



## SAVING THE DOUBLE SPRINGS COURTHOUSE

### Part 1 of a Two Part Series

by *Bonnie Miller and Wally Motloch*

On Feb 18, 1850, six months before California was admitted to the Union, California held a provisional legislature. This legislature established the first counties, and Calaveras was determined to be one of them. These original counties have come to be known as California's Twenty-seven Charter Counties. Over the next hundred years the boundaries of these counties have changed considerably and today the state contains 58 counties. The land mass originally known as Calaveras now encompasses areas of the counties of Amador, Mono and Alpine and even a portion of Fresno as well as Calaveras. When Calaveras County ceded land to Fresno County, Fresno was spelled with a Z.

The original county seat established for the fledgling County of Calaveras from the 1850 Provisional Legislature was the community of Double Springs. The county seat remained there for the next 14 months until it moved to the more cosmopolitan community of Jackson, north of the Mokelumne River. Originally Calaveras County was in the

fifth judicial district which embraced San Joaquin, Mariposa, Tuolumne and Tulare Counties.

Double Springs was selected for a variety of reasons. Five roads intersected at this juncture so it was easily accessible from the valley as well as other gold country regions. There were reliable cool running



Artist's rendering of the Double Springs Courthouse by Dave Gano.



the form of an import. The best thing available at the time were pre-fabricated houses being advertised in the papers. These were arriving by ship from China. They were reputed to be hewn of light weight but hard grain wood and easily assembled at their final location. The houses were advertised as twelve feet wide by twenty-four feet long by eight feet high, and came in easy to assemble panels.

Mr. Douglas, who later became a clerk of the district court, arranged the purchase of three of the houses. The ones purchased for Double Springs measured thirteen feet

springs to provide water to travelers meeting at this crossroads. And quite likely, considerable land in the area was owned by Thomas Van Buren, the son of a powerful southern senator.

The new county immediately held itself an election and elected its first officials. Unfortunately Statehood, Charter County status and the honor of being the county seat fell upon the small community faster and sooner than they were ready for it. They had no place in which to conduct such important business befitting such a high honor. The first court was held in a tent, and the first grand jury met under an oak tree. The community of Double Springs was proud of the fact that they were the county seat of a new county in a new state at the heart of the activity. Something more dignified than a tent and an oak tree had to be done.

Led by one of their finer citizens, J. P. Douglas, they set about to procure a fine courthouse worthy of the honor. But there were no carpenters for hire, no mills to provide them lumber anyway, no masons seeking work and no quarries either. What was to be done? An odd solution presented itself in

by twenty-six feet. Fitted together, the three houses formed one long house which encompassed the community's post office, the courthouse, and the inevitable saloon.

Among those first officials elected were a cantankerous fellow, William Fowle Smith as the new county's judge, with Lewis A. Collier, a Colonel from the south, serving as the first County Clerk. These two gentlemen would share quarters in the new building for the purpose of conducting business and having a place to live. Actual ownership of the building is unclear. Perhaps the men funded the building or paid rent, but ultimately they earned half ownership of the building during their tenure in Double Springs. Both men served colorfully in their public positions and ultimately left reputations of fraud and pilfering of public funds.

The first term of the Court of Sessions for Calaveras County was held at Double Springs on 10 June, 1850. One of the first items of business was to order a poll tax of five dollars on every

male citizen in the county between the ages of twenty-one and fifty; and levy a tax of fifty cents on each hundred dollars of taxable property. Although poll taxes do not exist today, property taxes have existed for Calaveras County's citizens since its inception!

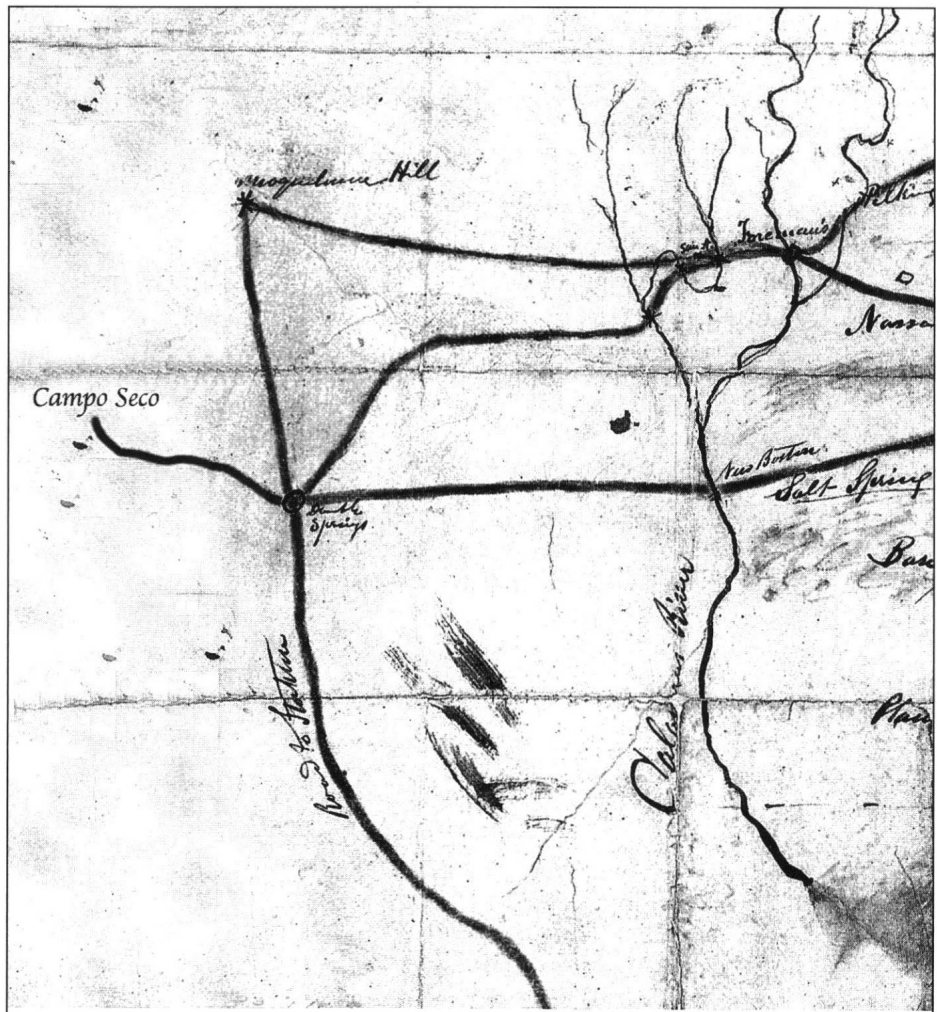
Double Springs only served as the county seat for Calaveras for fourteen months, yet it probably died one of the most bizarre deaths in political history. Calaveras County was not immune to its share of crime. Shootouts and even murder, often liquor induced, occurred too frequently in the gold camps over such trivial matters as cards, women and gold claims. Yet perhaps one of the strangest stories in Calaveras' colorful past is the shootout over the county seat.

Early maps of California and the gold country clearly show Calaveras as being in the heart of the activity of California. But the boom and bust attitude was strong across the young state. A gold camp could grow up or blow away faster than a ship could sail from the east to bring a miner's young bride to join him in his new digs. Despite the fact that Double Springs seemed so ideally located, there really wasn't much else going for it than it's great location for a cross roads and some beautiful, reliable cool running springs. Bigger strikes were to be found elsewhere, and stronger stakes were being put down in communities further to the east. Jackson and Mokelumne Hill began to vie for the position of county seat.

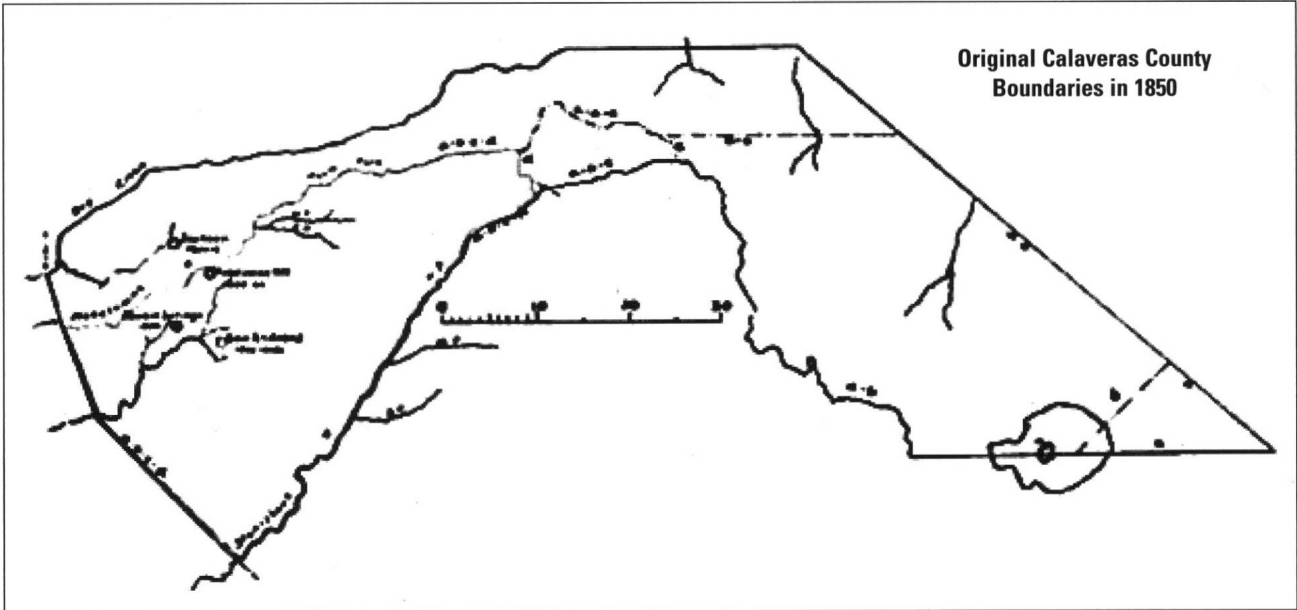
Eventually the matter was put to a vote of the county's citizens and Judge Smith declared an election for February 22, 1851. Leading the arguments were the two most prominent citizens of its

governance, the judge himself, and the county's clerk, Lewis Collier. Smith was leaning toward Jackson and had sold his half-interest in the Chinese building and had moved to Jackson. Collier saw such a move as tantamount to losing his own job. Although Collier himself had moved to Mokelumne Hill, he had at least maintained his fifty-percent ownership of the Chinese Building in Double Springs. Collier wanted the county seat to stay south of the Mokelumne River closer to his own power base. He preferred the seat to be moved no further than Mokelumne Hill.

When the votes came in, acting in his duty as clerk, Collier counted the votes and declared them as favoring Moke Hill for the new seat. Acting as judge, Smith certified that the tally really favored Jackson. Accounts get murky in alcohol fumes at this point. Remember, the courthouse served as a saloon as well as the place of official county business. Some counts claim that



Early map of Calaveras County shows five intersecting roads at Double Springs.



folks from Jackson arrived and treated Collier to several drinks and got him well inebriated, then relieved him of the county records and took them north. Subsequent historic investigations have proven that it was Mokelumne Hill residents that

actually relieved Double Springs of the county records. Regardless, at the time, charges were filed but no actions were taken on the charges. At the next election the votes appeared to favor Moke Hill yet Judge Smith declared Jackson as the winning county seat. Collier suspected Smith of voter fraud in the moving of the county seat, and he refused to certify the ballots and locked them up in his desk in shame. Judge Smith broke in to the desk, declared Jackson the county seat and certified such to the state.

Collier was thoroughly devastated. Being a proper southern gentleman, he threatened to shoot the judge on sight. Judge Smith heard of the threats and quickly armed himself. On September 14, 1851, when he came upon Collier in the street, he immediately shot at Collier several times before any words could be exchanged as he so feared for his life. Collier was dead within hours. It turned out Collier was unarmed, but because of the well-witnessed threats, the judge was not prosecuted.

Since the Judge had wandered off to Jackson in a cloud of fraud, and Collier had chased after him and the records with the Sheriff and charges of fraud, Double Springs had fairly been abandoned. The last term of the Court of Sessions in Double Springs was held on 13 June, 1851. The brief minutes merely state that:

(A)

State of California, Calaveras County, SS  
To the Sherriff of said County or either of his  
Deputy Greeting

You are hereby ordered to summon a grand  
Jury of Twenty four Citizens to assemble at the Double  
Springs in said County on Monday the first day of  
July next the same being the day when the first term  
of the District Court of the fifth Judicial District will  
be holden within and for said County for the purpose of  
transacting such business as may lawfully be presented  
to them.

L A Collier Clk District  
Court for fifth Judicial  
District, Calaveras Co.

Double Springs 10th June  
1851.

**Transcript**  
State of California, Calaveras County, SS  
"To the Sherriff of said county or either of his  
Deputy Greeting  
You are hereby ordered to summon a grand  
Jury of Twenty four citizens to assemble at the Double  
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to them  
LA Collier Clk District  
Court for fifth Judicial  
District, Calaveras Co.  
Double Springs 10th June 1850



Eighty years of neglect was becoming apparent on the Chinese building in this 1932 photo.

*"In consequence of the absence of Judge W. F. Smith and the Sheriff or his deputy, the court was adjourned without day"*

The mean judge was losing popularity, and in shame he resigned from office a few months after the shooting incident. He left the county shortly thereafter. It is said that he became a minister later in life.

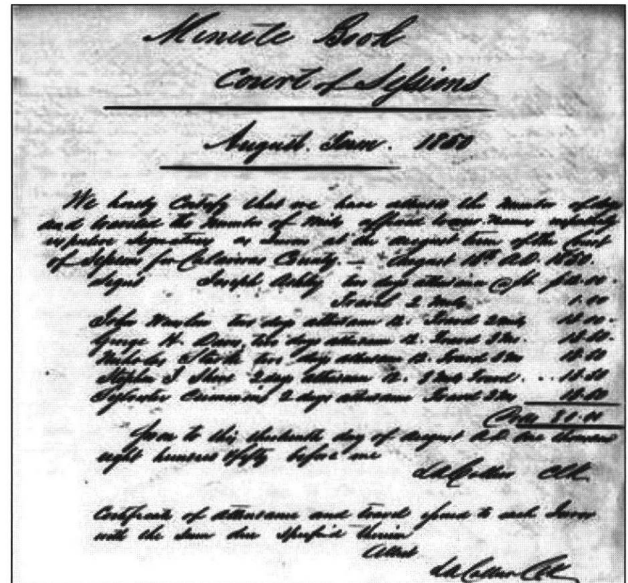
The next court session was held in Jackson on 4 August, 1851. Jackson served as the county seat only briefly from 1851 to 1852 as the next vote quickly showed that the population had indeed shifted to Mokelumne Hill. So, the records were carried back across the river and never went north again, as Amador County was formed in 1854. Mokelumne Hill served as the county seat until a vote shifted it again to San Andreas, but it didn't physically make the move until 1866.

In 1854, on July 17, Amador County was created taking the area of Calaveras north of the Mokelumne River and a portion of El Dorado County. Two years later more of the extreme easterly portion of Calaveras County was nipped off to form the new Fresno County. Also to the east the new Mono County was formed in 1861, further reducing the size of Calaveras, and again in 1864 when tiny Alpine County was formed. Fourteen years after the establishment of the new State of California and its charter counties, the

final boundaries of Calaveras had been determined, approximately one half its original size.

Calaveras has a checkered past when it comes to nailing down that county seat. Besides jumping the river, it has tied for second in the state as a county with the number of times it has changed its county seat. This interesting past is detailed in a fun story by Amador County Archivist Larry Cenotto who wrote the piece "The Celebrated Jumping County Seat of Calaveras" for *Las Calaveras* in October of 1996. This story covers all the juicy details of the elections and moving seats, and formation of Amador.

While all this land grabbing and seat jumping was going on, the community of Double Springs lay mostly undisturbed. The reliable springs and surrounding hills proved more suited to cattle ranching than gold mining. Smith and Collier had sold their half-



Minute Book - Court of Session  
August term 1850

We hereby certify that we have attended the number of days and traveled the number of miles affixed to our name respective signatures as Jurors at the August term of the Court of Session for the Calaveras County - August 13th A.D. 1850

Signed Joseph Ashley	two days attended @ \$6	\$12.--
	Traveled 2 miles	\$1.00
John Winslow	Two days attended 12 Travel 2 miles	\$13.00
George H. Daves,	two days attended 12 Travel 2 miles	\$13.00
Nicholas Stark	two days attended 12 Travel 3 miles	\$13.50
Stephen I. Shove	2 days attended 12 3 miles travel	\$13.50
Sylvester Cummins	2 days attended Travel 3 ms	\$13.50
Totals		80.00

??? to this thirteenth day of August A.D. One thousand eight hundred fifty before me L.A. Collier Clk  
Certificate of Attendance and travel approved to each Juror with the sum due specified therein. Attest L.A. Collier Clk



In 1932 this roadside historic monument was erected to commemorate the original courthouse.

*owned by the county, except the courthouse. The courthouse stood on the south side of the main road near a white oak tree. Evidently it was not a building built for the purposes it was used but looked more like a house you can see on deck of large sailing ship, for housing and accommodation of passengers and sailors.... The house was used... for court house.."*

For the next ten years the Chinese building no longer served as the court-

interests in the building when they were forced to move north to Jackson. A rancher named Wheat had purchased the surrounding land.

So what had happened to the Chinese building that Smith and Collier had occupied when the county seat had been located there? The building remained there, looking exactly like a pre-fabricated building plunked down after a tornado. In fact a fellow named Lascy walked by the location and noted in his diary:

*"There was no town or settlement at Double Springs showing any evidence of permanent location.*

*As well I remember, two or three cabins set on the flat and a small patch of ground had been fenced in near the springs and cultivated for a garden the previous season, where at present the Wheat house is located. I don't remember of seeing any buildings*

house, it served as the area's Post Office.

In 1898 the Gillam family (for whom Gillam Road in Double Springs is named) offered the building back to the county. They recognized it as a unique building, and felt an obligation toward its custodianship, however recognized its roots in county government. But, government being what it is, could not find a place suitable to relocate the building to. The Chinese building stayed in Double Springs.

By the 1930s the Chinese building had begun



In twenty more years of neglect, degradation was accelerating at an alarming pace.

to show eighty years of weatherization. It no longer served as a domicile but merely as a storage building on the ranch property. The successive generations of the Wheat family (now Hunts) continued to maintain the building as best they could, and the original plank boards from China had begun to sprout numerous square nails in attempts to hold the building

together. In 1930 Judge J. A. Smith (not the first Judge Smith who lived in the building) and Joseph H. Huberty mounted an effort to construct a road-side monument to memorialize the building and the location of the county's first courthouse. The Calaveras County Chamber of Commerce erected a stone monument on the 8th of June, 1930, which became California Historical Landmark No. 264. The Hunt family again offered the building to the county, but again the county could find no suitable location for it to reside.

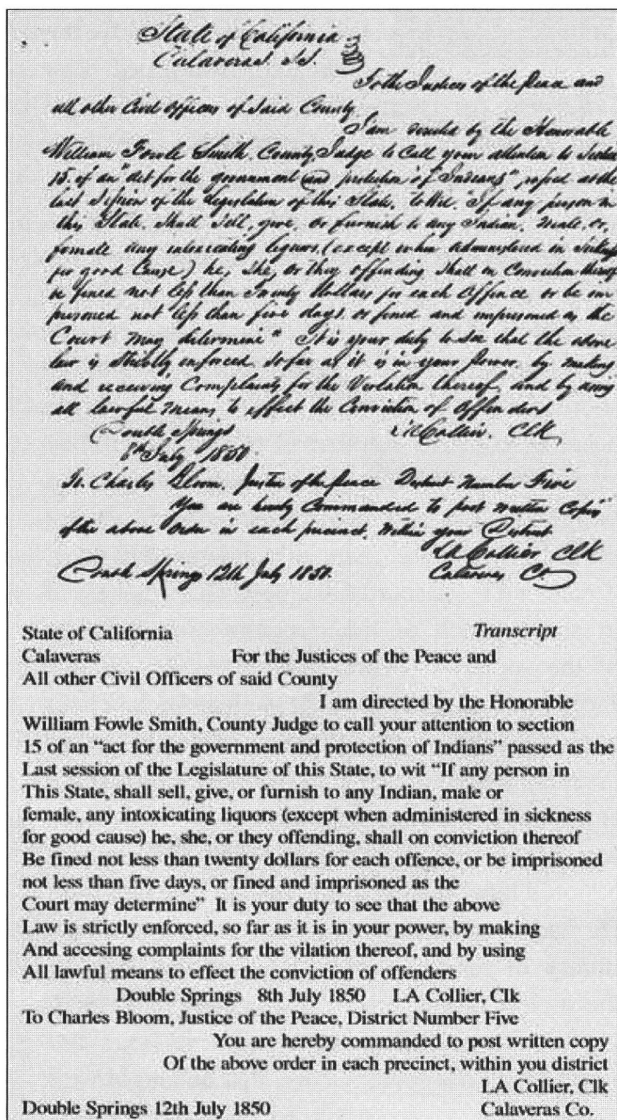
Photos show that by 1952, in only twenty more years the building had significantly declined even more. In 1956 the San Andreas Grange stepped up to the task. The once-lovely Chinese building was now over one hundred years old and looking every day of its age as it continued to weather away. The Grange raised funds and raised a roof.

A weather protection cover was erected over the roof of the building to prevent further rain damage to the building. Still the county balked at finding a permanent home to place this fragile relic. If nothing could be done to save it, at least something could be done to slow its degradation.

The building remained dormant and the highway between Valley Springs and San Andreas was relocated slightly to the south. The road no longer passed directly in front of the Wheat family ranch or in front of the historical monument. Visitors had to take a side trip to see the landmark. The Chinese building was slowly fading away into oblivion, with only a few caring citizens recalling its importance.

In the 1980s the Historical Society tentatively approached the descendants of the Wheat family, the current families occupying the ranch. Was there any hope in saving this precious building?

To be continued in the next issue of *Las Calaveras*...



**Editor's Note:** Historical Society members may remember the Honorable James A. Smith, long serving judge from West Point and faithful member of the society. The latter Judge Smith often penned notes on the history of the county, many of which were correct, for the local papers. But it is important to note that our friend, the Judge James A. Smith was not a relative of the first Judge Smith who committed murder over the county seat. The Judge James A. Smith from West Point spent a lifetime deflecting questions about any relations to the first, brutal Judge Smith.

### Bibliography:

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- Las Calaveras*, Quarterly Journal of the Calaveras County Historical Society; 10/52, 10/88, 7/91, 10/96, and various archival material of the Calaveras County Historical Society.
- Motloch, Wally; personal research, including numerous historic periodicals.
- Wheat Family recollections and memorabilia.
- Wood, Richard Coke, *Calaveras, The Land of Skulls*; The Mother Lode Press, 1955.

# TRIBUTE TO BILL FULLER

On February 25 the Historical Society dedicated their monthly meeting to honoring one of their finest members, Willard P. "Bill" Fuller, Jr. who passed away in December.

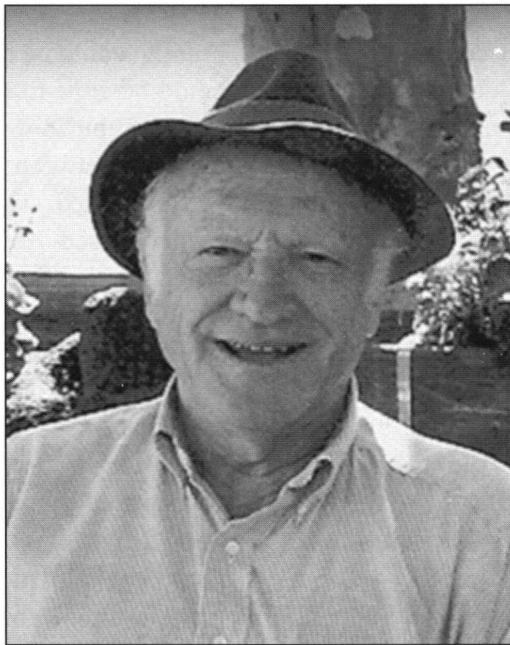
Bill Fuller was born in the east but his heart was in the west where he lived most of his life, like so many gold rush immigrants. He graduated from Harvard University in 1940, then received a Master's degree in economic geology from the California Institute of

Technology in 1942. His interest in mining and geology was piqued, and he wished to stay in the west to pursue those interests.

Bill worked briefly in Nevada but was called to service during WWII when he served in the Navy. He returned to the field of mining geology in Utah for a while until he settled in Sierra County, California at the famous Original Sixteen to One gold mine. It was there that Bill contracted polio forcing him to leave underground mining and take an office position, but his sharp mind and interest in geology never faltered.

In 1954 the Fuller family moved to San Andreas when Bill accepted the position of assistant geologist with Calaveras Cement. In his lengthy career he saw several name changes to the company and he rose to the position of manager of geological and environmental services.

Never an idle man, Bill kept busy pursuing his many interests in mining, geology, natural science and local history. He also turned these talents toward greater benefit for others as he served on many boards and associations including the California State Mining and Geology Board. Bill had a talent for writing and wrote numerous magazine and trade publication pieces, as well



as co-authoring *Madam Felix's Gold—The Story of the Madam Felix Mining District*, in 1996; and *Calaveras Gold—The Impact of Mining on a Mother Lode County*, in 2003. The writings of which Historical Society members are most familiar are *An Album of the Pioneer Schools of Calaveras County* which Bill co-authored in 1986, and the quarterly journal of the society that Bill produced. Bill lovingly served as the dedicated editor of *Las*

*Calaveras* for twenty-two years, a position he held without pay. Today the position receives a modest stipend, to which he was opposed, and never missed an opportunity to remind me of his position on that matter even if he had a twinkle in his eye.

The Calaveras County Historical Society was formed in 1952 and Bill joined the society shortly after his arrival in San Andreas. He became an active member in the society almost immediately. He saw the society through the fledgling years and was instrumental in seeing the society become financially independent when it received a substantial bequest. Bill has helped to shape much of the structure and direction of the society's success over the years. In his forty years of service to the society, he has held every position on the Board of Directors except President, saving that for "someone with more ambition." Although he didn't step down from any of his involvement, in 1999 the Society honored him by naming their book room for him. He had been instrumental in selecting the fine library of resources and materials that support the society today.

I first met Bill about twenty-five years ago when I took his geology class that he taught with



the late Ben Smith through Columbia Junior College. I wanted to learn more about the local geology, and through Bill I was immediately hooked on the local history as well. He arranged for the classes to have access to several places generally not available to the public, such as the inside of a water diversion tunnel, or the Spicer's Dam under construction. Saturday field trips with Bill were better than a trip to Disneyland!

I didn't grasp then that the field trip meant as much to Bill as it did to the students. As Bill's role as an independent consultant thrived, historian Judith Marvin and archeologist Julia Costello would often call on him for background material in local mines. He couldn't wait for them to take him into the field. He never let his walking sticks hold him back.

—Bonnie Miller

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"Bill Fuller was the premier historian of Calaveras County, one of the California's leading experts on historic mining practices, and our mentor in teaching us the art of researching and writing about the past. Although a master at archival research, as a former mining engineer, Bill was also deeply appreciative of the importance of studying physical remains of the past. Abandoned features such as quarries, mine tailings, and stamp mill foundations held unique clues to reconstructing the stories of long-gone enterprises. Bill loved a good field trip. Arriving at a mining site where access to a mill or glory hole was beyond a barbed wire fence, Bill never hesitated to lay down his canes and scoot underneath. In later years I would pack brown-bag lunches, Vera would see us off in my Subaru, and we would do windscreen inspections of long-abandoned water systems, geologic landmarks, dredged creek beds, and homestead ruins. I count myself very fortunate for the time I spent with Bill: A brilliant historian, an eloquent writer, and a delightful companion."

—Julia Costello

• • •

"Somehow I thought he would live forever, that he would always be only a telephone call away, explaining some esoteric mining machinery or technical aspect of milling. Things like the difference between ore cars (four wheels) and carts (two wheels), between adits (horizontal mine entrances) and tunnels (which come out the other side). Or correcting my reports and mentoring me in my writing: The first report I gave him came back with the notation that I wrote like Charles Dickens. I loved Dickens. Bill soon disabused me of this approach and my tendency to include too much "machinery," meaning I was explaining too much about the process. "Just get to the point," he said, "no one wants to know how you got there." As his son Tim stated at the Historical Society tribute, Bill taught him to "beware the vertical pronoun (I)," which is what Bill always did. He was brilliant, but self-effacing, humorous, generous with his information about geology and history and always kind. We shall not see his like again."

—Judith Marvin

• • •

*(Historian Judith Marvin was the Director of the Calaveras County Museum and Archives from 1975 to 1989; and archaeologist Julia Costello was Co-Director of historical Studies for New Melones Reservoir Project from 1978 to 1981. In 1982 Judith and Julia formed Foothill Resources which has been conducting historical archaeological and architectural studies throughout California for twenty-eight years.)*

Bill left his wife Vera of 67 years and a sister who lives in Maine. Bill and Vera have three children.

Bill loved history, reading and boating. Whenever you visit his and Vera's home you always find the Scrabble board ready to play. He was proud of the fact that he could trace his ancestry to signers of the Declaration of Independence. He was a seventh-generation graduate from Harvard University, and he never lost that lovely eastern Harvard accent despite all his years in the west. We will sorely miss him.

# Calaveras County Historical Society

30 No. Main Street P.O. Box 721 San Andreas, CA 95249

## Officers and Directors

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The Calaveras County Historical Society is a non-profit corporation. It meets on the fourth Thursday of each month in various communities throughout the County. Locations and scheduled programs are announced in advance. Some meetings include a dinner program, and visitors are always welcome.

The Society operates the Calaveras County Museum which is open daily from 10:00 to 4:00 in the historic County courthouse located at 30 Main Street in San Andreas; and the historic Red Barn Museum at 891 Mountain Ranch Road, also in San Andreas, which is open Thursday to Sunday, 10:00 to 4:00.

The Society's office is located in historic San Andreas, the Calaveras County seat. Visitors are always welcome to stop by the office for assistance with research, and are encouraged to visit the museums while in the area. The office is open Monday through Friday from 8:30 to 4:00, and the telephone number is (209) 754-1058, or contact us at: CCHS@goldrush.com; Red Barn Museum (209) 754-0800.

## New Members

*The Calaveras County Historical Society welcomes the following new members:*

### January–March, 2010

Jeanne Boyce, Mokelumne Hill—  
Gift membership

Sally Maxwell and Dean Santner, Mountain Ranch—Gift membership

Mike & Liz Airola—Angels Camp—  
Gift Membership

Rick Darby—Murphys—Gift Membership

Mike & Maria Peirano—Altaville—  
Gift Membership

Rusty Otto—Copperopolis

Gary Rose—San Andreas—Gift Membership

Michael Broffman—San Anselmo

David Segale—Sacramento

Cathy Morris—Valley Springs

Ed & Gwen Stokes—Altaville

Vern & Beth DeValle—Altaville

## Donations

*The Historical Society appreciates the following generous donations:*

Jerry Urbanis—West Point—Hay hook, spikes and nails, horse bit, electrical insulator

## Correction:

In the January issue of the *Las Calaveras*, it was noted that Eunice Fischer was the daughter of Hazel Fischer. Eunice Fischer was actually the sister of Hazel Fischer. We apologize for the error.