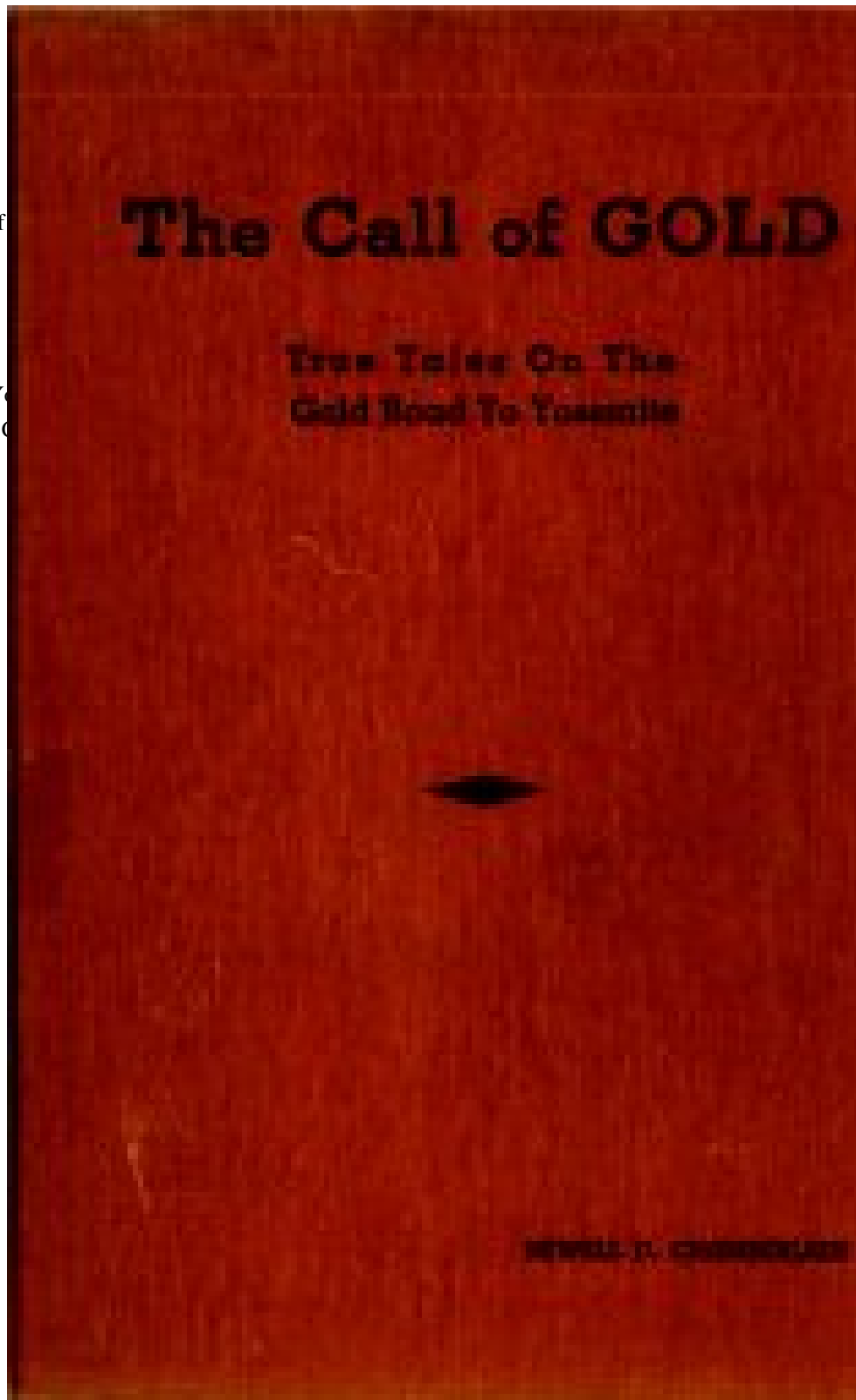

***The Call of Gold* (1936) by Newell D. Chamberlain**

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About the Author

Newell D. Chamberlain

Newell Day Chamberlain was born January 31, 1880 in San Pablo, California. He spent his early years in the hardware and welding business in San Francisco. In the early 1920s he bought 171 acres. In 1926, when the Yosemite All-Year Highway was completed (now Highway 140), he established Camp Midpines. Camp Midpines was so-named because it was "amidst the pines and midway between Merced and Yosemite." In 1929 a post office was established at Midpines and Chamberlain served as postmaster until 1950.

In the 1930s Chamberlain wrote this history of the Gold Rush in the southern mining camps west of Yosemite, based on newspaper accounts and pioneer interviews. Chamberlain died November 16, 1961 in Midpines, California. Midpines Lodge was razed sometime in the 1970s, but Midpines remains a small community with residences and vacation homes.

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—Dan Anderson, www.yosemite.ca.us

Next: Title Page

The Call of Gold

True Tales

On the Gold Road to Yosemite

BY
NEWELL D. CHAMBERLAIN
ILLUSTRATED

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First Edition published
November, 1936

“History is chiefly what the great men in the world have done.”—Carlyle.

“The life of the old Californian is an epic, noble as any handed down out of the dusty old. He saw more, suffered more, practiced more self-denial, than can fall to the lot of any man.”—Joaquin Miller.

“The gods, in bounty, work up storms about us, that give mankind occasion to exert their strength.”—Addison.



Colonel John C. Fremont, on stage, Bear Valley, 1858.

[Editor's note: Oso House hotel in 1860, by Charleton E. Watkins; Fremont was supposedly not in the area in 1960—dea]

PREFACE

This is a story of real people and real millions, that played important and necessary parts in the upbuilding of our beloved State and Nation.

It has been the purpose of the author to extract and make available some of the nuggets of valuable and interesting information, hidden in the mines or files of old newspapers and in old books and letters, which have hitherto been practically inaccessible to the present-day world. From these precious relics and from stories told him by old-timers, he has endeavored to choose the real fragrance and color, as portrayed by the pioneers themselves, under pioneer environment, and not enlarged or warped by historians of a later age, in order that the present generation may enjoy the thoughts, expressions and reactions of the pioneers, as they tell their own story, just as far as possible.

The author values most highly the testimonial given on the succeeding page, by an eminent, nationally-known Californian, who is especially well qualified to judge the historical merits of this work.

NEWELL D. CHAMBERLAIN
MIDPINES, CALIFORNIA

SUPERIOR COURT CHAMBERS
MARIPOSA COUNTY
CALIFORNIA
Joseph J. Trabucco, Judge

In the following book, "TRUE TALES ON THE GOLD ROAD TO YOSEMITE", Mr. Newell D. Chamberlain has gathered together a wealth of historical data of one of California's vast gold regions, a great deal of which is no doubt known to but few people. From my own knowledge of the region, his narration appears to be a correct historical portrayal of the events therein contained and should prove interesting reading, not only to Californians, who are so proud of their State, but to visitors to California, and all who are interested in the history, development and expansion of our Nation's vast natural resources and its wealth of natural beauty and grandeur.

History is the chronicle of human events and the portrayal of objects and qualifies people to travel and enjoy the country through which we pass, to the fullest extent.

I commend Mr. Chamberlain upon the extent of his historical research in the preparation of this work, and for his clear and interesting presentation of his subject.

J. J. Trabucco



WITHIN BOUNDRIES SHOWN  HIGHWAYS & ROADS  SCALE 

HISTORICAL AND MINING PORTIONS of MARIPOSA COUNTY

HISTORICAL and MINING PORTIONS of MARIPOSA COUNTY

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(Obtained through the courtesy of
Mariposans and the Yosemite Park Museum.)

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Colonel John C. Fremont, on stage, Bear Valley, 1858

Map showing mining and historical area.

Mariposa County, "Mother of Counties", one of the original twenty-seven counties.

The tent town of Agua Fria, in 1849. The Exchange Hotel is on the extreme left. The ground in front of the houses is all dug up in piles for washing.

Water-power quartz mill, transported across the Isthmus, in 1850, for Commodore Stockton. Located one mile from Mariposa on Stockton Creek, named after him, as was also the City of Stockton.

Agua Fria, in 1854, just after the Court House was moved to Mariposa.

Criss-cross letter, 1858, so written to save postage. One sheet cost \$2, two sheets \$3.

Chinese mining on Mariposa Creek, 1867,

Colonel Fremont, as he looked in 1856, when candidate for President.

Lafayette H. Bunnell, early-day miner and namer of Yosemite.

The old Mariposa Gazette Building.

John Gilmore, with his team, entering Mariposa, 1879.

Galen Clark, famous Guardian of Yosemite.

Galen Clark, in the Mariposa Grove of Big Trees, which he discovered.

The Fremont "White House", in Bear Valley, 1858.

Marre Store, Mt. Bullion, built in 1862.

Mariposa in 1859.

The pioneer Schlageter Hotel. Trimming its famous flagpole in 1859.

A pen sketch by A. Schwartz, showing inside view of shaft on Mariposa vein. A pocket of \$26,000, in a space four feet square, was struck here, July 14, 1859, at a depth of 35 feet, by Lind brothers and Howell.

The Mariposa County Court House, completed in 1854. The clock was added in 1866. Left to right are: Fred Schlageter, Under-sheriff; Bill Turner, Sheriff; Joe Ridgeway, Assessor; E. D. Skelton, Deputy Assessor; J. M. Corcoran, Superior Judge; Judge L. F. Jones; S. P. O. Counts, Treasurer; G. W. Temple, Justice of Peace; G. A. Robinson, Surveyor; Maurice Newman, Clerk; James H. Lawrence, ex-Editor and ex-Senator; L. N. Jones, District Attorney; H. P. Farnsworth, Constable.

“Rock” Greeley, with his logging team.

David Clark’s home and saw-mill.

Benton Mills, on Merced River, at Bagby, foot of Hell’s Hollow

Mt. Ophir mine and mill. The Moffat Mint was close by.

Captain John S. Diltz, outstanding pioneer miner.

Angevine Reynolds, pioneer newspaper man.

John Hite (left front), poor prospector who became a millionaire. The others are men working for him.

Full-blood Yosemite Indians, descendants of Chief Ten-ie-ya. From left to right are Mary Leonard, Maria Lebrado and Tom Lupton.

Mary tried to stop the picture until Tom had taken off his hat.

Coulterville in 1858. At the side of the residence of Jim Shimer, are ladies in hoop skirts.

Coulterville in 1878.

Francisco Bruschi, Coulterville pioneer.

The original Jeffrey Hotel, Coulterville.

Street scene in old Hornitos.

Hornitos Hotel, ready to receive an ex-President.

Reeb’s butcher shop, at corner of Plaza, Hornitos.

“Judas” on the donkey, just before being led through the streets of Hornitos and burned in the Plaza.

Mrs. Merck, who with her husband, ran the pioneer saloon, at corner of Plaza.

Solari store, Indian Gulch, with the last pioneer resident, just thinking.

The first school house, Indian Gulch, built of adobe brick, 1854.

Joe R. Souza, and the first twelve-animal team to enter Yosemite.

Tom Bichard, pioneer miner and philosopher.

Re-union of old-timers at Hornitos. Front row, left to right, are: R. Barcroft, Al Sylvester, Sam Collier, Joe Spagnoli, Nat Bailey, Tom Thorn, Robert Arthur and Tom Williams. Rear row, left to right, are: Henry Nelson, Smith Thomas, John Branson, William Dennis, B. A. Shepherd, G. Gagliardo, J. D. Craighan and M. L. Rodgers.

THE CALL OF GOLD

TRUE TALES

ON THE GOLD ROAD TO YOSEMITE

PROLOGUE

The mountain and hill area west of Yosemite National Park is a vast gold region and is known as Mariposa County. Many people, traveling through this domain, little realize the, romance, tragedy and comedy that has here taken place and the interesting places that still exist, on or in close proximity to its present-day marvelous highways.

The area on the gold road to Yosemite passed through many experiences similar to those of other parts of the great Mother Lode gold-bearing belt of California; but, in addition, it was the scene of famous legal battles; it experienced a famous Indian war, resulting in the discovery of Yosemite Valley; and, later, the Mariposa Grove of Big Trees was discovered; all of which brought into the spotlight citizens who became famous as makers of history.

By first becoming acquainted with important facts of history, showing the part played by Mariposa citizens and Mariposa gold in the development of our Nation, Yosemite travelers can then visit the mines, the old land-marks, the old towns, and visualize personally the rich historical associations, bequeathed us by the California pioneers. History can then be re-lived, enjoyed and better understood. Even the ruins will speak.

The historical and mining districts on the gold road to Yosemite are adjacent to the All-Year Yosemite Highway, which starts at Merced, from which place you travel in an easterly direction for sixteen miles before reaching the Mariposa County line.

Crossing the highway, at this point, is the famous old Millerton road, which, in early days, was the main artery of travel between Stockton and Los Angeles. It followed the edge of the eastern foothills, because such a route was nearer the mines and the river crossings were much easier than in the level plains below.

From the County line, you begin to climb gently through rolling hills. At first, the country is practically treeless as you pass through the shallow slate formation, some of which protrudes from the ground in fantastic shapes. Soon the soil becomes a little deeper and scrub oaks appear and then varieties of pines as you gain in elevation.

At about nine miles, you are in Cathay Valley, [Editor's note: Cathey's Valley—dea] with an elevation of one thousand feet. You soon begin to climb Guadalupe mountain. Just after passing the summit, you enter the famous Fremont Grant and you will be on the Grant for over twelve miles or until you are near the summit, four miles beyond Mariposa.

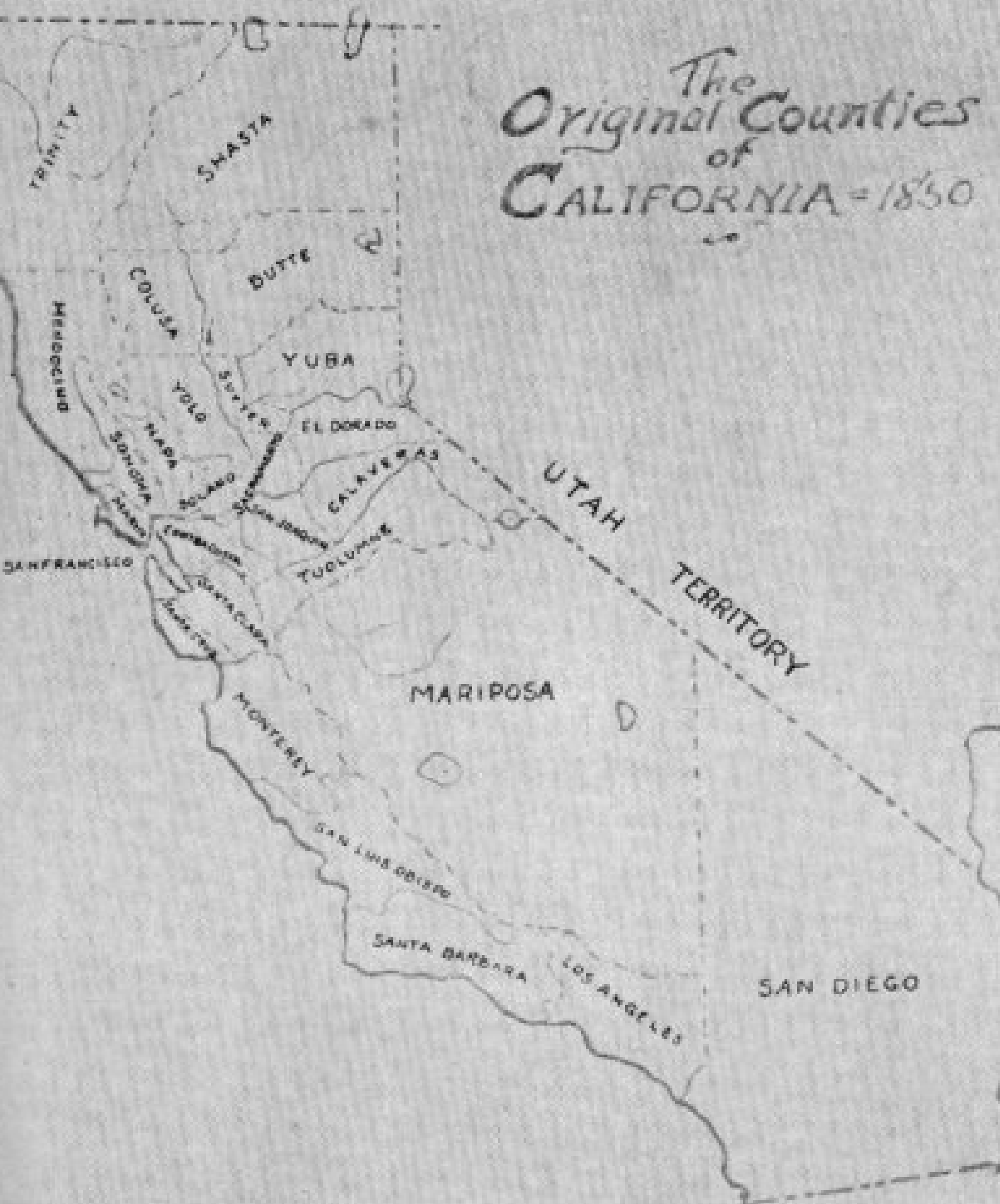
After entering the Grant, in about three miles you reach Agua Fria Creek, once a thickly populated community. The first Court House was about a half-mile to the north, while about two miles down stream is Guadalupe Flat, where Captain Diltz erected, in 1854, the first self-feeding ore stamp mill in California.

After passing the next summit, and just as you catch sight of Mariposa, you will notice over to the right in the distance, the ruins of an old mill near Quartz Gulch, where was erected, in 1849, the first steam quartz mill in California.

The Atlantis trees, locally called China trees, on the main street of Mariposa, were planted by Chinese, in early days. The historic Court House, completed in 1854, has been continuously occupied since that time; and in it, one can find the files of the early-day newspapers, which were used, to a great extent, in compiling this history, and the old Court Room, scene of legal battles, with the same Judge's bench, tables and seats that were used in the days of the original California pioneers. The clock in the tower was installed in 1866. The old Mariposa Gazette building is just across the street from the Court House.

The Mother Lode Highway branches off by the Court House and it will take you to Mt. Bullion (originally called La Mineta and then Princeton), Bear Valley and Coulterville. The Fremont Grant extends from Mariposa to Bagby on the Merced river. A

The Original Counties of CALIFORNIA - 1850



Mariposa County, "Mother of Counties", one of the original twenty-seven counties.

few miles beyond Mt. Bullion are the ruins of the Mt. Ophir Mint, the first authorized Mint in California. A few miles beyond Bear Valley, you will find, in operation, a modern quartz mill crushing out gold from the Pine Tree and Josephine veins, famous as producers in early days. This is convincing proof that the early miners did not get all the gold and that wealth awaits practical miners who have the courage and capital to go to greater depths than was possible with the pioneers, who had inadequate machinery and who really only scratched the surface.

From Mt. Bullion or Bear Valley, a most interesting trip can be made to the historic town of Hornitos, where one may find many reminders of the days when California was very young; such as the Plaza, where the early miners gathered for their fiestas; the Masonic Hall, built in 1854, a one-story building, where the Lodge, by a special dispensation in its Charter, still meets on the ground floor; the Fandango Hall, in the basement of the Campodonico building, where, on its flagstone floor, Joaquin Murieta, in many disguises, danced; the Ghirardelli building, where a world-famous chocolate manufacturer made his start in 1858; the old Wells Fargo Express Co. building, erected in 1854; the Gagliardo and Cavagnaro pioneer stores, both still being operated by interesting and hospitable descendants; the little stone jail, with its iron door and two one-foot square windows; the beloved Church, on the hill, with its interesting cemetery; the old hotel, where Presidents were entertained; and Dead Man's Alley, where many a miner was killed and robbed of his gold dust.

A few miles, southeast of Hornitos, is Indian Gulch, probably a little older than Hornitos and with a similar colorful history. Here may be seen the old Solari store, built in 1850 by Charles Murray, in excellent state of preservation and the old blacksmith shop, where real masters of iron formerly presided and where some of their handiwork can still be seen. Here were made the branding irons for the pioneer cattlemen and the design of each has been recorded in the wooden frame of the shop door. The ownership is still in the Solari family and these appreciative and worthy descendants are doing everything they can to preserve the valuable, historical heritage, left in trust to them.

Returning to Mariposa and continuing toward Yosemite, on the All-Year Highway, just after leaving town, over to the left, looms Bullion Mountain, so-named by Fremont, in honor of his illustrious father-in-law, Senator Benton, of Missouri, whose political nick-name was "Old Bullion", because he was a firm advocate of hard money, like gold and silver.

At about five miles from Mariposa, on the left side of the highway, is located the well-preserved residence, built in 1864, of David Clark, who then operated a saw-mill close by. One and a half miles more brings you to Midpines, a mining center close to the rich mining districts of Sherlocks Creek, Saxon Creek, Sweetwater Creek, Feliciano Mountain, etc. At Midpines, there has been erected a monument showing the exact size of one hundred million dollars of gold, which is approximately the amount of gold mined in Mariposa County, in its first fifty years.

Fifteen miles beyond Midpines, where the All-Year Highway crosses the south fork of the Merced River, there stood in 1849 the trading post of James D. Savage; while a few miles, up the south fork, is Hite's Cove, where John Hite found the mine that made him a millionaire and where it is said the charred remains of Ten-ie-ya, famous old Yosemite Indian chief, were buried in 1853, after he was killed in a fight with the Mono Tribe.

Twelve miles more, brings you to Yosemite National Park, beautifully described by Mr. S. T. Beal, a friend of the author, in the following hitherto unpublished poem:

"Yosemite, the marvelous,
Yosemite, the grand,
Yea, the most wonderful,
Of any land.

Your towering heights,
Your granite walls,
Your inspiring grandeur,
My soul entralls.

With rapture and awe,
I observe your falls,
Your mirrored lakes
And glistening walls.

When now I contrast
Your placid state
With the time of your making,
When the mountains did quake,

By the mighty forces,
That were there at hand,
Moving and grinding,
At gravity's command.

Then after centuries, ages
And aeons have passed,
The work of the glaciers
Was done at last.

Then, behold, Yosemite, the marvelous,
Yosemite, the grand,
Yea, the most wonderful,
Of any land."

Let your thoughts now take flight backward to linger on scenes and transactions, during the years 1849 to 1899, the first fifty years following the discovery of gold in California, illumined by extracts from the columns of old newspapers and from letters, writings and stories of pioneer Mariposans, who were eye-witnesses. Mining development has been given in detail because of its importance, the whole structure of California, having been built on the mining industry.

CHAPTER I AN INDIAN WILDERNESS

Previous to the year 1849, practically no white people had ever visited, or known about, the domain now called Mariposa County, California. The hills everywhere were covered with the finest timber, wild game was plentiful, and the streams were well supplied with speckled trout.

Numerous tribes of Indians inhabited the area and they were expert with their bows and arrows. How many centuries they and their ancestors had roamed these hills, no-one knows, as no permanent monuments had ever been built by them. Their trails were hardly more than those of the deer; and their huts, made of brush, bark, and mud, lasted but a short time.

Nature supplied them with everything necessary. Their only clothes were trunks or breeches, made of the hides of the deer, bear, or fox; while occasionally, in the coldest weather, a few wore jackets, similarly made. They could prophesy the severity of the coming winter by the behavior of the animals. If the woodpecker buried his acorns deeper in the tree or the mud-daubing swallows made new nests higher up on the river's bluff, they knew a severe winter was coming and prepared for it.

They lived on meat from the wild animals, fish, acorns, pinenuts, wild berries, and worms. Fish were caught with traps made from the willow. These traps had about a three foot opening at the mouth, placed up-stream; while the down-stream end was narrower and raised out of the water, so that the force of the current would wash the fish into the dry end of the trap. String and rope were made from the milk-weed and were used in trapping squirrels, rabbits, and quail.

Their smoking pipes were made of elder berry Wood, three or



The tent town of Agua Fria, in 1849.

[Editor's note: from p. xi: The tent town of Agua Fria, in 1849. The Exchange Hotel is on the extreme left. The ground in front of the houses is all dug up in piles for washing. —dea].

four inches in length, with the center hollowed out and one end filled with small pieces of wood, just tight enough so that smoke could be drawn through. The other end was filled with Indian tobacco, a native weed with a strong flavor. Fire was made by taking two very dry pieces of buckeye and rubbing them together in the palms of the hands.

Occasional quarrels with other tribes furnished excitement and occupied some of their spare time, but were settled without the aid of lawyers or courts. These Indians knew practically nothing of what was going on in the rest of the world, but things were happening.

ARRIVAL OF GOLD SEEKERS AND ESTABLISHMENT OF COUNTY

On February 2, 1848, the treaty signed at Guadalupe Hidalgo, in Mexico, added California to the American Republic, a successful conclusion of the war against Mexican rule in California, in which Commodore Robert F. Stockton and Colonel John C. Fremont played the leading parts in the conquest.

Having been under Spanish and Mexican domination for centuries, considerable apprehension was felt throughout the Nation as to whether the new addition would fuse into the common mass and become American in thought and action, or remain adverse.

These fears proved groundless, for, within a few months, Providence provided an ample reason whereby thousands and thousands of American citizens, as well as large numbers of foreigners, quickly flocked into California, thus placing the original inhabitants in the minority. It is estimated that by the end of 1850, one hundred thousand people arrived in California.

The California gold rush was on. The original cause of the great California gold fever, the first fever germ, was a little flattened piece of gold, about the size of a gold dollar, found by Marshall, in 1848, while digging a mill-race and sent to the Smithsonian Institute.

Scarcely had the new territory passed under the American flag, when the discovery of gold, in the course of a few months, drew within its limits a population large enough for a State, thus crowding out the usual preliminary territorial conditions, by which new States are prepared to enter the Union. For such a population, no preparation had been made; not even the skeleton of a legal organization met the new immigrants. California became a State, September 9, 1850.

Mariposa County was established February 18, 1850, under the territorial government, and is one of the original twenty-seven counties of the State. Aqua Fria was named its seat of Justice. The area of the County was approximately one-fifth of the entire State and originally comprised what are now the Counties of Madera, Tulare, Kings, Fresno, Kern, and Merced, and a portion of Mono and Inyo Counties; hence Mariposa County has been called "Mother of Counties".

The first officers of the County were: County Judge, James M. Bondurant; Sheriff, James Burney; County Clerk, Samuel A. Merritt (afterwards Chief Justice of Utah); Recorder, J. C. Bland; Treasurer, Edward Beasley; District Attorney, Orrin A. Munn; Assessor, Thomas K. Munk; Coroner, B. S. Scriven. In the early days, officials were hard to keep, the ever-festive nuggets alluring them from their political aspirations and honors.

The name Mariposa (Spanish for butterfly) was first applied to a creek of that name, by a party of Spanish hunters, in 1806, El Arroyo de las Mariposas; next, to a large grant of land bordering on the creek, and finally to the county itself.

Beginning in the early part of 1849, goldseekers flocked to what is now Mariposa County, California. They came from nearly every State in the Union. They were mostly young men, eighteen to thirty years of age. The majority represented the best element of the communities from which they came. There were, also, many tough characters, whose actions caused many an excitement and made the times more colorful, but their importance has been greatly exaggerated by later-day writers. There soon were representatives of nearly every country of the civilized world, including Englishmen, Germans, Frenchmen, Italians, Chinese, Chilians, Peruvians, etc. All wanted gold and came here to get it, yet very few knew anything about mining for gold. All were adventurers playing a part in a drama such as the world had never seen before.

Prosperous mining camps sprang up along the creeks and rivers. Gold in the beds of the streams, placer gold, was the easy gold to get, and this was the only kind of mining of which most of the prospectors had any knowledge. The settlement of Aqua Fria (meaning cold water) was officially designated as the first County Seat and it was located on the creek of that name. Evidently the miners had difficulty in making their "q's", so that the common spelling of Aqua Fria soon became Agua Fria.

Agua Fria Creek, where the County seat was located for the first two years; Burn's Creek, with its settlements of Quartzburgh and Hornitos; Maxwell's Creek, where Banderita, afterwards called Coulterville, was started; Merced River, with its settlements of Horse-shoe Bend and Ridley's Ferry (now Bagby), all were soon alive with miners. By far, the largest settlement was on Mariposa Creek, about one mile from the present town of Mariposa.

Gold raised the curtain on Mariposa and sitting on the stage was the God of Hope, holding a nugget of gold. To this shrine, there came John C. Fremont, James D. Savage, L. H. Bunnell, John S. Diltz, Galen Clark, D. Ghirardelli, and thousands of others, all seeking favors, in answer to the call of gold. Later due to the discovery of Yosemite Valley, there came J. M. Hutchings and John Muir.

CHAPTER III

ARRIVAL OF JOHN C. FREMONT

In 1847, while Commodore Robert F. Stockton and Colonel John C. Fremont were engaged in winning California from the Mexicans, Fremont gave \$3,000 to Thomas O. Larkin, American consul at Monterey, with which to purchase a tract of land overlooking San Francisco Bay.

Just as Fremont and Stockton were completing their conquest, there appeared on the scene, General Stephen Kearney, who claimed supreme authority from the Government in Washington to complete the conquest and establish a civil government.

Commodore Stockton, ignoring Kearney, commissioned Fremont as Governor, and a conflict as to who had supreme authority ensued. Fremont refused to recognize that a General had authority over a Commodore, so he remained loyal to Commodore Stockton, with whom he had previously co-operated so successfully, with the apparent sanction of the Government in Washington.

A few months later, Kearney's authority being confirmed, he ordered Fremont to accompany him East, where he was court-martialed and found guilty of disobedience and conduct prejudicial to military discipline. He was sentenced to dismissal. President Polk, refusing to approve the findings, except on technical grounds, remitted the penalty, and desired Fremont to continue in the service. Fremont, however, unwilling to concede that he had done anything wrong, resigned.

Senator Benton, Fremont's father-in-law, claimed that the verdict was a deliberate attempt to ruin Fremont by the West Point element, as Fremont was not a West Pointer and had become too popular. The people, generally throughout the Nation, considered that he had been unjustly treated.

Just before leaving California, for the humiliating court-martial, Fremont learned that Larkin, using his own judgment, had purchased with the \$3,000 a tract of 44,000 acres in what is now Mariposa County.

In October, 1848, he set out for California, with two objects in view; first to find passes for a railroad from the Atlantic to the Pacific; and second, to get back his \$3,000, with which he intended to settle down in California and study law.

Led astray by a guide, and after losing his entire outfit and a number of his men and enduring extreme hardships, he turned southward across the Rio Grande into Mexico. Later, continuing his course westward, he encountered, along the Gila River, a caravan of more than a thousand Mexican men, women, and children, with their wagons, mules, and horses, going westward. Asking the reason, he was told, "Gold has been discovered in upper California".

The news of the discovery of gold in California had traveled to Mexico by steamer quicker than it had traveled overland. Fremont's thoughts immediately reverted to the 44,000 acres which he owned in California, but which he had never seen. Perhaps, there was gold on his own land. Acting with characteristic quickness, he engaged twenty-eight Mexicans to work for him on his Mariposa estate.

His plans had been changed, and his \$3,000 investment was to become a controlling influence on his career, enabling him to become a national, and even a world figure. This was surely a contrast to the humiliating court-martial and the herculean hardships, which he had just passed through. So, with the magic words, "Gold has been discovered in upper California," ringing in his ears, John C. Fremont came, in the early part of 1849, to Mariposa.

After placing his Mexican miners, whom he brought with him and grubstaked, on some of the creeks on the property he expected to get, Fremont then endeavored to locate the boundaries of his estate.

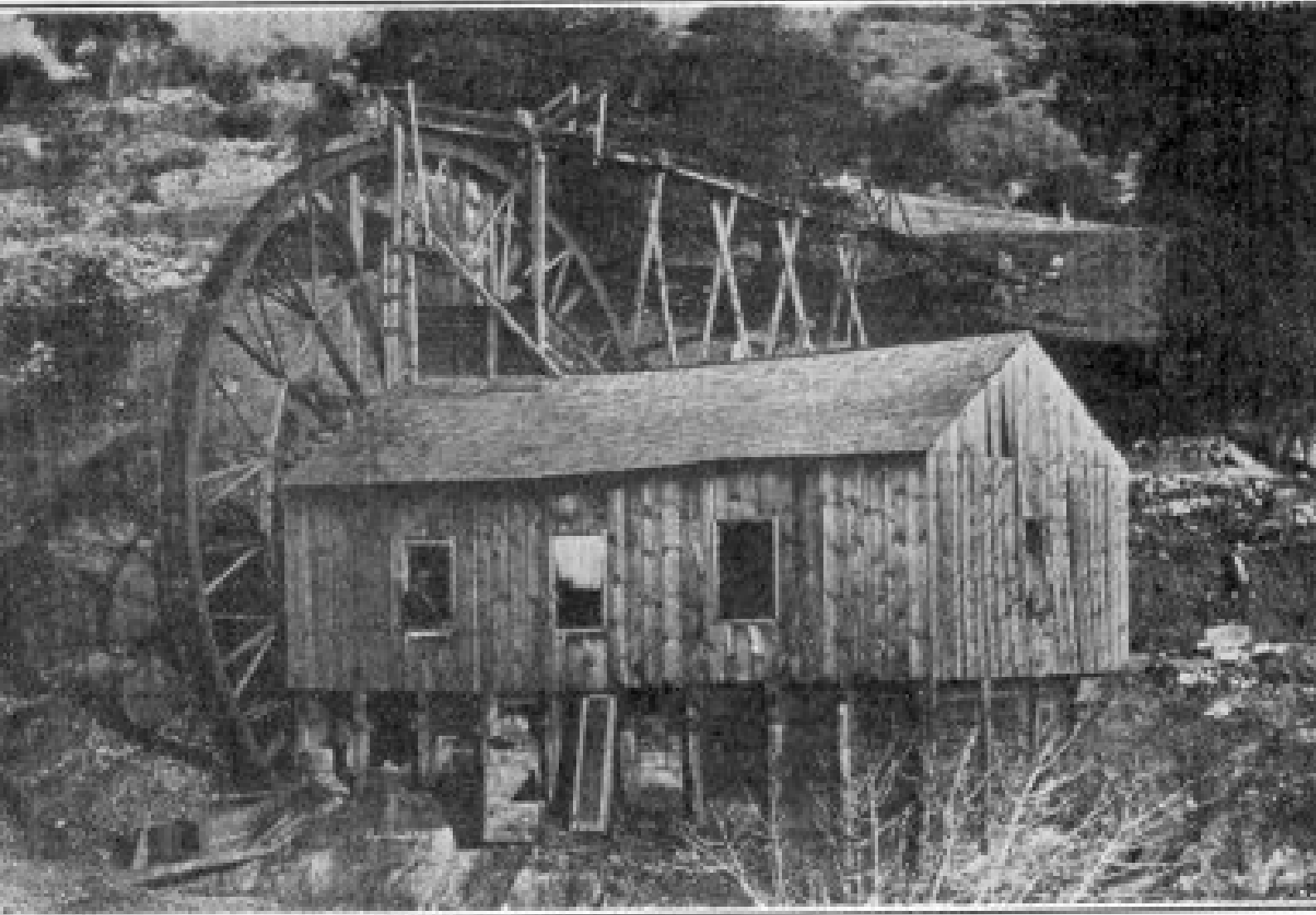
His deed called for a grant of land, known as Las Mariposas, to the extent of ten square leagues, lying within the boundaries of the Sierra Nevada (commonly known as Snow) mountains and the rivers known by the name of Chauchilas, Merced, and San Joaquin, as granted in 1844 by Micheltorena, then Governor of California, to Juan B. Alvarado, who had conveyed it to Fremont. It was a floating grant, with its exact boundaries undetermined, at the time of making, and Fremont thought that he would be entitled to his choice.

Some of his Mexican miners called his attention to the similarity of the quartz formation in the vicinity of Mariposa to the "Veta Madre" or Mother Lode quartz gold belt in Mexico. With the aid of a surveyor by the name of Von Schmidt, he ran the lines of his survey from Mariposa Creek in a northwesterly direction to the Merced River, taking in what afterwards became generally known as the Mother Lode gold belt. It was not, for many months later, generally known, and then it took several years to prove, that gold lay in paying quantities in quartz veins in California. Fremont was the first man to prove it. His survey, being in the shape of a frying pan, for a long time, was called the "Frying Pan Claim".

Fremont realized that it would be necessary for him to secure financial assistance, in order to work his quartz veins. He, therefore, formed a partnership, to work part of his estate, with Palmer, Cook & Co., a very prominent banking firm in San Francisco, who were also very influential in politics.

The first steam quartz mill to be erected in the State, including a small steam engine, was brought to Mariposa, in 1849, by James Duff, who although part negro, claimed that he was the first white man to settle on Mariposa Creek. The mill was put up on Mariposa Creek, near the lower end of the present town, in the month of August, 1849, and was operated by Palmer, Cook & Co., for Fremont, and was known as the Palmer, Cook & Co. mill. It had four stamps, which were lifted by the long iron cams, shaped like the letter "S", passing through a slot in the center of each stem. It was of inferior construction and ran only for two or three years, but its results proved that gold in quartz form would produce infinitely more treasure than that contained in the hitherto seemingly vast placers, which would soon become exhausted.

The first provisional State legislature met at San Jose, December 20, 1849, and John C. Fremont was elected U. S. Senator, for the short term. He left soon afterwards for Washington, where he was very influential in securing the admission of California, into the Federal Union, as a free State.



Water-power quartz mill, near Mariposa, 1850.

[Editor's note: from p. xi: Water-power quartz mill, transported across the Isthmus, in 1850, for Commodore Stockton. Located one mile from Mariposa on Stockton Creek, named after him, as was also the City of Stockton. —dea].



Agua Fria in 1854.

[Editor's note: from p. xi: Agua Fria, in 1854, just after the Court House was moved to Mariposa. —*dea*].

CHAPTER IV FIRST SETTLERS' OWN STORIES

Angevine Reynolds, prominent early-day newspaper man, is speaking: "We landed on Mariposa Creek, September 13, 1849, astride a white mule. We were one of a band of twenty-nine men and boys who had left our native home, relatives and friends, sacrificing worldly comforts and homes and a competency bequeathed by our ancestors, all to gratify hopes of gold which so brilliantly loomed on the horizon of our imagination and which became a general epidemic throughout the land.

"On April 4, 1849, we bid farewell to our brother and family at Bastrup, Texas. All were mounted on mules, with an extra animal each, packed with what we deemed sufficient to sustain life for three months. Our brother accompanied us for three or four miles. His last words were, 'Be a good boy and don't marry in California'. We promised to return in two years. After a voyage of six months and three days, we landed here on Mariposa Creek.

"There were no hotels, stores, saloons, court house, jail or even a newspaper of any sort here then. The present location of Mariposa had not given birth to a town at that time. The only sign of anyone living in the neighborhood was a few Mexican miners, camping on Missouri Gulch, and Scott & Montgomery's butcher corral, at the junction of Stockton and Mariposa Creeks. There was also an Italian store, kept in a tent about eight by sixteen feet, with about a cartload of stock. He had some flour, beans, salt, and a few shovels, picks, and pans to sell. A half ounce would buy a shovel, \$6 for a pick, \$4 for a pan, 25¢ a pound for flour and beans. Green coffee, unground, was 50¢ a pound and sugar about the same.

"The original location of Mariposa, in 1849, was about a half mile downstream from the site of the present town. We then owned a mining claim on the creek, near the mouth of Chicken Gulch. So rich in gold were the beds of streams and gulches, that we, with our partner, were restricted to twelve feet square, our mining implements being a case knife and an old tin pan, with pick and shovel. With these, we averaged each fifteen and twenty dollars a day with an occasional big strike.

"A description of our wardrobe at that period may not be uninteresting. It consisted of an old red flannel shirt, minus the hinder portion called tail and a part of one sleeve, a pair of pantaloons, patched and holey, a hat without crown or rim and a pair of moccasins. As apology for our shabby appearance, our pack mule had stampeded with our clothing.

“The latter part of the year, we sought a better digging at Agua Fria Creek and afterwards went into the Express business, delivering letters at \$2 each and selling newspapers at a dollar a copy, at which prices no-one complained. Early in the fall of 1850, we returned and found that high water had driven the inhabitants of the town upstream on higher ground, and that they had congregated and built on a flat, which they christened Logtown and which is now the present location of Mariposa.

“It was peopled with an industrious and jovial crowd. Music floated on the evening breeze; and dark-eyed señoritas, in gay costumes, whirled in the merry dance with brawny miners, until they became dizzy. The latter counted their gold-dust by ounces and pounds, and a hundred dollars was less prized than a ten cent piece later on.”

Joe Miller, prominent pioneer business man and postmaster, is speaking: “In the summer of 1849, when I was nineteen years old, I started for California with a party, among whom was Miles Goodman and Dave Hayes.

“In crossing the Colorado River, we met a large party of Indians who had a raft which they used as a boat to get people across the river. The provisions were all put on the raft and I was put in charge of them and as many Indians as the raft would carry across and they were expected to return for the others.

“Dave Hayes, Goodman, and others were left to drive the animals into the water and the Indians were to swim them across, but the Indians swam them down and out on the same side of the river. Goodman shot at and killed two of the red devils in the water.

“The Indians that were with me, picked up all the provisions and clothing and ran away with them. We were practically destitute and had a hard tramp to the nearest settlement. I was bound to get to the mines and finally got to Agua Fria, half-starved and half-naked.

“The first man I met at Agua Fria was Sherlock, a hunter who sold meat to the miners. Sherlock took me in and gave me venison to eat and hired me to help the man left in charge, when he, Sherlock, was away hunting. Sherlock had his hunting grounds, and the bear trappers had theirs; and when anyone returned home, the miners would gather around to hear a hunting story.

“On one of his hunting trips, Sherlock shot at, and wounded a deer on the divide and hitched his mule there and followed a sprinkle of blood far down into a deep gulch and in looking along the vein and on the bedrock for blood, he saw nuggets of gold. He took his butcher knife and picked out the gold and filled his pouch. He worked till late in the evening, then hid his gold, climbed the hill to his mule and got home late in the night. He told the boys that he did not get his deer but probably would the next day and he talked about getting some tools to prospect some. He said he would give up hunting, if he could do better by mining for gold.

“He went somewhere and got a rocker and went away and was gone for several months. Sometime in the spring, he was found working with a rocker. He had skimmed well over the best and easiest ground to work. Hundreds of people poured in onto him and crowded him out. They took up claims one rod square.

“They gave it the name of Sherlock’s Creek, Sherlock’s Falls, Sherlocktown and they were so fond of the name, they called a flat on the other side of the Merced River, Sherlock’s Flat.

“Sherlock was sole proprietor of the gulch for several months before he was found out and he did not remain long after he was discovered, but with as much as a mule could carry of pure gold, estimated at not less than \$100,000, he rolled on presumably to where he came from and was never heard of afterwards. Maybe he never reached home but was waylaid, robbed and slain by Murietta and his gang.”

Daniel A. Clark, successful pioneer miner, is speaking: “We reached Mariposa, September 6, 1850, only a little short of five months after leaving New York. Six of us joined together in fitting up a log cabin. We lived very comfortably, with plenty of provisions and plenty of price, but that didn’t count. Wild game was abundant, deer, bear, antelope, rabbits, and quail. We were in dry diggings and the want of water, when and where we wanted it, was a serious drawback, but we had fair success. It was hard work; the watching for Indians, who were very troublesome, kept us from being lonesome. It was unsafe to go far away from our camp alone. Many miners were killed by Indians during the winter.

“Everything left outside the cabin door was stolen by them but they had too much regard for revolvers to come inside. In the Spring, a company of two hundred volunteers was raised, commanded by Major Savage; the Indians were driven from the Yosemite Valley, Captain Boling’s Company from Mariposa being the first to reach that famed spot. What Indians were left were fairly peaceable after that.

“I have seen men ride into town with their clothes stuck full of arrows. I recall Colonel Owen, he was attacked five miles out, riding up a mountain; at first flight of arrows, his mule whirled suddenly, throwing his carbine from the pommel of his saddle, where it was hanging; he used his two revolvers as long as they held out and then depended upon his mule for the chances. There were three arrows in the mule’s flanks, five in Owen’s clothing and one in his hat, but only one drew blood. He did not know how many of his shots took effect, but felt sure that some of the attackers did not get away with whole skins.

[Editor's note: from p. xi: Criss-cross letter, 1858, so written to save postage. One sheet cost \$2, two sheets \$3. —dea].

“These were exciting times; everybody flush with gold dust, gambling and drinking saloons in full blast, quarrels and shooting were everyday occurrences. We camped one mile out of town and only went there for provisions and letters. Wells, Fargo & Co. charged \$5 to bring letters from San Francisco, but nobody cared, only to get the letter.

“There was one old grizzly bear that frequented the chaparral near our camp. One day a miner, going home with a fifty pound bag of flour on his shoulder, met the grizzly; he dropped the flour (only \$1 a pound) and went up a tree forthwith. The bear smelt of the bag, struck it with his paw and scattered it over the ground. After keeping the miner in a tree all night, the bear left. A trap was set for him, a rifle loaded to the muzzle; it did the work and the miners had 800 pounds of meat to eat, rather tough, though.”

CHAPTER V BEGINNINGS OF HORNITOS AND COULTERVILLE

In 1849, a mining camp of considerable importance was started on Burn's Creek and was named Quartzburgh. [Editor's note: usually spelled Quartzburg, even when first founded—dea] The rich, dry diggings attracted a large number of miners and many comfortable log huts were soon built and quite a village sprang up. Among the first settlers were Colonel Thomas J. Thorn and B. M. Pool, with their families and negro slaves. By November, 1850, fourteen rich gold-bearing quartz veins had been discovered.

In 1850, about two miles below Quartzburgh, the town of Hornitos was started by some Mexican miners, gamblers and dance-hall women, who had been expelled from Quartzburgh, by a well-armed “Law and Order Committee”. The name means “little ovens” and was given to this settlement because of the presence of some odd Mexican graves, built of stone on top of the ground, and shaped like small bake-ovens. Several of these can still be seen in the little cemetery on the hill.

Hornitos was first a tough town, with gambling and reveling prevalent. When the placers of Quartzburgh gave out, its citizens moved to Hornitos and the whites soon outnumbered the Mexicans. An election was held, the town incorporated into a city and ordinances adopted straightening up many of the social abuses. It is said that the first ordinance passed was that of placing a license on dogs as a means of reducing the great number of dogs, possessed by the Mexicans; and the second ordering the Mexicans to remove the bodies of their dead from vaults, situated on top of the ground, near the main street.

Hornitos soon became one of the most important points in the route of travel between Stockton and Los Angeles. About a mile from town, Dr. John Kellet, in 1851, operated a quartz mill, by water-power, with a wheel forty-five feet in diameter.

William S. Moses, who came to Hornitos, in March, 1851, to install a quartz mill, at the Washington mine, for Milner brothers, is speaking: [Editor's note: orinally printed in *Mining and Engineering Review and Electrician* (San Francisco) and reprinted in the *Mariposa Gazette*—dea] “The Milners had brought six negro slaves from Georgia, who were excellent axe-men. They cut and hewed all the timber for the mill, as there was no lumber except what came from San Francisco and that was shipped from Baltimore, around the Horn, and cost \$250 per thousand feet, plus the freight from San Francisco to Hornitos.

“Our tables were puncheons, sawed from the sugar pine. They were smoothed off with an adz and dressed with a jack plane. When a miner died, we split a log in two, dug out the inside, like a mummy case, laid the body in it and pinioned it together with wooden pins.

“Miners worked from sun to sun, generally about fourteen hours a day. For the first three months, there was not a watch or clock in the camp. I made a sun dial on top of a stump by alignment with the north star and got the noon hour very closely. There was not a candle in the camp and we used faggots of light wood, prepared by the negroes from the fat pine stumps, for lights at night and for working in the tunnels.”

Joaquin Murietta, [Editor's note: Joaquin Murrieta—dea] the famous bandit, at one time used Hornitos as a rendezvous and had a secret tunnel under the main street, for use in escaping from a saloon to a stable, where he kept his horse. His wife had been mistreated and killed before his eyes, for which outrages, he vowed vengeance and succeeded in killing every one of the participants. It is definitely known that he committed at least one murder near Hornitos. A Mexican had informed a deputy sheriff that the bandit was stopping in an adobe building near the edge of town. The deputy, with a posse of fifteen men, went to the building at midnight, when ensued a most desperate fight, in which five of the posse and the deputy sheriff were wounded. A week later, the body of the Mexican informant was found hanging from a tree near by.

The people of Hornitos knew Murietta so well, that when the State of California, in May, 1853, authorized the organization of a Company of twenty-five well-armed and well-equipped horsemen to traverse the State, for the purpose of capturing, dead or alive, this famous bandit and his associate robbers, the California Rangers were organized at Captain William J. Howard's ranch, on Burn's Creek, four miles west of Hornitos.

In July, this Company, under the leadership of Harry Love of Quartzburgh, killed Murietta, when they came upon his band, in the lower San Joaquin Valley. Murietta's head was taken to Millerton, placed in alcohol and transferred to Quartzburgh and Hornitos for identification, then to San Francisco, where it remained an exhibit of the real, wild days of early California history. One of the members of the posse that killed Murietta was Bill Burns of Hornitos, after whom the creek was named; and he is reported as being the man who fired the shot that killed this famous early-day bandit.

George W. Coulter, in the Spring of 1850, arrived in the Mariposa gold fields and started a little store, at the mouth of Solomon's Gulch, on the Merced River, where there were then rich placers. Shortly afterwards, he heard that there were a great many miners on Maxwell's Creek and no store close at hand to furnish supplies. Deciding to take advantage of the opportunity, he secured five loads of goods from Mariposa, four loads from a store on the Tuolumne River, and meeting a pack train loaded with supplies, he bought out the entire pack load; and with these, he went to Maxwell's Creek. He had a round tent of blue cloth, and tying it up to the limb of a large oak tree, he

spread it out and made a store. Mining was very rich in the vicinity and a town soon resulted, which was called Banderita, meaning "a flag"; so-named from an American flag which Coulter always had flying above his tent.

Good paying quartz was discovered shortly afterward and a post-office established, which was first called Maxwell's Creek but the citizens soon changed it to Coulterville, in honor of its popular founder. Coulter had considerable trouble with Indians, losing an outfit of mules one night and on another occasion the most of a trainload of goods from Stockton. In the sixties, he built a two story hotel to handle tourist travel. Water for this hotel was pumped from a well by two Newfoundland dogs.

The Coulterville gold area proved to be of large extent, its width extending from New Year's Diggings to Hazel Green, a distance of nearly fifty miles. The French mill, near Coulterville, was built in 1853 and operated by a French Company. Their methods were crude and the Company only lasted while there was rich ore within easy reach. The old stone chimney of the mill still stands.

In 1851, with but fifty-seven post-offices in the entire State, three were in this area, within a radius of twenty-five miles; namely, Mariposa, Agua Fria and Quartzburgh. Two years later, the Postal Record shows post-offices at Agua Fria, Mariposa, Maxwell's Creek, Mt. Ophir and Quartzburgh.

Some of the odd names selected by the pioneers, for their settlements, in the area on the gold road to Yosemite, include: Burn's Diggings, Blue Tent, Phillip's Speech Gulch, Boneyard, Cow and Calf, Drunken Gulch, Poverty Flat, Dogtown, Cat Town, Potosi, Bootjack, Texas Tent, Hell's Hollow, Hog Canyon, Pinon Blanco, Buck Horn, Poison Springs, Break-neck, Windy Gap, Tarantula Flat, Bear Trap, Pokerville, Fly Away, White Rock, Red Gulch, Eldorado, New Year's Diggings, etc.

CHAPTER VI WAR WITH INDIANS

In 1849, James D. Savage, who had been a member of Fremont's force in the conquest of California, established a store built of logs, on the south fork of the Merced River, close to its junction with the main river, and there he engaged in trading and mining.

He had worked his way farther up into the mountains than most other white men, through the help of the Indians, whose language he could speak. For protection and influence, he married a number of squaws, from different tribes, one of whom was the daughter of Ten-ie-ya, the great chief of the Yosemite tribe. An eye-witness to this Indian ceremony of marriage, said, "her skin was the color of smoked parchment and her nose was of the pancake order, her eyes looked as if they had been scooped out with a soup ladle and the cavity filled with glass marbles and her lips resembled two small logs, somewhat discolored by fire."

Savage taught the Indians how to pan for gold. They had never before known its value, although they had seen it everywhere in the beds of streams. Fish, meat, acorns, worms, hides, and flint had been the only things of value in their lives until then. He gave them clothing, beans and flour, and taught them their use, in exchange for the gold which they brought in. It took the Indians a long time to learn how to cook beans. Horse meat was their most cherished food.

Everything went along smoothly at first, but soon the Indians showed signs of discontent in having to work for what they wanted. They preferred to roam and visit other tribes and horses were their great temptation.

Savage gave them very little in exchange for their gold, so they started to plunder, as this seemed the quickest way to satisfy their newly acquired desires. In the Spring of 1850, after a hostile attack by members of the Yosemite tribe, Savage and a number of his Indian miners, worked their way up the rocky canyon of the Merced as far as Cascade Falls, about two and a half miles from Yosemite Valley, endeavoring to locate the stronghold of the marauders. Seeing ahead an almost impenetrable retreat and fearing ambush, he returned and decided to move his store of goods. Accordingly, he established a new location for his main store, near the junction of Agua Fria and Mariposa Creeks, about six miles southwest of Mariposa, and a branch store on the Fresno River.

Deciding to show the Indians the strength of the whites, without revealing his motive, Savage invited one of the influential Indian chiefs, Jose Jerez, to accompany him on a purchasing trip to San Francisco. Two of Savage's wives, Eekino and Homut, also went along. A general jubilee was in progress, celebrating the admission of California as a State. The Indian chief became drunk, and, on one occasion, it was necessary for Savage to knock him down, for which humiliation, he secretly vowed revenge.

On returning, Jose called his tribe together to a big feed, when it was decided to send a messenger to the chiefs of the neighboring tribes, calling together a council of chiefs, to be held in the hollow of the forked yellow pines. At this council, he gave an account of his trip to San Francisco, where everybody talked gold, gold, gold. He said, "The whites in the city are numerous but the tribe there are not like the tribe that hunts gold in the mountains. They will not come to the mountains. They will not help the gold-diggers. If the gold-diggers go to the white tribe in the big village, they give their gold for strong water and games. When the gold is gone, the whites there drive the gold-diggers back to the mountains with clubs. All the country belongs to the Indians. The white tribes will not go to war with the Indians in the mountains. They cannot bring their ships and big guns to us. We have no cause to fear them. If the tribes of Indians will unite, the whole tribe of gold-diggers could easily be driven out. But, if the gold-diggers increase, it might be too many and the Indians would be destroyed." It was agreed to drive out or kill the whites and appropriate their horses and provisions.

The Indians became bolder; marauding and stealing increased. Lone travelers were killed and their mules, horses and provisions stolen by Indians lurking behind rocks and trees. In November, 1850, Savage's branch store was raided and his clerk, Greeley, and two men were killed. Shortly afterwards, the Agua Fria store was plundered and burned. Savage's wives were spirited away. A volunteer Company was formed, which afterwards became known as the Mariposa Battalion, by decree of Governor MacDougal. Savage was elected Major and John J. Kuykendall, John Boling and William Dill, Captains.

Savage strongly advised the Indians to live in peace with the whites and told them that, with very little labor daily, they could procure sufficient gold to purchase their clothing and food. To this, one of the chiefs replied that panning for gold was a hard way to get a living and that they could more easily supply their wants by stealing from the whites.

Major Savage and the other leaders became convinced that the only way to get the Indians to terms was to fight them, saying that it would be ridiculous to make a solemn treaty, without first chastising them and then bringing them to terms by means of their fears; that, otherwise, a treaty would be worth just about as much as a rope of sand because they would violate it as soon as opportunity for plunder and murder offered itself.

So, in January, 1851, Major Savage, with a party of sixty men, started from Mariposa in pursuit of troublesome Indians. A correspondent of the "Daily Alta California", after a personal interview, wrote; "Savage is a man possessing more than ordinary intelligence and shrewdness. He is about twenty-eight years old and remarkable for his energy of character and whole-hearted generosity. He is from Illinois, where he went to school until he was fourteen, when he became a mountaineer and lived several years among the Sacs and Foxes and other Indians. Five or six years ago, he came to California, where he has lived mostly among the Indians, over whom he has had the control of a chief, until recently. He speaks five Indian tongues, besides German, French,



Chinese mining on Mariposa Creek, 1867.

Spanish and English. His uniform, when he left Mariposa, was a tattered coat, corduroy pants, tarpaulin hat, horsehair beard and a buffalo hair mustachio. The Indians know him and he would stand a poor chance, if not disguised.”

In the mountains, near the head of the San Joaquin River, the whites became confident that they were very close on the Indians, so it was thought advisable to camp and maneuver with caution and system. Before camp was established, innumerable arrows came whizzing

about with unprecedented velocity but no serious fighting occurred that evening. At dawn of day, however, the Indians commenced their attack in their own style of fighting, from behind rocks and trees and the battle continued until about three in the afternoon, when the Indians made a general retreat, leaving behind about forty dead warriors. The whites succeeded in capturing over one hundred head of horses and mules, which they brought to Mariposa. There were no whites killed, but several were wounded.

After a number of such battles, the Indians were greatly checked in their career of murder and robbery, and several of the tribes signified their willingness to sign a treaty of peace with the Indian Commissioners and be removed to a reservation. Captain Boling, on the eve of an expected battle, in his endeavor to exhort his men to do their duty, spoke as follows: "Gentlemen - hem - fellow citizens - hem - soldiers - hem - fellow volunteers -", then tremblingly and after a long pause, he broke out with a laugh and said, "Boys, I will only say in conclusion that I hope I will fight better than I speak."

One of the tribes, however, stated that they did not wish for peace, but felt secure in their deep grassy valley, where one Indian was more than ten white men. The campaign against this tribe resulted in the discovery and naming of Yosemite Valley.

CHAPTER VII

DISCOVERY OF SOMETHING BETTER THAN GOLD, YOSEMITE

In March, 1851, Major Savage with two Companies of the Battalion made preparations to penetrate the Indian stronghold, which place the Indians boasted, were the whites to enter, they would be corralled like mules or horses. On the fifteenth, a heavy rainstorm occurred and the Major, knowing that this meant snow in the higher mountains, which would help in corralling the Indians, ordered the Companies to proceed.

On the south fork of the Merced, an Indian rancheria was captured and the Indians, with their two chiefs, taken to a rendezvous near Bishop's Creek. Indian runners were then dispatched to the chief of the tribe in the unknown valley to bring in his tribe.

Next morning, Chief Ten-ie-ya appeared. His white hair and drooping shoulders showed unquestionably his old age; but, notwithstanding, he was remarkably agile. He was cordially received and invited to a seat around the camp fire. After feeding him, Major Savage addressed him, in Indian dialect: "If you will go to the Commissioners and make a treaty of peace with them, there will be no more war. The great White Father in Washington will help you with land, food and clothing."

The dignified old chief seemed suspicious of Savage's motive and after a pause, slowly replied: "Are you not seeking revenge for personal losses? My people do not want anything from the great Father you tell me about. The Great Spirit is our Father and he has always supplied us with all we need. We do not want anything from the white men. Our women are able to do our work. Go then, let us remain in the mountains, where we were born and where the ashes of our fathers have been given to the winds. I have said enough."

Savage answered with abruptness and gestures: "If you and your people have all you desire, why do you steal our horses and mules? Why do you rob the miner's camps? Why do you murder the white men, and plunder and burn their houses?"

The Chief remained silent for some time but it was evident that he understood, for he replied: "My young men have sometimes taken horses and mules from the whites. It was wrong of them to do so, but they believed the white gold-diggers were enemies, and it is not wrong to take the property of enemies who have wronged us. We now know we were wrong, and that the whites are our friends, and we will be glad to live in peace with them. We will stay here and be friends. My people do not want to go to the plains. Some of the tribes who go there are very bad and will make war on my people. We cannot live on the plains with them. Here we can defend ourselves against them."

Savage, vigorously and firmly said: "Your people must go to the Commissioners and make terms. Otherwise, your young men will again kill and plunder the whites. It was your people who robbed my stores, burned my buildings and murdered my men. If you do not make a treaty, your whole tribe will be destroyed, not one of them will be left alive."

Ten-ie-ya, realizing that his plea was hopeless, replied: "It is useless to talk to you about who destroyed your property and killed your people. If the Chow-chillas do not boast of it, they are cowards, for they led us on. I am old and you can kill me, if you will, but what use to lie to you, who knows more than all the Indians and can beat them in their big hunts of deer and bear. Therefore, I will not lie to you, but promise that if allowed to return to my people, I will bring them in."

His request was granted and on the following day he returned with the information to the Major that his tribe would soon come in. Another day passed and with no sign of their coming being manifested, Captain Boling selected volunteers to march on and storm the Indian stronghold. With Ten-ie-ya as guide, the Company commenced its march, up the side of the mountainous divide, with the snow getting deeper and deeper, making progress slow and difficult.

About half way to the valley, which proved to be about fifteen miles from camp, seventy-two Indians, women and children, were met. Their excuse for the delay was the great depth of snow, which was over eight feet in depth in places. Ten-ie-ya told the Major that there were no more Indians in the valley, but the men in the Company, doubting Ten-ie-ya's story, cried out, as with one voice, "Let's go on".

Ten-ie-ya accompanied his people to the rendezvous and a young Indian acted as guide for the remainder of the march, which proved a little easier on account of the broken trail.

Lafayette H. Bunnell, a member of the expedition and a close friend of Major Savage, is speaking: "On the sixth day, after leaving Mariposa, which would make it the twenty-first of March, we came in full view of the valley. The immensity of the rock (now called El Capitan), which I had seen during the winter of 1849-50, while ascending the old Bear Valley trail from Ridley's Ferry (now Bagby), over twenty-five miles distant westerly, was here presented to my astonished gaze. The mystery of that scene was here disclosed. My awe was increased by this nearer view.

"It has been said that 'it is not easy to describe in words the precise impressions which great objects make upon us'. I cannot describe how completely I realized this truth. The grandeur of the scene was but softened by the haze that hung over the valley, light as gossamer,

and by the clouds which partially dimmed the higher cliffs and mountains. This obscurity of vision but increased the awe with which I beheld it, and as I looked, a peculiar exalted sensation seemed to fill my whole being and I found my eyes in tears with emotion.

“To obtain a more distinct and quiet view, I left the trail and my horse and wallowed through the snow to a projecting granite rock. My situation attracted the attention of Major Savage, who was riding in the rear of the column. He hailed me from the trail below with: ‘You had better wake up from that dream up there,



Colonel Fremont,
as he looked in 1856, when candidate for
President of the United States.

or you may lose your hair; I have no faith in Ten-ie-ya's statement that there are no Indians about here. We had better be moving, some of the murdering devils may be lurking along this trail to pick off stragglers'. I hurriedly joined the Major on the descent and as other views presented themselves; I said, with some enthusiasm, 'If my hair is now required, I can depart in peace, for I have here seen the power and glory of a Supreme Being, the majesty of His handiwork is in that 'Testimony of the Rocks'. That mute appeal', pointing to El Capitan, 'illustrates it with more convincing eloquence than that of surpliced priests.'

" 'Hold up, Doc, you are soaring too high for me, and perhaps for yourself. This is rough riding; we had better mind this devilish trail or we shall go soaring over some of these slippery rocks.' We, however, made the descent in safety. When we overtook the others, we found blazing fires started and preparations to provide supper for the hungry command; while the light-hearted boys were indulging their tired horses with the abundant grass found on the meadows near by, which was but lightly covered with snow.

"After supper, guards stationed and the camp-fires plentifully provided for, we gathered around the burning logs. After the jollity of the camp had somewhat subsided, the valley became the topic of conversation. None of us, at that time, surmised the extreme vastness of those cliffs, although before dark, we had seen El Capitan looking down upon our camp, while the 'Bridal Veil' was being wafted in the breeze.

"After relating my observation from the old Bear Valley trail, I suggested this valley should have an appropriate name by which to designate it. Different names were proposed but none were satisfactory to a majority of our circle. Some romantic and foreign names were offered, but I observed that a very large number were canonical and Scriptural. From this, I felt that I was not the only one in whom religious emotions or thoughts had been aroused by the mysterious power of the surrounding scenery.

"As I did not take a fancy to any of the names proposed, I remarked that an American name would be the most appropriate; that I could not see any necessity for going to a foreign country for a name for American scenery, the grandest that had ever yet been looked upon; that it would be better to give it an Indian name than to import a strange and inexpressive one; that the name of the tribe who had occupied it would be more appropriate than any I had heard suggested.

"I then proposed that we give the valley the name of Yo-sem-i-ty, as it was suggestive, euphonious and certainly American; that, by so doing, the name of the tribe of Indians which we met leaving their homes in this valley, perhaps never to return, would be perpetuated. I was here interrupted by one, who impatiently exclaimed, 'Devil, take the Indians and their names. Why should we honor these vagabond murderers by perpetuating their names?' Another said, 'I agree; damn the Indians and their names. Mad Anthony's plan for me. Let's call this Paradise Valley.'

"In reply, I said to the last speaker, 'Still, for a young man, with such religious tendencies, these Indians would be good objects on which to develop your Christianity.' Unexpectedly, a hearty laugh was raised, which broke up further discussion and before opportunity was given for any others to object to the name, John O'Neil, a rollicking Texan of Captain Boling's Company, vociferously announced to the whole camp the subject of our discussion by saying, 'Hear ye, Hear ye. A vote will now be taken to decide what name shall be given to this valley.' The question of giving it the name 'Yo-sem-i-ty' was then explained and upon a 'viva voce' vote being taken, it was almost unanimously adopted. Later the spelling of the name was modified to 'Yosemite'."

CHAPTER VIII

CALIFORNIA'S FIRST AUTHORIZED MINT AND EARLY MINING CODE

Nestling along a hillside, among scrub oaks, in a slightly elevated clearing, near the base of Mt. Ophir, Mariposa County, is located Moffat's Mint. This was built of local slate rock, in 1850, by John L. Moffat, who had been appointed the year previously by President Zachary Taylor as U. S. Assayer for California, at which time, he established an Assay office on Commercial Street, in San Francisco.

Moffat, originally from Brooklyn, New York, was an experienced assayer and geologist and had spent many years in the Georgia gold fields. He had filed a mining claim on Mt. Ophir, which he operated alone at first and then in association with an incorporated company, the Merced Mining Company. It was this mine that supplied the gold used in the first fifty dollar slugs, made by him in his mint at Mt. Ophir and these were the first coins issued in California under Governmental authority. Moffat's Mint at Mt. Ophir, therefore, was really the Nation's first authorized private mint.

There were a number of private concerns issuing gold coins at this time, which coins were equal to and in some cases better than, regular United States coins, but they were not legal tender, although accepted as such by the public in its necessity to have a more convenient medium of exchange than gold dust. Moffat, later, made coins of other denominations, but his first issuance were the fifty dollar slugs and they were coined at his Mt. Ophir Mint and were legal tender, being issued under Governmental authority.

The Daily Alta California of February 21, 1851, described the fifty dollar gold pieces, issued in 1851, by Moffat, as follows: "Hexagonal fifty dollar gold pieces, manufactured under an Act of Congress, appointing a U. S. Assay office, in California, and made under the supervision of the U. S. Assayer, were first issued yesterday. These coins are legal tender and the coin of the United States Government to all intents and purposes. The coin contains upon one face an eagle in the center, around which are the words, 'United States of America'. Just over the eagle is stamped '887 thous.', signifying the fineness of the gold. At the bottom is stamped '50 dolls'. The other face is ornamented with a kind of work, technically called 'engine turning', being a number of radii, extending from a common center, in which is stamped in small figures '50'. Around the edge is stamped the name of the United States Assayer."

One of California's very first codes of miners' customs and usages was framed and adopted by a convention of quartz miners, which convened pursuant to public call, in the town of Quartzburgh, County of Mariposa, on the 25th day of June, 1851. Colonel Thorn was unanimously elected President and J. T. Temple, Secretary, and both signed the adopted rules and regulations; and in addition, pledged their honor and their lives for full and faithful performance.

This code helped to bring order out of chaos and proved an extremely important factor in helping the mining industry of the State. It was the mining law in Mariposa County for many years, without a single change, and was, also, used in many other parts of the State.

CHAPTER IX

EARLY DAY JUSTICE

Dr. O. M. Dickinson was one of the first settlers to arrive at Agua Fria. His business as a doctor did not prosper, for although there were many killings, cases of the sick and wounded were scarce. He, therefore, aspired for the office of Squire or Justice of the Peace. There were no printing presses, so political announcements were written out and tacked in prominent places by friends of the candidates. The following was so posted on August 1, 1851:

“Ples noteS doctor dickenson wants ter git too
Bee Squarr & of the People awl voet fur him,
he wil be illicited.”

He was elected and became the Justice of Peace, in the log-cabin Court House, at Agua Fria, where the affairs of the County government were conducted for the first two years. Here, as Justice, he was a mighty man and exercised far more authority than the law warranted and was not disposed to concede much to attorneys.

One day, during the trial of quite an important case, Mr. Wade, an able lawyer, in the course of his arguments, cited one of Judge Story’s decisions to establish his side of the case. The moment he commenced reading, the Justice excitedly called out: “Mr. Wade, Judge Story was a very good authority in his day, but he won’t do in this Court.”

Justice Dickinson owed a mechanic for some work done. This mechanic had often “dunned” the Justice and threatened to bring suit. The Justice, in a dignified and friendly manner, said, “Well, if you must sue, bring the suit in my Court, as it will save costs.” The mechanic consented, so left his account with the Justice, who issued summons against himself and acknowledged service of the complaint. The hour of trial arrived and the Justice stated that he did not suppose a jury would be necessary, as he did not dispute the bill. The mechanic agreed that no jury would be required.

“Your bill against me”, said the Justice, “is \$97.50. It is correct and I admit the amount. But, I have a small bill against you,” and pulling out the bill and filing it as an offset, continued: “My bill for services, as a physician, against you is just \$100. I shall therefore enter up judgment against you for \$2.50 and costs.” The astonished mechanic began to realize the fix he had been caught in, paid the costs and swore eternal vengeance on law as thus administered.

In those first days, the miners did not rely entirely on the Court to settle their problems. They had their own ways of dispensing justice. In June, 1852, difficulties had arisen between American and foreign miners. Accordingly a meeting was held, at the corner of Agua Fria and the Fresno road, at which it was resolved to expel all foreigners from the district.

A Spanish gentleman, named Don Jose Llaguno and about fifty other foreigners, comprising Spaniards, Chinamen, Manilamen, and Mexicans were forthwith forcibly expelled from their claims, which they had been working for about five months and on which they had erected considerable machinery. Llaguno’s life was spared on condition that he leave the State immediately and he was given the following passport:

“The bearer of this has been under arms to resist the laws of American miners, and his life and liberty has been threatened, unless he leaves the State of California. Americans are requested not to molest him, on his way out of the State. By order of a Company of Miners, commanded by CAPTAIN REYNOLDS.”

Another early-day problem was solved in an interesting but tragic manner, according to J. M. Hutchings, who wrote as follows: “When the Indians in California first saw the Chinese, there arose a dispute among the former as to the country to which the latter belonged, some contending that the Chinese were an inferior race of Indians, from beyond the seas; and others, with equal pertinacity, asserting that their eyes and facial expression were utterly unlike the Indians; and that, therefore, there could be no tribal relationship between them. This question, they all determined, should be effectually settled at once; and as they all agreed upon one point, viz., that, if the newcomers were Indians, they could all swim, a water test was accordingly accepted as thoroughly satisfactory and conclusive to both parties.

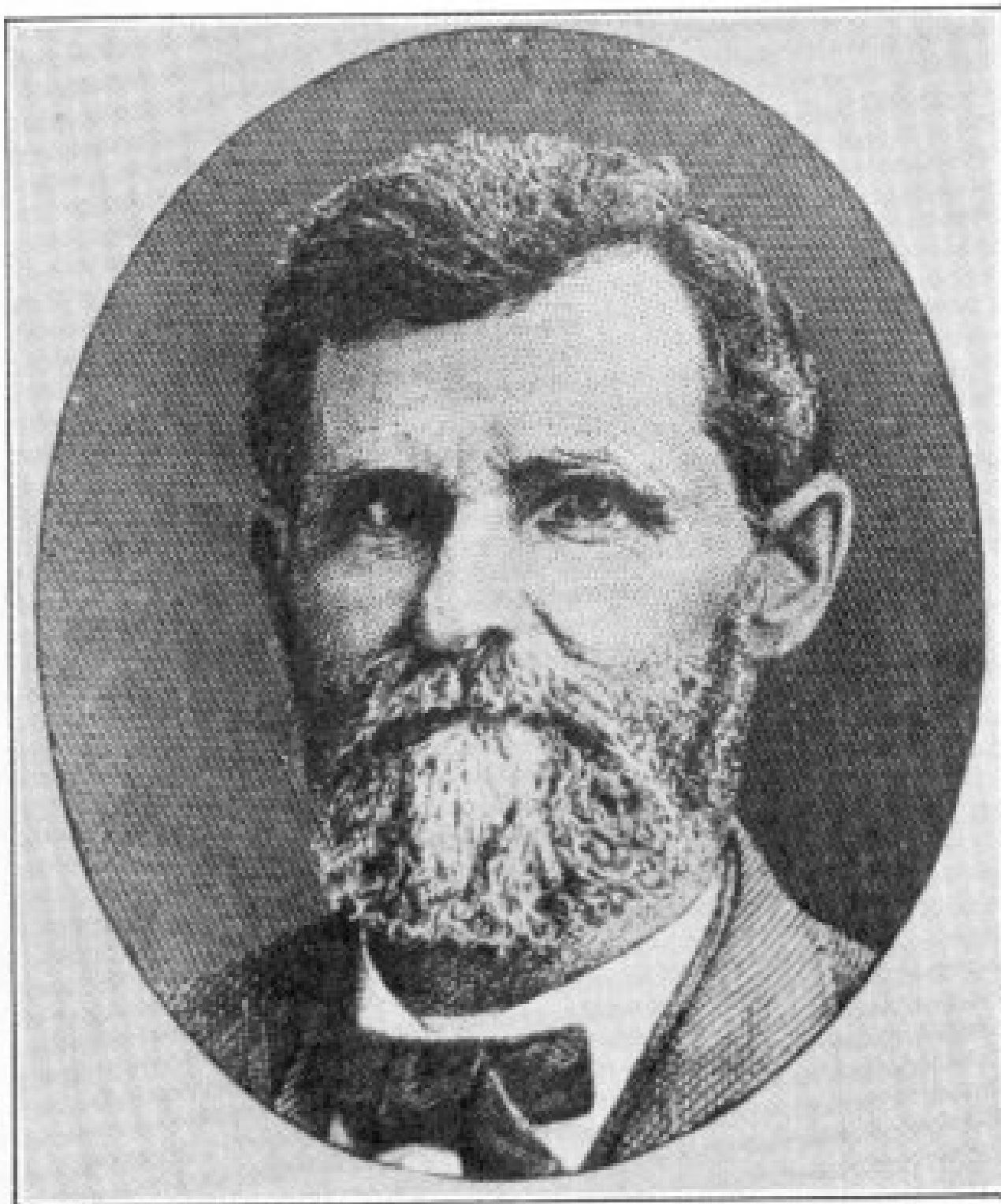
“When the Spring snows were rapidly melting and the angry streams were booming, a tree having fallen across by which to form a foot-bridge, at an understood signal between the parties to the dispute, they met a couple of Chinese upon this bridge; and pushing them into the angry current, drowned them both. It is stated that this was a perfectly demonstrated settlement of the doubtful point and decided that Chinese were not Indians, but it is not stated authoritatively that this process of determination was equally satisfactory to the Chinese.”

The operation of the “People’s Court”, its method of inducing confessions and its immediate enforcement of sentences, is graphically illustrated in the following description, printed in the Mariposa Chronicle, in March, 1854: “On March 2nd., a rather noticeable case of larceny was tried and settled by the “People’s Court”, at Upper Agua Fria. Early in the day, a miner, who had been robbed of some \$150., made his loss known to the Court and pointed out two Chinese, whom he suspected.

“Accordingly, the Celestials were immediately arrested and conducted to the tree for a confession. Continuing to persist in an utter denial of the charge, even after having been strung up, they were liberated and told to leave. Far from being satisfied, however, several of the miners determined to watch the accused. This was done so admirably that the Chinese were thrown off their guard and in the course of the day, one of the pair was again arrested in the very act of digging up the lost money.

“Back he was hurried to the aforesaid tree, but during a discussion as to the mode of punishment, he slipped away and started over the hills, with all the speed that terror could inspire. Now commenced a race which almost baffles description. China made splendid time, but unfortunately for him, his pursuers made better. China strained every nerve and adopted the novel dodge of dispensing with his shoes, unmentionables and indeed every rag about him, but to no purpose. He was overhauled in something over ‘2:40’ and once more marched back.

“This time he was made sure of by being immediately subjected to the execution of his sentence, which was moderated from first intentions, to fifty lashes and the destruction of his queue. This latter infliction seemed to the hapless John worse than death”.



Lafayette H. Bunnell,
early-day miner and namer of Yosemite.

CHAPTER X LOST GOLD, AMUSEMENTS, HOTEL RULES

While the County government was being conducted from the log-cabin Court House, on Agua Fria, Joseph F. Marr became Treasurer and Tax Collector. It was his custom to go about the County, from diggings to diggings, on horse-back, collecting taxes, which he would bring back to his office and secrete as best he could, for, in those days, there was no safe in which to place the collections.

One day, a terrific storm arose and, in crossing a swollen stream, he and his horse were drowned. No trace of the County funds were found, although, on the previous day, he was known to have had over three hundred of the fifty dollar Mt. Ophir octagon gold slugs, then valued at over fifteen thousand dollars, but today worth many times their original value to coin collectors. No one knows that this gold was ever found. It may still be buried in the vicinity of the first Court House.

Fights between bears and bulls were one of the early-day amusements and their main attraction was that they furnished something to bet on. In one of these contests, a bear and a bull would be chained together, with a common-sized draft chain, to prevent escape and to force the animals to fight it out. The Mexicans, generally, bet on the bull and it was always the favorite in the betting. However, sometimes the bear would get the bull by the nose and hold on until the bull was strangled to death.

In 1852, one of these contests, held near Mariposa, is thus described by a correspondent of the Daily Alta California: "The crowd had assembled and were seated around the ring, in which the conflict between a bear and bull was to take place, enjoying the sport, when, as is frequently the case, the chain slipped over bruin's head, leaving him to go where he pleased.

"The majority of the crowd commenced dispersing instantly, as might be supposed, but a few, in different parts of the circle, drew their revolvers and began shooting desperately at the bear, jeopardizing the lives of numbers, who were immediately opposite. Luckily, but one man was injured and he was only slightly wounded in the thigh, but the wonder was, with such a large crowd, that scores were not shot. The bear was killed instantly, his body being perfectly riddled by the leaden hail. Just imagine a crowd, in a high state of excitement, still standing around one object in the center and firing directly at it, themselves perhaps in range of a dozen revolvers. 'Ugh', the thought is dreadful enough to frighten us from any desire to participate in such fun."

Another important diversion or pastime, to make life interesting, in the early mining days, was chicken fighting. The following description of one of these contests, by the Editor of the Gazette, is quite realistic:

"The chicken fight at Bachman and Davanay's saloon, on the 22nd. of February, came off as announced. Owing to bad, rainy weather, the pit was moved into the vacant building, adjoining the saloon.

"First fight, B and D handled the fowls. Gordon's chicken had four ounces too much corn in him and extra weight besides, which gave him the advantage. B got a severe blow in the hand by a fowl while handling.

"Second fight, B's 'little duck' cleaned out McC's chicken, about the same size. McC's chicken ran, had his windpipe immediately cut and goes to pot for somebody's Sunday breakfast. Betting ranged from \$1 to \$2.50.

"Third fight, some rube rang in a fowl on B, knocked him out of the pit twice. All sorts of betting, some hedging. B's bird ran, he knew he would run; went to pot. Then all hands imbibed in some 'fluid' and the heeling went on. Cries of 'whar is them leathers', 'vere ish de odder schicken', 'one dollar on the wheeler', were heard from different parts of the house."

The following rules of an early-day mining camp hotel, appeared in the Gazette:

"Board must be paid in advance; with beans, \$15., without, \$12.; salt free, boarders not permitted to speak to the cook; no extras allowed; potatoes for dinner; pocketing at meals, strictly forbidden; no whistling while eating.

"Gentlemen are expected to wash out of doors and find their own water; no charge for ice; towel bags at the end of the house.

"Extra charges for seats around the stove.

"Lodgers must furnish their own straw; beds on the bar-room floor reserved for regular customers; persons sleeping in the bar are requested not to take off their boots.

"Lodgers inside arise at 5 A. M.; in the barn, at 7 o'clock; each man sweeps up his own bed.

"No quartz taken at the bar. No fighting allowed at the table. Specimens must invariably be left on the outside.

"Anyone violating the above rules will be shot."

In January, 1850, the following was the 'Bill of Fare', of one of the miner's hotels:

SOUP

Bean
Ox Tail (short)

ROAST

Beef, Mexican (prime cut)
" Up along
Beef, Plain
" , with one potato (fair size)
" , Tame, from the States

VEGETABLES

Baked Beans, Plain
" " , Greased
Two potatoes (medium size)
" " , Peeled

ENTREES

Sauer Kraut
Bacon, Fried
" , Stuffed
Hash, Low Grade
Hash, 18 Carets

GAME

Codfish Balls, per pair
Grizzly, Roast
" , Fried
Jackass Rabbit (whole)

PASTRY

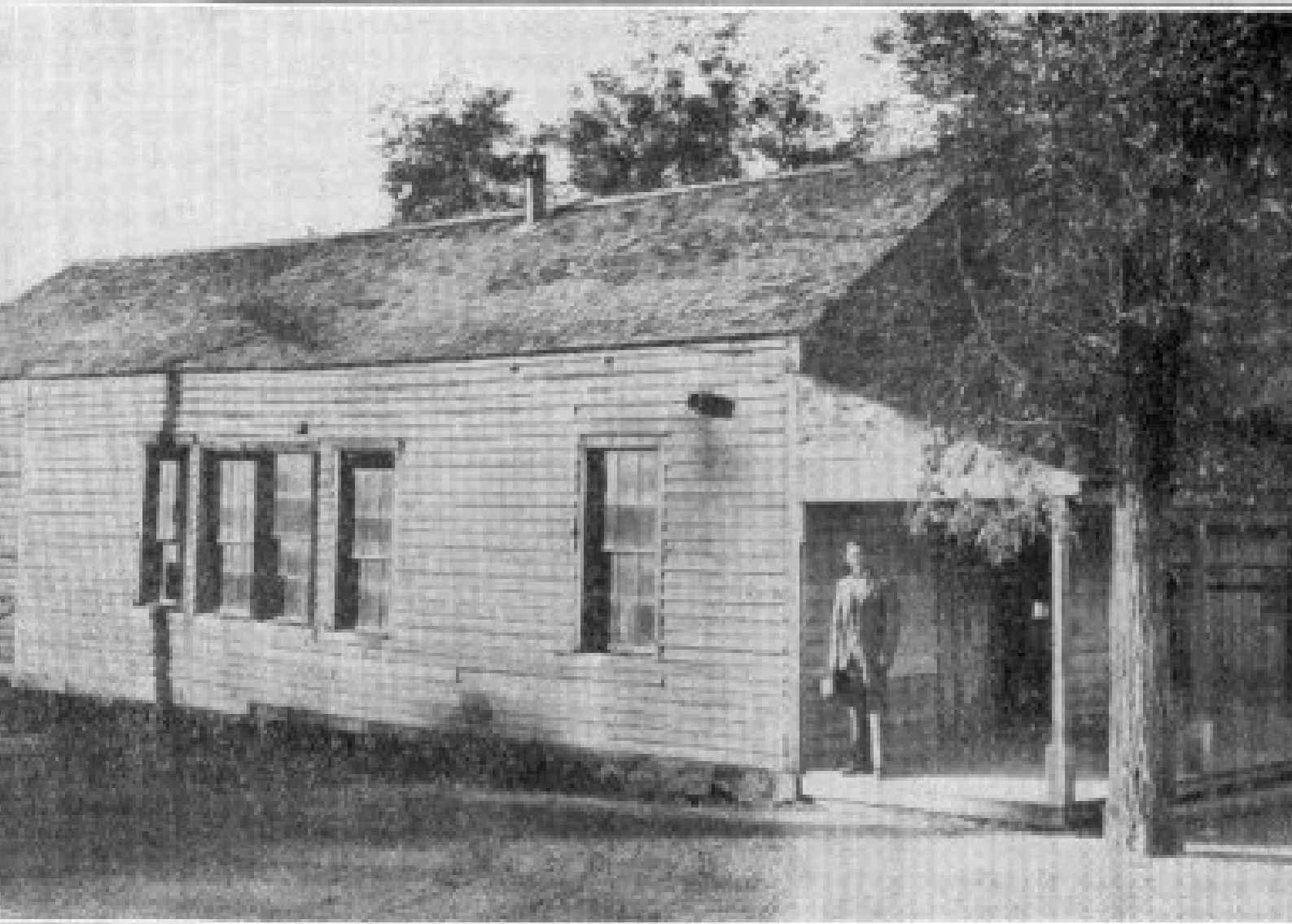
Rice Pudding, Plain

” ” , with Molasses

” ” , ” Brandy Peaches

Square Meal, with Dessert

PAYABLE IN ADVANCE
GOLD SCALES ON THE END OF THE BAR”



The old Mariposa Gazette building.



John Gilmore, with his team, entering Mariposa, 1879.

CHAPTER XI FREMONT AND SAVAGE VISIT

After the termination of the Indian war and the removal of the Indians to reservations in what is now Fresno County, Major Savage established two trading posts in the vicinity of the reservations and also engaged in farming on an extensive scale.

In the fall of 1851, he paid a visit to Colonel Fremont in Bear Valley. The Colonel had been in Washington at the time of the Indian war, so was very much interested in learning the details of the campaign and especially the routing of the Yosemite tribe.

“Major,” he said, “you handled the situation excellently. My experience has taught me that when dealing with Indians, quick action is necessary and any atrocities committed by them must be speedily avenged. Tell me, did Ten-ie-ya stay on the reservation?”

“No, Colonel, he and his tribe escaped on our first attempt to take them to the reservation. So, in May, I sent Captain Boling and his men again into the Yosemite, and this time, the old chief and his followers were delivered to the reservation. Ten-ie-ya, however, refused to adapt himself to the new surroundings, even refused to eat and begged to be allowed to return, so he and his family were allowed to return to the mountains. There has been no Indian depredations since.”

It was evident that a deep friendship existed between the two men, and many past experiences in which both had participated were talked about. During the visit, Moffat, the U. S. Assayer, who was a mutual friend of both, dropped in, for whose benefit, the Major requested the Colonel to narrate their experiences with Indians on the Oregon trip in May, 1845. [Editor’s note: this copy of the book has 1845 circled and “1846” written in pencil. Fremont was in Nevada and Utah in 1845. —dea].

“All right, my friends, I cannot refuse my old comrade, so I will, at least give you some of the high-lights. Shortly after my arrival in California on my third expedition, I decided to make a trip into Oregon territory for further exploration. We had reached the north end of Klamath Lake and had just pitched camp, when we were surprised by the sudden appearance of two former members of my force. They informed me they were a part of a guard of six men escorting Lieutenant Gillespie, U. S. N., who was bringing important news to me from the Secretary of Navy; that they had been over five months on the road since leaving Washington; that a few days previous, the Indians had become so threatening, it had been decided that four men should stay with the Lieutenant, fortifying themselves as best they could with natural barriers and that the two, who were now before me, should endeavor to locate me and bring assistance; they had now been gone two days and had escaped the Indians only by the swiftness of their horses.

"I knew that quick and decisive action would be necessary, so with six picked men, four of them Delaware Indians, early the next morning, I started for Gillespie's camp. We travelled sixty miles without a halt, and then, just as darkness approached, we came upon the Lieutenant and his four men. In addition to personal mail for me and credentials proving Gillespie's authority, he informed me that the Government desired me to return to California, to watch and counteract any foreign schemes on that territory and do everything possible to promote the good will of the inhabitants there toward the United States.

"That night, the Indians attacked our camp, killing three of my men and losing one of their chiefs. As quickly as possible, we returned to the camp by the Lake, when I informed all the men that for their own safety, the death of our comrades should be avenged. This we did on the next day by attacking and destroying the Indian's principal village, killing a number of their warriors and routing the rest of them.

"Our entire party then started southward. I was riding a noble, iron-gray horse, named Sacramento, a gift to me from Captain Sutter. He was a high-spirited animal but sure-footed and a remarkable leaper, or I might not be here today. For on the second day, as I was riding at full speed abreast of Kit Carson and two others, I was crowded directly on to the top of a large fallen tree. Carson shouted 'look out', but Sacramento bounded clear over the entire stump, amid the cheers of the men.

"Very shortly, a party of Indians appeared and one of them, with bow fully drawn, held a deadly aim at Carson, who was in imminent danger for failure to fully cock his gun. Directing my horse toward the Indian and out of range of my men, I shot the redskin when my horse was almost upon him. That noble horse afterwards escaped with a drove of wild horses and probably became their leader. I will always feel that without his assistance, both I and Carson would have been killed on that trip."

Major Savage then remarked: "Those were indeed thrilling days but were necessary, Colonel, and I feel the same about my campaign against the Indians here. From now on, I hope the Indians have learned the necessity of living in peace with the whites."

The Major then informed Colonel Fremont that the Indian Commissioners were advertising for bids on large quantities of beef and advised him to put in a bid. His bid proved to be the lowest and he furnished several thousand head of cattle, but it took many years to obtain payment from the Government.

Major Savage prospered in his business ventures. He championed the cause of the Indians against encroachments of squatters and against abuses by certain whites, who were jealous of the Indian's loyalty to him. As a result, he incurred the enmity of one of the leading politicians, by whom, after a heated quarrel, on August 16, 1852, he was killed.

Major James D. Savage had played a brief but very important part in the making of history. His daring courage, his great control and understanding of the Indians, were major factors in bringing the Indian war to a quick end, thus saving the lives of many of the whites and enabling quicker progress to be made by civilization's advance.

CHAPTER XII

MINING EXPERIENCES OF LAFAYETTE H. BUNNELL

[Editor's note: The source for this chapter is quotes from "Letters to the Letter" by Lafayette Bunnell in the *Mariposa Gazette*, 1875 - 1881—dea]

"As early as 1850, I knew of the existence of gold-bearing quartz veins or lodes on Sherlock's and Whitlock Creeks, but as my Mexican and Chilean miners were giving me good returns from my placer claim, I was but little interested in the repeated declarations of my Mexicans that the veins were rich. Finally, at the conclusion of the Indian war of 1851, a party of Mexicans came up to work for me and camped opposite my log cabin, by the outcroppings of what is now known as the Diltz mine. Those men were experienced miners and finding rich pocket specimens disintegrated from the vein, they traced it over the hill into Sherlock's Gulch, finding 'color' in nearly all the dirt taken from the vein. They further declared their belief that it was the mother vein of supply to the rich diggings of the gulch itself.

"Another party came later and induced me to turn out all my men, some thirty of them at a time, to hunt for a 'cavern of gold', as it was described, said to have been found on the south side of Sherlock's Gulch but lost again in the dense thicket in fleeing from grizzlies. The tale seemed a little cranky but my men appeared to believe in the honesty of our boy informant, and we toiled up and down that mountainside, in line of battle, taking close observation till every foot of the surface was explored. Our search resulted in the discovery of a vein of quartz, running nearly parallel with the gulch but no pit, hole or cavern, and when the non-existence of such a place was made evident to all of us, our Mexican youth, with a simplicity to be found only among the gamins of our large cities, said, 'Well, you have earthquakes in California and the hole must have been filled up'.

"Later, I had the vein recorded as it was gold-bearing. The Mexicans encamped at the Diltz mine, divided their forces, some of them working for me in the placer claim, while others left for Saxton's Creek, where they found ounce diggings and the quartz vein, afterwards known as the Snyder Vein. A few only remained to prospect the Diltz mine, which was done by erecting an arastra and grinding out the pocket they had discovered. There were many variations of arastras, in those days, but generally one consisted of a circular flat pavement of stone, surrounded by a low stone wall. In the center of the pavement, there was a post, to which was pivoted a long arm, extending outside the wall. A mule or horse or jackass was hitched to this arm and heavy granite stones, attached to four arms at different distances from the center, were dragged around on the pavement, pulverizing the quartz and freeing the gold, which was caught with quicksilver and separated from the base matter by washing. The Mexicans used arastras, quite generally, but only on selected and rich rock, averaging \$75 or more per ton.

"When the first party of Mexicans left, another party of them, headed by a monte dealer from Quartzburgh, found the vein on the lower Saxton's Creek trail, a little northeast of the Diltz mine. C. H. Spencer had a small party of Mexicans working for him, who first attracted his attention to the Spencer vein. Dr. John M. Creppelle also had Mexicans working for him on Sherlock's Creek who reported the quartz veins better than many worked in Mexico. Some of the Doctor's men became dissatisfied and left him. In order to keep the others employed until easier diggings could be found, I allowed the Doctor the free use of a small piece of my claim, out of which his men took a piece of pure gold weighing nine pounds avoirdupois.

“Sometime previous to the quartz era inaugurated by ‘Quartz Johnson’, Thomas J. Whitlock with a party of men from Missouri had been persistently mining near the head of Sherlock’s Creek, but finding the lead run out, as they supposed, prospected the gulch tributary to what is now Whitlock’s Creek. Whitlock’s men found rich diggings up the creek and tracing ‘float’, or ragged gold, to the Whitlock vein, were convinced that it afforded the gold of their newly discovered placer. Taking the hint from this suggestion, outcroppings were traced over the ridge into the Fremont Estate and at the foot of the hill along the trail to Mariposa. The same men finally made a record of their discovery, but finding the cost of machinery too great for prudent investment of their hard-earned gold, they sold out their mine to me and left for Missouri.

“About that time, there was a quartz ‘furore’ encouraged by the remarkable assays furnished us by the foreign and native professors of San Francisco. Some of these assays proved that we had mines that would, in some instances, yield us thousands of dollars per ton. One instance, I well remember where a metallurgist, afterwards connected with the United States Mint at San Francisco, reported to me a yield of twelve and a half cents per pound for rock I never afterward found a color in, nor could any of my expert Mexican miners discover any. A probable solution of the mystery was, that by some error, another specimen had been substituted for the one sent by myself. What wonder that for a time in those early days, we had golden dreams and went our bottom dollar on the prospect?

“Dr. Brunson, the first surgeon of the Mariposa Battalion, brought over two or three of his negro slaves and first prospected the Spencer vein, but the encouragement received held him but a short time, when he took his negroes back to his southern home. Captain Hawley was the first considerable worker in quartz mining and the first victim. His mill was put up at enormous expense to crush rock from the Saxton Creek mines and afterwards to work the Spencer vein. Another mill was put up by an ingenious mechanic, whose name I do not now recall, near the mouth of Saxton’s Creek. Captain Hawley failed to extract the gold in paying quantities and his mill of eight or ten stamps was sold to the French Company, in which Spencer and myself unfortunately became interested. The superintendent of the company had been a Parisian sub-editor, well versed in all that belonged to opera bouffe or the comedie Francais, but of gold quartz mining, he knew absolutely nothing. Therefore a Berlin mining engineer was employed at a salary of \$500 per month and a mechanical engineer and mill-wright was also employed at like salary and board, while the superintendent, book-keeper, his body servant and cook probably required another \$1000 a month for their services.

“I will not dwell further than to say that the French Company fulfilled none of their engagements. Spencer went to Paris and brought suit in the criminal court against the President of the Company. It was proved that he was guilty of criminal mismanagement and was rigorously punished after the summary methods of French law. He had said in substance that the only way to make money out of mining was ‘to work the shares up and down’.”

CHAPTER XIII

EVENTFUL YEARS OF 1854 AND 1855

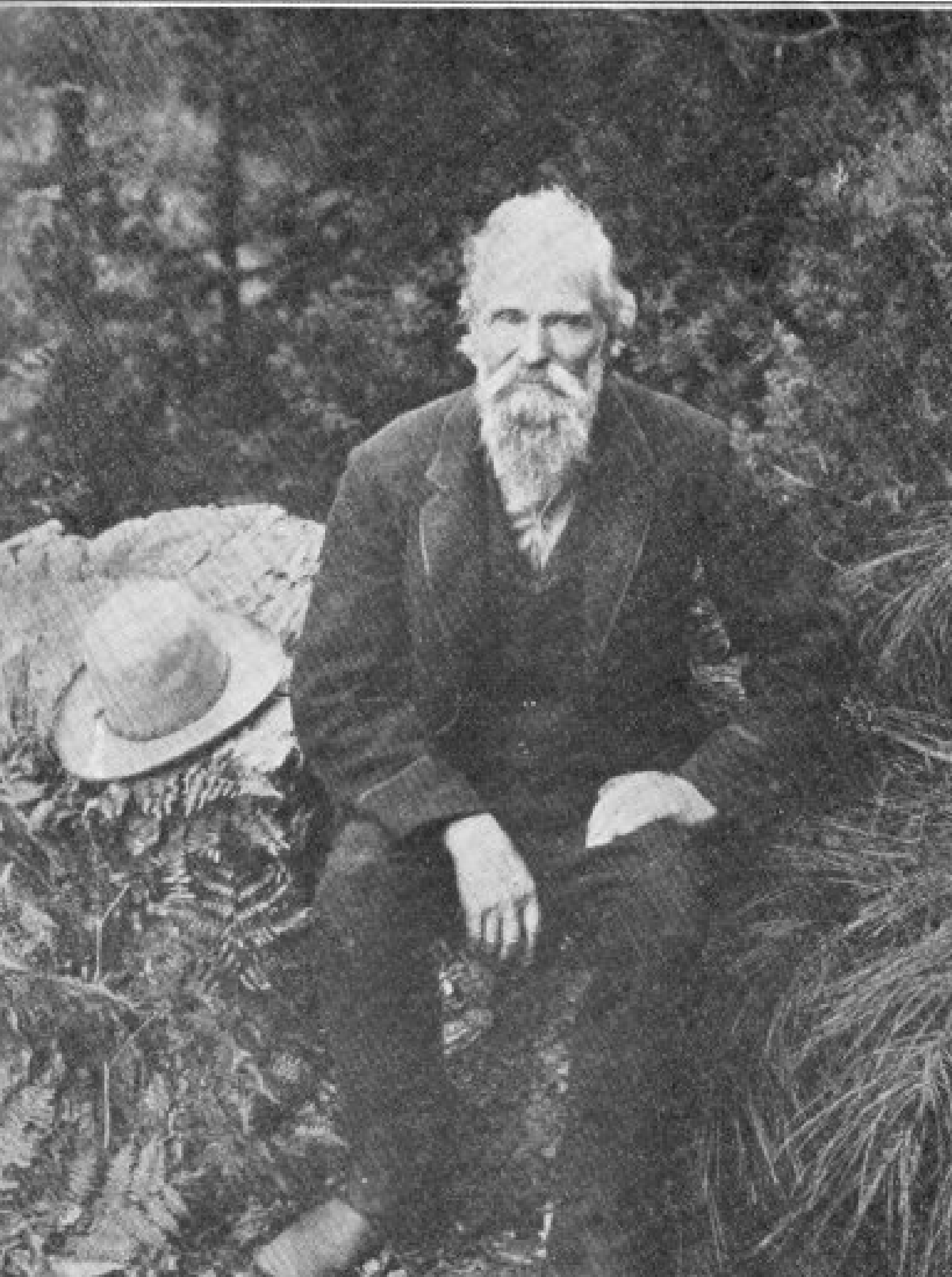
By 1854, Mariposa had progressed from a tent and tenement village to a city of several thousand inhabitants, with a number of hotels, livery stables, general merchandise stores, saloons, churches, a jewelry store, a brewery, a saw-mill and scores of comfortable homes dotting the hillsides. The quartz mines were bringing in men with families, resulting in the population becoming more permanent.

The two-story Court House, with a large court room on the second floor and offices on the first floor was built this year, with lumber whipsawed from the neighboring forests. The frame work was fitted together with mortise and tenon and held in place with wooden pegs. The finishing lumber was hand planed and square cut nails used.

The first newspaper, the Mariposa Chronicle, appeared on January 20, 1854, and was established by W. T. Whitacre and A. S. Gould. This was quite a gala occasion and the first copy was sought after by many. The whole town made merry, with flags, firebells, anvils, horns, fireworks and pistols, all adding to the joyousness of the occasion.

Within a few months, the Chronicle changed ownership to C. W. Blaisdell and John C. Hopper and subsequently, in the same year, it was purchased by L. A. Holmes, who changed the name, in June, 1855, to the Gazette, under which name, without the missing of a single issue, it is still being published in its own building. It is one of the oldest living newspapers of continuous publication in California.

Holmes was a Whig, a Connecticut Yankee, and had the happy faculty of entertaining his readers with no small degree of wit and



Galen Clark,
famous Guardian of Yosemite.

humor and was a great favorite both as a man and as a journalist, throughout the County and State.

The press used was a Washington hand press, manufactured by H. Hoe & Co., of New York City, and brought around the Horn to San Francisco and then to Mariposa by Wells Fargo & Co. Express. The type was set by hand and the "printer's devil" kept the type inked as the pressman worked the carriage. The paper was a weekly and the price \$5 per year. It was only a four page paper, but it gave National, State and local news in rather a complete manner. Owing to limited space, the news articles were concise and to the point, which is quite different from our modern newspapers.

Herewith is L. A. Holmes, first editor of the Gazette, speaking in the issue of July 12, 1855:

"Upon the lower part of Mariposa Creek, the miners are doing well. Wherever there is a sufficiency of water for a sluice stream, good wages are made. The Chinese are abundant upon some parts of the creek; in fact, they own nearly one-half of it. Most of their claims have been bought of Americans and they paid for some as high as \$800. Very little can be learned of their success, for John keeps dark on money matters, on account of collectors, of whom he has especial horror, especially of those greasers and white men, who collect without County authority; at these times the tax is generally heavy.

"Very little is doing at Bridgeport or Guadalupe, for want of water; both of which places are as good mining localities as are in the vicinity. Agua Fria has dried up; Carson is ditto. A few may be seen 'bobbing round' puddles of water with cradles, making 'grub' or attempting to, but most of the white men have left for the rivers and Mexicans have taken their places. Carson is full of them; Dog-Town is populous. The use of a battaire, a few pans a day is sufficient to keep them in frijoliás and aguadiente; these with a little harina supply their wants. Innocent amusements occupy their leisure time; and little diversions with Bowies and Colts serve to break the monotony of existence and render life pleasant and agreeable.

"Bear Valley is one of the best districts and one of large extent. It is thickly populated in winter, but since the rainy season of 1852-53, there has not been water enough to work but a few days at a time and for this reason, it has not been profitable to those who have mined there for the last two winters. In this section of the County, there are not ten dollars taken out where one hundred dollars would be, were there a moderate supply of water. "Little money has been made upon the Merced, as yet; miners have hardly got onto their claims. We expect a greater amount of money to be taken out of the river this year than ever before, for it will undoubtedly be very low and miners are thickly settled upon every part of it.

"We believe Sherlocks is the best mining region in this County; at least, the mines are more developed. The diggings are heavy and oftentimes deep and the gold coarse and worth more to the ounce. Michael Talbot & Co., at \$17 per ounce, and we believe it to be worth more, took out \$3220, with three men working three days. That's not bad to take."

These were lively times, especially during the winter season, when the placers could be worked to good advantage, although quartz mining was gaining ground and this was an all-year occupation. Optimism prevailed. People bet on anything. Gambling tables were frequently set out in the streets and on sidewalks, when weather permitted. Every miner had his buckskin bag, in which he carried his gold dust and from which he paid for his drinks or other purchases. Many times, it was measured by guesswork, with the miner always paying a high price for everything he bought, but what did he care, thinking these golden times would always last and that he could easily replenish his bag whenever he wished. Miners would give up diggings paying ten dollars a day to take a chance on other diggings which might pay fifteen dollars a day.

In 1854, Wells, Fargo & Co. built an Express office in Hornitos. They had purchased the business of Reynolds & Co., who had been conducting an Express business throughout the southern mines. Angevine Reynolds, Mariposa forty-niner, was one of the founders of this business and its main office was on a levee near the corner of Center Street in Stockton. The arrival every morning of a steamboat from San Francisco, loaded with passengers destined for points in the southern mines, made it a lively and exciting business. Everybody was anxious to get off to the gold fields, where they expected to bag a fortune in a few days. It was a two day trip to Mariposa and the fare \$25.

When the day came to transfer the business to Wells, Fargo & Co., in taking inventory of stock, "Chips", whose real name was Pillsbury Hodgkins, was turned over to them. "Chips" was indispensable to the business. He could mount a mule and at short notice be off to the mines, with the latest news, consisting of papers and mail. California was blest only once a month with mail, which came by steamer via Panama, from the Eastern States. Stages were frequently threatened by robbers. The miners were in the habit of sending home to their friends and relatives packages of gold dust and specimens, which together with gold shipped for commercial purposes, made the shipments on what was called "Steamer Day" very large. On several occasions, it had been necessary to arm and equip a special "convoy extraordinary" and among them Chips was always to be found, with a gun and several Colt revolvers and Bowie knives.

CHAPTER XIV FIRST NEWSPAPER DESCRIPTION OF YOSEMITE

From 1851 to June, 1855, Yosemite Valley remained almost unknown and unvisited until J. M. Hutchings, accompanied by Mr. Ayres and Mr. Millard of San Francisco, Mr. Stair of Coultervine, and two Indian guides, went there for the purpose of sketching and describing it and they were the first visitors as such to Yosemite.

Upon their return, the first descriptive sketch of that remarkable valley was published in the Mariposa Gazette of July 12th, 1855, as follows:

"Starting from Mr. Hunt's store on the Fresno, we kept an east-of-north course, up the divide between the Fresno and Chowchilla Valley; thence descending toward the south fork of the Merced River, and winding around a very rocky point, we climbed to the ridge of the middle or main fork and descending toward the Yo-Semity valley, we came upon a high point, clear of trees, from whence we had our

first view of this singular and romantic valley; and as the scene opened in full view before us, we were almost speechless with wondering admiration at its wild and sublime grandeur. 'What,' exclaimed one at length, 'have we come to the end of all things?' 'Can this be the opening of the Seventh Seal?' cries another. 'This far, very far, exceeds Niagara', says a third. We had been out from Mariposa about four days, and the fatigue of the journey had made us weary and a little peevish, but when our eyes looked upon the almost terrific grandeur of this scene, all was forgotten.

" 'I never expected to behold so beautiful a sight.' 'This scene alone amply repays me for the travel.' 'I should have lost the most magnificent sight that I ever saw, had I not witnessed this,' were exclamations of pleasurable surprise that fell from the lips



Galen Clark, in the Mariposa Grove of Big Trees, which he discovered.

of all, as we sat down to drink in the varied beauties of this intoxicating and enchanting scene.

"On the north side stands one bold, perpendicular mountain of granite, shaped like an immense tower. It's lofty top is covered with great pines, that by distance become mere shrubs. Our Indian guides called this 'Capitan'. It measures from the valley to its summit about two thousand eight hundred feet.

"Just opposite to this, on the south side of the valley, our attention was first attracted by a magnificent waterfall, about seven hundred feet in height. It looked like a broad long feather of silver, that hung depending over a precipice, and as this feathery tail of leaping

spray thus hung, a slight breeze moved it from side to side, and as the last rays of the setting sun were gilding it with rainbow hues, the red would mix with the purple and the purple with the yellow and the yellow with the green and the green with the silvery sheen of its whitened foam, as it danced in space. On rushed the water over its rocky bed and as it reached the valley, it threw up a cloud of mist that made green and flourishing the grass and flowers and shrubs, that slumbered at the mountain's base, while towering three thousand feet above the valley, stood the rugged and pine-covered cliffs, that, in broken and spiral peaks, girdle the whole.

"Passing further up the valley, one is struck with the awful grandeur of the immense mountains on either side, some perpendicular, some a little sloping. One looks like a light-house, another like a giant capital of immense dimensions; all are singular and surmounted by pines.

"Now we crossed the river and still advancing up the valley, turned a point and before us was an indescribable sight, a waterfall two thousand two hundred feet in height, the highest in the world. It rushes over the cliffs and with one bold leap falls one thousand two hundred feet, then a second of five hundred feet more, then a third of over five hundred feet more, the three leaps making over two thousand two hundred feet. Standing upon the opposite side of the valley, and looking at the tall pines below, the great height of these falls can at a glance be comprehended."

So wrote Mr. Hutchings, in the first newspaper description of Yosemite Valley. Today, tourists and writers have many opportunities to read descriptions of Yosemite, previous to their first view and are prepared for its marvelous beauties. But in the case of Mr. Hutchings' first trip, he really had no foreknowledge, so that the foregoing description was original and is indeed a masterpiece.

Newspapers and magazines, throughout the country, copied this inspiring description and as a result, many people, including notables from all over the world, were attracted to Yosemite.

J. M. Hutchings, for forty-seven years, continued to proclaim to the world the beauties of Yosemite and by his enterprise and tenacity in so doing, earned the title "Father of Yosemite".

He was born in England and came, at the age of fourteen, to New Orleans, where he learned the trade of architectural drawing and also took up newspaper work. In 1849, the call of gold started him westward, over the overland trail, as a correspondent of the New Orleans "Picayune". After his arrival in California, he went to mining in Placer County, where he was very successful.

An opportunity to try out his literary talent came when he was asked to take charge of the "Placer Herald", during the absence of the editor. While thus acting as editor, he published a number of humorous articles, including the "Miner's Ten Commandments", which were so popular that the circulation of the paper was trebled. Subsequently, he published these commandments in sheet form and realized a profit of \$10,000. Practically every miner in the State had a copy tacked on his cabin wall.

Hutchings then put his money in a water project near Mokelumne Hill, which in a short time, went bankrupt. In 1854, he took a notion to publish an illustrated California magazine and in gathering material for it, he visited over seven hundred places of interest in the State. In 1856, he was a member of the Vigilance Committee, in San Francisco. Then for a number of years, he published "Hutchings' Magazine", but discontinued it on account of poor health. In 1860, he placed on the market, a book entitled "Scenes of Wonder and Curiosity in California", of which eight thousand copies were sold the first year.

In the Spring of 1862, he decided to settle permanently in Yosemite and two years later, his wife and mother joined him there. He purchased a possessory title to one hundred and sixty acres of land in the floor of the valley and he established a saw-mill, run by water power from Yosemite Falls.

Unquestionably, the pioneer who did more than any other man to advance the interests of Yosemite by advertising its beauties to the world and exciting public curiosity in regard to it, was J. M. Hutchings.

CHAPTER XV

GALEN CLARK, OUTSTANDING CITIZEN

The honor for the discovery of the Mariposa Grove of Big Trees and making it known to the world belongs to Galen Clark. He was born in New Hampshire in 1814. While visiting in New York City, in 1853, he saw an exhibition of California gold dust, which caused him to start in October of that year for California, via the Isthmus.

He arrived in Mariposa, in 1854, at the age of forty years. At first, he engaged in mining and surveying, in which work, he suffered exposure and developed serious lung trouble. The doctor told him that he could only live a few months. But this news did not discourage him and he decided to make his home, among the health-giving pines, on the south fork of the Merced River, near where Wawona now is.

Here, at first he lived a hand to mouth existence, almost like that of a primitive Indian. He would shoot a deer and not being able to bring it into camp alone, he would secure the aid of neighboring miners and then trade most of the meat for other necessities of life. His health gradually improved and he built a way-station for travelers, which, for many years, was known as "Clark's Station".

In August, 1855, he was informed by a young hunter, named Hogg, that there were three very large trees, up on Big Creek, above the Wawona Valley. This interested him greatly, so, in June, 1856, he and William Mann made a trip of exploration, which resulted in the discovery and naming of the Mariposa Grove of Big Trees.

Galen Clark was frequently asked the name of the first big tree which he saw when the discovery of the grove was made. He would reply: "I do not know for certain. They all seemed to appear. If my memory is correct, it was probably the Vermont." The spot where he stood, when he first beheld the grove, has been appropriately marked and its location is not far from the most noted tree in the world, "Wawona", the tree that people have driven through since 1881. He really found two groves, the "Upper Grove" and the "Lower Grove", totalling more than one hundred and twenty-five mammoth trees. A few days later, he found the three trees, reported to him by Hogg.

On July 2 and 3, 1859, he accompanied J. M. Hutchings to the Grove and this visit has been described by Mr. Hutchings, as follows:

"Who can picture in language or on canvas, all the sublime depths of wonder that flowed to our souls, in thrilling and intense surprise, when our eyes looked upon these great marvels? Long vistas of forest shades, formed by immense trunks of trees, extending hither and

thither; now arched by the overhanging branches of the lofty taxodiums, then by the drooping boughs of the white-blossomed dogwood; while the high-moaning sweep of the pines and the low-whispering swell of the firs, sang awe-inspiring anthems to their great Planter.

“Once fairly within the impressive precincts of the Grove, we were soon brought face to face with one of the oldest, most storm-tossed and grizzled of this entire family of Brobdingnags. It looked at us as defiantly as the oldest veteran grizzly bear ever could. We measured this sturdy, gnarled old fellow, which, although badly burned, is still ninety feet in circumference and we took the liberty of naming it the “Grizzled Giant”.

In 1864, when the United States Government granted the Yosemite Valley and the Mariposa Grove to the State of California, Galen Clark was appointed one of the commissioners, at which time, one of his first achievements, was the building of a horse-trail four miles in length, to make the grove accessible.

Later he acted as Guardian for Yosemite, for a period of twenty-seven years, during which time, with very small appropriations by the State, he protected his charge against vandals, grafters and fires, and, in addition, made many improvements for the convenience of visitors. Everyone, rich or poor, were made welcome and he did everything he could to make them appreciative of the beauties, which they were witnessing. No one, who ever met him, forgot him. He was so kind, so hospitable and so informative.

He was a sincere lover and an ardent student of Nature and a veritable fountain of information about everything pertaining to Yosemite and the Mariposa Grove. This knowledge he freely transmitted to others, including John Muir and J. M. Hutchings, thus aiding them greatly in their writings. John Muir said of him, “He is the sincerest tree lover I know”. There was some jealousy between Muir and Hutchings but Galen Clark was jealous of no one.

He did not seek the praise of his fellowmen but preferred to stay in the background. He never attempted to claim the honor as discoverer of the Mariposa Grove. This serious-minded man, even though he was perhaps the best-informed man, in his time, regarding Yosemite and the Mariposa Grove, would never make a positive statement, unless so convinced in his own mind; in other words, he strived to be accurate in any information that he passed out. He was just as particular in trivial matters. One day a group of his neighbors, all of them old-timers in the Valley, were trying to foretell the weather and each one was giving the reasons for his forecast. An intimate friend asked, “Galen, you are a good observer of Nature and have studied the clouds up here for many years, what is your prediction of the coming weather?” He quietly replied: “Ask the new arrival, the fellow that just came here yesterday. He knows more about it than I do.”

At the age of ninety-six, he passed away, leaving behind a grand record of kindly deeds, of useful achievements and a multitude of sincere friends, who loved him.

CHAPTER XVI

FREMONT'S POLITICAL AND MINING ACTIVITIES

In 1851, Fremont was a candidate for re-election as U. S. Senator and was supported by the Free State party. The pro-slavery element was too strong and his defeat resulted. He spent a great deal of his time this year on his Mariposa Estate, from which his income was large, even though squatters and claim jumpers had taken possession of, and were mining, many rich portions of it. His Mexican miners were so harassed that they finally left, but not without turning over to him several sacks of gold.

The title to his land had not been confirmed and the miners believed that, even if confirmed, he would be entitled only to agricultural uses of the land, except where he had filed mineral claims, as under the Mexican law, under which the Grant was first made, the minerals were not actually conveyed, but remained the property of the Government.

In 1852, he presented his claim to the U. S. Board of Land Commissioners, who confirmed his title, according to the survey, which he, himself, had made. On appeal to the U. S. District Court, the decision of the Board was reversed and his lawyers immediately appealed the case to the U. S. Supreme Court.

In the latter part of 1852, he went East, then to England and France, returning to America the following year in order to start a winter expedition in continuance of his former efforts to find the most suitable route for a transcontinental railroad from the Atlantic to the Pacific.

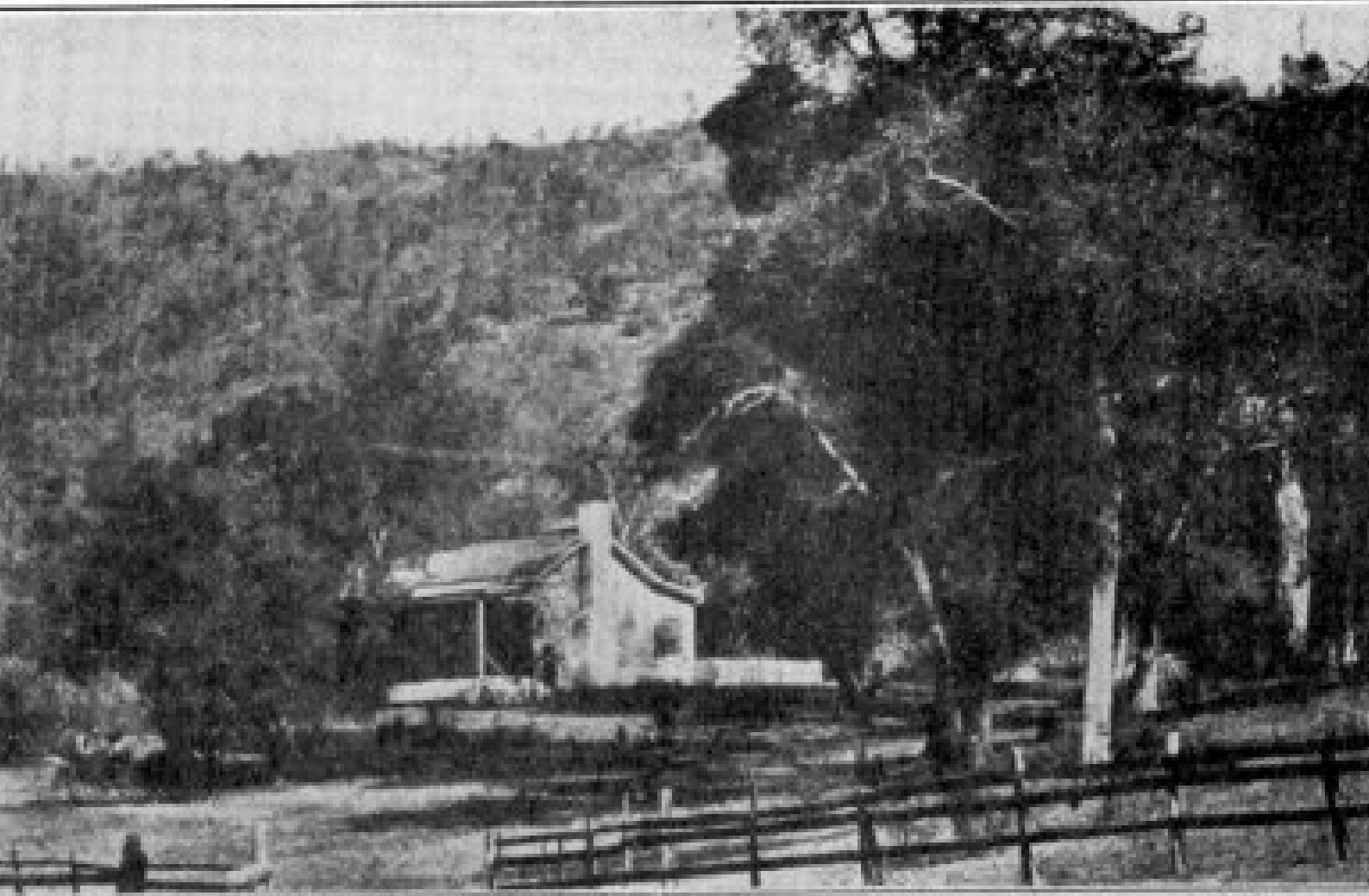
In December 1854, the U. S. Supreme Court remanded his case back to the District Court, declaring the claim valid and ordering an official survey. In June, 1855, the District Court gave a final decree and in July, the boundaries of his estate were fixed by an official survey under the direction of the Surveyor-General of the United States for California, which survey included the Mt. Ophir mine and others, hitherto unclaimed by him.

A patent was issued on the part of the United States to him, bearing the date, February 19, 1856, signed by the President of the United States, countersigned by the Acting-Recorder of the General Land Office, in Washington, and worded, “In pursuant to the provisions of the Act of Congress, approved on the 3rd day of March, 1851, entitled ‘An Act to Settle the Private Land Claims in the State of California’.” Thus, the boundaries of his property were fixed permanently and with no reservations specified.

The official survey will always remain a mystery as to why rich mines were given to him, which he had never claimed. At the time of the official survey, it was still undetermined whether the title to the minerals went with the title to the land, so, it is possible, that the Surveyor-General and his agents may have so shaped the survey as to make it a desirable cattle ranch. The most plausible reason is that some of Fremont's own agents used means to influence the shaping of the survey, without his knowledge.

It was impossible for a man of Fremont's nature, a dreamer with no business training, to manage his kingdom alone. He placed the details of its management with agents and lessees. As early as 1849, he had engaged the help of Palmer, Cook & Co., bankers and politicians, and this firm had organized the Mariposa Mining Co., in 1850, working under a lease from him. With his income, plus advance loans made to him by his bankers, he traveled extensively and lived and entertained like a king.

Those who knew him intimately always felt that he, personally, had nothing to do with the inclusion of valuable mines, which for years had been claimed and operated by others, in the official survey. His integrity was unquestioned and he was not avaricious. Some of his friends suggested that he work his mines with slave labor, that by so doing, he would become extremely wealthy, but he refused, saying that if he couldn't make money fairly, he would do without it. He was entitled to approximately 44,000 acres of land, and as the whole country had been taken up by



The Frémont College in Bear Valley in 1858.
[Editor's note: from p. xi: The Fremont "White House", in Bear Valley, 1858. —dea].



Marre store, Mt. Bullion, built in 1862.

miners, leaving practically no unoccupied land, it was inevitable that some would have to be dispossessed, regardless of where the official survey went. If it was shifted east, it would take in the valuable Whitlock and Sherlock mines and if it was shifted west, some of the rich mining district of Hornitos.

In 1856, he was made the first candidate for the Presidency of the United States, by the newly organized Republican party. He was also nominated by the National American convention for the same office. During the campaign, his opponents did a tremendous amount of mud-slinging to belittle his accomplishments. He was defeated at the election, receiving 114 electoral votes as against 174 for Buchanan and 8 for Fillmore. Strange to say, he carried the Democratic State of New York by a large majority and the popular vote throughout the Nation, in his favor, was very large.

On April 22, 1857, he leased the Mt. Ophir property, which had been given him by the official survey, to Biddle Boggs for seven years, at a monthly rental of \$1000. The property was in the possession of the Merced Mining Co., who had entered into possession of the premises in May, 1851, under a quit-claim from Moffat, the Assayer, and believed they were on Government land. They had erected thereon, at great expense, estimated at \$800,000, machinery, mills etc. and had continued in the occupation of the premises, working the quartz veins and extracting gold. Fremont had never claimed any land within one or two miles of their property. They maintained that the official survey had been made in a clandestine manner and that he had no title to the minerals, as his Grant was for grazing and agricultural purposes only.

CHAPTER XVII

THE FAMOUS TRIAL OF 1857 IN MARIPOSA'S COURT HOUSE

The Merced Mining Company resisted ejection and the controversy was taken to Court. The trial started May 4, before a crowded court room and the whole town was filled with the interested and excited persons. By consent of both sides, the case was tried without a jury.

The attorneys for the Merced Mining Company were Alexander Deering and B. B. Harris, both residents of Mariposa, and S. W. Inge, Gregory Yale, Elisha Cook of the firm of Cook and Fenner, and the firm of Halleck, Peachy and Billings. The attorneys for Fremont and Boggs were Rufus A. Lockwood, H. G. Worthington and R. H. Daley, all of Mariposa, William T. Wallace (afterwards Chief Justice), Joseph G. Baldwin (afterwards Associate Justice of the Supreme Court), S. Heydenfeldt (former Associate Justice of the Supreme Court), Charles T. Botts and D. W. Perley.

The trial lasted for several weeks and it was the most exciting and important trial that had ever taken place in the history of the Mother Lode, for on its results depended the title of property worth millions and from which thousands of miners had been extracting gold and hoped to take out more.

The scene of this great legal battle over gold, was the court room on the second floor of the then three-year old Court House in Mariposa. (It is still being used and looks practically the same as it did then.) At one end there was the Judge's Bench, long enough for three Judges to sit behind, but in this trial there was but one, namely Judge Edmund Burke, [Editor's note: Ethelbert Burke—deceased] stern and intelligent and realizing that he must be fair to both sides so as not to incur the enmity of any of the embittered miners, who might be provoked to take a shot at him, either in or out of Court; for in those days, every man carried a gun.

There being no jury, the chairs to the right of the Judge were used for the witnesses. In front of the Judge's bench were two tables, around one of which were grouped the attorneys for the Merced Mining Company and around the other were the attorneys for Fremont and Boggs. The most prominent attorneys in the whole State had been engaged to participate in this most important trial.

For the spectators, there were three rows of long wooden seats, all hand-planed and with backs. The row on one side was filled with sympathizers for the Merced Mining Company, the row on the opposite side with Fremont's supporters, while the center row was occupied by the more neutral or broadminded citizens looking for fair play. On the wall behind the Judge, was displayed a large American flag with thirty-one stars in the blue field, a silent appeal to law and order and the dignity of the occasion.

Colonel Fremont was there and sat near his lawyers, among whom the most conspicuous was Lockwood, a massive man, six feet in height, broad shoulders, large head, big gray eyes under heavy protruding eye-brows, sharp facial features and a deep stentorian voice. Lockwood, throughout the trial, seemed perfectly poised, keenly alert and master of every situation that arose. In cross examining one of the witnesses, whose veracity he doubted, he asked just one question, "Would you believe your own self under oath?" The effect was dynamic.

The attorneys for the Merced Mining Company introduced testimony to prove that the Fremont Grant had not been located in conformity with its description, that instead of having the Sierra Nevada, or Snow mountains, as its eastern boundary, it had been located entirely in the Snow mountains and further that the governmental survey had been made in a secret manner; that while it was being made, the surveyors informed men working for the Merced Mining Company that the survey was being made for a water ditch.

John F. Johnson, familiarly known as Quartz Johnson, a witness for Fremont, testified as follows:

"I have lived in the County since the winter of '1849 and have lived on the Grant and know the larger portion of it. Some hills are covered with grass and shrubbery but there are hills that a rabbit couldn't live on. About Bear Valley, there is as good grazing as any place about the hills. The Snow mountains are the Sierra Nevadas, about fifteen or twenty miles away.

"I believe a portion of the Grant was surveyed in June, 1855. Colonel Ransome was one of the parties and Mr. J. E. Clayton and about ten others. I asked them what they were doing and they said they were surveying the Fremont Grant. Clayton said he was making the survey without asking Fremont.

"I made a lease of the Mt. Ophir property to R. S. King, agent for Baldwin of New York, in January, 1851. King returned the lease to me in the Spring saying that he had been warned from working the premises by agents of John C. Fremont.

"I first saw the adobe building in Mariposa in 1851 and it was occupied by Fremont's agents, Heap and Flanding. They resided there until 1852, when Bradford Jones, another agent came. Now Lockwood and Worthington occupy it. I have no interest in this suit. I am not in the employ of Biddle Boggs or Fremont, nor have ever been. I am in employ of Lockwood, who is agent for Fremont in some matters."

Thomas W. Long, County Surveyor, testified for Fremont, as follows: "I have lived here since February, 1855. I think I know the Sierras, it's a matter of opinion, twelve to twenty-five miles distant. I call Snow mountains where there is snow most of the year. The deepest snow I ever saw fall on Las Mariposas was about three or four inches deep, in April, 1856, and it melted very rapidly.

"The survey was not a secret. Bradford Jones was agent for Fremont for a few months, then J. E. Clayton became agent for the month of July, 1855, and the Grant was surveyed the fore



Mariposa in 1859.

part of that month. I was with the surveying party for four or five days. Colonel Ransome was in charge; he is chief clerk in the Surveyor-General's office. Young Higley seemed to be in charge as dispute surveyor. [Editor's note: Deputy Surveyor—dea]

"Fremont was not in the State at the time of the survey and Palmer, Cook & Company were not here. I came to survey a water ditch and was employed in Sacramento by George W. Wright of Palmer, Cook & Company to act as engineer for Fremont. I have never seen Fremont and have never had any conversation with Cook or Jones, regarding the survey of Las Mariposas. I knew Colonel Ransome was coming in July, to make the survey, from a note I received from Wright."

The attorneys for the Merced Mining Company introduced testimony showing that Fremont had never claimed any land within one or two miles of the Mt. Ophir property and that their client had been working this property peaceably and paying the taxes on it since 1851.

Fremont's attorneys countered with the following argument: that their client's claim, under the grant, was to no specific tract, that it was only an interest to a specified quantity, namely, 44,000 acres, to be afterwards surveyed and laid off by officers of the government; that Fremont, evidently, thought otherwise and hence made his survey in 1849 and claimed a specific tract, but his title did not become perfect until after the approval of the official survey, after the decision of the Supreme Court of the United States, in his case; that any

statements he made, previous to this final survey were clearly made under a misapprehension of his rights and were not more than an expression of opinion as to what ought to be its location or a desire where it should be located.

The Merced Mining Company's attorneys then argued that the grant of 44,000 acres by the Mexican Government to Alvarado, was for grazing and agricultural purposes, only, and did not convey the minerals and further that Fremont, in securing his patent, misrepresented the character of the land.

Lockwood arose and addressed the Court:

"Your Honor, I personally appeared before the Supreme Court of the United States, in behalf of Colonel Fremont. At that time, the Attorney-General of the United States resisted the confirmation of Fremont's claim upon the ground that the Grant embraced mines of gold and silver. I quoted authorities to the Court showing that, under the mining laws of Spain, which laws had been adopted by Mexico and were in force when the Grant was first made, the subsequent discovery of a mine of gold and silver does not destroy the title of the individual to the land granted. The Court sustained this view and further stated that the only question before the Court was the validity of the title, and it is evident that this was proven because the Government issued a patent to my client.

"There was no obligation upon Fremont to give notice of the survey to the Merced Mining Company or anyone else, for under the grant from the Mexican Government, the survey was to be made by an officer of the government. That right which the Mexican government reserved to control the survey, passed with all other public rights to the United States. Therefore, the survey had to be made under the authority of the United States, and in the form and divisions prescribed by law for surveys in California, embracing the entire grant in one tract and giving it such form as not to impair the value of the adjoining public domain. My client, Fremont, applied to the proper officers, but that he employed any means to improperly control their actions, there is no evidence and that the survey was made secretly or concealed after it was made, is contradicted by testimony.

"And, finally, Your Honor, the patent, which is the final document issued by the Government is conclusive evidence of the validity of the original grant and of its recognition and its confirmation, and of the survey and its conformity with the confirmation and of the relinquishment to the patentee of all interest of the United States in the land. There was no reservation of minerals, therefore, the minerals must belong to Colonel Fremont."

CHAPTER XVIII

JUDGE BURKE'S DECISION AND SIDELIGHTS OF THE TRIAL

On July 2, 1857, E. Burke, District Judge of the Thirteenth Judicial District, at Mariposa, rendered his decision. The Court found the facts, as follows:

"That J. C. Fremont is the owner of the land in dispute by patent and approved survey. That the charge set up in the defendant's answer of fraud, concealment and collusion in the survey and certificate on which said patent issues, is not proved. That the charge in the defendant's answer that in procuring the issuance of said patent, a fraud was practiced upon the Government, in misrepresenting the quality and character of the lands embraced in the survey, is not proved.

"That in May, 1851, the premises were vacant and unoccupied and the defendant then entered upon the premises under a quit-claim from one Moffat, but it is not shown that said Moffat had any title to the premises; but on the contrary, the premises were then the public domain of the United States, except so far as same were subject to Fremont's unconfirmed right to locate the Alvarado Grant, within the limits therein prescribed; that the defendant commenced improving the premises for mining purposes in 1851, and has ever since used and occupied the same; that until July, 1855, Fremont never claimed the premises as being within his boundaries, but stated that the lines of his grant did not approach within one or two miles and caused a survey to be made in 1852, the lines of which, did not include the premises; and which survey, published and represented as including all the land claimed by him, but at the time of making such representations and disclaimers, said grant had not been finally confirmed and located; and it is not shown that in making such representations and disclaimers, the said Fremont willfully made any misrepresentations or intended to deceive, defraud or influence the defendant; that no facts, amounting to fraud or to a legal estoppel are proved in this case, either as against the plaintiff or as against his lessor, the said Fremont.

"And upon the said pleadings, stipulations, proofs and facts, the Court decides and finds the following points and matters of law, to-wit:

- (1) that it is not competent for the defendants to attack or impeach the patent mentioned in the complaint and answer;
- (2) that the plaintiff is not estopped from insisting on his legal title to the premises sued for;
- (3) that the defendant is not entitled to any legal or equitable relief against the plaintiff's title;
- (4) that the plaintiff is entitled to the judgment and decree of the Court against the defendant for the recovery of the premises sued for, as described in the complaint, with the appurtenances and for the sum of \$16990 damages and the costs of suit and it is hereby ordered that judgment be entered accordingly."

On July 6th, judgment was entered for the plaintiff, and the amount of the undertaking to stay proceedings, until an appeal could be decided, was set at \$7500. The case was appealed to the Supreme Court of California, on July 27th, by the Merced Mining Company, who still felt that they could prove that, even if their property was inside Fremont's Grant, he did not own the minerals and that they had a right to take out the minerals, under a general license granted by the Government.

During the trial, there was bitter enmity manifested between the opposing sides, yet, in after years, the daughter of one of the principals in the case married the son of one of the opposing lawyers, thus establishing what proved to be one of the leading families of the State. Had it not been for this great battle over gold, these two lovers may never have met.

It is also interesting to give some of the details in the life of Fremont's leading attorney, Rufus A. Lockwood, without whose remarkable sagacity, this trial might not have terminated so successfully for the Colonel.

He was raised in Indiana and educated to be a lawyer. His hometown people considered him quite worthless as such, and he did not prosper. However, he spent his time studying over law-books, even though, in the meantime, he and his family were suffering from lack of the necessities of life, He had no credit with the merchants of the town as he was considered by them a failure.

His situation became drastic and one day he went to one of the leading stores, where a clerk, on hearing his pitiful tale, gave him a small supply of provisions on credit. The proprietor, meeting him on the way out and learning that he had obtained the goods on credit, made him return them. Lockwood's reply was, "This will cost you a fortune".

A short time later, times became extremely hard and the merchant became financially embarrassed. Lockwood never forgave and never forgot, so he sought the creditors of the merchant and offered his services free of charge. He then pressed the accounts with such vigor that the merchant was forced into insolvency.

A sensational murder occurred about this time and Lockwood was engaged as defense attorney. Public opinion was strongly against the accused and nearly everyone thought a conviction was a certainty. Lockwood who had himself experienced hunger and despair, threw his every energy into the defense and his brilliant tactics resulted in a verdict of acquittal. His reputation as a lawyer was made, but instead of staying where his future success would be easy, he disappeared.

In the course of time, he drifted to Mariposa and became acquainted with the Colonel, who employed him to take care of some of his legal matters and also to manage part of the Estate. For his services, he was promised a portion of the property. While acting as a manager, the Estate became involved in wages to employees to the extent of \$25,000, and feeling himself individually responsible, he promised that by a certain day full payment would be made.

Accordingly, he sent a request to Fremont's bankers, Palmer, Cook & Co., who were likewise interested in the Estate, to forward the necessary money. These bankers failed to respond, and it was such a blow to his sense of honor in business, that, in his disappointment and anger, he immediately pledged everything he was possessed of, even the jewelry of his wife and daughter. Their piano, their furniture, their ear and finger rings and other valuable jewelry were all taken and deposited as security for the debts which he felt obligated to pay.

The Colonel was in the East and Lockwood decided to see him personally. He took passage on a steamer from San Francisco bound for Panama. The vessel sank on the trip. His wife and daughter were saved and Fremont later redeemed and forwarded to them, all their jewelry and furniture.

Lockwood proved a hero until the last, refusing to take a place in the lifeboats until all the women and children were saved. This unusual man, adjudged one of the mighty intellects of the day, brilliant, honest, courageous, who was judged a failure, in his early life, by his neighbors, and who later rose to the pinnacles of fame and was then called insane by some, went down with the ship, calmly smoking a cigar.

After Judge Burke's decision, mining work still progressed in the disputed territory, on the Fremont Estate, but at times, conditions were rather "squally", at the seat of war. Men in the employ of the Merced Mining Co. still attempted to take the law into their own hands and they successfully jumped several of Fremont's claims.

CHAPTER XIX

BATTLE OF THE PINE TREE

In January 1858, Associate Justice Peter J. Burnett, of the Supreme Court delivered an opinion in favor of the Merced Mining Co. and against Biddle Boggs and John C. Fremont. Chief Justice David S. Terry concurred and Associate Justice Stephen J. Fields dissented.

The opinion expressed, in this decision, is noteworthy, because it was rendered not on an interpretation of existing law but on an assumption of what the law should be. The Court said: "The defendant is occupying the premises simply and solely for mining purposes, under the general license of the Federal Government. It is true that there has been no express Act of Congress creating this license, but such seems to be its will."

A rehearing was granted and it was not until October, 1859, that the final decision was given and it was a reversal of the foregoing.

Meanwhile, encouraged by this decision in favor of the Merced Mining Company, claim jumpers became bolder. The Merced Mining Company's men endeavored with armed forces to capture the Pine Tree mine, being worked by Fremont and which he had endeavored to protect by a stone fort, on the side of the mountain, above the mine, with walls three to four feet thick and six feet in height. The seriousness of the situation is evidenced by the following articles appearing in the Mariposa Gazette.

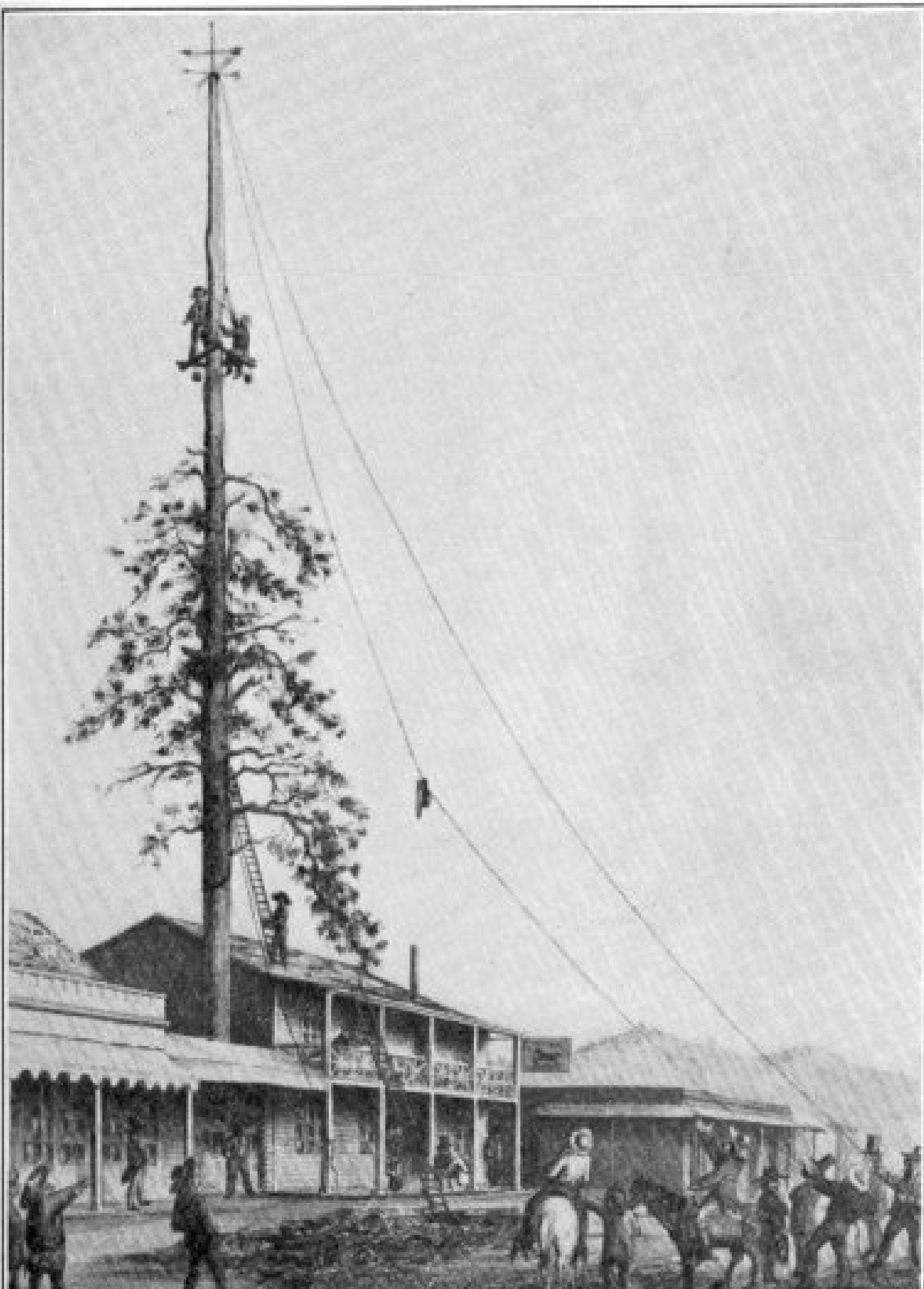
"July 14, 1858. On Friday morning at an early hour, a band of fifty or sixty men attempted the capture of the Pine Tree vein, in Bear Valley, opened and being worked by Colonel Fremont. The men were all armed and led by Shaw, Boling, Crenshaw and others. Having been successful in 'jumping', as the act is technically called, one or two other veins before, that were worked by Fremont, by night surprises, it was thought it would be successful, in this instance, but a sufficient number of men were on guard in the drift and the capture was not effected. The Merced Co.'s men, however, were in sufficient force to prevent all ingress to the drift and Fremont's men arrived in sufficient force to prevent any attack. Thus matters stood during Friday, both parties prepared for instant slaughter. Fremont's men, though outnumbered more than two to one, were prepared to die, sooner than yield a hair.

"The Sheriff arrived on the ground during the day and read the riot act and commanded them to disperse, which they refused to do. Warrants were obtained for their arrest. Boling, Anderson and Powell yielded themselves prisoners and were taken to Mariposa but the mass of men under Crenshaw refused to yield and still kept up their attitude of determination to get possession of the vein.

"Sober and considerate men view this movement as unjustifiable and desperate in the last degree. The Merced Company have been in undisputed possession of the Josephine and Black Drift, since they surprised and took them, while Fremont's men have as quietly and peaceably been working the Pine Tree Vein.

“It is the duty of every good citizen to join in putting down any such high-handed outrage upon the rights of property and the majesty of the law. That the Merced Company’s men are not in arms to defend their own rights is evident from the fact no obstacles have been put in the way of their own mining, but they seem determined to wring by force of arms those terms the law refuses them.

“How Captain Boling reconciles his present position with his former attitude and efforts to raise a force to put down vigilance committees in San Francisco, I am at a loss to know. It would be advisable for all those men, now in arms against the authority of the law, to go home. In any event, they gain nothing. They are brave men, no one doubts. Their country may soon need their services in a more glorious cause. Perhaps, at this moment, while they stand with guns presented to each other’s breast, their



The pioneer Schlageter Hotel. Trimming its famous
flagpole in 1859.

countrymen in the East are bearing theirs to resist British aggression.”

L. A. Holmes, editor, speaking in the same issue, “The difficulties and belligerent attitude for a long time existing between the Merced Mining Company and Colonel Fremont and his Bear Valley agents, relative to certain quartz interests, seems about to terminate. Without entering into a history of these difficulties at present, we would say that since the disturbances and hostile demonstration of last year, peace and quiet has in a great measure reigned, each party working such portions of the Pine Tree and Josephine veins as they are in possession of. This condition of affairs continued until last Friday, when commenced the preliminaries to a most bloody, fratricidal and inhuman encounter ever known in this State, if peradventure, common respect for law and common sense do not soon gain the ascendent and interpose a barrier between the embittered parties.

“The principal facts are corroborated by the officers, who in the performance of their duty have been resisted. On Monday, matters remained as before, each party receiving reinforcements. Warrants for thirty-nine persons attached to the Merced Mining Company were issued by Justice Washburn, four of whom only appeared to answer to the charges preferred. The endeavors of the officers were ineffectual. Sheriff Crippen returned to Mariposa and yesterday was, with deputies, engaged in summoning a posse with which he will today endeavor to maintain the law in this law and order County. The law is ample to adjudicate and settle all differences between the contending parties and it should have its sway.

“We have scrupulously avoided defending or advocating one party or the other. But we do say that the present condition of affairs in Bear Valley is disgraceful. The lives of some of the best men in the County are imminently endangered. On whose skirts will be found the blood of the victims, should an encounter occur? The public cannot be too soon in placing the seal of condemnation upon all such proceedings.”

“July 13th, 1858. A committee claiming to exist to effect an amicable settlement has asked Colonel Fremont to withdraw his armed force from the Pine Tree mine and close it up until a decision shall be rendered in the Biddle Boggs case.

“Colonel Fremont replies as follows: ‘I have not heard of any public meeting as set forth in your letter and am satisfied that it does not express the feelings or wishes of the community, which has not made itself a party to the legal contest between the Merced Mining Company and myself.

“ ‘I am therefore constrained to say that I cannot recognize you as a committee to represent the citizens of Mariposa County.

“ ‘In regard to your proposition that I shall close up the mines and abandon the property, I have to say in reply that the land in question is within a grant held by me under patent of the United States. I am not aware that it now is, or ever was, claimed by the Merced Mining Company. I came peaceably into possession of it and have for a long time been peaceably engaged in working the mines upon it.

“ ‘I was so peaceably occupied in carrying on the works at the place on Friday morning last, when we were set upon by a force, which you acknowledge to have been employed by the Merced Mining Company in utter violation and contempt of law and the peace of this County, and I am still in possession of it, notwithstanding that it is besieged by their armed force.

“ ‘I hold the property by law, by long occupation and even by mining regulation. The demand you make upon me is contrary to all my sense of justice and what is due my own honor. You say you wish to avert bloodshed. If it comes, the citizens of this County need no assurance from me that it will not be of my provoking.

“ ‘Outrageous and beyond precedent as the attack is, I will confine myself to the right of self-defense, which the law gives to citizens who have their lives and property attacked’.”

CHAPTER XX BEAR VALLEY AND THE COLONEL

During Fremont’s regime on the Mariposa Grant, the town of Bear Valley was really the metropolis of the County. Here Fremont established headquarters for his vast mining enterprises. The Oso House (Oso means, the bear), a two-story hotel, was built and much of the material and furnishings was brought around the Horn. (It is still standing and is in use.)

Among the very first residents was Louis Trabucco, who settled there in May 1850 and married in 1860. Joseph J. Trabucco, a son, eminent California jurist, was born in Bear Valley. Other early citizens include Jewett Adams, afterwards Governor of Nevada, Phil T. Herbert, Congressman from California, and Fred Billings, afterwards President of the Northwestern Pacific R. R.

The location of the town was the high spot of a picturesque oak-covered valley, interspersed here and there with bull and yellow pine, near the headquarters of Bear Creek, which flowed southerly for several miles and then turned westerly. Mt. Bullion ridge, with its rocky outcrops, adjoined the town on the east, while a few miles in the opposite direction stood the more friendly Bear Mountain. Five miles south was the Mt. Ophir Mine, with its tunnels high up on the side of a rocky, conical uplift, separated from the main ridge by Norwegian Gulch, while two miles to the north was the Pine Tree Mine, situated on the back-bone of a ridge, high above Hell’s Hollow and the Merced River Canyon.

The business part of the town was a long main street lined on both sides with saloons, restaurants, hotels and business houses. Miners with their red shirts, untidy beards, dissheveled hair, overalls or corduroys stuffed into high-topped boots, and revolvers and bowie knives hanging in their belts, congregated in the saloons, talked about their prospects, drank gambled, danced and occasionally shot. Then there were the professional gamblers, a little more tidy and better dressed, always alert to entice lucky miners into games of chance such as monte and faro.

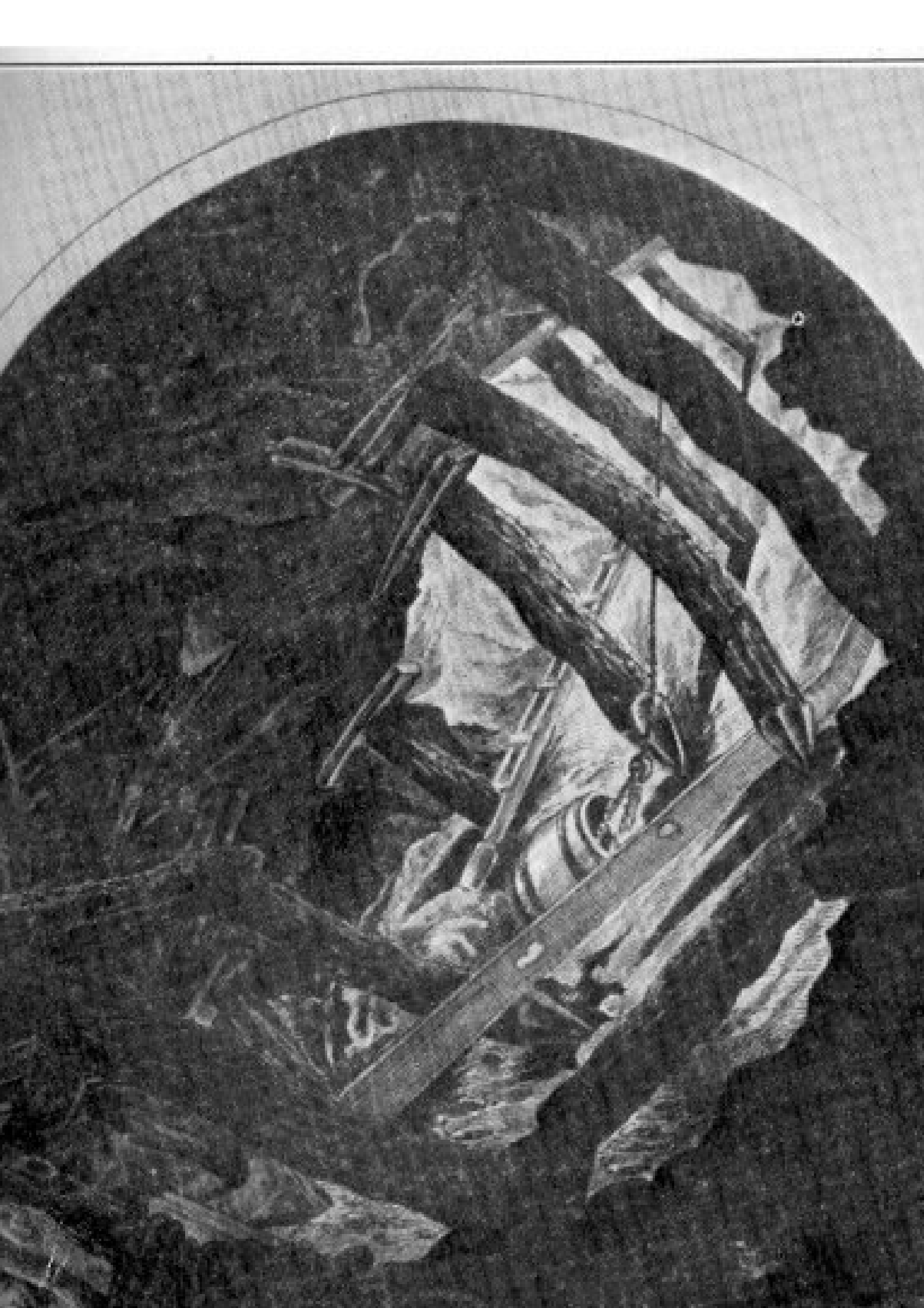
In the early part of December, 1850, there was an occasion of unusual excitement in Bear Valley. It had been noticed for several weeks that the Mexican miners were very flush with gold dust and were gambling nightly for big stakes. Some of the whites secretly watched

the daily movements of the greasers and found them panning on a flat, about a mile from town. A company of "white miners" was organized and the Mexicans, by threats of force, were driven from their claims. The news traveled, up and down the State, that the whites took out over \$200,000 in a space of forty feet square. It was all specimen gold, jagged and rough and not water-worn.

There were many Colonels engaged in the mining business throughout the Mother Lode but their names were always appended to the title, in order to identify them. With Colonel Fremont, it was different. When anyone spoke of "the Colonel", it was always understood to mean Colonel Fremont. He was not a large man, only about five feet eight inches in height, with a broad forehead, an aquiline nose and keen piercing eyes; his facial features denoting marked intelligence.

The men who worked for the Colonel loved and respected him and had it not been for their faithfulness, he might have lost possession of the Pine Tree mine, before the Sheriff was finally able to restore order. A number of his men were besieged in the mine and the Merced Mining Company men refused to allow food to be taken to them. Mrs. Jim Kelton, wife of the foreman, twice daily for five days, in spite of the besieger's threats of violence, carried food into the mine. A man could not have done, and none even dared to do, what this woman did. It may have been their respect for women and it may have been their fear of the consequences if they harmed her, but she certainly was brave and defied death. She exemplified clearly the "do or die" spirit of the pioneer women.

The Colonel's life was threatened on a number of occasions.



Shaft near Mariposa, where a pocket of \$26,000 was found.

[Editor's note: from p. xi: A pen sketch by A. Schwartz, showing inside view of shaft on Mariposa vein. A pocket of \$26,000, in a space four feet square, was struck here, July 14, 1859, at a depth of 35 feet, by Lind brothers and Howell. —dea].

While he had plenty of friends, there was a group of his enemies, who thought they would be dispossessed of their mining ground, if he continued to win his Court victories. Of course, the ring-leaders were the principal owners of the Merced Mining Company, who constantly stirred up the miners.

Anything could have happened. On one occasion the Colonel, accompanied by one of his lawyers, Colonel James, was just leaving the Oso House, in a surrey drawn by two speedy grays, when a gambler, standing in front of one of the saloons, offered to bet anyone five dollars that he could shoot the hat from off Colonel James' head, but no-one accepted the bet as they had too much respect for the marksmanship of Colonel Fremont.

During all these squally times, the Fremont family were living in their story and a half "white house", beautifully located on an oak-covered knoll, on the edge of Bear Valley. Here, Mrs. Fremont proved a charming hostess and by her gracious manner, endeared herself to the women of the community. The Colonel, an expert horseman, made frequent trips, always well-armed however, over his property riding "Jim", his red sorrell, a beautiful, proud-acting animal, with a white star on his forehead and long graceful mane and tail. On many of these trips, he was accompanied by his daughter, Elizabeth, dressed in a blue woolen dress, with a knitted collar and hoop skirt, riding her loveable, white horse "Ayah".

Peter Fee, a friend and neighbor, kept a diary, which gives a clear and valuable picture of some of the happenings, during these years. Fee, a Norwegian by birth, was born in 1818. He mined near Mt. Ophir from 1855 to 1858, when he moved to a ranch on the Merced River, near Snelling. "Norwegian Pete", as he was familiarly called, evidently learned his English after he was a grown man. Herewith are a few extracts from his most interesting diary:

"May, 1858. Fee hould during the mount for Col. J. C. Fremont 7233 ft. of lumber from McNeal mill to Fremonts, \$144.66; for houling of 12,000 shingles, \$24.00; for houling of 1275 ft. lumber to Mersede, \$19.02 - \$187.69. Paid cash to D. Clark for shingles, 12000, \$96. - \$283.68. Paid the 17th July by Fremont.

"July 9, 1858 - The Pinetree jumped by a mob, werry warm.

"July 10 - Fee and Mrs. Fee wisit Fremonts Famelie.

"July 11 - Great excitement in Bearvaly.

"July 12 - Inlisting volenters for protektion of F property.

"July 13 - Fee hould wood.

"July 14 - The dificulty at Pinetree settled & the Miners & Setlers left the mine.

"July 15 - The Miners & Setters trial in Mariposa.

"July 19 - Went to Mariposa. Dst. Court convened. Fremont commensed work at the Pinetree Mine.

"Jan. 5, 1862 - Raind and storm.

"Jan. 6 - Raind old day.

"Jan. 7 - Removed the hay.

"Jan. 8 - Workt on the bulkhead; rain.

"Jan. 9 - The bulkhead broke away with the flod.

"Jan. 10 - The wather rose up to the house, 5 O'clock, a. m.

"Jan. 11 - The river rose over the road took up the barn sable & workhouse. Mrs. Fee at Muglers.

"Jan. 12 - The river falling; Wilson got out of the tree."

In the beginning of 1859, he wrote: "the past year has proved sucesful to the Fee Famelie, God be praised." At the close of 1860, he wrote: "The past year has been a favereble to the Fee Famelie; a large crop of grain was harvested." At the close of 1861, he wrote: "By loking back on 61 and will be remembered as a dark and trubblefild year, but my hope is to God that Truth and Temprans will triumph in 62." He closed 1862 with: "Notwithstanding the disaster of the flod, 1862 has been a blesset year, Amen."

In August 1859, Horace Greeley, paid a visit to the Fremont home and wrote as follows:

"I spent most of Wednesday in an examination, under Colonel Fremont's guidance, of the mines he is working in Bear Valley. Ever since his defeat for the Presidency, he has been devoting his entire time and energy to the management of his vast estate. Although he found himself nearly half a million dollars in debt from litigation, cost of his Presidential campaign, unfortunate business connections, and losses caused by incompetent managers, his mines are at length becoming productive and profitable. His first (steam) mill, near his dwelling, runs eight stamps, night and day; his second (water) mill, three miles distant on the Merced, at the north end of his estate, runs twelve stamps, also constantly; and the two are producing gold at the rate of at least two hundred and fifty thousand dollars per annum, at an absolute cost, I am confident, of not more than one hundred and fifty thousand dollars.

"Of course, he needs all the profits, if not more, to extend and perfect his works. He hopes to have one hundred stamps running before the close of 1860. With that number, I presume, he would be able, by giving his constant personal attention to the business, aided by faithful and capable assistants, to realize a net profit of at least ten thousand dollars per week, which would soon clear him of the debt and leave him unincumbered in the ownership of perhaps the finest mining property in the world.

“Colonel Fremont is confident that his present works do not separate half the gold contained in the rock and that, by the use of the new amalgamators, he is about to apply, he will double his weekly product, without any increase in cost. This conviction is founded on chemical experiments and tests, which seem to leave no doubt of the fact that the additional gold is in the rock, but whether the means of extracting it have been yet discovered, remains to be seen.

“At all events, I feel sure that the productiveness of these works will increase much faster than their expenses, so long as Colonel Fremont shall devote himself to their management so entirely as he is now doing. In the hand of agents and attorneys, they would probably become again what they once were, and what all quartz mining works, managed at second hand, have been.”

CHAPTER XXI

FINAL JUDGMENT FOR FREMONT

In October, 1859, climaxing one of the most intense legal battles in the entire State, participated in by the greatest legal talent of the day, the Supreme Court of California rendered their final decision. It was in favor of Fremont and Boggs and in addition to confirming the findings of Judge Burke, at the conclusion of the famous trial in 1857, it declared that Fremont was the legal owner both by Court decree and by Act of Congress and that he had full right to mine the premises from the center of the earth to the heavens above.

The personnel of the Supreme Court had changed since the decision of January, 1858. Baldwin, who had been counsel for Fremont, had replaced Burnett, so did not sit on the case. Terry had resigned September 12, and on the following day, had fought a duel with U. S. Senator Broderick, whom he accused of stating, “I once said Terry was the only honest Judge on the Supreme Bench but now I take that back”. Probably the real cause was much deeper and of a political nature. Broderick was wounded and died a few days later. With the resignation of Terry, Stephen J. Fields became Chief Justice and W. W. Cope was appointed Associate Justice.

Chief Justice Fields read the decision and Associate Justice Cope concurred. It was proven a masterpiece in the clear interpretation of certain laws and has greatly aided in the untangling of many legal problems throughout the Nation. The decision clearly defined the question of estoppel and gave in detail what must be proven to a Court before it will prevent or estop a person from changing prior admissions in order to protect his own property.

Owing to many erroneous stories about Fremont having secured title to his grant by deceit and fraud, it is worthwhile to give in detail parts of the final decision, which clearly show that he was entitled to all that he received. There is no telling how many thousands of dollars, maybe even running into millions, which were stolen from his property in the many years pending the perfection of his title and of which there was no possibility of recovery. And during these years of litigation, even though he had possession of but part of his property, he was required to pay taxes on its entirety and these were now amounting to over \$16,000 per year.

The Court said: “Any right the defendant may have against Fremont as to the possession and use of the land, must be based upon the ground that the mineral does not pass with the soil as an incident to it, but belongs either to the United States or the State of California and that the defendant has an effectual license to enter upon the premises and extract the same.

“Such license from an individual owner can be created only by writing and from the General Government only by Act of Congress. But Congress has adopted no specific action on the subject and has left the matter to be controlled by its previous general legislation respecting the public domain. The supposed license from the General Government consists in its simple forbearance.

“The United States—holding as they do with reference to the public property in the minerals, only the position of a private proprietor with the exception of exemption from State taxation, having no municipal sovereignty or right of eminent domain within the limits of the State—cannot, in derogation of the rights of the local sovereign to govern the relations of the citizens of the State and to prescribe the rules of property and its mode of disposition and tenure, enter upon or authorize an entry upon private property, for the purpose of extracting mineral.

“The general course of legislation in this State authorizes the inference of a license from her to the minerals, to enter upon lands and remove gold, so far as she has any right, but the license is restricted to public lands.

“The premises in controversy in the present case, being private property, it follows that there is no pretence for the justification of the defense of a license from either the General or State governments. If the mineral belongs to either government, there must be more specific legislation than any yet resorted to, before the invasion of private property can be permitted in search of it for extraction.

“The doctrine of unlimited general license, put forth by the defense, is pregnant with the most pernicious consequences. If upheld, it must lead to the spoliation of landed estates, under the pretence of mining, without possibility of protection or redress on the part of the owner. There is gold in limited quantities scattered through large and valuable districts, where the land is held in private proprietorship and under this pretended license, the whole might be invaded and for all useful purposes destroyed, no matter how little remuneration the product of mining.

“The entry might be made at all seasons, whether the land was under cultivation or not and without reference to its condition, whether covered with orchards, vineyards, gardens or otherwise. Under such a state of things, the proprietor would never be secure in his possessions, and, without security, there would be little development, for the incentive to improvement would be wanting.

“There is something shocking in all our ideas of the rights of property in the proposition that one man may invade the possessions of another, dig up his fields, cut down his timber and occupy his lands, under the pretence that he has reasons to believe there is gold under the surface, or if existing, that he wishes to extract and remove it.”

Thus, Colonel Fremont, after being forced into litigation covering over seven years and costing him several hundred thousands of dollars, had finally become victor in a legal decision, which also benefited thousands of other property owners throughout California but who did not participate in the costs.

The foregoing decision in favor of Fremont was the beginning of hard feeling, which culminated in tragedy, between Chief Justice Fields and former Chief Justice Terry, who had given a previous decision in favor of the Merced Mining Company.

Chief Justice Fields was a brother of Cyrus W. Fields, famous as the projector of the first cable across the Atlantic. He was appointed in 1863 by President Lincoln as Justice of the U. S. Supreme Court, which position he held with marked distinction and honor for over thirty-four years.

On August 17th., 1889, he was eating breakfast in a railroad eating house at Lathrop, California, in company with U. S. Deputy Marshall David Nagle, who had been delegated to see that no harm befell him, when Judge Terry and his wife entered. Mrs. Terry noticed Fields and immediately left the dining room presumably to get her satchel, in which she carried her famous pistol. Meanwhile Terry crossed the room to where Judge Fields sat and slapped him in the face. Nagle ordered him to stop, but Terry again raised his hand to strike and Nagle shot him through the head killing him instantly.

At the trial, Nagle was acquitted when it was shown that Terry was armed with a dagger, which he intended using; and that Mrs. Terry took it from his body, when she flung herself upon him under the pretense of kissing him as he died. Terry was a brilliant man and had a remarkable life, but had made many mistakes. He married Mrs. Hill, contestant in a notorious suit against millionaire Sharon and when this suit had reached the U. S. Supreme Court, Justice Fields decided against her. This was perhaps the immediate cause of the tragedy, but undoubtedly the first breach between the two men, occurred over the Fremont case in Mariposa County.

CHAPTER XXII

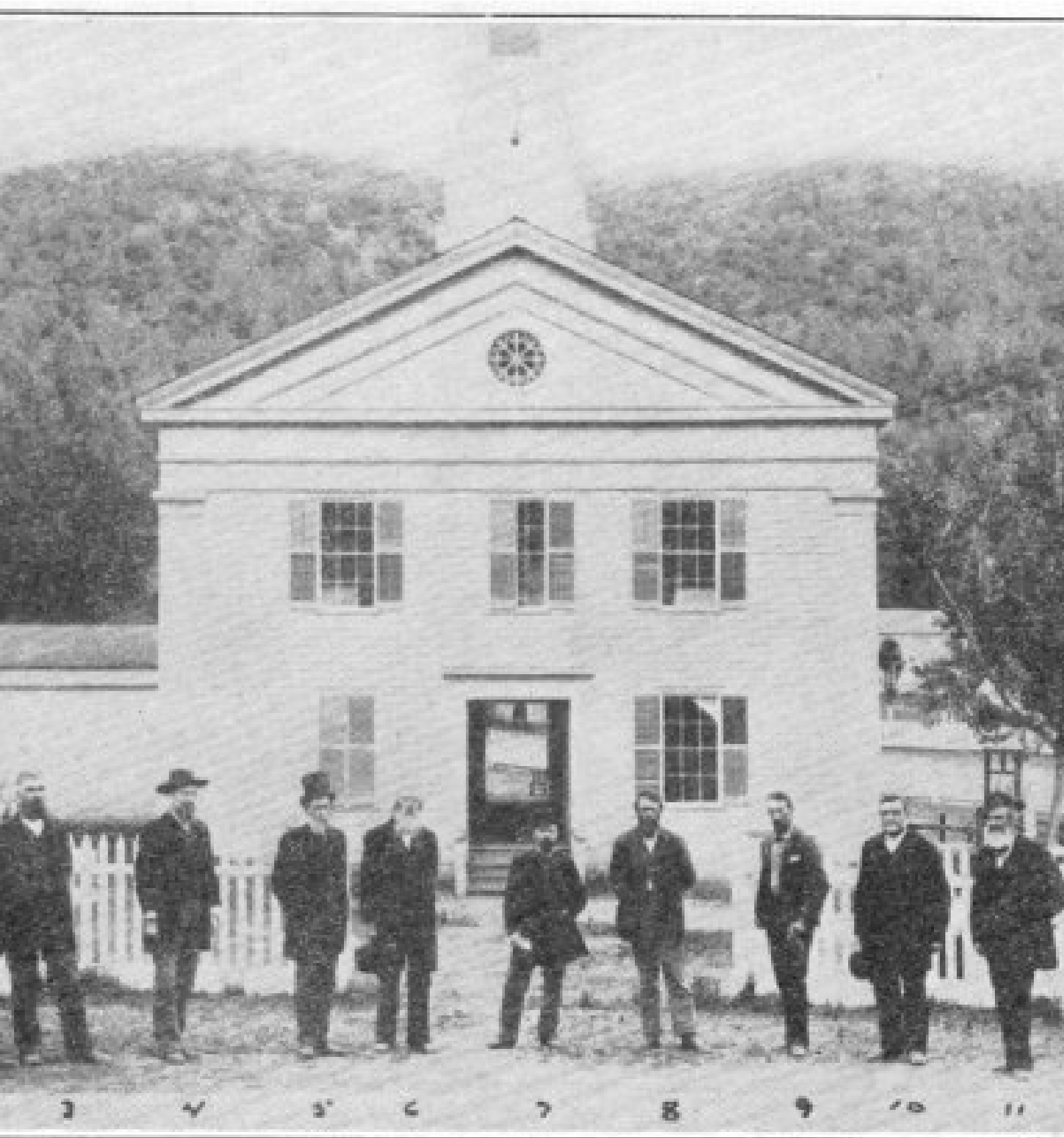
THE FIRST WHITE WOMAN IN BEAR VALLEY

Women, especially marriageable ones, were scarce in the early gold-rush days. Some of the miners, provided they had left a sweetheart back home, after they had made their first stake, would send gold for her passage and the marriage would take place immediately after her arrival. It was dangerous to delay, for there were many suitors for the hand of each fair lady. There were some very interesting early-day romances, but there is one, in particular, which fits in with the story of Fremont's millions and the main facts have been handed down by descendants.

Margaret Bigler was the first white woman in Bear Valley. The mental struggles, which she experienced, can easily be imagined. Here as a bride she found herself in an environment totally different from anything she had previously been accustomed to. But she was game. Her husband, Joseph, was employed by the Merced Mining Company. Being thrifty, he soon saved enough money to start a saloon, which he operated in as straight a manner as possible. No gambling was allowed and it soon became very popular with the better class of people, for Bigler knew mining, and customers liked to linger and talk to him for that reason.

Peter Fee dropped in occasionally, but one drink was his limit and oftentimes, he took none. He was a very thrifty man, believed in temperance and his ambition was to acquire a ranch. He was, also, quite religious and, at times, would endeavor to give a little sound counsel to some of his reckless friends, but, generally, this advice went into deaf ears.

Another customer was Karl Peterson, just the opposite to Fee. Karl had travelled all over the world as a sailor and had been shipwrecked on his trip to California. He liked to tell how he had clung to a dry-goods box for two days in the Atlantic, before



The Mariposa County Court House and pioneer officials.

[Editor's note: Taken in the 1880s. From p. xii: The Mariposa County Court House, completed in 1854. The clock was added in 1866. Left to right are: Fred Schlageter, Under-sheriff; Bill Turner [William Turner], Sheriff; Joe Ridgeway [Josephus H. Ridgeway], Assessor; E. D. Skelton [Edwin D. Skelton], Deputy Assessor; J. M. Corcoran [John Mahon Corcoran], Superior Judge; Judge L.

F. Jones [Lewis Fuller Jones]; S. P. O. Counts [probably George Counts], Treasurer; G. W. Temple [George Washington Temple], Justice of Peace; G. A. Robinson [probably George Henry Robinson], Surveyor; Maurice Newman [Maurice Henry Newman], Clerk; James H. Lawrence [James Henry Lawrence], ex-Editor and ex-Senator; L. N. Jones [probably Lewis Fuller Jones], District Attorney; H. P. Farnsworth [probably Calvin Eldridge Farnsworth], Constable; unidentified boy behind fence, third from right. —dea].

being rescued, and said he was now through with the sea, that he had dropped anchor and would never pull it up. He was quite a singer and, after he had a few drinks and when requested, and many times when not, he would stand up on the bar and sing Norwegian and American songs. He never knew when to stop drinking and it was difficult to refuse him. His favorite expression was "forget the noise, give me another drink" and people called him "forget-the-noise Karl".

Another frequent visitor was “By Crout Bill” or “Cow Bill Owen”, the man who donated the site for the County Court House. Always ready to spin a yarn, he was a colorful character, and when meeting anyone for the first time, he would always explain: “I was born in North Carolina, County of Bunkum, near the mouth of Bull Creek, between Upper and Lower Hog Thief, right at Screenville and am always known as ‘Old By Grout’.”

Then there was Huck Boland, so named because he liked huckleberry pie. Huck, one day, said, “Boys, I got a claim with millions in it. The spirits told me so”. Pike Smith, standing near, whispered to a friend, “I must have been the spirits, for I told him the spot where he found the flyspecks on the rock.”

Many a mining yarn was spun and many specimens of new strikes shown in Bigler’s saloon. Generally, it was just like one big happy family, with each one calling the other by a descriptive nick-name, especially applicable to the person addressed. But one day, a drunken brawl occurred, while arguing over the Fremont title, and Bigler, in trying to separate the participants, was killed.

A great crowd attended the funeral. A young man, who had started to study for the ministry before coming West, preached a short sermon consoling the bereaved widow and her family and then said, “Boys, our job is to help this widow with something more than verbal phrases. I propose that we take up a collection and raise money, so that she can change this saloon into a bakery or some other business and support herself and family. The ravens fed Elijah but they won’t feed her, for we have no ravens here.

“Tiptoe Charlie, you get a gold pan and pass it around to each one. Start in with Rufus Lockwood. I have been told that he drinks his coffee from a cup made of ten twenty dollar gold pieces. Anyone who can do that ought to afford a couple of twenties for this worthy cause.”

Rufus, giant of a man, quickly replied: “It is a pleasure and a privilege to help a deserving and distressed woman. In the East, where I came from, no pity was extended to the distressed. I know, because my own family suffered there from the pangs of starvation, but, thank God, out here it is different. I will start the fund with a fifty dollar Mt. Ophir gold slug and I may do even better.”

“Forget-the-noise Karl, you spend plenty for fire-water. Can’t you give two or three ounces of gold dust out of your buckskin bag, so that when you die, St. Peter will remember that you did some good on this earth. That’s good, but just tip her a little more for good measure.

“Money-to-burn Pete, I have seen you going around the country with your wheelbarrow and you always land up where there are good diggings. They tell me that when you get hold of paper money, you burn it up. I have also heard that you do a lot of other foolish things with your money, so why not pull out your buckskin bag and do the same as ‘Forget-the-noise’. You know where you and your wheelbarrow can get plenty more.

“Dull Pick Jack, I saw a big stack of winnings on your side of the table last night at Missouri Pete’s so divvy up in this good cause.”

And so, the pan went the rounds, not a person being missed and everybody donating. When the collection was counted, it approximated one thousand dollars.

Bigler’s saloon thus became a bakery. Her place was quite popular and for a time she was able to make a very good living. She was besieged by many suitors, but she refused offers of marriage, vowing that she would wait a few years before any further matrimonial adventures and even said that she contemplated returning to the East in a snort time.

This was right at the time when the controversy over the Fremont title was the all-important topic of discussion everywhere. Her husband had worked for the Merced Mining Company and her sympathy was at first favorable to them. But being in business, she tried to appear neutral and on every occasion she endeavored to settle arguments by showing there were two sides.

She, however, invested her surplus savings in stock of the Merced Mining Company. After the decision of Judge Burke the value of her stock shares went away down and the time came when there were no dividends and no market to sell, and even assessments were called. And like all mining camps, there came a down period, business became poor and she found herself unable to pay her rent.

Fremont’s agents were about to evict her, when entirely unexpected, Colonel Fremont dropped into her store, said he had heard she was having a hard time, and assured her that she would not be evicted, but could stay as long as she wanted, even if unable to pay her rent.

From that time on, she was a loyal supporter of the Colonel. Her favorite suitor was a handsome young man working for the Merced Mining Company. He was sober, industrious and thrifty, but he was bitter against the Colonel. The widow had been considering him quite favorably, but now she felt that it would be impossible to marry him, unless he changed his attitude toward the man who had befriended her.

“My dear, how can you stick up for the Colonel, when you know he only paid \$3000 for the whole grant. How can he be entitled to property worth millions?”

To which the widow replied, “Suppose you bought a ticket in the Swiss lottery for a dollar and won \$25,000, wouldn’t you feel that you were entitled to the winnings? And how would you feel, if someone made you spend half your winnings trying to collect what was legally yours?”

Her suitor still differed from her viewpoint and she still postponed any decision as to when they would be married, but without giving him the reason.

After the first Supreme Court decision, which was in favor of the Merced Mining Company, the miners became even more bitter against the Colonel when they learned that he had appealed the case. Mrs. Bigler’s loyalty to Fremont was having some effect, for on one occasion, her favorite suitor knocked a rifle out of the hands of one of the Colonel’s enemies, as he levelled it to shoot.

Time passed on. The Supreme Court seemed slow in making their final decision, but finally word came that, within a few days, the decision would be made public.

Each day a crowd of interested persons would assemble at the newspaper office, where the word would be first received. One day the crowd was surprised to see a procession of about twenty-five women march up to the newspaper office and ask for Mr. Holmes. It seems that the women had been annoyed by some of his editorials against the raising of families in such a tough environment. One day, when he was in a saloon across the street, they filled their aprons with type and carried the metal to a local artist to cast a medal.

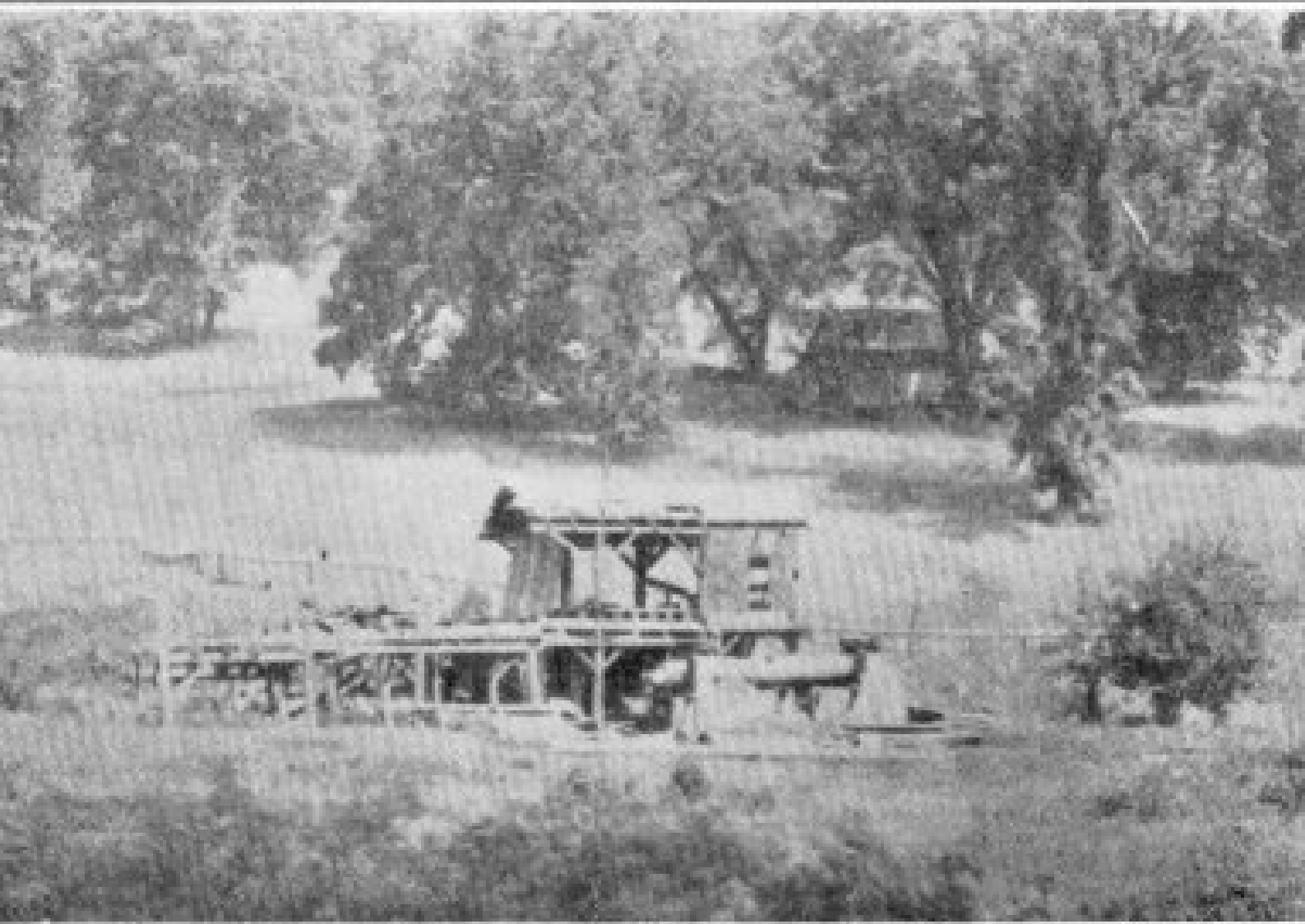
On this day, they had come to present the medal, in an endeavor to humiliate him. One of the ladies made a short speech but the tone seemed a little sarcastic. Editor Holmes accepted the medal, and as he examined it, several of the men stepped up to his side to see what it was all about. Upon its face, there was an excellent likeness of the editor and the legend, worded, "To the Ill. Ed. of the Gaz." And on the reverse side appeared, "Presented to L. A. Holmes, by the mothers of Mariposa for the interest and 'affection manifested to their children'".

One of the men asked, "What does 'Ill.' mean?" Holmes replied, "It must mean 'Illustrious', whereupon a dozen voices piped up, "Oh, rats, we thought it meant 'Illuminated'."

Pike Oldham entertained the crowd describing some of the rich



"Rock" Greeley, with his logging team.



David Clark's home and saw-mill.

strikes he had made. "Boys", he said, "if you find that you cannot mine on the Grant, I can tell you where there is some rich ground, at least, pretty close to the spot, say, within a half mile of it." This dry humor of Pike's caused an outburst of laughter, when "Dull Pick Jack" exclaimed, "I've been within one foot of a rich pocket of over a thousand dollars and then passed by it, only to learn later, that a tenderfoot, who didn't know gold from a piece of Limburg cheese found it a short time afterwards. And now Pike says he will show us within a half mile of a rich strike, when I couldn't find one, when I was only a foot away. I tell you, boys, it's all a matter of gol darned luck."

The crowd that was waiting each day, in front of the Gazette office, was surely an interesting group. One, who helped to keep them in good humor, was Tom Bichard, called "French Tom" in his younger days. He came from the Isle of Man, his father was French and his mother English, and he was undoubtedly one of the greatest talkers and wits of the community. "Boys", he said, "let me tell you how I came to be called Doctor. I've told this story many times and I know it's true. We were out prospecting once and had to contend with Indians. There were twenty-three of us and it took half of our Company to be on the alert for the red devils. One day we had all we wanted of fighting. The Indians came down on us like so many wolves, and at it we went, from nine in the morning till darkness closed the battle, with one wounded on our side and seven Indians killed and a good many of them wounded.

"Our wounded was a young man, by the name of Tim Murphy and here is how I came to be called Doctor. There was no one in our party who knew anything at all about surgery, so I told the boys to take Tim into my tent and I would attend to him.

" 'Well, Tim,' I said, 'where are you shot?'

" 'Oh, Doctor,' said Tim, 'It's meself is entirely kilt and dying. I em hit in the bladder by the red devils. Oh. arrah acushla, why did I lave ould Ireland to come out here and be kilt? Oh, Doctor, is there no hope?'

" 'Well Tim,' says I, 'I think it is a bad case and if you have anything to say, you had better hurry up.'

"Very sadly and slowly, poor Tim replied, 'Well, be after telling me darlint Maggie that me heart is ever beating for her and if I die, I will be dead, and if I live, I won't be dead at all.'

" 'I will do as you say, Tim,' says I, 'and now let me examine your wound. You may not be as bad as you think.'

"Tremblingly, he replied, 'Oh, Doctor, be aisy, and if you can't be aisy, be as aisy as you can.'

“I examined his body all over but found not a sign of a wound, except that a shot had struck his canteen and that was the reason he thought he was hit in the bladder, for the water from the canteen was the cause of all the trouble. That’s how, boys, I came to be called Doctor.”

Finally the messenger on horseback arrived with the long-awaited final decision of the Supreme Court, which was read in full by editor Holmes. Most of the disappointed miners took it in sportsmanlike manner and made for the saloons to imbibe in liquor that cheered. A few, however, felt that a great injustice had been done and that the miners should take matters in their own hands.

The favorite suitor, either was convinced of the logic of the final decision or else felt that there was no further use in hanging on to a hopeless cause. With the great question settled, which had been in agitation for so many years, it was not long before the leaders of the opposition to Colonel Fremont left for other parts and harmony prevailed.

Within a few weeks, the long-delayed marriage of Margaret Bigler and Maurice Newman took place. It was a church wedding and Polly Duff was there, the large parrot, with amazing eyes, who enjoyed the freedom of the town, roaming here and there but who always knew without fail when and where a church service was to be held. Then she would perch on the church steeple and laugh and talk to the guests, as they entered the church. Maurice Newman proved a distinguished citizen, serving fourteen years as County Assessor and then as County Clerk, County Auditor and County Recorder.

CHAPTER XXIII

AUTOBIOGRAPHY OF JOHN S. DILTZ

Captain John S. Diltz, one of the best miners of pioneer days, is speaking:

“When I was a boy, between ten and eleven years of age, my father died and I was the one of the family to support my mother. I had an uncle, my mother’s brother, Matt Stephenson, who sympathized and took an interest in her welfare and encouraged me.

“I had a spell of fever and ague for several years in Indiana and the doctors would pour the calomel down me. When I was a young stripling boy, I was reduced to a skeleton. My uncle came up from Georgia, where he had been mining for nearly ten years, to see his sister. He told me that if I did not get away from there immediately that I would soon be laid under the sod and that I must go with him, which advice I took.

“I arrived at the Georgia gold mines, June 15, 1842, and soon got fat and hearty. I lived and worked awhile with my uncle and acted as overseer of his negroes in the placer mines, where I learned to be a miner. I next bought a small lot and started on my own hook, and in 1848, went to see my mother and took money with me to pay for her home place, near Jeffersonville, Indiana.

“I then had to go back to Georgia and build a quartz mill and to work a vein that had been abandoned by parties some years before. It was rebellious ore and had not been properly treated. I got a man to help me and made well out of the mine.

“Mr. Moffat, of Brooklyn, New York, was out there and he and my uncle ran together for several years in their mineralogical and geological explorations. In 1848, General Taylor was elected President, and in 1849, my uncle was appointed Assayer in the Dahlonega, Georgia, Branch Mint and old Mr. Moffat was appointed to San Francisco. His Assay office was in a large fire-proof building on Commercial Street and in the time of the great fire, he was shut up in the building. It got so hot in there, he went down in the basement and threw himself on the ground and lay there till all the surrounding buildings were burned and when he got up, he found the great iron doors red hot and warped and drawn so out of shape that the air got in through the cracks and consequently saved the old man’s bacon. Later, he sold out to Kellog & Company and shipped most of his money home. He then interested some parties in his mine, got machinery and took it up to Mt. Ophir, where they spent money foolishly in putting up pulleys and ropes, with cars attached, to run ore from the top and the loaded car to draw up the empty one.

“In the latter part of 1851, I got ready to come out to Mr. Moffat. I leased my mine, early in 1852, and started for another land of gold. Distance, I guess, lent enchantment. There was really no cause for my leaving, when I had such a good start, but Mr. Williams, who had married my cousin and who was well-acquainted with Mr. Moffat, overpersuaded me and he left a wife and children, a fine farm and stock. I thought he had everything to make a man happy. We took a steamer at Charleston, South Carolina, and on the Isthmus, he got sick and died from the fever, on the ship, after leaving Panama. I was sick, at the same time, only escaping by a scratch and partially losing my hearing, but I got to San Francisco and up to Mt. Ophir.

“Mr. Moffat had sold out and was then on the San Joaquin River, building boats and diving bells to get the sands and gold from the river bed. I stayed with him during the summer of 1852 and I concentrated black sands for them, while Dr. Wooster was superintending the submarine work. I was there when Major Harvey shot and killed Major Savage and they brought the body in from Kings River. This affair blasted Mr. Moffat’s expectations as he had a promise of help from Major Savage. I went away and got into a good mine and soon had some money. Mr. Moffat’s works got smashed up with the first freshet. Provisions got scarce and we could not get flour for a dollar a pound and we lived on wild meat or barley and at times, the Indians would bring us some fish.

“Mr. Moffat was then all alone during these hard times and never would visit any person but me. I saw a man preparing to go down the river in a sail boat and I gave him \$50 to bring up one hundred pounds of flour and money to pay for it, but there came up a steamer load before he got back and flour got down to \$28 per barrel. As soon as the waters got down and teaming started on the road, I baked some bread, and with other provisions, got old Mr. Moffat into a wagon, with his bedding, and gave him some money, sent him to San Francisco, and his last words were that he was sorry that he and I had not been able to work a mine together and especially Mt. Ophir.

“In the winter of 1853-54, I placer mined on Mariposa Creek. I was there when Whitacre started the first paper in Mariposa, called the ‘Chronicle’, and when Cowan shot and killed a man named Newman, on Carson Creek, and they tried to lynch Cowan but he got out of the old log jail and got away.

“Major Daniels had erected a steam mill at Guadaloupe Flat, on Agua Fria Creek, in 1851. It was an old Mississippi boiler and engine, eighteen square stamps in six batteries or three stamps in a battery and had Hungarian bowls for amalgamators but no concentrators for

sands and sulphurets, and all went into the creek. Yet they claimed to work sixteen to eighteen men. They cut all the timber that was anyways near and burned six cords a day under that old boiler.

“In the fall of 1854, Billy Snooks, who was mining at Guadaloupe Flat, adjoining Major Daniel’s claim, asked me to be his partner. I explored a day or two and found that the vein had been gouged by Mexicans, and the best of the ore, near the surface, taken away and ground on arastras. I pitched in and cut any kind of scrubby timber that I could find near at hand but I got some very good lumber sawed at Kavanaugh’s saw-mill in Mariposa. We constructed a mill, consisting of eight very heavy square stamps, four in a battery and a self feeder, which method I had learned in Georgia. For power, we built a thirty foot wheel to run by water, during the rainy season. In the meantime, my partner fell down a steep bank and was hurt so that he could not help me.

“When I got my mill ready to run by water, Christmas 1854, the creek was perfectly dry. They laughed and made all sorts of sport over me. I got two small mules and a small dump-wagon and hired a teamster to haul in several hundred tons of quartz to the mill. By the first of February, all room for ore was blocked up and the creek as dry as a chip. We managed to pay off our teamster and discharged him. Snooks had, by this time, got able to do the cooking.

“The rain set in about the fourteenth of February and on the fifteenth, I started the first self-feeding quartz mill in California. I never saw anything work so pretty as that did. I was the only person about the mill, and when there was about twelve tons of ore in the boxes or hoppers, I could go away and leave the mill running until the whole box of ore was gone under the stamps. The free gold was saved, in the mercury trough, which was locked up, and the sulphurets concentrated, which I cleaned out and put into a box and threw salt water on and ground in an arastra. Merely, for a test, I hauled and milled a lot of the Mexican refuse.

“I let the good quartz that was hauled lie until I first put through the low grade ores. I harnessed up the little team, and doing all the hauling and driving myself, hauled in eight loads of miner’s tailings and ground piles of float rock which was then lying scattered over the placer sluice washings. After I had done a full day’s work by hauling and dumping into the feed box, I laid down by myself and slept. At regular hours, I would get up, tallow the gudgeons and cams, wash blankets, unlock, open and look into the amalgam boxes, regulate the water on the feeders and in the batteries, draw off the sulphurets from the concentrator. I would then go back to bed and sleep for two hours, then get up and go through the same operations.”

“In the morning after all this, I would take a pan full of sands, from below the concentrator to see if it had done its duty. I put through two hundred tons a month when there was a full head of water or say thirty or forty inches. The steam mill was idle a good deal for repairs and quartz and scarcely ever put through more than one hundred and fifty tons per month. By April, our water got down to eighteen or twenty inches, or say half a head, and ran one battery. In May, we shut down the mill and got out quartz in the summer and fall. The result was that we ran way ahead on low-grade ore, say \$3 to \$5 rock, while the steam mill ran far in the rear on \$10 ore.

“I was mining here till long after Fremont got his patent. Then Snooks and I bought into the Morris Goodman & Company mine on Whitlock Creek, where they had six arastras running by a forty foot overshot water wheel. I removed five of the arastras and had only one left to grind the sulphurets with. I put up ten stamps in two batteries and a self-feeder exactly like our Guadaloupe mill and the first winter could not get ore fast enough from the Spencer vein to keep the mill running. This was the winter of 1856-57.

“The Whitlock mine was lying idle then and was claimed by Richard Foisy. It had been worked some years previously by Dr. Bunnell and others. I explored and prospected and found the vein only cropped out in three or four places on the surface. There were only two or three holes sunk a few feet deep on the whole vein, which I could trace north and south for twelve hundred feet. I paid Foisy for his claim on it and put two men sinking a shaft about midway.

“The vein at this point averaged four and a half feet in the shaft, which was inclined and dipping under a hanging wall on an angle of say forty-five degrees east. I sank the shaft one hundred and fifteen feet deep but did not get as low as spring water. While this was going on, I made the wagon road from the mill two miles from the mine. There was four hundred and fifty tons of rock hauled over the new road before it was completed and before the shaft was down. One large block of quartz, which weighed several hundred pounds, which I took to the Stockton Fair, in the Fall of 1857, drew the first prize and afterwards assayed net \$333 at the refining works.

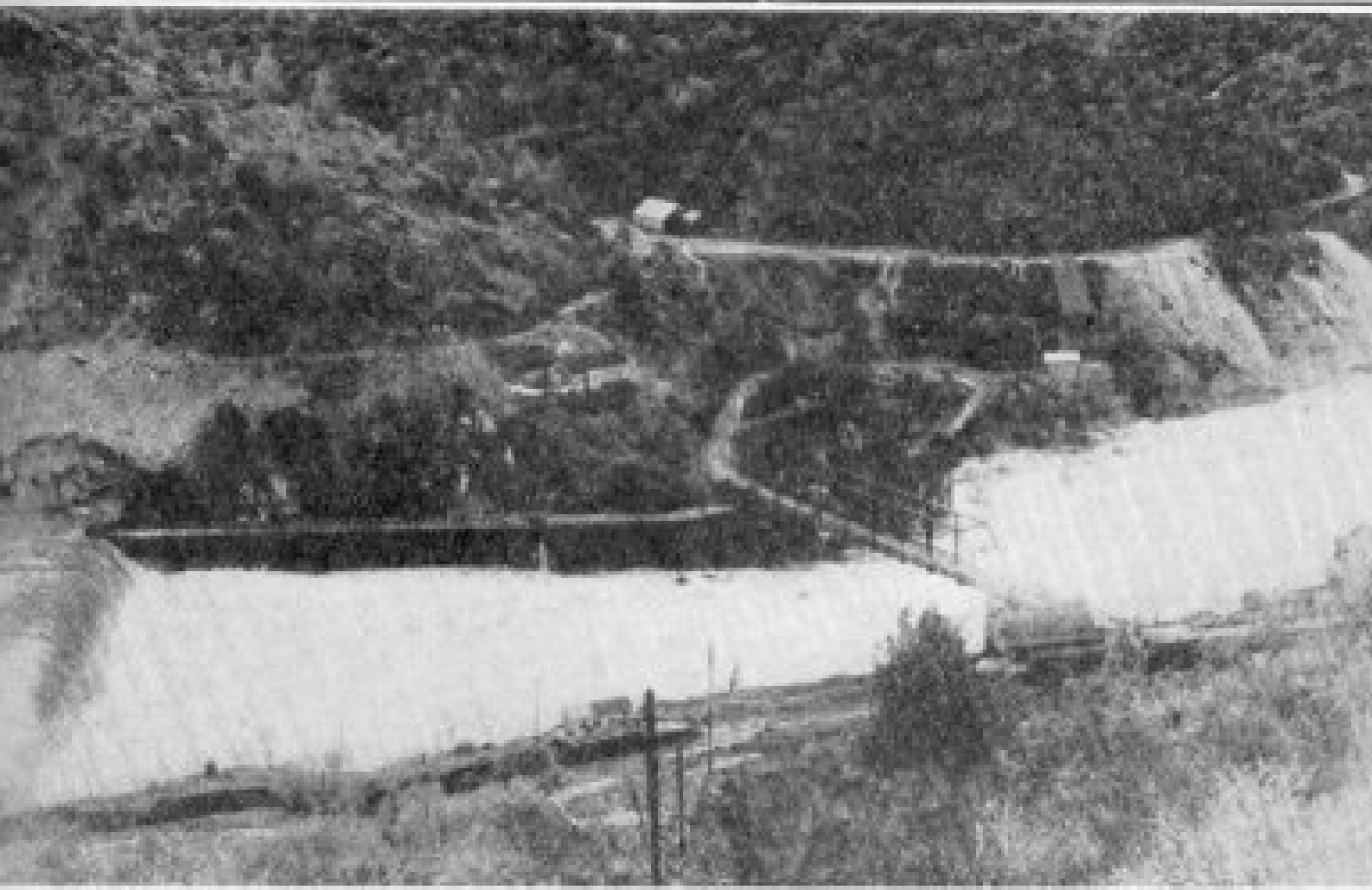
“The winter of 1857-58 was a dry year and we only milled some of the best ore on the old water mill. We bought the old Bunnell machinery and I went to San Francisco for a new boiler and twelve stamps. The engine which was about a twenty horsepower ran the stamps and a nine-foot arastra and milled one hundred tons a week. While the mill was being built, we were having another shaft sunk on the Whitlock mine and one on the Spencer.

“I put through the first one hundred tons which yielded \$3000, and the next \$2500 and the third \$2000. One week we ran the poorest ore that we knew of, it was the outcroppings of the vein and cost nothing to get out. It milled about \$6 per ton. I stayed there until we put through the mill one thousand tons, which milled in the neighborhood of \$15,000 and I concentrated about two tons of sulphurets, which with my boiling salt water, I amalgamated and obtained \$600.

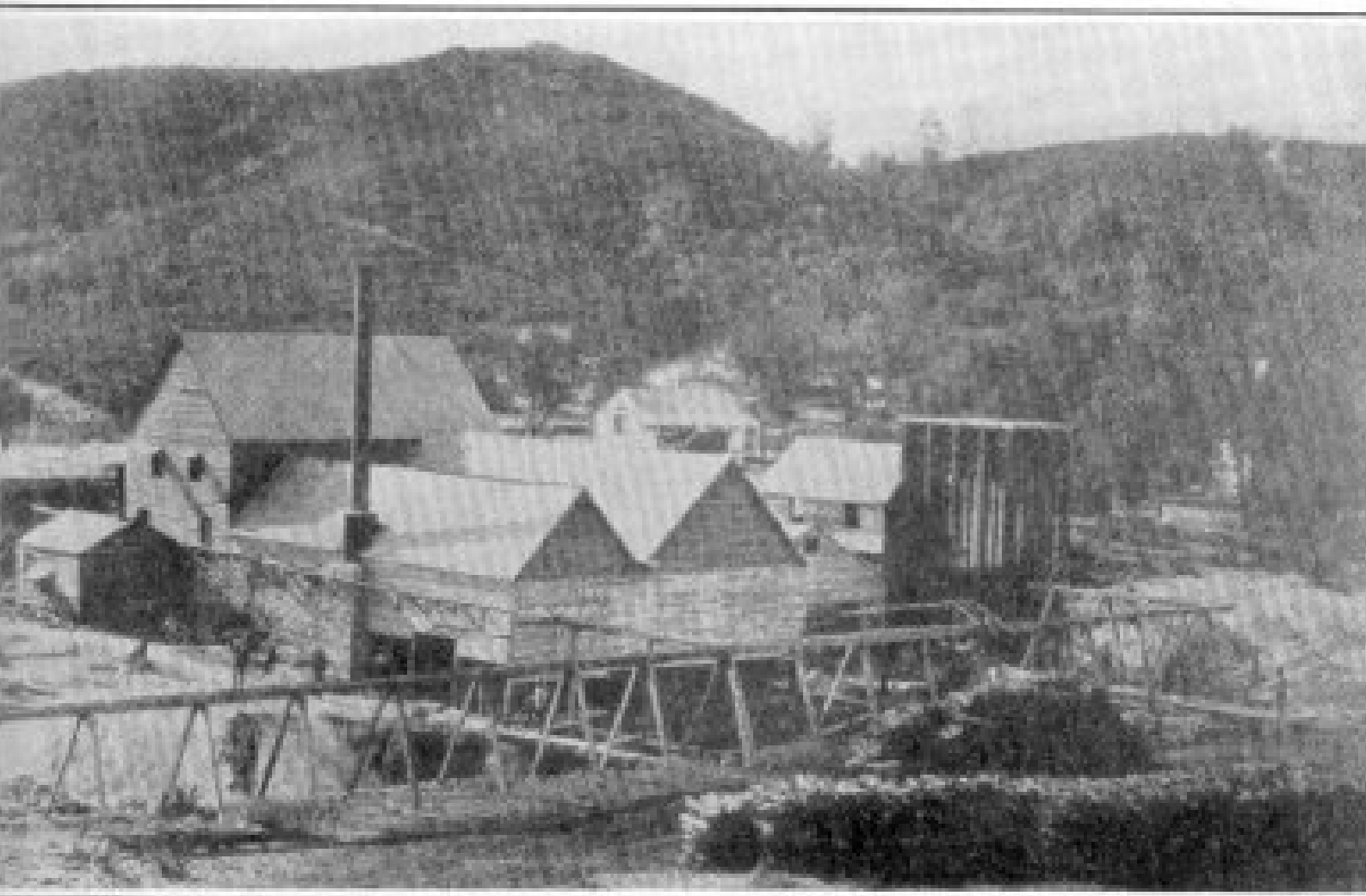
“I then proposed to my partners that if they would carry on the work and bear expenses, I would take the tailings and work them for my part. This caused a fuss in the family and I sold out my interest to Snooks and went back to Guadaloupe to take my chances with Fremont.

“The Whitlock men, after I left, employed forty men, whereas I had only ten to get ore out and to haul for a twelve-stamp mill. They got a man to come with chemicals, put up pans and to treat the sulphurets. They altered my mill from a self-feeder to feed with a shovel and to crush dry and the next thing that followed was that they made a disgraceful failure and gave everything a bad name.

“It was near Christmas, 1860, when Trenor W. Park, who was then manager of the Fremont Estate, and Colonel James, asked me to go to Mt. Ophir and show them how to run arastras, which I did. While at Mt. Ophir, three mills were worked, running on Princeton rock for two years and at last, we put through the mills the old dump left by the English claimants of the Mt. Ophir mine and they paid nearly an ounce to the ton.”



Benton Mills, on Merced River, at Bagby, foot of Hell's Hollow.



Mt. Ophir mine and mill. The Moffat Mint was close by.

CHAPTER XXIV MARIPOSA AROUND 1859

J. M. Hutchings is speaking: "Mariposa is the most southerly of all mining towns of importance in the State. The population is about 1300 or about one-seventh of the entire County. Being an excellent starting point to the Yosemite Valley and the Mariposa Grove of mammoth trees, it is likely to become a place famous in history and the note-books of travelers.

"The Mariposa route was the first and original route ever travelled to the Yosemite Valley; and its fearless people the first to enter it, in pursuit of the murderous and marauding Indians, in 1851; and, afterwards, to make the existence of such a marvelous spot known abroad. The great public, therefore, throughout the civilized world, owe an agreeable, enduring and never-to-be-cancelled debt of gratitude to the people of Mariposa for the glorious heritage they were thus instrumental in conferring upon them.

"The neat and tastefully cultivated gardens, in the vicinity, give an air of freshness and home-like brightness that some other places we might mention would do well to imitate. The distance from Stockton to Mariposa is 92 miles and the road good, upon which a line of stages is running. On alternate days, at six o'clock in the morning, a stage leaves Stockton, arriving in Hornitos the same evening and Mariposa about eleven A. M. the day following.

"Large freight wagons have nearly superseded the pack-trains; these have, not inappropriately, been denominated 'prairie schooners' and 'steamboats of the plains'. One team, belonging to Mr. Warren, has taken one hundred thousand pounds to Mariposa from Stockton, in four trips.

"The cost of these wagons is from nine hundred dollars to eleven hundred and fifty dollars. In length, they are generally from twenty to twenty-three feet on the bottom. Mules cost upon the average three hundred and fifty dollars each; and some very large ones sell as high as fourteen hundred dollars the span.

"One man drives and tends as many as fourteen animals, guiding and driving with a single line. It would be a source of considerable amusement, to our Eastern friends, could they see how easily these large mules are handled. They are drilled like soldiers and are almost as tractable. When a teamster cracks his whip, it sounds like the sharp, quick report of a revolver and is nearly as loud."

The Pine Tree Hotel was built in 1859. It was so-named on account of an immense pine tree growing alongside. This was trimmed of its branches and used as a flagpole. Herman Schlageter purchased this hotel in 1862 and the name was changed to "Schlageter Hotel", under which name, it is still operating. When the Civil War broke out, Schlageter, who had served in the Prusso-German war of 1846, trained recruits for the Union Army and one full Company was organized, sent East and participated in the campaigns. From his flagpole, he kept the Stars and Stripes flying, throughout the war and threatened with a shotgun anyone who attempted to take it down. Many

notables, including President Grant and President Garfield, traveling to and from Yosemite, stayed at this hotel and never forgot their genial and interesting host.

Quoting John M. Corcoran, who served ably as County and Superior Judge for thirty one years:

“To enjoy the present, without thought of the future, to live today and let tomorrow take care of itself, was the governing idea of the people, at this time. Miner’s cabins in clusters and singly, dotted the banks of every creek, gulch, ravine and river bar. It was impossible in daylight to be out of sight of one or more miner’s cabins and mining claims. The mines were paying well and gold dust had an actual value of \$16 to \$18 per ounce. It was so easily obtained that the possessor took little care in attempting to save it, and as a consequence, much of the greater portion of the miner’s daily receipts found its way nightly to some of the numerous monte, faro, rondo or other gambling games, which were openly dealt in the saloons and even upon the streets in every village in the county. The fact that the Legislature in 1854 had made it a crime to deal banking games did not prevent their running for many years afterwards. The best-dressed men in the towns were the professional gamblers. Fandangoes, as dance houses were styled, flourished.

“In 1861 and 1862, a number of virtuous German dancing girls, accompanied always by male relatives, and often by their parents, went from camp to camp. At each stopping place, the ‘hurdy-gurdys’, as they were called, would select some saloon in which the girls would dance with any man who would behave decently and pay twenty-five cents for each dance, the male relatives of the party providing the music, with an accordeon and violin. This, although it now seems strange, was really the beginning of the social reform, as the miners quit patronizing the regular dance houses and those more than questionable places of resort had to close and have never since been re-opened.”

George H. Bernhard, whose father arrived in the Mariposa gold region, in 1849, is speaking:

“I was born in a tent at Whiskey Flat, on Sherlock’s Creek, just below the Falls, on September 9th, 1857. We moved to Agua Fria in 1859, father having purchased the store of Andy Brown. The building, which was of slate rock, had been built in the early fifties. Father had a cellar dug under the store and by sluicing the dirt, he realized about \$2500.

“Our groceries came in the Spring and Fall, from Stockton. There were generally two teams, each consisting of sixteen mules and two or three blue wagons. The two lead mules of the leading team had six small brass bells on a metal arch attached to the hames, and fox tails hanging from the bridles.

“Most of the goods bought by the miners were paid for with gold dust. Small purchases were paid for with a pinch of gold from a buckskin bag or poke. In the larger transactions, the gold was weighed and was worth from \$14 to \$18 an ounce, according to purity. Saturday night was always the big night and quite a lot of gold was spilled on the floor. On Sunday morning, you could always find old Balty and his squaw, with their pan, brush and basket. They would sweep the full length of the store, put the dirt in their basket, take it down to the creek and pan it. They made pretty good wages with the sweepings.

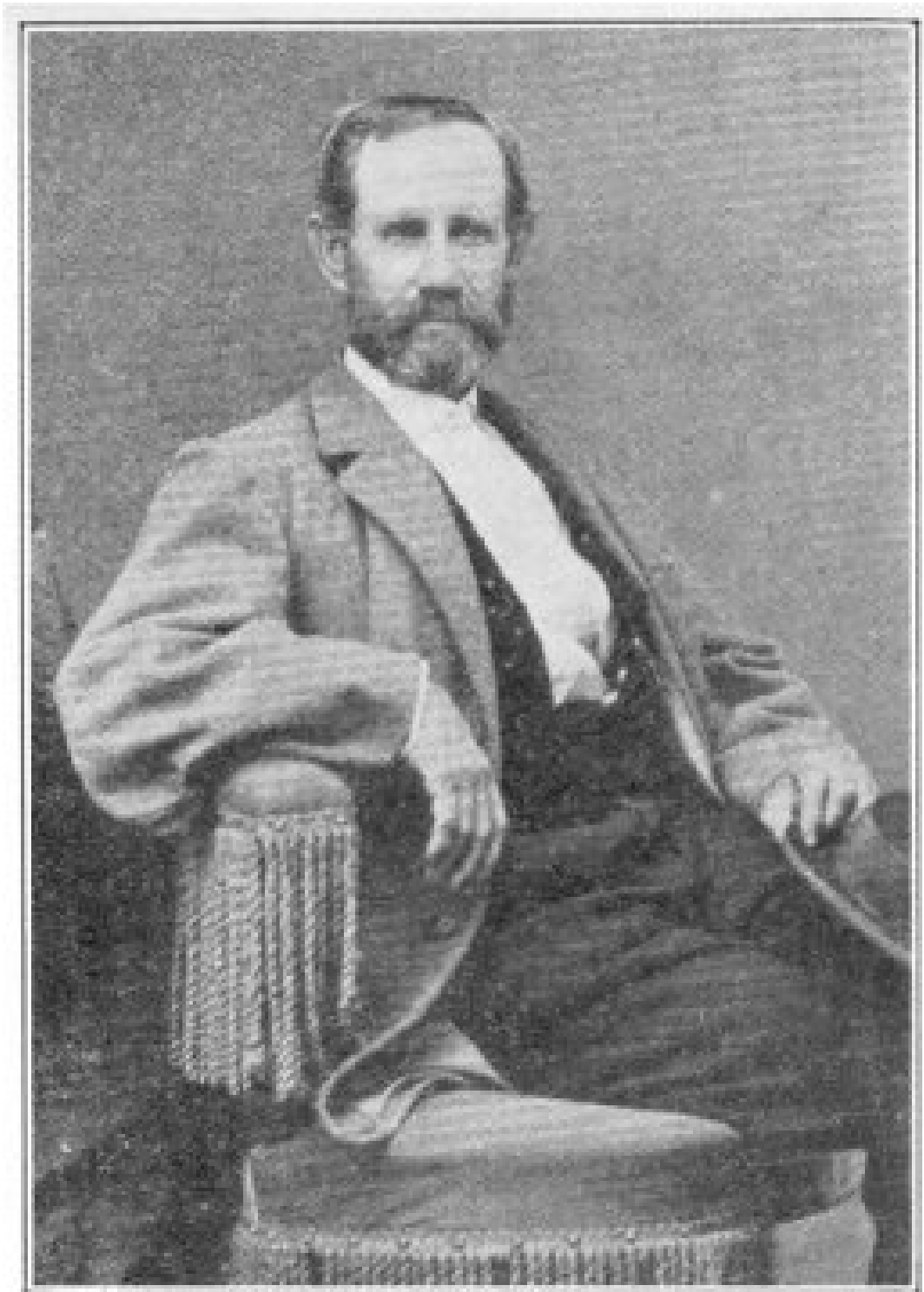
“The first school that I attended was at Princeton. My first teacher was Mrs. Mann, and her daughter, Mandy, was the assistant. Along toward the end of the Civil War, we pupils had a war of our own. There were about sixteen Republicans and only four Democrats, of which I was one. The other boys called us Secesh, Rebels and Copperheads, and we called them Black Republicans and Blue Bellied Yankees. We had several pitched battles but the teacher always appeared before any of the children received serious injury.

“The first, and of course, the best circus that I ever saw, was billed as the ‘Great Western’. There was one ring horse, three Shetland ponies and three tumblers. Charlie Fish was the rider and he was a good one. He afterwards became world-famous as a champion bareback rider.

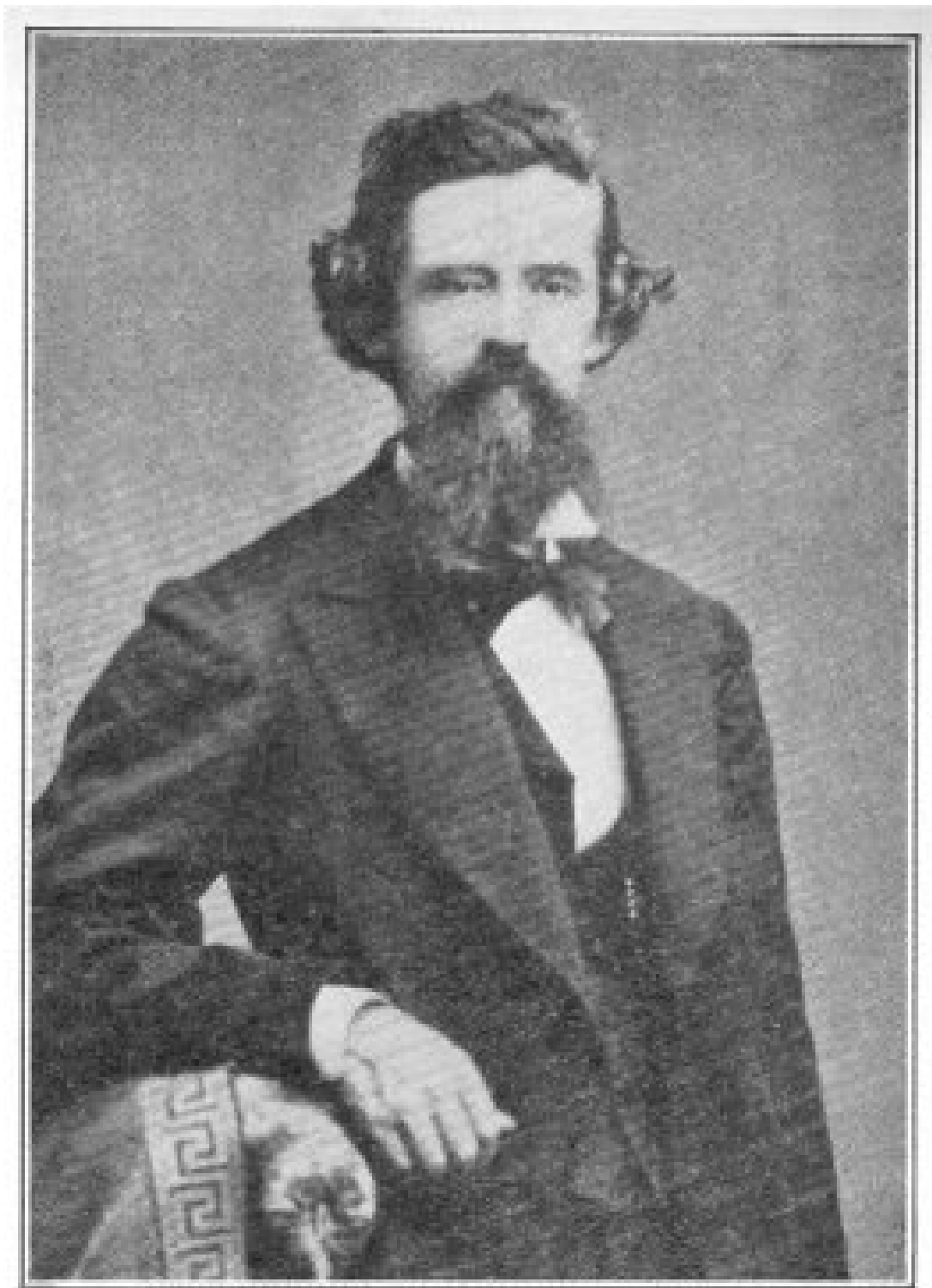
“Father moved his store to Mariposa in 1866. In my mind, I can still see the Fisher stages coming down the main street. One had four black horses and the other four yellow horses, with flaxen manes and tails. When the drivers reached Higman’s corner, they would throw the lash and make a circus turn at Schiageter’s Hotel.

“They generally arrived at 11:30. While the tourists were having lunch, Washburn and McCready would prepare the saddle horses and mules for the remainder of the trip into Yosemite, which consumed nearly three days. Pete Gordon was the chief guide. It was pretty slow moving but Pete was a good entertainer. He held the record.

“Charley Morrill’s Minstrels used to drop in about twice a year. The show consisted of Charley Morrill, middleman; Jake Wallace, ‘Bones’; Codgill and Cooper, clog dancers; and Johnny Diamond, tambourine, champion banjo player and jig dancer, and he also took part in a school act.



Captain John S. Diltz,
outstanding pioneer miner.



Angevine Reynolds,
pioneer newspaper man.

“I well remember one May Day, when Joe Myers put on a play in the old town hall. In the play, Joe was supposed to have been on a tare, which put him down and out. His two daughters found him and sang the song, ‘Father, dear father, come home with me now; the clock in the steeple strikes one, two, three.’ During that song, many a tear was shed.

“I don’t remember of ever seeing any paper money or silver dollars, during the sixties. I know that I never saw a copper or a five cent piece. If you wanted to buy anything that cost less than two-bits, you would say, ‘give me a bit’s worth’. If you gave the clerk a quarter, you got ten cents in change. You would get just as much for ten cents as you would for fifteen cents. There were plenty of \$5 and \$2.50 pieces, half dollars and quarters.”

CHAPTER XXV GAZETTE NEWS, 1862 TO 1870

“January 21, 1862. Affairs about town differ little from those of the last five or six weeks. Principal employment of all, except those, who think they have a dead-sure thing in mining and a suit of India rubber or oilcloth clothes, ‘cap a pie’, is playing poker, seven up, crib, etc. People look awry, however, some think the stock of provisions wont hold out, some are forinst on principle of the rise of

staples of eating or drinking, at the same time, willing to confess that could they have foreseen this abnormally wet winter, they would have laid out their last dollar last Fall, in flour, potatoes, and pork, in hopes of making a 'spec'.

"Very little political differences is observable and one can go down town without being accosted abruptly by some dirty, ill-bred ignoramus as to whether he thinks this or that. Wood is becoming scarce and the means of obtaining it limited. Saloons keep pretty good fires and are thronged. There is a chance, in such places, also, by continued setting, to obtain fluid, which keeps the wet out. Go into one and say, 'Gentlemen, let's take a drink', and mark the magical effect.

"There is a large amount of cash in town but it is kept very secure and not especially come-at-able, even by friends. Large amounts from this place have gone out by Wells, Fargo & Co. within the last few weeks. Doubtless some of it is on the road yet and it is not improbable that quite an amount took sail at the breaking up of the hotel at Snelling, caused by a flood from the Merced River, when part of a mountain slid into the river, temporarily damming it and when it broke a torrent thirty feet high went down the river, carrying away Benton mills and a part of Snelling.

"All sorts of fears are abroad—one is afraid his hay will give out—another that his flour will be minus—another that wood may be the article he needs—another that the day of Judgment is coming and that this rain is merely to soften the ground, to make the first resurrection easy. Another pious thinks these great floods are punishment for State sins and public iniquities because we did not send as much money and as much of an army to the support of the Government, as we ought to.

"Another (Secesh) pious, also, thinks that it is because this State has espoused the cause of the red-mouthed abolitionists and helped Lincoln. Others, staid, steady individuals, think that this is a California winter such as never has been known but they came to take the chances of California and when they cannot sustain themselves, they will sell out to somebody who can."

"Feb. 4, 1862. Flour is now \$12 plus \$10 freight, which brings the price here to \$22 per hundred pounds."

"Feb. 18, 1862. At last a paper mail has reached this place, the first for forty days. The delay seems strange and is strange, for mule teams have arrived in numbers direct from Stockton, bringing in many instances considerable amounts of goods. Some of these started since February 3rd. and made the trip in as short a time as ten days, and none that we have heard of consumed more than twelve days.

"The mail should certainly beat a mule team, a little at any rate; and making every allowance for weather, roads and high water. With these facts before one's eyes, it is difficult to apologize or justify the carrier. For the mail contractors, Fisher & Company, it should be said that they have had their principal stations swept away. They were without hay and barley to a great extent. Horses were lost and their whole line damaged and in a measure broken up.

"These are potent excuses, though not of sufficient magnitude to justify the seeming neglect with which the public have been treated. However, the good many loud swearers about town, regarding the apparent negligence, had better look at matters as they are, or were, and see that they are not 'slopping over' before pronouncing extreme condemnation."

"Feb. 28, 1863. A party of Mexicans charged on several camps of Chinamen, this side of Colorado (pronounced locally Colorow and located on Saxton Creek) Wednesday night last, and robbed them of whatever they could find. Some were tied by their hands while others had ropes put around their necks so tight as to take the skin off. They got six ounces of gold dust from one John and rice, blankets, etc. from others."

"Oct. 24, 1863. The combined energetic action of the Union men last Wednesday resulted in a defeat of the Secession party in this County. It is pretty evident that Copperheadism is played out and men hereafter will be required to take a positive stand, either for war or against it, for Secession or for Union, a half-way course won't do."

"Nov. 6, 1864. We are authorized to say that the following bets, or any of them, can be taken by anyone who desires. Anyone who wants to bet, can call at this office and be accomodated.

"\$500 that Lincoln and Johnson will receive 2000 majority in San Francisco.

"\$500 that Lincoln and Johnson will receive 10,000 majority in California.

"\$500 that Lincoln is elected President.

"\$500 that Indiana and Pennsylvania went Union.

"We are further requested to say that the above bets are offered for the purpose of forcing the Copperheads either to bet on what they assert to be true or else back down and be quiet."

"Nov. 12, 1864. The ballot box at the mouth of Sherlock's Creek was destroyed before the polls were closed. The officers went across the street to take a drink. When they returned, the box had been removed to an adjoining room and destroyed. The vote was estimated to be a tie, so bloodshed was averted."

"Jan. 7, 1865. The following letter was the cause of much amusement, on being read during a recent breach of promise case.

'My dear Sweetest Ducky - I am so happy to hear from you so often - it affords me sich grate plesher. You always was so dear to me. I hope you will sune be deerer. You know I never hinted nothing about marriage - and never mean to - take your own time for that. I shall always remember the old saying, procrastination is the thief of time, but mother ses nothing should be done in a hurry but ketchin fleas. The fondest wish of my heart is that we may sune become one. Do you ever read Franklin's Extract - his remarks concerning marriage is deliteful. Our hearts, he sez, ought to assemble one another in every expect; they ought to be hetergenious so that our union may be mixed as well as uniting - not like oil and water but tee and sugar. Truly, I can fell for the mortal Watts, when he sez,

The rows is red and vilets blew
Shugars sweet and so are you.

Mother sez matrimony is better to think of than the reality. I remain till death or marriage, your own sweet canday,

Mary Ann

N.B. I had a kussin married last month, who sez there aint no true enjoyment but in the married state.

Your sweetis dove

Mary Ann

P.S. I hope you will let me know what you mean to do as there is four or five other fellows after me hot foot, and I shall be quite oneasy till I hear.

Your lover swete

Mary Ann, ”

“Sept. 30, 1865. Flowers may be called the alphabet of the angels, wherewith they write on hills and plains mysterious truths.”

“Feb. 3, 1866. An Eastern paper says that during the last twelve years, the total receipts of gold at New York from California has been \$377,080,710. It must be noted that the figures given only signify the amounts brought by sea and do not include the sums brought privately by passengers on their own and friend’s account, which with the overland shipments would probably total more than \$500,000,000.”

“June 30, 1866. Mr. David Clark of Bear Creek, left at our office, a few days ago, a number of stalks of wheat, heavier than any we remember seeing. Each stalk is about seven feet high, with heads from five to six inches in length. He has a large field, similar to the sample shown.”

“July 14, 1866. The town clock is on the way from Stockton.”

“August 25, 1866. ‘That Clock’, on the Court House, is up and running and the hours pounded out as they pass, by the heavy bell that beats with a regularity quite unexpected. It is quite an improvement to the place.”

“September 1, 1866. Caused by a drunken man throwing a lighted cigarette, our second big fire started last Saturday shortly after six in the evening in the Free Press office. The Gazette office was saved. The loss is at least \$175,000 and the following buildings were destroyed: one Church, the Odd Fellow’s Hall, Masonic Hall, one newspaper office, one newspaper depot, three hotels, five retail stores, one saddlery shop, nine saloons, two livery stables, three law offices, one drug store, three blacksmith shops, two carpenter shops, two shoemaker shops, fourteen dwellings, one tailor shop, two butcher shops and many private buildings.”

“February 2, 1867. Next Monday commences Chinese New Years. To be forewarned is to be forearmed. As the celestials usually devour eggs and chicken at an alarming rate on such occasions and as John is known to have very lax notions in regard to the laws of meum and tuum, it is just as well to be prepared for the possibilities. The Children of the Sun count back something like 10,000 years anterior the appearance of our respected ancestor, Adam, on his terrestrial scene. It is not, perhaps, so generally known why the Chinese are so given to burning crackers on special occasions. They burn them to scare away the devil. Such is a literal fact. They may let off as many as they please, but we don’t think it will drive ‘Old Ebony’ out of Mariposa.”

“August 3, 1867. A California gold-digger, having become rich, desired a friend to procure for him a library of books. The friend obeyed and received a letter of thanks, thus worded: ‘I am obliged to you for the pains of your selection. I particularly admire a grand religious poem about Paradise by a Mr. Milton, and a set of plays, quite delightful, by a Mr. Shakespeare. If these gentlemen should write and publish anything more, be sure and send me their new works’.”

“Nov. 2, 1867. Hoo-wah-a-wah-hoo-yah-hiyah-hiyah. A number of Indians from the Fresno met a delegation from this County, a short distance below Mariposa, last Tuesday evening, where they held a grand pow wow or cry over the burning of some clothes belonging to a defunct Indian.”

“Nov. 16, 1867. Letters per overland are being received in the short space of fourteen or fifteen days.”

“April 24, 1868. Giant powder is now being introduced and will be tried at the Hite mine. It is claimed to be superior to gun powder, that it can be worked in wet places and that the force is upward instead of downward.”

“June 19, 1868. The Hite’s Cove mine is now installing twenty stamps and employing forty-five people.”

“Feb. 12, 1869. C. W. Payne took out \$2000 in a short time on his claim near Colorado. He had abandoned his mine four or five years ago, on the advice of a friend, who jestingly told him he was wasting his time. Returning after a lapse of five years, and after prospecting one week, his labor was crowned with success. Such is miner’s luck, in this instance not painful to receive and he can justly say his triumph is ore.”

“Feb. 4, 1870. The new wagon road to Clark Station will be completed this year. The Fishers of Stockton are making arrangements to send travelers through in express time; and if anybody, like Horace Greeley, shall be in a particularly hurry, they will guarantee that he shall be in Hell or Yosemite, at any hour he chooses.”

“June 17, 1870. P. T. Barnum, the noted showman, has just purchased a section of bark from one of the trees in the Mariposa Grove. This bark measures thirty inches in thickness. It was shipped to Wood’s Museum in New York City.”



John Hite (left front), poor prospector who became a millionaire.
The others are men working for him.



Full-blood Yosemite Indians.

[Editor's note: from p. xii: "Full-blood Yosemite Indians, descendants of Chief Ten-ie-ya. From left to right are Mary Leonard, Maria Lebrado and Tom Lupton. Mary tried to stop the picture until Tom had taken off his hat." —dea].

CHAPTER XXVI FREMONT'S GREAT SALE

In 1860, Trenor W. Park became manager of the Fremont Estate. Colonel Fremont had become involved financially due to expensive law-suits, his campaign for the Presidency and his lack of business judgment. His quartz mining was not as profitable as he supposed, due to ignorance and waste on the part of the men he employed, and the Colonel did not possess the mining knowledge or business ability to correct it. Park, himself, had a large claim against the Estate. Notice was served upon all squatters to leave. Many of them resisted, but after some expensive litigation, they were ejected.

From 1860 to 1863, the Mariposa mine was leased and worked by John and James Barnett. They paid ten per cent of the gross proceeds to the Company. The rock was packed to the mill on jacks, a distance of half a mile, and while they labored under many disadvantages, their enterprise proved highly remunerative.

Park's chief operations were upon the Princeton, Bear Valley, Pine Tree and Josephine veins, from which he extracted millions. From the Pine Tree mine, seventeen hundred feet above the Merced River, he built a railroad four and a half miles in length to the river. The cars of ore, two at a time, descended by gravity, controlled by a brakeman. The empty cars were then hauled up to the mine by mules and the mules then returned down to the river over a steep and short trail. A twelve stamp mill, run by water power and known as Benton Mills, was built alongside the river.

Another source of income to the Estate was the tax of four dollars per month, charged to each person working along the creeks and gulches inside the Grant. In April 1862, it was estimated that there were between three and five thousand Chinamen working on Agua

Fria Creek and its tributary gulches, all paying their four dollars a month. The Chinamen paid this more cheerfully than when working under a County license, because inside the Grant, they were protected and their claims could not be jumped by every vagabond desiring to make a raise out of the Chinamen.

Early in 1862, Park completed a large steam mill, running forty-eight stamps, in Green's Gulch, near Princeton. The great quartz development, during the previous year, fully justified the enterprise. Princeton was named in honor of Prince Steptoe, son-in-law of Jaret Ridgeway, one of the first settlers in Mariposa.

At the beginning of the Civil War, Colonel Fremont offered his services to the Union cause and was appointed a Major-General by President Lincoln. On July 26th., he assumed command of the Western Military Department and relinquished it on November 2nd. On March 29th., 1862, he was given command of the Mountain Department, which he held until June 27th. He resigned from the army June 4th., 1864.

On January 12th., 1863, John C. Fremont, Major-General in the United States Army, deeded to Morris Ketchum, a banker of New York City, in consideration of \$6,562,500.00, his Mariposa Estate, comprising 44,380 and 83/100 acres, with its mines and appurtenances, subject to an indebtedness of \$1,500,000. The deed was duly recorded in the Mariposa County Court House, where it can be seen.

Within a few months, a ten million dollar Wall Street corporation, the Mariposa Company, was formed and stock sold through Wall Street channels. According to Park, Fremont was given \$1,500,000 in cash and a share of the stock. Park had been a great help to Fremont in straightening up his legal and financial entanglements and in the meantime, had laid the foundation of an immense personal fortune, enabling him later to become a principal owner of the Panama Railroad and a fleet of first-class steamships running between New York and San Francisco.

The San Francisco Argonaut of April 8th., 1877, commenting on a report that Jay Gould had bested Park in Wall Street, said, "Park is a financial cat, he will come down upon his feet with enough of his nine lives left to fight another round. We remember Park, when he came to California, a boy in his teens, small in size, a wiry, active, Scotch terrier sort of man; he joined the firm of Halleck, Peachy and Billings, made a fortune from the sale of the Mariposa Estate for himself and his friends, Selover, Billings and James."

CHAPTER XXVII

MISMANAGEMENT BY WALL STREET

The great Fremont Estate in Mariposa County had passed out of the control of Fremont and was now a plaything for Wall Street.

In the latter part of 1863, Trenor W. Park left for the East and Fred Law Olmstead, noted New York architect came to Mariposa as manager for the Mariposa Company.

During Olmstead regime, Mariposa was, without doubt, the most thriving town in the southern mines. After he commenced his extensive work, which added two hundred men to the population, not to speak of the women, there were less rows and generally less violations of the law.

He was not an expert miner and instead of spending the Company's money to open up the mines, he spent over \$200,000 on the surface of the Mariposa mine, in building a fifty-stamp mill and a village of some twenty houses. A foolish tunnel was commenced, and after spending \$40,000 on it, he was called home, at the end of two years, and the works upon the Grant stopped.

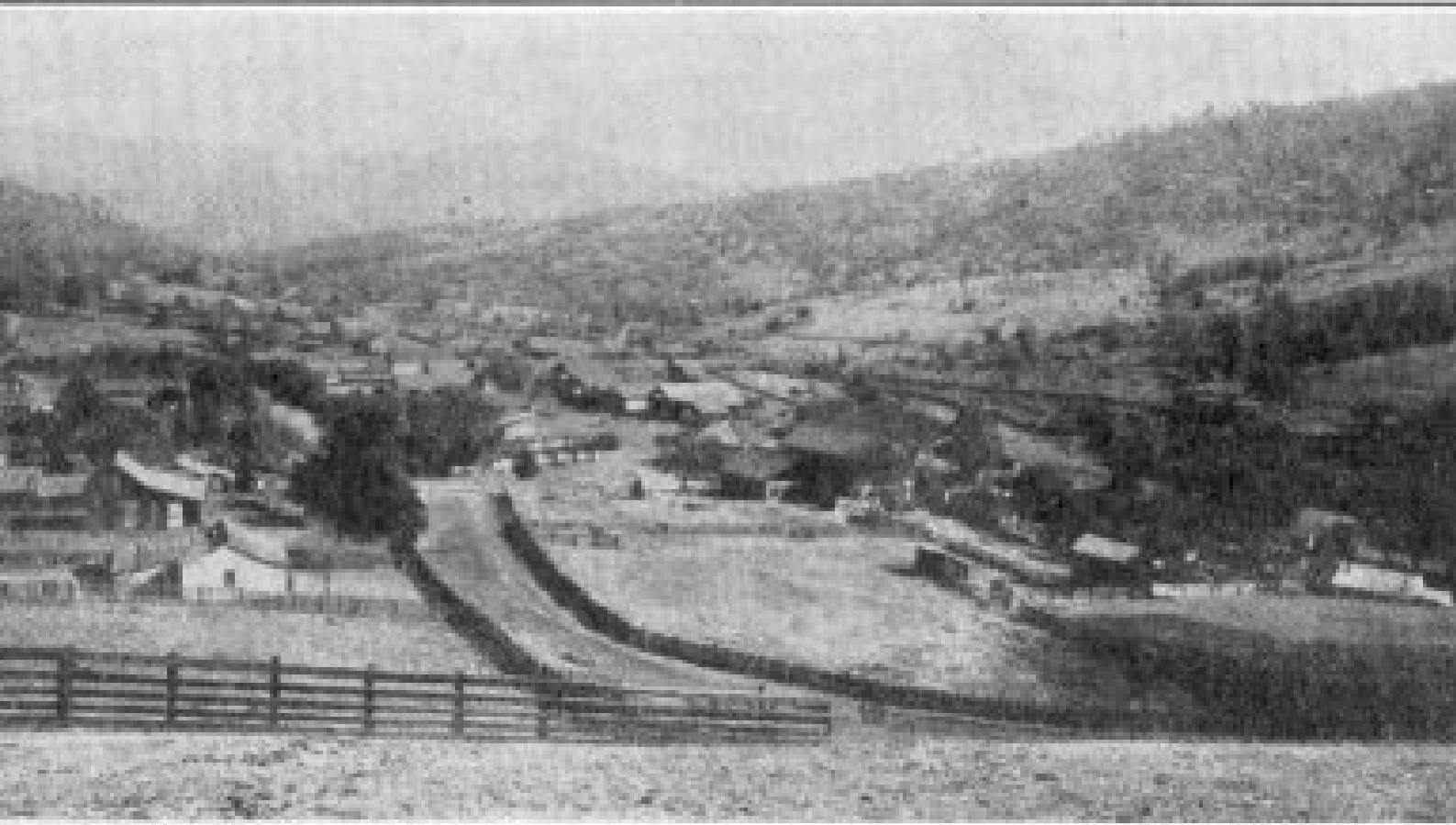
Bowles, correspondent of the Mariposa Gazette, December 2, 1865, wrote as follows:

"The great Mariposa Mining Company, formed in Wall Street two years ago, with a capital of ten millions, a debt of two millions and not a cent of ready cash, succeeding to General Fremont's property and his style of doing business, has come to grief.

"It is all a sad, vast ruin, a magnificent gentleman holding his head high but wearing his last year's clothes and dining around with his friends, a sort of grand land and mine Micawber.



Coulterville in 1858.
At the side of the residence of Jim Shimer, are ladies in hoop skirts.



Coulterville in 1878.

“There is doubtless life and value, possibly great wealth in it still, but not of the sort of degree that has been set up for it. Divided up and conducted by private parties or small companies, as the Grass Valley mines are, or managed as a whole, even with an eye to practical

results and no side issues as to the Presidency or a grand Wall Street jobbing operation, or the control of California politics depending on it and drawing its life-blood, the Estate may yet have a useful future before it.

“A few men are rich from it here and in the East, but their wealth is more from the sale of stocks and bonds in New York, than the profits of the mines in Mariposa County.

“The illustration of the whole lies best, perhaps, in the sincere boast attributed to its most gallant but never thrifty, original owner, ‘Why’, said General Fremont, ‘when I came to California, I was worth nothing and now I owe two million dollars’.”

J. Ross Browne, eminent mining engineer, in his report to the Secretary of the Treasury of the United States, in 1868, says:

“The monthly production of the quartz mines on the Mariposa Estate averaged in 1860, \$39,500; in 1861, \$53,500; in 1862, \$43,500, which was lower due to the great flood carrying away Benton Mills.

“The average for the first five months in 1863, was \$77,000; in May, it was \$101,000 and it was at this time that the Estate was sold to an incorporated Company, capitalized at \$10,000,000. The prospectus of the Company was alluring and as the stock was put on the market at the time of the San Francisco mining stock fever, it was readily sold. The Company instead of cancelling the debt and taking stock for it, took a mortgage payable in gold and issued the stock subject to this and other large debts, including \$130,000 due to workmen. Everything was in confusion.

“The yield for the first five months in 1863, before the sale, was \$385,000, with a net profit of \$50,000 a month. During the last six months after the sale, the output was only \$186,993, with a net loss of \$80,000 a month. In 1864, the yield was \$465,000 and the expenditures \$760,000. As a result, the Company soon afterwards passed into the hands of a receiver.”

Charles G. Yale, another prominent mining man, stated that on some of the Mariposa Estate mines, in 1863, they worked about 65,000 tons of ore averaging \$7.77 to \$8.05 at a cost of \$5 per ton for all expenses, and on one of the mines, when they worked \$29 rock, the tailings showed \$16 per ton. Professor Ashburner of the State Geological Survey is authority for the statement that seventy per cent of the gold in the quartz worked at Benton Mills was lost.

CHAPTER XXVIII

FREMONT'S LATER CAREER

Through the formation of the Wall Street corporation, Fremont realized at least two million dollars. Had the Company not been wrecked within such a short time, he would have made even more.

After the Civil War, he devoted his time and fortune to the promotion of overland transportation. He laid the foundation of the Kansas and Pacific Railroad, the Atlantic and Pacific Railroad, and the Memphis and Pacific Railroad, in the last of which, through the misconduct of French agents in Paris, his fortune was really lost.

While promoting railroads, he and his family lived luxuriously. He had been so greatly benefited by the stock-selling scheme of the Mariposa Company that he thought he could be successful in promoting stock to build railroads. Being only a visionary dreamer, however, with no practical experience in corporate financing, he became an easy mark for shrewd schemers.

His Memphis and El Paso Railroad had been chartered by the State of Texas and given 18,000,000 acres of land, on the strength of which, bonds were floated. Several millions of dollars worth of these bonds were sold in France, but the agents and banking house kept forty per cent, leaving but sixty per cent for the building of the proposed railroad.

In 1870, the Company became insolvent and Fremont and many of his friends lost everything, to say nothing of the losses sustained by thousands who had purchased stock on the glittering representations of agents. Fremont's inside knowledge as to the condition of the Company gave him advance information of the impending failure and he could have used that knowledge to save a part of his fortune, had he been dishonest.

The following article appeared in the Mariposa Gazette of April 17, 1874:

“Fremont's brother-in-law, Baron Boileau, who was sentenced to imprisonment by a Memphis and El Paso R. R. affair, is confined in the conciergerie in Paris. Mme. Boileau and her six children were at last accounts at Boulogne, dependent on the generosity of friends.

“Nine or ten years ago, Baron Boileau was the French consul at New York City, trusted, respected, popular and accomplished. While there, he married Susan, daughter of Colonel Thomas H. Benton, who served thirty years in the United States Senate and who was long the political autocrat of Missouri. The marriage was happy. After his union with Miss Benton, Baron Boileau was appointed French minister to Ecuador, but certain acts of his while Consul at New York were brought to the notice of the government and led to his recall from Ecuador and his discharge from his country's service.

“While in New York, he became involved in railroad schemes and was induced to recommend, in his capacity as an official agent of the French government, the negotiation of the Memphis and El Paso Railroad bonds. It was for this plain violation of the country's law, that his government, rigid in such matters, recalled, discharged, fined, imprisoned, in short, ruined him.

“The same Court, which tried him, found General Fremont guilty of raising money on the Memphis and El Paso R. R. bonds, by false representations and sentenced him to serve a year in prison. He made good his escape from France and is beyond the reach of the French Government, it being a strange fact, that although France and America upheld a common cause and fought side by side on fields of battle, they have with each other no extradition treaty.

“Mrs. Fremont was the favorite daughter of Colonel Benton, a woman of rare accomplishments and great ambition. Her hopes have withered; she beholds, as the result of an unfortunate speculation, her husband, who once almost grasped the highest prize in this country's gift, declared a felon by a friendly Republic and the devoted companion of her sister, hurled from a high pinnacle into ruin and disgrace. How marvelous and melancholy are some of time's mutations?”

It was later proven that Fremont was not guilty of misrepresentation in the sale of bonds in France. That he acted with absolute honesty but with a lamentable shortness of business judgment, was proven by a letter sent him by the unfriendly Receiver of the defunct company, which read as follows: "I deem it fair that throughout the long and careful scrutiny which I have made into the affairs of the company, I have found no proof that would sustain the charges brought against you, regarding the fraudulent sale of the company's bonds in France."

Fremont had proven a dismal failure as a business man and had wrecked many of his friends and relatives.

In 1878, he was appointed Governor of Arizona Territory, by President Hayes, and served four years, at a salary of \$2000 a year. On his way out to assume his duties, he visited San Francisco and was given a reception by the Society of California Pioneers.

Early in 1890, in view of his services to his country, as explorer, administrator and soldier, Congress restored him to the rank of Major-General, and then placed him on the retired list, at a salary of \$6000 a year. This was the first time for many years that he could enjoy a comfortable income.

On May 9th, he went to the Treasury Department to ask that his salary be not retained to meet a supposed old debt, when he was informed that the Government actually owed him \$21,000 and that a clerical error forty years previous had been responsible for making it appear that he was indebted to the Government for \$19,000. When he received the news, he fainted, but soon revived as he was handed a warrant for the amount due. He did not live very long to enjoy his new competency, for on July 13th, he passed away, at the home of his adopted daughter in New York City. The high distinction of being "Major-General, U. S. A." was cut on his tombstone and it will be recalled that the same title appeared after his name on the deed when he signed away his Mariposa Estate for a consideration of over six millions of dollars.

The Nation will always be indebted to him for his important part in the opening up of the far western country, comprising half a continent. During the years, 1842 to 1847, with the famous Kit Carson, as guide, he made three expeditions through the then almost unknown regions between the Missouri River and the Pacific Ocean, in which, his daring and fortitude, amid unfriendly savages, through hazardous mountain wilds and inhospitable deserts, have seldom been surpassed.

He has been appropriately termed the "West's Greatest Pathfinder". Undoubtedly, he did more to open up the far western country than any other man and his detailed and accurate descriptions of that vast region helped to save many lives during the first great overland gold rush. In addition, his promptness, combined with his energy and patriotism, and that of his followers, saved California from becoming a British possession. English Admiral Seymour afterwards declared that if he had arrived with his fleet a few days sooner at Monterey, the flag of England would have floated over California, all in accordance with a plan arranged by British Consul Forbes and Emissary Priest Macnamara.

For his services, in geographic and scientific discovery, he was recognized and rewarded by the Royal Geographic Societies of both London and Berlin. In 1861, he was chosen by the King of Prussia to be a Knight of the Society of Merit, to fill a vacancy caused by the death of Macauley. Another noteworthy distinction, which he prized, was the friendship of Baron von Humboldt, the great German geographer and explorer, who founded the modern science of physical geography.

Major-General Fremont should have been one of the wealthiest men in the United States. His patent to the vast Mariposa Estate, rich in mineral wealth, made him several times a millionaire, but he lacked the business ability to keep his money. He was a dreamer and his philosophy of life is best expressed in a letter which he once wrote to his wife; "There are two Gods which are very dear to me, Hope and Sleep. Both make the time pass lightly." He was successful in some things, but a failure in other things. He tried to play too many parts, yet the God of Hope always cheered him

CHAPTER XXIX

JOHN MUIR, WORLD-FAMOUS NATURALIST

On March 28th, 1868, John Muir, in his search for wild places, started from San Francisco, for Yosemite Valley, in Mariposa County. He walked leisurely through the Santa Clara Valley, over the Pacheco Pass, crossed the San Joaquin River at Hills Ferry, followed the Merced River to Snelling, then ascended the foothills to Coulterville, then to Bower's Cave, Crane Flat and into Yosemite, where he spent eight or ten days, which included a visit with Galen Clark at Wawona. He was so charmed with the beauties of Yosemite that he returned the following Spring as a herder of sheep, in order to again visit the treasures he had sampled. "Wherever we go in the mountains", he said, "or indeed, in any of God's fields, we find more than we seek."

He remained a resident of Yosemite from 1869 to the latter part of 1874. The leading geologists, at that time, including Josiah Dwight Whitney, claimed that the Yosemite Valley had been formed by a process of upheaval. Muir opposed this view as early as 1870, believing that the mighty cavity had been boldly sculptured by glacier action, the ice having even over-ridden Glacier Point. He helped to prove this theory to the world and it is now the generally accepted one as to the forming of Yosemite Valley.

He was born of very religious parents, April 21, 1838, in Dunbar, Scotland. He started to school at the age of three. At eleven years of age, he had committed to memory, three-fourths of the Old Testament and all of the New Testament. In 1849, he came to America with his parents, who pioneered on a farm in Wisconsin, where John experienced plenty of hard work. He read all the books available, which included "Ancient History", by Charles Rollin, Josephus' "War of the Jews", d' Aubigne's "History of the Reformation", Wood's "Natural History", Thomas Dick's "Christian Philosopher", Campbell's and Akenside's works and



Francisco Bruschi,
Coulterville pioneer.



The original Jeffrey Hotel, Coulterville.

those of Milton, Shakespeare, Cowper and Henry Kirk White.

All through life, he loved the wildness of Nature, and when a young man, showed an aptitude for mechanics. He spent four years at the University of Wisconsin, leaving there in June, 1863, in order to travel and learn more about botany. He became world-famous as a geologist and discovered Muir Glacier in Alaska. He devoted many years to the cause of forest preservation and his writings were to a great degree responsible for the making of Yosemite a National Park. Lovers of nature will find inspiration by carefully reading his published works.

John Muir introduced to the world the water ouzel, the only wild bird in the Yosemite region, that sings in the winter time. Plump and compact as a pebble, about the size of a robin, bluish-gray in color, with a tinge of chocolate on head and shoulder, it builds its nest near the waterfalls or swift flowing streams and although of land-dwelling ancestry, it had adapted itself to gaining its livelihood in the water.

He says: "Find a fall, or cascade, or rushing rapid, anywhere upon a clear stream, and there you will surely find its complimentary ouzel, flitting about in the spray, diving in foaming eddies, whirling like a leaf among the beaten foam bells; ever vigorous and enthusiastic, yet self-contained, and neither seeking nor shunning your company. Among the mountain birds, none has cheered me so much in my lonely wanderings, none so unflinchingly. For both in winter and summer, he sings, sweetly, cheerily, independent of sunshine or of love, requiring no other inspiration than the stream, in which he dwells. While water sings, so must he, in heat or cold, calm or storm, ever attuning his voice in sure accord; interpreting all that we, in our unbelief, call terrible in the utterances of torrents and storms, as only varied expressions of God's eternal love."

CHAPTER XXX

DILTZ, A REAL BENEFACTOR

By 1868, mining had reached ebb tide. The partial exhaustion of the placers had materially changed the character of mining operation and capital became necessary.

The money which had been previously made in mining and in business, incidental to it, had been taken away and invested in other channels, such as banks, steamship companies, mercantile establishments and in land. Denny O'Brien had been a successful merchant and accumulated in the neighborhood of \$50,000; Sullivan and Cashman probably took out of the County a million dollars; Hugh Dimond left with \$100,000; Robert McKee, \$50,000; Chas. McDermott, \$150,000 to \$200,000; B. F. Bachman, \$50,000 to \$75,000 and there were many others upon whom the County lavished its riches and who then moved away, taking their money with them.

Now, when mining required money to open up the lower depths and construct stamp mills, capital was lacking and many mines lay idle. A few men with energy and perseverance stayed, overcame obstacle after obstacle and succeeded in opening up mines from the proceeds of the ore found in the development. There were successes and failures as are always the case in every line of human endeavor.

Captain John S. Diltz proved himself to be one of the best miners of the times, and by his example, inspired confidence in the great mining industry. He had his ups and downs but he never became discouraged. He relied on himself and no task was too great if it could be accomplished by his brain, muscle, nerve and will-to-do. Interested in everything, he specialized in mining. Sometimes he worked for others, sometimes for himself, but he was always an indefatigable worker.

Where others failed, Diltz would follow in their tracks and succeed. Such is the story of his last mine. Captain Diltz is speaking: "In 1860, Thomas Early had a quartz claim on the eastern slope of Sherlock's Creek, which cropped out at the surface. He had sunk a shaft there and taken from it and a drift about three hundred tons of mostly decomposed quartz, which he washed through sluices and obtained 232 ounces of free gold. The quartz tailings were hauled to the Whitlock mill, where he realized \$22 per ton.

“In 1861, the mine fell into the hands of Sam Ellis, who failed to make a success, mostly through the ignorance of the men employed. In the fall of 1870, Ellis came to me and proposed to sell out to me, as all his tunnels had caved in and all his shafts had filled up. I bought his mine and all his ditches and water rights, carried lumber, put in wide flumes, sluiced away their mine dumps and got nearly all my money back. Next I turned the water from the upper ditch on the south side of the hill, making an open cross-cut and developing a large body of ore and vein matter, quartz strata and feeders, all dipping in a westerly direction and running up to a hanging wall and a fissure vein dipping easterly.

“I had but little water and some years none. The first rich place that I struck was the comb of a roof. I took it to be a pocket or possibly a chimney I got one five pound piece of sulphurets and gold, which was worth \$500. I sunk down about twelve feet and made nearly \$2000, in pure gold. I got tired of working alone and went up on the Yosemite road and blasted rocks for them. I came back to my mine in September and started a tunnel to run under my gold chimney, which I reached on the first day of October and in that month, panned out thirty-six pounds troy of pure gold, which netted \$7200. In 1874, I took a specimen of gold to the State Fair, weighing one hundred and six ounces and worth \$1800.

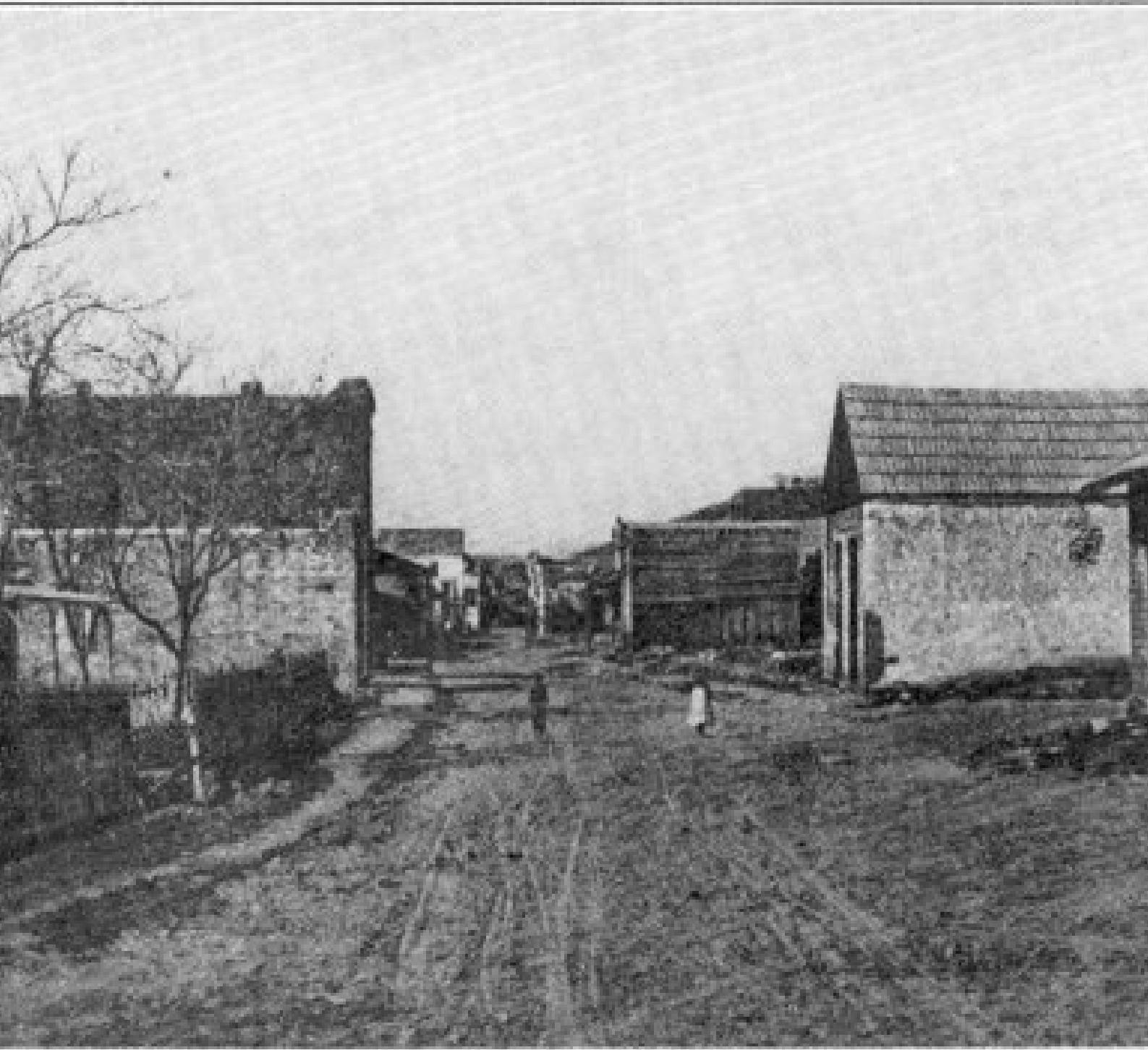
“The chimney does not stand perpendicularly nor any way in a straight line but runs down in zig zag form, making short elbow crooks and at these crooks, we find big nuggets or chispas. The old car tunnel is in precisely three hundred feet on the fissure vein and at spring water level. During the workings of this tunnel, I found a nugget of one hundred ounces and altogether nine pockets were struck, from which I took out in round numbers \$10,000. There is a shaft connecting with the tunnel at its terminus, 105 feet deep, and at their junction, is an immense body of ore and vein matter and the whole mass seems like the roof of a house, spreading out both ways and getting wider going down. I have been sixteen years uncovering the vein matter and cutting down into it, more particularly to learn its character.”

Such was the remarkable energy and perseverance of this early-day miner. He had opportunities to sell at a price which would have enabled him to live in comfort the remainder of his life, but he refused to part with his mine unless at a fabulous price. He felt that he knew its value and preferred to keep it rather than sell at a low figure.

However, by 1886, his age began to tell on him and he was unable to actively engage in mining. Through generosity in helping friends and failure to realize that he was growing old, he became financially involved. His health failed and for a number of years, he was unable to make any progress to clear his difficulties. His mine was sold in March, 1894, to satisfy a mortgage of \$9,923.66 plus \$200 attorney fees. Ejectment from the mine seemed to unsettle his mind, necessitating commitment to a State Hospital, where he passed away March 7, 1897.

One of his friends said; “I knew Captain Diltz for many years. He was a real man, generous and peaceful, helping all who asked his assistance. In his last years, we thought him a little queer, for he continually talked about airships in the sky and prophesied that some day there would be as many or more ships flying in the air as on the oceans. There were no airships in those days, but his prophecy came true many years after his death.”

Another friend said: “Diltz, like most of the original miners, was a liberal dick and would give away his shirt, hat and boots to oblige a friend. I remember once when he had accumulated seven or eight thousand dollars. There was no bank to place the money in, so he left it with Mrs. Joe Miller for safe keeping. After several months, she seemingly became tired of being his



Street scene in old Hornitos.

banker, so Diltz invited her husband to accompany him to San Francisco presumably to place the money in a bank. When they returned, Miller, who owned one of the principal saloons, had a new pool table and a stock of Tea Kettle (one of the early brands) whiskey. Diltz never played pool and seldom drank and it is very doubtful that any of his money was deposited to his credit in a bank. At another time, I remember well, he had a two thousand dollar nugget, which he secreted for several months in a barley sack in his cabin. He then took it to Mariposa, where it was hidden under some stove wood, in the house of his friend, Angevine Reynolds. Later a trip to San Francisco was decided upon and Angevine came back with a span of horses and a carriage.”

Diltz was a small man, about five feet five inches in height, stockily built and when in his prime could do the work of two or three men. He received the title “Captain” when elected head of the company of men with whom he came out to California. However, if anyone asked him the reason of his title as Captain, he would reply with a twinkle in his eye, “because I killed so many big rattlesnakes in Georgia, before I came to California in 1851.”

Diltz, like Fremont, was a dreamer, but he was more practical. He concentrated on mining and made a success of it. His slogan was: “I wont give up. I’ll always go a foot further”. Others might lose hope and bid adieu to the land of golden dreams, but not Captain John S. Diltz. His life is inspiring. He helped his mother, he helped his friends, he helped the entire Nation by inspiring faith in the mines and he made his money by taking it from the earth, hurting no one thereby. After his death, his mine lay idle for thirty-five years, when it was re-opened and became one of the big producers of the County, proving that his faith in the mine was well-founded. He was an outstanding example of the many sturdy, hardworking old-school miners of the mountains, men who proved real benefactors to our Nation.

CHAPTER XXXI

JOHN HITE, MILLIONAIRE MINER

All hail to the prospector, for without him, there would be few gold mines. There always has been and there always will be disappointments. Even in 1857, when gold seemed nearly everywhere in these hills, the following lament appeared in the Mariposa Gazette of January 6th:

“On a beautiful morning, a small company of ‘honest miners’ might have been seen wending their weary way through the chaparral and over the mountains, enquiring for the best route to Sweetwater Creek and occasionally singing snatches of songs, something like this:

‘ ’Tis an old Forty-niner, who toils his life away,
His prospects slim, his claims being worked before,
He once was light-hearted, he’s now sighing all the day,
Oh, Forty-nine, come again once more,
’Tis the song, the sigh of the miner,
Forty-nine, Forty-nine, come again once more,
Many years we have wandered upon this dug-out shore,
Oh, Forty-nine, come again once more.’”

Again, on January 9, 1864, the following, written by Burrell Belts, appeared in the Mariposa Gazette:

“Back to his lonely camp at close of day,
The luckless miner wends his weary way,
In pensive study, whereon earth to make
Another raise, a small provision stake.
Uncombed, unwashed, unshaven and unshorn
His clothes in strips by chaparral are torn,

Toes peeping from his boots, and battered hat,
Tired, wet and weary as a drowned rat.
How changed from him we in the city knew,
In stove-pipe beaver and a long-tailed blue,
Cigar in his mouth and carpet-sack in hand
By steamer bound to California land.

“His store of wood collected for the night,
To dry his clothes and cook his little bite,
A broken shovel fries his meat and bakes
A hasty mixture of unleavened cakes:
An oyster can for teapot will suffice
And pine or fir trees Hyson’s place supplies.
His supper over, he improves a chance
To patch with flour-sack his demolished pants.”

In later years, at the request of the author, Virgie Bates put her actual mining experiences on Saxon Creek, to rhyme, as follows:

“Through lack of employment, we went on the bum,
Our money had dwindled to quite a small sum,
We fell for a story, it’s ever so old
And took to the hills to prospect for gold.

To us from the city, it was quite a thrill
To lead simple lives with never a frill,
We poked round the mountains in our patched jeans
And stowed away with relish, our bacon and beans.

Unfriendly the natives, no advice would they give,
Since mining was rotten, asked how we would live.
Running a drift cost money and so
’Twould maybe be better if we went below.

They couldn’t bluff us, we decided to stick,
Built us dip-boxes and worked in the creek.
We didn’t rate much but washed out the means
To buy our tobacco and bacon and beans.

Cinched up our belts and rolled our own smokes,
Resentment flared high when we were called jokes,
Might say we struck it, we didn’t by heck,
Dame Fortune to us was a pain in the neck.

A miner’s life is a strenuous game,
You would hardly term it the pathway to fame.

You never can tell what tomorrow may bring
So we'll eat bacon and beans and to our luck sing."

Gold mining has always been alluring. Those engaged in it have a peculiar mental complex, they are continually expecting and hoping for something exciting, a "strike", as they call it. No other class would work day in and day out, with pick and shovel, or drill holes, in solid rock, if there was not some potent influence driving them on.

John Hite was one of the successful prospectors, illustrating the old saying, "a miner may be a pauper in the morning but a millionaire at night". It is the experience of such men, as John Hite, which still urge prospectors to continue their search for the precious metal.

The history of his life is fascinating. Starting out on the prospecting trip, in 1861, which culminated in his great discovery, he was furnished a sack of flour and a few provisions by Michael Cashman, a merchant of Coulterville.

At a time when his provisions were almost exhausted, and after a scramble up and down the rugged mountains, through thickets of chaparral and greasewood that were almost impenetrable to a grizzly bear, and at a moment when hope was almost extinct, the lucky star of his good fortune directed him to the outcroppings of a ledge which exhibited gold in quantities to attract more than ordinary attention. It was located on the south fork of the Merced River, within a few miles of Major Savage's first trading post and within a few miles of the spot, where in 1857, a company of miners were heard lamenting for the good old days of forty-nine to return.

A few sacks of selected rock, conveyed to the river and pounded up in a mortar, yielded sufficient to warrant the outlay necessary for the construction of an arastra. A tunnel was run into the mountain fourteen hundred feet and then extended several thousand feet in various directions. His first mill was a ten stamp, which was carried away by a flood. This was replaced by a twenty stamp mill, which was subsequently increased to a forty stamp, run by water power. He erected a good hotel, store and other buildings and planted a garden, comprising two acres, which produced a great variety of vegetables. A fountain played in every direction and the whole scene was one of beauty. The money employed in making these improvements was all taken from the mine under the sole direction of John Hite, showing him to be a man of extraordinary ability.

He was a tall handsome man, industrious, hard-working, active and energetic. His mine made him a millionaire and he invested heavily in San Francisco real estate and in ranch property throughout the State. At the turn of the century, when he was seventy years of age, with white hair and evidently on the decline, he became defendant in the famous Hite divorce case, in which Lucy Hite, an Indian woman, was plaintiff.

Lucy, at the time of the trial, was about fifty years of age, her hair white, otherwise her age was not apparent as she was sprightly in her action and of modest demeanor. The trial was one of the famous cases of the day and was held in the Court House in Mariposa. Over one hundred witnesses were called.

The following is a summary of the plaintiff's testimony: "I know John Hite. I was married to him a long time ago. I never was married to any but John Hite. It is true I lived with Jerry Gibbs, not married to him and we had a son. I also lived with Yankee Jim. Most time John Hite want to take me home. First time John Hite came for me, I went with him. I left John Hite, he no talk to me that time about marry me. Next time, he sent Bill Stanley, said if I come back, he would marry me. John Hite say make me wife. He no want me to go away. As soon as I got there, he want marry me. I was sitting in his lap. He said to me, 'Conna me oha; meena conna longa', in Indian language, all means 'you my wife; I your husband'. I repeated the words 'conna me oha; I your wife'. Hite said, 'meena conna longa, I your husband'. After that I lived with him as his wife. I had one child, died small."

It was brought out in the testimony that John Hite had for many years furnished her with a comfortable ranch home, paid all her bills, and had paid \$100 a month to Tom Gibbs, her son by Jerry Gibbs. The Court awarded her \$16,000 plus \$5,000, for attorney and other expenses incurred by her. The suit was evidently started by Tom Gibbs to get possession of a big amount of money. Encouraged by lawyers, he influenced his mother to instigate the suit, which many believe was against her wishes. Of the \$16,000, Tom secured possession of \$10,000 from his mother and lost it all in about a year, mainly in poker games.

CHAPTER XXXII ANGEVINE REYNOLDS AND HIS WRITINGS

One of the Mariposa forty-niners who stayed and became an outstanding citizen, was Angevine Reynolds. He was born December 9, 1829, and passed away December 17, 1888. [Editor's note: November 17, 1888 according to the Mariposa *Gazette*—dea] When a few months under twenty years of age, he arrived on Mariposa Creek. He followed mining until 1851 and then became connected with a stage and express business which necessitated his residing in Stockton, a good part of the time, for four years. At the end of that time, he returned to Mariposa, where he resided until his death.

For a time, he was associated with J. O. Lovejoy in a saw-mill enterprise. Later, he was Deputy County Clerk and then County Clerk for fourteen years. In 1874, he purchased the *Gazette* and in 1876, he was admitted to the bar.

He proved himself to be one of the *Gazette's* best editors, although much of the credit for his success in this line, is due to his second wife. He was peculiarly fitted to succeed in the California of early days with its heterogeneous, but intelligent, population. According to his daughter, whom the author interviewed, he never had a day's schooling in his life. His education was all acquired by experience and home study. He could swear like a trooper; "Damn it, old Abe," he would say to his old horse, "I ain't swearing."

As examples of Reynold's expressive ability and for their historical value, the author is reproducing herewith four of his newspaper articles:

"Were the old Mariposa mine a living thing of flesh and blood, with human knowledge and speech, it could reveal a chapter of facts, that would excite the wonder of men, almost as much as would the Arabian Night entertainment, if their highly burnished stories were

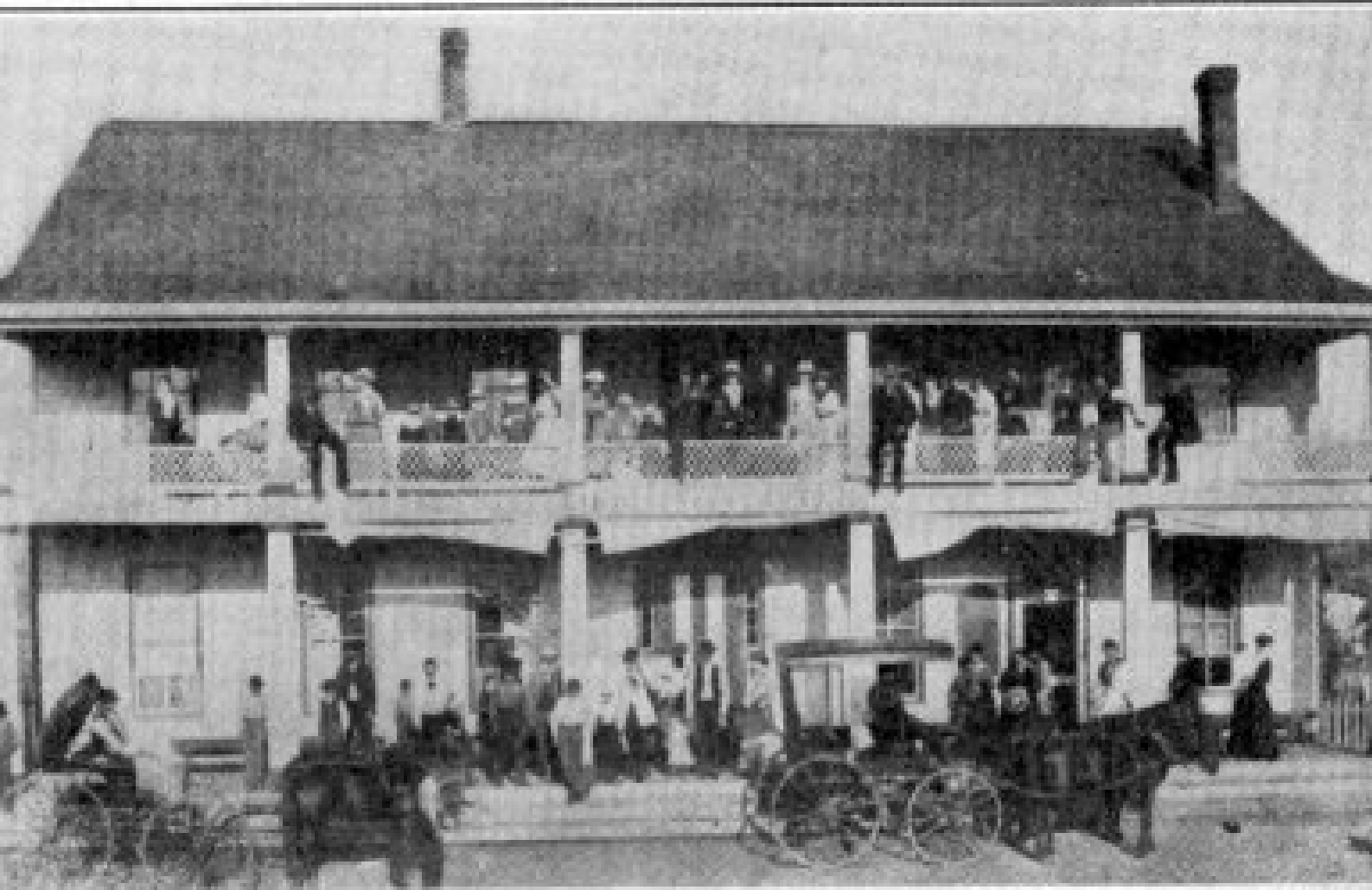
truth instead of fiction. No quartz lode ever struck on the Pacific Slope has proven so rich in what are termed 'pockets' and none have yielded more of glittering gold that never found its way to the iron safes of its owners, than has this identical mine, which forms the southern boundary of the town of Mariposa. The information upon which this opinion is based has been derived from men employed in this mine, some of whom still reside here and may be relied on as correct.

"After Olmstead on the Mariposa Estate, came the Dodge brothers merchants of San Francisco, who were creditors of said Estate to an amount considerably less than \$100,000. They took charge of the Estate, mills and mines, which at that time were in good working condition. Their administration continued about a year, during which time, the mine was worked in such a manner as to make it pay at once, without regard to its further working, or in the interest of the Estate. The pillars, rich with gold, that supported the mine, were blasted and cut away, and the proceeds dodged into the pockets of these avaricious creditors, who seemed to have it all their own way, there being no receiver except themselves. Upon closing their affairs with the Estate, they even tore up the copper plates of the mill; pipes and anything of value were shipped off to San Francisco and sold. Without going into further detail, it can safely be estimated that it cost the Estate a half million dollars to pay the debt of Dodge brothers, which did not exceed \$80,000.

"We have resided here continuously ever since the first discovery of this vein and assert what all the old citizens know, that all the work put upon it has been ill-directed by those who had no competent knowledge of mining; that mismanagement marked the course of all those who have had charge of it; that thousands upon thousands of dollars were purloined by the laborers employed; yet, notwithstanding all this, it has yielded millions."

-2-

"If anyone, in this month of May, 1876, desires to look upon and enjoy a beautiful rural retreat, such as poets love to describe



Hornitos Hotel, ready to receive an ex-President.



Reeb's butcher shop, at corner of Plaza, Hornitos.

as a perfect Arcadia, let him, her, or they, some afternoon, take a stroll to the residence of Captain J. Thomas, a short distance over the hill to the east of town and they will be gratified.

"There, Captain Thomas and Richard, his brother, have lived ever since Mariposa was first a cluster of miner's tenements. The Captain and his brother are from Maryland and are ranked among our most worthy and intelligent citizens.

"Their house, unpretentious, with a gallery full length in front, is shaded by trees, and a stream from Stockton Creek ripples through the yard.

"On entering the house, are seen two life-sized likenesses, one to the right and one to the left of the mantle-piece, of those two incomparable Confederate Generals, Robert E. Lee and Stonewall Jackson. The frames were made from part of a limb from one of the Big Trees, the 'Andrew Johnson', which was so-named by ex-Vice President Colfax, when he visited the Mariposa Grove, because 'it leaned to the south'. There is also a picture of Mariposa, by A. Schwartz, a sort of natural genius, who used to live here and then enlisted in the Federal army under Siegel.

"Our mind wandered back to the old town, with its streets, hotels and business houses, swarming with life, and we again in thought enjoyed the companionship of former citizens. Genial Josh Crippen, Sam Merritt, afterwards Chief Justice of Utah, Judge Daley, Judge Bondurant, Bell, Washburn, Postmaster McNamara, J. A. Henry, Kraft and son, Lui Knoble, Mello, who kept the Franklin house, McVicar, Gregory and Miller, who kept the old Southern Hotel, Blumenthal, Torney, Newcomb, Van Dyke and Vining, who kept saloons, Cashman and Sullivan, P. Hussey & Co., McDermott & Co., J. A. Grandvoinette and many others, who were merchandisers, all arose fresh in our mind.

"From the hall room, we entered another large room, with a small library of well-chosen books, histories, biographies, poetry, encyclopedia, etc. The cabinet contained many curiosities, every variety of quartz specimens and other minerals. There was also a revolving apparatus depicting Yosemite scenes, a section of the first Atlantic cable, and also, over the entrance, there was the largest pair of elk antlers ever found in the State."

"With this issue of the Gazette, June 11, 1881, closes the twenty-sixth volume. After Holmes' death in 1862, he was succeeded in proprietorship by Mr. A. M. Swaney, who conducted the Gazette with marked ability during his administration, which included the fratricidal war between the North and South. Taking sides with the Union, he maintained that position firmly and fearlessly.

Following Swaney were the Harris brothers, John and Thomas, two men who had acquired the art of printing and were able to conduct the mechanical department of the paper within themselves. Following the Harris brothers, came Mr. James H. Lawrence, well-known as a journalist in this section for many years. Sometime during 1873, he became proprietor of the Gazette, the paper which had withstood

the varied elements of fire and politics and which has lived to chronicle almost numberless exits from this mortal sphere and of the gradual changes that have taken place from year to year, both in the County and State and in the world over.

“In looking over several numbers of 1854, we see names of several distinguished persons who have since passed away. Among them, we notice more particularly those of Hon. J. M. Bondurant, County Judge and Judge of the Court of Sessions, with Alfred F. Washburn and Lewis Sharp as Associate Justices and who have long since passed away.

“The Gazette has been under our control and management since January 1, 1875, during which time, we have endeavored to keep pace with the most prominent events, occurring at home and abroad and publish the same for the benefit of our readers.”

-4-

“The present number, June 21, 1884, marks the beginning of Volume XXX. Looking back over the past year, we cannot say that the history of our community or that of the State or Nation has been marked by any very striking or decisive events.

“Progress is the law of human society, yet that progress is not steady and continuous, but rather like the advancing tides of the ocean, in successive waves, which continually rise higher and higher. The last year clearly has not been one of those tidal waves but rather belongs to the intervening period of apparent inactivity when the progressive forces are gathering for another outward movement.

“Another year now opens its portals and beckons us on to tread those unknown, unexplored paths of the future which shall lead us on—whither—who can tell? Behind the impenetrable veil that hangs over our pathway, that secret lies hid. Fancy and hope may charm our hearts with beautiful visions, but their too bright hues too often fade before the stern reality of actual facts and leave behind only disappointment and disgust. Wisdom and judgment may enable us, to some extent, to forecast the future, to guard against apprehended evils and to deserve, if not to enjoy, success and happiness. Of one thing, we may be sure, we shall surely reap no better than we sow. Our weaknesses, our follies and our crimes will bear their natural and appropriate fruit far more certainly than any actual seed sown by the husbandman.

“For men, for communities, for Nations, there is only one safe path, that of unswerving rectitude and fidelity to duty. The nearer we shall come to finding and keeping that path, the better men and women, the happier and more truly prosperous we shall certainly be.”

CHAPTER XXXIII HI-LIGHTS AROUND COULTERVILLE

Just after George Coulter erected his tent store on Maxwell's Creek, which was the start of the town of Coulterville in 1850, a young man and his wife walked into the store. His name was Francisco Bruschi. They had married five months previously in Connecticut, and then started for California, via the overland route. Arriving on the stage at Bear Valley, they had walked to Maxwell's Creek, over a rough trail, which has since become the Mother Lode Highway. He carried a compressed-air rifle, manufactured in 1838, which shot a forty-four caliber bullet and penetrated a one-inch board at a distance of seventy-five feet. This rifle has since been donated to the Yosemite Park Museum.

Francisco first started a shoe-making shop and, in the following year, a general merchandise store, which is still being operated by his two bachelor sons. Their card says, “We speak six languages, English, French, Spanish, Italian, Portuguese and Chinese.” The son, Demetrio, always known as Demet, was born in 1859 and, when quite young, attended a Chinese school in Coulterville for two years.

Demet tells some good stories about his father. Once, a big negro by the name of George Washington, ordered a pair of very large-sized boots, about number fourteen. When the boots were delivered, the negro said, “How much will you charge for enough whiskey to fill the boots to the top?” Francisco named a price and the boots were taken into the cellar to be filled. As the operation of filling was being completed, Francisco pulled at his hair and said, “I'm a goner. I've lost \$6.50 on the deal”. The negro and his friends spent the next few days in singing and dancing on the old man's loss.

Francisco Bruschi did considerable business with the Chinese



“Judas” on the donkey, just before being led through the streets of Hornitos and burned in the Plaza.



Mrs. Merck,
who with her husband, ran the
pioneer saloon, at corner of Plaza.

and never lost a cent in the dealings, even though at times, he gave them credit to the amount of seven or eight hundred dollars. It was not unusual, on a Saturday night, to see a procession of about a hundred of them, coming up in single file, on the trail from Tarantula Flat, near Horseshoe Bend, to spend the night and next day in drinking and gambling. At one time, they paid him a bonus for new, or comparatively new, twenty dollar gold pieces. These they took to a cabin, hidden up one of the gulches, and placed in a large buck-skin sack. A number of Chinese then kept the sack in motion, for a certain number of hours, timed by a head-man with a clock, and, by this process, called sweating, wore off part of the gold from each piece. The polished but lighter coins were then returned to him and placed in general circulation. Government officials, finally, came and arrested the Chinese and Bruschi hid out for two days, thinking he might be arrested as an accessory.

Horse racing was a quite popular early-day sport. Young Demet owned a very speedy animal by the name of Topsy. A big event was to take place at Garrotte, now called Groveland. One of his brothers wrote him, informing him of the race and asking that he not enter Topsy; that he had the race all fixed and stood to make a pile of money. Demet, disregarding his brother's plea, had a friend trim Topsy up in a rather ragged manner, so that she was not recognizable, and enter her in the race under a different name. Even the brother failed to recognize the horse and Topsy came out winner. Demet and his friend won close to a thousand dollars, while the brother lost several hundred. He wanted to be reimbursed for the loss but was refused. The father said, "Son, don't give your brother back his money. Gambling is a tricky game, and if one is out-tricked, he should pay the penalty. That's the only way to gamble, that's in the trick."

One of the first excitements, after the town was started, was the war on the Mexicans. A white boy became acquainted, at a dance-hall, with an attractive and fascinating senorita, and ran off with her. The husband and a number of his friends pursued and in their endeavor to capture the girl, the white boy was killed. A committee of whites was organized and all the Mexicans were driven from the settlement, excepting fourteen or fifteen that were killed.

The first Justice of Peace was Captain Decatur Powell, who was killed in a drunken fight, in October, 1855. In his days of sobriety, he was an able and influential gentleman and commanded respect like most Justices of Peace did in those early days.

The young sons of the Coulterville pioneers, it has been said, went to school for the principal purpose of learning to shoot. This was a natural and almost inherited tendency, for in the early days, around them, there were a number of quite famous shots. Don Carlo, a Chilean from Jackass Creek, would let anyone throw six ten-cent pieces into the air and pay two dollars for those he did not hit with

a bullet, providing he was paid ten cents for those that he hit. Then there was Jim Halstead, with his ivory-handled six-shooter, who would fire six shots at a target fifty feet distant, and every shot went into the same hole.

Martin Flannigan was a pioneer that was never forgotten by the children. He had an extremely large mouth and all he had to do was to open it, when the children would immediately scamper. He loved to play poker but was never known to come out winner. Whenever he held a good hand, his loose chin would move up and down, giving an unfailing sign to his opponents. Then there was "Manzanita Bill" Livingston, whom the children loved to gather around, while he whittled out canes and told stories. There were a number of other clever whittlers in those days when timber was plentiful; in fact, it was quite a common practice.

The old Jeffrey Hotel was built in 1853; a two-story structure of adobe brick. The town has had three disastrous fires, in the years 1859, 1879 and 1899, and in each case, in the rebuilding, some of the original buildings were slightly modernized. Just across the street from the hotel is the "Hangman's Tree", a large, wide-spreading oak, conveniently located and a very necessary warning in the early days.

John Thompson, present proprietor of the old hotel, is a hometown boy. He remembers the early-day elections, when the ballots were kept on a table outside a saloon and marked before being taken in to the polling place. The price paid for each vote was a few drinks and up, but the vote was a sure one. Elections were many times won by such methods. Another aid to politicians was to have a pal who could speak several languages, such as Demet.

John recalls, also, with pleasure, the times when he and other children were each paid ten cents to attend a Chinese funeral. The corpse was placed on a board and carried by four Chinese. Small bits of paper, with holes in them, were continually dropped, as the procession made its way to the burial ground. The Chinese thought that the Devil would jump into each hole, get tangled up, and finally lose his way. A nice, brown, roasted pig and some cooked rice were placed on the grave to feed the deceased on his journey to Heaven. Generally, the Indians stole the pig and rice. After a certain number of years, the bones of the Chinese men were dug up and shipped back to China. This was in accordance with a contract each of them had with the "Chinese Six Companies", who had brought them here and agreed to return them. The bones of the women were not sent back as they came here of their own accord.

At the southern end of town, where the Mother Lode Highway crosses Maxwell's Creek, may be seen the old concrete piers that supported a wooden trestle, fifty-three feet high, over which was operated the first steam railroad in the County. It was four miles in length and built near the turn of the nineteenth century, by the Merced Gold Mining Company, under the direction of Dan G. Kidder, prominent mining engineer. It was used to haul ore from the famous Mary Harrison mine to a forty-stamp mill on Black Creek. The engine weighed eight tons, burned wood for fuel and hauled a train of fifteen ore cars, each of which held five tons of rock. The Santa Fe R. R. Co. advertised it as "the crookedest railroad in the world", as it followed the contours of the hills. Many of the citizens had never previously seen a railroad so the first few days, after completion, were devoted to hauling the citizens, seated on boards placed across the tops of the ore cars, up and down the length of the railroad. It was a thrill that remained a topic of conversation for many years.

Dan G. Kidder is speaking:

"Entertainment and amusement in the early history of the mining centers of Mariposa County were furnished almost exclusively by local talent and they included literary societies, spelling matches, various forms of racing and athletic sports. It seems certain from the records of accomplishments of a few of these old time athletes that if they had been provided with the intensive training given present day athletes they would have made world records.

"During the time of the mining boom in Coulterville many Cornish miners were employed who were highly skilled in the use of hammer and drill. The 'double-jack' hammer weighed 7 1/2 or 8 pounds exclusive of handle and it was used for drilling when two men worked together, one turning the drill steel while the other drove it into the rock with the double-jack. Especially skilled were Joseph Broan and Edward Pope. These Cornishmen were exemplary citizens and powerful men. One of the events at a fourth of July celebration was a drilling contest in which these two men won the purse by drilling a 'down' hole in hard blue granite a distance of 49 3/4 inches in fifteen minutes, using 7/8 inch steel and a 7 1/2 pound double-jack. To provide water for drilling, a 5-gallon oil can filled with water, to which was attached a small hose leading to the drill hole, was placed on a stand so there would be a constant supply of water. Alongside the granite block there were fifteen sharp drills ranging in length from 14 inches to 5 feet. At the word 'Go', one of the men held the shortest drill while the other struck it with the double-jack. The men alternated striking and changing to the next longest drill every minute, and so thoroughly skilled were Broan and Pope that no appreciable interval of time elapsed between the steady heavy blows while they changed steel and strikers. During the fifteen minutes, which was the time allowed for drilling, an average of 105 blows a minute were struck and the hole measured 49 3/4 inches."

Tale after tale can be told about this interesting place, which still retains most of its original charm. Coulterville still lives in the center of a beautiful valley and surrounded by mines that were famous producers in early days and are destined to repeat the story.

CHAPTER XXXIV

COLOR AROUND HORNITOS

Many Southerners came out early to the mines with their slaves. Colonel Thorn, one of the founders of Quartzburgh, brought several but freed his "niggahs", immediately upon learning that California had been admitted into the Union as a free State. Others waited until President Lincoln's proclamation. The freed slaves generally stayed in close proximity to their former masters and so, after the Civil War, there were fifteen or twenty negro families, living near the southern limits of Hornitos. Prominent among them, was Mose Rodgers, who, for many years was superintendent of the famous Washington mine. When former President Grant stopped there, on his way to Yosemite Valley, in addition to receiving a rousing welcome from many of the white citizens, the negroes, every one of them, went to the hotel and shook hands, with their great friend.

One of the negroes, who seemed especially delighted to see the former President, was Aleck Pelton, and from the mutual greeting, it was evident that the two had met previously. Aleck was tall, slim and very bow-legged, so much in fact, it was said in exaggeration, that when standing natural, two sheep could walk side by side between his legs. He was a good citizen, very polite and always removed his

hat when passing a lady. He was a great talker, always happy and comical in his actions, which made him a great favorite. He lived in a three-room log cabin, raised a few ducks and chickens, did a little mining and occasionally worked for some of the stockmen.

One day, George Reeb, the butcher of the town and one of its most substantial citizens, had killed a sow, so large that it had to be scalded in sections. He was just about ready to have it unloaded from his wagon and carried into his shop, when a crowd collected to view the immense carcass. One of the spectators suggested that bets be made as to the weight of the animal, the one making the poorest guess to pay for a bottle of whiskey, from which, each would be entitled to a nip and the one making the best guess to have the privilege of draining the bottle. So the contest was soon on and the guesses ran all the way from four hundred pounds to seven hundred. Aleck happened along at this time and was invited to make a guess. This bow-legged "niggah" smacked his lips a few times, his head moved from side to side and his eyes sparkled as he looked the animal over carefully, then he said, slowly, "Yassuh, yassuh, five hundred and ninety-four pounds."

After all had made their guesses, the hog was hoisted to a weighing beam and the weight was found to be exactly five hundred and ninety-four pounds. Several of the white participants patted Aleck on the back, with such remarks, "You're a pretty good judge of hogs, you're really an expert," and "You're a lucky cuss, a pretty good guesser, Aleck". With each word of praise, Aleck's bow-legs became straighter and straighter, until he stood nearly six feet in height, and he smacked his lips a few times, before remarking in a slow drawl, "Yassuh, I'se could do better than that, with a little practice." No one who was present ever forgot that remark and it always brought a smile whenever recalled to memory. From that day on, Aleck's bow-legs were not so noticeable.

Hornitos, at this time, was a very prosperous mining section, with many mines operating either with mills or arastras and the Chinese were busily engaged in working over the creek beds, which had already been worked by the whites and Mexicans. The town was full of people. The negro settlement was on the southern end and here on every pleasant evening, were enacted scenes of the Sunny South, with the men, women and children, gathered together under the spreading oaks, and singing and dancing to their favorite instrument, the banjo.

On the opposite end of town, was the Chinese settlement, consisting of small cabins, in each of which, fifteen or twenty Chinese slept on rice mats on the floor. It was a marvel to see how many of these foreign-dressed coolies, with their long queues, could be accommodated in such small cabins. Many of these cabins had basements, with connecting doors, thus furnishing an underground passageway for flight if necessary and in these basements, wells were sunk for water supply purposes. The Chinese, like the negroes, kept to themselves, but, in addition, had their own stores and gambling dens, which latter were well-patronized by the whites.

Their favorite game, at this time, was "Tan", which, in later years was called "Fan Tan". At one end of a long table, the dealer stood, with a large pile of Chinese copper coins, with square holes in the centers. He would pick up a handful of these coins, and lay them down in a flattened pile, over part of which, he quickly placed an inverted bowl. He then pulled in the coins left outside the bowl with a hooked rattan stick. After the players, standing around the table, had placed their bets, he lifted the bowl and stacked the coins thereunder in piles of four. If there were one or three coins left over, those betting on "odd" doubled their money, if there were none or two left over, those betting on "even" doubled their money, while those that guessed the exact number, tripled their bets. A small commission was charged to each winner but the players figured that they had a fair break, even though they could notice that the pay-off Chinaman, standing on one side of the table, with stacks of American money in front of him and more in the drawer, kept increasing his piles. These games would go on for hours, with hardly a word being spoken by the Chinese, who, as a nation, are noted for being the most impassive and cleverest gamblers in the world.

In the town, there were five stores, four hotels, six saloons, and three livery stables, all of which did a good business. There was a fine lodge of Odd Fellows and also one of Masons. The Mexican dance halls ran all night. Here the Mexican and white spendthrifts gambled at monte and faro and danced with dark-eyed señoritas, to the twang of the guitar. Disputes arose at times and someone would be killed but the fandango never stopped. Frequently, a blanket was placed on the floor or outside on the ground and a group would deposit their gold dust in piles thereon. Then the betting started, a pinch or two of dust at a time, until one man had won all, through lucky turns of the cards. The losers, however, were always cheerful and would start out next day to find another stake, singing to the tune of "How Happy's the Soldier", verses like the following:

“ 'Tis said that each dog shall in time have his day,
So keep up your courage and hammer away,
If you miss it today, you may find it tomorrow,
Oh, surely the life of a miner is gay.

“Then dig and be dirty, time passes away,
Soon your backs will be bowed and your heads will be gray,
Then spend all you can and be somewhat ahead,
For you wont need a picayune when you are dead,
Oh, surely the life of a miner is gay.”

Joseph Branson, prominent mining man, who lived to a ripe old age, arrived near Hornitos, as a child, in the early fifties. In speaking of his boyhood days, he said:

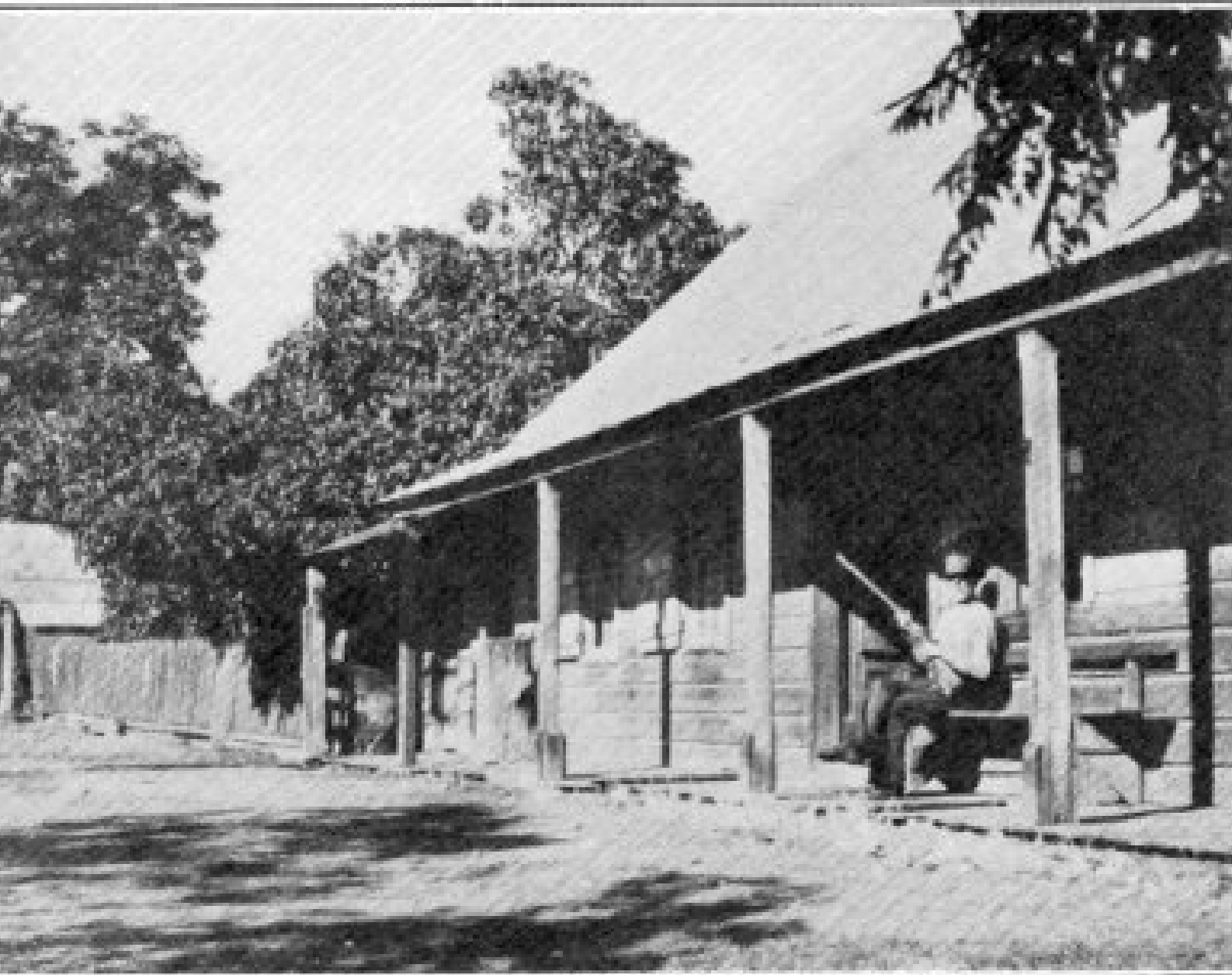
“My brothers and I witnessed many shooting and stabbing affairs. Outsiders never interfered with the participants and even if there was a killing, the public just took a casual look and then passed by for they knew that curiosity, at such times, might be costly.

“I well recall a morning when two Mexican dance-hall girls fought it out, with daggers, in the Plaza. Each had a mantillo, or blanket scarf, which was generally worn around the neck, but, when fighting with daggers, was thrown over the left arm as a shield. No one interfered and both girls were mortally wounded.

“Another case, which we witnessed, was a fight between two Mexicans and a white man. One of the Mexicans stabbed the white, who immediately whipped out his gun and shot his assailant, killing him outright. The second Mexican made a lunge for the white, who, although mortally wounded, fired at his new



The first school house,
Indian Gulch, built of adobe
brick, 1854.



Solari store, Indian Gulch, with the last pioneer resident, just thinking.

assailant but the shot did not kill instantly. Just at this time, a Chinese happened along, carrying on a pole two jugs of vegetable spray. Paying no attention, he came close to the dying Mexican, who stabbed him. The Chinese dropped his load and ran up the street with the dagger still sticking in his ribs but soon fell dead. Four were thus killed, one of them being an innocent passer-by.

“At another time, we boys were going down the steps into the Fandango Hall, under the Campodonico store, when we heard shots within, so we ducked low and watched. Two Mexican musicians had been playing on the stage, when a dispute over the music arose among the dancers, and the two musicians were killed. Almost immediately, it seemed, two others took their places and the dance went on.”

The little, old jail on the hill tells a story that makes one’s hair stand on end. In the sixties, a group of children were playing along the creek near the Chinese quarters. One of the boys did something to tease one of the Chinese, who ran for his gun and after securing it, fired a shot into a rock pile to scare the boy. The bullet glanced on a rock and imbedded itself in the boy’s leg. The Chinese became frightened and started for the hills, but was soon overtaken by a posse and lodged in jail.

There are many stories as to what took place that night. One says that a posse aroused the sleeping jailer and took his key by force; another that the Chinese was enticed over to one of the little one-foot square windows, on the pretext of being given some tobacco, and a rope was placed around his neck; another that a German blacksmith, a great friend of the boy’s family, made a key that opened the jail, making it possible for a number of the enraged men to enter. One thing is certain, the brains of the Chinese were crushed out against the wall, and although the interior of the jail was afterwards whitewashed, the bloodstains and hair that were beaten into the wall, can still be detected.

Even the oaks, in the vicinity of town, if they possessed the power of speech, could tell tales. A man was seldom hanged for killing another but many were hanged for horse-stealing. In some cases, the culprit was required to dig his own grave, under the limb, from which he was to be hanged. Then the “Committee” simply had to cut the rope and the body would fall into the pit, which was immediately filled up with dirt and the incident forgotten.

The old Merck saloon, on the corner of the Plaza, was the scene of many thrilling happenings. It was quite popular with the French miners, who, when prospects looked bright, would celebrate and, aided by plenty of cheering wine, each would imagine himself wealthy

and tell what he was going to do with all his money. On one such occasion, one of the Frenchmen began to cry and bewailed, "Here I am, unmarried, no relatives, no one to leave all my money." On the other hand, when things went wrong, these emotional people could not stand failure and in many cases would kill themselves. Mrs. Merck made inquiry one day about one of her French customers, who hadn't been around for several days, when she was told, "Oh, he made ze brains fly".

The Plaza was the center of the Mexican celebrations. Here was enacted each year, on the last day of Lent, the old Mexican custom of the "Burning of Judas". A dummy, representing the betrayer of Christ, with an old hat on its head, a painted face, old clothes and boots, was placed astride a donkey and led through the streets of the town to the Plaza, where it was burned, amid the wild cries and shouts of the spectators. The night previous was "Judas Night" and the children would pick up loose articles around the town and carry them to the platform around the pump in the Plaza. Live roosters in crates, scales, bed-chambers, machinery, in fact, anything that the children could find unguarded, was placed in the pile. Where each article was taken from was kept track of and on the following day a will signed by "Judas" was read, which gave back each article to the rightful owner.

On June 24th, was celebrated the "Feast of San Juan". As part of the festivities, a live rooster, with a purse containing ten dollars, tied to one of its legs, was buried in the ground so that just the head appeared to view. Then the Mexicans, on their small cayuses, would race by the rooster and endeavor to pull it from the ground. If one succeeded, he was immediately followed by the other horsemen, who frantically strived to secure the bird, or, at least, part of it, and the winner was considered lucky if he retained the leg with the purse.

Hornitos is noted for keeping alive, perhaps longer than any other mining town in California, the old, original Mexican customs. Most of these were discontinued in 1903, with the passing away of the town's oldest, pioneer Mexican resident, at the age of eighty-five years. Her name was Dona Candelaria de Saphien. She had been a resident since the founding of the town and, at one time, was quite well-to-do and always shared her wealth with the Church and unfortunate neighbors. She was a devoted Christian and very patriotic. Her large Mexican flag was displayed at half mast, on the pole in her yard, on the occasions of the assassinations of Presidents Lincoln and Garfield and the death of Queen Victoria. She observed all the important Church anniversaries, at which times, her flag would be unfurled from a pole, in the cemetery on the hill. She invited all, regardless of creed, to join in prayers and in the celebration each year of the "Exaltation of the Cross", and, at these times, the chapel and altar, which she maintained in her home, were decorated with flowers, jewels and candles. She would skimp and save, to buy candles so that in the evening of "All Soul's Day", she could place two candles, one at the head and one at the foot, on each grave, many of which were unmarked and the occupant known only to herself. These lighted candles, on the graves, were to her emblems of faith.

A colorful pioneer, around Hornitos, Bear Valley and other diggings, was Ed Reverdy, a Floridan with a university education, who spent whatever money he made by mining, for liquor and gambling. His footprints had covered a lot of ground on this earth, to say nothing of his ocean voyages.

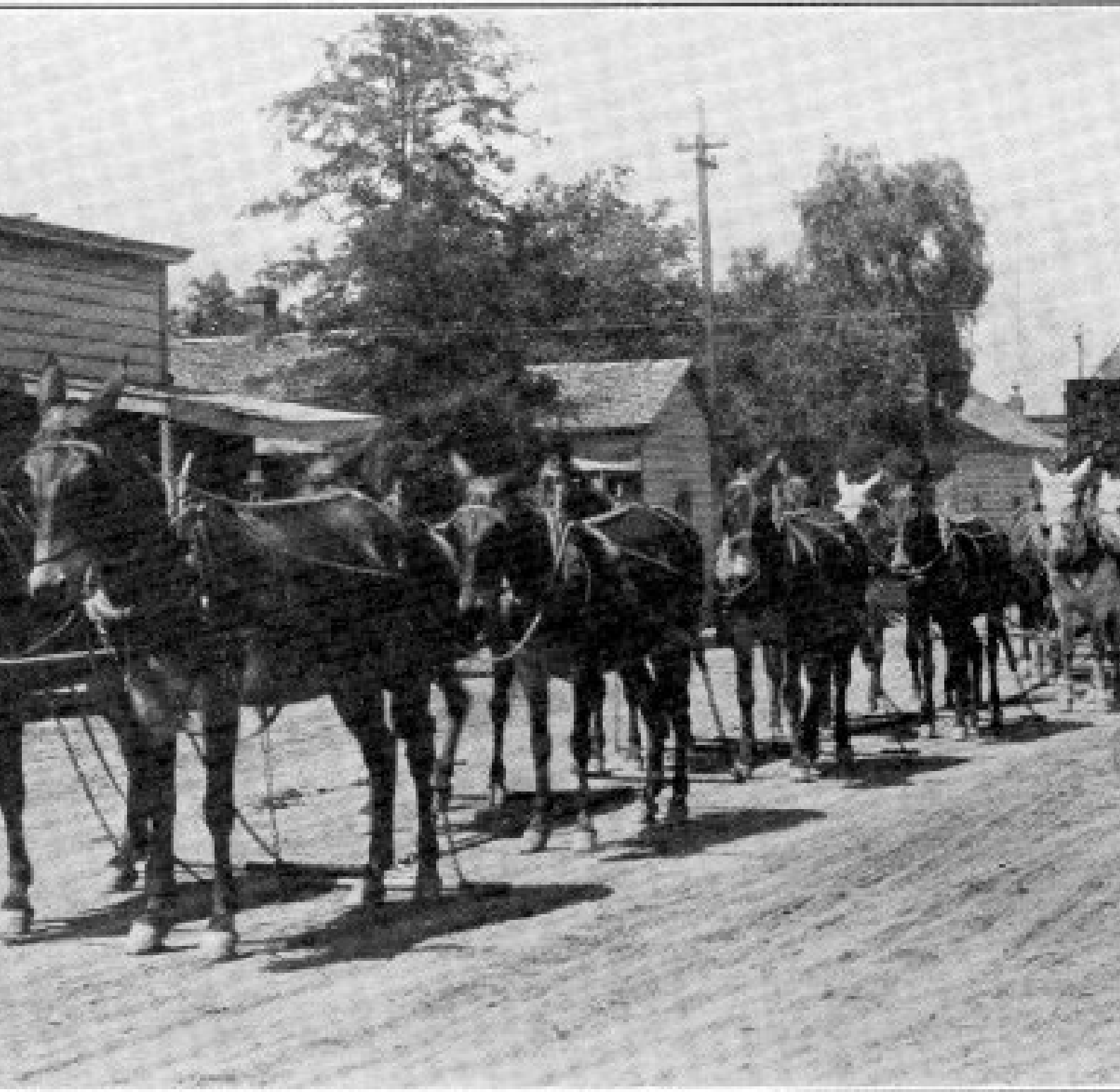
He had been a man-o-warsman on the old ship St. Louis, a soldier in the Texas revolution; an officer of volunteers in the war with Mexico; a Captain in the Mexican army (after the war); engaged in the suppression of Indian hostilities at Yucatan; a forty-niner and successful miner in California, from whence he went to Australia, explored a large part of that continent and by taking a leading part in the foreign or American miner's riot against the license, became the object of persecution by the British authorities, when he returned to California. Making another raise in the mines, he went on a prospecting tour of Peru and ascended the Amazon River and its tributaries, for several hundred miles, with a single companion, in quest of gold; went broke and worked his passage back to San Francisco before the mast. From 1865 to 1868, he worked a claim on the Merced River, near the mouth of Rum Hollow.

Here was a real soldier of fortune, always seeking excitement, new thrills, and distant fields. Perhaps, it was his disappointments and disillusionments, after making such efforts to reach these distant lands of supposed wealth that caused him to start drinking, not moderately, but in a big way, characteristic of everything he had done or attempted to do, in living his life. When sober, or just moderately drunk, he was congenial, interesting and kind, and a great favorite with the children, but when he was on a "big toot", he was ugly and troublesome.

One night, his closest friend, Dan Hunt, was found in Dead Man's Alley, stabbed and mortally wounded. On moonless nights, this short alley, leading from the main street to the vicinity of the hotel, was dark and narrow as a cave. It was lined on both sides by solid adobe walls, cutting off any possibilities of eye-witnesses to occurrences within.

The citizens, who arrived on the scene, found Reverdy, in a drunken stupor, lying near the dying man, who from time to time, in his delirium, murmured, "Oh! Ed." This seeming accusation was used against Reverdy; he was convicted of manslaughter and sentenced to a term of two years in prison. He stoutly maintained his innocence and the officers were unable to produce the knife used in the killing, yet, notwithstanding, he was convicted and sentenced.

The prison term did not seem to hurt or help him. After his release, he resumed his mining and drinking. He was a large man



Joe R. Souza, and the first twelve-animal team to enter Yosemite.

and generally carried an old muzzle-loading shotgun, with a stock, which he had whittled out of an oak limb and on the butt end fastened a tee hinge so bent as to fit under and over his arm pit. No one knew of the gun ever being fired.

His home was a brush-enclosed dug-out, under a large rock, with the ground for his bed. When visiting friends, he was known to have refused to sleep on a bed, saying he preferred to sleep on the floor. Being well-educated, he kept himself informed on world events and did a great deal of talking to himself. When asked the reason, why he did so much talking to himself, he replied: "There are three reasons. First, I like to hear a sensible man talk. Second, I like to know to whom I am talking. Third, I know there will be no tales carried." Visiting friends in Hornitos, one Sunday, he was asked to go out and dig some potatoes in the garden, for the meal. He refused, saying that he just couldn't break the Sabbath. But he was not so particular with other commandments.

Friends tried their utmost to get him to be moderate in his drinking, but he was now too old to change his habit of years. Perhaps, one reason was his membership in the Whiskey Brigade of Pokerville, one of the now forgotten towns, between Bagby and Coulterville. The by-laws of this famous corps pledged the members never to refuse a drink, under penalty of expulsion, and the records show that there never was an expulsion. So true an observance of law has seldom been witnessed in any association.

Before his death, he was completely exonerated of the killing of his friend, Dan Hunt. A Frenchman, on his dying bed, confessed to the killing, told the spot where the murder weapon would be found and it was found there. He said he came across Hunt and Reverdy engaged in a drunken brawl, in the alley. While they were scuffling, he crept toward them, in the blackness, and stabbed Hunt, mistaking

him for Reverdy, against whom he held a bitter grudge. It developed that a number of citizens knew that Reverdy had not committed the murder and knew who had committed it. The murderer was quite popular, whereas Ed had been making himself a pest, so the citizens kept their knowledge secret and allowed Ed to pay the penalty rather than the actual murderer.

There were many others, like Ed Reverdy, men who possessed the pioneer energy but who seemed unable to control or concentrate that energy. It was fortunate, however, to the State and Nation, that the more thrifty, well-balanced class predominated and made successes of their lives, even though surrounded by the same temptations that caused the downfall of this spectacular Southerner.

The historic atmosphere of Hornitos is fascinating; its glamour will always remain. Each scene brings visions of days that are gone and, in fancy, one can still see the bow-legged “niggah”, in front of the butcher shop; the crying Frenchman in the Merck saloon; Joaquin Murietta dancing in the Fandango Hall; the lynching of the Chinaman in the jail; the duel of the dance-hall girls in the Plaza; the burning of Judas, the Feast of San Juan and Dona Candelaria going about her pious duties; the killing of Dan Hunt in Dead Man’s Alley; and Ed Reverdy, with his old gun, talking to himself.

CHAPTER XXXV

THE TOWN WITH THE HOLY NAME

The history of Indian Gulch is similar to and closely associated with that of Hornitos. It was originally called Santa Cruz (meaning Holy Cross), by which name it is still called by Mexicans. It early became the headquarters for hundreds of miners and soon there were established two hotels, several stores, fandango halls, a dozen saloons and many gambling places.

The last pioneer resident sometimes sits in front of the old store, holding his muzzle-loading shotgun and thinking of the past. “Old-timer, what are some of your interesting early-day memories?”

“It’s hard to know where to start”, he replied, “but I will do my best, for I love to talk of the old times. Among our first settlers was the Thompson family. They started from North Carolina with a considerable flock of chickens but when they arrived here at Indian Gulch, the flock had dwindled to just one hen and one rooster. The hen laid eggs and after a time started to set on them, but a wildcat or skunk caught her before the eggs hatched. So the rooster took her place and kept the eggs warm until the little chicks broke their shells.

“The rooster was not only a novelty among the miners but a tough old bird that went on sprees. The miners would bring it to town, feed it crackers soaked in whisky, and, after its first spree, no one ever heard it crow again. Perhaps, it felt too ashamed.

“This town was the rendezvous of the early-day cattle and horse thieves. They would steal animals on the Coast, bring them to Mariposa County to sell, and then steal a band from Mariposa County to take to the Coast and sell. These thieves were excellent customers of this store. Nicola Solari, the proprietor, knew their occupation but as they spent money freely, he always figured that their money was as good as that of anyone else. When broke, however, on a number of occasions, they came to the store, in the dead of night, aroused Nicola from his bed on the counter, and on being admitted, helped themselves to different articles of food. When satisfied, they would thank him and then depart without paying. Had Nicola resisted, he would not have lived to the ripe old age of eighty-six.

“A power against these thieves was Valentine Ruiz, a high-class Mexican of powerful build, who really looked more like a Spaniard, on account of his light complexion. He was a sort of ‘Major Domo’ for a large cattleman and he was possessed of good ‘bay-horse sense’.

“On one occasion, when about twenty horses had been stolen from his employer, he started in pursuit, alone, with five saddle horses. He changed from one to another to relieve the weight. For three days and three nights, he never slept and he finally overtook the thieves, almost at the Mexican border.

“He recovered all the stolen animals and then drove them, unaided, back to his employer. Whether he killed any of the thieves, he never told us, but he was a highly-respected and much-feared man by law-breakers for he was an excellent shot and could handle two guns perfectly. When he died, one of his Colt’s revolvers, which was supposed to have belonged to Joaquin Murietta, was found to have seven notches filed thereon. Whether these notches represented killings of Murietta or Valentine, we never could determine for certain.

“Other towns had rooster fights but they were not as thrilling as those held in Indian Gulch. Here, daggers called cock-spurs, a couple of inches long, were fastened to the spurs of the roosters. The quickest bird to jump on his adversary inflicted a death wound instantly, literally tearing the other bird to pieces. This barbarous custom originated with the Chilenos or Filipinos, who spent a great deal of time in training their birds. The betting was generally high, ten dollars being the common wager on each fight and it is needless for me to say that the decisions were quickly reached.

“Of course, we had murders from time to time. One prominent case was the killing of John Royal by Henry Ivy, in a dispute over the ‘Silver Lead’ mining claim. The murderer drove a pick into his victim’s skull. Ivy was arrested, which was really unusual in those days, tried, convicted of first degree murder and hanged on a gallows, just outside the jail in Mariposa.

“Goucher was our District Attorney and he was a brilliant criminal lawyer and afterwards practiced in courts all over California, even though he was never admitted to practice by the State Supreme Court. He surely could shed ‘crocodile tears’ and make the entire court room weep. In those days, jurors were not kept in the custody of the Sheriff, during the progress of a trial, like they are today, but were free to go where they pleased, between sessions of the court. Many of the jurors lounged around a certain saloon, I believe it was called, and rightfully so, the ‘Court House Saloon’, where all aspects of the case being tried were discussed. It was in this saloon that the lawyers got in some of their most effective work. Many times, the most popular lawyer in this saloon won his case right there, instead of in the court room. Before this trial of Ivy, Goucher told him, ‘Even Saltpetre wont save you’, and such proved to be the case.”

“Old-timer, can’t you tell a story about a sweet romance. Surely, all your recollections are not about cattle thieves, barbarous cock-fighting and murders.”

“Did you ever hear about Joe Souza?” he replied. “Well, he was born here and when he grew up, he was the greatest teamster in these parts. Why, he could turn his twelve animals and two wagons, completely around in that little Plaza in Hornitos.

“His animals were all over fourteen hundred pounds each and he trained them so they could do everything but talk. He rode one of the wheelers. Two wheelers and two pointers held up the tongue and in front of them, he had two additional pointers, who would step over the traces, when touched by the single jerk-line used in guiding the team.

“Do you know what that boy and his team did? Well, he drove the first twelve animal team with two wagons into the Yosemite Valley, down the old Inspiration Point road, where many years later, automobiles had difficulty in making the turns.

“It was this way. It was his first trip into Yosemite and he was told to stop at Fort Monroe, near Inspiration Point, and take off four of his animals. It was foggy and the boy passed by, without seeing the spot, where he was supposed to leave part of his team.

“He just kept on going and the first thing he knew he was right down in Yosemite Valley, near the foot of Bridal Veil Falls. Here he found some other teamsters and they were dumfounded to find that Joe had made the trip down that precipitous, narrow grade, with his entire team and two wagons. Joe, however, didn't think he had accomplished anything wonderful. It was all in a day's work with him.”

“Old-timer, that's a swell story about a real man but what about a love story?”

The old man sat silent for some time, thinking, before he continued: “Yes, there were many romances of the sweet uneventful kind, where lovers wooed, wed and were happy ever afterwards, but unless a romance has something thrilling connected with it, it doesn't make an impressive story. There's one love story, I can never forget.

“One of the customers of this old store was Jack Caldwell. He was a good-natured, little, wiry, Scotch miner, who had a good claim up the gulch, which made him considerable money; in fact, everyone thought he had accumulated about five thousand dollars. On his claim, he built a cosy two-room cabin, for he was preparing to marry a most charming Mexican belle, the daughter of a neighboring miner. She, also, was a customer of this store. Jack had plenty of opposition in his courtship, but he was finally accepted by the beautiful and gracious Rosita. She told her other suitors that she had made her choice, but there was one of them, a young Mexican dandy by the name of Jose, who refused to give up hope and whenever he met her, continued to make entreaties of marriage. However, she was loyal to Jack and final preparations for their wedding were soon under way. It was to take place in the little church, just around the corner at the end of the main street.

“The hour for the wedding arrived. The church was filled with guests, the priest was ready to perform the ceremony, the bride was there with her father, but Jack was absent. A half an hour went by and then another. The bride became fearful and nervous. A horseman was dispatched to Jack's cabin to find the missing bridegroom. Shortly he returned with the report that he had found the cabin locked and being unable to arouse anyone, he had pried open a window and entered; that he found the house in great disorder, with bloodstains everywhere, showing unmistakable signs of a death struggle.

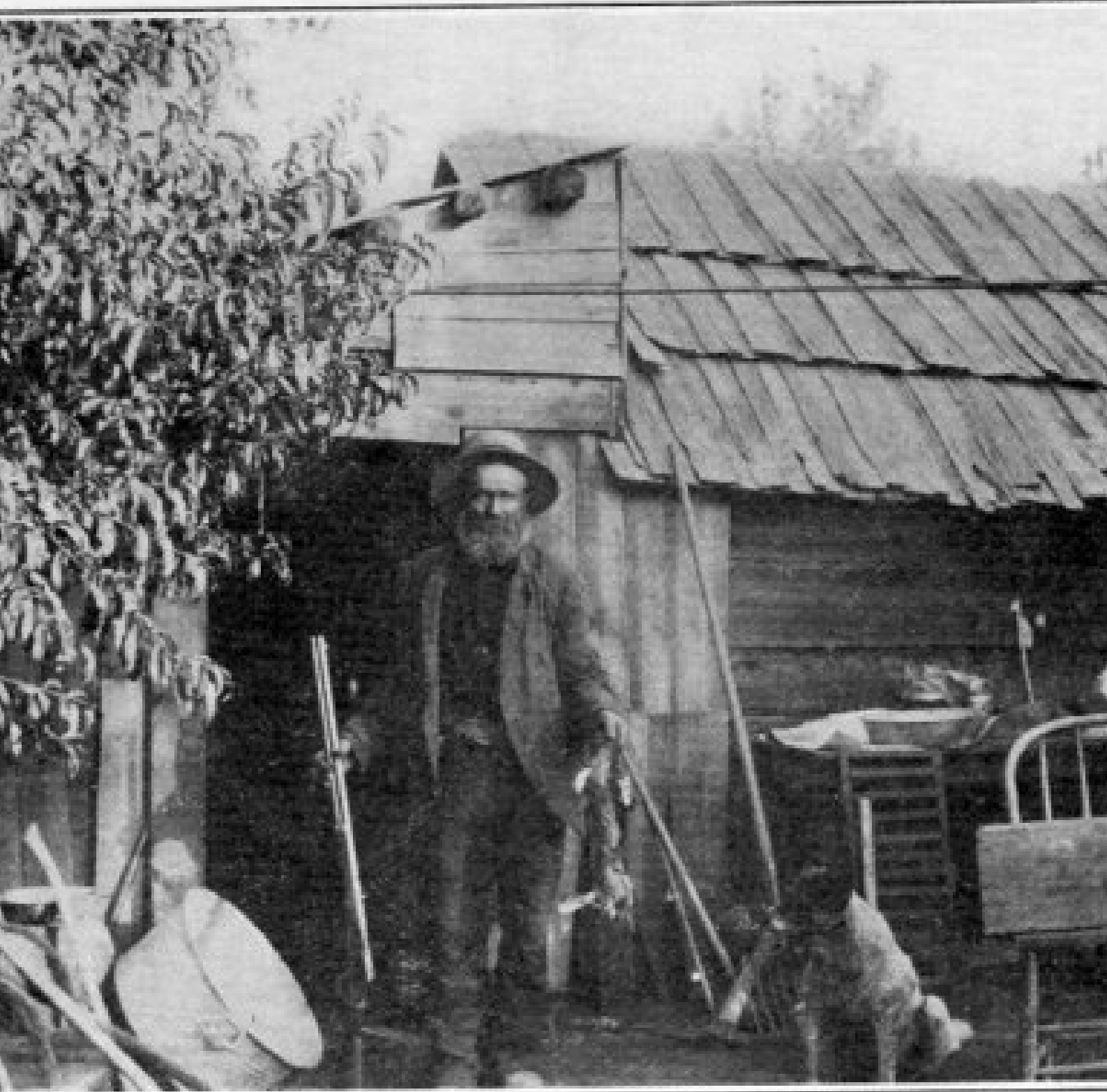
“A posse was quickly organized. They first went to Jack's cabin, where they found everything just as had been reported, and, in addition, that the cabin had been ransacked from pillar to post, presumably in search of hidden gold. No trace of Jack was to be seen, but there were fresh tracks of a horse plainly visible. Suddenly one of the men shouted that he had found bloodstains and signs of a body having been dragged in the direction of a near-by shaft. A man was quickly lowered into the shaft and there on the bottom, were found the bodies of Jack and his dog, both showing signs of having been beaten and stabbed.

“Suspicion pointed toward Jose, and it was to his cabin that the posse quickly rode. They found the door partly open and evidences of a hasty departure, with all the food, utensils, bedding and clothing gone. When the sad news of the finding of the dead body of her lover and the evidence against Jose was imparted, as gently as possible, to Rosita, a look of hate came into her eyes, she clenched her fist and gasped, ‘It was Jose, who murdered my lover. His death must be avenged.’

“She was asked if she had any idea where Jose might have gone, after committing the atrocities. ‘Yes’, she replied, ‘I think I know where he went. One day we were out riding and he told me that he had discovered a secret cave, which he believed had once been a hide-out for Murietta. I begged him to show it to me, so together we rode over into the rough country, about an hour's ride from here. It was surely a secret cave for you had to be right at its entrance before seeing it. Jose told me then that if he ever got into trouble, he would hide out in this cave. I know where the cave is and I will go there alone and avenge the death of my poor lover.’

“They tried every means to dissuade her but she was determined. Next morning, she and her father started for the cave. She carried a six-shooter, which Jack had given her and had taught her how to use. They soon came to a dense thicket of chaparral, in close proximity to the cave. She dismounted and told her father to stay with the horses, while she went alone to meet Jose face to face. She worked her way through the brush until she came to the mouth of the cave. It showed signs of being occupied. She called, ‘Jose, Jose.’ From within the cave, came a voice, ‘My Rosita, my darling!’, and Jose came hurriedly toward her. Her face sneered with contempt, she raised her gun and fired, and Jose fell dead, at her feet. After thus avenging the death of her lover, she entered a convent, where she spent the rest of her life.”

“That certainly was a thrilling and beautiful love story but very sad. Old-timer, would you mind telling why this town was first named Santa Cruz?” He replied, “That is something I can only guess at. Perhaps the Mission Fathers intended to establish a mission here to take care of the Indians, but, if they did, they soon found out that it would be a hopeless task. In any event, Santa Cruz became Indian Gulch.”



Tom Bichard, pioneer miner and philosopher.

CHAPTER XXXVI INDIAN ANECDOTES

During the first years, in this gold region, the majority of young women were Indians, so it was natural that some of the white men chose an Indian bride. Such was the story of Jim McGraw, an Easterner, whose family boasted both wealth and social distinction. He was a great friend of Colonel Fremont and on one of his many visits to the Fremont home, he met Mary, the pretty sister of the Indian maid, working in the Fremont household. He fell in love with her and against her parent's wishes, they were married by a Justice of Peace.

Jim cleared off about an acre of ground, near a creek, built a two-room, rough-board cabin, planted some shade and fruit trees and soon their's was a comfortable mountain home. He was a successful miner and made a good living. Two children were born to them and Jim was very happy with his little family. So content was he with his share of worldly things, that he felt nothing could ever mar the serenity of his home.

In time, his parents heard of his marriage with the Indian and they were determined to make him return. They felt that it would be easy to persuade him to leave what they supposed to be a life of hardship and privation and return to one of luxury and ease. So, in the fall of the year, they arrived on the stage at Bear Valley.

The days were warm and balmy and the leaves had changed the scenery into a background of variegated coloring. Here they found a different peace, that of contentment, not of wealth, and they felt that the rugged mountains over which they had traveled was the dividing line of everything, atmosphere, scenery and even life. They watched their son as he played Indian games with his children and their friends and wondered at his choice. Yet they admired Mary for she was very domestic and she kept her little home spotless and her meals were always tastily prepared.

One afternoon, Jim's mother and father were sitting on a long log, under a large white oak, when he came and sat down between them and they then told him their purpose in coming. "Tell me, dad, how successful has my brother Bob been?"

"Well, he is getting along pretty well in business, but he hasn't had a very happy married life. He married just after getting out of college, but was divorced in three years and his children are now being raised by his wife's folks. He simply couldn't make enough money to keep his wife happy, although I helped him with several thousands of dollars."

Jim replied, "It's just a repetition of thousands of similar cases and it makes me feel more contented here. I have a faithful wife, all the necessities of life and money matters are never discussed. I love the mountains, here I can see the sun rise and set, beautiful and different each day, and the clouds float by. I love the trees, and the rocks and the wild-flowers. I feel that I am a part of Nature. I can always go out and pan gold when I need it. Here is a bottle showing what I washed out in just a couple of days. I am satisfied with my choice, so why shouldn't you be. After all is said and done, wealth is not a measure of contentment."

He jumped up and in his rich baritone voice, sang "America" and its words, "I love thy rocks and rills, thy woods and templed hills" came right from his heart. The parents soon realized that their mission was to be fruitless, so, after a short visit, they departed, feeling very sad for they knew that their son would never return home.

It was such marriages as this, that in time, caused the almost total disappearing of the full-blood Indian. Of course, fire-water helped greatly in this extinction. In later years, the author became very well acquainted with a half-breed Mariposa Indian, Jack Hinks. He had been a good miner, an excellent blacksmith and had held some responsible positions. Naturally, he drank whenever liquor was obtainable. His intellect was keen and he could discuss national problems better than many whites, but his skin was dark like a full-blood's.

One of his interesting experiences occurred when a new Constable had just been elected. Jack, meeting him, one day, invited him to have a drink in a saloon run by an Italian. The Constable accepted.

About a week later, the Constable sent word for Jack to come to town to testify as a witness in a liquor case. He, being busy mining, did not go. A few days later, he received a subpoena, so was compelled to go.

Outside the building, where the court was to be held, was a large crowd. He enquired regarding the case and found that the Constable had sworn out a warrant against the Italian for selling liquor to Indians and he was to be the star witness.

The Prosecuting Attorney was Irish and the Defense Attorney likewise. Jack remarked, "This is a hell of a situation to put us Irish". "What do you mean, us Irish?", said the defense attorney. "I'm smoked Irish", said Jack, and he said it like an Irishman for he could handle the Irish brogue to perfection and anyone who couldn't see his face, would swear he was Irish.

"All right", said the attorney, "you play the part and we will see what comes of it".

The trial commenced amid a mob of spectators. Jack was placed on the stand, sworn to tell the truth, and then asked a number of questions.

"What nationality are you, Jack?" asked the prosecuting attorney.

"Smoked Irish", he promptly replied, in a strong Irish brogue.

The prosecuting attorney said, "I would think you were an Indian, you look like one."

"That's what you think. My father was Irish and my mother Indian. My name is Hinks, the same as my father. Therefore I'm Irish, like my father, although a little smoked. If I was an Indian, I should have been given my mother's name", said Jack, with an intelligent twinkle in his eye.

The court room was soon in an uproar at the clever and humorous testimony. The jury brought in a verdict of "not guilty" and the Constable was so humiliated and chided that he was forced to resign.

One of the early-day Indian "medicine men" was "Old Bullock". He was really harmless, but he bragged so much that many of the weaker-minded Indians believed him to be dangerous and the cause of many deaths among them. In fact, they believed that he possessed a medicine, so powerful, he need not actually give it to the person to be swallowed, but need only throw it at his intended victim and death would soon result. Finally, four young Indians ambushed him, near Wawona, and killed him, in order to relieve themselves from the constant fear of injury and death at his hands.

The Indians, at various places, built large, round enclosures, which were roofed and in which important festivities were held. One such place was located about two miles from Midpines. A description of one of their festivals was published in the Gazette of August 8th., 1873, as follows:

"To describe in detail, all the beautifully dressed ladies, would be impossible, so one or two will suffice. I will first speak of the amiable and accomplished Miss Sally Popeye, the handsome daughter of one of the chiefs. She was dressed in a ravishing petticoat of ten cent calico. Around her ample waist, she wore a woolen comfort, underneath was tucked an ornament made of wood-rat. Her bust was adorned by Nature alone and presented the appearance of two Texas gourds tied to a saddle. Her head was bound with an old stocking and her feet enclosed in Nature's covering. When she entered the building, she was much applauded. Her father, who acted as master of ceremonies, after gazing at his lovely daughter, threw a proud glance around at the white spectators and audibly murmured "you bet".

“Next in order of beauty and grace, came Miss Kitty Bubbies, scarcely inferior to Miss Sally, in loveliness. Her head dress was composed of pieces of bone, with shells of the mud clam, which, while she was performing, kept up a most mellifluous jingling, to the great delectation of the assembled spectators. Her dress, without being costly, was appropriate, a gunny bag made in the shape of a highland kilt and the ‘tout ensemble’ was most ravishing and delightful.

“There was an interim at about twelve o’clock that the revelers might participate in a bounteous repast, served up in the elegant style so well-known to our Indian brethren. Of all the ‘joyful baked meats’, horse appeared to be preferred. The cunning rat and swift gliding lizard are not to be despised, while the sweet bounding grasshopper is eaten with great relish. A species of striped worm is much endeared to them, not only for its scarcity, but for its luscious taste.

“The meal was enlivened by a few solo performances of some of the more distinguished guests. This was done by a gent springing gracefully to his feet, with a horse-rib in his hand and his mouth full of meat and pirouetting around in a manner combining the Mazurka, Cachuca and Tarantula dances, all in one. He would then, with a yell, subside in a most graceful manner and his place would be taken by another gentleman.”

For a number of years, the author was a friend and neighbor to Maria Lebrado and her daughter Mary Leonard, both full-blood Indians of the Yosemite tribe. Maria passed away in 1931 and Mary in 1934. Unlike the goldseekers spurred on by the God of Hope, they were dreamers of the past and perhaps enjoyed more real happiness than their white brethren.

It was interesting and fascinating to visit with them. Both were industrious, peaceful and seemingly content with the necessities of life. They lived close to nature, spent the majority of the time outdoors, made their own acorn bread and were great meat eaters, almost to the end. They lived within their means, were interested in their neighbor’s welfare and their influence was very helpful in cementing the friendship between the Indians and the whites.

Maria was the last survivor of the Yosemite tribe who was present in the Yosemite Valley when the Mariposa Battalion discovered it in 1851. Maria, with her bushy white hair, her clear, keen eyes, and her face, “carved with a million wrinkles”, had lived in famous days that are gone and which will never be lived again.

After leaving the Yosemite Valley, in 1851, Maria did not return until seventy-eight years afterwards. When she returned the Valley did not look the same. She called it “dirty”, meaning “brushy”. “My grandfather, Chief Tenaya, kept the Valley clean”, she said. By this, she meant that the Indians used to burn the brush each year, so as to protect the larger trees in case of summer fire and so they could ride their horses through the forest easily.

She recognized all the prominent rocks and on hearing read and interpreted the legends about them, said they were all true, with the exception of the one about the Lost Arrow, which she said was just “white man’s story”. She recognized Indian Canyon, where many battles took place between the Piutes and the Yosemitees. She pointed out some of the bear trails, onto which the Indians would drive bears. These trails had precipitate endings, from which the bears would tumble to the valley below, being killed in the fall. The squaws would be waiting below to skin them and carry the meat to the village. Maria felt no resentment against the whites, but said that the Indians had been blamed for many things they did not do.

Mary resembled her mother greatly. On one of her frequent visits to the Midpines store, she said, “Me just come by Nigger Bill’s grave.” On being asked, who was Nigger Bill, she replied, “He lived here a long time ago. He no like Injuns. Always chased them away saying, ‘get away, me no like Injuns’.” Then she added with a slight twinkle in her eyes, “Humph, he has to stay now with the Injuns after all, for he’s buried with them”.

Mary enjoyed listening to the radio. She would sit for hours, without seeming to move a muscle, like in a dream. Once, when the radio had been turned off, on account of too much static, she remarked, “What’s the matter with that box? It don’t talk. Is there a man in there?” We tried to explain that the talking and singing came through the air. She then said, “Does it come on wires?” Soon the program came through with a number of voices, when she said, “There’s a lot of them in there now.”

What a marvelous transformation both she and her mother had witnessed in their lifetime, even though most of it was beyond their comprehension and they had been incapable of adjusting their lives to assimilate it. It was a pleasure to know them, and their descendants can point with pride to these two wonderful characters.

CHAPTER XXXVII

MARIPOSA AL

There were many miners who enjoyed the wealth produced by their mines, but there were others, who perhaps owned rich mines but their wealth was only enjoyed in thought. Of such, is the following story and although the author was intimately acquainted with the character, the details were not pieced together until after his death.

“Mariposa Al”, so-called by many of his friends, was old in years but young in spirit. He lived in the future and trusted in his God of Hope to always lead him on but of his past he never spoke.

His father was one of the early-day miners but Al did not like the mining camp environment, so when he was old enough, he went to the city and learned to be a pattern maker. After he became a journeyman, in this line, he decided to see the United States, and he became a member of the army of tramp tradesmen. He experienced many hardships but when necessary, he was usually able to find a job. Owners of shops liked to hire these tramp tradesmen, whenever a vacancy occurred or extra help was needed, for they were generally good experienced men; in fact, they had to be or starve.

At one time, over a period of several months, Al was jobless. His clothes and shoes were practically worn out and he presented such a woe-begone spectacle that possible employers, at a glance, turned him down. While camping in a hobo rendezvous one evening, he learned that in the adjacent city, there was a kindly priest, who sometimes helped needy persons by supplying them with clothes. Immediately, he visited the priest, who asked him many questions and gave him some excellent advice. “As to clothes”, he said, “I will

go up into the attic and see what I can find in your size.” He returned with a Prince Albert suit and a pair of shoes. Al hesitated to accept this contribution for fear he would be taken as a masquerader. But he needed the clothes and agreed in exchange to leave his old clothes with the priest, as thereby the temptation, a little later, to sell the new clothes would be avoided.

Clad in his Prince Albert, Al visited a number of shops, hunting a job and aroused great amusement among the workers. Employers were afraid to hire him, thinking him “nutty”. In desperation, one day, he gladly traded this garb for a shiny, worn, blue-serge suit, belonging to a sign painter. He soon found a job and life again was worth living.

It has been said many times, concerning the son of a gold-miner, that, even though he tries to evade his heritage, the inward call will come and lead him back to the mines; in other words, the mining bug in his blood will get him. The call of the mines was in Al’s blood and finally he started westward. While in Salt Lake City, he made a visit to a gypsy fortune teller.

She told him to stay away from relatives, forget that he had any brothers or sisters, go out to California, roam awhile through the gold regions and that he would come across a ledge, sticking out of the ground, with gold in it. It would be near a creek and close to the outcroppings there would be a massive oak tree. He should start a tunnel into the hill, build his cabin, make his trails, and that some day, a little, weasled old man would come walking up the trail and buy the mine at a price that would enable him to live comfortably the balance of his life.

Coming to Mariposa County, he, within a few years, found a ledge answering the description given by the gypsy fortune teller. Purposely failing to inform any of his relatives as to his whereabouts, he went each year to San Francisco and worked awhile at his trade, until he had accumulated about five hundred dollars. Then, according to the lady who managed the boarding house, where he stayed, a peculiar look would come into his eyes and he would act like a little, sheepish child. In a few days he would master enough courage to say to her, “The mine is calling me. I



Re-union of old-timers at Hornitos.

[Editor's note: Taken in front of Ralph Barcroft's Hornitos Saloon, 1890. Left to right, front row: Ralph Wood Barcroft, Alexander "Al" Sylvester, Sam Collier, Joseph "Joe" Spagnoli, Nathaniel "Nat" Bailey, Tom Thorn, Robert Arthur, and Tom "Spanish Tom" Williams.

Rear row: Henry Nelson, W. Smith Thomas, John Branson, William Dennis, Ben A. Shepard, Guiseppe Gagliardo, Jim D. Craighan, Moses L. Rodgers [black] —dea].

guess, I will have to go".

Generally, he lived alone in his cabin and cooked his own meals. On one occasion, however, and on one only, he shared his cabin with another miner. His friend did the cooking while Al washed and dried the dishes and kept the cabin clean, for cleanliness was almost an obsession with him. He, really, was meant to live alone, for he was so fussy, and at times, became sore at his friend, if everything was not done just right.

Then the two refused to speak to each other for weeks. Each went about doing his part of the work, without a word to the other, but they each talked, in turns, to the large gray cat, which shared the cabin.

The cat showed no preference, for one night it slept on Al's bed and the following night on the friend's cot. It was amusing to hear first one and then the other conversing with the cat. Finally, the ridiculousness of the situation dawned upon the men and they became on speaking terms again.

Possible buyers came, from time to time, to see the mine. Al took great pleasure in showing the property. He would take samples from the ledge, pound them up fine in a large mortar, then pan the pulverized material and display the grains of gold. Several times, he signed papers, giving a lease and bond on the mine, but a sale never materialized, principally because he did everything to discourage a deal, after it was started. Then, when a deal was declared off, he appeared to be the happiest.

At these times, he would say, "The right man hasn't come along yet". Evidently, he was waiting for the little, weasled, old man, as described by the gypsy fortune teller. Year after year passed; he became older and crankier, especially in respect to his mine. Frequently, he wrote to the daughter of the boarding-house manager, in San Francisco. She read one of the letters to her father, which said, "I have a buyer coming in about a week, whom I am sure will buy my mine." The father replied, "That's just what he wrote you fifteen years ago". Every letter was the same, "The right man is soon coming to buy my mine".

More years passed and he found himself unable to go below to work at his trade and earn the five hundred dollar stake. He really suffered from the lack of some of the necessities of life, although his friends gave him everything he asked for, for he was a loveable, kindly man. But he still lived on hope and never for a moment, became discouraged. He always said to his friends, "Everything is fine. It will only be a few weeks, when the right buyer will come and then everything will be jake." And he said it, with such a sweet smile, that no one could doubt but that he believed the truth of his remark. Finally, it became necessary to take him to a hospital, where in a few months, he passed away.

His was a large funeral. To the surprise of everyone, two of his brothers were present. They had been looking for him for twenty years. Both lived within a few hours run of his mine and one had passed his hospital the day before he died. A neighbor of one, noticing an item, in a city paper, about the death of Mariposa Al and giving the date of the funeral, had communicated the news.

Faithfully observing the instructions of the gypsy fortune teller, he had, until death, successfully kept his whereabouts unknown to his relatives. One of the brothers was a weasled, old man, with white hair and a kindly, intelligent face, which was almost an image of Al's, in his last years at the mine. This brother said, "I have been looking for my brother for many years and worried about him, wondering if he was in need. I have plenty of money and would have gladly purchased the mine at a price that would have enabled him to live out his life in comfort".

Al left a will, naming, out of the sale of the mine, several five hundred dollar bequests to children, whom he had known for years, and the balance to the daughter of his boarding-house friend. The will stated that should any relatives show up, they were to receive one dollar each.

He may have been happy in following the instructions of the gypsy fortune teller and dying with his mine unsold, but what a different story could have been written, had he not been advised to keep aloof from his own kin. So far as could be found out, there had never been any trouble between him and his brothers, and the little, weasled, old man, his own brother, had been waiting for years to walk up the trail, along the creek, to the big oak tree, if Mariposa Al had only informed his brother where he was. His wealth, left in the ground proved a great benefit to his successors, while the only pleasure he received from it was in his own mind.

CHAPTER XXXVIII

THE PIONEER SPIRIT EXEMPLIFIED

Great praise is due to the pioneer men and women, who mastered every hardship, elevated hell-roaring camps into substantial, liveable communities and reared families. Many of these law-abiding and industrious pioneer parents did not leave behind great material wealth, but they did leave worthy descendants.

Children, born to these pioneer, home-loving parents, grew up surrounded by the beauties of nature. They had the opportunity to learn, early and at close hand, the value of the small but essential fundamentals of life, such as obedience, self-reliance, honesty, virtue, generosity and love of parents, school and country. They lived close to people, observed their feelings, thoughts, struggles and ambitions and learned to sympathize. This love of the commonplace, human understanding and the acquaintanceship with nature, gave them a wonderful advantage, in later life, when added to honest endeavor, in business, profession or homemaking.

The world needs the qualities of self-reliance and the spirit that never grows old, such as were exemplified by the pioneers and which are still being exemplified by their successors on the gold road to Yosemite. The author witnessed the following episode.

It was a cold winter night. About a foot of snow covered the ground and all indications pointed to additional snow almost immediately. In the country store, the big stove was sending out a welcome heat.

A customer, known as "Feliciana Frank", with long hair, stooped shoulders, a wrinkled face and powerful frame, was buying supplies, of canned goods, bacon, etc. As he purchased each article, he placed it in a burlap sack and lifted it to determine the weight. When he had approximately seventy-five pounds of goods in the sack, he paid the bill, then cut a slit on each side of the top of the sack, through which to place his arms, when the sack was hoisted on his back.

Just as he was getting ready to start out on his five mile walk, two miles of which was a narrow trail, up a steep mountainside, a conveyance stopped in front of the store and a rugged Swede came in and stood by the stove. He was superintendent of the mine, where "Feliciana Frank" lived and worked.

"I will take you home, Frank, just put your things in the wagon", said the superintendent. But Frank only shrugged his shoulders and said in a slow, drawl voice, "I guess, I will walk".

The store-keeper, being anxious to learn why an old man, for Frank was over sixty, would refuse a ride on such a wild night, especially with a seventy-five pound load, entertained him, until the Swede left and then asked the reason.

"Over twenty years ago", he said, "I had been working for a large lumber company and my work had always been satisfactory. In the winter time, the camp was closed down, so in the Spring, I showed up, expecting to get my old job. The foreman said, 'Frank, you are over forty years of age, so we will be unable to hire you any more'.

"I was stupefied. I, who had always done my work right, had been condemned and refused employment, because I was over forty. It made me mad, but I was not discouraged. I determined to return to the mines, where I had once worked, and I came up here with a seventy-five pound load on my back. Tonight, I want to see if I can still carry the same load that I did when I came up here over twenty years ago."

The store-keeper, wishing to encourage this interesting man to talk some more, then asked, "How have you done since you came up here?" The old man's eyes gleamed with an almost uncanny lustre, when he replied, "I have done better up here than I ever did when working for lumber companies. I can still do as much work as I could twenty years ago. God has been good to me. He once saved my life."

"How was that, Frank?", questioned the storekeeper, and Frank replied, "I was out in the woods cutting timber for the mine, when a fierce storm started and the snow piled up faster than I had ever seen it before. I tried to make haste to get to my cabin, but the snow came down so thick and fast, that my trail was obliterated. I lost my way and struggled almost helplessly through the timber for many hours. I became exhausted and the thought kept coming to me 'why not lay down and go to sleep for just a few minutes?', but another voice, that of God, urged me to keep going, saying that if I layed down just for an instant, I would never wake up. I kept going and finally God led me to my cabin. I know positively that if God had not helped me, I would have perished."

"Feliciano Frank", in a short time, started with his load, out into the wintry night, for his home on Feliciano Mountain, reaching there about midnight, according to the Swede superintendent, who came in to the the store, a few days later. He, also, said that Frank could do the work of two ordinary men, despite his age. Such is the pioneer spirit of self-reliance.

Another such example, the author witnessed on a recent visit to the home of Katharina Reeb Morrison. This interesting courageous lady was born in Hornitos, her father being George Reeb, the pioneer butcher there. She lost her sight eight years ago, but one would not know it, unless told. Her mind was keen, she was active in household duties and there was no evidence of helplessness. The following poem, written by her, came from her heart:

I LOVE YOU, OLD HORNITOS

"I love you, old Hornitos,
With your buildings wrecked and old,
With your crooked street so narrow,
And weird stories still untold.

"Where the days are now so quiet,
Where at night, one has no fear,
With no noise but crickets chirping,
Or a night owl hooting near.

"Where the little children gather,
In the grass-grown streets to play,
With no fear of Murietta,
Stalking out to seek his prey.

"There are now no faro tables,
Within the Plaza square,
No dark-eyed señoritas,
To dance by the torch-light's glare.

"No shining bladed Bowie
Grasped with a steady hand,
Ready in an instant,
To stain that Plaza sand.

"The secret passage underground,
Deadman's Alley and Three-fingered Jack,
Are just relics now in our memory
Of the days as we look back.

"When the shades of evening gather
And soft breezes fill the air,
I try to picture those early days,
When our fathers and mothers came there.

"But little do we know of the hardships,
And the dangers they went through
To civilize that little town,
And make a home for me and you.

"So, we all love you, Hornitos,

We pay homage now to you,
And to those sturdy, good old pioneers,
Who were so brave to dare and do.”

CHAPTER XXXIX RE-UNION OF OLD-TIMERS

During the first fifty years, following the discovery of gold in California, notwithstanding the great drawbacks of inefficiency of management, of inadequate and limited equipment and of stock-selling schemes when the money was spent elsewhere than in the mines, Mariposa County mines produced over \$100,000,000 in gold.

During the second fifty years, the record of the pioneers should at least be equalled. There are still veins of untold wealth here, which the present generation can never exhaust. Mining men, today, are better trained and more experienced and the machinery of today is far more efficient and the earth can be penetrated to greater depths than was possible in the first fifty years, for remember this, gold comes from below.

What would John C. Fremont, L. H. Bunnell, J. M. Hutchings, Angevine Reynolds, James D. Savage, John S. Diltz or any of the pioneers say, if they could return for a visit? They bequeathed us a heritage, far richer than they imagined, but it is ours only in our lifetime and we must not forget that we are also trustees for the generations to come.

A most appropriate gala celebration, commemorating the fiftieth anniversary of the discovery of gold in California, was held in San Francisco, in January, 1898. Thousands of mining men, from all parts of the State participated, and Mariposa County was well represented, as was, also, every State in the Union. Even the Chinese and Japanese had floats in the parade.

Never again can such a scene be duplicated. The men of forty-nine and their strange romantic stories were soon to pass from the memories of living men. The young prospectors of forty-nine, if present, were now old men, yet their eyes sparkled and they entered into the gayety of the occasion whole-heartedly. The tales that were told of the past and the stories of the prospects that they were still working on in the hills showed that they were still the greatest optimists in the world and that their spirits were still young, even though their bodies were old. From many a re-union of old friends, songs like the following floated in the air:

“Now youth it is fled, we’re alive, not dead,
It’s a folly to keep repining,
Let’s all sing a song, go happy along,
And think of those days we were mining,
Let’s do unto others, as we’d be done by,
Let us act to each other like brothers,
Let’s all stick together like birds of one feather,
Old miners, forty-niners and others.”*

“The days of forty-nine, my boys,
The days of forty-nine,
We’ll fill a cup of kindness yet,
To the days of forty-nine.”†

*By Maurice M. Murray

†By Chas. H. Chamberlain

Millionaire John Hite, liberal with his money, mixed with the boys, just as if he was still but a common miner. A friend asked, “John, how did you really happen to find your rich mine?” Hite replied, “I owe it to an Indian squaw. She had lived with Jim Savage, as his wife, when he had a store on the south fork. After Jim had shown her what gold was and its value, on one of her rambles around the hills, she noticed a rich outcrop, about which she intended later to tell her husband. Meanwhile the Indian war occurred, she became separated from him and a short time later he was killed.

“I had been friendly with her, so one day, she told me of her find and its approximate location and that’s what I was in search of, when I came upon it. That is the reason I have always been friendly with the Indians, for without the help of this Indian squaw, I never would have found my mine”.

Tom Bichard was there and told many of his amusing tales. “Boys”, he said, “you all know that there has been lots of gold buried in our hills by old-timers, which will never be found inside the next fifty or a hundred years, maybe not until the rains have washed away the ground on top of the cans containing the gold. Most of you think that I found some of George Lacy’s buried money. Well, I did, and this is how it came about. I knew, just like all the rest of you did, that George had buried many thousands of dollars and that some day he would die and perhaps his hidden treasure would never be found. I thought over the matter a good deal and then I said to myself, ‘Tom, if you had buried gold, at any distance from your cabin, wouldn’t it be natural for you to go there at least once a day, to see if it was still there? Of course you would, so why not watch old George?’

“Sure enough, I watched from a hillside for days, and each day I would see George go off into the pines to a certain place on some neighboring government land, without accomplishing anything on these trips and without any apparent purpose. I knew then where some of his gold must be buried. After he died, I went and found it, just as I had surmised. I buried some of it and if I need it before I die, I will get it, otherwise, the secret will have to be found out by another generation.

“Then there is the case of ‘One-eyed Gus’, whose hidden wealth has never been found, so far as I know. Gus was a German, who, for several years worked a rich claim on Sherlock’s Creek, just below the falls and about two miles from the Merced River. Everyone

thought that his claim averaged about an ounce a day and he also made considerable money on Sundays by fixing miner's shoes and making breeches for them. He was very thrifty and never spent money for anything except necessities.

"One winter evening, when the creek was high, he journeyed down to the store on the river and after purchasing some needed supplies, he started to return to his cabin, about two miles up the creek. That was the last ever seen of him. When the creek subsided, one of his boots was found, where it had been washed into some brush by the high water, but his body was never found. The neighbors figured that he must have accumulated at least ten thousand dollars, which he buried somewhere in the vicinity, but so far as known, it has never been found.

"Now, let me tell you a story where I almost found a fabulous hidden treasure, just to show you that it is an indisputable fact, in the course of events, whether human or otherwise, we, in this here life, must have our ups and downs, or things wouldn't be perfectly natural.

"Many years ago, I was down on the Merced River, at a point about three miles from Colorow, where I found a good prospect for gold. I also found a remarkable 'find', on the bank of the river, which was a large slab of rock, with an inscription cut on it, which read, 'Raise me and I'll tell you more'. The more I looked at it, the more I became excited and as it was impossible for me to turn it over, I abandoned it for the present.

"When I got back home, I reported to some friends what I had found and they, also, got excited and were anxious to investigate the mysterious stone and turn it over, if possible. The next day, with picks, shovels and crowbars, we all repaired to the legendary stone, underneath which the boys had conjured up in their imagination that there might be a treasure buried by some miners in '49. So confident were they that something good was to be realized that their courtesy to me knew no bounds. They recognized me as their great chief, called me Captain and were remarkably clever.

"The slab was ten feet long, six feet wide and two feet deep and our company of six arrived at the spot and found the inscription as represented. They were so elated that they fairly loaded me down with compliments at being such a lucky cuss, finding things that weren't lost and it was Tom here and Tom there. Speculations of the buried treasure were rife with the members of the extraordinary find. One says, 'it was put there by some miners in '49, who had been scalped by Indians.' Another guesses that Fremont had deposited a few million there during his peregrinations, when he was surveying the grant.

"After they had all had their say, I says, 'gentlemen, I will account for this mysterious treasure. This is the place where Captain Kidd buried his treasure.' They all gave me a look of amazement and asked me, in all seriousness, how Captain Kidd could get here with his ships. 'Gentlemen,' says I, 'I hope you will not doubt my veracity, when I tell you how it happened. I presume you all have read the story of Jonah, who swallowed the whale. That is all bosh. It was the whale that swallowed Captain Kidd and all his outfit, ships and all, which occurred just outside the bar of San Francisco harbor, here, about the time of Noah's flood. This whale, in his bewilderment, wandered up into the interior, and as the flood receded, he left his effects behind, which was deposited under this stone. Now, you who are in the habit of making two or three ounces per day, or sometimes that much to a pan, let me see your elephantine strength, in overturning this stone.'

" 'Simply waiting orders, Captain', responded the spokesman of the crowd. The inscription on the top of the slab was again read and repeated so as not to be all lost from memory, as it was evidently going under, when all hands with their temporary derricks, signalled the grand somersault by a 'he-up and over she goes', and over she went, sure enough. With much united effort, it was really no trick at all. As it went over, the following poetical effusion flashed across my shattered brain:

'Oh, you bloody fools,
Haven't you a particle of sense?
This is only the corner-stone
To Captain Kidd's mosaic fence.'

"But inspired with hope and with strong arms uplifted, over went the mysterious slab, which divulged an inscription upon the other side and which had not been read for the first time until now, and what do you think it read?

"All hands, trembling with hope and anxiety, each read to their satisfaction, the grave-yard words, 'Lay me down as I was before'. Well, you never saw such a change in human countenances, they could have cannibalized me; that would have been the last of poor Tom. They appeased their appetites by calling me a humbug, fraud, bilk and everything but a gentleman. So it goes, when things go wrong, nevertheless, I told them, my name will always be Tom."

The Hon. Niles Searles, delivered the oration of the day, in part as follows: "To California, the discovery of gold was the motive power which transformed a land of vast resources, but with an extreme poverty of development, into an empire.

"To our common country, the discovery was almost equally important. It wiped out the last vestiges of provincialism in business methods and placed her commercially and financially upon the plane with the leading nations of the earth and when the final, crucial test of the perpetuation of the Union came, it was California's gold, which was a twin factor with patriotism, in settling the problem of a continued existence.

"The mass of Argonauts were mostly young men. Twenty-five years is believed to be an average of their ages. They composed the best intelligence, energy, courage and perseverance of the communities, from which they came. They were in an age when the love of adventure was strong.

"Only the pioneers and the men who served in the field as soldiers can comprehend how it is possible to do without things and still be comfortable. The early miners endured much and enjoyed much. They were free as the invigorating mountain air. They yielded homage to no man and felt a proud consciousness that that which they extracted from the earth, added to the world's aggregate wealth, without impoverishing their fellow men. Their pursuit and their environment begot in them self-reliance and greater individuality. They were tolerant of the views of others, willing to think for themselves and accord a like privilege to others. They were the most charitable and liberal people on earth and these qualities have been inherited or imbibed by their descendants and successors until this day."

The spirit of forty-nine still lives on, throughout the easily-accessible area on the gold road to Yosemite. It is today a land of charm, of mining activity, and a living and important connecting link with the romantic past.

APPENDIX

THE MINERS' TEN COMMANDMENTS

(First published, September 10, 1853, by J. M. Hutchings.)

A man spake these words, and said; I am a miner, who wandered 'from away down east', and came to sojourn in a strange land, and 'see the elephant'.

And behold I saw him, and bear witness, that from the key of his trunk to the end of his tail, his whole body has passed before me; and I followed him until his huge feet stood still before a clapboard shanty; then, with his trunk extended, he pointed to a candle card tacked upon a shingle, as though he would say 'Read', and I read the

MINERS' TEN COMMANDMENTS

I

Thou shalt have no other claim than one.

II

Thou shalt not make unto thyself any false claim, nor any likeness to a mean man, by jumping one; whatever thou findest on the top above or on the rock beneath, or in a crevice underneath the rock; for I will visit the miners around to invite them on my side; and when they will decide against thee, thou shalt take thy pick and thy pan, thy shovel and thy blankets, with all that thou hast, and 'go prospecting' to seek good diggings; but thou shalt find none. Then, when thou hast returned, in sorrow shalt thou find that thine old claim is worked out, and yet no pile made thee to hide in the ground, or in an old boot beneath thy bunk, or in buckskin or bottle underneath thy cabin; but hast paid all that was in thy purse away, worn out thy boots and thy garments, so that there is nothing good about them but the pockets, and thy patience is likened unto thy garments; and, at last, thou shalt hire thy body out to make thy board and save thy bacon.

III

Thou shalt not go prospecting before thy claim gives out. Neither shalt thou take thy money, nor thy gold dust, nor thy good name to the gaming table in vain; for monte, twenty-one, roulette, faro, lausquenet and poker, will prove to thee that the more thou puttest down the less thou shalt take up; and when thou thinkest of thy wife and children, thou shalt not hold thyself guiltless—but insane.

IV

Thou shalt not remember what thy friends do at home on the Sabbath day, lest the remembrance may not compare favorably with what thou doest here. Six days thou mayest dig or pick all that the body can stand under; but the other day is Sunday; yet thou washest all thy dirty shirts, darnest all thy stockings, tap thy boots, mend thy clothing, chop thy whole week's firewood, make up and bake thy bread, and boil thy pork and beans, that thou wait not when thou returnest from thy long-tom, weary. For in six days' labor only thou canst not work enough to wear out thy body in two years; but if thou workest hard on Sunday also, thou canst do it in six months; and thou, and thy son, and thy daughter, thy male friend and thy female friend, thy morals and thy conscience, be none the better for it; but reproach thee, shouldst thou ever return with thy worn-out body to thy mother's fireside; and thou shalt not strive to justify thyself, because the trader and the blacksmith, the carpenter and the merchant, the tailors, Jews, and buccaneers, defy God and civilization, by keeping not the Sabbath day, nor wish for a day of rest, such as memory, youth and home, made hallowed.

V

Thou shalt not think more of thy gold, and how thou canst make it fastest, than how thou wilt enjoy it, after thou hast ridden roughshod over thy good old parents' precepts and examples, that thou mayest have nothing to reproach and sting thee, when thou art left ALONE in the land where thy father's blessing and thy mother's love hath sent thee.

VI

Thou shalt not kill thy body by working in the rain, even though thou shalt make enough to buy physic and attendance with. Neither shalt thou kill thy neighbor's body in a duel; for by 'keeping cool', thou canst save his life and thy conscience. Neither shalt thou destroy thyself by getting 'tight', nor 'stewed', nor 'high', nor 'corned', nor 'half-seas over', nor 'three sheets in the wind', by drinking smoothly down— 'brandy slings', 'gin cocktails', 'whiskey punches', 'rum-toddies', nor 'egg-nogs'. Neither shalt thou suck 'mint-julips', nor 'sherry-cobblers', through a straw, nor gurgle from a bottle the 'raw material', nor 'take it neat' from a decanter; for, while thou art swallowing down thy purse, and thy coat from off thy back, thou art burning the coat from off thy stomach; and, if thou couldst see the houses and lands, and gold dust, and home comforts already lying there—'a huge pile'—thou shouldst feel a choking in thy throat; and when to that thou addest thy crooked walkings and hiccuping talkings, of lodgings in the gutter, of broilings in the sun, of prospect-holes half full of water, and of shafts and ditches, from which thou hast emerged like a drowning rat, thou wilt feel disgusted with thyself, and enquire, 'Is thy servant a dog that he doeth these things?' verily I will say, Farewell, old bottle, I will kiss thy gurgling lips no more. And thou, slings, cocktails, punches, smashes, cobblers, nogs, toddies, sangarees, and julips, forever farewell. Thy remembrance shames me; henceforth, 'I cut thy acquaintance,' and headaches, tremblings, heart burnings, blue devils, and all the unholy catalogue of evils that follow in thy train. My wife's smiles and my children's merry-hearted laugh, shall charm and reward me for having the manly firmness and courage to say NO. I wish thee an eternal farewell.

VII

Thou shalt not grow discouraged, nor think of going home, before thou hast made thy 'pile', because thou hast not 'struck a lead', nor found a 'rich crevice', nor sunk a hole upon 'pocket', lest in going home thou shalt leave four dollars a day, and go to work, ashamed, at

fifty cents, and serve thee right; for thou knowest by staying here, thou mightst strike a lead and fifty dollars a day, and keep thy manly self-respect, and then go home with enough to make thyself and others happy.

VIII

Thou shalt not steal a pick, or a shovel, or a pan from thy fellow miner; nor take away his tools without his leave; nor borrow those he cannot spare; nor return them broken, nor trouble him to fetch them back again, nor talk with him while his water rent is running on, nor remove his stake to enlarge thy claim, nor undermine his bank in following a lead, nor pan out gold from his 'riffle box', nor wash the 'tailings' from his sluice's mouth. Neither shalt thou pick out specimens from the company's pan to put them in thy mouth, or in thy purse; nor cheat thy partner of his share; nor steal from thy cabin-mate his gold dust, to add to thine, for he will be sure to discover what thou hast done, and will straightway call his fellow miners together, and if the law hinder them not, they will hang thee, or give thee fifty lashes, or shave thy head and brand thee, like a horse thief, with 'R' upon thy cheek, to be known and read of all men, Californians in particular.

IX

Thou shalt not tell any false tales about 'good diggings in the mountains', to thy neighbor, that thou mayest benefit a friend, who hath mules, and provisions, and tools and blankets, he cannot sell, lest in deceiving thy neighbor, when he returneth through the snow with naught save his rifle, he present thee with the contents thereof; and, like a dog, thou shalt fall down and die.

X

Thou shalt not commit unsuitable matrimony, nor covet 'single blessedness', nor forget absent maidens; nor neglect thy 'first love'—but thou shalt consider how faithfully and patiently she awaiteth thy return; yea, and covereth each epistle that thou sendest with kisses of kindly welcome—until she hath thyself. Neither shall thou covet thy neighbor's wife, nor trifle with the affections of his daughter; yet if thy heart be free, and thou dost love and covet each other, thou shalt 'pop the question' like a man, lest another, more manly than thou art, should step in before thee, and thou covet her in vain, and in the anguish of disappointment, thou shalt quote the language of the great, and say 'let her rip', and thy future life be that of a poor, lonely, despised and comfortless bachelor.

A new Commandment give I unto thee—if thou hast a wife and little ones, that thou lovest dearer than thy life,—that thou keep them continually before thee, to cheer and urge thee onward until thou canst say, 'I have enough—God bless them—I will return.' Then as thou journeyest toward thy much loved home, with open arms they shall come forth to welcome thee, and falling upon thy neck, weep tears of unutterable joy that thou art come; then, in the fullness of thy heart's gratitude, thou shalt kneel together before thy Heavenly Father, to thank Him for thy safe return. AMEN—So mote it be.

FORTY-NINE

http://www.yosemite.ca.us/library/call_of_gold/

