

Management by Fits and Starts, and the Pressure for Preservation

The Administrations of Patrick Conger, Robert Carpenter, and David Wear

According to the authors' extensive research, Superintendent Philetus Norris's departure from Yellowstone could not have come at a less opportune time. Both railroad and mining interests were pushing for the right to enter the park area, and an equally pressing concern was the rush by an organization called the Yellowstone Park Improvement Company, a subsidiary of the Northern Pacific Railroad (whose tracks were drawing ever closer to the park) to take control of major concessions in the park, primarily in the form of hotel construction and operation.¹

With growth in tourist numbers outpacing available facilities, and with lawlessness in and around the park on the increase, more federal resources were badly needed. What early civilian administrators received instead was a continued lack of support from the federal government. As historian Richard A. Bartlett has noted, "So restricted were superintendents by the limited powers granted them, so poorly were they supported by Washington, and so overwhelming were their problems that only men of unusual managerial abilities would have coped successfully with the situation."² Clearly, these challenges required a strong administrative response. Unfortunately, the first two civilian superintendents to follow Norris—Patrick Henry Conger and Robert E. Carpenter—were not well-suited for the job, and the third, David W. Wear, who showed signs of being a better manager, was given little time and opportunity to prove himself.³ The four years when these men held the office represented a period of instability in early park management. Nevertheless, efforts to protect and preserve Yellowstone's resources did gain some momen-

tum; Hiram M. Chittenden, who served in the park for a number of years as captain of the Corps of Engineers and later wrote a history of the park, correctly perceived that the sad state of affairs of this period "aroused public sentiment and paved the way to reform."⁴

A Failure to Protect

Born in Vermont in 1819, Patrick Henry Conger moved westward at the age of twenty-two to settle in Iowa, where he first farmed and then served in the U.S. military in several minor positions during the Civil War. After the war, he held several patronage positions, one of which was agent for the Yankton (Sioux) Indian Reservation. Patronage also influenced his acquiring the superintendency of Yellowstone in April 1882.⁵ His brother, Edwin Hurd Conger, was a leading Republican congressman from Iowa, and the man who recommended Conger's appointment to President Chester Arthur, William B. Allison, was a Republican senator from the same state.⁶ As it turned out, Conger accomplished little while at the helm of the nation's first park. Chittenden noted that superintendents Norris and Conger "were as unlike in personal characteristics and views of official duty as it is possible to conceive." He called Conger's administration "weak and inefficient," and stated that it "brought the park to the lowest ebb of its fortunes."⁷

In his first report to new secretary of the interior Henry M. Teller, Conger commented on the extensive vandalism of the park's wonders. "The cones of the great geysers," he wrote in the autumn after his appointment,



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President Arthur (far left) and party, July 1883.

“are already badly defaced, and vast tracts of the beautiful forests that adorn this Wonder-Land are laid waste by fire annually through the wanton carelessness and neglect of visitors.” He also decried the poaching of wildlife. “Another source of great annoyance is the hunters in the Park,” he wrote, adding “I am sure you will agree with me that it is not possible for a single game-keeper to guard so vast a territory as the National Park and prevent the breach of the laws in regard to the killing of game. When we consider the temptation, and the opportunity which these vast solitudes afford, we need not wonder that the laws are broken, and the orders disobeyed.” While he hinted that assistance was needed, he did not propose any solutions to the problem. Rather, he left it to “the superior wisdom of the Secretary of the Interior to suggest some remedy for these evils.”⁹ In fact, recommendations for remedies would soon come from several prominent people in General Philip H. Sheridan’s tour party of 1882.

After visiting the park that year, Sheridan, former Civil War general and strategist in the ongoing wars against the Plains Indians, filed a report on the condition of the park, calling for enlarging the park’s boundaries to provide a “secure retreat” for game. He also called for one or two companies of cavalry or mounted police to protect the park and its wildlife and to enforce its rules and regulations. His fellow officer, General D. B. Sackett, called for five or six men to patrol the geyser basins so as to protect the cone and geyser formations. Sackett felt, for example, that one troop of cavalry could spend two-and-one-half months during the summer just protecting the formations and extinguishing forest fires.⁹

Sheridan’s report caught the attention of George

Graham Vest, a U.S. senator from Missouri, who took up the cause of preserving the park and solving its problems. Over the course of his career, Vest had introduced countless pieces of legislation in Congress, with an eye toward “protect[ing] property and enforc[ing] the laws” in the park and “combat[ing] all proposed encroachments.” According to historian Louis Cramton, he deserved recognition “as the outstanding champion of proper protection and development of the park.”¹⁰

In early 1883, Vest used Sheridan’s report to draft a bill whereby the park’s “rules and regulations were given the force of law, and the Park was placed under the laws of Montana and the jurisdiction of Gallatin County, with penalties prescribed for violations.”¹¹ Yet according to historian Aubrey Haines, the bill made no headway, despite a bevy of supporters that included the governor of Montana Territory, many scientific societies, and the press.¹² Senator Vest next offered an amendment to the Sundry Civil Appropriations Bill for 1883 that provided money for employing the superintendent and ten assistants (\$2,000 for superintendent and \$900 for each of 10 assistants), and for deploying an engineer to supervise the construction and improvement of the roads and bridges. It also included a clause that authorized and directed the secretary of war “to make the necessary details of troops to prevent trespassers or intruders from entering the Park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the Park if found therein,” if so requested by the secretary of the interior.¹³ In addition to serving as an escape clause, these words lent authority to earlier voices—notably Captain Ludlow’s in 1875, and General Sheridan’s in 1882—calling for military help with policing the park.

Creating the assistant superintendent positions was an act intended “to correct the most troublesome deficiencies of the original Park act,” but it didn’t quite work out that way.¹⁴ The assistants’ duties—ranging from dealing with tourists who forgot to put out their fires to catching poachers in the act—were almost impossible to accomplish. Several assistants, James H. Dean and D. E. Sawyer, for example, tried hard to execute these duties, but on the whole, most were failures. As one newspaper put it in 1884, “There were some good men among them but as a whole they have proven very unsatisfactory.”¹⁵

According to Haines, Conger shared responsibility for the failure of his assistants. First, “[i]t seems likely that . . . Conger thought of [them] as interpreters” or guides, and not as a police force.¹⁶ However, the misun-

derstanding may not entirely have been Conger's fault. Although the Sundry Civil Appropriations Act for 1883 stated that the assistants' duty "shall be to protect the game, timber, and objects of interest" in the park, it is not clear that Conger ever received a copy of that act, and the letter he received on July 14, 1883, informing him of the money he and his assistants would receive, did not spell out job descriptions.¹⁷

Second, it appears that Conger was unable to manage his assistants: his record of paying on time was abysmal and, in some of his dealings with them, he was "petty," and even lied.¹⁸ There is evidence that Conger withheld part of Samuel S. Erret's salary because of a disagreement between the two men.¹⁹ Erret was a "dismal failure" as an assistant, but withholding pay, according to Secretary Teller, was outside the "authority of law for such action on the part of [Conger]."²⁰ Conger also neglected to pay a loyal and respectful assistant, William Chambers, who wrote to Conger on several occasions asking for the money owed him. "[I have] written two letters for you to send my money," Chambers wrote in March 1884, "and have received no answer from you. . . ."²¹

Conger had an especially poor relationship with one assistant, George L. Henderson, who, while partially responsible for the disagreements between himself and Conger, played an important role in the park's development. According to Bartlett, Henderson was the park's second interpreter—after Philetus Norris. Park historian Lee Whittlesey, however, has argued that Henderson was Yellowstone's first real interpreter.²² Henderson "explained, described, visualized, and gave names to things," and "made Mammoth Hot Springs a lot more interesting," wrote Bartlett. For example, Henderson "installed progressive trails leading from one wonder to another, with explanatory signs along the way."²³ He was also ahead of his time in understanding "people control," according to Bartlett. Henderson "advocated the widest use of printed circulars and guideposts," met incoming parties and informed them of the park's rules and regulations, and "reported on park conditions, especially on the roads."²⁴

Though Conger was not an effective manager (in fact, he was a difficult personality), he was not responsible for all the problems associated with his assistants. Several factors interfered with the success of his assistant superintendents that were clearly not his fault. First, because his assistants were political appointees (like Conger), they were not necessarily well-suited to the rigors of the job. There were no experienced mountain

men among them.²⁵ According to Bartlett, "two or three understood the task and by trial and error fashioned a routine of policing the park," but most lacked the necessary skills and were, in the words of Hiram Chittenden, "not only inefficient, but positively corrupt."²⁶

Second, while Congress appropriated money for their salaries, there was none available for their housing or equipment. This caused difficulties for Conger, who felt protection could best be provided if men were "stationed by twos at five of the most important points in the Park." He also thought the men should be "suitably uniformed and equipped," "well-mounted," and provided with comfortable cabins, as the law required permanent residency.²⁷ Money for cabins did finally arrive at the end of the summer from Secretary Teller, but the assistants had to use their own resources until then.²⁸

Third, extreme lawlessness prevailed in and around the park, and the rules and regulations, even when enforced, were weak, because Congress had failed to provide penalties for transgressions and there was no jurisdiction within which to try offenders. Thus, the options were limited. Assistant superintendents could "expel 'trespassers' from the area," but they knew well that the miscreants would soon return.²⁹ The assistants could also confiscate goods, but as James H. Dean noted in one letter to Conger, that punishment was relatively ineffective. "In the performance of my duties," he wrote, "I find it difficult to enforce the law, there being no penalty but confiscating the outfit of the offenders. I have warned the offenders time and time again, that the Law would be strictly enforced. They laughed at the idea of confiscating their outfits which consisted of their wearing apparel."³⁰ In another complaint, a different assistant declared, "I know nothing can be done now [about a poacher] but if we should be empowered to enforce the laws soon, I should dearly love to snatch the son of a *Bitch* Baldheaded."³¹ Things were so bad that at one point, James Dean ended a missive to Conger, "Let the military have charge of the Park."³² In his annual report for 1882, Conger decried the lack of "legal machinery [and] physical force to compel the obedience to the rules and regulations issued . . . for the government of the Park."³³ He and his assistants knew what was required. "If the penalty was a fine or imprisonment," one wrote to Conger, "there would in my opinion, be no trouble to put a stop to violations of the law."³⁴ Although this situation would improve, the change did not come soon enough to help Conger's attempts to curtail lawlessness.

While such tools for law enforcement were not



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Hunters, ca. 1882.

forthcoming, the Department of the Interior did ask Conger for input regarding changes in the rules and regulations, themselves. The secretary made this request in August 1883, and after receiving no reply, again in March 1884. While there is no record of the response Conger claimed to have given, he apparently felt that changes to the rules and regulations were secondary to the need for “the legal machinery” to enforce any rules or regulations.³⁵

One legal move forward that did occur during this period was a change, in January 1883, in the rules and regulations regarding hunting and fishing. In a letter to Conger, Secretary Teller gave notice that the regulations “in regard to killing game in the Yellowstone National Park are amended so as to prohibit absolutely the killing, wounding or capturing at any time, of any buffalo, bison, moose, elk, black-tailed or white-tailed deer, mountain sheep, Rocky Mountain goat, antelope, beaver, otter, martin, fisher, grouse, prairie chicken, pheasant, fool-hen, partridge, quail, wild goose, duck, robin, meadow-lark, thrush, goldfinch, flicker or yellow hammer, blackbird, oriole, jay, snowbird, or any of the small birds commonly known as singing birds.” Fishing regulations were also amended, “so as to prohibit the

taking of fish by means of seines, nets, traps, or by the use of drugs, or any explosive substances or compounds, or in any other way than by hook and line.”³⁶ These provisions ended the previous state of affairs, whereby hunting, according to Chittenden, was allowed “to supply the wants of camping parties,” and was “practically operated as an unrestricted license.”³⁷ Thus, Conger and his assistants could confiscate the catch or quarry of anyone using unfair hunting or fishing practices—but again, because there were no laws supporting the park’s rules and regulations, there was not much officials could do beyond confiscation, and the offenders were free to poach time and again.

Conger entered the park earlier than usual in 1883—on the first of March, because of reports that had reached the secretary regarding the slaughter of game. In his annual report for that year, however, Conger stated that those reports had been “greatly exaggerated.” “[A] few elk and deer had been killed by parties contracting to furnish meat for the hotel company,” but the hunting had stopped immediately when he informed them of the new regulations.³⁸ “Hunting here has been practically suspended ever since, except what may be done by stealth,” he wrote, turning a blind eye to his assistants’ reports. Conger surely knew of the poaching his assistants observed. William Chambers, for example, wrote to Conger in November 1883, “I hear from men coming in that Reeder [a notorious poacher] is . . . slaying the game up on *Slew* [*sic*] creek.”³⁹ Edmund I. Fish wrote a note to Conger reporting that another notorious poacher, who had “slaughtered the elk on Specimen Ridge last Jan[uary],” was “at or near the bridge now on a fishing trip.”⁴⁰

Conger’s poor record of protection was especially evident when it came to protecting the park from shady improvement schemes. At the time of his removal, Norris had been protesting plans by the Yellowstone Park Improvement Company (YPIC) to develop sites in the park in ways that clearly disadvantaged the public. “The arrangement called for the company to pay a rental not to exceed \$2 per acre for the land occupied in the Park, which was to include tracts of 640 acres (one square mile) at each of the seven most desirable sites in the park,” wrote Haines of the deal.⁴¹ Referring to the development scheme, General Sheridan wrote, “I regretted exceedingly to learn that the national park had been rented out to private parties,” in his report of 1882.⁴² Thanks to General Sheridan—and congressional representatives like George Vest and Anson McCook from New York, who

worked closely with Vest, Congress put a damper on the bigger plans of the YPIC. The 1883 sundry appropriations act stipulated that the secretary of the interior was only “to lease small portions of the ground in the park not exceeding 10 acres in extent for each tract, no such leased land to be within one-quarter of a mile of any of the geysers or of the Yellowstone Falls.”⁴³

Conger, at least initially, offered little resistance to the plans of the YPIC. He told Secretary Teller, in glowing terms, that the company’s “Mammoth and magnificent Hotel” (the National Hotel) was “substantially constructed and of modern architectural design and an ornament to the Park.” He also lamented that the “work would soon be suspended entirely and the whole enterprise abandoned” because of “unfriendly legislation,” that is, the language of the sundry act that limited and regulated lease agreements. He did not favor granting “extensive, exclusive privileges to any company in the Park,” he wrote. “Yet I deem it necessary wholly in the interest of the Public that the most liberal concessions at all compatible with the Government controll [*sic*] of the Park be granted this Company rather than have them at this stage abandon the enterprise.”⁴⁴ In his report to the secretary, written six months later, Conger still waxed eloquent about the improvement company. He called the hotel they were constructing “very commodious and designed to be first class in every particular,” and considered the company generous for having sold the park lumber for his own projects in the Mammoth area. He also took the side of the YPIC against people who complained that the company held “the exclusive right and privilege to do all business of whatever kind or character (aside from that which is done by the Government) within the limits of the Park.”⁴⁵ According to Haines, Conger seemed to be in collusion with those trying to monopolize private improvement in the park. At other times, however, especially later on in his two-and-a-half-year term, Conger acted in ways that interfered with creating that monopoly. In particular, he took issue with “over cutting of timber for the company sawmill and the killing of elk in the Park to feed the construction crews.”⁴⁶

Because of complaints from all sides, Secretary Teller decided to hire Special Agent W. Scott Smith to report on conditions in the park. Smith issued a straightforward recommendation: replace Conger.⁴⁷ It is also likely that the secretary, who had worked closely with the YPIC to develop the park’s tourist sites and who, according to Bartlett, had helped lead “the Northern

Pacific and hotel monopolists to believe that they had *carte blanche* to do whatever they wished to get their monopoly in Yellowstone functioning profitably,” did not like the squabbling between the company and his superintendent. According to Bartlett, Conger’s failure to fully grasp the “ambivalent attitude of his superiors” to hotel monopolists in the park cost him his job.⁴⁸

Conger was also ineffectual when it came to squatters, like John Yancey in Pleasant Valley, Jim Cutler and George J. Jackson in the Lamar Valley, and J. B. Tate and Winfield Scott close to Soda Butte, who, according to Haines, had settled in the park in the hopes of occupying a piece of land if Congress re-aligned the park boundary in a manner similar to that which Norris had suggested, thus opening those lands for settlement.⁴⁹ Yancey, Jackson, and Billy Jump all operated stage stops on or near the road from Mammoth Hot Springs to Cooke City, Montana. Conger supported the men’s presence in the area because he felt that the stopping places they provided for tourists were necessary for that part of the “uninhabited wilderness.” All three men had built cabins in the park (either in 1882 or 1883), had helped suppress forest fires, had given copies of park rules and regulations to visitors, and had even provided accommodations to the public. Although Conger had no public complaints about the men, he suspected they might secretly be killing game.⁵⁰ When, in August 1884, Secretary Teller asked Conger to remove the squatters from the park under Wyoming law, he failed to do so. Conger’s days as superintendent of Yellowstone National Park were numbered.⁵¹

Conger’s Accomplishments

Patrick Conger’s two-year term, marred by insubordination and inconsistencies, was not without accomplishments. During the first summer of his tenure, he improved the condition of the park’s roads. Upon arriving in the park in late May 1882, he immediately hired one crew to improve the headquarters building and a second, headed by his son, C. M. Conger, to work on the road between Riverside (on the Madison River near the west boundary) and the Firehole Basin. A third crew, headed by Captain E. S. Topping, worked on roads around headquarters and on the road from Mammoth south to the Firehole area.⁵² Road maintenance was essential to the accessibility of the park, and it was something Norris had neglected.⁵³

The crew working on the Norris blockhouse had their work cut out for them. Upon his arrival, Conger had found the headquarters “in a sadly dilapidated condition, and hardly habitable.” His crew set about whitewashing the inside, Conger reported, “thereby destroying the vermin that infested the premises in such vast numbers that no person with a cuticle less sensitive than that of a rhinoceros could live in them through the summer months.”⁵⁴

Conger also settled on an alternative—or “summer”—site for administrative headquarters. Because Conger arrived in the park via the West Entrance and stayed two nights at Marshall’s Hotel, west of the Firehole River, he understood the popularity of the geyser basins for park visitors. Visitor needs in the geyser basins, and his road crews’ needs for a base for supplies and storage prompted Conger to plan an additional headquarters site in the area. During the summer of 1882, his crews began work on the park’s “summer headquarters” in the Firehole Basin, a centrally located site that was a day’s distance from other areas in the park. They built a two-room, one-story, 34’ × 22’ storehouse of hewn logs. The storeroom, separated from the front room by a solid log partition, was floored with 5” thick hewn logs, closely fitted for protection against vermin and squirrels, and had a strong door and one window. The front room did not have a wooden floor during the first summer, but Conger installed an old cooking stove to provide warmth for road crews and visitors passing through. This room, which had two windows and an exterior door, was also used by visitors to store their luggage as they enjoyed the park’s interior wonders.⁵⁵ As part of the same development, the crew built a 20’ × 20’ blacksmith shop of similar construction to the storehouse, and a 10’ × 15’ coalhouse. Both the blacksmith shop and the coalhouse were chinked on the interior and daubed on the exterior; the roofs were earth-covered.⁵⁶ Before Conger left the Firehole Basin in mid-September, his crew added three hewn timber footbridges over the Firehole River. One of the bridges, 50’ in length, was constructed near the storehouse over the “Little Fire Hole” River (today’s Nez Perce Creek). The other two, 130’ in length, were built over the “Great Fire Hole” River. All three bridges were built with handrails along one side.⁵⁷

When Conger arrived for the 1883 season, he found the March weather mild enough to begin construction of additional support buildings at the Mammoth headquarters. Aided by the hotel’s offer of cut lumber from their sawmills, Conger was able to build

a 20’ × 16’ blacksmith shop, with a 10’ × 16’ addition used as a cowhouse; a 16’ × 37’ storehouse; and a 16’ × 20’ carpenter shop. With rejected lumber and slabs, Conger had a wagon shed, harness house, and large corral built. All of the buildings were covered with board and batten, but he hoped to make them rainproof by applying shingles at a later date.⁵⁸

By that summer, Conger had decided that the log headquarters buildings of which Norris had been so proud were totally inadequate as well as poorly located. Thus, he advised Secretary Teller that he would soon provide him with an estimate of how much it would cost to remedy the situation, to be presented to Congress as an appropriation request. Conger complained that the blockhouse was exposed to high winds and situated a long distance from a water source and wood. Because he believed the park was free from potential attacks by American Indians—Norris’s primary reason for locating the buildings where he did—Conger hoped to replace Norris’s headquarters with a grander administrative building. “Heretofore these rude cabins were all that were required,” he mused in his report to the secretary, “but all is now changed here. We have railroads, the telegraph, and great hotels, with all the crowd [*sic*], business, and fashion that these wonderful civilizing agencies imply.”⁵⁹

Unfortunately for Conger, finding money for construction remained a problem during his tenure as superintendent. In his first annual report (completed in December 1882, after his first summer of duty), he had reminded members of Congress that the park needed adequate funds if it was to be enjoyed by present and future generations. He asked them to consider how far \$15,000 would go toward road construction and maintenance in their own states, notwithstanding the park’s remote location, which greatly inflated the cost of building materials and other supplies brought from elsewhere.⁶⁰

With passage of the sundry appropriations act of March 1883, Congress authorized more money for “the protection, preservation and improvement” of the park, in the amount of \$40,000. Of that sum, \$11,000 was earmarked for the salaries of Conger and his assistant superintendents. Responsibility for the remaining \$29,000 rested in the hands of an engineer officer, assigned by the secretary of war. This position was filled, initially, by First Lieutenant Dan C. Kingman of the U.S. Army Corps of Engineers. Secretary Teller advised Conger of the arrangement in July 1883: “I deem it advisable that your

duties be confined to a general supervision of the park and control of the Assistant Superintendents, leaving to the engineer all matters relating to the improvements contemplated.”⁶¹ Conger disliked the plan, and did not hesitate to share his frustration with his superior. In his annual report, written two months later, Conger decried the situation, calling it “unwise.”

[O]ne responsible head [is necessary] for the transaction of business here as elsewhere. By the operation of this law the Superintendent of the Park is left without a dollar for any incidental expenses whatever for the care of these headquarters, no provision for the Government horses and mules, repairs of the buildings and fences, and many other things which I need not enumerate. . . . I cannot believe it was the intention of the makers of this law that the Superintendent should be left without the means to protect and preserve the property of the Government intrusted to his care and keeping.⁶²

Conger later worked out an arrangement with Kingman that provided him \$5,000 “for contingent expenses for the protection and management of the Park.” Teller agreed to the adjustment.⁶³

Another of Conger’s continued concerns was the housing of his assistant superintendents. He had first suggested that housing be constructed in September 1882, in his initial annual report. However, it took months to get permission from Washington to begin construction. In late fall 1883, Conger converted the stage station occupied by Billy Jump near Soda Butte into a government station for use by his assistants. Other assistants were housed in the new blacksmith shop, in Conger’s residence at Mammoth Hot Springs, and at a “shanty” (the cabin Norris built in 1879) in the Upper Geyser Basin.⁶⁴ At roughly the same time, a full year after he had made the initial request, Secretary Teller finally authorized Conger to plan the construction of “a sufficient number of cabins, at such points as might be required for the use of the assistants.”⁶⁵ Conger planned to build “five comfortable cabins” throughout the park.⁶⁶ Not until the following spring, however, were the plans approved and could construction begin.⁶⁷ According to a Montana newspaper, four of the cabins, or “stations,” were being built in July 1884: at the “[Mammoth Hot] Spring[s], Norris, . . . Firehole basin, the Great Falls and the Lake.”⁶⁸ Except for the cabins at Norris and Lake,

however, it is not clear how many of the five were actually constructed, because in October 1884, Secretary Teller had to re-authorize Conger’s replacement to build cabins for his assistants.⁶⁹

From the beginning of the 1883 building season, controversy marked the construction process. In August, in accordance with the sundry appropriations act passed that March, First Lieutenant Kingman arrived with his assistants to supervise construction of the park’s roads and bridges. Shortly afterward, conflict erupted between the Department of the Interior and the Department of War over authority in the park. Prior to his departure from the park that fall, Lieutenant Kingman had left orders that the superintendent could not use any lumber from the Corps of Engineers’ recently installed sawmill. Conger, who was eager to provide housing for his assistants and begin improvements to the Mammoth headquarters buildings, and who liked Kingman personally, was aware that the army controlled appropriations for the mill’s operation, but still felt there must be “some mistake.”⁷⁰ A few months later, Kingman wrote Conger announcing he would issue a special order allowing the superintendent to use the sawmill during off-season months—for a small usage fee.⁷¹ In December 1883, Conger asked the secretary of the interior to “instruct me just what my authority is in regard to the public property here including the buildings.”⁷² In April 1884, Teller responded to Conger’s plea for clarification. “[Kingman] only asks that you shall, before obtaining any considerable quantity, have his order for its delivery,” Teller equivocated. “Under the circumstances the Department does not regard his requirement as unreasonable or as evincing any inclination to infringe the scope of your rightful authority over the park,” he wrote.⁷³

While none of the buildings constructed during Conger’s tenure as superintendent are extant, the locations he identified as important were considered equally so by subsequent administrations. The Department of the Interior gave superintendents of the time almost complete responsibility for choosing the locations of administrative buildings, and for approving or even selecting sites for leased structures as well.⁷⁴ Because there were no required or recommended building standards or architectural styles, superintendents chose the size and style of the administrative structures themselves. For example, when Conger discussed his building plans for the structures erected in 1882, he wrote, “After having resolved to build, and decided upon the size and style of the buildings, I drafted the plans and set part of the

men to getting out the timber for the proposed buildings.”⁷⁵

During the early part of 1884, Conger, like Norris, became entangled in a political web—one that proved similarly fatal to his own superintendency. After refusing to follow the order from Secretary Teller to remove the “squatters” from the park, and accused of neglect in protecting the park, Conger was asked by Teller for his resignation in July. Much of the criticism against Conger was based on his failure to prevent illegal practices. According to one newspaper, W. Scott Smith’s report to the secretary complained that hunting had been going on “openly” in the park, and that “[n]o notices against hunting were posted.” Smith also asserted that “[n]o officials were at the principal objects of interest to protect them from specimen seekers.”⁷⁶

In fact, Conger had asked the Interior Department for copies of the rules and regulations for distribution in the summer of 1883, but had been told he should make suggestions for amendments before the department would go ahead with a reprinting order.⁷⁷ Conger defended himself in an article published in a local newspaper. “[Conger’s] force of assistants . . . was small,” according to the article, “and had to travel afoot. He was constantly interfered with by the hotel people, the extent of whose powers he did not know as he had not been provided with any copy of the lease privileges. Moreover he [was] misrepresented by Secretary Teller inasmuch as only that part of his correspondence [was] published which was of a condemnatory character, the explanations being entirely suppressed.”⁷⁸ These efforts were fruitless, however, and Conger’s replacement, Robert E. Carpenter, arrived in the park in September 1884.

The Mandate for Protection

Born in 1834, in Harford, Pennsylvania, Robert Carpenter graduated from Pennsylvania’s Wyoming Seminary and tried business, gold seeking, and teaching before serving briefly as part of an Iowa regiment in the Civil War. His brother, Cyrus C. Carpenter, Governor of Iowa, secured his position as Yellowstone’s fourth superintendent.⁷⁹

Shortly after Carpenter arrived in the park, Acting Secretary of the Interior Merritt L. Joslyn instructed him to keep the Department apprised of his “operations and of affairs generally in the Park.” Joslyn invited Carpenter to make suggestions about how the park might be bet-

ter managed “with a view to the full accomplishment of the purpose for which it was set apart.” The extent of Joslyn’s disrespect for Patrick Conger was evident when he asked Carpenter to enforce “a more strict obedience than has heretofore been required by the Superintendent (your predecessor) to the regulations which have been established and the instructions given by the Department from time to time.”⁸⁰ In particular, Joslyn was referring to the fact that Conger did not remove the squatters as he had been ordered to do.

If Joslyn, at least, sought a greater degree of protection for the park, ironically, by all accounts, he got less. Chittenden’s view of Robert Carpenter’s term as superintendent was grim. “[Carpenter] went upon the theory,” Chittenden wrote, “that the Park was created as an instrument of profit to those who were shrewd enough to grasp the opportunity.”⁸¹ Indeed, Superintendent Carpenter’s ten-month tenure was plagued by a scandal resulting from his association with the Yellowstone Park Improvement Company. In their respective histories of the park, Bartlett and Haines chronicled the questionable alliances Carpenter made with the YPIC’s Carroll T. Hobart, which tarnished any role Carpenter might have played in promoting fair and unbiased park management.⁸²

Scandals aside, Carpenter’s days were numbered when the Democrats won the U.S. presidency in November 1884. Thus Carpenter—who arrived in the park in September 1884, spent the winter in Washington and was dismissed on May 29, 1885—contributed minimally to the park’s protection and improvement. He did, however, remove the squatters’ cabins in the Lamar Valley—those to which Joslyn had referred in his letter—and some poachers’ cabins in isolated areas of the park.⁸³ The job was not an easy one—Joslyn had even offered to “invoke the assistance of the army as authorized by law” if Carpenter had wanted it. But Carpenter managed to oust the trespassers without the help of the secretary or any troops.⁸⁴

Yellowstone’s fifth superintendent was David W. Wear. Born in Missouri in 1843, Wear became a lawyer before turning twenty-one. When the Civil War broke out, he enlisted on the Union side, and rose quickly to the rank of colonel. After the war, he practiced law and was elected to the Missouri legislature, where he served two terms as state senator.⁸⁵

From the outset, Wear knew that protecting the park from vandalism, poaching, and disreputable development would be his major task. He was chosen by

Senator George Vest, who had written to Lucius Q. C. Lamar, secretary of the interior under President Cleveland, pleading with him to replace Carpenter: "I have received information recently which satisfies me that unless some change is made in its management, this park will become absolutely worthless for the purposes intended by Congress. . . . I beg that . . . some one may be put in the place of Carpenter. His retention in office is equivalent to the destruction of the park."⁸⁶

Wear also had the support of another long-time park protector, geologist Arnold Hague. Probably the single most important visitor to the park during Conger's tenure as superintendent, Hague had led the Yellowstone National Park Survey for the U.S. Geological Survey and then, in his capacity as U.S. Geologist, outfitted Senator Vest with information for an articulate report to park supporters in December 1883. The report outlined for all Americans the significance of the park's resources and the potential threats to "maintaining the forests, the protection of the game, and the preservation of the natural curiosities of a scientific interest."⁸⁷

Some of the most intense pressure for park protection had come from U.S. Geological Survey (USGS) scientists, particularly Hague. The USGS had been in the park since 1883, completing work on geologic and topographic surveys. While Superintendent Carpenter was still in charge of the park, USGS Director John Wesley Powell had sent a letter to the interior secretary elucidating the importance of the park to science:

[The park] is . . . of great interest from the standpoint of meteorology. . . . It is also of great interest as a natural-history region, . . . it is the habitat of many Arctic species of plants and animals; and having been reserved as a park, it is desirable that it should remain as a secure retreat for many animals that now roam through the Rocky-Mountain region, but which must eventually become extinct during the progress of settlement and civilization unless a continuous existence for them is secured under the protection afforded by the Park. Again, in the progress of exploration in the Park it has been discovered to be a region of much archeological interest, as it was formerly inhabited by tribes of Indians having many interesting arts adapted to the peculiar conditions of life therein presented. . . . I beg to suggest that the Park hereafter be utilized as a scientific station in the following manner: 1. That

a superintendent be selected, who shall not only be a man of good business qualifications but also a person interested in scientific research and competent to direct natural history surveys. 2. That the superintendent be authorized to select for his assistants persons competent to make collections and studies in natural history, observations in meteorology, and observations on the physical phenomena presented in the geysers.⁸⁸

Powell called for a year-round force of assistants who, with their superintendent, "could at the same time accomplish much work for science without in any way diminishing their efficiency as guards."⁸⁹

By 1885, protecting the park had clearly become a national concern, as many popular magazine articles drove home the severity of the park's situation.⁹⁰ Wear understood his responsibility. As he described it, his job was to "protect the game and the objects of interest in the Park, which had apparently been little thought of except for the purpose of spoliation or total destruction."⁹¹ An article in the *Livingston (Montana) Enterprise* quoted President Cleveland as warning Wear, "If you don't take care of the park, I shall have to turn you out."⁹²

Unbeknownst to him, Wear had received some temporary—and eventually controversial—help on the protection front. In 1884, the state of lawlessness in the park had caused Wyoming's territorial governor, William Hale, no small measure of concern. To prevent destruction in the park, he asked the legislative assembly to extend Wyoming law into the area. They did as much on March 6, with legislation "to render operative and effectual the laws of the Territory of Wyoming within that portion of the Yellowstone National Park lying within said Territory, and to protect and preserve the timber, game, fish, and natural objects and curiosities of the park, and to assist in preserving the rights of the United States therein."⁹³ However questionable it was to place a national park under a state's system of law, this legislation did add a degree of enforceability to the park's rules and regulations. Assistant Superintendent Josiah W. Weimer, for example, wrote to Conger, who was still superintendent at the time, that he thought the Wyoming legislation would help curb vandalism. "You can tell governor Hale, if he is still there that his law adds another object of interest to tourists," he wrote, "in the shape of a club in my hands. The scheme works well even as a bluff and when properly applied will work much good."⁹⁴ Unfortunately, according to Haines, the

men assigned by the governor to uphold the law in the park were “almost unlettered products of the frontier, capable of meting out only the rudest justice, and certainly strangers to the finer points of the law.” This fact, coupled with the provision in the law that half of the assessed fines would go to the attending officer, witness, or informer, made it little more than a matter of time before the legislation failed.⁹⁵

To better protect the park, Wear attempted to improve his work force of assistants. This was no easy task, given that decisions about who should be hired or fired did not lie with him. “The Secretary of the Interior names my subordinates. You had better state that,” he told the press in June 1885, just a month before he took over the superintendency. “I am liable,” he quipped, “to have trouble if the wrong impression gets out that I have so much patronage to dispose of.”⁹⁶ Even the *Livingston Enterprise* recognized the inadvisability of this situation. Just the month before, it had editorialized that if the park was to have efficient assistant superintendents, “more power over his assistants [should] be conferred upon the superintendent.” In particular, the assistants “should know that disobedience or opposition to his directions may lead to immediate suspension from duty and possible discharge,” the paper warned. It acknowledged that much of the trouble with Conger’s administration derived from his lack of control over his subordinates. “The lack of such power in the superintendent has led to trouble in the past, and will have the same effect in the future,” the paper predicted.⁹⁷

Even with this handicap, however, Wear was determined to make significant progress. On the day after his arrival in the park, he penned a letter to Secretary Lamar, telling him that many of the assistants were “old, worn out, and utterly unfit.” Wear wanted men that were “sober . . . truthful, brave, and well versed in woods or mountain craft,” with experience and integrity counting most among the selection criteria.⁹⁸ The previous group of assistants had lacked integrity, he noted, and had colluded with the poachers. Game “had been shot with impunity,” he wrote to the secretary, “and marketed at the hotels without any interference on the part of the officers whose sworn duty it was to protect and prevent its destruction.”⁹⁹

An exacting employer, Wear expected much from his assistants, and acted quickly when they did not measure up. For example, just a month after hiring William J. Marshall to replace Daniel E. Sawyer in July 1885, he obtained permission to release him.¹⁰⁰ After demanding

the dismissal of several men, Wear hired experienced mountain men Jack Baronett and Edward Wilson to help him.¹⁰¹ The results looked promising, as the “revitalized force began to perform quite credibly,” wrote Haines.¹⁰² The new employees brought a sense of lawfulness to the park, as poachers, really for the first time, were brought to trial—albeit under Wyoming law—and had their guns confiscated. The *Livingston Enterprise* extolled the virtues of this new management: “The officers of the Park are vigilant and energetic in the discharge of their duties and ever on the alert to catch all trespassers and while it gives the superintendent or his assistants no pleasure to punish anyone they have a sworn duty to perform, and will do and are doing it fearlessly.”¹⁰³

In addition to improving the make-up of the protective force, Superintendent Wear also tried to increase its size.¹⁰⁴ In his first report to Secretary Lamar, Wear asked to increase the number of assistants from ten to fifteen, and to increase their annual pay from \$900 to \$1,000. He also suggested that each assistant receive \$100 per year for furnishing his own horse and equipment. Stock and equipment would be better cared for, he reasoned, if they belonged to the assistants instead of the government.¹⁰⁵

Despite Wear’s attempts to increase protection, he was pressured to do even more. Park visitors began to write to the secretary of the interior, complaining, for instance, about the lack of signs and notices regarding park rules and regulations. One visiting attorney from Circleville, Ohio, noted that he had traveled for more than two hundred miles throughout the park and “did not see in any place the slightest notice of any kind in regard to the government of the Park.” To remedy this situation, Wear requested permission to hire someone to prepare guide boards and paint signs during the winter of 1885.¹⁰⁶

So busy was he with matters of protection, and so short was his tenure as superintendent, that Wear had little time to accomplish any structural improvements in the park. In September 1884, Superintendent Carpenter had hired Silas McMinn (who was developing the McMinn Coal Mine on the flanks of Mount Everts) to whitewash the blockhouse and paint the roof. McMinn never completed the job, however.¹⁰⁷ Thus, the blockhouse remained in poor condition when Wear assumed the superintendency. He did occupy the building after making it “passably comfortable for the summer,” and then built an addition onto one of the assistant’s houses for the winter.¹⁰⁸ He also informed the secretary of the

interior that a new superintendent's residence should be built as soon as possible.¹⁰⁹

One of the most troublesome issues for Wear was the matter of laws governing the park. Wear believed that enforcing the territorial laws of Wyoming in a national park was “of very questionable validity, even within that portion of the Park lying wholly within Wyoming Territory. . . .” The situation with respect to jurisdiction was worse than dire, he contended. A national park needed national laws and a national tribunal for enforcement.

“[U]nless some stringent enactment is made, and that at the earliest possible time, it will be too late,” he wrote to Lamar. As a remedy, Wear suggested creating “a court within and for the Yellowstone Park, with exclusive jurisdiction of all misdemeanors, and with power to examine and hold to bail all cases of felonies, to be tried at the nearest court having criminal jurisdiction.” He thought that if his assistants could be “ministerial officers,” there would be “comparatively little trouble in protecting and keeping the Park in a state of preservation beautiful to look upon.” Wear urged expediency in the creation of this court.¹¹⁰

Regarding jurisdiction, Arnold Hague recommended to the interior secretary that the Interior Department have an agent review the condition of the park with respect to its protection, preservation, and improvement. Lamar chose Attorney W. Hallett Phillips, of Washington, D.C., and asked him to make suggestions about how to improve park management and better provide for its enjoyment. Phillips, like Wear, recommended exclusive jurisdiction of the park and the employment of a sufficient number of competent assistants.¹¹¹

The jurisdiction issue was ultimately resolved, but not before it cost David Wear his superintendency. In the summer of 1885, a party of visitors, including a judge, a congressman, and the editor of the *Chicago Tribune*, Joseph Medill, were apprehended and then fined for not adequately extinguishing their campfire, even though they had evidently made reasonable efforts to do so. The Wyoming constable and judge in charge of the case were ridiculed in the local paper for their “Much-Ado-About-Nothing” approach to the administration of justice, and Medill argued, using the *Chicago Tribune* as his forum, that “in a national park



Tourists camping, ca. 1880s.

the national laws and regulations should be enforced by a national tribunal.”¹¹² Those complaints, coupled with Phillips’s report, served as the last straw: the Territory of Wyoming repealed the act permitting use of Wyoming law in Yellowstone on March 10, 1886, and Wear’s role in the affair came under fire.¹¹³

There were those, however, who supported Wear. The *Livingston Enterprise*, for example, reported that Wear had made every attempt to deal with the inappropriate fine issue fairly and in-house. “When the party [of visitors] got back to Mammoth Hot Springs and laid the case before Superintendent Wear,” wrote the paper, “he peremptorily discharged Joe Keeney from his official position [as the constable under Wyoming law at the Lower Geyser Basin] and said that Hall [the judge under Wyoming law] would receive the same medicine.”¹¹⁴ The paper further argued that “Wear does not desire to persecute tourists or see any ultra-legal process carried on by professional informers and prosecutors. He merely wants the laws enforced against the Park and the Park protected.”¹¹⁵ In the following year, the paper opined that “Superintendent Wear’s administration has inaugurated a new and, as we think, desirable regime in the Park. With the exception of Norris, former superintendents have done little or nothing by which to earn their salaries. Col. Wear has adopted a much more vigorous policy and has thereby invited wholesale criticism.”¹¹⁶ Wear’s problem, according to the paper, was not administrative policy; it was politics. The defendants had been Republicans, and Wear was a democratic appointee, simple as that. “Perhaps this political chain may somewhat account for the vehement criticisms that are being made on the present condition of affairs in the Park,” chided the paper, “all

of which have grown out of the alleged affront to the sacred person of the Illinois statesman.”¹¹⁷

The situation in the park grew worse after repeal of the law that had placed the park under the jurisdiction of Wyoming Territory. With no laws to punish offenders, depredations substantially increased. According to Haines, local mountain men, tourists, and even park employees were “emboldened by the obvious fact that they could once more defy the rules and regulations with impunity.”¹¹⁸ Whether because of the chaos that ensued once Wyoming law was rescinded, politics, or a distrust of civilian park management, the fate of Wear’s superintendency was sealed. When, in August 1886, Congress did not appropriate any funds to maintain the park or pay for the salary of the superintendent, Wear stepped down, and Secretary Lamar, in accordance with the 1883 sundry appropriations act, was forced to ask for assistance from the War Department.¹¹⁹ Thus, the summer of 1886 marked a major shift in park management, with a transition from civilian to military authority.

Montana’s territorial delegate in Congress approved of the change. When asked why Congress had not appropriated money for the superintendent’s position, Joseph K. Toole replied: “Merely because the leading men of both houses who had visited the park felt as if there was a sort of ring there that ought to be broken up.” For Toole, the decision to call in the military was a logical one. The idea was hardly new—both Generals Philip Sheridan and D. B. Sackett, and Captain William Ludlow had publicly advocated turning to the War Department, and Toole was convinced that the change “would work well.”¹²⁰ While no one could foresee just how well a military administration would work, it seemed to many to be the best solution for protecting the park from vandalism and political maneuvering. Thirty-two years would pass before civilian authority returned to the park.

Conclusion

Very little progress was made protecting the park and developing an infrastructure to improve public access during the superintendencies of Patrick Conger, Robert Carpenter, and David Wear; indeed, the first two tended to be plagued by inefficiency. However, several important issues surfaced during this time that had long-term ramifications. One was the type and number of assistants who should protect the park. Scientists

such as John Wesley Powell and Arnold Hague of the U.S. Geological Survey had called for trained, educated men; Wear and others desired men from the West who were experienced in mountaineering and woodcraft. Articles in *American Naturalist* and *Scientific American* had proposed an increase in the “guards or patrol” in the park from 15 to 25, and Smithsonian Institution Secretary Spencer Baird had called for the employment of a naturalist for the park.¹²¹

A second, and perhaps more important issue concerned the nature of park protection. As protection became a central concern for the scientific community and the nation at large, pressure mounted for improvements in the management and preservation of the park. Calls for “protecting and keeping the Park in a state of preservation beautiful to look upon” were common.¹²² For example, in a letter to Senator Charles Manderson of Nebraska, a member of the Committee on Territories, Hague urged Congress to enlarge the park in order to preserve its watershed and provide sufficient habitat for wild animals.¹²³ George Vest, among many others, also continued to speak out numerous times in favor of protecting the park.

Some influential politicians argued against any form of improvements to the park as a way to protect it. In the summer of 1885, a special committee from the House of Representatives, including Representative William Holman of Indiana, visited Yellowstone to investigate park affairs. While the committee’s report argued strongly for keeping the park under Wyoming law and even rethinking its national park status, it also recommended that Yellowstone’s grandeur be protected by sparing it, “so far as possible . . . the vandalism of improvement.”¹²⁴ These comments may have been inspired by the nation’s experience with over-development of other popular tourist sites, like Niagara Falls, which had lost much of their natural appeal at the hands of commercialization.¹²⁵ Yellowstone National Park’s “great and only charms,” the report continued, “are in the display of wonderful forces of nature, the ever varying beauty of the rugged landscape, and the sublimity of the scenery.” “Art,” it concluded, “cannot embellish them.”¹²⁶ Indeed, this growth in national interest in park protection was perhaps the most critical development in this four-year period of the park’s administrative history. Growing demand for protection had set the stage for the transfer of management of the park to the U.S. Army.¹²⁷