



CONTEST FOR OWNERSHIP OF CARSON HILL IN 1851

By ALBERT ALEXANDER LASCY

Carson Flat was a placer mining camp and under the miners' law of the district, a claim was 50 feet along the bank of a gulch or blind ravine, including the whole width from bank to bank but no law regarding the size of the claims on quartz lodes had been passed so far. An old Mexican miner, Pacheco, by name, found traces of gold in the croppings of the quartz on the summit of the hill, which he deemed to be valuable for further exploitation, and, wishing to claim them, told several Americans about it. Among these was one Broom Smith.

At a miners' meeting that had not been advertised as required and held at night, unbeknown to most miners of the district, laws were enacted fixing the size of the claim on a quartz vein as 150 feet in length on the lode, with 50 feet of surface ground, adjoining on each side of the lode. (These figures may not be accurate, but having been interested in a claim, are to the best of my recollection.)

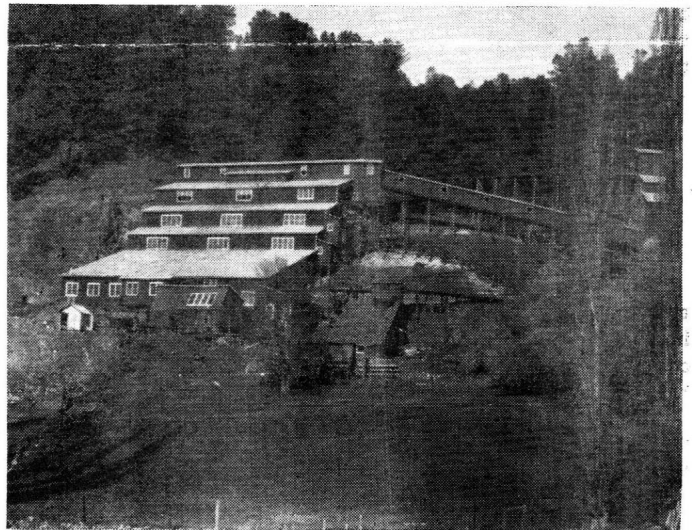
When the story of this night meeting and the passing of the laws for the location of quartz claims became known, another meeting, properly advertised, was called by the miners of Carson Flat, which repudiated everything passed at the former meeting and declared the old mining laws on Carson Flat also applicable to quartz claims.

This caused a lively locating and jumping of claims which had been located by Broom-Smith and his party. The party that had located or jumped some of the ground claimed and located by Pacheco and his party were commonly known as the jumpers, and headed by Jim Finnegan. Other men were Carlow, Baker, Gregory, Barney, and Billie Mulligan, former Texas Ranger. Their headquarters were at Baker and Gregory's Store.

From what I could see or hear it seemed to me that not only the miners but also the merchants and the majority of the citizens sided with and backed the jumpers.

Scribner and Co., the largest mercantile firm at that time in Angels Camp, as well as nearly all the other firms in Vallecito and Murphys, supported them. At this time Pacheco or the Broom Smith party was in possession of that part of the mine furnishing the rich quartz and they kept it closely guarded, not allowing anyone to enter.

We understood suit had been entered sometime before in court, deputy sheriffs coming up occasionally to serve papers of some kind on the other party. But the jumpers kept in possession of the jumped ground; sinking a shaft close to the part of the lode that yielded the rich rock, allowing to the other party, however, the full size of the claim as fixed under the Carson Flat laws. They calculated to strike the rich rock at a depth of about 100 feet, according to the dip of the lode at the surface and as every other party



CARSON HILL — Pictured above is the 30-stamp mill, at Carson Hill in the year 1919. President was W. J. Loring and Archie D. Stevenot, General Manager.

that had located adjoining ground did.

We did not know at that time which party had the best of the law, but one morning a company of armed men, raised in Sonora, came up and took possession of the hill and put the Pacheco or Smith party in possession. Later on we heard that the sheriff, not being able to put the former party in possession, had applied to the governor for help and had been authorized to raise a company in Sonora, perhaps this was so.

When this became known at Angels and other camps, bodies of armed men were raised ready to fight for and help the jumpers. It was on the morning of the second or third day when we saw the Sonora men quietly leaving. At first, we did not understand this move, but within an hour bodies of armed men from Angels and other sections of the county came in to drive the Sonora men from the hill. The Sonora men on the summit, seeing these men coming and not being anxious to fight, had prudently retired.

This left all of us in possession of our claims as located under the Carson Flat laws, temporarily, of course, leaving the next final move and final decision to the court. What finally became of the leaders, Finnegan and Carlow, I don't know. I heard that they gradually disappeared or were bought out.

In 1852 I found Baker and Gregory on the Calaveras or Mormon Slough. Billy Mulligan was killed by the police in San Francisco when in a state of delirium tremens, he was shooting people from the window of a building. Barney left town when a vigilance committee was formed. After many years and changes the claims were finally bought by Jim Fair and I believe are yet owned by his heirs.

How much ever was taken out of the Pacheco claim will never be known. The accounts vary considerable. It was said at one time the pay streak was four inches wide and a single blast threw out \$50,000 in gold. Undoubtedly this deposit was one of the richest ever found.

There was no mill there to crush the rock, only the richest rock was ground in arrastras run by horse or mule power. A shaft was sunk in benches, notched poles served as ladders. A strong windlass rope was used to hoist out bags of rawhide filled with ore and rock. Churn drills, having the old two-point bit, were mostly used as was black powder for blasting. The only modern thing was the windlass.

ANGELS TO CARSON HILL TRIP

(San Andreas Independent, April 24, 1858)

Angels Camp, April 20, 1858

Mr. Editor:

It has been the universal custom of all travelers of every age, to seize upon any scene or circumstance to swell in their descriptions long, and to picture minutely every object and place which awakens past associations and brings to the mind the imprint of other days.

I was particularly impressed today with this thought as, leaving our village on my way to Carson's, I passed through "Campo De Los Muertos", (The Camp of the Dead), once known as Indian Creek. What an interesting, yes, terrible history would be the story of that place, were it but jotted down.

From this camp was it that the bold outlaw, Joaquin Murietta, first sallied out upon his desperate mission of

death, writhing under the torment of imaginary wrongs, filled with a fiendish determination to write their cancellation in even innocent blood.

In 1851 this camp, then numbering some three thousand Mexicans, was attacked by some eight hundred Americans and completely destroyed and razed to the ground. Thirteen being killed and several others wounded. The graves of the slain are now visible upon the hillside. From this circumstance it takes its doleful name.

Passing through, I came to the southern bank of Indian Creek, where stands the smelting works (for such I will call them) of Messrs. Freeborn & Co. This, to one like me so unacquainted with fires and furnaces, is an interesting place where an hour can be passed off to advantage.

There is a furnace or oven of curious construction built by our townsman, David Strosberger, whose conceded skill in stone work needs no comment. Into this oven or furnace, as I understand it, it is proposed to deposit the quartz rock where it will be subjected to the action of intense heat, and subsequently to pass through the arrastra. The plan looks feasible, and may it succeed.

But a short distance and I was at Marble Springs, taking its name I presume from the numerous large white quartz boulders, among which it bursts forth. Here is the residence of Mr. Nantz, who has a very fine garden and farm. This place has a history of no particular interest, save that of being the camping ground of the redoubtable Col. Stevenson, in his tour through the mines in 1848-49.

From here I pushed on leaving Camp Senorita (or the spot upon which it once stood) to the right. There was a time in 1851, when very few, if any, rode past this pretty camp. The very name seemed to have charm—but the present day, the beauties have all departed, and as one gazes on her crumbling chimneys, and desolated firesides, and sees the grass growing and flowers springing, where once ran her streets, he turns moodily away.

Next is Albany Flat, a place of no inconsiderable importance, but at present shockingly dull, many having removed their habitations, leaving gaps here and there, which gives to the camp a very unpleasant appearance.

Leaving the "Flat", I soon reached Carson's. This is a spot of most unusual history, filled with rapid changes and thrilling incidents. When I compared the present quietness that pervades the town and its suburbs with the wild excitement that once raged there, I seem to be transported to some other land clime. But still it is Carson's. This is hills remain and the same skies bend over their chaparral peaks. Then upon their hillsides are the little level plats where once stood tents and dwellings. There are the crumbling remains of stone chimneys and adobe ovens, that in their dilapidation awaken in the memory, the days of her incredible prosperity when her inhabitants talked as freely of ounces and pounds of gold, as her citizens do now of pennies and picayunes.

Here it was that the great contest went on wherein Morgan & Co., figured so prominently, not only in the courts but even upon the very ground itself, among the chaparrals that surround the spot. Who, of your many readers has not heard of Carson? The great lead of gold struck by Messrs. Rowe, Morgan, Hance, and others produced a furor at the time (1851) that seemed to pervade the whole community.

Carson's is now rising again rapidly, and is to be hoped

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JAMES H. CARSON

Carson was a Second Sergeant in Company F., Third Regiment, U. S. Artillery. He came to California with Colonel Jonathan Stevenson's regiment of New York Volunteers and arrived in Monterey on January 27, 1847. He was a Virginian by birth. He remained in California after being discharged from the service, following the close of the Mexican War. When the news reached Monterey in the spring of 1848 of Marshall's discovery of gold at Coloma on the American River, he made his way to Weber Creek near Placerville, where he mined quite successfully. In August, 1848, gold was becoming scarce in the vicinity and Carson joined a part of miners who started prospecting along the streams to the south and along the foothills. In this party were George Angel and John and Daniel Murphy, after whom Angels Camp and Murphys Diggings were named.

This party prospected all the streams down to the Stanislaus where they separated. George Angel began to mine at Angels Creek and soon set up a trading post in a tent. The Murphys went east to Vallecito and discovered gold, but a short time later moved on north and discovered gold in the valley now known as Murphys.

Carson went south of Angels Creek a few miles, guided by friendly Indians, where he claimed his party panned an average of 180 ounces in ten days. The rains started early in October, 1848, and drove the miners out of the mines to the cities of the coast. Carson returned to Monterey.

In the spring of 1849 he helped organize the Carson-Robinson Expedition of 92 men, all well-armed because of trouble that had developed between the miners and Indians.

This party crossed over the San Joaquin Valley and reached the Sierra at about Mariposa. They made their way north, mining on all the streams and making many new discoveries. Carson made his way up to Sonora and Columbia without finding much gold. He then came back to Carson Creek and Angels Creek where his description of the mining operations, reported in his "Early Recollections of the Mines," is the best early description of conditions in this region.

He was a restless soul and continued to explore and mine in different parts of the southern mines, but was in the Calaveras region most of the time.

In 1850 he formed a partnership with a Dr. Roberts for the purpose of trading between Stockton and Mariposa, but Dr. Roberts ran away with the funds, leaving Carson with a \$3,000 debt.

Soon after this he became a victim to a severe case of rheumatism which made him an invalid for about 18 months. In January, 1852, a report was spread about his death. His friend, Benjamin P. Kooser administered his estate and while engaged in making distribution of the assets, he received a letter from Carson, purporting to be dated in Spirit Land. The letter expressed, among other things, Carson's satisfaction that so far as he could learn from newspaper reports, no one had rejoiced in "Old Jim's" taking off. He threatened to thrash the man who had given information of his death.

In January, 1852, the San Joaquin Republican published Carson's "Early Recollections of the Mines," which is the earliest and best description of conditions in the mines in 1848-49. These articles were later collected and published in book form.

In 1852, the Whigs of Calaveras County offered Carson the nomination to the Legislature but he declined. The next year he was nominated to the State Assembly by the Democrats of Calaveras County. He was elected by a large majority, but the election was hardly over when Carson was again seriously attacked by rheumatism and died in Stockton in 1853.

CARSON HILL DISPUTE

"We are happy to learn from Carson Hill that all is quiet, and that there is, for the present, at least, no likelihood of a conflict taking place between the two quartz parties. There are now but two companies at work on the Hill—the Union and the Louisiana companies, who have peaceable possession, and are vigorously pursuing their work.—SAN JOAQUIN REPUBLICAN, January 10, 1852."

The fame of the rich diggings (Carson Hill) spread rapidly. The town of Melones on the southerly side of Carson Hill became one of the largest mining camps in the country, acquiring a population varying from 3,000 to 5,000 persons. It is said that travel was so great that Ten Thousand Dollars was taken in at Robinson's Ferry, two miles to the south for ferriage over the Stanislaus River in six weeks.—Hittell's History of California, Volume 3, Page 120.

more permanently in the scale of importance among the towns of our county, than what she did in the days of her best success.

I stopped at Carson Cottage, kept by Mrs. Rooney, where every comfort is found, and every attention paid which the traveler can desire. From the piazza, one looks out upon several claims, that but recently have been developed, and are worthy of mention. They are tunnel claims piercing Carson Hill, all of which are paying well, and one or two extremely well.

I could see Messrs. Boden's Co.'s, Sutherland & Co.'s, Gore, Bickle & Co.'s, Rowe & Co.'s, all working by cars upon railroads.

I visited the steam mill of Messrs. Rowe & Co., which is now leased and found it busily stamping away, to the profit of its enterprising owners.

Below upon Carson Creek, is the water mill of Messrs. Finnegan & Co., now under lease to Messrs. Reynolds, Hutchinson & Co., which at present is being put in repair.

I did not remain sufficient time to visit many places or take many items, but long enough to convince myself that I may venture the prediction that Carson's, so long buried in comparative obscurity, will soon rise like a Phoenix, from the ashes, as one of the most important and wealthy towns in South Calaveras.

Her hills of gold are still there, and now that the controversy as to the title of her mines, which rested like an incubus, under her advancement, has been removed, she is destined to come in on an equality in her competition with other towns, and on the scale of wealth and richness her mines cannot fail to sustain her.

QUARTZ LOCATION AT CARSON HILL

Carson Creek
November 15, 1850

We, the undersigned, on behalf of the Carson Creek Consolidated Mining Company, do hereby claim by right of discovery and occupation all that certain ledge of quartz rock, viz:

Beginning at the southeastern terminus of the quartz rock cropping out to the west of what is called Carson Creek diggings, on top of the mountain directly west of said diggings; thence running northwest parallel with said diggings to the brow of the said mountain facing upon Carson Creek comprising a linear distance of about 1700 feet, with the branches or spurs of said ledge cropping out at different points. Gold having been discovered by members of the said company at different places on said ledge, all of which said ledge is within the said County of Calaveras, about two miles northwest from McLean's Ferry on the Stanislaus River and between Coyote Creek and Carson Creek tributaries of said river. Said claim being marked out and designated by written notices posted at each extremity of said line and at a certain point intermediate, bearing date of the day the same was posted and made public, to-wit: Twentieth Day of October, 1850.

Directors: William Hance, Jr.; Jeremiah Austill, vice-president; James Broome Smith, secretary; William Rove, treasurer; Duncan W. Murphys, James E. Nott, A. Morgan. Recorded in minutes of County Court and Mining Claims, April 2, 1851, page 25.

JAMES FINNEGAN

There were two elections in 1849, one in August to choose delegates to the Constitutional Convention to meet in Monterey in September and one in November to vote on the adoption of the Constitution and to choose State Representatives. Calaveras County was in the San Joaquin District as, of course, there were no county boundaries. In looking over the list of voters from the Carson Creek precinct at the November election we find that James Finnegan was number fifteen on the voters' list. As he played an important part in the early history of Carson Hill, perhaps he is worthy of some individual study.

William Hance, Jr., has been given credit for first discovering quartz gold on Carson Hill in 1850, but James Finnegan seems to have been in on the discovery because he and Hance staked out their claims to cover the ledge on the Hill. While Finnegan was away, so he claimed, Hance sold him out to A. Morgan and a group for the Consolidated Mining Company. This company claimed 1700 feet on the Hill, much more than the miners in the vicinity felt they were entitled to. Finnegan and his supporters successfully contested their claims in Justice of the Peace Putney's court in Murphys, but Judge Smith's County Court reversed the decision and put the Morgan group back in charge of the mine.

Finnegan and his group, aided by the notorious Billy Mulligan, who had been forced to leave San Francisco by the Vigilantes and some toughs from Columbia, forced the Morgan Company out and operated the mine for about a year by force. The Supreme Court heard the case and restored the mine to the Morgan group. According to the Calaveras Chronicle, December 27, 1851, the Finnegan group had the support of most of the miners from Angels Camp and Murphys because they considered the Morgan group too greedy.

HOW WILLIAM IRVINE BECAME OWNER OF MORGAN MINE

CALAVERAS CHRONICLE, July 22, 1905 — The Morgan Mine at Carson was so rich that when the Sierra Railway recently made a cut in the hill to extend its tracks along the base, it was almost impossible to get any work out of the railroad laborers, they were too busy picking up nuggets.

Louis Irvine who later became interested in the Morgan Mine, became heavily interested in property in San Andreas and started a movement to get the county seat removed to that place from Mokelumne Hill. In connection with Ben Thorn, afterwards sheriff in Calaveras County for many years, he spent \$12,000 in accomplishing this object. He later went to San Francisco, but while in Calaveras County he had served on a jury in regard to some litigation of the Morgan Mine and hearing of its richness vowed that he would some day secure an interest in it.

The mine was discovered by Bill Hance and two other men named Pacheco and Morgan, and they took \$4,000,000 out of the claim within 30 feet of the surface. Every foot of land on the hill was soon staked out by people flocking in from all around but the claimants being new in the county couldn't distinguish between gold-bearing quartz and worthless rock, and so they had little success.

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San Andreas, California

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Editor of Las Calaveras Coke Wood

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The Calaveras County Historical Society meets on the fourth Thursday of each month at the Courthouse in San Andreas. Dinner meetings are held each quarter at different places in the county.

EDITORIAL

Many people are still unaware of the tremendous growth of interest in local history. This development is nation-wide but especially strong in California where every community has a romantic past to uncover and preserve. The local historians have an unbounded enthusiasm for discovering new historical facts that is infectious and no one can be around a group of them long without catching this interest. This spirit of enthusiasm made the first annual meeting of the Conference of California Historical Societies at Monterey on June 24-25 a tremendous success. It was assisted, of course, by an excellent program, charming hostesses, beautiful weather, and an environment crowded with places of rich historical significance. The 160 delegates, representing 77 member societies of the Conference, found every moment full of interest from the beginning tour of historical spots to the closing inspirational address by Dr. Rockwell D. Hunt, the "Mr. California" of 1955. Dr. Hunt pointed out that the Conference was not only studying history but making history.

The first event on the program at which all delegates were assembled was the Merienda Luncheon (barbecued salmon) served in historic Memory Garden. This luncheon was a cooperative effort as different items were contributed by Monterey and the nearby historical societies. Never has salmon tasted more delicious than barbecued over an open fire and served in the shade of the blossoming magnolia trees.

The afternoon sessions on Friday began with a very interesting and entertaining talk by Mrs. Fremont Older on her experiences in tracing down the true story about Tiburcio Vasquez, the famous California bandit. It isn't possible to name all the fine talks and discussions, but those

that attended took home not only renewed enthusiasm but many worthwhile ideas to help make their individual programs more successful. Perhaps we should mention the theatre party on Friday night in California's First Theatre as an unforgettable experience. The play "Stolen Fruit", a real "tear-jerker", was followed by a delightful olio with a Can-Can. After the show the Monterey Art and History Society with Mrs. O'Donnel, the president presiding, entertained the delegates with delicious refreshments.

The program was brought to a close on Saturday afternoon with a business meeting presided over by Dr. Hunt and regional vice-president Burr Belden of San Bernardino. Location for the 1956 annual meeting was set at San Jose after spirited bidding by Santa Cruz and Sonoma. The by-laws were amended to provide for 15 regions throughout the State with a vice-president to encourage and assist local societies in each of the regions. Calaveras is in Region 9 with Amador, Tuolumne and Mariposa counties. Our own efficient secretary, Sadie Hunt, was chosen as the regional vice-president and was to be assisted by Mrs. Dorothy Van Thiel, secretary of the Amador County Society. Our loyal and devoted member, Covert Martin, representing the San Joaquin Pioneer and Historical Society, was chosen regional vice-president for Region 8, consisting of San Joaquin, Stanislaus, Merced and Madera counties.

The Conference unanimously adopted the recommendation of the nominating committee, headed by Mr. Reginald Stuart of San Leandro, retaining the same staff of officers for re-election that had carried on the work in 1954-55. These are: Dr. Hunt, president; Harold Schutt, vice-president, Tulare County; Coke Wood, executive secretary, Calaveras; and Mrs. Doris Foley, treasurer, Nevada County.

The Calaveras County Historical Society will play a large part in the Conference this coming year with four of its members on the Board of Directors.

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Holding a mass meeting, they decided that Morgan, Pacheco and Hance had made enough and must "quit the diggings." The three were notified to leave on penalty of death, and they did. Morgan went to his old home in England, where he presented Queen Victoria with a gold midget worth \$44,000 from the claim. A facsimile of it is to be seen in the Crystal Palace in London.

Morgan, Pacheco, and Hance, though they did not dare return, gave various people written permission from time to time to do as much mining in the property as they pleased. The recipients of this favor soon had all the other miners at Carson Hill embroiled in litigation, and the development of the mine was hampered.

When the Frazer River excitement de-populated the country, Irvine watched his opportunity and bought all the Carson Hill claims that were sold for taxes. Upon returning to the place, he was at work mining one day when Senator Fair rode up and demanded to know what right he had there. Fair claimed the property, alleging that Irvine had bought it as his agent.

The matter was taken into court, the mine was closed and ever since then litigation over it between the Fairs and Irvines has been going on. William Irvine's son, Louis, now holds the controlling interest in the Morgan Mine but cannot work it until the suit is ended, or a compromise effected.