with knowledge of the effect of his act on his right or privilege to vote."³⁴ In a lengthy supplemental brief Mrs. Wall cited the possibility of absentee balloting and she claimed, "Almost every State has either a constitutional or statutory provision concerning acquisition of residence in the State while in military service."³⁵ In essence, she argued that Sergeant Carrington had himself to blame for the loss of his right to vote. He had rejected the possibility of voting by absentee ballot in Alabama by choosing to establish residency in Texas.

The justices of the Texas Supreme Court listened attentively to the arguments of both lawyers in the case of *Carrington v. Rash*. However, their questions generally reflected a bias in favor of the state's position. Wayne Windle sensed at that time that he would lose at the state level.³⁶ His best hope lay in the fact that Chief Justice Robert Calvert said that he felt the United States Constitution was being violated. When the 7 to 2 vote

against Carrington was announced on April 29, 1964, Chief Justice Calvert and Associate Justice Clyde E. Smith dissented in an opinion written by Associate Justice Smith. The dissenting opinion was later cited in a federal district court case in San Antonio in a similar military voting rights case involving a Staff Sergeant James R. Mabry. The three-judge federal panel held that Article VI, Section 2 of the Texas Constitution violated the Equal Protection Clause of the Fourteenth Amendment. Attorney Wayne Windle cited this bit of good news in his Brief for the Petitioner which he eventually filed before the United States Supreme Court on November 19, 1964.³⁷

The majority opinion of the Texas Supreme Court written by Associate Justice Zollie Steakley upheld the 1954 amendment to the Texas Constitution on various grounds; among them were the fact that military personnel could gain concentrated voting strength, that they were compelled to be where they were, that they were transient, and that they voluntarily gave up their right to vote in their home states when they established legal residency in Texas. Associate Justice Steakley wrote in the majority opinion, "The effect on former nonresidents is that they may not acquire a voting residence in Texas; the effect upon original residents is that they may not change their voting residence from one county to another. This construction does not violate the equal protection clause of the Fourteenth Amendment to the Constitution of the United States."³⁸

Associate Justice Clyde E. Smith responded to the majority opinion by saying in his dissent, "this still does not settle the ultimate constitutional problem as to whether a state may segregate *all* persons in military service as a class, which class is to be treated differently from all other persons in regard to the right to vote."³⁹ He felt such arbitrary classification violated the equal protection clause of the Fourteenth Amendment.

Throughout the proceedings of the case, whether before the Texas Supreme Court or the United States Supreme Court, Wayne Windle's strongest argument related to the basic right to vote as protected by the Fourteenth Amendment of the U.S. Constitution. When he first talked to Sergeant Niglio by telephone he was aware that voting rights were being expanded, especially in the areas of black civil rights and legislative apportionment. Therefore, he knew the case was of a nature that could go to the United States Supreme Court. In his petition for a writ of certiorari asking the U.S. Supreme Court to call the case up, he stated, "The right to vote, which is being denied to persons in the military service, is the indispensable condition of all other rights guaranteed by the Constitution."⁴⁰ In his Reply Brief for the Petitioner before the U.S. Supreme Court he highlighted his argument by saying, "If the equal protection clause protects any rights from discriminating state laws, it certainly protects voting rights which are basic in our democracy."⁴¹

Mrs. Mary K. Wall had different feelings. In her brief before the U.S. Supreme Court she stated, "Voting is a privilege and not a right. It is not a privilege given by the Federal Constitution or springing from citizenship of the United States, and the power of each state to determine who shall constitute its electorate is subject only to specific restrictions in the United States Constitution."⁴³

Wayne Windle realized that the existing restrictions placed upon his client's right to vote was about to cause him to be shut out of the elections of 1964, regardless of the philosophical positions held by different people concerning whether the vote was a "right" or a "privilege." Therefore, Mr. Windle filed for an expeditious hearing by the U.S. Supreme Court. He claimed, "time is the essence in this case."⁴³ However, the Court refused to act promptly on the matter and the elections came and went without resolution of the issue of the military vote in Texas.

Eventually, the date for argument before the U.S. Supreme Court arrived. It was January 27, 1965. Wayne Windle, attorney for the plaintiff, faced Mary K. Wall and Hawthorne Phillips, attorneys for the defendant, the State of Texas. Windle argued in his briefs that Sergeant Carrington did not voluntarily give up his right to vote by changing his residency, that military personnel should have the same voting privileges as other legal residents and persons in other professions, that the military voters should be allowed to control elections if they can, and that the restrictions upon military personnel constituted an arbitrary and unconstitutional classification. Finally, he pointed out that Sergeant Carrington had no place to vote. Windle's basic premise was, "The *question* before this Court is whether or not this particular provision of the Texas Constitution violates the equal protection clause of the Fourteenth Amendment."⁴⁴ Obviously, lawyers for the State of Texas disagreed.

First, there was the argument of the military impact upon local elections. Mrs. Wall took as her major argument from the beginning that a concentration of military voters could help them take over local elections and political processes. She felt that commanding officers could tell their troops how to vote.⁴⁵ She cited that as of June 30, 1962, there were 24,732 military personnel assigned to military installations in El Paso County.⁴⁶ She felt that in towns such as Killeen, Texas, towns smaller than El Paso, the threat of military control would be even greater because of their proximity to large military bases. She felt the military votes might determine "many elections."⁴⁷ Interestingly, back on October 2, 1963, then El Paso County Democratic Party Chairman Richard C. White and El Paso Republican County Chairman Alan Rash were cited as estimating that between 2,000 and 3,000 military personnel were voting in El Paso County before the controversy over the military vote arose. They did not indicate any fear of the military voters. To the contrary, they were both upset that

the vote had been taken away from military personnel in the county.⁴⁸ Wayne Windle argued that the State of Texas was discriminating unconstitutionally against military personnel just because they "might be persuaded to vote in accordance with the desires of their commanding officers."⁴⁹

The second argument in the case involved the mobility of military personnel. Mrs. Wall felt this mobility meant a "lack of knowledge of and interest in the affairs and needs of the community which a voter should have."⁵⁰ Windle met this argument with comparisons. For example, he reminded the Court that soldiers' wives are just as transient as their husbands, yet the wives could qualify to vote in the counties where their husbands were stationed. He said, "Certainly the residence of a soldier's wife is as temporary as that of her military husband. To distinguish between the two denies members of the military equal protection of the laws."⁵¹ His other comparisons related to college faculty members, construction workers, and other civilian occupational groups who were quite mobile and who did not face similar voter classification restrictions.

The third argument before the U.S. Supreme Court involved residency itself. The argument was two-fold. There was the issue of residency in general and the issue of the involuntary nature of residency of military personnel. Mrs. Wall argued that states may determine residency requirements with little or no federal interference. The U.S. Supreme Court would not quibble with the idea of residency as such. The major conflict was over the involuntary nature of residency. This issue was one of the major reasons Windle had wanted to use Sergeant Carrington as his client. Mrs. Wall was arguing that military personnel are involuntary residents, they are forced to move under military orders. By using Sergeant Carrington's situation Wayne Windle could argue that Sergeant Carrington, a man stationed at White Sands, New Mexico; lived in Texas simply because he liked the City of El Paso, Texas.⁵²

Mrs. Wall admitted that Sergeant Carrington had some leeway in choosing where to live. However, she still saw him as subject to sudden transfer hundreds of miles away from Texas. Besides, she contended, he voluntarily gave up his residency in his home state of Alabama when he purchased a home in El Paso and declared El Paso as his permanent residence. Wayne Windle countered this argument by saying, "Petitioner never voluntarily gave up his voting rights. If he had, he would not be going to the trouble and expense of this litigation in order to gain the right to vote."⁵³

The fourth argument in the case of *Carrington v. Rash* involved the nature of voter classification. Mrs. Wall admitted before the U.S. Supreme Court that Sergeant Carrington's situation was somewhat unique because he lived in Texas and worked in New Mexico. However, she said, "he is

still a member of the class. The reasonableness of the classification is not to be tested by the isolated example."⁵⁴ The State of Texas was arguing that all military personnel were treated the same under the law. However, Windle argued in opposition that this classification was unconstitutional discrimination because it "defines and creates a special class within this state which, for no other reason, is denied the rights and privileges which all other United States citizens possess."⁵⁵

The fifth argument before the Court was closely related to classification. It was that the military possesses inherent differences when compared to other groups. Mrs. Wall argued that military personnel were inherently different from such people as construction workers, persons on parole from prison and other groups. Wayne Windle agreed there were differences, even between military men and their wives. However, he felt such differences should not be used to discriminate against military voters. He argued they were not listed as "immature, or of unsound mind or are criminals or public charges. The only thing that can be found to distinguish them from other citizens is that they are members of the Armed Forces."⁵⁶

After all of the major arguments were presented the U.S. Supreme Court was called upon to make its own distinction. The decision was handed down on March 1, 1965, Sergeant Carrington's 37th birthday. For Carrington, it was a birthday victory. The Court accepted Wayne Windle's basic arguments and rejected those of Mrs. Wall. It reversed the earlier decision of the Texas Supreme Court. Justice Potter Stewart, speaking for the majority, delivered the opinion of the Court. The vote was 7 to 1, with Justice John Marshall Harlan dissenting. Chief Justice Earl Warren did not participate. He was in London, representing the United States at the funeral of Winston Churchill.

Justice Stewart said that military personnel had a right to an equal opportunity for political representation.⁵⁷ On residency he said, "By forbidding a soldier ever to controvert the presumption of nonresidence, the Texas Constitution imposes an invidious discrimination in violation of the Fourteenth Amendment."⁵⁸ On possible military domination and on classification he said, "'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible. 'The exercise of rights so vital to the maintenance of democratic institutions cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents.'"⁵⁹

Justice Stewart also spoke of group comparisons. He said, "Students at colleges and universities in Texas, patients in hospitals and other institutions within the State, and civilian employees of the United States Government may be as transient as military personnel. But all of them are given at least an opportunity to show the election officials that they are

bona fide residents.” In this regard Justice Stewart quoted from *Grey v. Sanders* of 1963, “There is no indication in the Constitution that . . . occupation affords a permissible basis for distinguishing between qualified voters within the State.”⁶⁰ He concluded the entire opinion by quoting Governor Ellis Arnall of Georgia who said in an address to the General Assembly of Georgia on January 3, 1944, “The uniform of our country . . . [must not] be the badge of disfranchisement for the man or woman who wears it.”⁶¹

It had been a long and lengthy twisted legal pathway from the first of October 1963 to the first of March 1965. However, the victory was sweet indeed for Sergeants Niglio and Carrington and their families. They felt they had finally gained “first class citizenship.” It was a good feeling to know that they could truly call El Paso, Texas, home in the fullest sense of the word. Their citizenship was all the more precious because they had spent money upon and fought for their rights. Due to Wayne Windle’s generous help it had cost the two of them only about \$2,000 of their own money to win back their votes. However, for military personnel the funds were not easy to come by. Sergeant Carrington had even been declared a “pauper” so that his case could proceed at a minimum expense before the highest court of the land.

The sadness associated with the expense involved was that the two families and their friends had had to sacrifice and to fight at all. In their view, the State of Texas should have gladly given them the vote. Attorney Wayne Windle had felt the same way and he kept waiting for some word that the state would not fight to keep the military personnel in Texas from voting. The word never came. Since the State of Texas lost the case it could no longer classify, in the words of Sergeant Carrington, “the military in the category of morons, illiterates, dogs, or whatever.”⁶² Sergeant Niglio and Sergeant Carrington had made it easier for every military person in Texas to say “I am a first class citizen!”

Ironically, soon after Sergeant Carrington’s victory he and his family left their “permanent” address in El Paso and moved to California for employment and health reasons. Sergeant Niglio and his family were transferred to Germany for several years. They returned to El Paso in 1968 and Sergeant Niglio retired from the Army in 1972. Sergeant and Mrs. Niglio did not simply sit down after retirement. They both enrolled in regular programs of study at El Paso Community College. In the year that Sergeant Niglio retired, the Attorney General of Texas announced that soldiers living on-base in Texas could vote in local elections. The grant was based primarily upon the legal principles established in *Carrington v. Rash* for off-base personnel.⁶³

Due to the case of *Carrington v. Rash* Sergeant Carrington and Sergeant and Mrs. Niglio came to view politics and politicians with suspicion.

However, all of them were still proud of their country. In 1965 Sergeant Niglio received "honorable mention" in a Valley Forge Freedom Foundation award for a letter he wrote in a contest entitled "My Vote, Freedom's Privilege." In his letter he said, "My vote is the guardian of all our basic freedoms in the United States . . . Every time one person's right to vote is infringed upon, all of our rights are infringed upon."⁸⁴

If any conclusion can be drawn from the case of *Carrington v. Rash*, it must lie in the nature of representative government itself. In reality, every voter of modern American society has someone to thank for his or her right to vote whether they exercise that right or not. All military voters of Texas, either off-post or on-post residents, have a few dedicated people to thank for their "first class citizenship," a few people willing to pay the price which democracy sometimes demands.

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There have been at least four legal executions by hanging in El Paso County. The last, a double-header on January 6, 1900, brought an end to the lives of convicted murderers Geronimo Parra and Antonio Flores, on the gallows at El Paso County Jail.

SOUTHWEST ARCHIVES

"Active" Inactive Files:

The Regional Historical Resources Depository Program

by LILLIAN COLLINGWOOD

In the quiet Library Auditorium of The University of Texas at El Paso on the afternoon of March 20, 1975, Dr. Larry Sall, Regional Director of the Texas State Archives, addressed informally a group of local scholars, county and district records officers, genealogy experts, graduate students, and assorted history buffs. He began his talk by reminding his listeners of the importance of county and district records to local-history researchers, of the difficulty involved sometimes in locating such records when they have become inactive, and of the vulnerability of these records to deterioration, destruction, and loss. As he spoke, all of us who have ever searched among inactive local records remembered our frustrations and disappointments at being unable to locate just that volume of, say, Wills and Probates we were looking for: somehow it had been lost "when they moved the Courthouse" or "when all those Registers had to be moved to a warehouse across town because we ran out of space here" or "oh, yes, all those things were destroyed in the fire."

Then Dr. Sall began to tell us about the Regional Historical Resources Depository Program which has been established in Texas. Administered by the Texas State Library, RHRD is a new concept: on a state-wide scale it brings into regional depositories all the non-current public records of the respective geographical area, and at each depository it applies "modern archival management" to those materials so as to safeguard them from the whims of time and chance and to make them available to researchers. Dr. Sall explained that this Program was inspired and initiated by State Archivist John W. Kinney, that it was subsequently authorized by Article 5442b, Vernon's Texas Civil Statutes, and that its implementation progresses rapidly because of the excellent cooperation which university administrators and local records officials are giving to the Program.

Seventeen regional depositories have been established throughout the state. These depositories are located in "academic and other libraries that meet criteria adopted by the Texas Library and Historical Commission." Furthermore, he told us that all over the state local inactive files (city and county records, as well as those of such "units as school, water, flood, and drainage districts") have already been transported to their respective regional depository and that inventories and the necessary processing of these materials are well under way at many of the depositories.

And then came the very best part of Dr. Sall's engaging and informative address: the Library of The University of Texas at El Paso has been designated as one of the seventeen regional depositories. This decision, we learned, was made two years ago and was implemented by a legal agreement signed by Mr. Kinney and President Arleigh B. Templeton in which The University of Texas at El Paso agreed to "assist the Texas State Library in the collection and processing of public records relating to this geographical area," to "provide suitable research space . . . for the convenience of researchers," to "provide a fireproof stack area, shelving, air conditioning, janitorial service, and professional supervision for the storage, protection, and servicing of all materials," and to "fulfill all reasonable requests for reference service on the materials . . ."

This agreement having been signed, the work of locating and transferring the appropriate materials then began. Already, Dr. Sall told us, many of the inactive public records of this region have been taken to the Library, though as yet the long process of inventory and processing has not been initiated.

Dr. Sall ended his remarks by describing another valuable feature of RHRD: it makes provision for inter-depository loans. Which means that a researcher doesn't have to travel to another depository—say, Baylor University, to find the record of a will that was probated in McClennan County back in the 1870's.

A few weeks after Dr. Sall's lecture, I received permission to enter the stack area of the Archives Section of The University of Texas at El Paso Library. And, sure enough, I saw that RHRD is not just a beautiful dream: it's real and it's here. I browsed through several hundred square feet of stacks, and I saw hundreds of pounds of old records, still with the musty aroma of courthouse basements clinging to them. I learned from Mr. Bud Newman, Assistant Head of Special Collections and Archives, that the various local-records officials have been exceedingly cooperative—that County Clerk Alicia Chacon has turned over all the inactive county files she could locate; that County Sheriff Mike Sullivan has sent dozens of volumes of old Jail Records (some of which date back as far as 1869), as well as non-current volumes of Minutes of Sheriff's Accounts, Sheriff's Cash Books, and Sheriff's Criminal and Civil Dockets; that District Clerk W. A. ("Bill") Johnson has sent 133 reels of microfilm of District Court Proceedings which extend back to the 1860's. I was allowed to look at all these wonderful things, to touch those marvelous volumes bound in red leather: Records of Chattel Mortgages, Records of Wills, Records of Corporation Court—all those volumes so jammed with local history.

There remains yet the task of gathering the records from the other counties of this region (which comprises almost the entire "wing" of Texas) and, after that, the processing of these materials. These procedures will be supervised by Dr. Sall, who will be aided by members of The University of Texas at El Paso Library staff.

Inactive files made "active," I thought to myself, as I reluctantly left the Archives Section stack area. "Active" in the sense that they are (or soon will be) easily available to everybody: not just professional scholars and writers, but to any ordinary person who perhaps is interested in tracing his family tree or who wonders whatever did happen to that piece of property which Grandfather used to own or—as Dr. Sall had laughingly told us—who is just plain curious to know how many times and for what reasons that no-good great-uncle "had landed in the local slammer."

And for the cause of recording history—well, the value of RHRD is inestimable. After all, "Without original records there can be no history," proclaimed the Texas State Library Archives Division pamphlet which Dr. Sall had distributed to his listeners that March afternoon. "By making these materials available to students in academic institutions, and thus enabling them to learn good research procedures, the RHRD program is also laying the ground work for the future study of Texas history."

El Paso and Southwestern Locomotive #1, now housed at the Centennial Museum, U.T. El Paso, was built in 1857 by Breese, Kneeland and Co., Jersey City, N.J.

HERITAGE HOMES OF EL PASO

By HARRIOT HOWZE JONES

The Mathias House

The large and handsome house at 607 West Yandell Drive was built in 1912 for Mr. and Mrs. Albert Mathias, by the firm of Trost and Trost. At that time the street was called West Boulevard.

Any one who has looked well at other Trost homes in El Paso will recognize that this is indeed another Trost creation. The house is on a terrace in the once very fashionable Sunset Heights district. There are three floors and a basement. The ground floor is faced with red brick, there is an open terrace, with white stone balustrade, and a wide portico, with balcony on top. The second story is faced with plaster and wood paneling, reminiscent of many homes found in Europe, notably Germany and Switzerland. At one end of the house the plaster and wood treatment rises above the roof line, forming a gable. The roof is steeply pitched, with wide overhang, and dormer windows provide light for the third story, which, actually, has never been completely finished for use.



—Photo by Cmdr. M. G. McKinney, Ret.

Inside there is a large hall, the library opening to the left and the drawing room, with dining room behind it, opening to the right. The woodwork is all dark oak, including heavy beams across all the ceilings. There is a great deal of leaded glass in evidence: the front door, with side panels of opaque white and colored glass, the doors of book cases in the library, and doors of the built-in china and silver sideboard in the dining room. The oak staircase rises from the hall and as it turns at a right angle there is a large stained glass landscape scene. All of this glass was created by Henry Trost's good friend

Lyman W. Hoeffecker. (See my article on the Hoeffecker House in *PASSWORD*, Vol. XVI-Summer, 1971). There are two small bedrooms on the ground floor, and the usual kitchen and pantry. The original crystal chandeliers are still in place.

Upstairs there are three bedrooms and two baths and a sitting room. Originally there had been a sleeping porch across the back.

Albert Mathias was born in Germany in 1862, he came to this country when he was fifteen, staying with friends in New Mexico, in Las Lunas. He obtained work and when he decided to move on, he was given a horse, on which he rode to Albuquerque. There he sold the horse for \$80 which represented more buying power than it does today! He obtained a job, and after about a year he saw a man loading up a wagon as for a journey and asked where he was going. The man said "Ysleta, Texas". That sounded exciting to young Mathias so he asked if the man would take him along, the man consented so Mathias rushed to the bank to get out his precious \$80 and they started out. Mathias met a young Mexican man in Ysleta, and with very slender capital they started a small store in 1884. The store prospered and in 1889 Mathias opened a general store at South El Paso and Overland Streets in El Paso; within a year this was changed to a wholesale dry goods business. Albert Mathias and Co. is still in business, now a wholesale business handling appliances. It is run by members of the family, some descendants and some men who married into the family. Mr. Mathias built the Sheldon Hotel in 1900, and after it was consumed by fire he built the first Hilton Hotel on the same site. This was the first Hilton to be so named, and now "Hiltons" are found all over the world. The hotel is now known as the Plaza Hotel.

In 1892 a lovely young fraulein, Frieda Cohen, came to El Paso from her home in Bodenfelde, Germany to be married to Albert Mathias. They had met when Mathias had been back to the old country on a visit. As Germany is perhaps the greenest country in the world, this dry desert must have seemed very unattractive to the young bride, but she adjusted to these strange conditions. The Mathias' had four daughters:

Eleanor, who married Sydney Meyer, they had a son who died very young, and a daughter Jeannette (Mrs. Arthur Ginsberg).

Hedwig, who married Maurice Schwartz, they had two sons, Herbert and Albert, and a daughter Frances (Mrs. Alfred Blumenthal).

Edna, who married Edmund Krohn, they had one son, Albert Mathias.

Gertrude, who married Kurt Spier, they had three sons, Curtis, William and James, and a daughter Eleanor (Mrs. Myles Cohen).

The three eldest Mathias girls were placed in boarding school in Hanover, Germany in 1909. They did not return for three years, spending vacations with friends or at their Grandmother Cohen's home in Bodenfelde. Both their parents visited them also.

The Mathias family had lived for years on Magoffin Avenue, but while the girls were in Germany the house on West Boulevard was being constructed (now West Yandell). This was a well kept secret, and when the young ladies returned to El Paso and were being taken to the new home one of them protested "We aren't going the right way!" One can imagine their surprise and excitement when they saw the beautiful new house.

With four lovely and lively young ladies living in the house there were many festive gatherings, and the senior Mathias' had their friends and club

associations. Two recipes are known as "Mrs. Mathias' Cake" and "Mrs. Mathias' Chili Sandwiches". The former, a closely guarded family recipe, it is rumored, has finely ground nuts in place of the usual cake flour, plus "sugar and spice and everything nice", and the sandwiches are made with canned tomatoes and chopped chili—but *how*, is a secret.

Mr. and Mrs. Mathias celebrated their Golden Wedding in 1942. Mrs. Mathias died in 1943. Her obituary tells of her various activities and associations; she belonged to the Sisterhood of Temple Mount Sinai, Light-house for the Blind, Council of Jewish Women, Pan American Round Table, and many other charitable institutions. After Mrs. Mathias died Edna and Edmund Krohn came to live with Mr. Mathias, which they did until his death in 1946.

The City Directory lists Mrs. Joe Holder as the owner of the house in 1947, and Mrs. Le Roy Hamilton as owner 1949-1955. In 1955 the house was bought by Mr. and Mrs. John E. Webb. Mr. Webb had interests in the automobile and farm businesses. The house is in fine repair and has great charm.

In America's first foreign war (Mexican War, 1846-47) artillery emerged as the greatest power on the battlefield. The response of the artillery branch of the United States Army to combat requirements saved the American armies from certain disaster.

The Texas infantry soldier was armed with a flintlock which was manufactured officially for the Texas Army by Tryon & Sons of Philadelphia. A cartridge box was suspended from a strap over the left shoulder and a bayonet hung over the right shoulder. The uniform of the Army of the Republic was prescribed in regulations published by the office of the Adjutant General in May, 1839.

Harper B. Lee, the first American to win recognition as a professional bull-fighter, was born James Harper Gillett. He was the son of Texas Ranger and El Paso City Marshall James B. Gillett.

—Marshall Hail, *Knight in the Sun*
(Boston, Little, Brown & Co., 1962)

Baron James Harden Hickey, self-proclaimed King of Trinidad, in the West Indies, was found dead in his bed in the Pierson Hotel in El Paso in February, 1898. A bottle of poison was found by his bed—also a copy of a book he had written, *Euthanasia, or the Ethic of Suicide*.

BOOK REVIEWS

METHODISM COMES TO THE PASS

by VERDON R. ADAMS

(El Paso: Guynes Printing Co., \$8.95)

This is the history of El Paso's Trinity Methodist Church since its establishment in 1880, written by the author of *TOM WHITE: THE LIFE OF A LAWMAN*, on the basis of competent research. The records of the early years were not so full nor so accurate as those later on, but the formal history of the Church is embellished at the end of each chapter by an interview called "Looking Back" with someone who lived in the Church during the period covered.

The lives and affairs of church people are normally quiet, uneventful, and prosaic; they are rich in fellowship of worship, but this does not make for exciting historical accounts for those not directly involved. A history of all churches, and especially of just one church, will therefore pall somewhat on those outside the fellowship. But for people whose hearts are in Trinity Methodist Church this is surely very rewarding reading.

Even those of us not parts of that worship can find in Mr. Adams's book little El Paso morsels to our taste. For example, I found reason for inference that Mannie Ponsford, later a baseball great at the University of Texas at Austin, got his first introduction to the game in Trinity Methodist youth programs. The "Looking Back" interview that I enjoyed most was recorded in 1973 by an extremely elderly lady named Mrs. D. E. McCleskey, who came to El Paso and Trinity Methodist as a bride in 1904. Once in his pew on the aisle her father was seized by a sudden paroxysm and sneezed his false teeth out and down the aisle; the plate was picked up and returned to him with great dignity, decorum and respect by a younger brother in the faith from across the aisle. I like that Mrs. McCleskey, who thinks to tell something like that after seventy years. And my already high regard for Verdon Adams has been confirmed by his giving us another good El Paso book.

University of Texas at El Paso

—JOSEPH M. RAY

SUNWARD I'VE CLIMBED

by HOWARD A. CRAIG, LT. GEN., USAF Retired

(El Paso: Texas Western Press, \$10.00)

The author points out that this is not a biography (this reader wishes that it were), but that it is a series of unconnected adventures and happenings as he remembers them. His memory is of uncommon clarity. As a compliment it should be observed that his papers and scrapbooks are in The George Arents Research Library at Syracuse University and were not available to him during the writing of this book.

SUNWARD I'VE CLIMBED is not a war story full of combat and blood. It tells of the General's first introduction, as a young boy, to a flying machine; his successful fight to become a pilot in WWI; a series of interesting events in the peacetime Army Air Corps; WWII where he introduces the reader to many of the great military figures as well as political leaders, including Churchill and Chiang Kai-shek; and finally his post-war career which he plays down with a modesty that is becoming to one who is truly successful. The reader will finish this book with a feeling of admiration for one who fully utilized his potential to reach a goal that we all can envy.

As I do not know General Craig, I would like to give my impression of

him as gained from his book. He is a kind individual but with the capability of exercising the authority needed in any situation. His comments and handling of the P-38 Group that was being chewed up by ME-109's amply shows this fine trait of character. The episode relating to General Patton is indicative of his tactful honesty. His ingenuity is illustrated in the methods used to get some missing solenoids to the 27th Bombardment Group (L) in Australia in time for the Group's A-24 dive bombers to participate in the battle for Java.

SUNWARD I'VE CLIMBED is a well written and most interesting book. The design, by Haywood Antone, is excellent—something we fans of Texas Western Press take for granted. The dust jacket by John Paul Jones is one of his best. The literary editing by Dale Walker is excellent.

A copy of General Craig's book sent to "Blondy" Saunders, another famous retired USAF General, brought this fitting comment: "Howard Craig's book makes me wish that I had done the same thing."

El Paso, Texas

—HAROLD MILLER

DEATH WAS THE BLACK HORSE

by DALE WALKER

(Austin, Madrona Press, 200 pages, \$9.95)

Theodore Roosevelt rode San Juan Hill into the White House. "Buckey" O'Neill rode the "black horse" to his death, ending a wildly improbable career in Arizona Territory. Had the bullet not found him in Cuba, while he was talking to Capt. Robert D. Howze, who later became commanding general at Ft. Bliss, he undoubtedly would have lived to see his greatest desire realized—statehood for his adopted land.

Dale Walker, University of Texas at El Paso publicist by vocation and Southwestern folklorist by happy avocation, delights in larding his biographical works with history. He could have covered the life and times of O'Neill in a fair-sized magazine article, but then we would have lost the flavor of Arizona Territory, Roosevelt's Rough Riders, and one more of America's graceless wars.

Walker had a fine team working with him in his book, El Pasoans Jose Cisneros as frontispiece illustrator and Carl Hertzog as designer; and U. S. Sen. Barry Goldwater to write a foreword. Goldwater's Uncle Morris had known Buckey and the two men had some strong political differences. Uncle Morris was a conservative Democrat while O'Neill was a Republican, the more liberal party at the time. O'Neill's left leaning toward the socialist philosophy eventually caused him to say a pox on both their houses. He became a Populist.

There is a statue in the courthouse plaza at Prescott, first capital of Arizona Territory, sculpted by Solon Borglum, whose older brother became the best known of the two artists when he carved out the presidential stone faces on Mt. Rushmore. The Prescott statue was commissioned by the Territorial Legislature as a memorial to the Rough Riders, but to Prescott regulars it remains the Buckey O'Neill statue.

Buckey rode a burro into Arizona in 1879, landing at Phoenix looking for work. Literate and highly intelligent, he would go far in Arizona with his drive and versatility, but his first job was as a printer's devil on a semi-weekly. He was nineteen years old, just three years older than the territory itself.

Buckey moonlighted as a dealer in a gambling hall, legalized the previous year, and as a special deputy marshal.

Less than a year later he became editor of a new weekly in Phoenix, where he was one of the first to volunteer when a troop of rangers was organized. Restless, he quickly wearied of his editorship and moved on to Tombstone. He also was a self-professed lawyer, in seeking out a territorial post. He worked a short time on the Tombstone Epitaph and then was ready to move on again. There is a gap of a year or so, between Tombstone and Prescott, very sketchily explained, but he and Prescott took to each other instantly upon his arrival and he lived out his life there before riding off with Troop A, First U. S. Volunteer Cavalry Regiment, as commanding officer.

In between, he married Pauline Schindler, became probate judge in a startling reversal, sheriff, mayor, volunteer cavalryman and fire fighter, short story writer, and a member of the Prescott Grays, an Arizona militia. As a Populist he was no political ball of fire.

Then the Maine blew up, or was blown up, Editor William Randolph Hearst beat the war drums, and the stage was set for the Cuban invasion. O'Neill, then mayor, was the first to volunteer for the Arizona regulars and rode off to war—into his sunset. He was contemptuous of death, refusing to take cover, daring a bullet to find him. It did. Colonel Roosevelt wrote that "his wild and gallant soul had gone out into the darkness." He called Buckey one of his two best regimental officers.

Walker has done a first-rate job of research and resisted the temptation to footnote profusely. When he wrote the book Jesse D. Langdon was the last living Rough Rider, an eyewitness to Captain O'Neill's death. Since the writing he, too, is gone. Buckey O'Neill was the only regimental officer to die with the Arizona volunteers. War had been declared 67 days before his death. It was all over 42 days later. It was that kind of a war.

El Paso, Texas

—ART LEIBSON

SOUTHWESTERN BOOK NOTES

The National Cowboy Hall of Fame in Oklahoma City has given its 1975 Western Heritage Award for biography to C. L. Sonnichsen for his book, "Colonel Green and the Copper Skyrocket," published in 1974 by the University of Arizona Press. Dr. Sonnichsen, a charter member of the El Paso County Historical Society and a member of its Hall of Honor, is Editor in Chief of the Arizona Historical Society.

The first theatre in El Paso was Hills Hall, built hurriedly by W. S. Hills for an appearance by the Nellie Boyd Dramatic Company, November 21, 1881.

—Donald V. Brady, *The Theatre in Early El Paso*
(El Paso, Texas Western Press, 1966)

CONTRIBUTORS TO THIS ISSUE

REX E. GERALD is Director of the Centennial Museum, University of Texas at El Paso. He received his BA in Anthropology from the University of Arizona, his MA and PhD in the same field from the University of Pennsylvania and the University of Chicago.

FRANCIS J. FOX, S.J., is Archivist of both the Diocese of Tucson and the Diocese of Phoenix. He holds AB and MA degrees from Gonzaga University, an STB degree in Sacred Theology from Alma College, Los Gatos, California, and MA in Library Science from Rosary College, River Forest, Ill. He is the author of a bibliography, *Father Kino in Arizona*, and of *The Tragedy of 1767, The Expulsion of the Jesuits from (Northwestern) New Spain*.

LEON W. BLEVINS is an Instructor in Political Science at El Paso Community College. He holds the BA degree from Wayland Baptist College, and MA from the University of Texas at El Paso.

LILLIAN COLLINGWOOD is Assistant Professor of English at the University of Texas at El Paso. She holds the BA degree from U-T El Paso and MA from the University of Michigan.

HARRIOT HOWZE JONES, writer of the series "Heritage Homes of El Paso", is also editor of the Society's El Paso Centennial publication *El Paso, a Centennial Portrait*. A member of a pioneer army family, both her father and grandfather have been commanders of Fort Bliss.

DR. JOSEPH M. RAY, President Emeritus of the University of Texas at El Paso, was also named Professor Emeritus on his recent retirement from the Department of Political Science.

HAROLD MILLER, an air force veteran who flew 26 missions in World War II, is in the State Governmental Affairs Department of El Paso Natural Gas Company. He is the author of *Nana's Raid of 1881*, in *PASSWORD*, XIX, No. 2.

ART LEIBSON, veteran reporter of the *El Paso Times*, was also editor of its book page. Since his retirement, he has been writing a biography of Sam Dreben, the Fighting Jew.