

The Early Years 1872–1881

The Organic Act creating Yellowstone National Park on March 1, 1872, not only preserved the park’s wonders “from injury or spoilation” and retained them “in their natural condition,” but also set the area aside as a “pleasuring-ground for the benefit and enjoyment of the people.” These two precepts provided the foundation and influenced the development of both concession and conservation policy in the National Park Service. In more instances than not, Yellowstone National Park became the proving ground for many of the new policies.

Providing “for the benefit and enjoyment of the people” became a major issue for the young Department of the Interior after the creation of the park in 1872. Requests for permission to build hotels immediately began to arrive in Washington. How to address the existing facilities in the northern portion of the park was also an issue.

Wording in Yellowstone’s Organic Act established the precedent for private enterprise in the park and gave some parameters for granting leases:

The Secretary may in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same.¹

Two months after the creation of the park, the Secretary of the Interior appointed Nathaniel P. Langford, resident of Montana Territory and one of the leaders of the Langford-Washburn-Doane expedition into the Upper Yellowstone, as Yellowstone’s first superintendent (an unpaid position). Langford, who



Nathaniel Pitt Langford. 1871.

at the time of his appointment was a U.S. bank examiner for the states on the West coast and the territories, did not reside in the park and only visited during 1872 and briefly in 1874. Despite this, he recognized some of the potential problems in providing services for the visitor. In his 1872 annual report, he pointed out the need for good wagon roads to the different wonders, which, in turn, would encourage the leasing of hotel sites, thus providing revenue for the government and funds for any needed improvements. Langford, however, turned down several applications for the construction of toll roads believing the government should construct free roads for the traveling public.²

Also immediately after the park's creation, Langford started receiving requests for permission to construct hotels. In a letter to Secretary of the Interior Columbus Delano, he recommended granting leases to two or three people or, at least to one person who could provide a "stopping place for tourists" during 1872. He also asked Secretary Delano to clarify his authority in allowing the construction of a hotel and "generally, for the protection of the rights of visitors, and the establishment of such rules as will conduce to their comfort and pleasure."³

Shortly thereafter, however, the Department of the Interior advised Langford that regulations for managing the park would be forthcoming, but he was at "liberty to apply any money, which may be received from leases to carrying out the object of the act of Congress, keeping account of the same, and making report thereof to the Department."⁴

In addition to Langford's concern for providing adequate accommodations for visitors, he faced the problem of the dealing with different pre-park entrepreneurs—Matthew McGuirk, James McCartney, Harry Horr, and C. J. "Yellowstone Jack" Baronett—who resided in the park's northern section. The men began almost immediately to pursue claims against the U.S. government for improvements. While having no personal objection to them as tenants, Langford did not want to set a precedent by approving their application of pre-emption of property. He believed that the realty of the park should be held by the government and any facilities should function under Department of the Interior's rules and regulations. Therefore, Langford believed that the government should purchase the improvements made prior to March 1872 and that the owners be given "a preference, upon equal terms, over other applicants for the rental of the premises they have improved."⁵

Langford's cause for concern was prompted by the quick action of Matthew McGuirk, who, one week after the Yellowstone Organic Act passed, appeared before the Gallatin County Clerk, Montana Territory, to file claim to a tract of land in the newly created park. McGuirk, a citizen of Wyoming Territory, maintained that he had a valid right to the land he had settled on in November 1871. Two witnesses gave sworn testimony of McGuirk's settlement near the bank of the Gardner River.⁶

At the time of his claim, the improvements at "McGuirk's Medicinal Springs" were a house, fence, ditch, and a barn. The site, on Boiling River about 145 yards from where it empties into the Gardner River, had originally been called "Chestnutville." It had first been opened as a camp for invalids, who mostly suffered from rheumatism. Scientist Ferdinand V. Hayden, of the U.S. Geological and Geographical Survey of the Territories and early park explorer, described the 1871 camp as a "party of invalids, who were living in tents, and their praises were enthusiastic in favor of the sanitary effects of the springs. Some of them were used for drinking and others for bathing purposes." Although he never received title to the claim, McGuirk ran his operation until 1874 when Superintendent Langford requested his removal from the park. The improvements were razed in 1889 by Superintendent Moses Harris. Ten years later McGuirk received a settlement from Congress for \$1,000.⁷

The park's first hotel, built in the Clematis Gulch area of Mammoth Hot Springs by Harry Horr and James McCartney was a one-story, sod-covered log building, 25 by 35 feet. The November 2, 1871, issue of the Bozeman *Avant Courier* described the Horr and McCartney cabin as "nestled snugly in a gulch, covered with tall straight pines, while running down its bed and near the cabin, is a stream of water with a temperature of 40 degrees, while on the other side of the cabin is a stream having a temperature of 150 degrees." The reporter, "Buckskin," predicted "that in five years from this date these springs will achieve a world-wide reputation, and two years succeeding will make the greatest inland resort in the world."⁸

The first bathhouse, a tent located near the main basin on Hymen Terrace in Mammoth Hot Springs, was built by McCartney over an oblong, human-sized hole fed by nearby spring water through a hollow trough. A wooden bathhouse with wooden bathtubs was constructed later. In 1872, McCartney added a storehouse and, in the following year, a 16- by 50-



McCartney's Hotel, Mammoth Hot Springs. 1885.

foot stable and another house.

Three years after McCartney began the hotel/bathhouse operation, the Earl of Dunraven described it as a “little shanty which is dignified by the name of hotel.”⁹

The Irish Earl of Dunraven, who chronicled about his travels in the park and the West, predicted that the springs would “someday become a fashionable place,” but in 1874 it was mostly being frequented by:

a few invalids from Helena and Virginia City, and is principally known to fame as a rendezvous of hunters, trappers, and idlers, who take the opportunity to loiter about on the chance of getting a party to conduct to the geysers, hunting a little, and selling meat to a few visitors who frequent the place in summer; sending the good specimens of heads and skeletons of rare beasts to the Natural History men in New York and the East; and occupying their spare time by making little basket-work ornaments and nicknacks...coated with white silicates, they sell to the travelers and invalids as memorials of their trip.¹⁰

By 1874, advertisements for McCartney's hotel, which was now run by John Engessor, highlighted “...a handsome club house—bar attached—billiard hall will be added—number of visitors not large....” The following year, “Dutch John” Engessor advertised the hotel as the National Park Hotel and declared the “fare equal, if not superior, to any other house in the

territory.” However, three years later, Ferdinand Hayden described the fare as “simple, and remarkable for quantity rather than quality or variety” and the accommodations as “very primitive, consisting in lieu of bedstead, 12 square feet of floor room” with the guest providing his own blankets. Until 1880, the hotel offered the only accommodations in the park.

The third privately held business, a toll bridge near the confluence of the Yellowstone and Lamar rivers, was built by a Scotsman, C. J. “Yellowstone Jack” Baronett, in 1871 to serve the miners traveling to the New World Mining District on the Clarks Fork of the Yellowstone, just east of the park. (In 1870, silver and lead deposits attracted the attention of many local miners who had been working earlier discoveries in the Upper Yellowstone.) Baronett's well-chosen site, at a point about 100 feet wide, had sound rock bases on either bank to provide the footings for rock-filled, log-crib piers, 20 feet high. One 60-foot span and one 30-foot span bridged the river. The superstructure consisted of a 10-foot roadway carried on three stringers, which were supported by a pair of queen-post trusses in each span. In addition to the bridge, Baronett also constructed several outbuildings.

The bridge was partially destroyed by the Nez Perce in August 1877 while being pursued through the park by U.S. Army General O. O. Howard. It was repaired and remained in service until 1880. In 1899, Congress awarded Baronett \$5,000 for the bridge.¹¹

Superintendent Langford made repeated requests to the Secretary of the Interior for appropriations to protect and improve the park, but to no avail. It appears Langford was not aware that during discussions about establishing the park, Ferdinand Hayden, was



Baronett Bridge. 1913.

“...compelled to give a distinct pledge that he would not apply for an appropriation for several years at least.” Without the pledge, Hayden believed the legislation would not pass.¹²

In 1873, Langford asked for money to construct roads, as the opening of roads would attract “men of entire reliability” to lease sites, which would in turn “lead them to preserve, in all their beauty, the surroundings of the springs.” Hayden also felt that good roads would lead to the construction of facilities by private entrepreneurs and that the government could use the lease income to maintain the government-built roads.¹³

Citing the fact that private enterprise was prepared to start both stage lines and telegraph service in the park, Langford called upon the Secretary of the Interior to take the necessary steps “toward opening the park, granting leases, fixing the rate of charge and private enterprise will be only too willing to do whatever is needed after that.” However, Secretary Delano’s December 1873 letter to a potential hotel lessee applicant, expressed the policy of the Department, “It has been inadvisable to grant leases for any purposes in said Park until Congress shall by a suitable appropriation, provide for its government, and for opening it to the public.”¹⁴

In early 1874, Langford wrote to the Secretary of the Interior pointing out the need for protection of the park and also for a survey to establish the boundary because people wanted to settle nearby. With 500 people visiting the park in 1873 and the prospect of more visitors coming during the 1874 season, Langford urged Congress to award an immediate ap-



Park roads around 1916.

propriation for the park’s protection. He cited the need for “commodious public houses” at the Falls, Yellowstone Lake, Mammoth Hot Springs, and in each of the geyser areas, but he did not think it prudent to grant the leases to applications already received until “proper police regulations were established.” Langford believed that hotel owners at the different locations would be “interested in the protection of the curiosities, and might be clothed with Government authority for that purpose.”¹⁵ Hayden also suggested that leaseholders at different park locations could serve as “deputy superintendent...without charge.”¹⁶

In response to Superintendent Langford’s urging for park protection and to a petition signed by 72 concerned residents of Montana Territory, Secretary Delano appealed to Congressman James Blaine for a \$100,000 appropriation to enable the Department to carry out the wishes of Congress as described in the act creating the park. Delano asked for an amendment to the Organic Act specifying the term of 20 years instead of 10 years for leaseholders. The extended term would bring more money into the Treasury and could possibly “in a few years reimburse the Government for all the expense that may be incurred by it on account of the park.”¹⁷

Reaction to the proposed amendment was not long in coming as Harry Horr and James McCartney applied to the Secretary of the Interior for a lease to “that portion of the National Park embracing the Mammoth Hot Springs,” citing their earlier claim under local laws governing Montana Territory. At this time they also notified the Department that they had conveyed one-third interest in all their rights to Dr. Henri Crepin.¹⁸

The year before, Harry Horr had written to Montana’s Congressman W. H. Clagett asking for either remuneration for his improvements or a lease, citing the importance of their caretaking of the springs at Mammoth. Clagett supported Horr’s request and recommended a 10-year lease. However, Superintendent Langford was not fully supportive of the request. In his letter to Secretary Delano, he suggested that a temporary right to occupy the site of the improvement be granted “with the full understanding that such occupancy does not establish, or imply the existence of any rights of pre-emption, or priority of claim for a lease in his favor.”¹⁹ Horr responded to Secretary Delano by stating that he would submit a claim for reimbursement of the value of his property to Congress, but that he was “remote from Washington and

may suffer from lack of means to make clear and emphatic the Justice” of his claim. However, he also asked that this claim for reimbursement not jeopardize the “considerate offer to continue in the temporary occupancy” of the claim.²⁰

The other Mammoth Hot Springs entrepreneur, Matthew McGuirk, made a similar request to the Secretary of the Interior and received a similar answer through Superintendent Langford. In both cases, Langford made it clear that a temporary lease would cover only cover the site of the improvement and not the 160 acres that the two men also claimed.

On April 18, 1877, Philetus W. Norris replaced Nathaniel Langford as Superintendent, and the following day Norris appointed James McCartney assistant superintendent until he could reach Yellowstone in June.²¹ Norris, a Michigan businessman and early park explorer, visited the park during the summer of 1877 and spent most of his time exploring new travel routes. He had left the park by the time the Nez Perce came through in August, but his annual report for the year mentions the burning of the Baronett Bridge in his appeal for an appropriation for road and bridge construction. He also mentioned James McCartney when he addressed the pre-park built facilities. He cited Baronett’s and McCartney’s operations as having been:

constantly and more beneficially to the public than to themselves held peaceable possession of them until the Indian raid, it seems but fair they should either be paid a reasonable remuneration for surrender of their improvements, if taken by the Government (which I do not recommend) or allowed a fair preference in securing ten or twenty years’ leases for bridge and hotel rights at their respective localities.²²

Norris further called upon Secretary of the Interior Carl Schurz to provide leases for hotel development at the falls of the Yellowstone River, Yellowstone Lake, Firehole geyser basins, and for yacht and ferry licenses on Yellowstone Lake.²³ Perhaps it was Norris’s well-chosen words or maybe it was Ferdinand Hayden’s influence, but Congress passed the park’s first appropriation of \$10,000 in June 1878.²⁴

Because of the Nez Perce campaign during the previous year as well as the continuing potential threat from the Bannocks, Norris decided to construct a road to the Lower Geyser Basin instead of building a headquarters building at Mammoth Hot Springs. This



Philetus Norris. 1889.

north-south road would not only aid the movement of the military from Fort Ellis, Montana Territory, to either Henry’s Lake or Virginia City (both west of the park), but it would also be helpful in transporting the growing numbers of park visitors.²⁵

Road construction activities occupied much of Norris’s time in 1878, but he did inspect potential building sites for hotels, assessing the available water, pastures, and a wood supply. He also looked for good boat landing sites on Yellowstone Lake for steamboat launches.²⁶

Getting to Yellowstone was as much a problem as the lack of facilities and roads within the park. While the park area was within Wyoming Territory, all entry to Yellowstone was from Montana Territory. However, no rail lines extended into Montana in the 1870s; the nearest railhead from which travelers could take a stage was at Corrine, Utah, where the Union Pacific Railroad ended. The Northern Pacific Railroad lines ended at Bismarck, Dakota Territory. Alternatively, travelers could board a steamboat in St. Louis for the 3,100-mile journey to Fort Benton, Montana Territory, and then travel by stage to the Yellowstone Valley. While awareness was growing that the sights of Yellowstone would attract large numbers of

travelers, it would be nearly a decade before the Northern Pacific Railroad would become a major player in advertising the park and developing park concessions.²⁷

Before Yellowstone legislation was introduced into Congress, many newspaper and magazine articles extolled the beauties of the Yellowstone area. Nathaniel Langford traveled to the East Coast to present informative and interesting lectures about the area in order to solicit support for the park's establishment. One lecture was given in the home of Jay Cooke, whose financial firm had floated a loan for the extension of the Northern Pacific Railroad into Montana. When the Organic Act was introduced in Congress in 1871, Northern Pacific Railroad officials and their friends assured Congress of the company's plan to construct a narrow-gauge connecting rail line to the park's northern entrance. However, the year following establishment of Yellowstone National Park, the Northern Pacific Railroad company collapsed due to financial problems and halted construction of the rail line westward. In 1878, Ferdinand Hayden commented that the collapse of the Northern Pacific Railroad "retarded the development of the Park for years."²⁸

By 1880, the Northern Pacific had been reorganized under new leadership, first Frederick Billings and later Henry Villard, and the rail line's extension into Montana resumed. At the same time, the Union Pacific Railroad was extending its narrow-gauge Utah Northern branch line to within 30 miles of the park's western entrance. Hayden believed these new developments would revive Congressional interest in the park and lead to needed appropriations for the park.²⁹

Good roads and nearby rail lines were crucial to sustain public attention on the park. In his 1878 annual report, Norris showed his optimism about the improvements in transportation by comparing detailed descriptions of the two existing itineraries (Northern Pacific Railroad and Utah Northern Railroad) and associated costs with the proposed new routes. Without exhibiting any preference between the two railroads, Norris suggested that park travelers use both routes.³⁰

By 1879, other park issues occupied Superintendent Norris's time. By 1879, his displeasure with the large liquor sales at McCartney's hotel prompted him to write a diplomatic letter to Secretary of the Interior Carl Schurz suggesting a one-year lease on all or a portion of McCartney's buildings. He suggested that if McCartney refused, he be ejected from

the park by the military (from Fort Ellis).³¹

In Norris's candid letter to the Assistant Secretary of the Interior, he explained his reasons for the discretionary tone of his letter to Secretary Schurz. Norris had no hope that McCartney would accept the conditions of a one-year lease. He also knew Ferdinand Hayden would oppose McCartney's ejection and that McCartney would have the sympathy of the miners and military at Fort Ellis "with whom they habitually...drink and enjoy a frolic instead of hunting Indians; the active sympathy of the Delegate from Montana and also the most drunken and debased portion of the Mountaineers."³² Norris feared McCartney might retaliate by burning the buildings or even ambushing and killing him. In his effort to subdue the rowdy atmosphere in the Mammoth area, Norris suggested that the Department modify the park governing rules by "prohibiting sale of stimulants upon all national reservations."³³

Schurz asked Norris to designate a certain boundary for the McCartney site, to inform McCartney that he was bound by the rules and regulations governing the park as well as any that might be prescribed, and to ask McCartney to inform the Department of the years he wanted the lease.³⁴ Immediately after Norris arrived in the park in June 1879, he met with McCartney and explained the new terms. McCartney informed Norris that he would meet with friends in Bozeman before giving him his decision.³⁵

By the end of July, McCartney presented several proposals to Secretary Schurz, including securing an appraisal from three appraisers as to the value of his property, having the government pay him \$30,000 for his improvements for which he would give up all rights, or securing a free 10-year lease of lands and springs within a contiguous area plus rights to "certain springs and bath-houses erected...at a point near sluice to reservoir."³⁶ By the time Norris left the park in September, no action had occurred on the McCartney issue.

In 1879, 1,030 people visited the park, including many families from nearby Montana and Idaho who used their own wagons, carriages, horses, and pack animals. Other visitors included Pennsylvania railroad officials, military officers from the United States Army as well as different armies of Europe, noted American and European scientists, and other "prominent gentlemen and ladies from various regions."³⁷

Norris's annual report for 1897 indicated his op-

timism about pending propositions for hotels at Mammoth Hot Springs, Yellowstone Lake, and “Soda Butte Medicinal Springs” in the eastern part of the park. Overly optimistic, he predicted that a time would come when the medicinal qualities of Soda Butte Springs would rival the springs at Hot Springs, Arkansas. In addition to a bathhouse and hotel at Soda Butte, Norris even suggested that the lessee could also be the “keeper of wild and domesticated animals indigenous to the park.” Other duties Norris envisioned for lessees at various locations in the park included assisting the Superintendent in implementing the rules and regulations for the proper management of the park.³⁸

In the first inspection trip to the park by a Secretary of the Interior, Carl Schurz personally experienced the need for adequate visitor accommodations. An account of the 1880 trip written by G. W. Marshall relates the manner in which the first permit for hotel purposes was given and how Marshall fared:

Carl Schurz, Sec. of Interior, was out visiting the Park in 80 and had to sleep out under the trees near my cabin. One night it rained. He told me next morning I would have given twenty dollars (\$20.00) to have got into a house last night and suggested that I should prepare to keep travelers, said he would see that I got a permit from the Government and when they got their leases fixed, would see that I got a lease. I remained on a permit till last year when Sec. of Interior granted me a lease for 10 years. My first year I did not make any thing, second year came out \$180.00 in debt.³⁹

In addition to bright prospects for the hotel business, Marshall and his partner, John Goff, offered travelers more convenient transportation. They brought the first passengers on their coach line from Virginia City, Montana, to the Marshall Hotel at the forks of the Firehole River on October 1, 1880. By this time, the Utah Northern Railroad had been extended into Montana from the south, and the Northern Pacific Railroad now extended into Montana from the east and was expected to be close to Miles City and Yellowstone River by the coming season.⁴⁰

Secretary Schurz also favored establishment of a mail route in the park.⁴¹ Before winter set in, G.W. Marshall and John Goff had built the Riverside mail station (an earthen-roofed loghouse and barn below the canyon of the Madison River and on the road to

Henry’s Lake), the mail station at Norris (a “rude, earth-roofed cabin and barn”), and a “fine-shingle roofed mail station and hotel with barn and outbuildings” just west of the forks of the Firehole River.⁴²

Norris wrote in his 1880 annual report that he expected the terms of the leases for hotels to be extended from 10 to 30 years. Perhaps this was in response to Secretary Schurz’s reply to A. W. Hall of Fargo, Dakota Territory, who had applied for a hotel lease. Schurz stated “as the law now stands we cannot give leases except for ten years, and that is scarcely long enough to induce responsible parties to erect buildings of a sufficiently substantial character.”⁴³ Hall responded that he and his partner had considered the “ten year term taking our chances of obtaining an extension of the time of Congress,” and that they were prepared to build “on a scale commensurate with the magnificent region.”⁴⁴ The Halls were highly recommended by Congressman W. D. Washburn of Minnesota, Senator William Windom of Minnesota, and four other prominent men, but no lease was given.⁴⁵

By the end of 1881, the Utah Northern Railroad extended to Silver Bow, Montana (near Butte). A survey was planned for extending a branch line to Virginia City, then along the upper Madison River, and terminating at the forks of the Firehole River within the park. The Northern Pacific Railroad lines had reached the vicinity of Miles City, Montana, and according to Norris, rail officials believed the line would be within 30 miles of the park by the following year. Shortly after that, a branch line would extend to the “mouth of the Gardiner [*sic*].” Confident that the improved rail routes would make the park more accessible, Norris anticipated “a visit to the Park will become national in character and popular with our people so they will no longer have to loiter the antiquated paths to pygmy haunts of other lands, before seeking health, pleasure, and the soul expanding delights of a season’s ramble amid the peerless snow and cliff encircled marvels of their own.”⁴⁶

Despite 10 years having passed since the Organic Act specified the granting of leases for the erection of hotels, no formal leases had been granted in the park (Marshall’s was apparently a verbal permit.). The McCartney Hotel claim had not been settled, but Norris gave him written permission to make some improvements to his property. Norris also gave McCartney written permission for one more year based upon his adherence to the rules and regulations just approved by the newly appointed Secretary of the Interior,

Samuel Kirkwood. Kirkwood added a prohibition of liquor sales to the park rules and regulations, and McCartney rented his hotel and other buildings for the season to “a responsible party with a family” and left for Gardiner where he could sell “grog.”⁴⁷

During 1881 the groundwork was laid for one of the important and long-lasting concession leases. A petition signed by the General Manager and General Land Agent of the Northern Pacific Railroad and several prominent Fargo, Dakota Territory, businessmen proposed that F. Jay Haynes of Fargo be the official photographer of Yellowstone National Park with the privilege of erecting a studio in the park. The petition cited the immense circulation and impact that Haynes’s landscape photography had on attracting attention to that part of the country.⁴⁸ With encouraging words from the Department of the Interior, Haynes left for the park at the end of August 1881 for a month’s work. While there he selected a 10-acre tract of land that “contains no wonders” near Beehive Geyser on

the west bank of the Firehole River.⁴⁹

The Department of the Interior policy at the time prohibited the granting of titles to “any portion of the soil, nor licenses to persons or companies for toll roads or bridges, but rather to make and manage all the improvements of a general nature,” however, those of a “local or private nature” such as hotels, should be left to private enterprise. Norris continued to suggest a longer lease term (but not to exceed 30 years) thinking that the longer extension would encourage the construction of a “better class of structure.”⁵⁰

The season of 1881 would be Norris’s final one in the park, although he remained Superintendent until February 1882. Then, with a new presidential administration and a new Secretary of the Interior, politics began to influence the events in Yellowstone.

Unfortunately, the first decade of the nation’s first national park ended with little progress toward providing for the “benefit and enjoyment of the people.”