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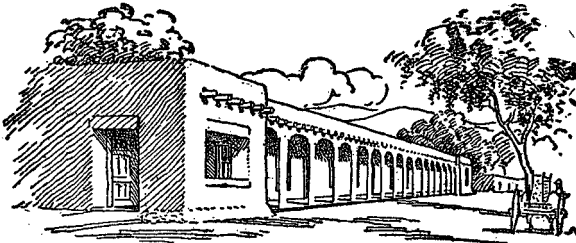
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# *New Mexico Historical Review*



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CONTENTS

	<i>Page</i>
Mescalero Apache History in the Southwest Morris Edward Opler and Catherine H. Opler . . . . .	1
Frederick E. Phelps: a Soldier's Memoirs Frank D. Reeve, editor . . . . .	37
Checklist of New Mexico Publications (continued) Wilma Loy Shelton . . . . .	57
Book Reviews . . . . .	73

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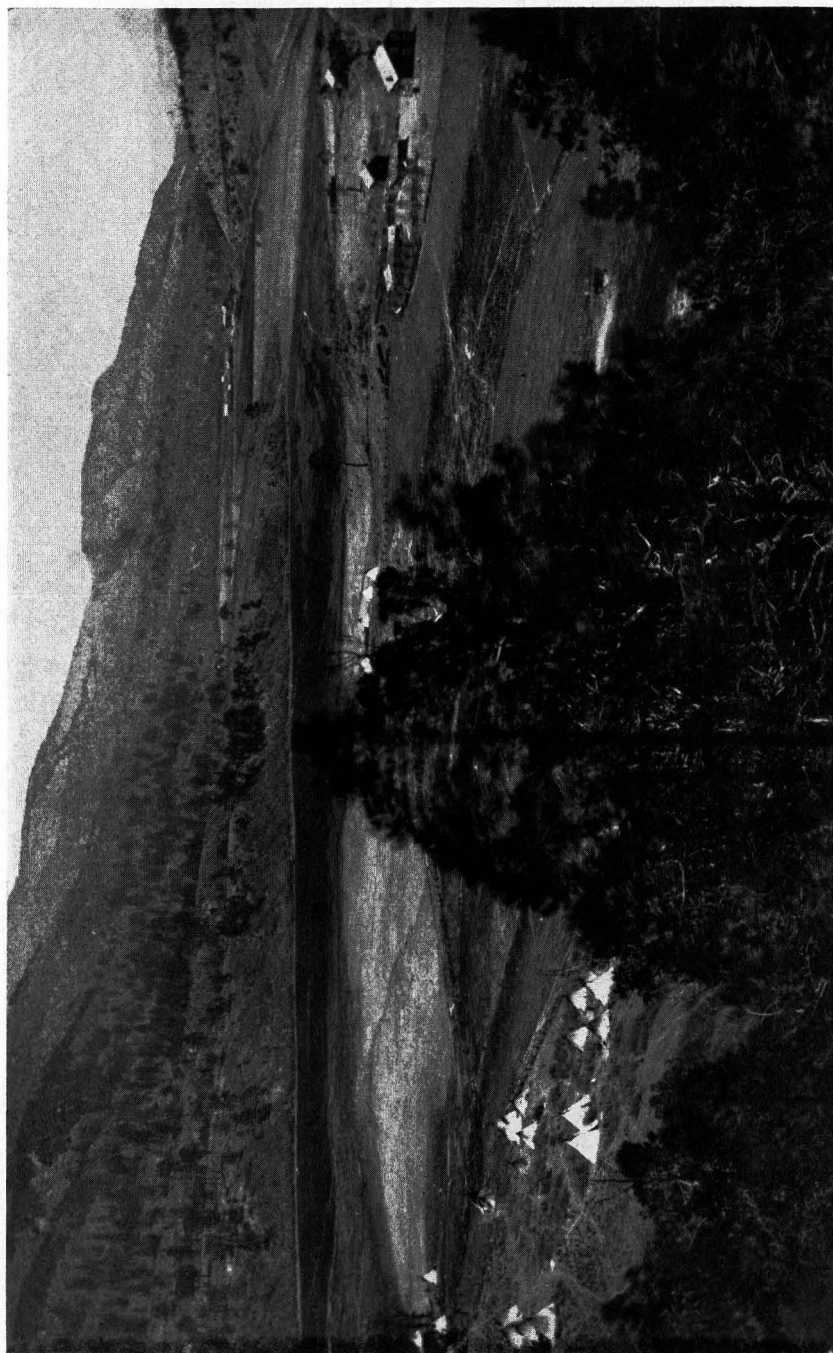
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Mescalero Indian Agency, 1880

# NEW MEXICO HISTORICAL REVIEW

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## MESCALERO APACHE HISTORY IN THE SOUTHWEST

By MORRIS EDWARD OPLER AND CATHERINE H. OPLER\*

THE early history of the Mescalero Apache Indians of the American Southwest is most obscure.<sup>1</sup> The Vaqueiros, mentioned by Castaño de Sosa in 1590, are thought by some to be buffalo-hunting Apache of the region which is now eastern New Mexico and western Texas and may have included the Mescalero.<sup>2</sup> Benavides, in his report to the king in 1630, said that as yet the various Apache tribes known as Apaches de Xila, Apaches de Navajo, and Apaches Vaqueiros had caused no trouble.<sup>3</sup> The group called Apaches del Perillo, which occupied during the 16th and 17th centuries the region of the Jornada del Muerto near the Rio Grande, may have been partly composed of bands later identified as Mescalero Apache.<sup>4</sup>

\* Professor Opler is head of the Department of Anthropology, Cornell University. Catherine H. is Mrs. Opler.

The picture of the Mescalero Agency came to the Editor by courtesy of Senator Clinton P. Anderson.

1. There has been a good deal of speculation as to whether such tribes as the Qerechos encountered by Coronado and the "Apaches" seen by Oñate between 1540 and 1600 in the Southwest region included Mescalero bands. See Edward S. Curtis, ed., *The North American Indian*, 3 (University Press, Cambridge, 1907); Frederick Webb Hodge, "Early Navaho and Apache," *American Anthropologist*, VIII, 234 (1906); Hodge, ed., *Handbook of American Indians*, I, 63 (Bureau of American Ethnology Bulletin 30, Smithsonian Institution, Washington, D. C., 1907); A. F. Bandelier "Final Report of Investigations among Indians of the Southwest United States," *Papers of the Archaeological Institute of America*, American Series III, Part I, 173-79 (University Press, Cambridge, 1890); Herbert Eugene Bolton, *Spanish Exploration in the Southwest, 1542-1706*, 217-18, 252 (Charles Scribner's Sons, New York, 1916).

2. Ralph Emerson Twitchell, *The Leading Facts of New Mexican History*, III, 190-91 (The Torch Press, Cedar Rapids, Iowa, 1917); Hodge, *Handbook* . . . , I, 63.

3. Hubert Howe Bancroft, *History of the Pacific States of North America*, XII, 162 (The History Co., San Francisco, 1838).

4. Hodge, *op. cit.*, 67.

In the account of the Mendoza-Lopez expedition to the Jumanos of 1683-84, the Mescales are listed as one of the tribes represented at an assembly of Indians at Sacatsol.<sup>5</sup> That the Apache were already horsemen we learn from this same account. It is recorded that the "hostile Apaches stole nine animals" and that these animals "joined those of the Indians."<sup>6</sup> The Mescales are again mentioned, this time as one of five nations joined together, in the account of the De Leon-Massanet expeditions, 1689-90.<sup>7</sup>

The Mescalero were first spoken of by that name in the middle of the 18th century. They were thus called because of their custom of eating baked mescal (*Agave americana*). Their territory extended on the east through the mountains on both sides of the Pecos, on the west to the Rio Grande, south through the region now known as Coahuila and Chihuahua, Mexico, to the desert Bolson de Mapimí, and to the White Mountains of the present state of New Mexico in the north.<sup>8</sup>

The Mescalero were from early times hunters and raiders. They were reported to have made frequent attacks on the villages of the Aztecs along the Rio Grande long before the coming of the Spaniards.<sup>9</sup> It was inevitable that so fearless and venturesome a people should clash later with the Spanish colonists. In 1776 all the northern provinces of Spain were placed under a commandant-general with the capital at Chihuahua. A campaign against the Apache was proposed but was not carried out at that time.<sup>10</sup> However, because of demands from the frontier provinces and at the advice of the viceroy, the crown authorized a relentless war on the wild tribes in 1788-89. The Spanish then waged constant war upon the Lipan Apache and the Mescalero Apache

5. Bolton, *op. cit.*, 356.

6. *Ibid.*, 335.

7. *Ibid.*, 389.

8. Whipple, Ewbank, and Turner, *Pacific Railroad Reports*, III, 119 (Washington, D. C., 1856); Pliny Earle Goddard, *Indians of the Southwest*, 141-42 (American Museum of Natural History, Handbook Series No. 2, 3rd ed., New York, 1927). Twitchell, *op. cit.*, 190-91.

9. Dudley G. Wooten, *A Comprehensive History of Texas, 1685-1897*, I, 740 (William G. Scarff, Dallas, 1898, 2 vols.).

10. Walter Prescott Webb, *The Great Plains*, 137 (Houghton Mifflin Co., Boston and New York, 1936).

until they were subdued.<sup>11</sup> The ensuing peace lasted from 1790 until the end of Spanish rule.<sup>12</sup>

In 1821 Mexico gained her independence from Spain. Like her predecessor, she encountered difficulty with the Mescalero. The valley of the Rio Grande, the highway known as the Jornada del Muerto, and the settlements around Socorro were often raided. It was difficult for the Mexicans to keep the route between El Paso and Valverde open so that travelers could journey in safety from New Mexico to Chihuahua. The Apache would attack unprotected wagon trains and return quickly to their mountain hide-outs with their booty. The Mexicans found it exceedingly difficult to overtake them or to engage them in battle.<sup>13</sup> The raid, regarded by the Apache as a daring economic venture which added stock and supplies to their meager resources and supplemented hunting, gathering, and very limited agricultural pursuits, appeared treacherous and savage to the Mexicans who understood warfare in terms of large-scale battles leading to the conquest of peoples and lands. The raiding Mescalero often carried off and adopted Mexican children. The Spaniards and the Mexicans also took captives, and the settlements had many Apache and Navaho slaves.<sup>14</sup> During this period of hostilities with the Mexicans, the Mescalero were also fighting with the Comanche for the buffalo range.<sup>15</sup>

Though it is doubtful that the Mescalero paid much attention to the dissensions of a political nature among those who had settled on their lands, still such happenings were to affect them profoundly in the future. In 1835 Texas declared itself a republic but was not recognized as such by Mexico.<sup>16</sup> During the next few years the Texas Rangers equipped themselves with Colt revolving pistols,<sup>17</sup> the six-shooters which figure largely from that time on in Mescalero as well as American accounts of wars and feuds.

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11. Bancroft, *History of the Pacific States*, VI, 466.

12. *Ibid.*, *History of the Pacific States*, XII, 401.

13. Twitchell, *op. cit.*, II, 35, 36.

14. *Ibid.*, 36.

15. Lansing B. Bloom, "New Mexico under Mexican Administration," *Old Santa Fe*, I, 352 (April, 1914).

16. Webb, *op. cit.*, 165-67.

17. *Ibid.*, 171-72.

In 1846 El Paso was occupied by the Americans, and in 1848 the Territory of New Mexico was ceded to the United States. This event brought a large part of the country over which the Mescalero ranged into American control. The Apache continued in their usual pursuits. They kept watch on the highway through Mexico from Chihuahua to El Paso and descended from the mountains to plunder the wagon trains which passed there. They were known for their daring. Once they attacked an armed party of fifty Americans on the Chihuahua road, killing thirty-five of them. Near the Pecos, in Texas, a group from the Guadalupe Mountains killed another party of Americans.<sup>18</sup>

Policies and procedures for dealing with Indian tribes had, of course, been worked out long before the Mescalero found themselves under American domination. The United States had adopted the policy of the British Crown of treating with Indian tribes as sovereign states. The Federal government alone was empowered to make treaties with them. Therefore a curious situation arose; sovereign nations existed within the bounds of the United States.<sup>19</sup> A Bureau of Indian Affairs had been established in 1824 in the War Department, and in 1832 Congress authorized the appointment of a Commissioner of Indian Affairs. In 1849 the Bureau of Indian Affairs was transferred to the newly-created, civilian-manned Department of the Interior. Indian policies and administration were, however, little affected by this change.<sup>20</sup>

James S. Calhoun was appointed to the Santa Fe Indian Agency April 7, 1849. Trouble arose not only with the Mescalero but also with other Apache groups and with the Navaho and Comanche. All were looked upon by the white settlers as thieving bands.<sup>21</sup> To protect the people of the Rio Grande Valley from the Mescalero and other Apache groups, a mili-

18. Wooten, *op. cit.*, II, 740.

19. William Christie Macleod, *The American Indian Frontier*, 533 (Alfred A. Knopf, New York, 1928).

20. Laurence F. Schmeckebier, *The Office of Indian Affairs: Its History, Activities, and Organization*, 26, 27, 43 (Institute for Government Research: Service Monographs of the United States Government, No. 48, Johns Hopkins Press, Baltimore, 1927).

21. Alban W. Hoopes, *Indian Affairs and their Administration, 1849-1860*, 161 (University of Pennsylvania Press, Philadelphia, 1932).



tary force was kept at Doña Ana during the military occupation and prior to New Mexico's acquisition of territorial status.<sup>22</sup> Calhoun's suggested solution to the Indian problem was one that was unfortunately to become popular. "The Comanches and Apaches, with all the adjacent fragments of other tribes must be penned up," he wrote, and thought the Apaches, Comanches, Navahos, and Utes should be put in four districts, a hundred miles apart.<sup>23</sup>

When New Mexico became a Territory in 1850, Calhoun became territorial governor, an office which carried with it the superintendency of Indian affairs. His attitude toward the Apache was probably not softened by the news that a member of the Santa Fe Legislature had been killed and scalped while crossing the Jornada del Muerto.<sup>24</sup>

In 1851 Fort Fillmore was built near Las Cruces, and the residents of Doña Ana petitioned the government not to remove the military forces from their settlement.<sup>25</sup>

John Greiner, acting superintendent of Indian affairs, sent runners that summer through Mescalero country to bring in the chiefs for a council. Thirty leaders came to Santa Fe, and on July 1 a treaty of "perpetual peace and amity" was negotiated with the Mescalero by Colonel E. V. Sumner and Greiner.<sup>26</sup> William Carr Lane, the next governor and superintendent of Indian affairs, who arrived in September, 1852, made treaties with the Apaches in the southwest and northeast in which he agreed to give them rations for five years, believing this to be a more effective curb than force. He spent about twenty thousand dollars in carrying out his policy, but his treaties were not approved by the government. Governor David Meriwether, who assumed his duties on August 8, 1853, found himself unable, because of insufficient funds, to feed the needy Indians. He himself believed in controlling the Indians by force.<sup>27</sup>

In the same month that Meriwether took office, Agent

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22. Twitchell, *op. cit.*, III, 442.

23. Hoopes, *op. cit.*, 164, 165.

24. Twitchell, *op. cit.*, II, 292.

25. Twitchell, *op. cit.*, III, 442, 443.

26. Hoopes, *op. cit.*, 167-68.

27. Twitchell, *op. cit.*, II, 295, 298.

Steck reported that the Mescalero had killed two Mexican residents of Doña Ana, had attacked a party of settlers, and had stolen 150 head of stock.<sup>28</sup> In December Brevet Lieutenant-Colonel D. T. Chandler was directed to reconnoiter the White Mountains, to interview the head men of the Mescalero, and to demand the restitution of stolen property and the surrender of "murderers." He was to attack the Mescalero if they failed to comply with his orders.<sup>29</sup>

By the terms of the Gadsden Purchase of 1853, the United States not only acquired a great amount of land but was also released from the responsibility (provided for under the treaty of 1848) for outrages committed in Mexican territory by Indians living in the United States. At this time claims on account of ravages by Apache and Comanche Indians amounting to millions of dollars had been presented by Mexico.<sup>30</sup>

The year 1854 brought further trouble from the Jicarilla Apache, whose rations had been cut off, and many Mescalero individuals were said to have made common cause with them. Both groups were accused of carrying on a brisk trade in stolen property. The comparative scarcity of game in their territory was given as one of the reasons for the Mescalero plundering of horses and stock from the people of New Mexico, Texas, and Chihuahua. At this time there were about 750 Mescalero Apache, claiming the country east of the Rio Grande on both sides of the Pecos north to about the 34th parallel.<sup>31</sup>

The establishment of Fort Thorn on the west bank of the Rio Grande, of Fort Bliss at El Paso, and of Fort Craig on the Rio Grande just south of the 34th parallel, guarding the entrance to the Jornada del Muerto, brought much of the western part of the lands claimed by the Mescalero under closer American military supervision.<sup>32</sup>

General Garland, who had sent Lieutenant Bell against

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28. Hoopes, *op. cit.*, 172.

29. Bender, "Frontier Defense in the Territory of New Mexico, 1853-61," *NEW MEXICO HISTORICAL REVIEW*, IX, 347 (October, 1934).

30. Twitchell, *op. cit.*, II, 311.

31. *Report of the Commissioner of Indian Affairs*, 171 (Washington, D. C., 1854).

32. Bender, *op. cit.*, 347-48.

the Jicarilla, had a hundred and eighty men in the field against the Mescalero in June of 1854 with Chandler as commander. Their mission was to put an end to the raids of the Mescalero on travelers along the San Antonio-El Paso highway. General Garland spoke of the Apache as "infesting" the road and committing murders and robberies.<sup>33</sup>

In February of the next year, Captain R. S. Ewell, First Dragoons, conducted a campaign against the Mescalero and defeated them. Lieutenant Samuel D. Sturgis routed another band.<sup>34</sup> Colonel Dixon S. Miles with about 300 men set out on a three-months' campaign through the White Mountains, the Sacramento range, and the Guadalupe Mountains. However, he did not engage in any battles, for the Mescalero were ready to sue for peace. With Dr. Michael Steck, their agent, pleading their cause, the Mescalero promised to surrender stolen property and to deliver hostages.<sup>35</sup>

But it was felt that more military posts were needed, and in May, 1855, Fort Stanton was established on the Bonito River, some twenty miles east of the White Mountains, on the site near which Captain H. W. Stanton had lost his life in an encounter in January with the Mescalero warriors.<sup>36</sup>

The military campaign against the various Indian tribes within the Territory of New Mexico having been successfully concluded, Governor Meriwether negotiated a series of treaties during the summer of 1855. The first of these, in June at Fort Thorn, involved the Mimbres, a division of the Eastern Chiricahua Apache band, and the Mescalero Apache. In his report of this event, Governor Meriwether wrote: "I found these Indians in the most destitute condition imaginable. I relieved their immediate wants, and directed Agent Steck to issue to them a limited amount of provisions, from time to time, as they might apply for relief and their necessities seem to require it."<sup>37</sup> By the terms of

33. F. T. Cheetham, "El Camino Militar," *NEW MEXICO HISTORICAL REVIEW*, XV, 5 (January, 1940).

34. Bender, *op. cit.*, 350; Twitchell, *op. cit.*, II, 302; *Report of the Commissioner of Indian Affairs, 186-87 (1855)*; J. P. Dunn, Jr., *Massacres of the Mountains: A History of the Indian Wars of the Far West*, 378 (Harper & Brothers, New York, 1886).

35. Bender, *op. cit.*, 351.

36. *Ibid.*, Twitchell, *op. cit.*, II, 302.

37. *Report of the Commissioner of Indian Affairs, 187 (1855)*.

the treaty of 1855, a reservation for the Mescalero was designated near Fort Stanton. Although the treaty was not approved, an agency was maintained at the fort, and some of the Mescalero received goods from it, remained at peace, and farmed in the vicinity.<sup>38</sup>

The first year after the treaty, Superintendent of Indian Affairs Meriwether and Agent Steck differed concerning the behavior of the Mescalero. Mr. Meriwether saw little improvement in them and said they were forced to continue their thieving to keep from starving when Agent Steck refused them any more provisions unless they returned the property they had stolen.<sup>39</sup> In support of these charges, there is a record of at least one skirmish between the Mescalero and the military.<sup>40</sup> But Agent Steck gave a glowing account of their good conduct. He reports that a good many horses were brought in and returned to their former owners; rations and clothing were distributed to the Indians; a head man named Cadete, son of a deceased friendly head man called Baranquito, promised his support to the agent; and thirty-five heads of families began farming on a stream at Alamogordo about seventy miles southwest of Fort Stanton.<sup>41</sup>

The idea of reservations as a solution to the Indian problem in New Mexico now gained support on all sides. In 1856 the Territorial legislature requested reservations for the 30,000 uncivilized Indians roaming with little restraint in the Territory;<sup>42</sup> the Appropriation Acts of 1856-57 contemplated the establishment of reservations in New Mexico;<sup>43</sup> and the *Report of the Commissioner of Indian Affairs* for 1856 advised that there was little chance of changing the ways of the Mescalero "without the advantages of a permanent home."<sup>44</sup> Two years later, Superintendent Collins pro-

38. Twitchell, *op. cit.*, II, 302.

39. *Report of the Commissioner of Indian Affairs*, 181 (1856).

40. Twitchell, *op. cit.*, II, 301-2.

41. Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-80," *NEW MEXICO HISTORICAL REVIEW*, XIII, 261 (July, 1938); *Report of the Commissioner of Indian Affairs*, 287-88, (1857).

42. Bender, *op. cit.*, 354.

43. Hoopes, *op. cit.*, 177.

44. P. 15.

posed uniting all the Southern Apache on the Gila River away from white settlements.<sup>45</sup>

If talk of such a "permanent home" reached the Mescalero people, they must have heard it with some bitterness and amazement, for they were attempting to live, against great odds, in the place that had been their permanent home for as long a time as any of them knew anything about. But, as Dunn has pointed out, there were no Indian lands in the eyes of the Americans. The Mexicans had treated the Indian title as extinct, we had taken the Mexican title, and our legislators consequently assumed that the Indians who held the land had no title to it.<sup>46</sup>

Cadete and his followers continued to farm at Alamo-gordo. Another group known as the Agua Nuevo band under Mateo and Verancia stayed in the vicinity of Dog Canyon in the Sacramento Mountains and presumably followed the old ways of hunt and raid, since they were considered "troublesome."<sup>47</sup> An infantry company engaged in a brief encounter with an Apache group at Carrizozo.<sup>48</sup> Still another band under the chief known as Marcus roamed in the Guadalupe Mountains and, by the New Mexico authorities, were considered to be in country belonging properly to the Department of Texas. This band wished to join the White Mountain band, but their request was refused. They were reported to have committed frequent "depredations" on the San Antonio road and in the settlement near El Paso.<sup>49</sup>

But in this particular year, the Mescalero were themselves the victims of two affrays which might well come under the heading "depredations." In February a party of Mexicans from Mesilla, known as the "Mesilla Guard," attacked a peaceful Mescalero camp near Doña Ana, killing several persons and taking one child captive. At daybreak on April 17, the Mexicans charged the Mescalero camp at Fort Thorn, ruthlessly slaying men, women, and children. The

45. Reeve, *op. cit.*, 261.

46. Dunn, *op. cit.*, 380.

47. Reeve, *ibid.*

48. Twitchell, *op. cit.*, II, 301-2.

49. *Report of the Commissioner of Indian Affairs* (1858).

American military pursued the Mexicans and captured thirty-five of the band, including their leader. General Garland, incensed by this attack on Indians he knew had been living in peace, determined to withdraw his troops and leave the residents of the area to face the Indians alone. Protests and requests for protection arose from the settlers, with the result that General Garland left two companies to protect innocent settlers but informed the others that they had "no claims to the protection of the military."<sup>50</sup>

In February of the next year, Lieutenant H. M. Lazelle, in retaliation for a raid on San Elizario south of El Paso, invaded the Sacramento Mountains and was defeated by the Dog Canyon Mescalero.<sup>51</sup>

Although the country of the Mescalero still seemed remote, vast, and empty, the center of population in the United States was moving steadily westward. By 1859 nearly one hundred thousand miners had crossed the prairies and settled in Colorado and the surrounding mineral-producing regions. Without waiting for the Federal government to liquidate Indian title to the lands, they laid out towns and roads and went ahead with mining and farming operations. Their activities began to frighten off the buffalo herds, thus bringing further hardship to the native population.<sup>52</sup>

An attempt was made in 1860 to start some of the Mescalero planting on the Peñasco River south of Fort Stanton. They were given rations of beef and corn, the corn ground into meal so that they could not use it to make the mild corn beer that was popular among them.<sup>53</sup> By now the attitude of the white men toward the Mescalero was clearly defined. The Mescalero must be actually exterminated; or they must be got rid of in another sense, made over into hard-working farmers who should never frighten or shock the most timid soul again. The Mescalero, of course, resisted both kinds of extinction in stubborn and manly fashion.

The outbreak of the Civil War produced violent repercussions in Mescalero country. Lieutenant-Colonel Critten-

50. Dunn, *op. cit.*, 378-79; Bender, *op. cit.*, 366-67.

51. Reeve, *op. cit.*, 261; Twitchell, *op. cit.*, 301-2.

52. Macleod, *op. cit.*, 490.

53. Reeve, *op. cit.*, 262.

den, assembling a force at Fort Stanton, led an expedition against the Mescalero, but apparently he did not encounter any Apache in his march toward the Texas border. According to one account, he confessed in a drunken moment that his hope was to lead the men from Stanton and various other forts to Texas where he could deliver them to the Confederate States.<sup>54</sup>

In 1861, General H. H. Sibley, who had been a captain in the United States Army before he resigned and offered his services to the Confederacy, was authorized to raise a brigade for the occupation of New Mexico. Sibley's brigade proceeded by detachments from San Antonio to Fort Thorn. Along the way they were frequently attacked by Indians who had no interest in the Civil War but who were greatly attracted by the stock and provisions of the Southern forces.<sup>55</sup> Undoubtedly some Mescalero raiders were involved in these swift forays.

The invasion of the Texans caused the abandonment of Fort Stanton by the government troops. The Mescalero themselves became involved in a fight with the Texans, and several were killed on both sides.<sup>56</sup> Confederates under Colonel John R. Baylor had now taken Fort Bliss near El Paso, and the Mesilla Valley was in Confederate hands, with many New Mexicans aiding the invaders.<sup>57</sup>

The withdrawal of government troops left the settlements exposed to Indian raids. Kit Carson's biographer says it is alleged that the Mescaleros were aroused to violence against their white neighbors by the outrages of the Indian-hating Texans who had invaded their country.<sup>58</sup> Ranchers lost their stock and were themselves killed, miners were driven from their camps. In the neighborhood of Fort Stanton the ranches were entirely abandoned.<sup>59</sup>

Meanwhile the combined forces of General Sibley and Colonel Baylor, the Army of New Mexico, as it was called,

54. Twitchell, *op. cit.*, III, 410.

55. Wooten, *op. cit.*, II, 695, 697.

56. *Report of the Commissioner of Indian Affairs*, 122 (1861).

57. Sabin, *Kit Carson Days*, II, 682.

58. *Ibid.*, 702.

59. Twitchell, *op. cit.*, II, 428.

advanced to a site ten miles below Fort Craig where they met in battle the Union forces, including a regiment of New Mexico Volunteers under Kit Carson. This Battle of Valverde resulted in a victory for the Texans, who then proceeded to Socorro, Albuquerque, and Santa Fe. They were defeated by Federal troops in Glorieta Pass, east of Santa Fe, and were forced to retreat. Suffering great hardship, they made their way back to Fort Fillmore and prepared to evacuate the Territory of New Mexico. By the first of August, the Confederates had departed from New Mexico and from Fort Bliss in Texas.<sup>60</sup>

In that summer of 1862 it may have appeared to the Mescalero that they were reconquering their lands and that the white men were to be driven from their midst. But any such hope was destined to be shortlived indeed. General James H. Carleton, leading his "California Column" of 3,000 men, now advanced toward New Mexico by way of Fort Yuma. At Apache Pass the Chiricahua Apache under Mangas Colorado and Cochise offered resistance but were defeated. Carleton arrived at the Rio Grande settlements and relieved Colonel Canby as Commander of the Department of New Mexico on September 18. Immediately he planned a ruthless campaign against the Mescalero.<sup>61</sup>

General Carleton had spent more than twenty years in the army, and during most of those years he had been either stationed near Indian tribes or engaged in campaigns against them. As will be seen, he was a man of narrow and firmly held convictions, self-righteous, and extremely brutal in the execution of the policies to which he adhered. Now he felt that he must "punish and control" the Mescalero.

To accomplish this end he planned a campaign in which the Mescalero were to be attacked from the north, the west, and the southwest by three separate forces. The several commands were to be independent of each other, and secrecy was advised so that the Indians might not be forewarned by the Mexicans of the coming attacks. Each expedition was to establish a depot well out in Mescalero country.

60 Wooten, *op. cit.*, II, 700-706.

61. Dunn, *op. cit.*, 382-83; Twitchell, *op. cit.*, II, 428-29.



Colonel Christopher Carson with five companies of his New Mexico Volunteers was ordered to reoccupy Fort Stanton, from which he was to operate against the Mescalero and any Navaho in that region. Carson was directed to send one mounted company southwest to the junction of the Rio Hondo and the Pecos to see that no forces advanced up the Pecos from the direction of Fort Lancaster, Texas.

Captain McCleave, with two companies of California Volunteers, was to enter Mescalero country from the southwest by way of Dog Canyon and operate eastward and south-eastward. His force was to include "twenty good Mexican spies and guides." His instructions were to start on November 15 and be absent until the thirty-first of December.

The third expedition, under the command of Captain Roberts, was to start from Franklin, Texas, on November 15 and proceed by way of the Wacco Tanks northwest into Mescalero country. This force consisted of two companies of Californians and was authorized to employ twenty Pueblo Indians and Mexicans from Isleta, Socorro [Texas] and San Elizario. This force was to be absent until December 31.

All three expeditions were to keep a careful guard against the Texans and to annoy and harass them to the utmost of their ability.<sup>62</sup>

But their main objective was the complete subjection of the Mescalero Apache. General Carleton's instructions to Colonel Carson, dated October 12, 1862, read:

"All Indian men of that tribe are to be killed whenever and wherever you can find them. The women and children will not be harmed, but you will take them prisoners, and feed them at Fort Stanton until you receive other instructions about them. If the Indians send in a flag and desire to treat for peace, say to the bearer that when the people of New Mexico were attacked by the Texans, the Mescaleros broke their treaty of peace, and murdered innocent people, and ran off their stock; that now our hands are untied, and you have been sent to punish them for their treachery and

62. Estelle Bennett Burton, "Volunteer Soldiers of New Mexico and Their Conflicts with Indians in 1862 and 1863," *Old Santa Fe*, 1, 391-93 (October, 1914); Dunn, *op. cit.*, 383-84; Amsden, "The Navaho Exile at Bosque Redondo," *NEW MEXICO HISTORICAL REVIEW*, VIII, 37 (January, 1933).

their crimes; that you have no power to make peace; that you are there to kill them wherever you can find them; that if they beg for peace, their chiefs and twenty of their principal men must come to Santa Fé to have a talk here; but tell them fairly and frankly that you will keep after their people and slay them until you receive orders to desist from these headquarters; that this making of treaties for them to break whenever they have an interest in breaking them will not be done any more; that that time has passed by; that we have no faith in their promises; that we believe if we kill some of their men in fair, open war, they will be apt to remember that it will be better for them to remain at peace than to be at war. I trust that this severity, in the long run, will be the most humane course that could be pursued toward these Indians."<sup>63</sup>

At the end of October, some of Colonel Carson's troops under Captain James Graydon, while on a scout, encountered Manuelito, an old Mescalero chief, and his band. The Indians signed for peace and a talk, but Captain Graydon fired on them, killing Manuelito, José Largo, several other men, and one woman. He then went off with seventeen horses and mules. Later it was discovered that old Manuelito had, in fact, been on the way to Santa Fé to beg for peace. At the end of November we find General Carleton writing to Colonel Carson, "If you are satisfied that Graydon's attack on Manuelita and his people was not fair and open, see that all the horses and mules, including two said to be in the hands of one Mr. Beach [a trader] of Monzana are returned to the survivors of Manuelita's band."<sup>64</sup>

In November, Captain McCleave and his troops encountered about five hundred Mescalero at the Gateway Pass of Dog Canyon and defeated them. Their leaders now started for Fort Stanton to ask for peace.<sup>65</sup>

Late in November, Colonel Carson sent several Mescalero chiefs with an escort and accompanied by their agent, Lorenzo Labadie, to Santa Fe to entreat peace. There they met

63. Amsden, *op. cit.*, 38; Reeve, *op. cit.*, 263.

64. Sabin, *op. cit.*, II, 703-4; 848.

65. Sabin, *Ibid.*, 704; Dunn, *op. cit.*, 383-384.

with General Carleton, the Governor, the Superintendent of Indian Affairs, and others. General Carleton's terms were harsh indeed. He told them that the Mescalero who desired peace must come out of their own country, so that they would not be mistaken for hostiles, and must go to the Bosque Redondo, a reservation set aside for them on the Pecos River at Fort Sumner. They were told that they and their families would be fed and protected at this reservation until those who were still at war were punished and defeated. At the end of hostilities all Mescalero were to return to a reservation in their own country.

Cadete (also known as Gian-nah-tah and the Volunteer) acted as spokesman for the Mescalero. According to Dunn, he replied: "You are stronger than we. We have fought you so long as we had rifles and powder; but your weapons are better than ours. Give us like weapons and turn us loose, we will fight you again; but we are worn out; we have no more heart; we have no provisions, no means to live; your troops are everywhere; our springs and water holes are either occupied or overlooked by your young men. You have driven us from our last and best stronghold, and we have no more heart. Do with us as may seem good to you, but do not forget we are men and braves." <sup>66</sup>

The Bosque Redondo Reserve, an area forty miles square with an estimated 6,000 acres of arable land, was not actually recommended to and approved by President Lincoln as "a reservation for Apache Indians" until January 15, 1864. In Commissioner William P. Dole's letter concerning the necessity for designating this area as an Apache Reserve, the following points are most interesting in view of later developments: (1) Superintendent Steck advised that the Bosque Redondo was suitable for "a limited number of Indians;" (2) he estimated that there were about 3,000 Apache to be sent there; (3) the real purpose of the reserve seems to have been to control the Apache "and isolate them as far as possible from the whites." <sup>67</sup>

66. Dunn, *op. cit.*, 383-84.

67. Charles J. Kappler, *Indian Affairs, Laws and Treaties*, II, 870 (Government Printing Office, Washington, 1904).

The passage of the Federal Homestead Law of 1862<sup>68</sup> must have made such isolation seem all the more desirable to many an official in the west.

Shortly after the Santa Fe meeting with the Mescalero leaders, Colonel Carson received instructions to send the Mescalero of the "peace party" to Fort Sumner by wagon train. Such a train was soon expected with stores from Fort Union. It would be filled upon its return with Mescalero men, women, and children and their few belongings. Other groups were to be sent as they surrendered. The commanding officer at Fort Sumner was instructed to feed them and to keep them encamped sufficiently near his garrison so that they could not escape to their own country. He was further advised by General Carleton, "These Indians are to be fed by your commissary; are to be treated kindly; are not to be annoyed by soldiers visiting their camp at improper times."

By February, 1863, General Carleton considered that the Mescalero were completely subdued. There were over 350 at Fort Sumner or on the way there. About a hundred were known to have fled to Mexico. Some were believed to have joined the Western Apache of the Gila River region.<sup>69</sup>

With the Mescalero out of the way, General Carleton's forces were able to attack Mangas Colorado's group and defeated them in January, 1863.<sup>70</sup> The Navaho, who were to be the next tribe to feel General Carleton's might, were at this time raiding down to the lower Rio Grande and across Mescalero country. They even stampeded stock from the Bosque Redondo.<sup>71</sup>

In the spring of 1863, the Mescalero planted 200 acres. Meanwhile there were difficulties about food. The flour sent them was found to be adulterated. At the end of May the military passed the responsibility of feeding the Mescalero to the civil authorities. By the end of October, funds for this purpose had run low, and Steck, who was now Superintendent of Indian Affairs in New Mexico, requested General

68. Webb, *op. cit.*, 230.

69. Burton, *op. cit.*, 394-95.

70. Dunn, *op. cit.*, 384.

71. Sabin, *op. cit.*, II, 708.

Carleton to let the Indians return for the winter to the mountains to hunt, on their promise to return in the spring and plant again. This request Carleton did not approve. Instead, the military again issued rations.<sup>72</sup> From this plea and from his report to the Commissioner in 1863, one can see that Superintendent Steck had a good deal of confidence in the Mescalero. He pointed out in his report that the Mescalero had formerly lived at peace under Spanish rule, that from 1854 to 1860, when they were supplied with food, they farmed and were quiet, and that but for the influx of miners upon the discovery of gold in their vicinity and the Texan invasion, they would still, in all likelihood, be at peace.<sup>73</sup>

General Carleton had now begun extensive operations against the Navaho, and his plans for the Bosque Redondo and for the Mescalero were considerably altered. To return the Mescalero to their former home did not fit well with his plans for opening the Territory to white farmers and miners, and he therefore decided to keep these Apache permanently at Fort Sumner.<sup>74</sup> Furthermore, he now decided to send the Navaho to the same reservation as fast as they could be overcome. This plan met with the opposition of Superintendent Steck, who went to Washington and endeavored, without success, to have the Navaho kept on a reservation in their own country. To Steck's proposal that council be held with the Navaho, Carleton's angry rejoinder was, "It is mockery to hold councils with a people who are in our hands and have only to await our decisions."<sup>75</sup> In September, General Carleton sent fifty-one Navaho men, women, and children to the Bosque Redondo. He seemed to think that, because they spoke related languages, the two tribes should live together on the best of terms. Here, he said, the young could be trained and the old ways, which he thought of as murderous and thieving, would be forgotten.<sup>76</sup>

Since the Mescalero were in that very year helping to fight the Navaho, General Carleton should have realized that

72. Reeve, *op. cit.*, 265.

73. *Report of the Commissioner of Indian Affairs* (1863).

74. Reeve, *op. cit.*, 264.

75. Twitchell, *op. cit.*, III, 369-70.

76. *Report of the Commissioner of Indian Affairs*, 112, 113 (1863).

his hopes for the future were over-optimistic. Some Navaho were engaged by a few members of a troop of cavalry at a place about thirty-five miles from Fort Sumner. Assisting the troops were thirty Apache warriors from the Bosque Redondo. In this foray several Navaho were killed, and a good deal of stock was recovered from them which they had seized in Mora County. Chiefs Cadete and Blanco especially distinguished themselves. The Mescalero had volunteered for this service and had fought without hope of reward.<sup>77</sup>

But not all the Mescalero were occupied in enterprises so helpful to the Americans. A Mexican wagon train from Socorro, Texas, was attacked in March by a party of Indians who escaped into the Sacramento Mountains. A company of New Mexico Volunteers and a party of Mexicans from Tularosa pursued them in vain. The arrows found on the scene were said to be of Apache manufacture. A Ruidoso rancher was killed in May by a party of Indians, and a fight between some citizens and an Apache band occurred in the San Andres that same month.<sup>78</sup> The mail express between Fort Stanton and Santa Fe was attacked, and other similar episodes occurred, so that a company which had been assigned to the Navaho campaign had to be kept at Fort Stanton instead.<sup>79</sup>

With the arrival of more and more Navaho prisoners, the situation at the Bosque Redondo became increasingly intolerable. Pests, hail, and drought ruined the crops; adequate tools, seeds, blankets, and clothing were not supplied by the Indian superintendency; diseases, communicated by the whites, killed many Indians. There were now over nine thousand Navaho and about five hundred Mescalero on the reserve of 40 square miles which Steck had said was adequate for only a limited number of Apache. Carleton's campaigns continued, and eventually even a few Western Apache were sent to Fort Sumner. There was little wood, and the alkaline water was considered to be very poor. The Mescalero corn was purloined by the Navaho, and the reserva-

77. Twitchell, *op. cit.*, III, 421.

78. Burton, *op. cit.*, 402, 403.

79. Sabin, *op. cit.*, II, 709-10.

tion was twice raided by roving Navaho bands. Intertribal battles occurred. There were no houses, and holes were ordered dug, so that the Indians might be sheltered from the wind.<sup>80</sup> General Carleton's contribution in this situation of mass misery was a good deal of advice to the effect that the Indians should be too proud to murmur at what could not be helped. He protested that hail, frost, and crop failure could not be foreseen, and that hard work in the future could remedy the present evil. Dunn has best expressed the answer to General Carleton's professed good intentions in a brief sentence: "When a man is restrained of his liberty, or deprived of any right, for the purpose of benefiting him, there is no extenuation except he be in fact benefited, or, at least not injured."<sup>81</sup> Sabin remarks that what had been planned as a reservation community where Indians might benefit by the white man's culture "turned out to be only a concentration camp of prisoners."<sup>82</sup>

A proposal that some of the prisoners go out with the soldiers against the Kiowa and Comanche, who were accused of having robbed the supply trains carrying goods to the Bosque Redondo, aroused little interest among the Mescalero and the Navaho.<sup>83</sup>

In 1865 worms again destroyed the crops. General Carleton's admonition that the Indians must understand what a dreadful year it was and that they must save as much as possible to keep from starvation fell on the ears of men who knew how to look after themselves if they were given any chance to do so. Now they began to take that chance. Since midwinter a few Apache had been slipping away from time to time. In July a large party under Ganado Blanco broke away. They were pursued and driven back. In August, the Western Apache left.<sup>84</sup> Then, in November, all but nine of the Mescalero departed from the reservation and returned to their former territory.<sup>85</sup>

80. Sabin, *op. cit.*, II, 726-27; Dunn, *op. cit.*, 386, 465-68.

81. Dunn, *op. cit.*, 468-69, 470.

82. Sabin, *op. cit.*, II, 726.

83. *Ibid.*, 730.

84. Dunn, *op. cit.*, 470.

85. Reeve, *op. cit.*, 266; *Report of the Commissioner of Indian Affairs*, 145, 149 (1866).

In this year, Felipe Delgado, who agreed with General Carleton's ideas and policies, succeeded Steck as superintendent of Indian affairs.<sup>86</sup> In answer to President Andrew Johnson's order of June 9, 1865, recommending the suppression of Indian slavery in New Mexico, Delgado protested that captives had been purchased from various Indian tribes because of Christian piety on the part of whites who wished to educate them in the ways of civilization.<sup>87</sup>

Lack of funds to finance a campaign against them left the Mescalero free to roam through their old territory for the next three or four years.<sup>88</sup> Their agent, Lorenzo Labadie, reminded the Washington office that the Mescalero had been peaceful their first year at the Bosque Redondo and had begged to be separated from the Navaho after the latter had arrived. He recommended putting the Jicarilla Apache and the Mescalero together at Fort Stanton.<sup>89</sup>

The year 1868 saw the final failure of the Bosque Redondo scheme, with the removal of the Navaho to their former territory.<sup>90</sup> This same year the Chiricahua Apache were settled on the Ojo Caliente Reservation in the present Grant County, where they stayed until 1877.<sup>91</sup>

The Mescalero had returned to their former ways of life and were reported to be on good terms with the Lipan Apache whom they often met on buffalo hunts. Both tribes acted together against the Comanche and other tribes.<sup>92</sup> Now and then the Mescalero accomplished a rather spectacular raid, as on the occasion when they seized 1,165 head of cattle from John Chisum, one of the first cowmen in New Mexico. The herd had been destined for Fort Sumner, but was driven by the Apache to the Guadalupe Mountains.<sup>93</sup>

Unknown to the Mescalero, new forces were at work

86. *Report of the Commissioner of Indian Affairs*, 162 (1865); Dunn, *op. cit.*, 470.

87. *Report of the Commissioner of Indian Affairs*, 165 (1865).

88. Reeve, *op. cit.*, 266.

89. *Report of the Commissioner of Indian Affairs*, 140 (1866).

90. Dunn, *op. cit.*, 471.

91. Twitchell, *op. cit.*, II, 438.

92. John C. Cremony, *Life Among the Apache*, 21 (A. Roman & Co., New York, 1868).

93. Twitchell, *op. cit.*, V, 281.



which would soon alter their lives profoundly. Not only were cattle kings entering the Southwest, but treaties of 1867-68 were opening the way across the continent for the railroads.<sup>94</sup>

In 1869, control of the Indians of New Mexico was transferred to the army.<sup>95</sup> Lieutenant A. G. Hennisee was stationed at Fort Stanton, but the Mescalero avoided the fort and the soldiers. Apparently the only members of the tribe encountered at all were four or five Indians seen by accident by some troops who went as far as Fort Bliss. Labadie, at Agua Negra, New Mexico, also reported that no Mescalero had visited that agency.<sup>96</sup>

When Grant became President in 1869, he adopted a new policy in Indian affairs, delegating the nomination of Indian agents to the various religious organizations interested in Indian missions. Members of the Society of Friends and army officers were chosen for many posts.<sup>97</sup> He also authorized the organization of a Board of Indian Commissioners. Under an Act of Congress of 1868, two million dollars had been appropriated to enable the President to maintain peace among the various Indian tribes; to promote the civilization of the Indians; to bring them, when practicable, upon reservations; and to relieve their necessities and encourage them to become self-supporting. The Board of Indian Commissioners, consisting of not more than ten eminent men to serve without pecuniary compensation, was to exercise joint control with the Secretary of the Interior over the disbursement of the fund.<sup>98</sup>

Vincent Colyer, the member of the Commission who visited the Southwest, pointed out that the Apache had formerly been at peace with the Americans and that in 1858 and 1859 they had been making rapid progress in the "arts of civilization." He blamed the later trouble and wars on the adoption of what he termed "the Mexican theory of exter-

94. Nevins, *The Emergence of Modern America, 1865-1878*, 110 (Macmillan Co., New York, 1927).

95. Reeve, *op. cit.*, 267.

96. *Report of the Commissioner of Indian Affairs*, 244, 246 (1869).

97. Schmeckebier, *The Office of Indian Affairs*, 54 56-57.

98. *Report of the Commissioner of Indian Affairs*, 4 (1869).

mination" and charged that the Americans had made the Apache their foes by "acts of inhuman treachery and cruelty."<sup>99</sup>

In 1870, the Mescalero and Southern Apache agencies were consolidated. Lieutenant Hennisee was trying to make contacts with the Mescalero and reported that fifty-one of the tribe had come in. He hoped to use them to communicate with the others and so finally to settle them all on a reservation. But no chiefs had arrived as yet, and Hennisee thought the suspicious Mescalero were sending only a few persons to test his sincerity and to observe what treatment they received. The attractions at the agency do not seem to have been very great, however, for there was little shelter or clothing to offer the Indians and such scanty rations that they felt they must raid to live.<sup>100</sup>

Military control was brought to an end in this same year, and A. J. Curtis, a protégé of the American Unitarian Association, was appointed to the Mescalero agency in 1871.<sup>101</sup>

At Fort Stanton, Curtis found only twenty-seven members of the tribe, José La Paz and his band. This group had been pursued and brought in after two soldiers had been killed the preceding winter. Now they were sent out to bring back the rest of the tribe, some of whom they said were in Comanche country. Cadetta (obviously another spelling of the name of the chief mentioned before in these pages) agreed to come in with his group. A treaty was drawn up with him, promising protection, a school, and land for cultivation, if the Mescalero would remain at peace on a reservation. They were to be allowed to keep any stock they had. There were now 325 Mescalero at Fort Stanton, and a party was sent to Comanche country to find others. Two Jicarilla leaders even arrived to confer about the possibility of joining the Mescalero on their reservation.<sup>102</sup>

Though the agreement with Cadetta is spoken of in the *Report of the Commissioner of Indian Affairs* as a treaty, 1871 marked the end of the treaty-making period. There-

99. Twitchell, *op. cit.*, II, 434.

100. *Report of the Commissioner of Indian Affairs*, 159-60 (1870).

101. Reeve, *op. cit.*, XIII, 267.

102. *Report of the Commissioner of Indian Affairs*, 400-04 (1871).

after no tribe was to be recognized as an independent nation with whom the United States might contract by treaty. The Indians were declared thenceforth to be "wards" of the United States, to be dealt with by Congressional enactment.<sup>103</sup>

Though all was now comparatively peaceful in Mescalero territory, it was in this year that General Crook was assigned to the Command of the Department of Arizona and began his campaign against the Chiricahua Apache under Cochise.<sup>104</sup> In the ensuing operations, General Crook employed friendly Indians as scouts, and in this capacity they were of great assistance to the regular troops.<sup>105</sup> Later, Mescalero scouts joined these forces.

Various groups had been coming in to Fort Stanton for about a year now, many of them from Comanche territory. The agent reported in 1872 that there were included at the Fort Stanton Agency, 830 Mescalero, 440 Aguas Nuevos, 350 Lipan, and 310 Southern Apache (Eastern Chiricahua Apache) whose proper home was the Tularosa Reservation. He adds that the presence of the latter was disagreeable to the Mescalero, and that there was trouble between the two groups.<sup>106</sup> Cadete, the leader who had helped gather the Mescalero at Fort Stanton, was mysteriously murdered in La Luz Canyon in November on his way home from Mesilla. It was believed that he had been killed by Mexicans against whom he had testified when they were tried for selling whiskey to the Indians.<sup>107</sup>

In the winter, a first attempt at defining the reservation boundary was made. An executive order, dated May 29, 1873, designated a reservation along the eastern slopes of the White and Sacramento Mountains for the Mescalero Apache.<sup>108</sup>

At this time, the Fort Stanton region was under the

103. Macleod, *op. cit.*, 536.

104. Martin F. Schmitt, ed., *General George Crook: His Autobiography*, 159-60  
175 (University of Oklahoma Press, Norman, 1946).

105. *Report of the Commissioner of Indian Affairs*, 263 (1873).

106. *Ibid.*, 53-54, 298.

107. *Report of the Commissioner of Indian Affairs*, 1873, 263.

108. Reeve, *op. cit.*, 268; Kappler, *op. cit.*, I, 870-71.

domination of Murphy and Company, the firm which acted as post traders. Curtis was completely in their power. The company profited greatly by exaggerating the number of rations issued to Indians. In 1871, about 400 Indians were receiving supplies; by spring, 1873, the number on paper had risen to 2,679,—an increase which astonished the new agent, Samuel B. Bushnell, who set about to break the hold of the trading company.<sup>109</sup>

Complaints were coming in from settlers that the Mescalero were stealing their stock. The officials felt that the Indians were not yet familiar with the boundaries of their new reservation and should not be treated too harshly in this matter, especially since it was evident that the Mescalero felt that the country was theirs and that the settlers should pay them tribute. However, Major W. R. Rice, commander of troops in southern New Mexico, decided to take immediate action. He arrested Santa Ana, brother of the chief, Roman, and held him as hostage for the return of the stolen horses. The result of this action was that all but about two hundred of the Mescaleros left the reservation.<sup>110</sup> A pass system must have been in operation, for there is a record of passes issued to six men at the request of Roman to go out and hunt for the Apache belonging to, but absent from, the reservation.<sup>111</sup>

By the following year, the next agent, W. D. Crothers, was able to report that most of the Indians had returned and that there were now 600 in or near the reservation. With the reserve itself, the Mescalero expressed some dissatisfaction which resulted in a new executive order dated February 2, 1874, increasing the arable land east of the mountains and adding to the hunting grounds on the west slope of the Sacramentos.<sup>112</sup> The Southern Apache were now removed from Tularosa to a reservation on the site of their former home at Hot Springs.<sup>113</sup>

In the preceding year, it had been the Mescalero who

109. Reeve, *op. cit.*, 270-71.

110. *Report of the Commissioner of Indian Affairs*, 263-64 (1873).

111. Twitchell, *op. cit.*, III, 439.

112. Kappler, *op. cit.*, I, 871-72; Reeve, *op. cit.*, 268-69.

113. *Report of the Commissioner of Indian Affairs*, 134 (1874).

were accused of "depredations;" this year the situation was reversed, and it was the white settlers who raided the Indians. A band of citizens not only stole Mescalero horses, but attacked a Mescalero encampment on the Pecos and killed men, women, and children. According to the agency reports, this affray occurred within hearing of the military who excused their noninterference by saying they thought the Indians were fighting among themselves. The Mescalero, in terror, fled to the mountains. Their flight was construed by the citizens as "taking to the war path." The military now pursued the Mescalero, who fled before them, abandoning their camps, clothing, and provisions. Another raid on the Apache occurred in January, 1875, and this time the white citizens bragged that they had taken three scalps. More Apache fled to the mountains with the military in pursuit. Such a state of general lawlessness existed that Crothers, the Mescalero agent, armed his employees and a few other citizens who wanted to preserve order on the reservation. Meanwhile he made every attempt to find the Indians and bring them in. An employee, two citizens, and an Indian guide finally found them, starving and in need of clothing.<sup>114</sup>

During these troubled months, Murphy tried to get rid of Crothers through trumped-up charges, but the district attorney dropped the case. But Crothers found himself under censure from the Secretary of War who charged him with dereliction of duty in the matter of the killing of Indians on the reservation by the raiders. A special investigation followed. Though the evidence seemed to favor the agent, he later resigned.<sup>115</sup>

By now the vast, impersonal forces of white civilization were making themselves felt even in the far west and were bringing changes that made more impossible each day such flights and retreats to old Apache ways as had just occurred. More and more easterners were taking up homesteads in the west. The Desert Land Act of 1877 would throw open

114. Colonel Martin L. Crimmins, "Colonel Buell's Expedition into Mexico in 1880," *NEW MEXICO HISTORICAL REVIEW*, X, 133 (April, 1935); Reeve, *op. cit.*, 272-73; *Report of the Commissioner of Indian Affairs*, 39, 329-30 (1875).

115. Reeve, *op. cit.*, 273.

to settlement New Mexico Territory, Arizona Territory, Utah Territory, and Colorado Territory. In 1874, the first barbed wire went on sale. Now the huge buffalo herds, divided by the completion of the Union Pacific Railroad, were nearing their end. Although buffalo hunting had been one of the chief industries of the southwestern plains from 1870 to 1874, the southern herd had passed out of existence by 1875. The opening of the Northern Pacific Railroad was to cause the extermination of the northern herd by 1880.<sup>116</sup> With terrifying suddenness, the economic basis of Mescalero society was being destroyed. With the extinction of the buffalo herds and the coming of fenced cattle ranches, the old life of wild game hunting and wild plant gathering was no longer possible.

An executive order of October 20, 1875, once again re-defined the reservation boundaries, including this time certain grasslands in the White Mountains.<sup>117</sup> F. C. Godfroy, who had succeeded Crothers as agent, found the Mescalero "courageous" yet "tractable" and "susceptible of kindness." He noted that they nearly all spoke Spanish in addition to their native tongue and that several chiefs, "fully alive to the importance of the subject," had requested that a school be opened.<sup>118</sup>

Trouble with the surrounding citizens continued, and the Mescalero lost more horses, some of which were recovered from a band of horse thieves at Puerta de Luna.<sup>119</sup> Some feuds with the Chiricahua Apache at Hot Springs also took place.<sup>120</sup>

In August, a band of Mescalero arrived from Mexico and brought word of another group which had left the agency in June. From later reports, it seems likely that the bands which had deserted the agency were those of Natsile and Pinoli. A new method to assure their return was tried. One, J. A. Lucero, was to be paid \$1.50 per man and \$1.00 per woman or child to bring them back to the agency. Lucero

116. Webb, *op. cit.*, 230, 413; Nevins, *op. cit.*, 113-14.

117. Kappler, *op. cit.*, I, 872; Reeve, *op. cit.*, 269.

118. *Report of the Commissioner of Indian Affairs*, 106, 107 (1876).

119. *Ibid.*, 108-9.

120. Bancroft, XII, 743.

was quite successful on this mission and brought in 147 persons, many of whom were in a destitute condition.<sup>121</sup>

In January, 1877, a school was started at the Mescalero Agency, now located at South Fork, New Mexico. A small-pox epidemic greatly reduced the number of pupils during the next three months and caused much suffering.

Though the Indians were now staying quietly on the reservation and were engaging in more agricultural activities than in times past, they were not to be left to follow such pursuits undisturbed. A band of invaders, described as "Texans" in the agency report, raided the Indian camps in July and again in August, stealing horses each time. The military pursued them without success.<sup>122</sup>

Peaceful life on the reserve was further menaced by the outbreak in 1878 of the Lincoln County War between two factions of settlers. The agent was favorable to the faction headed by Murphy and Dolan and, after many accusations, was discharged. His successor was so much alarmed by the stories of conditions in Lincoln County that he never got nearer the agency than Santa Fe, and S. A. Russell was sent to take over the post. That the danger of working at the Mescalero Agency had not been greatly exaggerated was soon evident. The agency clerk, Bernstein, attempting to keep the Indians' stock from being stolen, was killed by Billy the Kid, who belonged to one of the warring factions.<sup>123</sup>

The Jicarilla Apache had agreed to join the Mescalero at Fort Stanton, but only thirty-two arrived. The rest were too much alarmed by news of the war in Lincoln County to venture into that part of the country. Their objections seemed so reasonable that no effort was made to force them to go there. Indeed, the Mescalero themselves felt far from safe on their reserve, and many fled to the mountains. Estrella's and Peso's bands visited the agency only when they were very hungry and needy.<sup>124</sup>

121. *Report of the Commissioner of Indian Affairs*, 155-56 (1877); 238 (1900); Twitchell, *op. cit.*, III, 439; Reeve, *op. cit.*, 274.

122. *Report of the Commissioner of Indian Affairs*, 156-57 (1877).

123. Reeve, *op. cit.*, 274, 276; George P. Hammond and Thomas C. Donnelly, *The Story of New Mexico*, 125-26 (University of New Mexico Press, Albuquerque, 1936); Twitchell, *op. cit.*, II, 423.

124. *Report of the Commissioner of Indian Affairs*, xl-xli, 107 (1878).

Attempts had been made in the past two years to abolish the reservation that had been set aside for the Chiricahua bands and to remove the Indians living upon them to San Carlos, Arizona. These forced removals met with great resistance, and the Indians who refused to cooperate were termed renegades. Pursued by the military, they would be captured and taken to San Carlos only to break out and flee again to the mountains. It was finally decided to remove one of these renegade bands under Victorio to the Mescalero reserve, but Victorio was not willing to come.

However, in June of 1879, Victorio and his men did come to the reservation and began arranging to have their wives and children brought from San Carlos. In July, Victorio was indicted for horse stealing and murder. When, a few days later, a judge and a prosecuting attorney visited the reservation, presumably on a hunting trip, Victorio believed that he and his band would shortly be arrested. Accordingly, the band left the reservation immediately. During the next few months, they were successful in a good many skirmishes with the troops who had been sent after them. Russell reported that by April of 1880 two hundred or more Mescalero had joined Victorio and added that the fifty or sixty men involved "were of course of the worst Indians belonging to this agency."<sup>125</sup>

Now, to the great alarm of the Mescalero, who thought that perhaps they too were to be sent to San Carlos, Colonel Hatch arrived with 1,000 troops and Indian scouts. The Indians were induced to come together, and Colonel Hatch had a talk with Chief Natsile on the evening of April 12, 1880. Afterward, he informed the agent that he intended to disarm the Mescalero and seize their stock. Since the Indians had assembled in good faith, Russell protested, but Colonel Hatch was acting under orders from General Pope and was not to be dissuaded.

The next morning, over two hundred horses belonging to the Mescalero were seized, and men, women, and children, after being searched, were confined in a corral where the

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125. *Report of the Commissioner of Indian Affairs*, xxxviii-xl (1878); 114 (1879); 129 (1880).



old manure was three to five inches deep. In all, fourteen persons were shot and of those who were killed, one was the father of Natsile. These events were doubly tragic in that they occurred after the agent "had repeatedly assured them that those who remained faithful and did as requested would be well treated, and their horses put in my hands." For the next four months the Mescalero were under guard and were treated as prisoners. During that time, they constantly questioned their agent as to why they were held, how long they would be confined, and whether they would be paid for their horses.<sup>126</sup>

Meanwhile, Victorio's band had been further reinforced by about one hundred renegade Comanche and was making raids throughout the southern part of New Mexico. It is interesting to note that General Pope, himself, considered that the sole cause of this outbreak was the determination of the Department of the Interior to remove the band to San Carlos. He pointed out that they had given no trouble so long as they were allowed to live at the Warm Springs Agency. Dunn quotes Pope as follows: "Both Victorio and his band are resolved to die rather than go to the San Carlos Agency, and there is no doubt, it will be necessary to kill or capture the whole tribe before present military operations can be closed successfully. The capture is not very probable, but the killing (cruel as it will be) can, I suppose, be done in time. I am trying to separate the Mescaleros from Victorio, and yet hope to do so, but there is not the slightest prospect that Victorio or his band will ever surrender under any circumstances."<sup>127</sup>

Apparently, nothing came of General Pope's efforts to disentangle the Mescalero elements from Victorio's band. But it was the Mexican troops who finally defeated Victorio in 1883, in the Tres Costillos Mountains. Victorio and eighty-six of his warriors were killed; Chief Nana and some fifty warriors escaped; eighty-nine women and children were

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126. *Report of the Commissioner of Indian Affairs*, 130 (1880); 289 (1900); Reeve, *op. cit.*, 278; Twitchell, *op. cit.*, III, 440.

127. *Op. cit.*, 741-42.

captured and were later exhibited in Mexico City, where most of them died.<sup>128</sup>

The three hundred or so Mescalero who were confined as prisoners of war on their reservation were allowed, in September, 1880, freedom of movement within a radius of eight miles of the agency. Others were brought in through military pressure and through promises that they would be protected and would be given arms for hunting and stock. Individuals who objected too strongly to these plans were threatened with confinement at Leavenworth.<sup>129</sup>

In spite of the strict surveillance kept over the Mescalero, violent episodes occurred from time to time. In one instance, in revenge for the murder of one of their number, some Mescalero burned a wagon train belonging to a Mexican.<sup>130</sup>

In 1881, Major H. H. Llewellyn came as agent to the Mescalero. He reported that Chief Roman Tcikito, who was friendly to the government, had been falsely accused by the Santa Fe newspapers of being out with a war party. In this year, an Indian police force was organized, consisting of fifteen members.<sup>131</sup>

Though conditions were far from quiet in Lincoln County, which was still over-run with outlaws and mining prospectors, other influences were at work in the Territory. In January of 1881, the Albuquerque Indian School was opened, "intended especially for Pueblos and Mescalero Apaches." A few children were sent to this school from the Mescalero Reservation the next year. Since these were the first Mescalero children ever to leave the tribe to be sent away to school, it was with some difficulty that the agent persuaded the chiefs to let them go.<sup>132</sup>

Again in 1882, the reservation boundaries were somewhat changed, an area on the north and west being thrown open and an area added on the east. According to Llewellyn, this change was made to satisfy the white population of the

128. Crimmins, *op. cit.*, 142; Twitchell, *op. cit.*, II, 439-40.

129. Reeve, *op. cit.*, 278.

130. Twitchell, *op. cit.*, III, 439.

131. *Report of the Commissioner of Indian Affairs*, 136 (1881).

132. Lillie G. McKinney, "History of the Albuquerque Indian School," *NEW MEXICO HISTORICAL REVIEW*, XX, 120 (April, 1945); *Report of the Commissioner of Indian Affairs*, 124 (1882).

Nogal mining district where gold had been discovered. In this year also, the Mescalero and Jicarilla agencies were consolidated with headquarters at Mescalero, a plan to remove the Mescalero to the Jicarilla Reservation having been considered, but rejected.<sup>133</sup>

The new Indian police force proved its value when a small group of renegades arrived with stolen stock. In attempting to arrest them, the police killed three of the party and saved the lives of the agent, the physician, and the clerk by their prompt action. Llewellyn was wounded twice in the arm, in this affair.

As the presence of the agency physician indicates, the Mescalero were now not entirely dependent upon their own ceremonies and cures for medical care. The diseases reported to be prevalent among them were measles, digestive ailments, tuberculosis, other pulmonary ailments, and some malaria. Five hundred and eighty were vaccinated against smallpox.<sup>134</sup>

An executive order of March 24, 1883, made some further changes in the boundary of the reservation.<sup>135</sup> Now the Jicarilla Apache arrived after traveling a distance of 502 miles in forty-seven days from Amargo. Their trip had been saddened by the loss of six persons who died of smallpox on the way. The two Apache groups seemed to be on good terms, but the Three Rivers band of Mescalero had to be restrained from forcibly evicting some white settlers from their lands. The next year, it was decided that the Indians were entitled to these lands.<sup>136</sup>

Fifty of the Apache, including the chief San Juan, went to Santa Fe in July to attend the tertio-millennial celebration. There, San Juan is said to have made a speech complaining of the treatment accorded the Mescalero by the government. But the helpful white man who claimed to know Apache and offered to interpret for San Juan, instead of translating

133. *Report of the Commissioner of Indian Affairs*, lxvii, 123 (1882); Kappler, *op. cit.*, 872-73.

134. *Report of the Commissioner of Indian Affairs*, 124, 125-26 (1882).

135. Kappler, *op. cit.*, I, 873; *Report of the Commissioner of Indian Affairs*, LXIV (1883).

136. *Ibid.*, LXV, 116 (1883); 132 (1884).

the chief's remarks, delivered an address he had himself prepared. However, San Juan must have found other interpreters, for President Ladd of the University of New Mexico, who was interested in the Indian Industrial School Department of the university, attributed the specific impulse to found such a school to a plea made by San Juan at this same celebration.<sup>137</sup>

The day school on the reservation was still operating, and there were plans for a boarding school to accommodate thirty pupils. The boarding school opened in the following year with 15 students, 1 teacher, a matron, and a cook. Now white influence penetrated further with the arrival of the first missionary. Padre Sombrano of Lincoln County visited the agency and baptised 173 of the Indians.<sup>138</sup>

Apache beliefs were not, however, weakening, and one of the agent's problems was to keep his wards from burning those accused of witchcraft. Llewellyn kept his head quite well in these situations. He was a man with some sense of history and remarked wryly in his reports that the Indians were only a little over a century behind the Puritans in this matter, so that it should not seem too strange a custom.<sup>139</sup>

In 1885, a court of Indian Offenses was functioning on the reservation with two Mescalero and one Jicarilla conducting the hearings. It is, perhaps, surprising that the numbers should not have been reversed, since there were 721 Jicarilla and only 462 Mescalero residents on the reserve.<sup>140</sup>

By now, as we have seen, the Mescalero were completely subdued. Their warfare with the Americans, their raids, their attempts to return to the old life, were over. However, this was not true of the Chiricahua Apache, for this was the period when Geronimo and his followers were being pursued first by General Crook and later by General Nelson A. Miles. A few of the Mescalero became involved in these dis-

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137. *Ibid.*, 116 (1883); Henry O. Flipper, "Early History of El Paso," *Old Santa Fe*, II, 95 (1914); Frank D. Reeve, "The Old University of New Mexico," *NEW MEXICO HISTORICAL REVIEW*, VIII, 206 (July, 1933).

138. *Report of the Commissioner of Indian Affairs*, 117 (1883); 133 (1884).

139. *Ibid.*, 118 (1883).

140. *Ibid.*, 149, 152 (1885).

turbances, some with Geronimo, but many more as scouts helping the army to bring him in.<sup>141</sup>

Upon the surrender of Geronimo, General Miles treated all concerned with a harshness and injustice which have to this day never been forgotten nor forgiven by the Chiricahua and the Mescalero Apache. He not only sent Geronimo and his followers to captivity in Florida, but in addition, he rounded up all the Chiricahua men, women, and children who had remained at peace and sent them also to Florida as prisoners. Included with these blameless ones were the Chiricahua and Mescalero scouts who had done more than anyone else to capture and bring in Geronimo and his band of hostiles. The men who had enlisted as scouts and who had so recently undergone the hardships of desert warfare side by side with American soldiers, found themselves prisoners of war at Fort Marion, St. Augustine, Florida. In 1888, renegades, peaceful Apache, and scouts were all removed to Mount Vernon Barracks near Mobile, Alabama, still as prisoners of war.<sup>142</sup>

The relatives, at Mescalero, New Mexico, of the scouts who were thus unjustly held, did what they could to get them released. In 1888, four or five of these men with their families were allowed to return. In 1889, the agent reported that about fourteen Mescalero were still held in confinement in Alabama and urged their release.<sup>143</sup> Over the years they returned, a few at a time, to the reservation.

In 1887, the Jicarilla Apache, who had never become completely adjusted to living with the Mescalero, began to leave the reserve in groups. About two hundred of them camped in a starving condition near San Ildefonso Pueblo. Since there was fear of serious trouble if any attempt was made to return them to the Mescalero Reservation, a reservation was set aside for them in the northern part of New Mexico. The Mescalero expressed no regret at their de-

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141. *Ibid.*, 40 (1886) ; 289 (1900).

142. Schmitt, *op. cit.*, 265-91.

143. *Report of the Commissioner of Indian Affairs*, 255 (1889).

parture but entertained some fear that they might sometime be, themselves, removed.<sup>144</sup>

Whether the attitude of the new agent toward the Indians had anything to do with the decision of the Jicarilla to leave cannot be said for sure, but his handling of the school situation certainly antagonized the Mescalero. Finding that the boarding school was not well attended, and being unable to persuade the chiefs to send in any more children, Agent Cowart sent detachments of the police to visit the camps unexpectedly and seize children of school age. He thus describes the results of this policy: "The unusual proceeding created quite an outcry. The men were sullen and muttering, the women loud in their lamentations, and the children almost out of their wits with fright." Feeling that the "civilization" of the Indian, "like that of the Negro and the other inferior races," could be kept up only by constant contact with Caucasians, he disapproved of allowing the children to return to their camps even in the summer.<sup>145</sup>

The next agent was a good deal more lenient and did not appear to be infected with his predecessor's notions of superior and inferior races. He showed some trust in the people, allowing them to have iron buckets which had been denied them formerly for fear they might use them to make corn beer.<sup>146</sup>

And so things were to go on for many years, with some agents forcing what they considered to be "civilization" upon the Mescalero, others trusting the Mescalero to make their own adjustments, but all of them steadily trying to destroy the culture of the Mescalero and to replace it by customs and modes known and approved in white American society. The most determined of the "civilizers" was undoubtedly V. E. Stottler, who forced the men to cut their hair and clothe themselves like white men, repressed the making of corn beer, allowed no Indian dances to be held, abolished the Court of Indian Offenses, and kept the children in the boarding school over the summers where they were

144. *Report of the Commissioner of Indian Affairs*, lxxii-lxxiii, 167 (1887); Kappeler, *op. cit.*, I, 875.

145. *Report of the Commissioner of Indian Affairs*, 199-200 (1886).

146. *Ibid.*, 254 (1889).

"put at industrial work." He got the men working at a sawmill and encouraged the building of wooden houses. He gave the job of hauling supplies from Las Cruces to the Indians and was satisfied with their performance. He kept the police busy herding cattle, returning run-away school pupils, clearing ditches, working at the sawmill, and acting in general as examples of industry and order. At this time, the Mescalero population was 450, and they had 500 acres of fenced land under cultivation. Stottler urged the government to extinguish the claims of certain settlers who had managed to get land within the reserve, so that 400 more acres might be added. Five thousand sheep were purchased and issued, and Stottler even brought in a few expert Navaho blanket weavers to instruct the Mescalero in carding, spinning, dyeing, and weaving.<sup>147</sup>

During this long and trying period, the peyote cult, which had diffused northward from the Indians of Mexico, flourished among the Mescalero, and the fears, frustrations, and aggressions of individuals flared in charges of witchcraft and power theft revealed in the visions induced by peyote.<sup>148</sup>

In 1899, the Mescalero became self-sustaining to the point where rations and annuities were cut off except to old or incapacitated persons. Marriages and divorces were handled and recorded by the agency office. School attendance was compulsory for children, and a number of adults were even reported to have attended a night school. The baseball nine had won several games. An attempt was made to substitute picnics and Fourth of July, Thanksgiving, and Christmas celebrations for Indian dances.<sup>149</sup> But this is not the bright picture that it may have seemed in the eyes of ambitious agents of the government. It must be remembered that all of this was achieved against great resistance, under duress, and without any faith or confidence on the part of the harassed Mescalero population. The new way of life was not, as yet, flourishing enough to give hope. The first field matron

147. *Report of the Commissioner of Indian Affairs*, 209-12 (1896); 193 (1897).

148. Macleod, *op. cit.*, 529; Morris Edward Opler, "The Influence of Aboriginal Pattern and White Contact on a Recently Introduced Ceremony, the Mescalero Peyote Rite," *Journal of American Folklore* (1936).

149. *Report of the Commissioner of Indian Affairs*, 291 (1900); 281-83 (1901).

to visit the Mescalero found them "miserably poor," living with few rations on tiny farms and preserving themselves from starvation by the sale of curios.<sup>150</sup> In addition, tuberculosis was prevalent, and the mortality rate from this cause was unusually high.<sup>151</sup>

The Chiricahua Apache had been removed from Alabama to Fort Sill, Oklahoma. In 1913, with the approval of the Mescalero, the Chiricahua were transferred from Oklahoma to the Mescalero Reservation. The Mescalero felt that the addition of over two hundred Apache would help them to hold their entire reserve and prevent it from being opened to settlers.<sup>152</sup>

The major events in the history of the Mescalero Apache since that date have roughly paralleled modern American history. Their men went with our men to the first World War. As a people, they suffered in the ensuing influenza epidemic. They were overwhelmed by the depression of the 30's and worked under the relief programs that were set up. Their young men fought beside our other young men in World War II. The first experimental atomic bomb was exploded in the desert not far from their homes. They have lived their past bravely and will meet the years to come with a philosophy often differing from that of white Americans, but with its own profundities and resources.

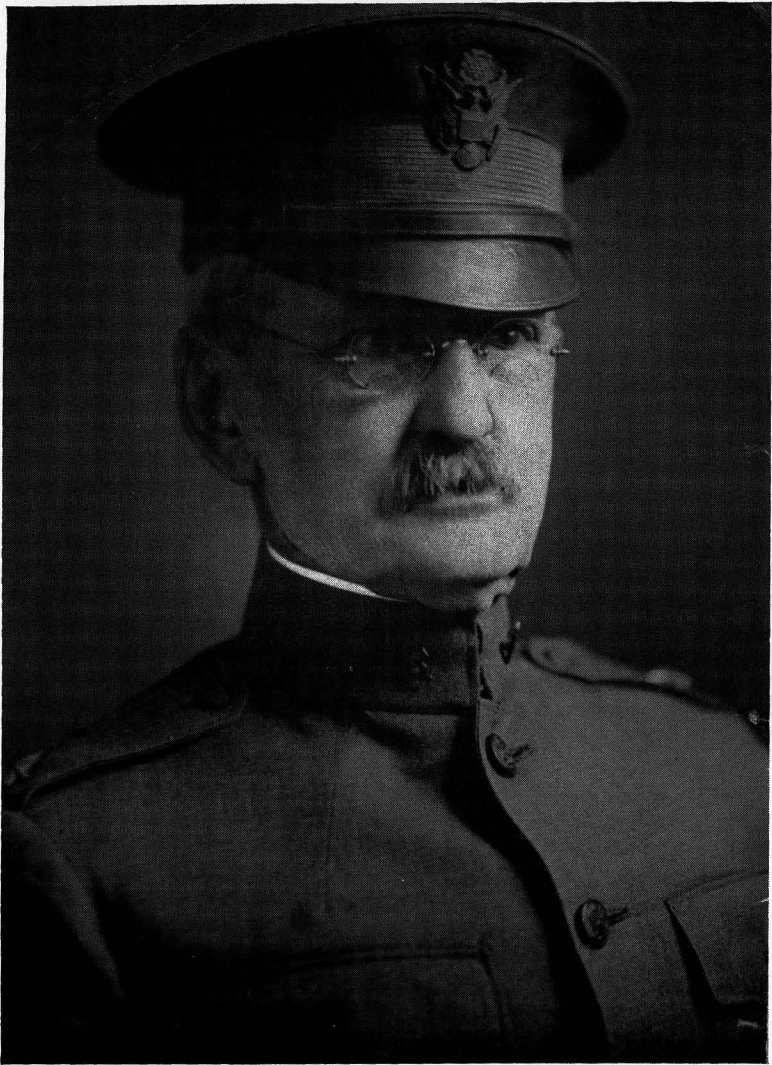
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150. *Ibid.*, 283 (1901).

151. *Ibid.*, 253 (1902); 216 (1903).

152. *Annual Report*, Board of Directors, Indian Rights Association, 19-20 (1918).





Frederick E. Phelps

# FREDERICK E. PHELPS: A SOLDIER'S MEMOIRS

*Edited by* FRANK D. REEVE

## Introduction

According to "the old leather bound Bible," Frederick E. Phelps was born in Saint Mary's, Ohio, on October 8, 1847. His grandfather had been an eminent lawyer and supreme court judge in Connecticut. His father, Edward Marshall Phelps, secured his education by working his way through Kenyon College, Ohio. Language teacher, lawyer and farmer, Edward Phelps was never financially successful. Lucinda Phelps, Frederick's mother, graduated from the University at Norwalk, Ohio. Her son wrote that she was a person of great moral strength and intelligence, and guided the household so cleverly that the family was scarcely aware of her control.

Captain Phelps' childhood and youth were spent in Saint Mary's or on one of his father's farms nearby the village. He retained many pleasant memories of the days spent swimming, fishing, hunting, and ice skating in the ponds and woods so easily accessible. Hunting was his favorite sport and one in which he excelled. Because of his skill he was able to earn some of the money he needed to go to West Point and later, in New Mexico and Texas, to supplement the army diet which, at best, was limited.

In the summer of 1865, he left home for the first time. It was difficult, but he would not have missed the opportunity for anything. Fortune had provided him with a relative, Frank C. Le Blond who, as a member of Congress, secured an appointment to West Point for him, thus fulfilling a childhood ambition for the young man.

Phelps was a soldier through and through. His reminiscences of West Point reveal his respect for the dignity of that institution, even when telling his escapades. His democratic ideals are best indicated by his approval of the "hazing" of first year students. This activity, he said, tended to "level," because one was subjected to it without consideration

for family position. He participated in, and enjoyed, the pranks of yearlings and plebes. He remembers standing sentry duty at his first encampment. It was common practice to annoy the sentry, if possible. At this particular time, someone was throwing a pillow at him. He threatened to bayonet the pillow the next time it was thrown—and did. After ripping it open and scattering the feathers far and wide, he learned that it was his own pillow! As punishment for such unseemly conduct, he spent every free moment for the next month picking up feathers on the camp grounds. He was conscientious, too, studying hard and late, maintaining a soldierly attitude and being proud of his accomplishments. Through Secretary of War Edward M. Stanton, who had been his father's roommate at Kenyon College, he was reappointed to the Academy after having failed in mathematics during his first year. This failure was a great disappointment to him, but unavoidable, since the subject was difficult and he had not been well prepared. He finally graduated on June 15, 1870, thirty-seventh in a class of fifty-eight. This standing, he wrote, was in part the result of having the maximum number of demerits allowed fourth year men.

At Christmas of 1863, Phelps met Maria L. Patrick of Urbana, Illinois, when she was visiting her cousin in Saint Mary's. Though he didn't see her from that time until his graduation, they corresponded regularly and were married in the summer of 1870. As soon as he was located in New Mexico, he sent for his bride. She journeyed to her army-post home only to be buried there a few years later.

In the spring of 1888, when the 8th Cavalry made its famous march from Texas to Dakota Territory, Phelps left the Southwest. Then his health and that of Mary's (sister to Maria), his second wife, made it necessary for them to leave Fort Yates, Dakota Territory, for the East to consult doctors. As a result of the physical examination which found him unfit for active duty, he was retired April 20, 1891. Mrs. Phelps died in February, 1892.

Captain Phelps married Anna Louise Rawlings and settled down in Saint Mary's. Time lay heavily on his hands with nothing to do and with no special interest other than

the Army. After several business ventures, which were unsuccessful, he accepted a position as Instructor in Military Tactics and Science at the Agricultural and Mechanical College of North Carolina at West Raleigh. From this college his oldest son, Fred, graduated in 1904. Unable to obtain an appointment to West Point, young Fred enlisted and won his commission through the ranks, which pleased his father very much.

Because of Mrs. Phelps' health the family returned to Ohio for awhile. In 1907, after requesting duty with the Army, Captain Phelps was placed in charge of the recruiting office in Pittsburg, and two years later was appointed Quartermaster. He thus rounded out his last years in the service that he loved, the United States Army.

During his tour of duty in Pittsburg, he dictated his memoirs to his secretary incorporating in them material composed at an earlier time. Five copies were made, one for each member of his family. The copy here printed was secured from his daughter, Mrs. S. H. Eyler, El Paso, Texas. The early part of the manuscript, dealing with his boyhood days, is not printed, nor the part relating to his life after leaving Texas. The picture that he presents of army life on the Southwestern frontier covers those years when the conflict with the Indians was running its final course, a time now fading from the living memory but recorded for future generations in such writings as the memoirs of Captain Phelps.

Preparing a text for publication is a tedious task, but in this case much helpful assistance has been received from Miss Caroline Brentari, a graduate student in the Department of History, University of New Mexico.

ON the 19th of July, 1870, I was married to Maria L. Patrick in her old home at Urbana [Illinois], and we spent the summer at Urbana, Saint Mary's, and Celina, where my sister Mollie lived. In August I received notice from the War Department that I was promoted from cadet to Second Lieutenant, 8th Cavalry, to date from June 15, 1870, the day of my graduation, and that I was assigned

to Troop A. Before we graduated, we were allowed to send in a request for the branch of service we desired, and our choice of regiments in that branch. I had read a book about New Mexico, and knowing that the 8th Cavalry was stationed there, I asked for that regiment. I soon found that my troop was stationed at Fort Craig,<sup>1</sup> New Mexico, and my order directed me to report on or before October 1st at my station. I could not find out, or at least did not find out, whether there were any quarters there or not. So in September I left my wife behind me and went to Louisville, Kentucky, where I met my classmates, who were assigned to the same regiment, Wood, Godwin, Williams, Cox, Cobb, and Fountain, and also met there Kerr,<sup>2</sup> who was assigned to the 6th Cavalry, now a retired Brigadier General, and Hodgson,<sup>3</sup> who was assigned to the 7th, and was killed in the Custer massacre. Wood and Godwin had also been married and had their wives with them. We proceeded to Fort

1. Fort Craig was established in April, 1854, about ten miles north of Fray Cristobal, near the beginning of the dangerous and dry route of travel known as the Jornada del Muerto. It was on the right bank of the Rio Grande in townships 7 and 8 south, ranges 2 and 3 west. General John Pope recommended in 1870 that it be abandoned, but it was not until March 3, 1885, that the War Department relinquished control of the site by transferring it to the Department of the Interior.

2. Edward Edgar Wood was born in Pennsylvania. He served with the rank of sergeant in the Pennsylvania Cavalry from September 8, 1862, to July 22, 1864, and was mustered out with the rank of Lieutenant, August 7, 1865.

Edward Allison Godwin was born in Virginia. He served in the West Virginia Cavalry from February 13 to July 8, 1865.

Richard Algernon Williams was born in Pennsylvania.

Robert Edward Coxe was born in Alabama. He resigned from the Army September 3, 1874.

Edmund Monroe Cobb was born in Massachusetts.

Samuel Warren Fountain was born in Virginia. He served in the Ohio Infantry during the Civil War was May 2 to September 3, 1864.

The above five soldiers were classmates of Phelps, graduating from the United States Military Academy and receiving commissions as 2nd Lieutenants, 8th Cavalry, June 15, 1870.

John Brown Kerr was born in Kentucky. He graduated from the United States Military Academy and was commissioned 2nd Lieutenant, 6th Cavalry, June 15, 1870. He received the medal of honor for action against Sioux Indians, January 1, 1891.

3. Benjamin Hubert Hodgson, friend and classmate of Captain Phelps, was born in Pennsylvania and graduated from the United States Military Academy. He was commissioned 2nd Lieutenant, 7 Cavalry, June 15, 1870, and was killed in the battle of the Little Big Horn, June 25, 1876.

During one phase of the battle, Major Reno ordered a retreat, making it necessary to ford the nearby river in order to reach the opposite hill. "Lieutenant Hodgson's mount was hit and sank. He grasped a trooper's stirrup and was pulled through but as he gained the farther shore, an Indian bullet killed him." Fairfax Downey, *Indian-Fighting Army*, p. 205 (New York: Charles Scribner's Sons, 1941).

Leavenworth to report to the Department commander, Major General John Pope,<sup>4</sup> and in a few days we took the train for Kit Carson,<sup>5</sup> Colorado, from which place we were to go down into New Mexico by coach, but on arriving at Kit Carson, we found encamped there two hundred recruits under a Captain Keller<sup>6</sup> enroute for New Mexico. The next day Wood and his wife, Godwin and his wife, and Cobb took the coach for Fort Union,<sup>7</sup> New Mexico, and the rest of us were to follow the next day, but Captain Keller telephoned to Fort Leavenworth<sup>8</sup> and asked that we be assigned to duty with the recruits to march down. This suited us exactly. He started with his men the next morning before we had received a reply, but during the day the telegram came directing us to report to him for duty and assigning for our use a six-mule team and wagon. There was an officer on duty at Kit Carson, as Commissary, and from him we purchased a supply of canned stuff; about four o'clock in the afternoon we started out to over-take the command. We had no arms, except Williams, who had a little four-barreled revolver, carrying a twenty-two cartridge, and I had an army

4. John Pope was born in Kentucky, March 16, 1822. He graduated from the United States Military Academy in 1842 and was commissioned Brevet 2nd Lieutenant, Topographical Engineers. He distinguished himself in the War with Mexico and in the Civil War; he attained the rank of Major General, October 26, 1884. General Pope directed the work of Army engineers in drilling for water in the arid Southwest. He commanded the Department of the Missouri 1870 to 1884 and retired from active service two years later. He is sketched in *Appletons' Cyclopedia of American Biography* (New York: D. Appleton and Company, 1888).

5. Kit Carson is located in Eastern Colorado. It was the railroad terminus for travelers to New Mexico when Phelps was there.

6. Jacob William Keller was born in Prussia. He volunteered for service in the Union Army during the Civil War and was mustered out with the rank of Captain, January 26, 1864. He re-enlisted as 2nd Lieutenant, July 28, 1866, and retired with the rank of Captain, December 15, 1870.

7. Fort Union was established in 1851, either in late July or early August, by Colonel E. V. Sumner, in a more suitable location than Santa Fe for headquarters and a supply depot. It was located on the Santa Fe trail by way of Raton-pass, about ten miles north and west of the junction of the Sapello and Cebolla creeks which unite to form the Mora river, and on the west side of Turkey mountain, Latitude 35° 54' and Longitude 105° 9'. The post and timber reserve covered 66,880 acres. In Phelps's term of service in the Southwest, the Fort was headquarters for the 8th Cavalry. For an early description see Secretary of War, *Report*, 1852, p. 75. 32 cong., 2 sess., sen. ex. doc. 1, pt. 2 (659); Ass't Surgeon J. Letterman, *Sanitary Report*, October, 1856, pp. 221f. 36 cong., 1 sess., sen. ex. doc. 52 (1035).

8. Fort Leavenworth was established in 1827 on the Arkansas river for the protection of travelers on the Santa Fe trail. It was abandoned after the Civil War. A brief description can be found in *The Southwest Historical Series*, ed., Ralph P. Bieber, II, 101 and III, 122 (The Arthur H. Clark Co.: Glendale Calif., 1932 and 1935).

revolver, which an officer there asked me to take down to my Post and turn it over to the commanding officer there, it having been taken away from a deserter. At that time the Comanches were on the war-path, but I don't suppose it occurred to any of us that we were taking big chances. Darkness soon came, but the driver knew the road; we had gotten out about ten miles when we saw the flash of a gun off to our right and three shots followed in succession. We did not know what to make of them, but in a few moments heard an undoubtedly Irish voice yelling for us to stop. We accordingly halted and called to him; in a few moments one of the recruits, a wild Irishman named McCarthy, joined us, scared nearly out of his senses. Some way he had wandered away from the command and was lost and seemed exceedingly glad to join us. We arrived at the encampment about nine o'clock and reported to Captain Keller. Not one of us had a blanket or buffalo robe, and we had no tents, but we were young, vigorous, full of life, and managed to get through the night. There was a contract doctor with the command; and he had in some way lost his blankets and invited me to sleep with him in the ambulance. We shivered all night long in the keen October air, and the next morning, to our disgust, found four woolen blankets under the seat, of which we knew nothing. The recruits marched over the old overland trail,<sup>9</sup> making from twelve to twenty miles per day, according to the supply of water. Captain Keller appointed Cox as Adjutant and gave him a pony to ride, while the rest of us, except one, who marched with the troops, rode in the wagon. Captain Keller had an ambulance of his own for himself and family, for he brought his wife and two children with him. He was a plain, blunt soldier, and a good one, but completely under his wife's thumb. She never addressed him by name, but always spoke to and of him as "Commanding Officer," and it used to amuse us immensely to hear her call out to him, "Commanding Officer, supper is ready." He also had with him a Second Lieutenant of Infantry, named Cottell.<sup>10</sup> We had formed our own

9. They were following a route southward from the Smoky Hill route to Denver to connect with the old Santa Fe trail as Fort Lyon.

10. Hampden Samuel Cottell was born in Maine. He enlisted in the 15th Illinois

mess and invited him to join it. We found a soldier who was willing to cook what little we had to cook, and we got along all right. When we arrived at Fort Lyon,<sup>11</sup> Colorado, we at once bought blankets and soldier over-coats, and drew two wall tents for our use. While at this Post I was going up one night from out camp to call upon some officers and, in attempting to jump an irrigation ditch, severely sprained my right ankle which completely disabled me for three or four weeks. I had brought a shot gun with me; there was plenty of game, prairie chickens, ducks, and snipe, but I could not walk and none of the other officers cared for hunting, so we lived on ham, potatoes, coffee and soggy bread, for our cook could not make good light bread. However, this bothered us but very little, and we gladly marched on and in due time arrived at Fort Union, New Mexico. Here Captain Keller turned back and Lieutenant Cottell was assigned to the command of about one hundred of the recruits, who were to go on down to southern New Mexico to the various posts. Godwin and his wife here joined us. Our party then consisted of Godwin and his wife, Williams, Cox, and myself; Cobb, Wood, and Fountain had joined their troops at Fort Union. We had splendid weather. Cottell was easy to get along with and we had a pleasant march to Fort Craig. Here I joined my troop. I found that my Captain was A. B. Wells.<sup>12</sup> My First Lieutenant was named Hunter,<sup>13</sup> but he

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Infantry, May 24, 1861, and was mustered out with the rank of Captain, June 3, 1864. He re-enlisted for the third time, June 18, 1867, with the rank of 2nd Lieutenant. He was assigned to the 15th Infantry, August 3, 1870, and retired from active service, February 29, 1876.

11. William Bent built New Fort Bent in 1854 and sold it to the Federal government in 1859. It was renamed Fort Wise in honor of Governor Henry Wise of Virginia. After the secession of Virginia, the Fort was renamed Lyon in honor of General Nathaniel Lyon of Civil War fame. Undermined by floods from the Arkansas river, it was moved to a new site about six miles northeast of Las Animas. The Reservation embraced 5,874 acres. It was turned over to the Department of the Interior December 2, 1889.

Biographical sketches of General Lyon are in *The National Cyclopaedia of American Biography* and the *Dictionary of American Biography* (hereafter referred to as DAB).

12. Almond Brown Wells was born in New York. He joined the Nevada Cavalry with the rank of 1st Lieutenant, July 13, 1863. Mustered out after the War, he re-enlisted as 2nd Lieutenant in the 8th Cavalry and attained the rank of Colonel, 1st Cavalry, February 2, 1901.

13. Pendleton Hunter was born in Michigan. He was commissioned 2nd Lieutenant, 8th Cavalry, October 12, 1867, and promoted to 1st Lieutenant, May 1, 1870. He was mustered out, January 1, 1871.



was absent on a scout. Captain Wells informed me that he was to go away at once on a board to purchase horses, and that I would have command of the troop until one of them returned. I was assigned for quarters to one-half of an adobe building consisting of three rooms with mud roof and mud floor and not a stick of furniture. I had never been in command of a company, of course, but was lucky in having an excellent first sergeant. I frankly told him that I knew little or nothing about company papers and that he must guide me in these matters; under his instructions, I soon became proficient in making out company papers. Lieutenant Hunter had part of the troop with him, but there were about eighty men held there; two days after my arrival, the first sergeant informed me that there had been no drill for sometime and the men were getting rusty in mounted drill. I immediately informed him that we would have mounted drill the next morning at ten o'clock. Cavalry officers in those days had to purchase their own horses, but as I had not as yet had an opportunity to do so, I told the sergeant to send one of the troop horses up to my quarters, which I would use until I could find one that would suit me. The next morning I came out of my quarters in undress uniform and found an orderly trumpeter holding his horse and mine. I noted that the horse was what is called "wall-eyed," that is, nearly the whole of the eyeball was white, and I knew from my experience at West Point that a white-eyed horse generally had a bad temper; so I carefully examined the cinch, the bridle, and all the equipment. Stepping up along side of the horse to mount I noticed that he cast one eye back toward me, and I knew at once that if I mounted in the usual manner by placing the left foot in the stirrup he would try to throw me off before I could get fairly seated in the saddle; but my West Point drill came to my aid and, without touching the stirrup, I made one bound and landed squarely in the saddle. Before he could recover from his astonishment I had both feet in the stirrups and was ready for him. He immediately commenced to buck, that is, he would arch his back like a bow, spring up into the air two or three feet and come down with all four of his feet together,

stiff legged, which, if the rider is not prepared, generally throws him off the horse, but after bucking around for a few minutes, he found that he could not unseat me and immediately bolted. Fort Craig was then one of the most desolate posts on the frontier. It was situated on the edge of a plain, twelve or fifteen miles wide, and almost perfectly level, covered with gravel and scarcely a bush. The Post consisted, like all frontier Posts at that time, of a number of buildings scattered around a square, and these buildings were connected by an adobe wall perhaps three feet high, not as a defense, but to keep stray cattle out of the parade ground. The first sergeant had marched the troop out on the plain and it was waiting for me, perhaps a mile away. I noticed a grin on the face of the trumpeter, a little devil named Young, but one of the best soldiers in the troop, and I soon found that the horse was not headed for the gate, but straight for this adobe wall, and I suppose that Young expected to see me thrown off, but as we approached the wall, I "gathered" my horse, and he took the wall with a flying leap, followed closely by Young and his horse. We went skimming across the plain toward the troop. As I approached the troop I saw a broad smile on the face of every man. When within about one hundred feet I drew sharply on the reins, the heavy bit stopping the horse almost instantly; sliding on all four feet, he came to a dead stop just about the regulation distance in front of the troop. The first sergeant saluted and reported the troop "all present," so drawing saber I commenced drilling them. I saw at once that some kind of a job had been put up on me and if ever a troop got a good grinding drill, A Troop did that day.

It was a very hot day and for two hours I never gave them a moment's rest; by the time the drill was over, they were heartily sick of it and anxious to get back. Marching them to within one hundred yards of the Post, I directed the first sergeant to march them to the stable and dismiss them; motioning to the trumpeter to follow me, I put my horse straight at that same adobe wall, cantered across the parade ground to my quarters and dismounted. The next morning, when the first sergeant brought me the morning report, I

asked him who rode that horse, for in a cavalry troop each man has a horse assigned to him, and no one else rides him. He told me that it was an extra horse and not assigned to anyone. I asked him why he selected that particular horse for me; looking a little embarrassed, he informed me that the troop had insisted that he should assign that horse to me to see if I could ride. New officers joining were generally called "Johnny come lately" by the men, of course, in private; officially they were addressed as "Lieutenant." He was considerably embarrassed and finally told me that there was only one man in the troop who could ride that horse with any comfort, but that he guessed that the men had discovered that "the Lieutenant could ride as well as any of them," and volunteered the information that I had "made good," as he called it.

I told him that I would keep the horse until I purchased one of my own, and I rode him a good share of the time for the next six or seven years, in fact, as long as I was with the troop. I purchased a horse of my own shortly, but for drill and scouting I used this troop horse and I never rode a better one. I got along very well with the troop and in about a month Lieutenant Hunter returned from his scout. I found him a pleasant, jovial, red-headed little man who bore a fine reputation as a scout and Indian fighter. Unfortunately for him, he was a very hard drinker and left the troop to my care; we got along very nicely, but he did not last long. The Army had been reduced from forty-five regiments of infantry to twenty-five; on the first day of January, 1871, all vacancies in the cavalry were filled by transfer from the unassigned list, and an order was issued to get rid of worthless officers. The commanding officer of each regiment had been directed to send in the names of those officers who ought to go out; Hunter was one of them, and on that day he was mustered out of the Army with one year's pay. I never saw him again but once. Four years afterward, I was at Las Animas<sup>14</sup> and entered a barroom of a hotel to purchase a cigar; there, behind the bar, as a barkeeper, stood my old

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14. Las Animas is located in southwestern Colorado on the south side of the Arkansas river.

First Lieutenant. I spoke to him, but he looked me straight in the eye and told me that I was mistaken, that his name was not Hunter, and that he had never seen me before. I knew, of course, that it was him, and that he was evidently "down at the heel," but still had pride enough not to wish to be recognized, so I said nothing, and have never seen or heard of him since.

Captain Wells was at that time a comparatively young man, not yet thirty, who had served in the Nevada Volunteer Cavalry during the war, had been appointed First Lieutenant in the 8th Cavalry when the regiment was organized in 1866, and had just been promoted to Captain when I joined. He was not married at that time, but inside of a year married a lady at Santa Fe, the daughter of a Surveyor General<sup>15</sup> of the territory of New Mexico, a sweet motherly woman to whom I was always much attached, and whom I have not seen since 1888. He was a man of good education, but had a peculiarity that made it hard to serve with him at times, and that was his exceeding jealousy of the officers of his troop. He expected us to obey his orders absolutely and, of course, that was right; but the slightest variation or exceeding of an order, the doing of anything however slight without first consulting him, made him savage in a moment, and this peculiarity made him a hard man to get along with. He was a magnificent drill master, very proud of his troop, but knew little how to manage money matters and the troop fund was always indebted to him for, to do him justice, he never hesitated to advance his own money to purchase anything in the shape of provisions, vegetables, etc., if needed in addition to the ration. The ration, in those days, was not what it is now. Fresh beef was furnished seven days out of ten, but was poor and tough. Vegetables were absolutely unknown in New Mexico at that time; from 1870 to 1874, I do not remember ever seeing an Irish potato, and sweet potatoes only once. Besides the beef, the men had bacon three days out of ten, salt fish, bread baked daily, which was

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15. Probably the daughter of T. Rush Spencer, Surveyor General of New Mexico in 1870 and very likely in 1871. James K. Proudfit took the office in early October, 1872. I have no direct reference for the year 1871.

good, and now and then a little canned stuff, and that was all. It was hard living, and yet we were in no way to blame for the nearest railroad was nearly five hundred miles away at Kit Carson. The country around was a desert and it was impossible apparently to raise anything, at least we never succeeded in doing so. In November, I was ordered back to Fort Union in command of a number of teamsters, with empty wagons, and an escort of four or five men. I immediately wrote to my wife to join me there by Christmas. On arrival at Albuquerque I met Fountain, who had come down from Fort Wingate<sup>16</sup> with another train from there, and we went on to Fort Union together. New Mexico is elevated so high that the winters are very severe and from Albuquerque, for nearly a week, we plodded through snow perhaps a foot deep. I had an ambulance that the Quartermaster of Fort Craig had furnished me to bring my wife down, and Fountain, of course, rode with me. We arrived at Fort Union the day before Christmas, but I found no wife, only a letter stating that she could not start until the end of the month, when she came by coach, I meeting her some fifty miles north of the Post. She had come from Kit Carson, the only passenger in the coach, and had been alone with the conductor and driver for two days and two nights, but the conductor had been exceedingly kind and courteous to her and she got along very well. I immediately started back to my own post and arrived there about the first of March, but had not been there more than ten days when I was ordered to take command of an escort to take convicts up to Fort Union; of course, I had to leave my wife at Fort Craig alone, and when

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16. There were two Fort Wingates in New Mexico. Old Fort Wingate was located southwest of Mt. Taylor on the Gallo, a short stream flowing northward into the Rio San José. The site was selected by Colonel Canby in the summer of 1862 and the Fort was probably established by Lieut.-Colonel J. Francisco Chaves, late in that year, in preparation for Colonel Carson's campaign against the Navahos the following year.

New Fort Wingate was located at Ojo del Oso, or Bear springs, on the north end of the Zúñi mountains, near the headwaters of the Rio Puerco of the West, in Latitude 35° 29', Longitude 108° 32'. (Old Fort Lyon was located there in 1860-1861). A reservation of 100 square miles was set aside by Executive Order February 13, 1870, and establishment of the post was authorized that same year.

For a description of New Fort Wingate in 1880, see Joe Wasson in *NEW MEXICO HISTORICAL REVIEW*, V, 279 (July 1930). Also Secretary of War, *Report*, p. 526. 53 cong., 2 sess., vol. 1 (Washington, 1893).

I had almost arrived at Fort Union, I received orders to return to Santa Fe with my prisoners and to proceed to Fort Wingate with them, one hundred miles west of Santa Fe. When I got back back to my Post on the third day of July, I found my troop had been transferred to Fort Bayard,<sup>17</sup> New Mexico, and she had gone with the Captain and Mrs. Wells. I followed as soon as possible, and one boiling hot day in July rode into old Fort Bayard, which was to be my station for the next five years. When Lieutenant Hunter was mustered out, his place was taken by William Stephenson.<sup>18</sup> He was a thin, spare man over six feet in height, had been in the army a number of years as a soldier, and was promoted from the ranks. He was one of the finest rifle shots I ever saw, and possessed an almost uncanny success in fishing. They used to say that he could catch more fish in a stream where no one else could ever get a bite than we could use, and I never saw as successful an angler.

When I arrived at Fort Bayard, it was certainly a desolate looking place. No building in the post was more than one story, most of them built of adobe and scattered in an irregular square, around a square, the officers then being on the west side. Officers are given quarters according to rank, and I soon found that I was the junior officer at the Post; if it had not been for Stephenson, who gave me his quarters, I would have had to go into a tent. To be sure the quarters did not amount to much, but he cheerfully gave me what he had and went into a tent himself, and for this courtesy we never forgot him. I had only two rooms, but we put up two tents in the rear for a dining room and a kitchen, and, having youth and health with us, we were very happy. A description of the Post I afterwards wrote in an article which will be found in the next chapter.

17. Fort Bayard, named in honor of Captain George D. Bayard who died in service during the Civil War, was established, August 21, 1866, to protect miners in the Pinos Altos district against Apache Indians. It was located about nine miles northeast of Silver City, southwestern New Mexico, Latitude 32° 48' and Longitude 108° 9'. The reservation was established by Executive Order, April 19, 1869, and embraced an area of 8,840 acres. The last garrison was withdrawn, January 2, 1900, and the plant has been used as a Government hospital since then.

18. William Stephenson was born in England. He enlisted as a private in the Union Army during the Civil War. He attained the rank of 1st Lieutenant, December 2, 1868, and retired from active service, April 23, 1879.

From 1871 to 1876 I was stationed at Fort Bayard, a lonely, isolated post in the extreme southwest corner of New Mexico, one hundred miles west of La Mesilla,<sup>19</sup> on the Rio Grande. Nestled at the upper end of a beautiful valley, it was on the north protected from the winter blasts by the towering peaks of the Sierra Diablo, and on the east by the broken crags of Santa Rita, in which lie the famous Spanish copper mines.<sup>20</sup> On the south, a long, narrow valley terminates in a winding cañon leading out into the open plain, a cañon dangerous at all times (for the trail of the Apaches from the Rio Negro<sup>21</sup> to the Gila led through it), and on the west it is bounded by rolling hills covered with the beautiful crow foot grama grass.<sup>22</sup>

The locality was all that could be desired; the Post everything undesirable. Huts of logs and round stones, with flat dirt roofs that in summer leaked and brought down rivulets of liquid mud: in winter the hiding place of the tarantula and the centipede, with ceilings of "condemned" canvas; windows of four and six panes, swinging, door-like, on hinges (the walls were not high enough to allow them to slide upward): low, dark and uncomfortable. Six hundred miles from the railroad at Kit Carson, Colorado, with nothing to eat but the government rations—beef, bacon, coffee, sugar, rice, pepper, salt, and vinegar,—together with a few cans of vegetables divided pro rata, old Fort Bayard was the "final

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19. The Doña Ana Bend colony was established in the Mesilla valley by José María Costales in 1843. After the United States annexed New Mexico in 1848, settlers at Doña Ana who preferred to retain their Mexican citizenship moved across the Rio Grande and founded the town of Mesilla. P. M. Baldwin, "A Short History of the Mesilla Valley," *NEW MEXICO HISTORICAL REVIEW*, XIII, 314-324 (July, 1938). For a description of the town in 1880, see Joe Wasson, *op. cit.*

20. The famous Santa Rita copper mine is located in the southern part of the Pinos Altos mountain, southwestern New Mexico. It was worked at least as early as 1804 by the Spanish. For an early description see J. R. Bartlett, *Personal Narrative* . . . I, 178f, 227f (New York, 1854); and S. W. Cozzens, *The Marvellous Country*, p. 51 (Boston, 1891). Its history is told in John M. Sully, "The Story of the Santa Rita Copper Mine," *Old Santa Fe*, III, 133-149 (1916).

21. Phelps must mean the Rio Miembres, or perhaps the Rio Grande. The Rio Negro is too far west to fit this description.

22. Crow foot grama grass is a perennial which affords good pasturage for stock in the arid Southwest. For a discussion of the various grama grasses see Leslie N. Goodding, *Notes on Native and Exotic Plants in Region 8*, p. 17 (Albuquerque, New Mexico: United States Department of Agriculture, Soil Conservation Service, Region 8, 1938).

jumping off place" sure enough, I thought, as I first rode into it in the summer of 1871.

My house consisted of one room and a kitchen, the front room twelve feet by ten. One wall was built of stones picked up on the adjacent hillside, one was of adobe (sun dried brick), one of pine logs, set on end, and the fourth of slabs from a sawmill. The floor was of rough boards, a foot wide; the ceiling of canvas, the roof of mud, the front door of two boards on wooden hinges with a wooden latch, one window, with four panes of glass, the sash immovable—this was the parlor.

Back of this, and connecting with it by a doorway without a door, was a smaller room with no window and a floor of hard, smooth mud. To tell the truth, the whole thing was originally built for a stable. Poor as these rooms were, they were a Godsend to me! Quarters in a garrison are assigned according to rank, and being the junior officer at the Post, I would have had to go into a tent had not a bachelor officer, with that gallantry so characteristic of the military profession, insisted upon my taking these two rooms, while he went into canvas. But putting up two tents, one for a dining-room and one for a kitchen, we made ourselves quite cosy and comfortable.

When Troop A of the 8th Cavalry was ordered to Bayard from Fort Craig in the spring of 1871<sup>23</sup> for field service, the Captain brought with him his newly-won bride, a woman of women, whose sweet face and gracious manner had endeared her to the regiment, whose presence she has graced for all these years; and the young, slender, blond-whiskered Second Lieutenant brought with him the bride of his youth, who had given up home and friends in the far-distant Ohio and bravely followed her husband to that lonely station which she was destined never to leave, for from that desolate place her pure soul took its flight to the God who gave it.

The First Lieutenant was a veteran, rising from the ranks of the old 13th Infantry, and transferred to the 8th

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23. The settlers in southwestern New Mexico were much disturbed over Indian affairs at this time. For a brief discussion see the *NEW MEXICO HISTORICAL REVIEW*, XIII, 289ff (July, 1938).



Cavalry in the general shake up of January, 1871. He stood six feet two in his stockings, as slender as a telegraph pole, with long blonde moustache and thin gray locks of hair, always carefully brushed to cover that bald spot that would show; he was a deadly shot with a rifle, and had an almost uncanny skill in coaxing fish to bite; slow of speech, and more afraid of ladies than anything under the sun, he walked with that peculiar sway that betrays the man who has lived in the saddle, for though he had long been in the infantry he had served all his military life on the frontier, and had always owned his saddle horse. In the Post an omnivorous reader and smoker, in the field a pushing, energetic scouter and fighter, such was the commander under whom I was to make my first scout, "old Pard" Stephenson.

In the summer of 1872, General Thomas C. Devin,<sup>24</sup> Lieutenant Colonel 8th Cavalry, was in command of the Post. He was a grizzled, gray and iron-willed old man, one of Sheridan's Hard Hitters. In July he sent for Stephenson, who was in command of the troop, the Captain being at Santa Fe as a member of a big general court martial, and gave him his orders for a scout to beat up the country to the west and southwest, to see if there were any Apaches off their reservation,<sup>25</sup> and, if we found any, to "clean 'em out" if we could.

We were to carry fifteen day's rations, and for that purpose five or six pack mules were furnished us, or rather five or six mules from the Post Quartermaster's herd, for if one of them had ever been "packed" he had forgotten all about the pleasure of it, and retained all his native tricks and manners. However, we got off at four P. M., and so did most of the packs by four-thirty, but by means of much pulling, tying

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24. Thomas Casimer Devin was born in New York. He began service in the Union Army with the rank of Captain, New York Cavalry, July 19, 1861, and was mustered out January 15, 1866, with the rank of Major General. He re-enlisted that same year in the regular Army as a Lieutenant Colonel in the Cavalry. He attained the rank of Colonel and died April 4, 1878. He is listed in *Appletons' Cyclopedia of American Biography* and *Herringshaw's Encyclopedia of American Biography*.

25. The Apache reservation at this time was located at Cañada Alamosa, northwest of present day Hot Springs, New Mexico. The people in southwestern New Mexico accused the Indians of depredating and retreating to the security of the reservation. The story is told in the *NEW MEXICO HISTORICAL REVIEW*, XIII, 261ff (July, 1938).

and some cussing, we made them stick on somehow for the first twelve miles when we went into camp, or rather bivouac, for we carried no tents.

That night, after we had eaten our frugal supper of cold bacon and bread, and had swallowed a quart of black coffee "strong enough to float an egg," we lay on our blankets, smoking our fragrant pipes, and Stephenson was telling me his plans, when suddenly there was a crash in a neighboring thicket; a snort of fear, a trampling of hoofs, and in a second every man was on his feet, for we all knew what was up—a stampede of our horses. Something in the bushes, maybe a frightened deer or skulking coyote, had startled one of the horses picketed to a bush; with one strong pull up came the bush by the roots, and tearing through the herd, scattered here and there where they could pick grass all night, the bush swinging at the end of his lariat like a flail, he soon stampeded the whole crowd. Lariats broke, bushes came up root and branch, and in a second away they went (except four or five, which, having had reputations for just such work, had been securely tied to trees, and whose lariats tied about their necks, being new and stout, held them fast), rushing through the brush like a hurricane, leaving us paralyzed with disgust, and worse still, afoot.

There was nothing to be done until daylight; no man could follow in that rough country in such a dark night, and we knew they would go straight back to Bayard. At the first peep of day I was after them with all the men we could mount, and picked them up along the trail, for as they became separated in the darkness some had stopped and finally gone to grazing, but most of them we found as we expected, in their own corral at Bayard. Sneaking in the back way we drove them out quietly, hoping no one would see us, but as we turned the corner of the corral there was "old Tommy." What under the sun ever did escape those piercing blue eyes? With ears tingling with shame under the cruel, rasping sneer he flung as I rode past him. "Well young man, you have made a FINE start for a cavalryman," I hurried out of the Post and away to the awaiting troop.

Sarcastic, biting as was his tongue, savage as was his

manner, we loved the old campaigner and feared him as, I opine, we did not fear the Almighty, yet gloried in him; when the eyes that rested kindly and proudly on him who did his duty and glared like a tiger at the dead beat and shyster had closed in the last long sleep, his regiment mourned as they have never mourned since, and the memory of "old Tommy" will always abide with the "8th Horse."

Nobody was to blame for our stampede, but all the same "Pard" and I had both learned a lesson we never forgot; every night after that one of us personally inspected the horses and saw that the side lines were on. The ordinary cavalryman hates to put them on his horse, but after he is left afoot once he changes his mind, and neither of us ever again had a stampede.

As soon as we could get a bite to eat we were off and marched to and down Bear Creek<sup>26</sup> to Walnut springs, and the next day to the muddy Gila where the crumbling chimneys marked the site of old Fort West.<sup>27</sup> From here we marched across to the Frisco [San Francisco]<sup>28</sup> river, and so on down through the Stein Peaks Range,<sup>29</sup> a desolate region, where we struck the first "sign." This was a single pony track, several days old, for the edges of the depression made by the hoof were crumbling, and in places were almost filled with sand. To the uninitiated there was nothing to show that it was not some wandering miner's or hunter's pony that had made that faint trail, but to the eager eyes of Jim Bullard,<sup>30</sup> our civilian, but not civil guide (he was

26. Bear Creek is a tributary of the Gila near its headwaters and flows in a northwesterly direction.

27. Fort Floyd, probably named in honor of the Secretary of War, was established by Colonel Bonneville as headquarters and a supply depot for his campaign against the Apaches in 1857. It was located on the east side of the Gila near the junction of that stream with Bear Creek. Part of the troops located on the west side of the Gila in "Camp Union."

This same location was probably the site of Fort West, established in January, 1863, when General Carleton ordered another foray against the Apache.

For an account of the Bonneville campaign see Frank D. Reeve, ed., "Puritan and Apache: a Diary," *NEW MEXICO HISTORICAL REVIEW*, XXIII, No. 4 (October, 1948) and XXIV, No. 1, (January, 1949).

28. The San Francisco river rises in the extreme west-central New Mexico and flows southwestward into the Gila river.

29. The Stein Peak range is in southwestern New Mexico close to the Arizona boundary.

30. John and James Bullard came from Missouri in 1866 to mine and farm in

about as morose, insolent and foul-mouthed a brute as I ever saw), and to Sergeant Foster, our oldest soldier, they told a different tale. Foster was a slender, wiry man, an excellent shot, an experienced plainsman, and worth two Bullards.

There was no mark of a horseshoe, and in that country no white man used an unshod horse, so it was an Indian pony. No danger of a Mexican roaming alone in the Apache region. It had rained heavily all over this country a week before. We had now been out ten days, and if these tracks had been made before that time they would have been obliterated. Following them a few miles, the guide suddenly sprang off his horse and picked up what I, in my greenness, supposed was an old chew of tobacco; and I was right in one sense, it was Apache tobacco, so to speak, a mouthful of roasted mescal root.<sup>31</sup> This is a favorite article of diet among the Mescalero Apaches, and when this gentlemanly "ward of the nation" threw away his chew after he had exhausted its sweetness, he little thought that eager American eyes would see it and thus know that a thieving reservation Indian had been there, where he had no business to be, a hundred miles away from his reservation.

All that day we patiently followed that single track, our guide tracing the pony's trail over hill and plain, through sand and rocks, like a bloodhound; his rough, evil face set and dark with revengeful thoughts, for his brother had fallen the year before by the hand of an Apache in Kelly's<sup>32</sup> fight that avenged the brutal murder of Mrs. Keerl, whose—"but that is another story," as Kipling would say.

Late that night we halted at a hole half filled with dirty

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the Pinos Altos mountain. They were conspicuous in the history of that section. John was killed in pursuit of Apaches, February 28, 1871. Bullard Peak, about 20 miles north of Clifton, Arizona, was named in his honor. Conrad Naegle, *The History of Silver City, New Mexico, 1870-1886*, p. 71. Ms. University of New Mexico, 1943 (Master of Arts thesis in History).

31. Mescal root is from the Huachuca century plant, an important item in the diet of the Apaches. The Mescalero Apaches are supposed to be named after this food. For a discussion of Apache foods see Edward F. Castetter and M. E. Opler, *Ethnobiological Studies in the American Southwest*, III, 35ff, 52 (Biological Series, University of New Mexico, 1936. IV, no. 5).

32. Major William Kelly led a cavalry detachment from Fort Bayard on the same campaign against Apaches that resulted in the death of John Bullard, but did not participate in the engagement when Bullard lost his life. Naegle, *op. cit.*, p. 74.

water, but welcome, for we had not had a drop for twenty-four hours, and we were half way across the San Simon valley.<sup>33</sup> Twenty miles to the west of us towered the crags of Mount Graham,<sup>34</sup> then the favorite haunt of the Apaches, and the trail headed straight for it.

The early dawn found us again on the move, plodding over the heavy sand while the pitiless sun blazed over our heads. The heat reflected a hundred fold from the white sand drifts, with the cloudless sky bending over us, glowing like a sheet of brass. About noon we entered the foot-hills, passed through them, and about 3 P. M. halted at the foot of a steep hill over which the trail led, crowned with prickly pear and stunted bushes. Bullard, Foster, and three or four men proceeded cautiously to the top, and there was the object of our search—an Apache village of eighteen wickiyups, or huts. This was on a steep, rocky hill, with a flat top; at the foot, in the narrow cañon separating the two hills, flowed a bright, sparkling stream, and scattered along this were a number of Indian women busy making their *tiswin*, or Indian whiskey, the fermented juice of the mescal plant.

Quickly, in obedience to a sign, Stephenson went to the top, crept behind a clump of bushes, and swept the ground with his field glasses. No chance for a surprise here. The only way was to go over the hill, down into the valley, and then up the opposite side in the face of the Indians, and the rascals had made a rude fortification of rocks by piling them along the crest behind which they could lie in perfect security while the advancing force must come up over open ground. Deliberately rising to his feet, his tall form looming like a flagstaff against the sky, he signalled us to come on.

The instant he was seen a pandemonium of yells and shrill shrieks went up, and every squaw rushed up the hill, sending down the loose gravel and shale in a rattling shower. Quietly we climbed the hill, down the other side, halted at the little stream and quickly arranged the plan of attack.

*(To be continued)*

33. San Simon valley lies between the Peloncillo range (including the Stein Peak range) and the Chiricahua in southeastern Arizona.

34. Mount Graham is a prominent landmark in the Pinaleno range, southeastern Arizona; altitude 10,713 feet.

## CHECKLIST OF NEW MEXICO PUBLICATIONS

By WILMA LOY SHELTON

(Continued)

### *Dry cleaning board.*

Established in 1941; supervises and regulates the cleaning, dyeing and pressing industry of the state.

#### Annual report

July 29, 1941-July 1, 1942. 15p. (A. J. Coats) mimeo.

Report and certificate of proceedings before the New Mexico dry cleaning board. v.p. 1941-1942.

Rules and regulations . . . chap. 198, Laws of 1941, otherwise known as sections 51-2101 to 2116, inclusive, N. M. statutes 1941, annotated. Santa Fe (1941), 33p.

Contents: Rule No. 1—A rule to provide definitions. Rule No. 2—A rule for collecting original registration fees and for classifying and collecting license fees. Rule No. 3—Rules under which new businesses may be established, existing business may move to new locations; remodel, enlarge, re-equip. Rule No. 4—(Unfair methods of competition). Rule No. 5—(Itinerant or transient dry cleaner license fees). Rule No. 6—A rule to establish procedure for hearings. Rule No. 7—A group of rules to provide operating safe practices for the dry cleaning industry. Regulation No. 8—(Housekeeping and sanitation). Regulation No. 9—Minimum operating standards below which a cleaning establishment forfeits its right to a license. Rule No. 10—A group of rules to guide the Board and Board employees.

Rule No. 11—A rule to define dry cleaning schools and to prescribe regulations for the licensing and operation thereof. Effective Sept. 15, 1948. n.p.n.d. 1 leaf mimeo.

Rules and regulations; amend rule 2 by adding paragraph 6. n.p.n.d. 1 leaf mimeo.

### *Educational plans and policies commission.*

Appointed in 1937 by the State superintendent of public instruction to gather data and shape policies which would guide the schools in evolving a program to meet the needs.

Reports of trends in financial support of public schools in New Mexico. Prepared by the Educational plans and policies commission. Sub-

mitted by the New Mexico state Department of education. H. R. Rodgers, state superintendent of public instruction. (Artesia, N. M., Advocate print, 1938.) 8p.

*Educational survey board.*

Established in 1947 to survey the educational needs and facilities of the state and to study all problems concerning the educational program and problems and to report to the 19th legislature concerning their findings and recommendations; dissolved in 1949.

Public education in New Mexico. Nashville, Tenn., Division of Surveys and Field Services, George Peabody College for Teachers (1948), 420p.

Public education in New Mexico; digest of the report of the New Mexico Educational Survey Board. Nashville, Tenn., Division of Surveys and Field Services, George Peabody College for Teachers (1948), 78p.

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*Electrical administration board of New Mexico.*

Created in 1939; employes inspectors, makes rules and regulations adopted from the National Electrical code.

Directory of electrical contractors . . . Albuquerque, 1948—

Jan. 1, 1948 8p.

Jan. 1, 1949 8p.

Electrical law, pub. under authority of chap. 192 and chap. 201, New Mexico Laws of 1939 and 1941 . . . (Albuquerque) 1946, 19p.

Electrical law . . . (Albuquerque) 1946—

1946 360p. (Bound with National electrical code)

1946 9p.

1947 8p.

on cover: Electrical code.

*Elephant Butte irrigation district.*

Organized Aug. 1917; operating under Irrigation district code passed by the 1919 legislature chap. 20 as amended by chap. 39, session laws of 1921.

Annual report for the calendar year . . . Las Cruces, 1920—  
1920 167p. v. 1 (H. H. Brook)

1922 83p. v. 2 (H. H. Brook)

Handbook of information of Elephant Butte irrigation district. Report of the president, H. H. Brook, for the calendar year 1920. Las Cruces, Printed by Rio Grande republic (1921?) 166 (i.e. 167p.) (1st report)

International aspects of the Rio Grande project; H. H. Brook. Las Cruces, 1922. 108p.

*Employer relations institute.*

Proceedings. v. 1. April 19-22, 1948. Albuquerque, Employment security commission of New Mexico, New Mexico state employment service, affiliated with the U. S. Employment service, Albuquerque, 1948. 95p. mimeo.

Held in cooperation with the University of New Mexico.

*Employment security commission.*

Created in 1936; administers the unemployment compensation law and serves as a free state employment service.

Annual report

1937 31p. v. 1 (C. P. Anderson)

1938 39p. v. 2 (R. L. Cook)

1939 49p. v. 3 (R. L. Cook)

1940 35p. v. 4 (R. L. Cook)

1941 40p. v. 5 (B. D. Luchini)

1942 31p. v. 6 (B. D. Luchini)

1943 34p. v. 7 (B. D. Luchini)

1944 46p. v. 8 (B. D. Luchini)

1945 46p. v. 9 (B. D. Luchini)

1946 38p. v.10 (B. D. Luchini)

1947 42p. v.11 (B. D. Luchini)

1948 46p. v.12 (B. D. Luchini)

The report is for the calendar year.

1937 has title: Report.

Farm placement in New Mexico. Albuquerque, State employment service, 1949. 12, (21)p. (affiliated with U.S. Employment service.)

The guaranteed annual wage. (Albuquerque, 1945) 7 numb. leaves processed. Reprint from the April-May, 1945, issue of the N. M. Employment security review.

Hombres y trabajos "Men and jobs." N. M. state employment service, affiliated with U. S. Employment service. v.1 no.1 Jan./Mar., 1939. Albuquerque, 1939) 35 leaves.



Reproduced from typewritten copy.

No more published.

Monthly bulletin. v.1-date. Albuquerque, June, 1938-date.

Typed: June 1938-June 1941; mimeo. July 1941-date.

Title varies: Statistical report, 1938-1946; Monthly bulletin, 1947.

Unemployment compensation commission of New Mexico . . . unemployment compensation law, adopted by the New Mexico legislative, special session of 1936 as amended by chap. 129 Laws of 1937; and as amended by chap. 175, Laws of 1939. (Santa Fe, 1939) n.p.n.d. 79p.

Unemployment compensation law passed by the 12th legislature of the state of New Mexico in special session. n.p. 1936. 32p.

Unemployment compensation law of New Mexico including amendments by the 1943 New Mexico legislature . . . Rules and regulations of the Employment security commission of New Mexico. n.p.n.d. 90p.

Unemployment compensation law of New Mexico, including amendments by the 1947 New Mexico legislature; administered by the Employment security commission of New Mexico. Rules and regulations of the Employment security commission; related federal laws. (Albuquerque, 1947) 116p.

Unemployment law of New Mexico, including amendments by the 1947 New Mexico legislature . . . Rules and regulations of the Employment security commission; related federal laws. (Albuquerque, 1949) 120p.

### *Engineer department.*

Established in 1905 to conserve, regulate the use and distribution of the waters of the state.

Report of the territorial engineer to the governor of N. M. for the year ending June 30, 1907, and the irrigation law of 1907. Santa Fe, 1907. 43p.

First biennial report of the Territorial engineer . . . including water supply; 1907-08. Albuquerque, Albuquerque morning journal, 1908. 67, 38p.

Includes Bulletin no. 3 "Records of New Mexico water supply to October, 1908. 38p.

Second biennial report of the Territorial engineer . . . including irrigation, water supply, good roads, Carey act; 1909-1910. Santa Fe, New Mexican printing company, 1910. 188, 69p.

Includes Water supply records from September 1908 to October 1910. V. L. Sullivan. Territorial engineer.

No report printed for 1910/12.

**Bulletin**

- no. 1
- no. 2 Articles on irrigation in competition for trophy cup offered by Vernon L. Sullivan. (Santa Fe) 1908. 46p.
- no. 3 Records of New Mexico water supply to October, 1908. (Albuquerque) 1908. 38p. (in 1st Biennial report.)
- no. 4 Water supply records from Sept. 1908 to Oct. 1910 (in 2nd Biennial report) 69p.
- no. 5 Morgan, A. M. Geology and shallow water resources of the Roswell artesian basin. Santa Fe, 1938. 95p. Reprinted from 1934/38 Report p.155-249.

**Biennial Report**

- \*July 12, 1912-Dec. 1, 1914 120p. v.1 (J. A. French) 1-2 fiscal yrs.
- Dec. 1, 1914-Nov. 30, 1916 103p. v.2 (J. A. French) 3-4 fiscal yrs.
- Dec. 1, 1916-Nov. 30, 1918 175p. v.3 (J. A. French) 5-6th fiscal yrs.
- Dec. 1, 1918-Nov. 30, 1920 108p. v.4 (L. A. Gillett) 7-8th fiscal yrs.
- Dec. 1, 1920-Nov. 30, 1922 77p. v.5 (C. A. May) 9-10th fiscal yrs.
- Dec. 1, 1922-Nov. 30, 1924 214p. v.6 (J. A. French) 11-12 fiscal yrs.
- Dec. 1, 1924-June 30, 1926 155p. v.7 (G. M. Neel) 13-14th fiscal yrs.
- July 1, 1926-June 30, 1928 343p. v.8 (H. W. Yeo) 15-16th fiscal yrs.
- July 1, 1928-June 30, 1930 423p. v.9 (H. W. Yeo) 17-18th fiscal yrs.
- July 1, 1930-June 30, 1932 351p. v.10 (G. M. Neel) 19-20th fiscal yrs.
- July 1, 1932-June 30, 1934 270p. v.11 (T.M.McClure) 21-22 fiscal yrs.
- July 1, 1934-June 30, 1938 295p. v.12-13 (T. M. McClure) 23-26th fiscal yrs.
- July 1, 1938-June 30, 1942 v.14-15 (T. M. McClure) 27-31st fiscal yrs. in press.

Manual of rules and regulations for proceedings before the State engineer under the laws affecting surface waters of the state of New Mexico; revised April, 1941. Santa Fe, n.d. 35p.

Manual of revised rules, regulations and requirements for filing claims to water rights under laws of 1907 as amended, James A. French, state engineer. In force after June 14, 1913. Santa Fe, (1913). 15p.

Manual of revised rules, regulations and requirements for filing claims to water rights under laws of 1907 as amended . . . in force April 14, 1915. Santa Fe, (1915), 15p.

Manual of revised rules, regulations, requirements and instructions under laws affecting public waters. In effect May 1, 1918. Albuquerque, n.d. 6, 28p.

Report on drainage investigation, Middle Rio Grande valley, New Mexico. Albuquerque, n.d. 23p.

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\*The first report, covering the period from July 12, 1912, to Dec. 1, 1914, relates to the supervision of the work delegated to the State highway commission from the time it superseded the Territorial road commission, Sept. 8, 1912, as well as the work of the state engineer. Continuation of the territorial reports.

- Report on the possibilities of irrigation and power development on the Gila and San Francisco rivers in New Mexico. Herbert W. Yeo, state engineer. 1927. v.p. (mimeo.)
- Surface water supply of New Mexico. 1911-12--1930-31. Albuquerque, 1913-1932. 14v.
- 1911-12 246p. (J. A. French)
  - 1913 216p. (J. A. French)
  - 1914 151p. (J. A. French)
  - 1915 149p. (J. A. French)
  - 1916 146p. (J. A. French)
  - 1917 153p. (J. A. French)
  - 1918 149p. (J. A. French)
- Jan. 1, 1919-Sept. 30, 1920 184p. (L. A. Gillett)
- Oct. 1, 1921-Sept. 30, 1922 172p. (C. A. May)
- Jan. 1. 1923-Dec. 31. 1924 p.39-214 (J. A. French) in 6th Biennial Report
- Jan. 1, 1926-Dec. 31, 1927 248p. (H. W. Yeo)
- Jan. 1, 1928-Dec. 31, 1929 248p. (H. W. Yeo)
- Jan. 1, 1930-Dec. 31, 1931 251p. (G. M. Neel)
- A report of hydrographic work carried on in cooperation with the ~~Water-resources branch of the U. S. Geological survey.~~
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- Not published since 1931 since the data is now included in the Water supply papers of the U. S. Geological survey.
- In addition to the above series, the first and second biennial reports of the Territorial engineer contain the result for the years 1907-1908 and 1909-1910.
- Title varies: 1911-12-1913, Report on the surface water supply of New Mexico.
- Rio Grande compact. Santa Fe (1939) 30p.
- Road laws of New Mexico. 1914. 47p. (E. & S.)
- Rules; regulations, requirements and instructions. In effect July 1st, 1927. Herbert W. Yeo, state engineer. Santa Fe, 1927. 23p.
- Supplementary rules and regulations approved by the state engineer and Board of commissioners of Pecos valley Artesian conservancy district regarding enforcement of certain laws now in existence, pertaining to regulation of wells in Pecos valley Artesian conservancy district. n.p.n.d. lp. (mimeo)
- Surface water supply of New Mexico, 1888-1917. James A. French, state engineer. (Albuquerque, Albright & Anderson, 1918?) 227p. Printed and edited under the direction of Robt. L. Cooper.
- Surface water supply of New Mexico, 1888-1925. Geo. M. Neel, state engineer. (Santa Fe, 1926) 373p.
- Chap. 126 of the Session laws of 1941; fifteenth State legislature of N. M. amending, revising and repealing certain sections of chap.

151, N. M. statutes, 1929 compilation, being the general law regarding the appropriation of surface waters of the State of N. M. Santa Fe, n.d. 13p.

*Federal music project. New Mexico.*

Spanish American dance tunes of New Mexico. Washington, Federal works agency, Works progress administration, 1942. 36p. (unit no. 4) mimeo.

Spanish American folk songs of New Mexico. Washington, Federal works agency, Works progress administration, 1936, 1940. 3v. mimeo. With music.

No. 3 has title: Spanish American singing games; rev. 1940. 27p.

*Federal writers' project. New Mexico.*

Calendar of annual events in New Mexico; comp. and written by Federal writers project; illus. by Federal art project of New Mexico, 1937, W.P.A., sponsored by Santa Fe civic league and Chamber of commerce. (Santa Fe, 1937) 32p. (American guide series)

Over the Turquoise trail; comp. by the workers of the Federal writers' project of the W.P.A. of New Mexico. v.1 no. 1 Santa Fe (1937) 40p. (American guide series)

*Historical records survey. New Mexico.*

The work of this project consisted of locating, arranging and cataloging historical records, of preparing and publishing inventories and of transcribing, photographing or otherwise preserving records of special historical value.

Directory of churches and religious organizations in New Mexico, 1940. University of New Mexico, sponsor. Albuquerque, N. M. Historical records survey, 1940. 385p.

Guide to public vital statistics records in New Mexico. Prepared by the N. M. Historical records survey, Division of community service programs, Works projects administration. Sponsored by the University of New Mexico. Albuquerque, N. M. Historical records survey, 1942, v.p.

Index to Final report of investigations among the Indians of the Southwestern United States, by A. F. Bandelier . . . Albuquerque, New Mexico, historical records survey, 1942. 86p.

Inventory of the county archives of New Mexico. Prepared by the Historical records survey, Division of Women's and professional proj-

ects, Works progress administration. Albuquerque, The Historical records survey, 1937-1942.

- no. 1 Bernalillo county. Albuquerque, 1938. 255p.
- no. 4 Colfax county. Albuquerque, 1937. 94p.
- no. 7 Dona Ana county. Albuquerque, 1940. 261p.
- no. 8 Eddy county. Albuquerque, 1939. 213p.
- no. 9 Grant county. Albuquerque, 1941. 344p.
- no. 12 Hidalgo county. Albuquerque, 1941. 192p.
- no. 15 Luna county. Albuquerque, 1942. 306p.
- no. 17 Mora county. Albuquerque, 1941. 282p.
- no. 18 Otero county. Albuquerque, 1939. 202p.
- no. 23 Sandoval county. Albuquerque, 1939. 180p.
- no. 24 San Miguel county. Albuquerque, 1941. 267p.
- no. 26 Sierra county. Albuquerque, 1942. 272p.
- no. 29 Tarrant county. Albuquerque, 1939. 181p.
- no. 30 Union county. Albuquerque, 1940. 202p.
- no. 31 Valencia county. Albuquerque, 1940. 236p.

Inventory of federal archives in the states. Prepared by the Federal archives unit of the New Mexico Historical records survey. Division of professional and service projects. Works project administration. University of New Mexico, sponsor. The National archives co-operating sponsor. Albuquerque, Historical records survey, 1940-41.

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- Ser. I The farm credit administration no. 30
  - Ser. II The federal courts no. 30 1941 14p.
  - Ser. III The department of the treasury no. 30 1941 41p.
  - Ser. IV The department of war no. 30 1940 13p.
  - Ser. V The department of justice no. 30 1940 18p.
  - Ser. VII The department of navy no. 30 1940 7p.
  - Ser. XII Veterans administration no. 30 1940 40p.
  - Ser. XIII Civil works administration no. 30 1940 10p.

#### *Insurance department.*

Created in 1905; previous reports were issued by the Insurance department of the Auditor's office. The first insurance law was passed in 1882. Under art. 11 of the constitution of New Mexico, the State corporation commission had full power and authority over insurance companies; in 1921 the legislature repealed the established Insurance department and placed all the powers and duties prescribed by the 1905 law in the State bank examiner; in 1925 the legislature created a Department of insurance within the Corporation commission; in 1947 the legislature created the

State insurance board. The superintendent of insurance is charged with the execution of laws affecting the regulation and supervision of insurance companies authorized to transact insurance within the state.

Report showing the New Mexico business of all insurance companies transacting business in New Mexico during the year . . . . Santa Fe, 1888-1906.

1888

1889 p.43-44 Auditor's report

1890 1 leaf

1891 1 leaf (Demetrio Perez)

1892 1 leaf (Demetrio Perez)

1893 1 leaf (Demetrio Perez)

1894 1 leaf (Marcelino Garcia)

1895 (4) p. (Marcelino Garcia)

1896 (4) p. (Marcelino Garcia)

1897 (4) p. (Marcelino Garcia)

1898

1899 (4) p. (L. M. Ortiz)

1900 (4) p. (L. M. Ortiz)

1901 (4) p. (W. G. Sargent)

1902 (4) p. (W. G. Sargent)

1903 (6) p. (W. G. Sargent)

1904 (4) p. (Pedro Perea)

1905 (6) p. (J. H. Sloan)

1906 (6) p. (Jacobo Chavez)

Title varies: 1888-1894, Statement showing the business done in New Mexico by life and miscellaneous insurance companies.

Report of the superintendent of insurance. . . Santa Fe, 1906-1911.

1906 16p. (J. H. Sloan)

in message of H. J. Hagerman to the 37th legislative assembly  
Jan. 21, 1907. 16p. Exhibit 12

\*1907 22p. v.3 (Jacobo Chavez)

1908-09 27p. v.4-5 (Jacobo Chavez)

1910 25p. v.6 (Jacobo Chavez)

1909-11 16p. (Jacobo Chavez)

\*\*1911 24 (5)p. (Jacobo Chavez)

Annual report of the insurance department of the State corporation commission . . . Santa Fe, 1913—

1912 69p. (Jacobo Chavez)

1913 77p. (Jacobo Chavez)

1914 69p. (Jacobo Chavez)

\* 1907 has title: Third annual report showing business transacted by all insurance companies authorized to transact business in New Mexico during the year.

\*\*Includes reports for 1909, 1910, 1911.

- 1915 86p. (Jacobo Chavez)  
 1916 76p. (Jacobo Chavez)  
 1917 (8)p. (Cleofes Romero)  
 1918 (8)p. (Cleofes Romero)  
 1919 (16)p. (Remigio Mirabal)  
 1920 (18)p. (Remigio Mirabal)  
 1921 (15)p. (P. J. Lineau)  
 1922 (23)p. (P. J. Lineau)  
 1923 (27)p. (W. B. Wagner)  
 1924 (36)p. (W. B. Wagner)  
 1925 (32)p. (W. B. Wagner)  
 1926 (34)p. (W. B. Wagner)  
 1927 (38)p. (H. H. Delgado)  
 1928 (39)p. (J. H. Vaughn)  
 1929 39p. (J. H. Vaughn)  
 1930 39p. (J. H. Vaughn)  
 1931 37p. (Max Fernandez)  
 1932 39p. (Alfonso Alguilar)  
 1933 39p. (Alfonso Alguilar)  
 1934 39p. (G. M. Biel)  
 1935 86p. (G. M. Biel)  
 1936-37-88, (2)p. v.12-13 (G. M. Biel)  
 1938 59, (2)p. v.14 (G. M. Biel)  
 1939-40 61p. v.15-16 (R. F. Apodaca)  
 1941 51p. v.17 (R. F. Apodaca)  
 1942 54p. v.18 (R. F. Apodaca)  
 1943 63p. v.19 (R. F. Apodaca)  
 1944 69p. v.20 (A. F. Apodaca)  
 Title varies slightly: 1912-1926 called Report.

#### Bulletin

- no.1-7 not found  
 no. 8 Fire prevention day Oct. 9, 1911; proclamation by governor dated Oct. 3, 1911. (3)p.  
 Fire prevention and forest protection in New Mexico. (Santa Fe) n.d. 15p.  
 Group insurance for employees of the state of New Mexico. . . n.p.n.d.  
 Insurance laws of the territory of N. M. passed at the 25th session of the Legislative assembly, 1882. Approved Feb. 18, 1882. Santa Fe, Greene, 1882. 18p.  
 Insurance laws of the territory of New Mexico passed at the 25th and 26th session of the Legislative assembly, 1882 and 1884. Topeka, Kansas, Crane, 1884. 18p.  
 Insurance laws of the territory of New Mexico. Santa Fe, New Mexican printing co., 1897. 19p.  
 Insurance laws of the territory of New Mexico . . . Santa Fe, 1903.

- Insurance laws of the territory of New Mexico; comp. March 20, 1905, under the direction of J. H. Sloan . . . Santa Fe, New Mexican printing co., 1906. 32p.
- Insurance laws of the territory of New Mexico; comp. 1909, Jacob Chavez, superintendent of insurance. Santa Fe, New Mexican printing co., 1909. 45p.
- Insurance laws of New Mexico, containing all the enactments to date, together with extracts from the opinion of the attorney general, specifying the duties of the State corporation commission thereunder. April, 1913 . . . (Santa Fe, 1913) 54p.
- Insurance laws of the state of New Mexico; containing all of the enactments to date; Cleofes Romero, superintendent of insurance. Santa Fe, State record print, 1918. 70p.
- Insurance laws of the State of New Mexico; containing all of the enactments to date; published by the State bank examiner, Insurance department. Santa Fe, 1921. 91p.
- Insurance laws of the state of New Mexico, containing all the enactments to date. . . Dec. 1923. Aztec (1923) 95p.
- Insurance laws of the state of New Mexico. Santa Fe, 1925. 86p.
- Insurance laws of the state of New Mexico passed by the 6th regular session of the Legislature of New Mexico. . . (Santa Fe, 1923) (8)p.
- Insurance laws of the state of New Mexico; pub. by the State corporation commission, Insurance department. Santa Fe, 1927. 67p.
- Insurance laws of the state of New Mexico; pub. by the State corporation commission, Insurance department. Santa Fe, 1931. 62p.
- Insurance laws of the state of New Mexico; pub. by the State corporation commission, Insurance department. Santa Fe, 1934. 69p.
- Insurance laws of the state of New Mexico, including Session laws of 1941. State corporation commission, Don R. Casados, chairman. . . R. F. Apodaca, superintendent of insurance. (Santa Fe) 1941. 110p.
- New Mexico insurance laws regulating agents. . . Albuquerque, n.d. 4p.
- A study of insurance rates and practices of insurance companies and state control of insurance rates, including legislative proposals. Santa Fe, 1947. 69p.

*Interstate oil compact commission. New Mexico.*

Act was passed in 1935 authorizing an interstate agreement to conserve oil and gas.

Report of the New Mexico representative, Hiram H. Dow, Roswell, 1938. 41p.



Transcript of proceedings. July 12-13, 1937. 57p. mimeo.

*Irrigation engineer.*

Created 1897 to promote irrigation development and conserve the waters of the state; abolished in 1907.

Condicion presente de irrigacion y abastecimiento de Agua en Nuevo Mejico. Informe a la comision de irrigacion y derechos de Agua de Nuevo Mejico por P. E. Harroun, Ingeniero civil, Albuquerque, 1898. p. 23-80.

At head of title: Informe del ingeniero.

Bound with Informe de la comision de irrigacion.

Report

1897—Dec. 15, 1898 (Antonio Joseph, pres. J. E. Saint, sec.) in Council and House Journal, 1899. "Exhibit D" p. 111-180. in Message of M. A. Otero to the 33d Legislative assembly. Jan. 16, 1899. "Exhibit D" p. 111-180.

1899—Dec. 15, 1900 (G. A. Richardson, pres., L. A. Hughes, sec.) in Message of M. A. Otero to the 34th Legislative assembly. Jan. 21, 1901. Exhibit "E" p-141-145.

1901—Nov. 30, 1902 (G. A. Richardson, pres., G. W. Knaebel, sec.) in Message of M. A. Otero to the 35th Legislative assembly. Jan. 19, 1903. Exhibit "G" 7p.

Dec. 20, 1902—Nov. 30, 1904 (Arthur Seligman, sec.) in Message of M. A. Otero to the 36th Legislative assembly. Jan. 16, 1905. Exhibit "G" 6p.

April 18, 1905—Jan. 1, 1907 (D. M. White) in Message of H. J. Hagerman to the 37th Legislative assembly. Jan. 21, 1907. 13p. Exhibit 13.

Corporate entry varies:

1899 Commission of irrigation and water rights.

1900 Commission of irrigation.

1902-04 Irrigation commission.

1905-07 Irrigation engineer.

Informe de la comision de irrigacion y derechos de agua Diciembre 15, 1898. Santa Fe, Compania impresora del Nuevo Mexicano, 1899. 80p.

*Labor and industrial commission.*

Established in 1931 to enforce the labor laws.

Annual report

July 1, 1939—June 30, 1940 unpub. (v.10) (V. J. Jaeger) mimeo.

- July 1, 1940-June 30, 1941 39p. (v.11) (V. J. Jaeger) mimeo.  
 July 1, 1941-June 30, 1942 8p. (v.12) (R. J. Doughtie) mimeo.  
 July 1, 1942-June 30, 1943 unp. (v.13) (R. J. Doughtie) mimeo.  
 July 1, 1943-June 30, 1944 26p. v.14 (R. J. Doughtie)  
 July 1, 1944-June 30, 1945 28p. v.15 (A. E. Joiner)  
 July 1, 1945-June 30, 1946 29p. v.16 (A. E. Joiner)  
 July 1, 1946-June 30, 1947 31p. v.17 (A. E. Joiner)  
 July 1, 1947-June 30, 1948 31p. v.18 (A. E. Joiner)
- An act providing for compensation of workmen. n.p.n.d. unp.  
 (Session laws of 1917. chap. 83)
- Constitution and by-laws . . . 1938-39. Santa Fe (1938?) 19p.
- Labor laws and other miscellaneous legislation relating to the State labor and industrial commission; comp. and pub. under the supervision of F. Charles Davis, state labor commissioner. Santa Fe, 1938. 70p.
- Labor and miscellaneous legislation relating to the State labor and industrial commission; pub. under the supervision of Robert J. Doughtie, state labor commissioner. Santa Fe, 1944. 96p.
- Labor laws and miscellaneous legislation relating to the State labor and industrial commission; pub. under the supervision of Ebenezer Jones, assistant labor commissioner, approved by Alda E. Joiner, labor commissioner. (Santa Fe) 1945. 135p.
- Labor laws; Workmen's compensation act and other miscellaneous legislation relating to the State labor and industrial commission; comp. and pub. under the supervision of Ralph E. Davy, state labor commissioner. Santa Fe, 1934. 92p.
- Labor laws; Workmen's compensation act and other miscellaneous legislation relating to the State labor and industrial commission; comp. and pub. under the supervision of F. Charles Davis, state labor commissioner. Santa Fe, 1936. 82p.
- New Mexico labor laws; Workmen's compensation act, Occupational disease disablement law, Labor commissioner act and miscellaneous legislation relating to the State labor and industrial commission; pub. under the supervision of Ebenezer Jones, assistant labor commissioner, approved by Alda E. Joiner, labor commissioner. (Santa Fe) 1949. 130p.
- Special labor laws and miscellaneous legislation relating to the State labor and industrial commission. Santa Fe (1931?) 112p.
- Workmen's compensation act . . . pub. under supervision of Ralph E. Davy, state labor commissioner. Santa Fe, 1934. 27p.
- Workmen's compensation act and labor commissioner act . . . published under the supervision of F. Charles Davis, state labor commissioner. Santa Fe, 1937. 40p.
- Workmen's compensation act and labor commissioner act . . . pub-

lished under the supervision of Robert J. Doughtie, state labor commissioner. Santa Fe, 1943. 40p.

Workmen's compensation act; occupational disease disablement law and labor commissioner act . . . pub. under the supervision of Ebenezer Jones, assistant labor commissioner; approved by Alda E. Joiner, labor commissioner. Santa Fe, 1945. 66p.

Workmen's compensation act; Occupational disease disablement law and labor commissioner act . . . published under the supervision of Ebenezer Jones, assistant labor commissioner, approved by Alda E. Joiner. Santa Fe, 1947. 63p.

Workmen's compensation laws . . . Santa Fe, 1927. 24p.

Workmen's compensation laws . . . Santa Fe, 1929. 31p.

### *Law Library.*

Established in 1851, had its origin in a Congressional appropriation of \$5,000 in Sept. 1850. The first books were bought in Washington, brought over the Santa Fe trail to Santa Fe in 1851. In the beginning the territorial secretary was the first territorial librarian; the second legislative assembly, 1852-53, separated the library from the secretary's office and provided for the appointment of a territorial librarian; office was vacant from 1857-69. In 1912 Gov. McDonald appointed W. T. Thornton as librarian claiming at the time that no woman could hold a state office. Court proceedings were brought and the decision was against the Governor's ruling; now under the control of the Supreme court.

### Report

1882-83 (Samuel Ellison) (E&S)

in Informes Oficiales, 1882/83 p. 29-57.

1887-88. 5p. (Samuel Ellison)

1897-98 (Jose Segura)

in Message of M. A. Otero to the 33d Legislative Assembly Jan. 16, 1899. Exhibit "G" p. 192-194.

in Council and House Journals, 1899. Exhibit "G" p. 192-194.

1899-1900. (L. Emmett)

in Message of M. A. Otero to the 34th Legislative Assembly Jan. 21, 1901. Exhibit "I" p. 277-282.

1901-Nov. 30, 1902 (L. Emmett)

in Message of M. A. Otero to the 35th Legislative Assembly Jan. 19, 1903. Exhibit "L" 4p.

- 1903-Dec. 31, 1904. (L. Emmett)  
 in Message of M. A. Otero to the 36th Legislative Assembly  
 Jan. 16, 1905. Exhibit "L" 6p.
- 1905-Dec. 31, 1906. (Anita J. Chapman)  
 in Message of H. J. Hagerman to the 37th Legislative Assembly  
 Jan. 21, 1907. Exhibit 17. 8p.

Reporte bienal de el librero territorial de Nuevo Mexico; por los anos  
 1887 y 1888. Santa Fe, New Mexican printing co., 1890. 5p.

*Legislative reference bureau.*

Created in 1937 to provide impartial and accurate information, reports and digests showing practices of other states and nations, to furnish expert bill drafting service and adequate staff facilities; discontinued in 1941.

First report to the 14th legislature. (Judge T. W. Neal, director)

*Merit system council.*

Created in 1940 in accordance with provisions of the Federal social security act as amended in 1939. The agencies participating in the Merit system are: N. M. Department of public welfare, N. M. Department of public health and the Employment security commission; the major duties are the preparation and administration of examinations, the certification of eligibles from appropriate registers when vacancies arise, the review of payrolls to determine that appointments are made in accordance with the regulations, and recruitment to interest qualified persons.

Annual report

- 1942 17p. (T. S. Muir) mimeo.  
 1943 14p. (T. S. Muir) mimeo.  
 1944 23p. (C. L. Rose) mimeo.  
 1945 2 (21)p. (E. K. Berchtold) mimeo.  
 1946 3 (29)p. (E. K. Berchtold) mimeo.  
 1947 4 (26)p. (E. K. Berchtold) mimeo.  
 1948 (19) 3p. (E. K. Berchtold) mimeo.

Report is for the calendar year.

On cover, 1942-1945: N. M. Merit system council representing  
 N. M. Department of public welfare, N. M. Department of public  
 health and Employment security commission of New Mexico.

Classification plan for the public service of the state of New Mexico

and the political subdivisions thereof. Albuquerque, 1940. 178p. mimeo.

Merit system in New Mexico. (Santa Fe, 1945) 15p.

The merit system in New Mexico. (Santa Fe, 1949) 10p.

The New Mexico civil service merit system plan for federal aid agencies under the authority of the Merit system council . . . Albuquerque, n.d. 8p.

The New Mexico merit system . . . (Santa Fe, n.d.) 6p.

*(To be continued)*

## Book Reviews

*The Indians of the Southwest: A Century of Development Under the United States.* Edward Everett Dale. Norman: University of Oklahoma Press. 1949. Pp. xvi, 283. \$4.00.

The colorful Indians of the great Southwest at last have their historian—a recognized authority, Dr. Edward Everett Dale of the University of Oklahoma. Dr. Dale began an intimate study of the Southwestern tribes in 1926, when he served as a member of the Meriam Commission of the Institute for Government Research. His further study of these tribes, intensified by a grant from the Henry E. Huntington Library in 1944, has resulted in a “broad general survey of the more important aspects of one hundred years of Indian administration in the Southwest.” The tribes studied are limited to those who live in the present states of New Mexico, Colorado, Utah, Nevada, California and Arizona, essentially the territory of the “Mexican Cession” of 1848.

Dr. Dale sets an extraordinarily formidable task for himself in attempting a synthesis of the federal relations with the Indians of the Southwest. In his preface, after stating that he plans to give “special emphasis” to activities of “permanent value,” he further informs us that his “chief purpose . . . is to give to the general reader a better understanding of the Southwestern tribes as they are today by tracing briefly the story of the events which have helped to create present conditions.” He also hopes to give scholars a background of information “for the preparation of more detailed studies touching the Indians of this area.” Even with the aid of only a few such needed studies he has succeeded well. A great part of this study, it should be noted, is based on original research in primary sources.

In the first chapter of the book he discusses succinctly and brilliantly the general problem of Indian administration and its historical background. The second chapter is mainly a discussion of ethnological and geographic factors, sufficiently thorough to establish the immensity of the problem of Indian management in the vast Southwest.

Chapters 3-10 are largely chronological in nature, and in them he traces the story of federal relations from 1848 to early in the present century. In these chapters he penetrates deeply into the bedrock of the problems of Indian administration, and makes clear the almost insuperable difficulties caused by the diversity of tribes, the bureaucratic conflicts between the military and civilian officers, the chronic lack of funds and efficient personnel, the impossibility of effective transportation and communication, the hatreds and selfishness of the frontier white population and the general cussedness of the Indians themselves. In this tangled web of human and physical complexities he threads his way through the story with unusual skill, and arrives at conclusions particularly dispassionate for a student of Indian affairs.

The last part of the book, chapters 11-15, is essentially topical. The reviewer is of the opinion that Dr. Dale is at his best in these chapters; they show more originality, a greater personal interest and a heartening optimism for the future of the Indians. By an adequate discussion and an analysis of the agent and his work, the education of the Indians, their health and hygiene, and the current problems of Indian administration he effectively brings the subject up to the present time.

The merits of this book are many; the shortcomings are few. However, in having to deal with so many tribes and reservations and such a multiplicity of officials, the general mosaic naturally assumes in some instances a slight monotony. But there is no question that both the specialist and the general reader will find the book highly interesting throughout.

Mistakes are few in number. On page 70, it is implied that Arizona in 1857 existed as a territory with a territorial governor who acted as the superintendent of Indian affairs. Although its name was in common use, Arizona was not constituted a territory until 1863. Also, on page 98, Arizona is credited as being a state in 1871. Statehood, however, was not attained until 1912. Agent John P. Clum is given credit on page 104 for what appears to be a *complete* removal

in 1875 of all the Indians at the Fort Apache, while on page 127 the same removal is correctly stated to be *incomplete*. There was no organization such as the Arizona National Guard in 1877, as given on page 106. H. Bennett, referred to on page 126, was meant to be Dr. Herman Bendell. And in the case of General Crook's name, written George F. Crook on page 63, there was neither a middle name nor an initial. Obviously, errors such as the ones cited are trivial and might well remain unmentioned.

The limitations of the book, few as they are, are not due to dereliction on the part of the author. They are inherent in so vast a panorama. In the opinion of this reviewer his book will long stand as the authority in its field.

In conclusion, attention must be called to the valuable photographs, the generous bibliography, the excellent index, the useful maps and the attractive format of the book. All of these factors greatly enhance the value of this splendid volume. It is indeed a worthy addition to the University of Oklahoma Press's great Civilization of the American Indian Series.

R. H. OGLE

Phoenix Union High Schools  
and Phoenix College

*Oil! Titan of the Southwest.* Carl Coke Rister. Norman: University of Oklahoma Press, 1949. Pp. xxiii, 467. \$5.00.

Professor Rister's thesis is all-embracing: Oil is the life-blood of the nation, and, as of 1947, the Southwest has been producing 70% of the nation's oil. Still, although the value of Southwestern "petroleum and petroleum products during 1948 alone . . . [was] greater than all the gold and silver mined in the United States since early colonial days," historians have neglected the oil industry's rise in the Southwest. This volume goes far to balance the historical deficiency, for it is the saga of Southwestern oil from copé the Spanish discovered on Gulf coast inlets to the mammoth refineries of present-day Port Arthur.

Research needs for such an ambitious project were



prodigious; the author travelled no less than thirty-five thousand miles to gather his sources. His investigations in the National Archives (especially in the records of the Bureau of Mines, the United States Geological Survey, the Office of Indian Affairs, the Federal Oil Conservation Board, the United States Fuel Administration, and the Petroleum Administration for War) might be cited as a model use of collections in our great national depository. State and county documents searched include everything from statutes to deeds. Trade journals and newspaper files received a thorough combing, as did the technological literature of oil geology and engineering. Of unique value are the manuscript letters and monographs from private collections. Personal interviews with oil men filled in the interstices. Standard Oil Company of New Jersey underwrote the expenses by a research grant to the University of Oklahoma Foundation.

Most of the book is a scholarly description of the successively developing Southwestern oil fields: the early Nacogdoches operations, "Choctaw-Chickasaw" operations, the Bartlesville well (1897), the Paola oil springs, the Neodesha field, Corsicana, Spindletop, Jennings, Red Fork, Caddo, Burkburnett, Cushing, Ranger, Desdemona, Mexia, Burbank, Smackover, Humble, Oklahoma City, Permian Basin, Panhandle, East Texas, Hobbs, and many others. The discovery, production, transportation, leasing, and storage problems of each have been examined with monotonous attention to detail. Flashes of colorful writing, however, do appear, as, for example, a description of the Greater Seminole boom towns.

Anyone but the technically informed will have difficulty with the oilfield jargon: rotary mud, cable tool rigs, Arbuckle formation, Simpson zone, Baumé gravity measurements, chokes, control heads, to mention but a few terms. A glossary offers some aid in this respect. Also there are tables of production for the various fields, and by years. A folding map locates the fields. One of the most interesting chapters discusses the role played by American oil in World War II,

with notice given to the construction of "big inch" and "little inch" pipe lines.

In such a thoroughgoing treatment of oil in the American economy it is difficult to find omissions either of details or essentials. Nevertheless one would perhaps expect to find more on the tidelands controversy. There also is a tendency to minimize the great oil corporations' financing and "interior" organization. To be sure these are considered, but only in footnotes, and in such a manner as to leave certain statements unexplained in the text. (See especially, pp. 40-41)

This work is dedicated to the "early-day oilman, America's greatest industrial pioneer." There is indeed a lusty appreciation of the courage, persistence, and daring of the pioneer adventurers in oil. But Professor Rister is primarily impressed with the progress of the industry from chaos to order. "The petroleum industry," he concludes, "has climbed out of early-day over-production, low markets, and oil-field chaos and waste, into a well-organized and scientifically equipped business." Eugene Holman, president of the Standard Oil Company of New Jersey, receives a notable tribute for his "progressive industrial ideas and his forthright expressions of a belief that business executives should administer their responsibilities with the broad public interests constantly in view." A comparison of the wasteful features—overproduction, offset drilling, devastating fires, escaping gas, sloppy storage in earthen tanks—that plagued the oil pioneers of early days with the constructive influences wrought by oil promotion in more recent times is explicit in this interpretation. The author contends that oil dividends have been moderate, that oil income stays largely in the producing States, and he elucidates his statements with specific illustrations ranging from the University of Texas to the Shamrock Hotel.

Conservation measures, Professor Rister admits, have been influenced by State laws, courts, and administration; but federal conservation received scant praise from him. Rather, he gives most credit for orderly development to

“reasonably circumspect corporate ethics . . .” in the oil industry. Descriptions (in the last chapters) of highly specialized laboratories, labyrinthine refineries of great scale, the increased cost of bringing in deep wells, “heavy equipment investments,” block leasing, expensive marine operations on the Gulf coast, and other characteristics of oil operations in the present Southwest, all would seem to point in the direction of control by a limited number of large corporations. At least these features of recent development cast doubt upon Professor Rister’s prophecy that it is unlikely such an industry “can become monopolistic, as was forecast in Theodore Roosevelt’s day.”

GEORGE WINSTON SMITH

University of New Mexico

*William Blackmore.* Herbert Oliver Brayer. Vol. I: The Spanish-Mexican Land Grants. Pp. 381. Vol II: Early Financing of the Denver & Rio Grande Railway. Pp. 333. Illustrated. Denver, Colorado: Bradford-Robinson, 1949.

A little written-about phase of New Mexico-Colorado history in the 1870’s is given exhaustive treatment by the author after he had spent eight years in research in archives, libraries and family papers in this country and in Europe. It is a scholarly piece of writing centered around William Blackmore, British entrepreneur, counsellor, anthropologist, whose far-flung financial operations punctuated by a tragic end, make a fascinating international chronicle. The extensive Blackmore Collection of documents, lodged in the Library of the New Mexico Historical Society as a gift of Frank Stevens, nephew of William Blackmore and curator of the Blackmore Salisbury & South Wilts Museum, obtained through the intervention of Brayer, and classified and catalogued by him, form the basis for this “Case Study in the economic development of the West.” Mrs. Garnet M. Brayer, wife of the author, spent the better part of a year transcribing the Blackmore diaries, portions of which are in an obscure and archaic shorthand.

In his introductory chapter, Brayer outlines the eco-

nomics of the Rio Grande valley and its tributaries in the sixties and seventies of the last century as shaped by the Spanish-American settlers and at that time differing but slightly from the days of the change in sovereignty from Mexico to the United States. He tells how a coterie of attorneys, most of them in Santa Fe, had obtained control and even ownership of Spanish land grants, these having become the medium for the payment of legal services. However, the native "remained essentially a subsistence farmer, utilizing centuries-old agricultural methods and implements." It was this condition which led Blackmore to undertake in southern Colorado and northern New Mexico his most important operations. Incidentally, he left a permanent mark on American ethnological studies with his collection of Ohio Mound artifacts and other archaeological and anthropological specimens, now in the Blackmore Museum in Salisbury and in the British Museum. He assisted financially the Hayden expedition to the Yellowstone in 1872, supplied part of the funds to equip William H. Jackson, noted pioneer photographer, and Thomas Moran, famous painter of the Grand Canyon. The hundreds of photographs of American Indians collected by Blackmore formed the foundation of the Smithsonian Institution's wealth of western pictures of the days before the railroads had crossed the Rockies. Hayden reported: "The greater portion of the collection is derived from the magnificent liberality of William Blackmore, Esq., of London, England, the eminent anthropologist who has for years studied closely the history, habits, and manners of the North American Indians." Blackmore also was instrumental in aiding George Catlin to preserve his invaluable collection of Indian paintings.

British and Dutch capital was attracted by promoters, such as Blackmore, who had visions of development of mineral, agricultural and livestock resources, and of profit in railroad construction and the laying out of townsites. However, according to Brayer, "Blackmore and his cohorts failed to realize the basic immobility of the country itself . . . It was not an area that could be greatly altered by capital. After a hundred years of exploitation the land grant area

in northern New Mexico and southern Colorado is intrinsically the same as it was when General Kearny seized it from Mexico."

Blackmore was merely 37 years of age on his first visit to the United States early in 1864, when he proposed to the government in Washington, which was hard put financing the Civil War, that he would place in Europe half a billion dollars of five per cent bonds secured by public lands, an acre for each dollar of the issue. The proposal was rejected although at first favorably received. It is on this first visit that Blackmore formed friendships with eminent statesmen, legislators, financiers and military men, some of whom became associated later in his far-flung enterprises.

Blackmore's second visit to the United States occurred in 1868 when he joined an official party inspecting the Union Pacific as far as it had been built in Wyoming. From there, he proceeded to the Mormon capital and studied the unique economy developed by the Church. Before returning to England he made several investments in railroads, lands and mines in the East and "established important contacts in political, financial and industrial circles in America." He had engaged Dr. Ferdinand V. Hayden to make a survey of the Sangre de Cristo Grant, a domain of vast extent in southern Colorado and northern New Mexico, which had been owned by Carlos Beaubien and confirmed to him by Congress in 1860. Lucien Maxwell and his wife, Luz Beaubien, Joseph Pley and James H. Quinn, acquired a three-sixth interest in the Grant. Pley's one-sixth was sold to Ceran St. Vrain for \$1,000, the latter selling for \$20,000 to Col. William Gilpin, who had been governor of Colorado. The Maxwells sold their interest to Gilpin for \$6,000. Beaubien's widow and other heirs received \$15,000 for their portion, so that Gilpin became owner of the Grant, excepting the minor interest of James Quinn, whom he could not locate, for something like four cents an acre. Maxwell, two years later, made a much better bargain in disposing of the Maxwell Grant, the story of which is told by W. A. Keleher in his recently published interesting book, "Maxwell Land Grant."

It was the sale of the Sangre de Cristo Grant to European capital which Blackmore undertook upon his return to England late in 1868. The Colorado Freehold Land and Emigration Company was incorporated in London to purchase the northern half of the Grant designated as the Trinchera Estate, the southern half being named the Costilla Estate, which was conveyed to the United States Freehold and Emigration Company.

Though deeply involved also in floating the bonds of the Denver & Rio Grande Railway in 1871, Blackmore, nevertheless, embarked upon other land and financial enterprises in which purchase and development of the Cebolla, Los Luceros, Mora, Sebastian Martin, Ocate, Agua Negra, Rio Grande, Rio Colorado, Conejos, Ojo del Navajo, Tierra Amarilla, Preston Beck, Cieneguilla, Canyon de Chama and other land grants, covering millions of acres, were promoted. He visited Santa Fe and Taos repeatedly, contacting important political figures such as Elkins, Catron, Holly, Joseph, Brevoort, Clever, Spiegelberg, Houghton, Watts, Wadingham. Blackmore later entertained Elkins and his bride in England, Elkins at that time being president of the First National Bank of Santa Fe, in which Catron, Holly and Watts were also financially interested.

Brayer describes vividly the astounding manipulations, machinations, the multiplication of corporations, the colorful propaganda to dispose of securities and lands to English, Dutch and French investors and colonists, at the same time planning a great educational institution in the Rocky Mountain region which was to engage in scientific research and archaeological exploration. Blackmore's endeavor to find an "intelligent young Englishman" to take over the management of the Sangre de Cristo Grant and other properties, resulted in the selection of his young brother-in-law, Arthur Boyle, who had spent several years as a sheep operator in Australia and had also served as secretary to Sir Charles Johnson Brooks, second white Rajah of Sarawak. Boyle's salary was set at three hundred pounds sterling annually. The youthful manager and his wife arrived in the United States in 1877 and settled on the Sangre

de Cristo Grant east of the San Luis Valley. Blackmore's financial difficulties and entanglements on three continents by that time had become embarrassing. His health broke and on April 12, 1878, when Blackmore was only 51 years, Blackmore's assistant in England reported that he had found "Blackmore slumped over his desk with a bullet in his head." Boyle, deeming his task hopeless, soon thereafter took up his residence in Santa Fe where he gained prominence. There Brayer was given access to Boyle's letters, ledgers, bills and miscellaneous materials by the late R. Veer Boyle, son of Arthur Boyle.

Appendix, bibliography and index add to the importance of Volume 1 as a source for historical study. The illustrations from old photographs, some of them of Santa Fe, add to the interest of the book.

In Volume II, Brayer traces the inception in 1870 of the Denver & Rio Grande Railway which was planned to link Denver and Santa Fe and thence to be built to El Paso into Mexico, Brayer's narrative covering the period to 1878, the year of Blackmore's death. The first papers of incorporation were filed in Santa Fe, providing for capitalization of \$20,000,000. The incorporators included Governor Pile, Joseph G. Palen, Stephen B. Elkins, Thomas B. Catron, John Pratt, General Asa B. Carey, the moving spirit of the enterprise being General William Jackson Palmer, son of Quaker parents. Although only 34 years of age, he had already achieved prominence. Several years before, he had directed a survey of a feasible route from the Rio Grande to the Pacific along the 35th parallel by way of Albuquerque.

In seeking to follow up the various ramifications of these early years of railroad building, Brayer was given "free and complete access to the corporate records of the Denver and Rio Grande Western Railroad Company," the only condition made by Henry Swan and Judge Wilson McCarthy, co-trustees of the railroad, being to "tell the truth—all of it." And what a story of financial prestidigitation it discloses of those pioneer days when companies were organized under various names to finance the building of links of the road,

when townsites were surveyed and bonded, including such eventually successful sites as present day Colorado Springs and Pueblo! In addition to the main line, seven branch routes were planned. The chief problem, of course, was one of finance and the solution had to be sought abroad. The Maxwell Grant, of which General Palmer was president, became the first instrumentality to furnish a credit basis. Wilson Waddingham, one of the then owners of the Grant, subscribed \$50,000 cash and authorized Palmer to sell his Grant stock abroad, for a quarter million or so.

A Colorado corporation, the Denver and Rio Grande Railroad, was now chartered with capital stock of \$2,500,000. It was proposed to create a \$6,500,000 thirty year 7% gold bond issue secured by a mortgage on "a non-existent railroad with non-existent rolling stock and a non-existent right of way" as the author puts it, although the values were later to be realized by the creation of a construction company "pool." Denver, at the head of the proposed line, had a population of 4,759, and Santa Fe, its proposed first terminus 4,765, according to the 1870 census. "Between these contemplated terminals there were some 10,000 widely scattered persons." To lessen the cost of construction and operation it was decided to make the railroad narrow gauge. General Palmer and his bride in England entrusted to William Blackmore the task of placing the bond issue. Blackmore's success in marketing Union Pacific securities and his disposing of a million dollars of bonds of the Costilla Estate to Dutch capitalists had marked him as a financial wizard who would be especially motivated to sell the Denver & Rio Grande bonds by the fact that the proposed narrow gauge road would pass over his land grant holdings and prospects in Colorado and New Mexico. The Union Contract Company was given the contract to build the entire line, 875 miles, from Denver to El Paso, for which it was to receive \$14,000,000 first mortgage 7% gold bonds, \$14,000,000 in capital stock, plus such municipal, county, state and U. S. bonds as might be received in aid of construction, together with lands acquired by the railroad not needed for its fi-



nancing and maintenance. Construction got under way promptly and the site of the future Colorado Springs was reached in what seemed record time, on October 27, 1871.

The vicissitudes met, the difficulties overcome, the colonization systems pioneered, the financing put over, as told by Brayer, make fantastic reading in this day and age. Blackmore kept in close touch with developments including plans for working coal deposits and settlement of the Arkansas Valley. Lands were transferred from one syndicate to another, and various land improvement companies were organized and financed. Pueblo became a boom town in which "building is going on with a rapidity never before known here, and 80 and 100 acre additions are extending the corporate limits," says one newspaper item. Promotion pamphlets described in glowing terms the resources of the country tributary to the railroad and its branches.

Then financial depression struck. A three year grasshopper plague destroyed crops and brought on a complete lack of demand for farm lands. Travel and immigration was curtailed. "When the railway company on April 30, 1877, announced that it was necessary to default the interest due on its bonds on May 1," subsidiary corporations also felt the strain. Blackmore and his associates demanded an accounting, Blackmore's tragic death in 1878 providing only a temporary truce. It was not until 1902, that "thirty years of financial discord and contention" were brought to successful conclusion.

The final chapter under the heading "The End Justifies the Means," reviews the phenomenal growth and development that came to Colorado from 1870 to 1880 and later years. It also speculates on what might have been had the British bondholders gone along with the enterprise to its probable eventual success, instead of forcing it into receivership which for the time being stopped most expansion and development planned by the original builders. Today, the growth and prosperity of the cities, towns and country tributary to the railroad and its branches in Colorado from Denver to the San Luis valley, are a justification of the faith, persistence and daring of the courageous men

who had envisioned the present results of their enterprise three quarters of a century ago, even though some of their desperate methods to achieve their end might not meet with the approval of present day financial ethics, laws and regulations.

As in Volume I, appendices, bibliography and index attest to the workmanlike talents of the author. The two volumes printed in a limited and numbered edition of 500, are attractively bound. As source material on the economics and history of the Southwest they are indispensable to the present day student of the history of the Rocky Mountain region.

P. A. F. W.

*Marshal of the Last Frontier: Life and Services of William Matthew (Bill) Tilghman—for 50 years one of the greatest peace officers of the West.* Zoe A. Tilghman. Glendale, California. Arthur H. Clark Co., 1949. Pp. 406. \$7.50.

Early New England preachers frequently warned their congregations against migrating to the West. They predicted that such a move would have a disastrous effect on the children of the emigrants. The fallacy of such reasoning is shown by the story of Bill Tilghman's career.

Bill spent his early years in Iowa and Kansas, but his parents emigrated from the East—from Maryland. At the age of eight, he became "the man of the family" when his father left the Kansas farm to fight for the Union. At home the boy learned to do the daily tasks, to forgive those who had wronged him, and to control himself. He developed into a man of powerful build and exceptional courage, but was generous and kindly and fond of children. Something in his family history warned him against liquor, and a quiet resolve on his part led him to become known later as "the man who refused a million drinks."

Having taken a profitable part in the slaughter of the buffalo, the experienced young plainsman found himself in the early seventies in southwestern Kansas. Dodge City was just getting started as a gay town where the cowboys turned their charges over to the railroad and went on a spree.

Half the population were gamblers or prostitutes. In such a region where there was little respect for law, Bill might have become a daring outlaw. Balzac, whose knowledge of human nature is said to have been second only to that of Shakespeare, has said that "a crime, in the first instance, is a defect in reasoning power." If the great French novelist was right in this, it seems likely that Tilghman could think as straight as he could shoot. His home life had given him a high standard of personal conduct, while a chance encounter with "Wild Bill" Hickok gave him a hero of whom he talked for weeks. Constant practice in shooting from his hip perfected a quick flick of the wrist and a coordination that made him a dangerous man with a gun.

There was something in his eyes that made wrong-doers pause. Again and again society turned to him as the man to reduce a wild town or region to law and order. He was recognized not only as a picturesque character, but as one of the most noted peace officers of the Southwest. He served two Kansas counties as under-sheriff, then became marshal of Dodge City. When Oklahoma was opened up in the spring of 1889, Bill took part in the spectacular rush of settlers, and staked out a claim at Chandler, where he was soon raising thoroughbred horses. However, the chance to sell liquor to the Indians made the region an attractive one to outlaws, so Bill was soon pressed into government service. As deputy United States marshal, he helped to break up various gangs which overran the new territory.

As Zoe Tilghman was Bill's second wife, it is not surprising to find that the biography is laudatory rather than critical. In all probability Mrs. Tilghman drew her husband a few shades more perfect than he was in actual life. While she claims to have made "extensive studies in the collections of the historical societies of Kansas and Oklahoma," she adds that the greater portion of her book is based on her husband's note-books and manuscripts. The book has an index, but no bibliography and few foot-notes. It is well-written, and will find readers wherever people are interested in the spectacle of a strong man fighting for the right.

University of New Mexico

MARION DARGAN

# CONSTITUTION

## OF THE

### HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 25, 1941)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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