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Summer 2008

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LAND, SPECULATION, AND MANIPULATION ON THE PECOS

STEPHEN BOGENER

The Pecos River of the nineteenth century, unlike its faint twenty-first century shadow, was a formidable watercourse. The river stretches some 755 miles, from the Sangre de Cristo Mountains northeast of Santa Fe to its eventual merger with the Rio Grande. Control over the public domain of southeastern New Mexico came from controlling access to the Pecos, its tributaries and springs. In the arid environment of New Mexico's Pecos Valley, corporate accumulation of land through

manipulation of federal land laws followed the removal of Native Americans, the displacement of Mexican American communities, and the departure of major players in the cattle industry of the American West. One of the most ambitious engineering and irrigation ventures in nineteenth-century North America developed here from a simple idea in the mind of lawman Pat Garrett, better known for slaying William Bonney, a.k.a. Billy the Kid. Eventually, irrigation investment schemes attracted well-known capitalists from Europe, the East Coast, and Colorado Springs. Beginning in the late 1870s, through 1925, a succession of people tried to transform the river and the desert embracing it.

The purpose of this article is to reveal some of the late nineteenth and early twentieth century speculative impulses for harnessing water. As a case study, the Pecos River of New Mexico goes a long ways towards an understanding of the conflicts arising between those bent on following Jeffersonian notions of yeoman democracy in settling the American West, and those whose speculative interests lingered into the twentieth century alongside the advent of the Reclamation Service. This study also

Key Words: environmental history, Homestead Act, irrigation, Mexican American history, Pecos River

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[GPQ 28 (Summer 2008): 209-29]

reveals, in part, the hubris of trying to create an agricultural oasis in an arid region fraught with environmental roadblocks.

This topic is addressed by examining the violent nature of the Pecos region which continued even after the government moved the Mescalero Apache and forced the Navajo from the Four Corners region to the Bosque Redondo, near Fort Sumner. Following the Lincoln County War and the displacement of cattle king, John Chisum, the article follows the opportunistic Eddy brothers, New York transplants who pioneered a cattle operation in Colorado, and their meeting with Pat Garrett, who was an early promoter of irrigation in eastern New Mexico. As Charles Eddy's ambitions grew, the story takes the reader briefly to Colorado Springs where Eddy recruited wealthy investors, and into the business of manipulating the nation's various land acts to accumulate vast holdings along the Pecos. The importance of such vast acreage could only be realized through massive labor projects of dam and canal building, carried out primarily through the physical exertion of Mexican immigrants and native Mexican Americans. Finally, in 1893, and again in 1904, flood waters destroyed many of the grandiose dreams of making the desert bloom. Those left in the Valley continued to confront the vagaries of the Pecos, and turned to the new Reclamation Service for help.

THE WILD WEST

New Mexico attorney and historian William Keleher characterized the Pecos Valley during the last half of the nineteenth century as a wide-open stage for adventure, danger, and opportunity. Since the American occupation of New Mexico during the Mexican War, New Mexico suffered from cultural conflicts among Anglos, Hispanics, and the Comanche, Apache, Ute, Cheyenne, Arapaho, Kiowa, and Navajo.¹ Keleher attributed the "color and adventure" of Lincoln County in the 1870s and 1880s to cowboys, camp followers, saloon keepers, gamblers, gunfighters, and horse thieves—

most of whom came from Texas.² A number of such characters filtered into the region. The first major Anglo settlement in what would become Eddy County was Seven Rivers. Until the 1890s Lincoln County encompassed most of eastern New Mexico, an area larger than Massachusetts, and settlements relied on the U.S. government for law enforcement.³

BOSQUE REDONDO

The largest influx of Anglos into the area followed on the heels of the military presence at Bosque Redondo following the 1863 campaign against the Mescalero Apache. The U.S. military established a Pecos River post called Fort Sumner near the present-day town of the same name.⁴ The irrigation system built here by Indians represented the first major effort at irrigation along the Pecos River itself. The fort was laid out next to a favorite camping site of the Apache known as Bosque Redondo, meaning round grove, referring to a small group of cottonwoods in a bend of the river. The Mescalero had the choice of moving to a reserve established near the fort or being further hounded by U.S. soldiers. The Apache, who were organized into small semi-autonomous bands, trickled into the region one group at a time, until by March 1863 the military, having established contracts with local cattlemen and Texans such as Charles Goodnight, was feeding over four hundred men, women, and children at the fort. Although some one hundred Mescalero fled west to join their Gila cousins, by the summer of 1863 the Apache at Bosque Redondo settled into laying out fields, planting crops, and setting up shelters.⁵

At this point, the American military, using questionable logic, embarked on a series of campaigns to place other Indians of New Mexico and the Southwest on reservations. The military began settling some 9,000 Navajo among their long-distant cousins on the lands at Bosque Redondo—lands that by then the Mescalero considered their own. The march of these Navajo from the Four Corners region—known as the "long walk"—was carried out

by Kit Carson, who had previously joined in rounding up the Mescalero. Carson, for his part, was apparently torn between following orders and what he considered to be a foolish Indian policy.⁶

The Mescalero's growing resentment of the Navajo did not initially stymie the work already in progress. The Mescalero built a slaughterhouse, dammed the river, and irrigated crops and trees, which they planted nearby. Unfortunately for the Indians and military alike, the irrigation venture was a dismal failure. Worms, blight, hail, floods, drought, and complaints about the effects of Pecos water on the human digestive system all combined to undermine irrigation efforts in Fort Sumner.⁷

CATTLE CULTURE AND VIOLENCE

Despite the army's failure in settling the Apache and Navajo at Bosque Redondo and the danger inherent in a frontier setting, Texas cattlemen saw the grazing potential of lands in the Pecos Valley of New Mexico.⁸ Charles Goodnight and Oliver Loving, working to fill government contracts for beef at Bosque Redondo and to stock ranges in Colorado, trailed cattle along the Pecos River beginning in the 1860s.⁹

The military removal of the Indians from eastern New Mexico opened the land to Anglo settlement. Goodnight and others, including John Chisum, who settled near Roswell, New Mexico, weathered the uncertainties of the Pecos frontier and prospered. In the late nineteenth century, Chisum probably controlled the largest piece of ranching property in the country.¹⁰ In addition to Chisum's cattle range, his Southspring Ranch headquarters included 1,500 acres planted in fruit trees and 150 acres devoted to alfalfa. Chisum did not own outright all the rangeland that he controlled, but his control extended over an area equal to three or four New England states.¹¹ Like most Anglos, he regarded the land as public domain and open to use by those who got there and controlled it first.¹²

Besides Chisum, many of the settlers up and down the Pecos came from Texas. Land in New Mexico attracted Texas cowboys into the region, but an equally important push factor caused many Texans to leave their native state. In 1878 the state of Texas issued an official 226-page book to peace officers listing and describing fugitive outlaws. Texas offered generous bounties totaling almost \$100,000 for the bringing of such fugitives to justice. Texas effectively rid the state of desperados, but they reappeared in New Mexico and other western territories.¹³

One of the Texans who moved to the Pecos Valley in the 1870s was Patrick Floyd Jarvis Garrett, sometime cowboy, buffalo hunter, gunfighter, gambler, horse breeder, and lawman. Not only would Garrett become a legend for killing Billy the Kid, but he proved instrumental in first promoting irrigation in the valley.¹⁴ Garrett wanted to build a dam across the Hondo River, the chief tributary of the Pecos, to send water across the desert to areas previously thought worthless for farming. He may have envisioned accumulating land through the Homestead Act or the Desert Land Act of 1877.¹⁵

Charles Eddy and his brother, John, who had been ranching in Colorado, began running cattle on a 20,000-acre ranch along the Pecos River in 1881.¹⁶ The Eddy brothers established their New Mexico cattle operation opposite a large spring system near Seven Rivers, a village of "dozens of hard-core drifters, drovers, gunmen and fugitives . . . [where] gunfire was frequent [and] it is said that the first four persons buried in the cemetery died of gunshot wounds."¹⁷

PAT GARRETT'S VISION FOR WATERING THE DESERT

In 1886 Garrett approached rancher Charles Eddy with his vision of irrigating the Pecos Valley.¹⁸ The meeting between Garrett and Eddy heralded the beginnings of corporate irrigation in the valley as the men formulated an ambitious project to reclaim the Chihuahuan



FIG. 1. The remains of buildings erected in the 1870s by the Eddy brothers on their VVN Ranch at the foot of Black Mountain in Park County, Colorado. Photograph by the author, 1999.

Desert.¹⁹ Garrett and Eddy set up Pecos Valley Land and Ditch Company in 1887, the first of Charles Eddy's many irrigation and valley enterprises.²⁰

Garrett and Eddy hoped to make money by selling land in the new town of Eddy, which they laid out in 1888, and by providing water through a canal system and charging an annual rental fee for water.²¹ In the late 1880s Eddy and Garrett had engineers draw up plans and specifications for the irrigation project in the valley.²² The two then faced the initial task of raising capital for what would become a scheme to water half a million acres of creosote and sagebrush.²³

Working from the nineteenth-century American mindset of subduing nature and making money at the same time, cattleman Charles Eddy and lawman Pat Garrett set in motion the concept of transforming a cattle country at the southern end of Chisum's kingdom into an agricultural mecca based on irrigation and the nation's flexible land laws. Building dams and canals to water the desert would cost money, so Eddy recruited capitalists from Chicago and Colorado Springs, a retreat for some of the country's industrial and political elite.²⁴



FIG. 2. Pat Garrett, known as the lawman who gunned down William Bonney in the wake of the Lincoln County War, played an early role in Pecos Valley irrigation. At various times throughout his life, he served as sheriff, horse trader, farmer, rancher, U.S. Customs Collector, and livery and hack operator. Courtesy of Southeastern New Mexico Historical Society, Carlsbad, New Mexico.

RECRUITING INVESTORS IN COLORADO SPRINGS

Colorado Springs during the late nineteenth century provides ample evidence that, long before ski resorts catered to millions, many parts of the West were the playgrounds and investment arenas of rich easterners and their sons. In the nineteenth century, Colorado Springs became the playground of, if not the famous, then certainly the rich. Before the mines of Cripple Creek yielded any riches, the cities at the base of Pike's Peak became famous worldwide for their beauty and health-restoring climate. Colorado Springs and its neighbor, Manitou, were fashionable summer resorts in the Rocky Mountains, attracting thousands who came west to improve their health, including many in the last stages of consumption and asthma.²⁵

SKETCH MAP
SHOWING LOCATION OF THE CANALS
OF THE
PECOS IRRIGATING AND IMPROVEMENT COMPANY,
AND
PECOS VALLEY LAND AND DITCH COMPANY.
Lincoln County, New Mexico.

By H. HARTMANN, Santa Fe, New Mexico.

Scale, 120 chains to 1 inch.

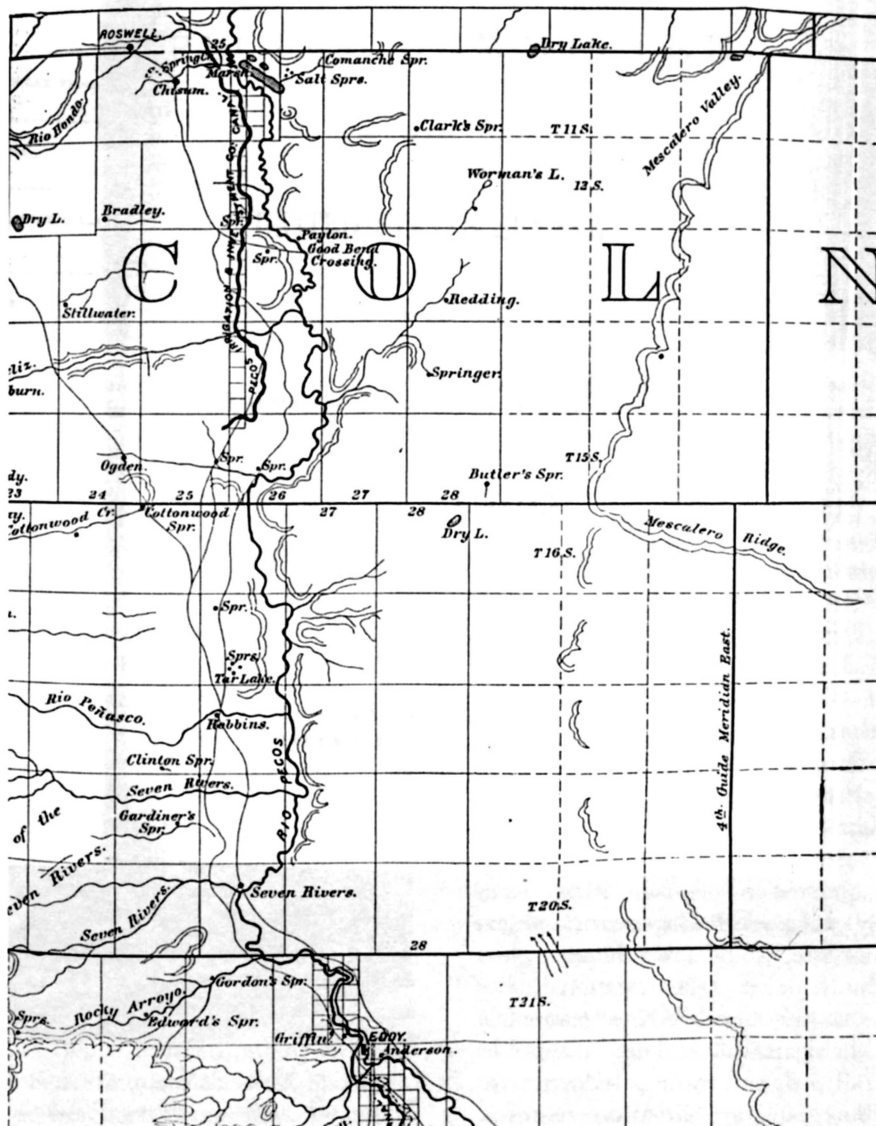


FIG. 3. Canals of the Pecos Irrigation and Improvement Company and Pecos Valley Land and Ditch Company, by H. Hartmann, Santa Fe. From Report of the Special Committee of the United States Senate on the Irrigation and Reclamation of Arid Lands, vol. 3, Rocky Mountain Region and Great Plains, 51st Cong., 1st sess., 1890, SR 928, pt. 4.



FIG. 4. Promoter and town builder Charles Bishop Eddy. Eddy came west with his brother, John Arthur, in 1879 and started a Colorado cattle operation. In the early 1880s Eddy started the Halagüño Ranch in southeastern New Mexico near present-day Carlsbad, driving cattle north to his ranch near Salida. Intrigued by Pat Garrett's notion of irrigated agriculture, Eddy bought water rights in 1887 on the Pecos River and began recruiting investors. Courtesy of Southeastern New Mexico Historical Society, Carlsbad, New Mexico.

Medical facilities sprang up to treat easterners with deep pockets. Experts recommended bathing in and drinking waters from the series of springs near the town, and soon a thriving business in treating consumptive invalids developed. One such patient, James J. Hagerman, arriving in 1884 from Paris, began a remarkable recovery.²⁶ Hagerman, a short, feisty millionaire, would later dump a good portion of his money into the irrigation ditches of New Mexico. Investors like Hagerman made rich from Michigan iron ore, used his ties to the steel, railroad, and mining industries to attract more capital for irrigation ventures. As Eddy began to pour investment capital into dams and canals, the tools providing the impetus for corporate irrigation of the valley were the nation's flexible land laws.

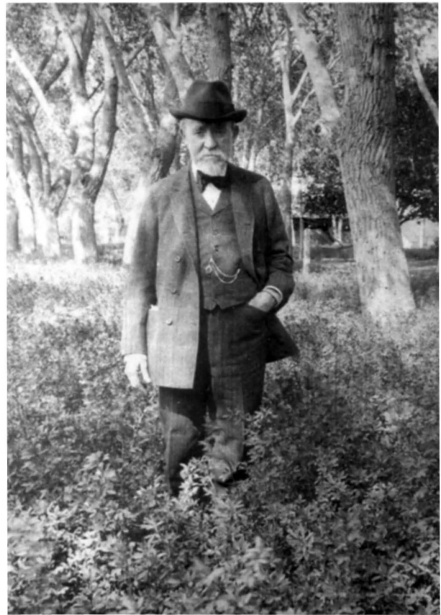


FIG. 5. James J. Hagerman. Chief investor in the Pecos Valley irrigation and railroad enterprises. Hagerman, who had made a fortune in iron, railroading, and Colorado mining, used his political and business ties to recruit both investors and settlers to the Pecos Valley. Courtesy of Special Collections, Tutt Library, Colorado College, Colorado Springs, Colorado.



FIG. 6. Former home of Mr. and Mrs. James Hagerman, Cascade Avenue, Colorado Springs, Colorado. Photograph by the author, 1999.



FIG. 7. Hotel Hagerman, Eddy (Carlsbad), New Mexico. Many potential investors and business partners stayed at the hotel. Courtesy of Sacramento Mountains Historical Society, Cloudcroft, New Mexico.

CLASH OF CULTURES AT MISSOURI PLAZA

Manipulation of the nation's land laws provided a means to accumulate vast holdings across the West. The Pecos Valley differs from northern New Mexico in that no large Spanish land grants existed in southeast New Mexico. An area largely devoid of Spanish populations because of the long presence of *Indios Barbaros*, the region's few Hispanic communities clung precariously to villages along northern tributaries of the Pecos such as the Hondo and Bonito. By the mid-1850s Mexican Americans had settled the Hondo Valley from the Manzano Mountains near Albuquerque. These first non-Indian settlers in the area worked in part to provide food for the military as farmers and sheepherders. The first settlement in the region began near Fort Stanton on the Rio Bonito. Called La Placita, the settlement soon attracted Anglos as well. The town, now called Lincoln, became the seat of Lincoln County in 1869. By then, some thirty to forty Mexican families had moved to the Hondo Valley, fifteen miles southwest of Roswell. Since most of the men had been employed as freighters from Albuquerque to St. Joseph, Missouri, they began calling their settlement La Plaza de Missouri, or San Jose, or Missouri Bottoms. The name Missouri Plaza stuck.²⁷

Hispanic settlers brought with them their Spanish-based community, agricultural, land, and water distribution systems. Spanish custom and law provided that people could use water for domestic purposes through ditches (*acequias*), even if the ditches crossed another's property. As the former freighters irrigated 400- to 500-acre farms near Missouri Plaza, New Mexico's territorial legislature sanctioned these centuries-old customs in 1851. Nonetheless, Anglos moving into the Hondo Valley did not accept Spanish community traditions as a means of agricultural production. Anglo settlers began appropriating the water, and in the 1870s, the earlier citizens of Missouri Plaza moved away because of Indian problems, racial conflict, and upstream irrigation.²⁸ In some ways this experience parallels the legal and extralegal wranglings discussed by Maria Montoya in *Translating Property: The Maxwell Land Grant and the Conflict over Land in the American West, 1840-1900*. The establishment of Mexican American villages along the tributaries of the Pecos undoubtedly represented the land tenure system laid down by centuries of Spanish custom, transported southeast from the Manzanos. As Montoya mentions in her introduction, a clash of cultures following the Treaty of Guadalupe Hidalgo centered on "a collision between land regimes with radically different cultural conceptions of the land's purpose." And, whereas Anglo American concepts of property were often based upon individual ownership, property systems in New Mexico were "rooted in communal as well as individual, ownership and w[ere] often expressed in informal, customary understandings among neighbors and in oral deals between patrons and clients."²⁹

MANIPULATION OF THE NATION'S LAND LAWS IN THE PECOS VALLEY

In the Pecos Valley, however, land accumulation began with cattlemen like John Chisum and those who had a knack for obtaining water-accessible properties in the public domain and converting them to what were essentially private

holdings. Corporate irrigation companies perfected the practice, relying extensively upon the time-honored practice of using dummy entrymen, friends, relatives, and paid third parties as the basis for speculative land development. Charles Eddy added thousands of acres to the holdings of his irrigation companies in the Pecos Valley using such practices. In the early days of recruiting investors, Eddy provided a free excursion by train into the wilds of New Mexico in exchange for visitors filing Desert Land entries. These properties had an uncanny way of soon becoming part of the holdings of Eddy's various irrigation and land companies in the valley. As no rail service existed into Charles Eddy's new town, visitors traveled to the nearest depot at Toyah, some sixty miles south. There they were met by none other than Pat Garrett himself, providing hacks, buggies, and buckboards for the journey north to Eddy's Halagüeno Ranch.³⁰

In 1862 Congress passed the Homestead Act to allow Americans to scatter throughout the West and help "develop the nation's resources and character." Settlers could get 160 acres of land free of charge, except for filing fees of ten cents per acre, but had to build a home and live on the land. Claims could be commuted and title finalized after eighteen months by paying \$1.25 an acre. The government required that the land be surveyed with legal subdivisions before it could be homesteaded.³¹

By the 1870s the Office of the Surveyor General had plenty of unoccupied land to survey in New Mexico. Indian attacks had largely ceased, and the office expanded to new areas including the Pecos Valley.³² The late 1870s brought not only surveys but other ways to gain government land. President Ulysses S. Grant, traveling in the West, recommended that lands in larger quantities be given to settlers to induce them to improve their property with water.³³ On March 3, 1877, Congress passed the Desert Land Act—designed for the semiarid West. Settlers on "desert" lands could get one section (640 acres) for twenty-five cents per acre down and one dollar per acre on final proof of compliance. The law stipulated one

entry per U.S. citizen but no rights to the land until the applicant proved up the property by irrigating. While the law was intended to encourage irrigation by family farms, 95 percent of all claims were fraudulent and were made for the benefit of land speculators.³⁴ In the Pecos Valley, the vast majority of lands were taken under the Desert Land Act, some 100,000 acres in all.³⁵

All told, a crafty land seeker might accumulate 1,120 acres of land by using the Preemption, Homestead, Desert Land, and Timber Culture acts in combination. Cattlemen and others acquired large chunks of land using questionable tactics, and evading the intent of land laws was easy. Many claims had the same handwriting with different names affixed to the paperwork.³⁶ Some houses purportedly used to show improvement were birdhouses.³⁷ Dummy entrymen, who often used fake names, slept on a claim two or three nights over a fourteen-month period. One renowned western water authority speculates that entrymen simply got a hogshead of water (a barrel containing sixty-three gallons of water) and a witness, went to the claim, and poured water on the land. He then paid the witness and the two went to the land office, where the witness swore he saw irrigation take place.³⁸

Although U.S. government policy required land acquired for homestead or preemption entries be capable of growing crops, in practice this requirement was ignored in the Pecos Valley, which was primarily a grazing region. Charles Eddy was one of the biggest landowners in the area, but like other area cattle company owners he did not depend solely on private lands. All used the public domain as though it were theirs and gradually extended their holdings. The only practical place to homestead in southeastern New Mexico was along the Pecos. That reality, combined with well-financed cattle companies, meant big business controlled much of the land.³⁹

The domination of big cattle operators was in keeping with the spirit of the Gilded Age and concentration of wealth. During the 1870s and 1880s, there was general acceptance in the

public mind of a man quickly enriching himself, even at the cost of his neighbors.⁴⁰ By the mid-1870s, when Henry M. Atkinson of Nebraska took over the office of surveyor general of New Mexico, surveyors had almost completed their work. By and large, Atkinson's tenure in office was dominated by cattlemen's demands for land and his falsifying surveys to include land that was not arable so cattlemen could claim it.⁴¹ Large portions of land were unsuitable for anything except grazing, and cattle reigned across wide swaths of territory at least until the middle 1880s.⁴² As Karen Merrill has noted, following the disaster of the Big Die-Up of 1886-87, leaders like Elwood Mead, a major player in irrigation, and Wyoming governor William Richards both agreed that "western ranchers had to own irrigated land to produce feed for their animals" and that there was an essential "link between grazing land and irrigated land."⁴³ Certainly as early as 1849, 1st Lt. J. H. Simpson and Capt. R. B. Marcy noted that southeast New Mexico, with its gypsum-laden soil covered with luxuriant grama grass, was not a farmer's country, but rather was very well suited to foraging cattle.⁴⁴

Contrary to wishful thinking by many at the time, eastern concepts of the yeoman farmer and the homestead entry on 160 acres of land simply did not work in the West and certainly not in New Mexico, where cattlemen monopolized the choicest pieces of land along springs, creeks, and rivers. Homestead entries for New Mexico far outnumbered existing population figures or the number engaged in farming. Many of the excess homestead entries went to cattlemen, and in 1885 all of southeast New Mexico was devoted exclusively to cattle ranching.⁴⁵

Many landholders in the Pecos Valley possessed at least 10,000 acres. For years, the General Land Office tried to figure out how landholders had obtained such large holdings in the Pecos Valley and elsewhere. According to some, local land officers knew full well how the land was attained but found insurmountable difficulties in proving it. Probably the largest difficulty was that testimony from a

landholder would convict not only his neighbor but himself as well. One man owned more than 10,000 acres, and except for about four hundred acres, the owner made no improvement on any of it. At regular intervals, small roofless stone houses of the specified preemption size stood entirely deserted. The rancher hired cowboys to live the required time in one of the houses, sign a statement to that effect before authorities, and then deed the land to the rancher. Cowboys knew that to show a more permanent interest in the land meant tough circumstances, including death, and they readily agreed to such contracts, a regular practice in the Pecos Valley.⁴⁶

Beginning in 1882 the federal government launched a number of investigations into land fraud in the western states. In 1883 special agent H. H. Eddy (no relation to Charles Eddy) investigated some 200 homestead claims in New Mexico, and found that only 32 percent complied with homestead regulations. Eddy was paid extra for the danger surrounding his investigations in the Pecos Valley in 1884, where he found that most homestead claims were false. Only one in fourteen proved legitimate. Eddy unearthed fraud and murders of entrymen on preempted land.⁴⁷

Most homestead entries lacked any semblance of settlement or improvement. In some cases the land had been abandoned for several years; in others the applicant was under legal age or the required house had been built by a party other than the applicant. In some cases the resident on the land had never filed a claim and did not know that one had been filed.⁴⁸ From 1882 to 1886 seven special agents for the General Land Office investigated land fraud in the West, including New Mexico. One of the recurring problems, according to investigators at the time, was that native Mexican Americans living in New Mexico were unreliable witnesses who would swear to anything—and Mexican American juries seldom returned a guilty verdict even though the evidence was conclusive. The government viewed natives as people ignorant of the law who could be deceived into signing virtually

anything. Many times investigators discovered native New Mexicans who had settled on a piece of land they thought they had filed on, only to find out that, deceived by unscrupulous land speculators, they had filed on alternate land that was worthless. Their home in the meantime was filed upon by a person representing the party who had given the New Mexicans the false descriptions of the land in the first place. Consequently, many Hispanic settlers got worthless acreage rather than the valuable land they wanted. If Hispanic locals complained about the situation, officials told them that they had committed perjury by entering on land they had never lived on. They were warned that the consequences for speaking out would be arrest and prosecution.⁴⁹ Investigations into land fraud across the West revealed widespread deception, prompting others to blame New Mexico political groups of collusion.

Most agreed that the choicest lands in New Mexico and the West had been controlled and then attained through questionable legal practices by powerful groups of cattlemen in the region to keep out small-time settlers,⁵⁰ among them Spanish-speaking settlers who were at a loss to figure out the prescribed rules for filing on land. Cattlemen, beginning in the mid-1880s, by incorporating ditch companies and appropriating available water, could keep settlers from using it. Consequently, they kept competitors off even the public land. This had the effect of making land that others wished to enter on valueless unless they were supplied with water from irrigation companies often created by cattlemen.⁵¹ In many cases, on the surface, the legal papers were so technically correct that local land offices could hardly determine the fraud. In other cases, the land offices themselves were coconspirators.

G. W. Pritchard, U.S. District Attorney for New Mexico, investigated such land theft and secured information by 1884 that allowed him to prosecute a long docket of cases. Pritchard stated that "the practice [of stealing land] was carried on to an alarming extent in New Mexico and in many instances the

guilty parties [had] been apprehended and [Pritchard meant] to prosecute [them all]."⁵² U.S. Land Commissioner William Andrew Jackson Sparks, appointed in 1885 by President Grover Cleveland, accused General Land Office workers of participating in fraud or looking the other way. He suspended final entry on land in the West except for those who made the final payment with cash or script.⁵³

This had the effect of stimulating speculators and monopolists to feverish activity, grabbing lands before the public domain closed. Land sales and entries under the various land grant laws reached a high point during Cleveland's administration.⁵⁴ Others, including the surveyor general of New Mexico George W. Julian, a Cleveland appointee, lamented that various political groups within the territory aided and abetted such actions. Julian noted that in 1884 when the Democratic Territorial Convention met, it adopted a resolution decrying Washington's claims of land fraud in New Mexico and denied that such frauds existed to any considerable extent. Julian contended that members of the convention knew full well that land fraud in New Mexico was rampant.⁵⁵

By 1885 the various government investigations and consequent shakeups in the U.S. land offices across the West were being felt in the Pecos Valley. In October 1885 the registrar in the U.S. Land Office in Las Cruces, John R. McFie, was ousted in favor of E. G. Shields, who would become a major promoter of irrigation as a real estate broker in the town of Eddy. Small ranchers hoped Shields "would enforce every rule in terms of land holding to the letter and the land ring [operating in Southeast New Mexico would be] broken up."⁵⁶

CHARGES AND COUNTERCHARGES OF LAND FRAUD

In the years leading up to 1885, the accumulation of land by cattle raisers in southeast New Mexico led to a split between those acquiring large holdings and small cattle owners in the region. Cattlemen—many called them rustlers—from the older, established community

of Seven Rivers, twelve miles north of Charles Eddy's upstart community, argued that Eddy and other ranchers had obtained their land improperly. In 1885 M. J. Denman charged Charles Eddy with having obtained large acreage through fraud. Denman came from Texas and lived in Lincoln County near Seven Rivers.⁵⁷ Supporters of Eddy, many of whom were cattlemen themselves, quickly denounced Denman.

Denman's charges revolved around Eddy's procuring land from Mexican Americans near Seven Rivers. Denman and government investigating agencies accused Eddy of acquiring lands from settlers through coercion. The Mexican Americans who had taken up residence along streams and close to springs in Lincoln County were unfamiliar with U.S. land laws. Others like Marshall Ash Upson, who had known Charles Eddy since 1880, testified that Eddy acquired lands from Mexican Americans living close to the Pecos River, but explained that Eddy legally bought the land from these settlers who preempted the property.⁵⁸

Eddy's supporters painted him as the friend of Hispanics. Upson argued that strong class feelings existed between the "less intelligent" Americans, many of whom had apparently drifted in from Texas, and Mexican Americans who lived along the Pecos for one hundred miles. Upson maintained that for several years Mexican Americans had not been allowed to live in these areas peacefully, that many of them had been killed or wounded without provocation, and some had been driven from their homes by intimidation and threats.⁵⁹ Upson contended that rather than stealing land from such citizens, Charles Eddy had taken them under his wing and tried to protect them in their rights concerning land laws. Upson claimed that in so doing, Eddy had incurred the wrath and hostility of Denman and others like him who were intent on obtaining title to the Mexicans' land for themselves.⁶⁰

In a similar reproach of Denman, Charles H. Slaughter, also a large cattleman from Seven Rivers, praised Eddy's reputation to the fullest



FIG. 8. *Charles Eddy's simple home in Eddy, New Mexico.* Courtesy of Sacramento Mountains Historical Society, Cloudcroft, New Mexico.

and denounced Denman as a blackmailer and slanderer.⁶¹ Following the publication of Upson and Slaughter's affidavits, thirty citizens, most cattle raisers themselves, signed a deposition describing Denman as a "depraved and reckless man, of evil reputation, and charged with many crimes; that no faith or credence can be placed in what he says, nor the statements of his followers and tools who do his bidding."⁶²

That Charles Eddy had obtained numerous acres from those of Mexican heritage near Seven Rivers and along the Pecos River was never denied by his supporters. In question, rather, was the method by which Eddy and others obtained the land. Eddy County deed records from 1887 and 1889 attest to Anglos obtaining land from persons with Spanish surnames. Many were illiterate and could not sign their own names, transferring ownership of the land for less than one dollar per acre.⁶³

From 1888 to 1891 eighty-eight irrigation companies were incorporated in New Mexico. At least 40 percent of the land brought under irrigation during the next decade was irrigated by these companies. Under the Desert Land Act, outright entries by companies were not allowed, as federal laws aimed at establishing individual settlers and their families on the land. But companies acquired thousands of acres by circumventing the law. Companies such as Charles Eddy's Pecos Irrigation and Investment

acquired much of their land from individuals who had filed desert entries and then sold the land for next to nothing to company officials.⁶⁴ Company officials often registered numerous consecutive land purchases and deed changes on the same day. Following the required three-year period, applicants proved up on entries and then deeded their properties to the company in return for a small fee or a free trip to the desert Southwest.⁶⁵

THE POWELL SURVEY AND PECOS VALLEY SPECULATION

The Pecos Irrigation and Improvement Company's land schemes were exposed in part by a member of John Wesley Powell's survey team in 1888 and 1889. The Tarr Report was a comprehensive study of the topographical and geological components of the Pecos Valley,⁶⁶ and included many instances where landholders obtained their property through bribery of government officials, notary publics, and witnesses. At the time of the report, many of the leading citizens of Lincoln County were under indictment by a grand jury for fraudulent land entry. The author, Ralph S. Tarr, doubted that any of them would be convicted. He saved some of his most condemning rhetoric for the Pecos Irrigation and Investment Company. He noted that before the company declared the line of its ditch, it gave information concerning that ditch to friends and relatives. Observing the company's success in attracting Chicago investors to the valley in September 1888, Tarr counted a party of thirty people from Chicago who filed on nearly 25,000 acres of land along the company's ditch. Not one of the entries was a homestead or preemption claim; all were desert entries. It was clear that this group of rich urbanites was not planning to settle on the land but was simply purchasing it for speculative purposes. Many in the party were related to company officials. Members of the party who entered claims under the Desert Land laws later deeded their property over to Pecos Irrigation and Investment officers, thus adding to the land and assets of that company.⁶⁷

Within a week of the announcement that Pecos Irrigation would furnish water to the Roswell area, applicants filed Desert Land claims on 10,000 acres. Anticipating fraud and abuse in the valley, Tarr suggested that the U.S. Geologic Survey declare as off limits and remove from entry a strip of land twenty miles wide and extending from five miles north of Roswell south to the Texas line. Tarr accurately predicted that with a team of government surveyors in the area, unless the government acted quickly, speculators would immediately follow and file desert entries on the basis of the government's presence.⁶⁸

Within thirteen months after the irrigation project in the valley began in 1887, applicants had entered on 200,000 acres of land not worth taking before the prospect of irrigation. Company promoter Charles Greene said, "From the fact that nearly 200,000 acres must be finally proved up under the requirements of the Desert Land Law during the year 1891, the success of the enterprise is assured beyond question."⁶⁹ Company officials in 1888 and early 1889 replied to queries about who owned lands near the irrigation ditch—the government or the company—that Pecos Irrigation owned no land in the valley except for their ditch right-of-way.⁷⁰ Technically, the company itself owned only the access and right to deliver water to the land. But by 1891 much of the choicest government land had been snatched up and conveyed to individual company officials and others with speculative interests. Therefore, latecomers and bona fide settlers had to deal with the irrigation company to purchase land worth the taking.

Deed record books for Eddy County during the 1880s and early 1890s are riddled with examples of irrigation company officials obtaining individuals' land and water right deeds following proof of reclamation in exchange for a few dollars.⁷¹ In many cases, a series of deed exchanges took place between individuals who filed Desert Land entries, sight unseen from thousands of miles away, and early company investors. After a series of these transactions, the lands eventually became the property of



FIG. 9. Workers riprapping the front face of Avalon Dam on the east side of the Pecos River. Contractors relied heavily on Mexican and Mexican American labor. Record Group 115, Records of the Bureau of Reclamation, Public Relations Photograph Collection, Series 3—Historic, Photographs by Project Sites, Box 004, National Archives and Records Administration, Rocky Mountain Region, Denver, Colorado.

the irrigation company or subsidiary valley companies.⁷²

AN ARMY OF IMMIGRANT DAM BUILDERS

In order to make the speculative wheels turn, a succession of irrigation companies in the Pecos Valley embarked on a flurry of dam building, town building, and promotion designed to generate an oasis in the Chihuahuan Desert. Ironically, as early Hispanics at La Placita had been displaced by cattlemen, interlopers from Texas, the Lincoln County War, and a general Anglo American invasion into *Nuevo Mexico*, a new wave of Hispanic immigration into southeast New Mexico occurred as a result of both scant opportunities for employment under the Mexican regime of Porfirio Diaz, on the one hand, and a frenzy of dam and railroad building

on the other side of the border beginning in the late 1870s.⁷³ Capital recruited from deep pockets in Chicago, New Bedford, Massachusetts, New York, and Europe via Colorado Springs fueled some of the largest engineering projects in North America at the time. Despite significant prejudice, the expected abundance of liquor, violence, and vice within the tent cities of mostly single males, Mexican nationals and Mexican Americans provided the bulk of the muscle to build dams, irrigation ditches, and railroads in New Mexico's Pecos Valley.⁷⁴

DARK DAYS ON THE PECOS AND EMERGENCE OF THE CARLSBAD PROJECT

Capital investment strategies, intense promotion in Europe and North America leading to Swiss and Italian colonization,⁷⁵ and a virtual



FIG. 10. Although reluctant to take on the Carlsbad Project, Reclamation made numerous repairs and upgrades on the project, including lining canals with concrete. Record Group 115, Project Histories, Feature Histories and Reports, 1902-1932, Carlsbad, Box 79, entry 10. Department of the Interior, U.S. Reclamation Service, Project History, Calendar Year 1916, Carlsbad Project, Carlsbad, New Mexico. National Archives and Records Administration, Rocky Mountain Region, Denver, Colorado.

army of dam builders notwithstanding, the vagaries of nature intervened in 1893 and 1904 to wash away dreams of irrigating and settling a million acres of creosote and sagebrush.⁷⁶ Subsequent activities in the Pecos Valley centered around James Hagerman's attempts to find both capital to restore the irrigation system and to build a connecting railroad against competition from his erstwhile partner, Charles Eddy, who had left the valley to pursue newer horizons.⁷⁷ The town he created would be renamed Carlsbad by promoters. Following the sale to Santa Fe Railroad Company of a connecting rail line to Amarillo, Texas, Hagerman extricated himself from all irrigation business in the Pecos Valley. His departure left those of lesser means to fend for the valley's future, namely Francis G. Tracy, one of the early but small-time investors. Tracy proved to be an indomitable presence

in the valley, convincing the federal government against their better judgment to take on rehabilitation of the valley's irrigation system under auspices of the newly created Reclamation Service. The Carlsbad Project, as it became known, is the story of politics, investigation, rehabilitation, and legal struggles among the Pecos River's many clients.⁷⁸

Using the Desert Land Act and other laws to accumulate land in the Pecos Valley was indicative of the general land and irrigation boom across the country in the 1880s. Together the Desert Land Act and the Homestead Act opened 4 million acres in New Mexico. The early ease of obtaining lands under desert entries and the subsequent transfer of such lands led to accumulations of vast acreage in the Pecos Valley. While most real settlers dreamed of owning land, the key to success in



FIG. 11. Detail of the American Southwest, showing Pecos River in eastern New Mexico, and Colorado Springs, an enclave for consumptives with deep pockets in the 19th century (United States of America: Physical and Political [Chicago: Rand McNally, 1923].) Courtesy, Southwest Collection/Special Collections Library, Maps Collection, Texas Tech University.

New Mexico's arid Pecos Valley was access to water. Charles Eddy's dream of making money by providing that water led to speculation and manipulation of the nation's various land laws. Despite his efforts, the efforts of James Hagerman, and those of Francis Tracy in the twentieth century, much of the area is still dominated by creosote and sagebrush. Today, the Pecos remains one of the most litigated bodies of water in the country.⁷⁹

NOTES

Much of the material for this article comes from the book, *Ditches Across the Desert: Irrigation on the Lower Pecos* (Lubbock: Texas Tech University Press, 2003). I refer readers

to the broader context of *Ditches* to gain a full understanding of nineteenth-century investment networking, of manipulation of the Desert Land Act and other federal land laws, of the essential role played by Mexicans and Mexican Americans in the Trans-Pecos, of the environmental vagaries associated with dam and canal building in the desert, and of my take on Donald Worster's assertions concerning a "water empire" in the West, as well as those of Donald Pisani.

1. The New Mexico Territorial Legislature adopted numerous memorials that were sent to the U.S. Congress in the 1850s and 1860s detailing the territory's need for transportation, general law enforcement, and military protection against

Indians and outlaws, many of the latter coming from Texas. Most of the emigrants into the area were Anglos. Their numbers grew until they composed about one-third of the population, resulting in a clash of cultures. Many Anglos considered the Mexican Americans as inferior, lazy, and odoriferous. They described Mexican towns as "dilapidated old adobe buildings, [with] chili, and the smell of garlic . . . everywhere." Whites saw themselves, on the other hand, as progressive, energetic, and superior and were determined to end the Mexican American presence. This conflict led to shootings, assassinations, and other racial violence, including the "Harrell War." The Harrells came to the valley from Lampasas, Texas, after a bloody feud with another family. During a drinking spree that lasted several weeks, family members gunned down several Mexicans near Missouri Plaza for no apparent reason other than their race. Porter A. Stratton, *Territorial Press of New Mexico, 1834-1912* (Albuquerque: University of New Mexico Press, 1969), 24, 132; Tom Sheridan, *The Bitter River: A Brief Historical Survey of the Middle Pecos River Basin* (Boulder: Western Interstate Commission for Higher Education, 1975), 41.

2. William A. Keleher, *Fabulous Frontier: Twelve New Mexico Items* (Santa Fe: Rydal Press, 1945), 26-27.

3. The first settlers to the area drove off the Indians and called the place "Dogtown" because it was overrun by prairie dogs. Lincoln County divided in 1889 to form Chaves and Eddy counties. Notorious haunt of Texans and cattle rustlers, Seven Rivers vied with Eddy for the county seat. The influx of capital, political muscle and imported settlers proved the death knell for Seven Rivers. The Seven Rivers post office closed in 1895, signaling the end of the town. Keleher, *Fabulous Frontier*, 7-23; *Carlsbad Current-Argus*, March 20, 1988; Carole Larson, *Forgotten Frontier: The Story of Southeastern New Mexico* (Albuquerque: University of New Mexico Press, 1993), 27; *History of Eddy County, New Mexico, to 1981* (Carlsbad, NM: Southeastern New Mexico Historical Society; Lubbock, TX: Craftsman Printers, Inc., 1882), 14 (hereafter cited as *Eddy County* to 1981).

4. The Apache, especially the Mescalero, continued raiding from the Davis and Guadalupe mountains. By 1855 the United States began a campaign to stop the raids. For a brief summary of the military operation see Sheridan, *Bitter River*, 28-32.

5. Charles Goodnight was born March 5, 1836, in Macoupin County, Illinois, moving to Milam County, Texas in 1846. He entered the cattle business in 1856 and moved to Palo Pinto County in 1857. He served as a scout and guide with the Texas Rangers against the Indians. He and his

partner established the Goodnight-Loving cattle trail in 1866, and established a cattle ranch on the Apishapa River in Colorado in 1868. Goodnight in 1870 started a ranch on the Arkansas River four miles above Pueblo. He began a partnership with John Adair of Ireland in 1877 to develop the JA Ranch, which encompassed almost 1 million acres and fed 100,000 cattle. Goodnight introduced Hereford and Shorthorn cattle into his Longhorn herd, and preserved remnants of the southern buffalo herd by raising calves. Dumas Malone, ed., *Dictionary of American Biography* (New York: C. Scribner's Sons, 1936), 393; C. L. Sonnichsen, *The Mescalero Apaches*, 2nd ed. (Norman: University of Oklahoma Press, 1973), 113-17; Keleher, *Fabulous Frontier*, 38-39; Paige W. Christiansen, "The Quest for Water in New Mexico," Technical Completion Report Project no. A-026-NMex, New Mexico Water Resources Research Institution and Department of Humanities, New Mexico Institute of Mining and Technology, August 1973, 21; Mario T. Garcia, *Desert Immigrants: The New Mexicans of El Paso, 1880-1920* (New Haven: Yale University Press, 1981), 112.

6. Sonnichsen, *Mescalero Apaches*, 113-17; Christiansen, "The Quest for Water," 21. For a good description of the military campaign to subdue the Navajo and their centuries-long raiding forays into Pueblo, and later, Spanish New Mexico, as well as the questionable logic of the Bosque Redondo experiment and the contradictions within the character of Kit Carson, see Hampton Sides, *Blood and Thunder: An Epic of the American West* (New York: Doubleday, 2006).

7. Christiansen, "The Quest for Water," 21; Sonnichsen, *Mescalero Apaches*, 113-17; Keleher, *Fabulous Frontier*, 34; Ralph S. Tarr, "Hydrographic Survey 243, Report upon a Reconnaissance of the Pecos Valley (11 March 1889)," U.S. Department of the Interior, U.S. Geological Survey, 22, 24, Record Group 115, Bureau of Reclamation, Box 443, File 651, Entry 3, National Archives, Rocky Mountain Region, Denver, CO (hereafter cited as Tarr Report).

8. The homestead movement took farmers to places in Texas where only cattlemen had been. Cattlemen began looking west for rangeland. Larson, *Forgotten Frontier*, 27.

9. Goodnight, who owed much of his success to feeding Indians, shared the Indians' dislike for the waters of the Pecos. One of the most dangerous and celebrated junctions of the river was at Horsehead Crossing in Texas. The crossing gained its name and reputation because horses drowned in the rushing water or drank the brine and died. Indians found targets for attack in unwary travelers at Horsehead and many other crossings up and down the Pecos.

Goodnight's partner Oliver Loving found himself holed up just south of present-day Carlsbad in a bend of the river, which still bears his name. Indians shot Loving in the arm, an injury that later cost him his life. Ora Brooks Peake, *The Colorado Range Cattle Industry* (Glendale: Arthur H. Clark Company, 1937); For more on the Oliver Loving incident, see J. Evetts Haley, *Charles Goodnight, Cowboy and Plainsman* (New York: Houghton-Mifflin Company, 1936), and Charles Goodnight, "Starting the Longhorn Westward," *Fort Worth Star Telegram and Sunday Record*, September 15, 1929. For a discussion of Horsehead Crossing, Castle Gap, and other features of the Trans-Pecos in Texas, see Patrick Dearen, *Castle Gap and the Pecos Frontier* (Fort Worth: Texas Christian University Press, 1988).

10. The *Las Vegas Gazette* on November 25, 1875, described Chisum's ranch as stretching one hundred miles, from near Fort Sumner to Seven Rivers. The ranch reached "as far as a man can travel, on a good horse, during a summer."

11. John Simpson Chisum was born August 15, 1824, in Hardeman County, Tennessee. The family moved to Texas in 1837. Chisum became a contractor and built the first courthouse in Paris, Texas. He served as county clerk of Lamar County and in 1854 started in the cattle business, later herding cattle to Concho County. He was one of the first cattlemen to herd cattle into New Mexico, selling to government contractors at Bosque Grande, thirty miles north of Roswell, to feed Indians. Chisum trailed herds along the Pecos from Texas while one-time partner Charles Goodnight arranged for their sale in Colorado and Wyoming. Chisum established a ranch at South Spring near Roswell in the 1870s and ran as many as 100,000 cattle, although Robert W. Gilbert was issued the first recorded homestead grant in the area on January 2, 1885. Chisum was one of the first in the area to plant crops. In 1873, following the violence of the Lincoln County War, Chisum was instrumental in helping elect Pat Garrett as sheriff. In 1875 Chisum sold out to Hunter and Evans, a St. Louis firm, because he became disgusted with Lincoln County's growing number of cattle rustlers and outlaws, especially from Seven Rivers. Chisum died of cancer in Eureka Springs, Arkansas, on December 24, 1884. He never married and died intestate. His brother James of Roswell became the administrator of the estate, which he estimated at \$10,000. When he died Chisum owned property and had claims against the U.S. government for Indian depredations. Chisum was survived by brothers James and Pitzer of Paris, Texas, two nephews, Walter and William, and one niece, Sallie Robert. Malone, *Dictionary of American Biography*, 4:77; Sheridan, *Bitter River*, 41, 46; David Dary,

Cowboy Culture: A Saga of Five Centuries (New York: Alfred A. Knopf, 1981), 140; Keleher, *Fabulous Frontier*, 58-60; Tarr Report, 24; "Petition for Letters of Administration in the Matter of the Estate of John S. Chisum," Chaves County, Roswell, NM.

12. In the Roswell area three large farms made up the bulk of cultivated acreage. These included the Chisum Ranch, the 1,800-acre Pat Garrett Ranch with 200 to 300 acres in alfalfa and fruit trees, and a third ranch, the Stone Ranch, with seventy-five acres in alfalfa and two to three acres of fruit and vines. Each of the property owners planted ten acres of timber entirely in cottonwood trees. Sheep rancher Judge Edmund Stone owned the Stone Ranch. Tarr Report, 24; Larson, *Forgotten Frontier*, 78.

13. James B. Gillett, *Fugitives from Justice: The Notebook of Texas Ranger Sergeant James B. Gillett* (Austin: State House Press, 1977), 27; *Carlsbad Current-Argus*, March 20, 1988; Keleher, *Fabulous Frontier*, 26-27.

14. Leon C. Metz, *Pat Garrett: The Story of a Western Lawman* (Norman: University of Oklahoma Press, 1974); Keleher, *Fabulous Frontier*, 67-99.

15. Metz, *Pat Garrett*, 152; Ira Clark, *Water in New Mexico: A History of its Management and Use* (Albuquerque: University of New Mexico Press, 1987), 88.

16. Larson, *Forgotten Frontier*, 77.

17. Josephine Hendley Papers, 1862-1977, microfilm in the Southwest Collection, Texas Tech University, Lubbock, TX; F. Stanley, *The Seven Rivers, New Mexico, Story* (Pep, Texas, 1963), 11-12.

18. *History of Eddy County*, 26; *Eddy County News*, June 6, 1947.

19. L. Lee Myers, *The Pearl of the Pecos: The Story of the Establishment of Eddy, New Mexico, and Irrigation on the Lower Pecos River of New Mexico*, compiled from Eddy newspapers between October 12, 1889, and October 23, 1897 (published by the author, c. 1974), v, vi; Tarr Report, 1, 2.

20. *Eddy County to 1981*, 26.

21. Donald Pisani, *To Reclaim a Divided West: Water, Law, and Public Policy, 1848-1902* (Albuquerque: University of New Mexico Press, 1992), 105-6; S. I. Roberts, "Fifty Eventful Years," March 21, 1936, 3-5 (a 3,200-word essay written as part of the Works Progress Administration's attempt to capture local history during the Great Depression), WPA Files #199, State Records Center and Archives, Santa Fe, NM; *Eddy County News*, June 6, 1947; Keleher, *Fabulous Frontier*, 190; *Eddy County to 1981*, 26, 66; John O. Baxter, *Dividing New Mexico's Water, 1700-1972* (Albuquerque: University of New Mexico Press, 1997), 93.

22. Keleher, *Fabulous Frontier*, 190.

23. As in much of the American West, water was and still is the key for sustaining a presence in the

region. In the wake of the Lincoln County War, a conflict over competition for government contracts as well as land and water, some of the early cattlemen in the region left. Included among them was the cattle giant John Chisum, who had run thousands of cattle along the Pecos from Fort Sumner to Seven Rivers, a violent village near current-day Carlsbad composed of cattle rustlers and other criminals mostly from Texas.

With the departure of Chisum, New Yorkers John and Charles Eddy established their Halaguéño Ranch near Seven Rivers to serve as a winter ranch for their Black Mountain cattle operation near present-day Salida, Colorado. North of the Eddy Brothers' New Mexico operation, Pat Garrett had established a small ranch at South Springs, near Roswell, and set about irrigating it using waters from the Hondo. Garrett discussed with Charles Eddy the possibilities for irrigation along the Hondo and the Pecos, and Eddy took note.

24. The men who invested in the valley and their interrelationships with each other are essential to the story of Pecos Valley irrigation. A visionary sheriff made famous for shooting Billy the Kid joined forces with indefatigable New York promoter Charles Eddy, whose older brother was a cattle pioneer in the mountains west of Colorado Springs. With the help of professional promoter and newspaperman Charles W. Greene, they attracted investors whose money would irrigate the desert. Tubercular millionaires, engineers, reclamationists, government bureaucrats, cigar manufacturers, steel magnates, and mining and railroad capitalists invested vision, time, and money in the valley. Primary investor James J. Hagerman, a close friend of politico Marcus Hanna, had made millions from steel, mining, and railroad building before he ever set eyes on the Pecos Valley. Other investors included William Bonbright, co-owner of Hood, Bonbright and Company, the precursor of Wanamaker's Department Stores; New Yorker Amos Bissell; Frederic Stevens, a member of the board of directors of Chemical Bank of New York and his son, Joseph Sampson Stevens, a descendent of Albert Gallatin; and Richard Bolles, who made a fortune from investments in the famous Mollie Gibson mine. Charles Otis of Otis Steelworks, Arthur and Eli Mermod, heirs to the internationally known Mermod-Jaccard jewelry business, and Robert Weems Tansill, who manufactured Punch cigars, were all tied to the Pecos Valley irrigation projects. Some players in the valley had political or social ties to Theodore Roosevelt's family and his Rough Rider cavalry unit. Jay Gould, George Pullman, Benjamin Cheney, Edward Henry Harriman and Company, Charles Head, and William McMillan, among other industrial and economic leaders, played a role in

the valley's irrigation or railroad financing. These prominent individuals and their efforts paralleled those of cattle thieves, land swindlers, Swiss and Italian immigrants, settlers looking for a better life, Mexican laborers, saloon keepers, prostitutes, lawyers, and lawmen who changed the face of the Pecos Valley.

25. Tuberculosis is an acute or chronic infection usually caused by inhaling airborne particles expelled from an infected person through coughing. The particles can remain infectious and suspended for a long time. The disease affects more men than women. Neither gender shows symptoms of the disease for up to two years. An undiagnosed or untreated patient may remain in relatively good health for prolonged periods, but is highly infectious. Eventually, symptoms include fever, fatigue, and weight loss, with a morning cough that progressively worsens. The sputum becomes green and purulent, then yellow and mucoid, then blood appears. The disease primarily affects the lungs but can also involve the gastrointestinal tract, the central nervous system, the genitourinary tract, bones, joints, the mouth, ear, larynx, and bronchi. Medical knowledge and vaccines have virtually eliminated tuberculosis in the United States, but when cases appear, the patient is isolated for ten to fourteen days after antibiotics are started, and treatment continues for one to two years. Robert Merkow, ed., *The Merck Manual of Diagnosis and Therapy*, 13th ed. (Rahway, NJ: Merck, Sharpe, and Dohme Research Laboratories, 1977), 112-24; *The Fortunes of a Decade: A Graphic Recital of the Struggles of the Early Days of Cripple Creek, the Greatest Gold Camp on Earth, with Stories of Its Mines, Biographies of the Men Who Made Them, with Many New and Hitherto Unpublished Anecdotes and Incidents of Their Lives*, written, compiled, and published under the direction of Sargent and Rohrabacher for the *Evening Telegraph*, Colorado Springs, CO, October 1900, 82, in Denver Public Library, Denver, CO.

26. Marshall Sprague, *Newport in the Rockies: The Life and Good Times of Colorado Springs* (Chicago: Swallow Press, 1961), 71-72.

27. There were no Spanish land grants in the lower part of New Mexico's Pecos Valley as there were in northern New Mexico; thus settlers came to the valley of their own accord. Historians and anthropologists speculated that the Hispanics came from the Manzano Mountains near Albuquerque. This idea is based on oral histories and the fact that some of the earliest settlers claimed to be Penitentes, members of a secret and stringent brotherhood of Catholic men, a group that was very strong in north-central New Mexico. Other Mexican American settlements formed in the valley, including El Berrendo and Rio Hondo.

Rio Hondo became a barrio in Roswell known as Chihuahita. Many of these emigrants raised crops to sell at Fort Stanton (forty-five miles west) and at Fort Sumner (fifty-five miles northeast). Many of the Mexicans practiced irrigation through ditches. For more on Missouri Plaza, see James D. Shinkle, *Missouri Plaza: First Settled Community in Chaves County* (Roswell: Hall-Poorbaugh Press, 1972), 11-15; Sheridan, *Bitter River*, 34-36; Malcolm Ebright, "New Mexico Land Grants: The Legal Background" in *Land, Water, and Culture: New Perspective in Hispanic Land Grants*, ed. Charles L. Briggs and John R. Van Ness, New Mexico Land Grant Series (Albuquerque: University of New Mexico Press, 1987), 281; Clark, *Water in New Mexico*, 25; Garcia, *Desert Immigrants*, 93.

28. Shinkle, *Missouri Plaza*, 11-15; Larson, *Forgotten Frontier*, 24-26, 33-34, 59-60, 68-69; Robert J. Rosebaum and Robert J. Larson, "Mexicano Resistance to the Expropriation of Grant Lands in New Mexico," in Briggs and Ness, *Land, Water, and Culture*, 281; New Mexico Territory, Bureau of Immigration, *New Mexico: Its Resources, Climate, Geography, Geology, History, Statistics, Present Condition, and Future Prospects* (Santa Fe: New Mexican Printing Co., 1894), 245; Keleher, *Fabulous Frontier*, 33; Michael C. Meyers, *Water in the Hispanic Southwest: A Social and Legal History, 1550-1850* (Tucson: University of Arizona Press, 1984), 72; Tarr Report, 26; William E. Smythe, *Conquest of Arid America* (New York: Macmillan, 1905), 239.

29. Maria E. Montoya, *Translating Property: The Maxwell Land Grant and the Conflict over Land in the American West, 1840-1900* (Berkeley: University of California Press, 2002), 4.

30. Stephen Bogener, *Ditches Across the Desert: Irrigation in the Lower Pecos Valley* (Lubbock: Texas Tech University Press, 2003), 24-26. Born in Alabama, Garrett grew up in post-Civil War Louisiana until, at the age of nineteen, he moved to Texas. There Garrett cultivated his skills as a cowboy and buffalo hunter, drifting west to Tascosa, Texas, and then to Fort Sumner, New Mexico, by 1878. In 1880 Lincoln County stockmen elected Garrett sheriff to deal with cattle rustlers up and down the Pecos Valley including William Bonney, a.k.a. Billy the Kid. Following the shooting of Bonney in July 1881, the same year Eddy established his ranch at Seven Rivers, Garrett lost his reelection bid for Lincoln County sheriff. Garrett turned to raising his own cattle while actively pursuing New Mexican cattle rustlers as a Texas Ranger. In the mid-1880s he managed the vast New Mexican holdings of Capt. Brandon Kirby, an Englishman who took advantage of cheap land to acquire cattle and rangeland near the Pecos. Garrett in 1891 moved to Uvalde, Texas, where he raised racehorses and

cultivated a friendship with future vice president John Nance Garner. Garrett moved back to New Mexico at the request of Las Cruces businessmen and was elected sheriff of Dona Ana County in 1898. He later served as U.S. Collector of Customs at El Paso, using the money earned to return later to raising racehorses and playing poker in and around Las Cruces. On February 20, 1908, Garrett, at the age of fifty-eight, was shot and killed on the road to Las Cruces from his ranch in the Organ Mountains. Keleher, *Fabulous Frontier*, 67-91; Metz, *Pat Garrett*.

31. Earl G. Harrington, "Cadastral Surveys for the Public Land of the United States," in *The Public Lands: Studies in the History of the Public Domain*, ed. Vernon Carstensen (Madison: University of Wisconsin Press, 1963), 36; Paul W. Gates, "Homestead Law," in Carstensen, *Public Lands*, 315; Mark Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Viking Press, 1986), quotation on 45, 46; Fred A. Shannon, "The Homestead Act and the Labor Surplus," in Carstensen, *Public Lands*, 298; Clark, *Water in New Mexico*, 48; quotation from Francis G. Tracy Sr., "Pecos Valley Pioneers," *New Mexico Historical Review* 33 (July 1958): 187-204.

32. Victor Westphall, "The Public Domain in New Mexico, 1854 to 1891," *New Mexico Historical Review* 33 (January 1958): 29-31.

33. *Ibid.*

34. Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1942), 219-20; Reisner, *Cadillac Desert*, 43, 44, 46; John Ganoe, "The Desert Land Act in Operation, 1877-1891," *Agricultural History* 11 (January 1937): 146; Victor Westphall, "The Public Domain in New Mexico, 1854-1891," *New Mexico Historical Review* 33 (April 1958): 132; Tracy, "Pecos Valley Pioneers."

35. *Eddy County News*, June 6, 1947; Westphall, "Public Domain" (April 1958), 130-31.

36. Harold H. Durham, "Some Crucial Years of the General Land Office, 1875-1890," in *The Public Lands: Studies in the History of the Public Domain*, ed. Vernon Carstensen (Madison: University of Wisconsin Press, 1963); Gates, "Homestead Law," in Carstensen, *Public Lands*, 318; Elwood Mead, *Irrigation Institutions: A Discussion of the Economic and Legal Questions Created by the Growth of Irrigated Agriculture in the West* (New York: Macmillan Press, 1903), 16; Clark, *Water in New Mexico*, 49-51.

37. Reisner, *Cadillac Desert*, 46; Mead, *Irrigation Institutions*, 36-37.

38. Mead, *Irrigation Institutions*, 16, 17; Reisner, *Cadillac Desert*, 44, 45; *Hearing in Matter of the Protest of the Pecos Irrigation Company to the Honorable Secretary of the Interior against the Construction of the Hondo Reservoir by the Reclamation Service*, Roswell,

NM, September 6, 1904, 8, Bureau of Reclamation, RG 115, Box 1, Entry 4, National Archives, Rocky Mountain Region, Denver, CO.

39. Westphall, "Public Domain" (January 1958), 30-31; Michael C. Robinson, *Water for the West* (Chicago: Public Works Historical Society, 1979), 8; Larson, *Forgotten Frontier*, 76-79.

40. Westphall, "Public Domain" (January 1958), 30-31.

41. Clark, *Water in New Mexico*, 48-49. For more on Atkinson's activities in other parts of the state, including especially his dealings with the Santa Fe Ring, Stephen Elkins and Thomas B. Catron, among others, see Montoya, *Transplanting Property*, 115-17.

42. Westphall, "Public Domain" (January 1958), 33.

43. Karen Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), 34-36.

44. U.S. Congress, House, *Report of Exploration and Survey of Route from Fort Smith, Arkansas, to Santa Fe, New Mexico, Made in 1849, by First Lieutenant James H. Simpson, Corps of Topographical Engineers*, 31st Cong., 1st sess., Ex. Doc. 45, 1850, 1-61; Captain R. B. Marcy, "Journal," in *Marcy and the Goldseekers*, ed. Grant Forman (Norman: University of Oklahoma Press, 1935); Bogener, *Ditches Across the Desert*, 13, 14.

45. Westphall, "Public Domain" (January 1958), 42-45; see also Merrill, *Public Lands and Political Meaning*, 42-45, for a discussion on the difficulties of extending the Homestead Act into the arid West, the notions of yeoman democracy, and the realities of trying to farm in the region.

46. Tarr Report, 8-9.

47. Clark, *Water in New Mexico*, 50-53.

48. Westphall, "Public Domain" (January 1958), 45-56.

49. Westphall, "Public Domain" (April 1958), 136-37; Clark, *Water in New Mexico*, 50.

50. U.S., Congress, House Ex. Doc. 49C, 1885-1886, I.S. vol. 11, 200-216.

51. Robert Tudor Hill, *The Public Domain and Democracy: A Study of Social, Economic, and Political Problems in the United States in Relation to Western Development*, Studies in History, Economics, and Public Law (New York: Columbia University Press, 1910), 38, no. 1: 185-86; Clark, *Water in New Mexico*, 54; Reisner, *Cadillac Desert*, 113; Robbins, *Our Landed Heritage*, 326-27.

52. *White Oaks Golden Era*, January 10, 1884; Clark, *Water in New Mexico*, 54. The newspaper, from White Oaks, New Mexico, now a ghost town not far from Lincoln, is part of the holdings of the Southwest Collection/Special Collections Library, Texas Tech University.

53. Paul W. Gates, *History of Public Land Law Development* (Washington: Government Printing Office, 1968), 477; Robbins, *Our Landed Heritage*, 291-95.

54. Westphall, "Public Domain" (April 1958), 136-37; Clark, *Water in New Mexico*, 50.

55. George W. Julian, "Land Stealing in New Mexico," *North American Review* 145 (1887): 2, 28-29.

56. *White Oaks Golden Era*, October 15, 1885.

57. Myers, *Pearl of the Pecos*, 141; Deposition of Marshal A. Upson, in the *White Oaks Golden Era*, December 17, 1885; "Roosevelt Hearings" in William McPhee, "The Eddy Brothers," Typescript in History File (County) #14, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

58. *White Oaks Golden Era*, December 17, 1885; Keleher, *Fabulous Frontier*, 90; "Roosevelt Hearings" in McPhee, History File #14.

59. *White Oaks Golden Era*, December 17, 1885.

60. Ibid.

61. Ibid.

62. Ibid.

63. Eddy County Deeds of Record, Book A, 2-10, 78-86, 110, Carlsbad, NM.

64. Westphall, "Public Domain" (April 1958), 132; Ganoë, "Desert Land Act in Operation," 146-47; see Patent and Deed Records for Eddy County.

65. Ganoë, "Desert Land Act in Operation," 149-50; Westphall, "Public Domain" (April 1958), 135; See Eddy County Deeds of Record, Book 1, for entries from 1888 through the 1890s.

66. "Synopsis of Tarr Report," in Tarr Report, i-iv.

67. See Eddy County Patent Books A and B, Deed Books 1-4; Tarr Report, 9.

68. Tarr Report, 9-10.

69. *Eddy Argus*, December 13, 1890.

70. *Eddy Argus*, October (day unknown) 1889.

71. See Eddy County Deed of Records, Books 1 and 2.

72. Eddy County Patents Book A, 74, 358, 406, 544; Deeds of Record, Book 1, 14-50; Book 3, 476; Book 5, 273, 280, 332; Book 6, 122; Book 7, 443, 550, 554, 573, 597, 599, 601; Book 8, 190.

73. Railroad building provided a significant source of employment for Mexican nationals and Mexican Americans. Railroad employment was not stable as companies hired men to meet specific needs, then let them go. In New Mexico, villagers worked part time on railroads and farmed part time. By the 1900s, on some lines Mexicans constituted 70 percent of section crews and 90 percent of extra gangs, making one dollar a day. Many rail companies recruited directly in the interior of Mexico. Robert N. McClean, *That Mexican! As He Really Is North and South of the Rio Grande* (New York: Fleming H. Revell Co., 1928), 134; Gómez-Quifiones, *Mexican*

American Labor, 151; Zeleny, *Relations Between the Spanish-Americans and Anglo-Americans*, 77-78, 162-63; Garcia, *Desert Immigrants*, 37, 40.

74. For a discussion of recruitment of and violence among Mexican workers and others involved in building activities in the valley, see Bogener, *Ditches Across the Desert*, 96-104. Mexicans were often recruited in large groups because they worked, legal or not, cheaply. See Alan M. Kraut, *The Huddled Masses: The Immigrant in American Society* (Arlington Heights: Harlan Davidson, Inc., 1982), 25; Carey McWilliams, *North from Mexico: The Spanish-Speaking People of the United States*, updated by Matt S. Meier (New York: Praeger, 1990), 195, 196; *El Paso Daily Times*, January 14, 1902; *El Paso Daily Herald*, December 4, 1915. For discrimination, relations between groups, and living conditions, see also Carolyn Zeleny, *Relations Between the Spanish-Americans and Anglo-Americans in New Mexico* (New York: Arno Press, 1974), 77-78, 157, 162-63; Christiansen, "The Quest for Water," 5; McClean, *That Mexican!*, 134; Juan Gómez-Quiñones, *Mexican American Labor, 1790-1990* (Albuquerque: University of New Mexico Press, 1994), 151; *Eddy Argus*, August 30, 1890; October 19, 1889; November 23, 1889,

March 8, 1890; December 20, 1890; December 28, 1889; February 7, 1891; June 13, 1891; September 5, 1891; *Eddy County to 1981*, 68; Ruth Kessler Rice, *Letter from New Mexico, 1899-1904*, ed. Margaret W. Reid (Albuquerque: Adobe Press, 1981), 46; *Eddy Weekly Current*, December 23, 1892; Arnoldo DeLeón, *The Mexican American Image in Nineteenth-Century Texas* (Boston: American Press, 1983), 31-32; McWilliams, *North from Mexico*, 196.

75. Bogener, *Ditches Across the Desert*, 81-84.

76. For an in-depth discussion of construction and financing of Pecos Valley dams and infrastructure, and the destruction of same, see Bogener, *Ditches Across the Desert*, chapter 5, "Companies, Canals and Capital," 108-27, and chapter 6, "Railroads and Receivership," 128-42.

77. Bogener, *Ditches Across the Desert*, 128-35. On Charles Eddy, see p. 134.

78. For a detailed examination of competition over water in the Pecos Valley in the twentieth century, the myriad issues between water users' associations, absentee landholders, reclamation, and the state of Texas, see later chapters in Bogener, *Ditches Across the Desert*, 160-228.

79. Ibid.