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## AN EXPERIMENT IN PROHIBITION

LEE MYERS

EDDY, NOW CARLSBAD, New Mexico, was intended to be a model town. Established primarily as a supply and trade center to serve the visionary but practical empire that Charles Bishop Eddy, and later, James John Hagerman, were building with the help of the life-giving waters of the Pecos River in southeastern New Mexico, it reared its infant head out of the sandy, mesquite-covered flats along the west bank of that river just as the 1880's gave way to the new decade.<sup>1</sup>

The new hopeful, named for its promoter, was not a haphazard creation of chance. A site was selected on ranch land owned by Mr. Eddy;<sup>2</sup> a townsite was surveyed in March 1889;<sup>3</sup> and a corporation known as the Pecos Valley Town Company was organized on April 6 of that year for the purpose of developing the site and promoting and selling its lots.<sup>4</sup> Eddy, who was president of the Town Company, was strongly opposed to the use of alcoholic beverages and was determined that the fledgling town bearing his name should be free of the frontier's ubiquitous saloon. He accordingly caused to be inserted into the deeds of all lots sold a clause forbidding the manufacture or sale thereon of intoxicating liquors to be used as a beverage.<sup>5</sup>

The building of dams and canals to deliver the waters of the Pecos to the huge Eddy-Hagerman irrigation project was a colossal undertaking furnishing employment to many men. The payroll was large and the spending of it quickly elevated the little village to boom-town status. The inevitable triumvirate of the frontier,

the saloon keeper, the gambler, and the prostitute were not long in gathering for the kill.

There is evidence, as will be shown later, in the old files of the *Eddy Argus*, which was owned and operated by THE COMPANY, which included both the Town Company and its parent, the Pecos Irrigation and Investment Company, to aid in the sale of land and lots, that when these undesirables first arrived they set up in business in Eddy in contempt of the prohibiting deeds.<sup>6</sup> Whether they operated openly or disguised as legitimate businesses is a question. What is certain, however, is the fact that Mr. Eddy, fully aware of what was going on, was neither pleased with the violations nor willing to ignore them.

In the center of the business district was the Pecos Valley Drug Store, Doctor James A. Tomlinson, Proprietor. The doctor, who was also the duly elected Judge of the Probate Court, dealt in the usual array of drugs, patent medicines, and toilet articles and maintained the usual prescription department as well. It was this last phase of his business that brought him into trouble.

He sold whiskey on prescription, which was not unusual in his business, but he kept on hand a supply of prescription blanks which he permitted his customers to fill out for themselves whenever they felt the need of liquor.<sup>7</sup> Doctor Tomlinson carried this business so far that it became well known among the residents of the town and community and his store was an accepted source for the purchase of liquor by the bottle. So open did the practice become that a bell boy from the local hotel was said to have purchased liquor there for a guest. He even went so far, it was alleged, as to permit his customers to keep their purchases in a back room to which they could retire when they felt the need of a drink.<sup>8</sup> The doctor was always careful to tell his customers that their purchase was to be used for medicinal purposes only but if he thought that Mr. Eddy and the Town Company were taken in by the pseudo legality of the prescriptions he was soon undeceived.

A bill was presented to the county courts accusing the doctor of conducting a regular business in the sale of intoxicating liquors in direct violation of the restricting covenant in the deed. An injunc-

tion to halt such sales was asked. The case was tried before Judge A. A. Freeman in the Fifth Judicial Court, Territory of New Mexico, and was reported thoroughly in the *Argus*, May 28, 1892.

Hope ran high among the town's liquor dealers that the suit would be decided in Tomlinson's favor and it appears that they relied heavily upon the theory that the prohibiting clause in the deeds would be declared unconstitutional. They were doomed to disappointment. When Judge Freeman delivered his decision, he quoted several previous cases wherein the complainant's right to insert such a clause had been upheld by the courts. A temporary injunction was granted against the defendant on April 28, 1892, followed by a permanent one on March 15, 1893.<sup>9</sup>

Mr. Eddy let it be known publicly that he intended to carry the case all the way to the Supreme Court if necessary to sustain judgment, and the saloon men admitted defeat, but only insofar as the town of Eddy was concerned. There was plenty of land lying adjacent, where no one could say them nay. They must have banded together and settled upon a central location.

H. A. Bennett was the first to move, relocating his Legal Tender Saloon, along the west side of the Pecos Valley Railroad tracks about a mile and a half south of Eddy. The *Argus*, for May 7, 1892, stated that he had opened for business on May 3. On June 25 the *Argus* made a statement which indicates that Bennett in particular, and others in general, must have operated openly in Eddy prior to this time. "In a few days the last of the irrigating auxiliaries of the department of the interior will have moved beyond the city limits. Prominent among these is Harry Bennett's Legal Tender, and he assures us that when he is located at Phenix the same methods of irrigation that made his place popular here, will be continued there."

Others soon followed the Legal Tender. They did not settle hit or miss, but bought land and caused a townsite to be surveyed and platted. The new town was named Phenix, spelled without the letter o, and the plat was filed by Bart A. Neymeyer, surveyor, August 12, 1892.<sup>10</sup> Why such a name should have been selected is anyone's guess, perhaps because it arose from the ashes of their

hopes in their parent town. If so, one of the sporting fraternity must have been familiar with the classics, a rare accomplishment indeed among the ranks of the saloon keepers and gamblers of that time.

A village of fair proportions soon appeared that was unique in an unenviable way. It was designed and operated for the sole purpose of selling sin.<sup>11</sup> Frontier sin towns were synonymous with the settling of the West. All of them were vicious, but Phenix was entitled to hold her profligate head high among the worst of them.

The principal highway down the Pecos Valley, south, as well as the railroad, ran through it. Saloons, gambling houses, dance halls, and prostitutes' shanties, interspersed with a sprinkling of honorable businesses, crowded both sides of the road. As long as there were customers with money to spend, or to be obtained by more forceful means, the palaces of joy never closed. Fights, shootings, knifings were of almost daily occurrence.

There was little law enforcement and what there was favored the "citizens" of the village.<sup>12</sup> The sheriff, Dave Kemp, has been tagged by Haley as an outlaw from Henderson, Texas.<sup>13</sup> His half brother, Walker W. Bush, of Robey, Texas, was his deputy.<sup>14</sup> Kemp was a business associate of Ed Lyle, one of the resort's leading lights, in a Phenix saloon and a sizeable spread of cattle.<sup>15</sup> The sheriff appointed deputies to keep the peace from among the regular habitués, but in most cases these officers were so busy protecting their own affairs that justice suffered. A hack, which ran from Eddy on a regular schedule, hauled those without other means of transportation to the flesh pots. William Peay, retired in Carlsbad now, but a wild youngster in Eddy when Phenix was still warm in her grave, is author of the statement that if a customer made a winning at one of the many gambling tables there and then boarded the hack to return to Eddy—"he just didn't get there."<sup>16</sup> The story has been told that the prostitutes of Phenix were in the habit of intercepting the carriages of Company officials taking prospective buyers down the road through the village and that they would climb naked into the vehicles, soliciting trade.

This is probably an exaggeration but there is evidence that these women did constitute a nuisance along the highway. To record all the crimes committed in Phenix, or those that originated there, is impossible because of sketchy newspaper and court coverage, but the list is long: shootings, knifings, rape, robberies, they ran the gamut of wickedness. The better element of Eddy, indeed, of the entire valley, was aghast, and mutterings about their rowdy neighbor's behavior became common. Their rancor was soon to increase because of further developments.

Not all the saloonkeepers in Phenix were content with the restrictions imposed by her small size. Eddy, larger and more populous, appeared to be a plum worth plucking—if it could be done. C. F. McDonough and H. A. Bennett, operators of separate saloons, believed they could do it, temporarily at least. Their actions and the results, presented in a most interesting manner, appeared in the *Argus*, on December 9, 1892:

A COUPLE OF SALOON MEN JUMP TOWN LOTS  
AND CHALLENGE PROSECUTION

C. F. McDonough and H. A. Bennett kept saloons in Eddy before the courts enjoined the sale of liquor in that place. Then they had separate saloons in Phenix, the village down the valley, below the Eddy townsite. As the county commissioners were enjoined from issuing a license to sell liquor in Eddy, where all deeds contained a contract clause to prevent the use of premises for such purposes, each applicant was required to describe the location of the proposed place of business. Licenses were issued, it seems, to sell in this precinct, but the place of business was specified as Phenix, within the precinct. McDonough transferred his \$400 license to J. F. Robertson, of Dallas, but continued in charge of the business and appeared to be the owner. Bennett also carried on business. During the recent term of court they were encouraged by Idus Fielder, of Silver City, to believe that they could safely do business in Eddy, temporarily, at least. Last week, when the attorney, and several others of the company, and Judge Freeman were out of the county, Bennett and McDonough pooled issues, jumped a town lot near the railroad, opened up a saloon in a tent, had dodgers printed and proceeded to whoop up business, proclaiming their ability to hold the fort.

This daring act of trespass was strongly condemned by the public

generally, but business was good just the same. The saloon men were discreet enough not to use their own lots and combat an injunction. They probably figured that an action in ejectment would follow, and, by the law's delays, they would remain during the holidays. When W. A. Hawkins, the attorney of the company, arrived a day or two later, they were inclined to jocularly challenge him to do his worst, and declared that they had come to stay.

But evidently they had not anticipated criminal proceedings, and were very much astonished and indignant when arrests followed for violation of the statute in selling liquor without a license. They were required by Justice of the Peace Potter, to give \$1,500 bonds for appearance, the offense being serious enough to have a penalty of a year of imprisonment in the penitentiary. As the accused desired to postpone examination until Mr. Fielder, who had been promised a \$500 fee, could arrive, the case was set for hearing on Wednesday. A telegram came announcing the death of that lawyer, so Attorney Holman, of Pecos City, Texas, was sent for.

An effort was made at the examination to show that Bennett was but an employee of McDonough; that McDonough was not the proprietor, and that the license issued to McDonough and transferred to the Dallas man, was good anywhere in the precinct, but the justice of the peace believed reasonable grounds existed to indicate that an offense had been committed, and so held defendants to await action by a grand jury and the district court, in \$1,000 bonds.

The saloon has continued open since the arrests, until last evening when injunction papers obtained from Judge Freeman were served by the sheriff. It is unlikely that the business will be carried on in contempt of court.

The next public development came on March 17, 1893, when the *Argus* announced the trial of the case of F. G. Campbell versus John Brookhoven, represented respectively by attorneys John Franklin and J. A. Cullinane. Campbell sold a lot in an outlying addition to a Mr. Pike. By an alleged oversight the clause prohibiting manufacture or sale of liquor had been omitted from this one deed and when Pike discovered the omission he announced publicly that he had a lot for sale, minus the obnoxious restriction. After several months had passed, Brookhoven bought the lot, paying seven hundred dollars, although those adjoining were selling for only one hundred and fifty. He asserted that he had bought the

lot in good faith as one without the clause, and the *Argus* implied that his avowed purpose was to establish a saloon and that he had no knowledge that the omission was due solely to an error. He did set up a saloon on the lot as planned and proceeded to do business publicly. The plaintiff, Mr. Campbell, asked the court to correct the error in the deed and to grant an injunction to restrain Brookhoven from selling liquor in the meantime.

New Mexico had long had a statute prohibiting the selling of liquor on Sunday but study of early newspapers indicates that it was never seriously observed, indeed openly violated. Now, however, with Eddy and his associates striving to build a town and community that would attract sober, hard-working settlers, family men of every occupation, such violations were looked upon with hostility. So, when saloons in Phenix and Seven Rivers continued to operate openly on Sunday the forces of law and order acted. The account of this clash between the two factions, as described by the *Argus* on March 24, 1893, is an item unique in the annals of western settlement:

TO AVOID GOING TO JAIL THE SALOON  
MEN GIVE A SOLEMN PROMISE

The grand jury yesterday reported indictments against the saloon men of Phenix and other adjacent points, for violating the Sunday law. The court has announced that parties who had previously been convicted would, upon a second conviction, be sent to jail. That Judge Freeman meant what he said no one doubted.

The saloon men, foreseeing trouble, held a meeting and decided to obey the law in future, appeal to the court and give a solemn promise to commit no further violations.

Yesterday afternoon the matter came up in court. On behalf of the accused, J. O. Cameron entered a plea of guilty. W. A. Hawkins then, by leave of the court, presented a petition, stating that he thought consideration of it might bring about obedience to the spirit of the law. The petition was as follows:

"To the Honorable A. A. Freeman, Judge of the Fifth Judicial District of the Territory of New Mexico:

"Your petitioners, who are all saloon men of the vicinity of Eddy, New Mexico, stand before your honor as being indicted by the grand jury and convicted of conducting their business on Sunday, and in



consideration of the fact that such indictment is based upon the law and public sentiment supporting the same, and by way of extenuation of such offenses and assertion of their past efforts to keep from offending this community by violating said law, your petitioners desire to state the following:

"1. When the town of Eddy was first started public sentiment was against the sale of intoxicating liquors as a beverage therein, and those of your petitioners who were in the saloon business, made no effort to engage in said business in said town, but staid out of the limits thereof, and continued to stay outside until the sale of intoxicating liquors as a beverage by druggists and others who paid no license, and who pretended not to sell intoxicating liquors, became an open and notorious fact, and your petitioners are largely deprived of the profits they would have made, when some of your petitioners moved their saloons into said town; but in May, 1892, they were notified that such sale would no longer be permitted, and those of them that engaged in the business moved their saloons to a point remote from Eddy without waiting for legal proceedings and have since remained on the outside thereof, notwithstanding druggists selling whiskey and others selling bitters under the guise of medicine, have remained in said town and by their sales largely deprived your petitioners of the profit they reasonably expected.

"2. That the Territory has long had a Sunday law, and that for many years previous to your honor's coming on the bench it has been looked upon by the people and enforced by the courts as a revenue law. Your petitioners are aware that in calling your honor's attention to this fact they stand in a poor light, in view of the fact that your honor has heretofore clearly announced a determination not to administer this law in that way, and extended clemency to your petitioners, but in explanation of their failure to observe the same after your honor's last warning, beg leave to say they in good faith started to comply with the same and endeavored to do so, but your petitioners, from the very nature of their business, are almost entirely dependent upon the demands of their customers, and jealousies, dissensions and strife always exist among them, and through the operation of these causes your petitioners have failed to perform their duty.

"3. Your petitioners call your honor's attention to the fact that they have established their business at a point so remote from the town of Eddy that women and children of said town have never been exposed to any annoyance by your petitioners' violation of the Sunday law and no one has come in contact therewith except he resorted voluntarily to such place.

"And now, pleading for further extenuation of their offense, your petitioners, in answer to the awakened public sentiment and to your honor's sentiments in regard to the sale of intoxicating liquors on Sunday do solemnly promise your honor and this community in open court to respect the letter and spirit of this law in the future and absolutely abstain and desist from all business on said day. Signed:

O. Gastinel,  
Louis Brooks,  
A. Rhodes,  
John Brookhoven,  
Ed S. Lyell."

A long list of names, apparently from all walks of life, was attached as recommendation that the court accept the petition and this was followed by a statement of action taken by the court, saying that "Judge Freeman was much moved by the serious nature of the situation." He decided, however, to see what results could be obtained by paroling the accused, which he did after first sentencing each to fifteen days in jail, with sentence suspended pending results of the parole. Saloon and gambling house keepers other than the petitioners were indicted by the grand jury at this time but were invited to come in and sign the pledge. The *Argus* declared that several of these gentlemen had "gone-a-fishing" but would soon appear and sign. The same grand jury also found an indictment against Dr. J. A. Tomlinson for selling liquor as a beverage without a license. Previous to this, on September 3, 1892, the *Argus* had told their readers that the Territorial Supreme Court had sustained the Sunday law and added, "The boys lay in their supplies Saturday night, instead of trusting to loose hinges on the back door."

In this same issue the *Argus* recorded two more items relating to Eddy's battle with the liquor forces: "Judge Freeman gave a supplemental charge to the Grand Jury last Saturday, directing them to indict anyone who sells as a beverage bitters containing a large percentage of alcohol. Such persons violate the law and cheat the school fund. Gambling house keepers are reported to have sold such stuff." This was followed by a statement that the court

had ordered the missing clause inserted in the Campbell-Brookhoven deed and granted a "perpetual injunction" against the latter's liquor sales. "John Brookhoven, the defendant, had already removed his saloon building from the addition and joined the 'Wolf' on the school section up the valley."

The "Wolf" was another of the early day saloons that have since become a legend in present-day Carlsbad. Contemporary with Phenix, this framed canvas saloon, owned by Jim Nichols, was located on a low hill just east of Carlsbad's present-day Memorial Hospital,<sup>17</sup> where it enjoyed first whack at the pay checks of laborers from Six Mile Dam construction north of town, as they came down to the village bright lights for their periodic binges. About the only feature of this institution to survive in today's folklore is the fact that a stuffed wolf graced the front, over the door, by way of identification and advertisement. Miscellaneous items in the *Argus* indicate that "Shooting up the 'Wolf'" late at night was a favorite sport of celebrating cowboys.

Dr. Tomlinson, indicted on March 24 for selling liquor without a license, was at that time a candidate for the office of mayor of Eddy and the *Argus* made much of the fact that a man asking the people of Eddy to put him in the mayor's chair in one breath should, in the next, request a change of venue to Roswell because he believed some of those people "too prejudiced to give him a fair trial."<sup>18</sup> This item was followed by vitriolic charges on the part of the doctor, in which he referred to the editor as "The Ar-goose." "He is not to be blamed," said Tomlinson, "He must do as he is bid or lose his job." This was a reference to the fact that the *Argus* was a company-owned organ and the editor a paid employee, rather than an independent editor. Nevertheless, the latter replied in an equally biting vein.<sup>19</sup>

The second charge against the doctor came to trial in Roswell during the week preceding April 7, 1893, and was covered rather thoroughly by the *Argus* on that date, emphasis being given to Judge Freeman's charge to the jury.<sup>20</sup> The charge, reduced to a minimum of words, instructed the jurors to consider one fact only—did the defendant sell liquor to be used as an intoxicating

beverage, lacking, of course, the necessary license. All other facts were considered of secondary importance.

The defendant was declared guilty and fined \$500 plus costs. The doctor appealed, and, thoroughly outraged, journeyed to "Lincoln county to arrange for the shipment to Eddy of a little printing office. Dr. Tomlinson has avowed an intention to establish a paper to damn the town company, some people in particular and everybody in general who is forinst his own course and views. That paper will have a big job."

Tomlinson's appeal to the Territorial Supreme Court was not only unsuccessful, but he and his attorney drew a scathing condemnation from the judges of that bench. He had, they declared, sought to evade the law requiring a license to retail liquor and they raked him over the coals for a "scandalous and impertinent attack upon the judiciary of the Territory." The lower court's decision and fine were upheld. The appeal decision was signed by Albert B. Fall and Edward P. Seeds, associate justices, and was concurred to by James O'Brien, chief justice and Wm. D. Lee, associate justice.<sup>21</sup>

On September 8, 1893, the *Argus* declared gamblers and saloon-keepers birds of a feather by saying:

The city trustees met last Friday and passed an ordinance . . . prohibiting gambling games. . . . These establishments add nothing to the prosperity of the town. . . . If exist they must then it is well that they are put as far away as possible, out of sight and not in contact with any people except those in search of them. The saloons and gambling houses ought to be neighbors. Both depend upon the weaknesses and passions of men. . . . They get the money from those who labor for it, giving nothing in return, and spend it. That is all.

People will gamble as long as the human race exists. The town board of trustees is not trying to stop it, but it has a right to prevent the maintenance in the corporate limits of gambling places that become nuisances by reason of idle men about the doors and sidewalks.

The saloons of Phenix will receive the banished games with open arms because of the people drawn hither by the attraction.

Although the above might seem to intimate that there were no

games operated in Phenix prior to this time, it is hard to imagine saloons operating in such a prosperous frontier community without gambling.

In the meantime crime and sin was flourishing almost unchecked in Phenix and respectable citizens were asking the question, "What can be done about it?" They were not long in seeking an answer. In November 1894, a slate of law and order county officers, headed by J. D. Walker, sheriff, was elected. By the spring of 1895, a plan of action was in operation. The temper of the citizens was demonstrated in May when D. R. Harkey, deputy U. S. Marshal, presented the U.S. Court in Socorro with a "petition containing a list of nearly all the people of Eddy who signed a statement describing and condemning Phenix. . . ." <sup>22</sup> A toe hold had been found in a federal statute, the Edmunds Law, prohibiting cohabitation without the sanction of marriage. This proved an Achilles heel for Phenix and was utilized to a major extent to convince the denizens of that profligate little village that their ways were in error. <sup>23</sup> Suspected violators of this law were arrested and promptly sent to trial in Socorro, in such numbers that the keeping of a mistress in Phenix became a very unpopular pastime.

Meanwhile nature had taken a hand and was to exert tremendous influence. On August 5, 1893, the Pecos River, swollen by heavy rains, came down in full fury. The recently completed Six Mile Dam, reservoir for the valley's complex irrigation system, was destroyed, a debacle that completely paralyzed operations of the newly developed farm lands. <sup>24</sup>

Although the company began immediate reconstruction, employing many men, these new employees seem to have been substantial settlers rather than spendthrift drifters, with the result that Phenix did not fatten upon their wages, as she had during the initial construction. Times were very bad throughout the valley. Many settlers admitted defeat and left. Eventually the company fulfilled their pledge to the settlers by restoring the dams and canals, and farming operations were continued, but boom times never returned.

Business in Phenix limped along halfheartedly until the late

summer of 1895. By then mining and railroad construction had created a financial situation in Globe, Arizona, that looked good to a number of Phenix' leading lights. So on September 19, the *Eddy Weekly Current*, with an air of ill-concealed jubilation announced that Lyell and Kemp, with a large party of fellow villagers and associates, would leave the Pecos Valley for the new Eldorado.

On October 3 the *Current* stated that the exodus had taken place on the previous Saturday: "Three six-mule teams, each hitched to a big wagon and another wagon behind called a trail wagon, the six wagons loaded down with all manner of movable goods," manned by twenty people, had driven through Eddy on their way west, via the Peñasco River and the pass across the Sacramento Mountains where Cloudcroft now is. In a farewell gesture to the citizens of Eddy, Dan Kinkle, violinist, perched atop one of the big loads, "—played Bonapart's Retreat in his own inimitable way." A month later "about sixteen females," chaperoned by Mrs. Ed Lyell followed, and Phenix, the dissolute, brawling libertine of the Pecos Valley, was reduced to two saloons and six or seven women.

Phenix' bite was definitely curbed but it was an empty victory for Eddy. They had learned to their sorrow that saloons and gambling in the corporate limits,<sup>25</sup> where they could be controlled, were far preferable to an outside location where they could operate just about as they pleased.

In the same year of 1895 friction over administrative differences between Eddy and Hagerman had caused the former to dispose of his interests in the entire Pecos Valley project and to withdraw completely from the scene. With his retirement went also the chief antagonism to liquor in Eddy. No one else with any amount of influence possessed his dedication to abstinence. The liquor clauses still existed in all deeds, but without Eddy's stimulus they soon began a natural decline as legal barriers to the liquor dealers. In 1899 the name of the town of Eddy was changed to Carlsbad and the local citizenry began to forget that the man had ever existed.

Just when the first saloon moved back into Eddy, or Carlsbad, is uncertain but it was probably in 1899 when the southernmost

lot, where the company-operated Hagerman hotel stood, was sold to a private individual and one of the Phenix saloon buildings was moved there to become the Green Tree Saloon.<sup>26</sup>

Phenix had not reformed her rowdy ways; crime and violence still flourished. No one was pleased with conditions, neither the saloon owners or gamblers of Phenix nor the law-abiding residents of the larger town. With Eddy and his insistence on prohibition gone, the deed restrictions lost their sting. They were not removed, in fact still remain, but the town had had enough of the experiment and it appears that all concerned tacitly decided to ignore them.

With the ice broken by the Green Tree Saloon, others soon followed. Today there is a zone in which all liquor businesses must be confined, and it is probable that some such restriction was in force then; not only the saloons, but the gamblers and the prostitutes returned, the latter surreptitiously, but return they did. At one time the Bank Saloon was located in what is now Carlsbad's bustling business district and was one of the town's busiest establishments. On Saturdays a large amount of cash was kept on hand to cash the weekly pay checks of farm and ranch hands. Some employers even rendered their payroll accounts to the proprietors and they in turn actually paid off the employees. Hence the name, Bank Saloon.<sup>27</sup> Next door to this enterprising bar Solomon Schoonover operated another large saloon. All the gambling games common to the West of that day—roulette, craps, blackjack, stud and draw poker, etc.—went on in both. Presiding over these always well-patronized games were the gentlemen of the then rapidly declining fraternity of professional gamblers. Old-timers say that these businesses were conducted with circumspection under the eye of reputable law enforcement and public surveillance.

Phenix, product of a noble but impractical experiment, died a natural death, in the words of the poet, "unwept, unhonored and unsung."

## NOTES

1. Eddy *Argus*, Feb. 3, 1893, p. 7.
2. *The Pecos River Commission of New Mexico and Texas* (Santa Fe, 1961), p. 62.
3. Files of Eddy County Clerk, Book I, p. 1.
4. "An Important Decision," *The Eddy Argus*, May 28, 1892, p. 4.
5. *Ibid.*
6. *Ibid.*, June 25, 1892.
7. Case No. 42, Book A, p. 190, Office of the Clerk of the District Court, Eddy County.
8. Eddy *Argus*, April 7, 1893.
9. See note 7, *supra*.
10. Book I, p. 12, Eddy County Court records.
11. Lee Myers, "How Hell-Raising Phenix Dug Its Own Grave," *The West*, July 1964, p. 16.
12. *Ibid.*
13. J. E. Haley, *Jeff Milton; A Good Man with a Gun*. (Norman, Okla., 1943), pp. 228-29.
14. Eddy *Argus*, Nov. 18, 1892.
15. Eddy *Weekly Current*, June 27, 1892. Eddy *Current*, Oct. 24, 1895.
16. Will Peay to Lee Myers, June 1962.
17. Eddy *Argus*, March 24, 1893, Aug. 11, 1893; Francisco Pompa to Lee Myers, June 1962.
18. Eddy *Argus*, March 24, 1893.
19. *Ibid.*, March 31, 1893.
20. *Ibid.*, April 7, 1893.
21. *Ibid.*, Sept. 1, 1893.
22. Eddy *Weekly Current*, May 16, 1895.
23. Eddy *Argus*, Aug. 18, 1893; Eddy *Semi-Weekly Current*, April 20, 1895; Dee Harkey, *Mean as Hell* (Albuquerque, 1948), pp. 42-43.
24. Eddy *Argus*, Aug. 4, 11, 18, 1893.
25. Eddy was incorporated in 1893 and the name was changed to Carlsbad in 1899. *Carlsbad City Code*, 1946, p. 2.
26. Milton Smith to Lee Myers, Feb. 15, 1965; Deed Book 7 at 212, Eddy County Clerk's records. Smith, veteran New Mexico legislator, came to Eddy as a boy of nine in 1893.
27. Tomás Medina to Lee Myers, 1962. Medina was born in Phenix in February 1898.



