



*The Campoodie of Nevada City*

*The Story of a Rancheria*

**Tanis C. Thorne**

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*By*

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### *About the author*

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### *Other Sansoucci Publications*

The Indians of Nevada City in 1854 © 1997

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### *Cover Credit*

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## Table of Contents

List of Illustrations	v
Frontispiece	vi
Introduction	1
Nevada City and the Gold Rush	1
Dispossession and Displacement of the Nisenan	3
Contact, Conflict, and Coexistence	5
Accommodation and Adaptation	6
California's Indian Removal Policy	8
Surviving Hard Times, 1860s-1870s	9
Federal Recognition of the Rancheria	11
The Cully Homestead Grant	11
Nevada City Campoodie	12
The Contested Claim	15
The Indian's Nemesis: W. A. McKenzie	16
An Era of Prosperity, 1890-1920	17
From Federal Neglect to Guardianship of California Natives	20
C.E. Kelsey's Interventions to Preserve Indian Land Holdings	20
Legal Battle over Land's Mineral Value	23
Crisis and Resolution, 1911-1913	24
The 1913 Hearing	25
Creation of the Executive Order Reservation, 1913	27
Belle Douglas as Intermediary and Guardian	29
Reservation Revival, 1919	30
The Nemesis Returns, 1920: More BIA Investigations	31
The Woodcutting Controversy	32
The Nisenan's Insecurity over Title and Resource	34
Fluid Residential Patterns	35
Chronic Problems Unresolved	37
Epilogue: Termination of the Nevada City Rancheria	39
Conclusion	41
Appendixes I, II, III	43
Appendix IV	45
Sources Consulted	47
Illustration Sources	49



## List of Illustrations

Nevada City Nisenan in front of Roundhouse, date unknown	Cover
Charles Cully, Nisenan photographed ca. 1890	vi
Sinking a shaft	1
Historical Map of Nevada City	2
Hydraulic Mining	3
Contemporary Map showing Indian Flat and Cement Hill Roads northwest of Nevada City	4
Wayside Scene in Gold Rush California	5
Indian Attack	6
Grass Valley Nisenan ca. 1860s-1870s	7
Distribution of rations to Indians	8
Reconstruction of Western County Indian Camps	10
1871 View of area northwest of Nevada City	11
1880 Nevada County Mineral Claim map of area northwest of Nevada City	13
1928 Nevada County Map of Section 2, T16N R8E	13
Nevada City Rancheria map	14
Charles Cully aka Long Charley	15
Nisenan woman collecting seeds with a seed beater (1898)	18
Woman outside a conicle bark slab dwelling (1902)	19
Board of Indian Commissioners Map, ca 1900	21
Quarrying quartz at the vein	23
Belle Douglas (1868-1941)	26
Betsy Westfield and Josie Cully, ca 1920	28
Louis Kelly and drum	37
Photo of Nevada City Rancheria structures (1950)	41



*Charles Cully, Nisenan, photographed ca. 1890,*

## Introduction

*While the tragic tale of the destruction of the Native Californians is generally known through the work of Robert Heizer and others, much less has been written about the lives of the California Indians who as individuals and groups adapted to life as a marginalized people in the years following the Gold Rush. The history of the long-lived Indian "campoodie" (or Indian village or encampment) of Nisenan (Maidu) people on the outskirts of Nevada City is one of these untold stories.*

### **Nevada City and the Gold Rush**

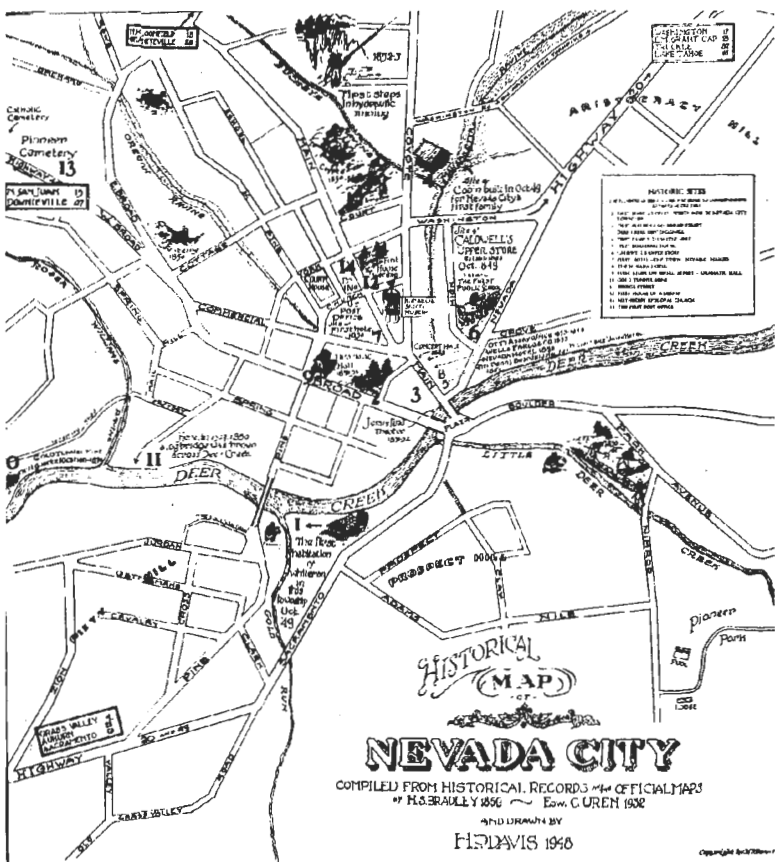
After the gold rush began in 1848, the city of Nevada in present day Nevada County became one of the busiest and richest centers of mining activity in the Sierras. Highway 49—once the well-trodden trail of the forty niners—bisepts the community. With its Victorian homes and gas street lamps, Nevada City is the best-preserved Gold Rush town in California. Due to its exceptionally rich placer deposits, the city from its earliest beginnings was a magnet for miners and enjoyed urban amenities like theatres, gas lighting, restaurants, and newspapers. During the summer of 1850, for example, Nevada City experienced a boom: many of those tunneling into the earth to reach the pay dirt at the bedrock—a process called "coyoting"—were yielding \$10,000 to \$100,000 per coyote shaft. The number of stores and hotels tripled that summer, and the population grew from 1000 to 6000. This was the richest diggings in California, reported Forty-Niner Charles Churchill. Nevada County had a population of 20,000 by 1856.



*Sinking a Shaft*



The landscape underwent a rapid metamorphosis. Quite literally, the land was turned upside down as miners sought gold and other precious minerals. Trees were felled for housing and flumes, tunnels and coyote holes were burrowed in the earth, and ditches were dug to bring water from streams outside town to wash the gold-laden gravel. Not only was Nevada City particularly rich in placer gold; along with its sister city, Grass Valley, it enjoyed continuous prosperity because of the extensive gold-bearing quartz ledges in Nevada County. By the early 1850s, miners were al-



ready developing the technology to mine the quartz and also to expose the gold far below the surface in gravel beds of ancient river channels. Among the many mining innovations for which the town of Nevada is known, a nozzle called a monitor was developed for hydraulic mining. In this method, volumes of water under force wash away tons of earth to expose the gold at the bedrock. Nevada county was the largest producer of gold (\$440 million between 1848-1965), with an estimated \$50 - \$70 million in the Nevada City district alone.



*Hydraulic Mining*

### **Dispossession and Displacement of the Nisenan**

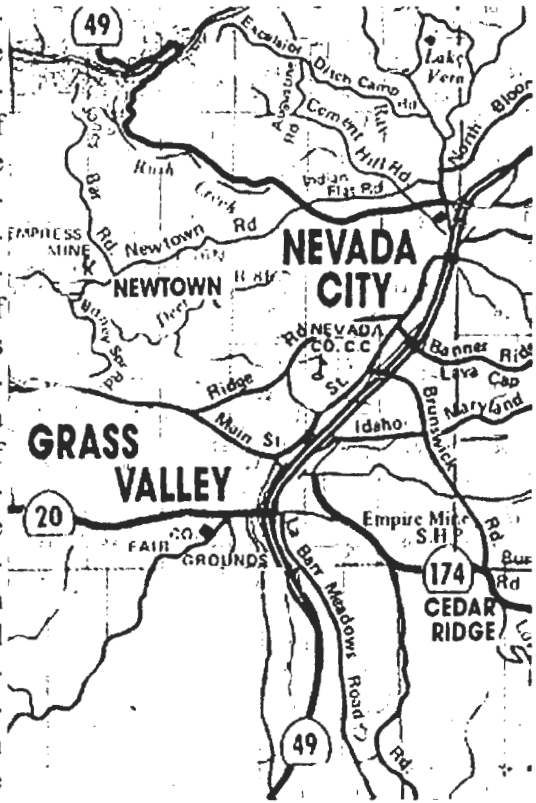
Due to the sudden invasion of thousands of miners and the radical changes they were making in the land, native village sites were displaced; native ways of livelihood were revolutionized almost overnight. A Nisenan village called Oustomah was located within what is now the city limits on the banks of Deer Creek.

#### *Betsy's Memory of Gold Rush Nevada City*

*Betsy, a Nisenan, was born at Oustomah. She recalled that the Indians were fearful as the white population rapidly increased after 1848. There was a dispute over the white overkill of a deer, which caused some Nisenan to move to the outskirts of town. As "gold excitement advanced," she said, "we were moved again and again, each time in haste...." Promises were made to give material aid for land surrendered but these promises were not kept, recalled Betsy.*

Many Oustomahs relocated northwest of Nevada City. Some of the white residents of Nevada City referred to these Indians outside the city limits (as Betsy did herself) as "Oustomahs." Whites more persistently referred to this vicinity as "Indian Flat" due to a

long history of Indian occupation from the 1850s to the 1960s. Into the 1960s, Indian students attended the Indian Flat school. Indian homes were clustered on a flat of land along what today is Indian Flat Road bisecting Cement Hill Road. "Cement Hill" received its name from its imperviousness to the hydraulic jets of water which upturned acres of earth at its base, exposing monolithic granite boulders. The Nisenan whose memories have been preserved referred to this area as "Granite" or "Wokodot" or simply "campoodie." Anthropologists have documented that a Nisenan village called Wokodot predating the Gold Rush was located west of Oustomah. The 1852 census enumerates 3226 Indians as living in Nevada County; 115 of these were listed as living at "Wolomack" perhaps a corruption of "Wokodot." Persons from the village of Hi'et had relocated to the Indian Flat/Cement Hill area by 1898 according to anthropologist William Henry Holmes of the Chicago Field Museum.



Contemporary map showing Indian Flat and Cement Hill Roads northwest of Nevada City

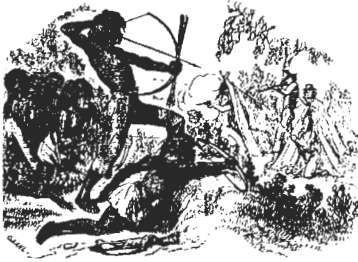
## Contact, Conflict, and Coexistence



*Wayside Scene in Gold Rush California*

The local Nisenan Indians displayed a willingness to accommodate to the white presence and to coexist peacefully. Their non-threatening dispositions and behavior rapidly dispelled the apprehensions of incoming miners, women, and merchants. However, reports of Indian misbehavior—whether far distant or simply rumors—ignited latent fears and enflamed hostilities towards Indians. Though the local Nisenan were generally perceived as friendly, several minor incidents of conflict are preserved in the historical record. When Indians resisted the invasion of their territory, the theft of resources, or other crimes against them such as sexual misconduct by miners, whites swiftly responded with violence in the form of lynch law or other reprisals. In early 1851, for example, a young white man was killed by Indians near Spenceville; a posse formed to capture the culprits. Five hundred miners gathered to demand justice. Shortly, an Indian named Collo confessed to the crime. As a deterrent, one thousand Indians were assembled to witness Collo's execution.

### *Indian Attack*



*In late 1851, Indians from Camptonville engaged in a fight with the Indians at Indian Flat. Fighting with bows and arrows, one or two men on each side were killed. The fighting attracted a crowd of white on-lookers. After the battle, a miner*

*named Poor was killed when an arrow was fired into his cabin. A horse was also killed. Determined to deliver swift justice for these offenses, a posse of miners went to Indian Flat. With the assistance of a French Creole trapper, the Indians were able to communicate that their arrows differed from the type that killed Poor. A small party of miners led by a Texas Ranger set off to chastise the 'Yuba' Indians from Camptonville, killing four of five at the "Battle of Bloody Run." Upon its return to Indian Flat, the posse burned the Indians' wood and dirt council place. An old-timer named Thomas Marker who participated in this action was interviewed about the event in 1909. He recalled: "After this was done there was no more trouble and things assumed a peaceful aspect once more."*

### **Accommodation and Adaptation**

Such heavy-handed justice served to deter the Nisenan from giving offense and motivated them to conform to white expectations. In November 1857 a local newspaper reported that the local "digger" Indians were "becoming civilized." Whereas a few years earlier, the local Indians had burned a perfectly good cabin to the ground to put one of their grass and mud huts in its place, the editorial said, there were now two or three shingled houses at the campoodie, and one had a door and a window!

Like other Indians in the gold country, the Nisenan quickly adopted the market economy to survive. They panned for gold in order to purchase flour and beef. Miners sometimes permitted them to scrape the ends of sluice boxes for the gold flakes that might remain there and to wash the tailings. Ranchers and farmers employed them as laborers; some Indians worked only for table scraps to pay off debts. One of the ways Indians adapted to the white invasion, as a federal investigator W. P. Crenshaw observed in 1854, was to sub-divide their camps “so as to



*Grass Valley Nisenan, ca. 1860s*

be more convenient to the towns and ranches of the whites.” Also, Indian leaders relied upon white men for advice and counsel. Insofar as possible, traditional food sources such as deer meat, fish, acorns, grasshoppers, and mushrooms were gathered, but the streams were so muddied by hydraulic mining by 1854 that they yielded few fish. The wild game was depleted, and the acorn crop unaccountably failed in the early 1850s to compound the Indians’ miseries. Crenshaw estimated the Nisenan population of the foothills decreased fifty percent from 1848 to 1854. The causes were: the radical change in diet and mode of living, alcohol consumption, and disease.

Indian starvation was only partially mitigated by the generosity of sympathetic townspeople and the local ranchers and farmers. Betsy recalled bitterly that the townspeople were indifferent to the Indians’ sufferings and rapid depopulation. Betsy recalled, “[W]hen appeal was made for help (in caring for sick and indigent Indians), it was met with ridicule.”

## California's Indian Removal Policy

The land was far too valuable in mineral wealth to contemplate any native claims to land or resources as valid during the 1850s. To alleviate the Indian's distress and simultaneously clear Indians from the mining areas, Crenshaw promoted the policy which his superior, California Superintendent Thomas Henley (as well as California Senators William Gwin and John Wilson) were advocating: Indian Removal. Despite food shortages, however, Indian leaders expressed reluctance to accept Crenshaw's urging for voluntary relocation to military reservations elsewhere. Indians did not want to leave their homelands and understandably feared these unfamiliar places might have fewer resources for survival (such as wage labor and gold) than what their homelands possessed. Because the California politicians, the Indian Office, and a vocal part of the Nevada County citizens favored removal, the policy was executed over the protests of the Indians and their few white advocates.



*Distribution of rations to Indians  
at Round Valley, 1857*

Thomas Henley reported in November 1855, that approximately 200 Indians had been rounded up from Nevada, Grass Valley, Rough and Ready, all along Deer Creek, and from the Bear to the Yuba and quietly located at Nome Lackie Reservation twenty miles west of Tehema.

This initial relocation effort was a disorganized operation, however, and many Nisenan Indians of Nevada County successfully evaded the forced removal. In 1864, a massive sweep was made in which most of the Nisenan were taken to Sacramento and

then to the Round Valley Reservation in Mendicino County. Among those taken from the Nevada City area was a man named Pete who was shot in the face by a soldier during the forced march. He made his way back to Nevada City. Many others who were fortunate to survive ultimately escaped and returned to their home territories, as there was insufficient food and protection at Round Valley.

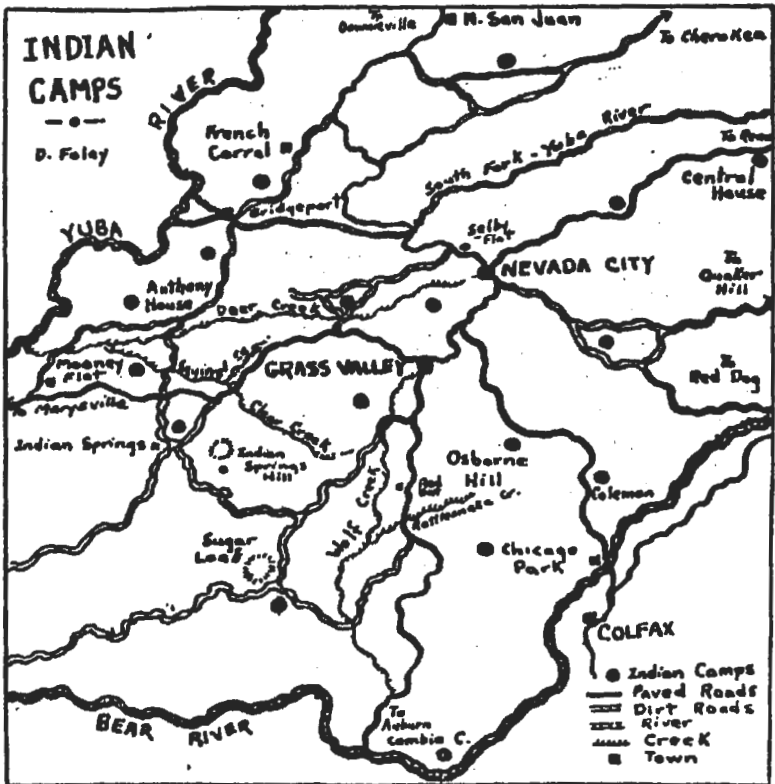
### **Surviving Hard Times, 1860s-1870s**

To describe the existence of the Nisenan in the post-Gold Rush era as precarious and marginalized seems to understate the hardships of their existence. Congress displayed an unwillingness to adequately subsidize a reservation program for California Indians. In the 1860s, 1870s and 1880s, the majority of California Indians eked out a living as best they could without the formal guardianship of the federal government and without land or resources to call their own. They faced considerable racial prejudice and discrimination under California state law. In 1867, there were only an estimated 500 Natives in all of Nevada County, a number which continued to decline due to whiskey and contagious diseases, according to a contemporary observer. The remnant population purchased (or received in trade for labor or as charity) flour, sugar, potatoes, and other articles of food from their white neighbors..

By the late 1800s, an estimated population of two to three hundred Indians lived in western Nevada County. As a map of Indian encampments reconstructed by Nevada City historian Doris Foley in 1953 based on old settler reminiscences reveals, there were approximately twenty of these (*see map on next page*). The residential pattern appears to reveal a preference for locations close to mining areas, farms, or ranches, or along travel routes. Indians coalesced around charismatic leaders, who served as labor brokers and intermediaries, thus assuring protection and a form of



livelihood for a band. One Nisenan leader encouraged the collection of pine nuts and then attempted to market the produce in San Francisco. Another long-time Nevada City campoodie resident's experiences are illustrative of Native resourcefulness under difficult conditions. 'Old Cisco' was kidnapped in his youth and sold to a sea captain. After many years, he found his way home to Nisenan territory, but no one remembered him. He became a trusted employee of a company that transported bullion during the heyday of hydraulic mining.



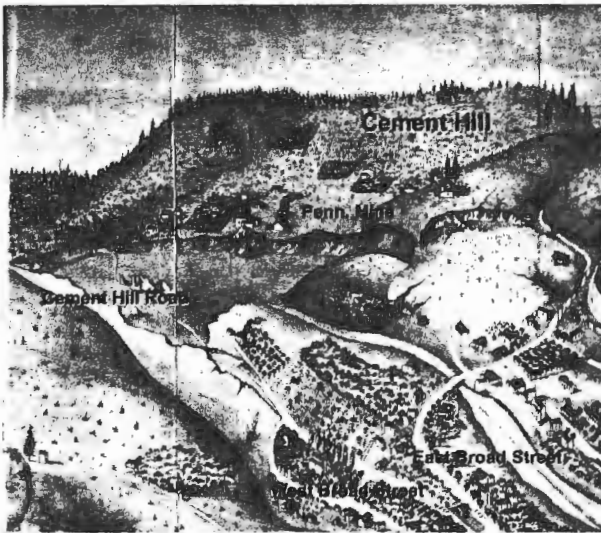
*Reconstruction of Western Nevada County Indian Camps*

## Federal Recognition of the Rancheria

### The Cully Homestead Grant

Of these many Indian camps, only the Nisenan of Nevada City received federal recognition. The story of how this happened is curious, for the location of the rancheria was a heavily-mined area, honeycombed with tunnels for lode and placer mining and laced with legal claims for surface and subsurface rights. In 1891, an Indian named Charles Cully made a permanent claim to land below Cement Hill under the terms of the Dawes Act of 1887, which allowed homeless, non-reservation Indians to apply for homestead allotments.

During the 1860s, historical occupation of the “Indian Flat” area along Indian Flat road was made impossible by hydraulic mining as graphically revealed by the **1871 Birdseye view lithograph of Nevada City** (below): A roughly triangular area southwest of Sugar Loaf Mountain from Coyote Hill east through Wet Hill shows radical erosion.

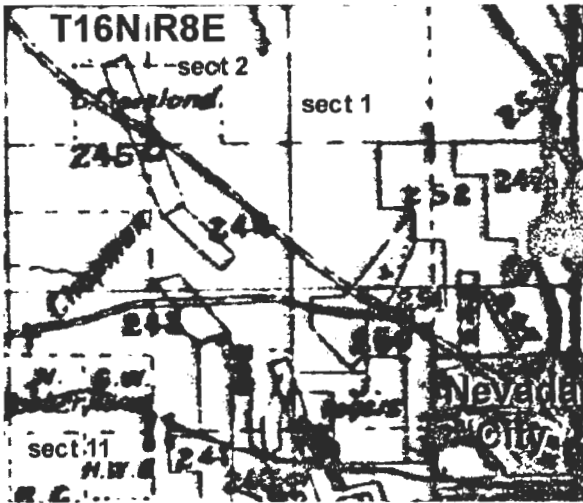


*1871  
View  
of  
area  
northwest  
of  
Nevada  
City*

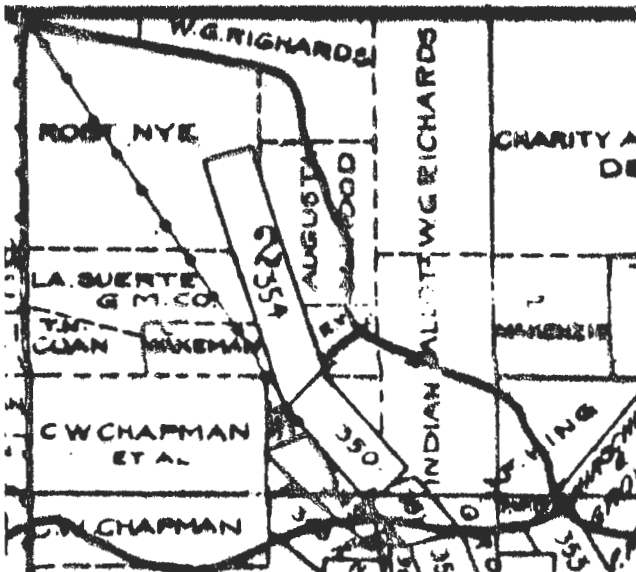
Massive amounts of earth were washed away, exposing granite boulders and quartz veins. Drift mining was another method by which miners reached gold-rich gravel of ancient river channels in this area. The simpler methods of pick and shovel of the 1850s had given way to heavily capitalized, corporate ventures for quartz mining, drift and hydraulic mining. For example, the Mount Auburn mine covering 40 acres (#245 on the 1880 Mineral Claims map on top of opposite page) had been developed to a depth of 600 feet by an inclined shaft. Incorporated in 1878, there were 30,000 shares issued and a capitalization of \$3,000,000. In 1880, there were two quartz mines, Mount Auburn and "Lord and Co." (#246) working the two to four foot wide Merrifield-Spanish vein containing gold, pyrite and granodiorite. To the southeast there were the Pennsylvania (#248) and the Eddy (#247) later called the Oustomah. A 1928 Nevada map of Section 2, T16 R8E; (*bottom of opposite page*) shows the Cully allotment bordered by a quartz mine (#350; #244 on the 1880 map) on the southwest corner and the McKenzie property on the east. Cully's 75½ acres abutted quartz mines and sat athwart the tunnels of the Golden Poppy Consolidated and the Knickerbockers Quartz Mines.

## **Nevada City Campoodie**

One can only conjecture why and when Charles Cully and other Nisenan chose this site as a **permanent and legal** home. What is known, however, is that hydraulic mining slackened in the 1880s due in part to the 1884 Sawyer decision banning this activity. Claims in the vicinity were being abandoned or were inactive. Cully's claim had numerous assets: it was close to town and close to jobs in mining and lumbering; it had a good spring, flat acreage, a southern exposure, and a nearby water ditch. If the mineral deposits at Cement Hill were no longer profitable to be worked commercially, the Nisenan may have seen these mines as a resource from which to eke out a small but dependable income from



1880 Nevada County Mineral Claims map

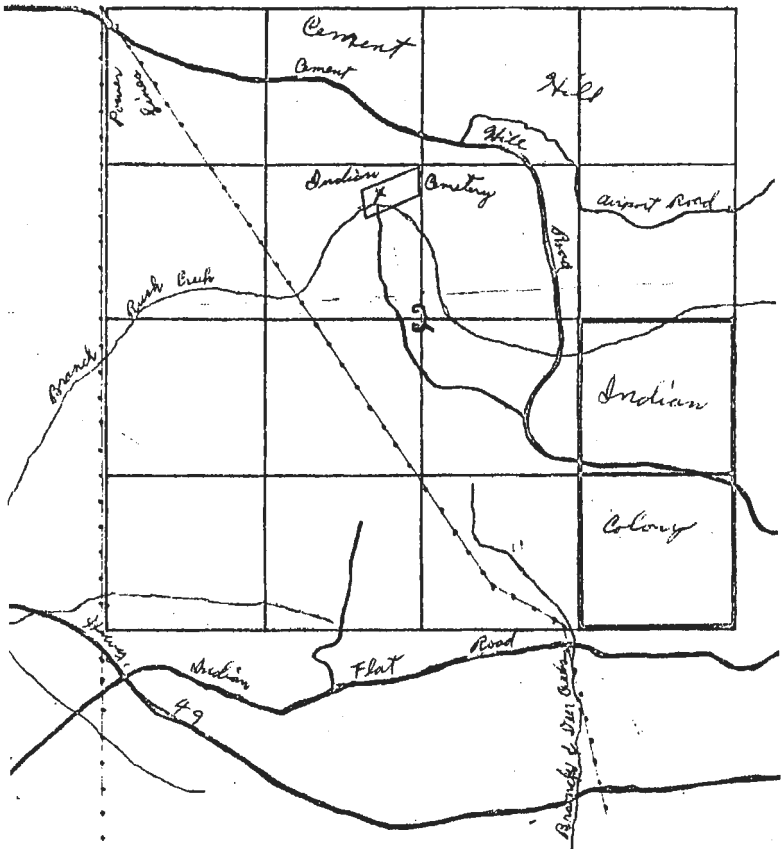


1928 Nevada County Recorder's Office Map of Section 2, T16N R8E

Govt. of U.S.A. to Nevada or Colony of Indians  
Executive Order No. 1772-- dated May 6, 1913

The following described land is hereby withdrawn from entry,  
sale, or other disposition, and set aside for the said Nevada,  
or Colony of Indians, land described namely:

NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and, Lot 6 of SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of  
Sec. 2, T.16N, R.8E; -- 75.48 acres.  
Signed by President Woodrow Wilson



the tailings, gravel and quartz deposits. Charley Cully's wife, Josie, is said to have had a necklace of gold nuggets.

According to the oral history of the campoodie's last official "chief," Louis Kelly (recorded in the 1970s), the local Nisenan, then living in scattered camps, were eager to solidify a permanent land base and pooled resources to pay for the land survey. (The campoodie was originally called "Pudnuse's camp," because Pudnuse was chief.) Permanent land ownership promised tangible benefits: freedom from eviction, freedom from charges of trespass, and protection from harassment. The neighboring whites assisted and encouraged Cully in making the homestead application, including signing the necessary affidavits that the land *was non-mineral in nature*. Once the report of the surveyor was registered at the County courthouse and other requirements were met over a five-year period, on April 6, 1891 Cully gave Hamilton McCormick power of attorney to file papers in the Sacramento Land office. Meanwhile, many Indians at the other encampments moved to the Cement Hill campoodie. Charley Cully was chief of this village from approximately the 1890s to 1911.



*Charles Cully*

### **The Contested Claim**

Only non-mineral land was open to homestead entry, and Cully's claim was immediately challenged by those with mining claims impinging on the allotment. Charles Cully formally relin-

quished all right to the allotment in an affidavit, September 7, 1891, saying he applied “under a misapprehension, in that he was not aware” the land was more valuable for mineral than for agricultural purposes. The clouded title of the allotment created confusion, animosity, and legal conflicts for decades to come. Louis Kelly, for example, stated in his memoir that the allotment deed was duly received. Those with mining interests, on the other hand, claimed the allotment had been revoked. However, the fact was that Department of the Interior *would not and could not* revoke the deed, as all proper procedures had been followed with requisite supporting documents in the application. The Sacramento Land Office in its investigation found no legal conflicts with *active* mineral claims. The Assistant Attorney General for the Department of the Interior therefore rendered an opinion November 28, 1891, that Cully *could not relinquish* his application for the allotment “without the consent of the Secretary of the Interior.”

Alerted to the threat to their property rights, the mines’ shareholders redoubled their efforts to invalidate Cully’s claim. One shareholder charged that the Secretary of the Interior was violating a law of Congress in giving “the Indian a patent to our mining land” and called for a hearing by the Sacramento land office as the best strategy to set aside the Indian claim. A hearing date was set for 1895, but Cully did not respond. A registered letter informing him of these legal proceedings remained unclaimed. The General Land Office in Sacramento subsequently decided on April 7, 1900 to cancel the homestead entry. However, the invalidation of the the allotment by the Land Office was in direct violation of the earlier judgment that *only the Secretary of the Interior* had the authority to relinquish the Indian’s homestead entry.

### **The Indian’s Nemesis: W.A. McKenzie**

The Indians’ most aggressive adversary in the legal battle over title to the contested acreage was W. A. McKenzie. McKenzie

operated on the assumption that the legal victory for mining interests was an established fact. With a crew of four, McKenzie began drifting and tunneling on the Eureka-Golden Poppy mine underneath the Indian settlement in the 1890s. McKenzie claimed he found gold in paying quantities, but this was contested by W.S. Waterhouse of San Jose. Waterhouse swore circa 1907 that his father (whose investment was in the Knickerbocker mine) had run a tunnel under the Cully allotment and searched for gravel and ledges for twenty-five years from 1877 to 1907 and found practically nothing, though he invested \$100,000. McKenzie remained adamant that there was a fortune to be made in mining on this property. He acquired the barren and abandoned mining land bordering Cully's allotment on the east. McKenzie consolidated the Golden Poppy Group of Quartz and Gravel Claims—formerly the Knickerbocker Placer claims and the Phoenix Claim—and the newly reorganized venture owned by McKenzie was renamed “McKenzie Mines Limited.”

### **An Era of Prosperity, 1890-1920**

Despite McKenzie's periodic mining activities and legal challenges to Indian land rights, the Nisenan maintained their residency on the site, and even enjoyed a time of relative stability, prosperity, and peace at the turn of the century. Louis Kelly, grandson of long-time resident of the campoodie “Old Betsy” Wes[t]field—was born at the campoodie in 1886. He recalled the Nisenan were engaged in an active social life, visiting and feasting (Big Times) and observing intervillage mortuary practices (Big Cries). In addition to the campoodie below Cement Hill, there were at least two other Indian encampments within a five mile radius, one at Indian Flat (along Indian Flat Road west towards Newtown) and one at the site of the old Nevada City airport. There were social relations among the Indians in the Nevada City area and Indian bands in a larger radius as well. Louis Kelly recalled that there



were Big Times and Big Cries at Anthony House (now Lake Wildwood), at Chico, Auburn, Chicago Park, Colfax, Marysville, and Dobbins Ranch. At these social and ceremonial events, Indians met marriage partners. Marriage ties linked Indians from villages in different counties and different linguistic divisions. Charles Cully, for example, married Josie Peters, a woman of elite status from a Colfax band. Indian men worked as lumbermen and miners, but Indian identities and ways were sustained in other areas of their lives: in residential segregation for many, in life passage ceremonies, in social activities, and in native language use.

Visiting anthropologists, William Henry Holmes and C. Hart Merriam, confirm Louis Kelly's memories of Nevada City Indians enjoying security and coexisting peacefully with their white neighbors at the turn of the century. Holmes describes the village as being on table-land a mile west of the city, perched on brink of a mine. Though



*Nisenan woman collecting seeds  
with a seed beater (1898)*

the village was recently burned out and the Indian families lived in improvised shelters, they were not ill favored or debased, he reported. The men worked in mines and did odd jobs; women gathered and prepared acorns and continued to make baskets. Merriam, who visited four years later in 1902, took a picture (opposite page) of a robust-looking woman surrounded by baskets.

*"A Recollection about the Campoodie, ca 1880"*

*A rare personal recollection of a white man who as a child lived on Wet Hill survives: On a summer afternoon in 1887 or 1888 when he was ten or eleven, he and another boy were en route to a big baseball game of the season between the Indians and the whites when they decided to visit the Indian camp. There they discovered a beautiful, eleven-inch trout, in the spring in the lower part of the camp. This was the Indian's pet -- always there to greet them when they drew their water. Mischievously, the boys caught the trout and then went on to the ball game. The Indians became very excited when they discovered their pet had disappeared. The frightened boys sneaked away, threw away the fish, and avoided the Indian camp for a long time afterwards.*



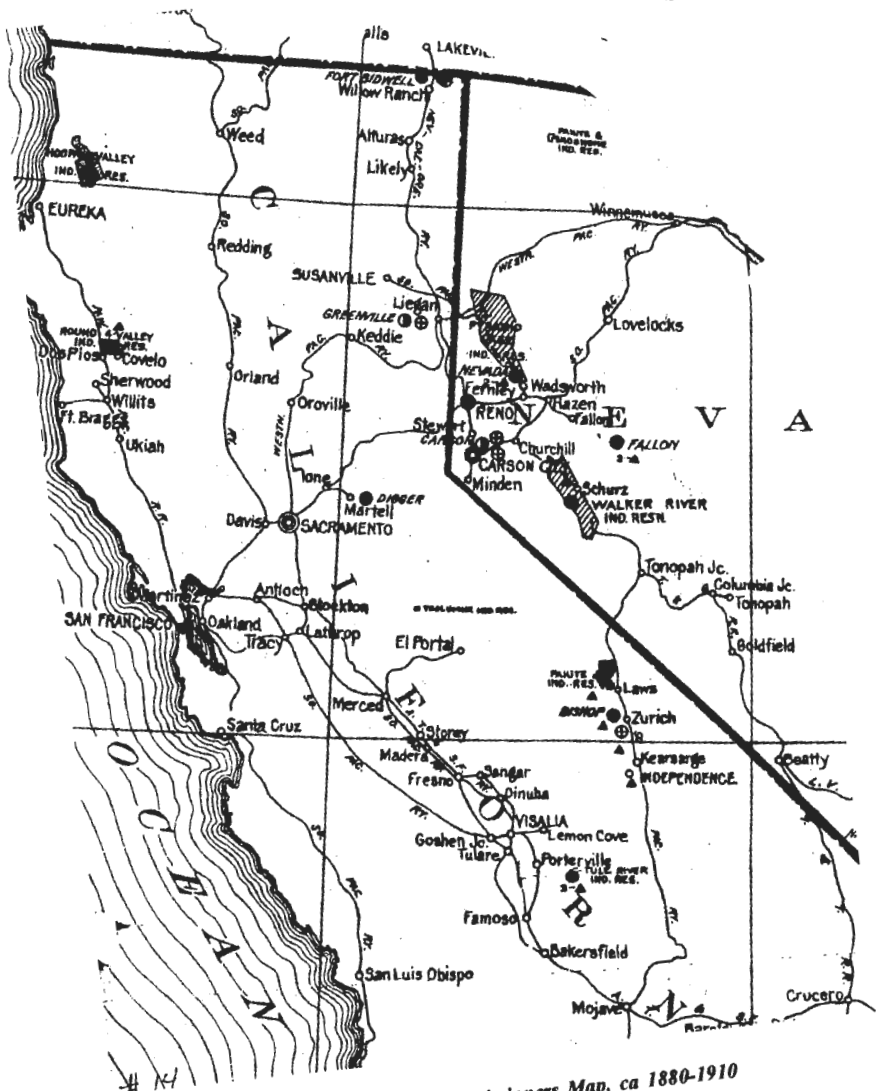
*Woman outside a conic bark  
slab dwelling (1902)*

## **From Federal Neglect to Guardianship of California Natives**

Increased attention by anthropologists, humanitarian concern of Christian missionary organizations, and the political embarrassment following the “rediscovery” of the unratified treaties of 1851-52, combined to create a shift in federal policy. The federal government belatedly acknowledged its responsibility to provide services and legal protection for bands of impoverished and landless California Indians. (Only 5200 of 17,800 of the state’s Native populations were living on reservations in 1905). C. E. Kelsey of the Northern California Indian Rights Association began canvassing the northern California counties inquiring into the conditions of Indians in 1903. He wrote alarmed messages to the Christian watchdog organization, the Board of Indian Commissioners, about the indigent and vulnerable Indians he had discovered in the northern part of the state. The Board in turn influenced Congress to appropriate money for further investigations and subsequently purchase of small homesteads for the landless Indians of California. In 1911-1912, various small groups were loosely organized under the Reno Agency. The jurisdiction of the agency was defined as “all Indians of California and Nevada not under any other jurisdiction.” It included reservations and colonies, villages, camps and scattered bands of Indians. (On the map on opposite page only the “Digger” agency is identified in Nisenan territory.)

### **C.E. Kelsey’s Interventions to Preserve Indian Land Holdings**

The timely intervention of the activist Kelsey checked McKenzie’s efforts to dispossess the Nisenan of Nevada City. (In Kelsey’s census of 1905-1907, sixteen persons are listed as residents of the “Indian Flat” settlement, including “big Charley Cully” and his wife, Johnson and wife, Raymond Joe and his grandmother,



Board of Indian Commissioners Map, ca 1880-1910

Louis Dick, wife and child, Oscar Williams and wife, Selsa Cisco ("Old Cisco"), Pete and wife, Susie, and Maggie Damon. (Perhaps the fire of 1898 had dispersed a larger Native enclave.)

Kelsey's investigation into the contested title in 1905 and his recommendation of 1906 led to the reinstatement of the allotment by the Secretary of the Interior on June 29, 1907. McKenzie Mines Limited's mineral application for patent to the Golden Poppy Consolidated Quartz mine for 37.69 acres in Sections 1, 2 and 12 in T16N, R8E in August was denied by the Registrar of the Land Office. Expensive litigation and an ugly political fight loomed on the horizon as McKenzie adamantly refused to admit defeat. His lawyer, Fred Searls of Nevada City, filed protests with the Land Office and the U.S. District Attorney. McKenzie marshaled substantial political influence from state and national politicians who had built their careers in Nevada City as lawyers specializing in mining law, and who, moreover, had financial interests in McKenzie Mines. California Congressmen and Nevada City residents W.F. Englebright and John R. Tyrell were two of McKenzie's supporters.

An untiring advocate for the Indians, Kelsey was convinced that McKenzie's claim regarding the land's mineral value was spurious: Kelsey believed McKenzie was only claiming the land had mineral value because he had been so advised by a lawyer in order to evict the Indians. Charles Cully believed McKenzie wanted the land for pasture. Kelsey wrote to the Reno agent:

At first McKenzie tried to crowd the Indians off, but they would not go. Then he tried to buy them out and they would not sell, as they could not legally. Then he tried to make an agricultural filing, I believe, but found he could not contest an Indian allotment.... McKenzie occasionally would browbeat Cully, or try to, and tell him what he was going to do to Cully when he succeeded in getting the land away from Cully. A

San Francisco lady overheard one of these conversations and was so horrified and distressed that she wrote an account of it to the Indian Office.

## Legal Battle Over Land's Mineral Value



The pivotal legal issue on which the clouded title hinged was the determination whether the land was of mineral or non-mineral character—a point which proved to be inconclusive despite several inquiries, hearings, and special reports by different federal agencies over the years. McKenzie claimed in an deposition of April 1908 that the ten placer locations and two quartz locations in this contested area were “splendid” producers of gold and part of valuable “channels” of high yield mines from which millions have been taken. He

described the extensive tunnel system: The Golden Poppy Tunnel Number One is four feet wide and over two thousand feet long with a number of branch tunnels. There were also two other tunnels, the thousand foot long Knickerbocker and the Golden Poppy Tunnel #2, which was over a thousand feet long with many branch tunnels.

When McKenzie tried to work his tunnels, he faced the steadfast opposition of Cully and the Indians, who engaged in sabotage. In McKenzie’s words:

When we was [sic] held up by the Indian allotment, the Indians that is Cully, and the few that was with him filled that air shaft up with big rocks and logs and dirt, that will all have to be cleaned out. They then went to the mouth of the tunnel, burnt big fires on Granite boulders. Then when red hot threw water on them that cracked them up. They put as much as they could in and around the mouth of the tunnel, and that costs lots of money....

The case of McKenzie vs. Cully remained unresolved from 1907 to 1911. C.E. Kelsey, appointed Special Agent for the California Indians, steadfastly defended the Nevada City Indian's claim and remained suspicious of McKenzie's motives and his claims. McKenzie meanwhile was able to persuade another Office of Indian Affairs employee, Calvin Asbury, that the evidence overwhelmingly supported *his* case. On February 3, 1909, Asbury wrote an extensive report to his superiors judging that the rights of the McKenzie's mining company were probably paramount to those of the Indians as the land was *clearly acknowledged mineral land years before the filing.*

### **Crisis and Resolution, 1911-1913**

Two events were the catalysts for a renewal of the conflict in 1911-1912. First of all, Charles Cully died February 26, 1911. McKenzie argued the homestead patent was now clearly defunct; the homestead was empty and all the Indians had "died off." Secondly, on November 1912, gold and silver discoveries precipitated application of a mineral patent on a mine overlapping the corner of the Cully homestead. The North Star Mines Company applied for the Spanish Fraction embraced in Survey 5122—one half acre of the gold-bearing Merrifield quartz vein on the southwestern part of the Cully allotment. Nearby, the "Oustomah Mine" was operated at intervals in 1914, employed twenty men in 1915,

and had much modern equipment including a 10-stamp quartz mill, compressors, pumps, a hoist, and a blacksmith shop, but was idle after 1916. This renewed evidence of mineral wealth in and around Cully's allotment stimulated the government to expedite a final resolution regarding title. The recommendation was made in 1912 that some disinterested government official make a thorough examination regarding the mineral value of the land and thereafter adjust the claims of the parties.

The responsibility fell to Calvin Asbury of the newly-created Reno Agency. C.E. Kelsey again was sent in to investigate. Instead of finding the land vacant as McKenzie claimed, he found a number of Indians living on the property. (These persons were many of the same individuals Kelsey had enumerated in his census of 1905-1907.) Years earlier in 1908, in order to end the costly litigation, the compromise had been proposed that the Indians *surface* rights could be validated, while McKenzie would acquire title to *sub-surface* rights in order to work the drift gravel claim 100 feet or more beneath the surface. Now, Kelsey was open to such a compromise. He wrote to Asbury January 21, 1913, suggesting that if McKenzie was being honest about only wanting the mineral rights, he should be offered a lease. Paying the Indians 20% of the gross output of any mineral resources was standard. McKenzie would benefit by not having to pay taxes. If McKenzie would not agree to 20%, said Kelsey, the government would lease at 10%.

### **The 1913 Hearing**

The Indian office decided to go ahead with a hearing on April 16, 1913 at the Indian camp to determine the heirs of Charles Cully. The various concerned parties were notified. McKenzie lived in San Francisco and decided not to attend, believing the hearings would discuss only the issue of who inherited the Cully allotment. This was a serious tactical mistake.





*Born Nevada City, Belle's uncle was Tallman H. Rolf, editor of the Nevada Democrat, the second newspaper published in Nevada City; her father I.J.Rolf was also an early day journalist. C. B. Glasscock wrote after meeting the vivacious Mrs. Douglas in the 1920s or early 1930s: her "laugh would stir a movie sound-track into a convulsion of mirth....She makes me feel that Nevada City was a laughing town."*

Belle Douglas -- one of the town's native daughters and one of the Indian's most vocal advocates -- attended the hearing and testified passionately that the allotment should be secured to the local Nisenans for all time. Other local Nevada City residents testified in a similar vein. Josie Cully agreed to relinquish all right as widow to free patent title on the condition that the land be set aside and reserved for the common use of the Indians residing there. Betsy of the "Digger Tribe," 80 years old, testified to her long acquaintance with Charles Cully and his lack of heirs. Others attested to the Indians long occupation of the site. For example, a white neighbor of forty years, Mrs. M.K.

Williamson, testified the village had been there for all of that time and much longer to her knowledge. These sympathetic white friends of the Nevada City Indians had adopted a paternalistic attitude towards their few remaining Native American neighbors, feeding and clothing them, and in this instance, taking it upon themselves to protect their legal rights.

Special Agent Asbury's visit to Nevada City included a meeting with the members of the Chamber of Commerce and the mayor of Nevada City, who urged him to make a *permanent* reserve for the Indians on the Cully homestead grant. The mayor was not inclined to compromise and grant McKenzie sub-surface rights: since Indians had made the site their home for many decades. It was their land, said the mayor, "*even if it was all gold.*" A couple days after the hearing, Belle Douglas forwarded a petition to the Department of the Interior. Endorsed by the Chamber of Commerce, the petition was signed by all but two of the City's prominent citizens: McKenzie's lawyer Fred Searls and an ex-Congressman, who contended the Cully allotment *did* have mineral value. As a non-resident, McKenzie received little sympathy from Nevada City's Native Sons and Daughters. Asbury was strongly impressed by the show of political support by the townspeople. In his letter to the Commissioner of Indian Affairs, Asbury noted the interest by the "leading citizens" and made the recommendation that the land be set aside as a permanent home for the Indians. As old Josie and the uncle were aged and there were no clear heirs, the setting aside of the property for common use would allow all the other long-time residents the continued use of the small orchard, garden, pasture for their few horses, and fuel for their needs.

### **Creation of the Executive Order Reservation, 1913**

With Asbury's letter and the petition from the "leading citizens" in hand, the Secretary of the Interior wrote a letter to the

President May 3, 1913 recommending the cancellation of the Cully allotment and the creation of *an executive order reservation*. On May 6, 1913, the 75 1/2 acres was reserved for the dozen Indians of Nevada City's Indian village. Such small executive order reservations for colonies of California Indians were called "rancherias."

Remarkably, this decree coming from no less a person than the President of the United States, did not end the Nevada City Indian's insecurities over title. In the first place, California "rancheria" reservations created by executive order (unlike reservations created by treaties) did not have much security over resources or boundaries. For example, it was a confusing legal point



*Betsy Westfield and Josie Cully, ca.1920*

whether executive order reservation Indians owned sub-surface rights. If the land had mineral claims prior to the presidential decree, then the Indian office was bound to acknowledge these prior claims. In California

as elsewhere, the Bureau of Indian Affairs was vulnerable to political pressure to transfer Indian resources, such as, mineral rights, water rights, or rights of way. Secondly, the Bureau of Indian Affairs' Reno office, which supervised the many, small, dispersed rancherias and trust homesteads in the Sierra foothills, lacked the personnel and the budget for dealing with the day to day needs and grievances of the bands of Indians in its far-flung jurisdiction. Agents would make only periodic visits and reports.

In the interim, the Indian colonies could experience theft, trespass, and legal intimidation with no immediate access to anyone whose job it was to defend their interests, a role which the federal government in theory had assumed. Expenditure per capita for California Indians was only about half that expended by the Bureau elsewhere.

Confident in his political power and legal position regarding the land's mineral value, McKenzie appeared unruffled by the Presidential decree. He wrote to Asbury graciously offering to concede ten acres of the seventy-five to the Indians, which would "give them their camp and all that little flat that they could work clear down to the water ditch." He decried the Nevada City Native Daughters and Sons, who got up the petition to Secretary of the Interior as meddlers and liars. McKenzie concludes his letter to Asbury with a threat to write his Congressman.

Asbury did not relish being at the center of this interminable dispute over a technical question of mineral value, which he believed should be handled by the Land Office. He sought a compromise which would resolve the legal questions over mining rights. Asbury recommended in his 1916 report that the North Star be granted the Spanish Fraction to bring an end to the controversy; two years later, Asbury's successor, L.A. Dorrington, also favored the cession of .509 acres from the Indian reservation, being of only "nominal" value to the Indians anyway.

### **Belle Douglas As Intermediary and Guardian**

Belle Douglas served as an intermediary between the Reno Agency and the Nisenan Indians of the Nevada City rancheria after 1913. As the Indian's unofficial guardian, Douglas was unwilling to cede the seemingly small portion in the North Star claim without a fight. The Native Sons and Daughters hired a lawyer, Mr. Arbogast, to advise them on the legal rights of the Indians. Douglas concluded that a cession of even a small amount would

set a dangerous precedent. A compromise was not reached until late 1918: the North Star agreed to settle the dispute by deeding back the *surface* rights to the half acre to the Indians.

Grateful for her efforts in their behalf, the Indians came to depend upon Douglas as their patron, advocate, and spokesperson. Douglas struggled to understand the peculiar regulations regarding timber and mineral resources of reservations created by executive order. She was also called upon to adjudicate internal disputes. Flattered but overwhelmed by the responsibility, Douglas wrote to the Indian agency asking about the propriety of appointing a local board of trustees to settle local Indian disputes: "I would be very glad to act for the Indians who already think me their Chief, but a committee of three would be better." Without a local Bureau presence to arbitrate internal disputes among Indians or guard against intrusion into resources, what individual or agency was empowered to deal with these difficulties, large and small, as they arose? The Reno Agency saw Douglas's protectiveness towards the Indians as "very commendable."

### **Reservation Revival, 1919**

In late 1919, the Indian colony outside Nevada City experienced a small revival under the leadership of 31-year old Louis Kelly. Kelly made many improvements. He enclosed the property in good wire fence and was in the process of erecting a neat four-room cottage for his wife Naomi (daughter of George Wallace of Colfax) and his boy Lester. Lester attended public school at nearby Indian Flat with other Indian children in the vicinity. Louis Kelly's possessions included a good kitchen stove and an organ, demonstrating his "progressiveness." Several other nice cabins were erected for the Indians by the Native Daughters of Nevada City to replace those lost in the fire in the late 1890s. The residents included Old Josie and Old Betsy, Oscar Williams, and the Yamia family (father Dick, son Robert, wife Nellie, and Dick's mother).

The agent reported that Louis did not seem well informed about the status of the land, believing Old Josie held the title. The agent speculated that the above average circumstances of these mountain Indians was "the interest which was taken in them by the people of Nevada City." Seventy Indians were under Indian Flat jurisdiction in 1923, but most lived off the rancheria.

### **The Nemesis Returns, 1920; More BIA Investigations**

In the early 1920s, McKenzie forcefully renewed his dormant claims using his standard arguments and methods: a combination of bluster, sophistry, name-dropping, and barely cloaked bribery. McKenzie claimed all of the Indians who formerly had an interest had passed "to the Great Beyond"; in fact all of their heirs were dead as well, he said. (Betsy died in 1923.) Cully had only been "permitted" to live on the land at McKenzie's discretion; moreover, this mineral location claims antedated the executive order, he argued. The Bureau of Indian Affairs conducted *yet again another investigation*. Ransom C. Boczkenciz visited the McKenzie Mine August 11, 1923, and McKenzie personally gave him a tour and described how unjust it was to be mistreated after working the better part of his life in the mine and investing \$50,000-\$75,000 in it. He then gave Boczkenciz a tour of the Indian camp, consisting of only four small shacks. Two or three Indians were then living there who, McKenzie said, did not belong. Their habitations covered 1 1/2 acres at most. There was only one permanent family and three more who made no use of the land except as a place to camp, cut fire wood, and graze their horses for a short time each year. McKenzie thought two acres would be quite ample "for me to set aside for them." He told Boczkenciz, he "would allow" the Indians and their visiting Indian friends to live there forever and would set up a five acre camp elsewhere to be turned over to the Indian agency "if I had my patent tomorrow." McKenzie's confidence in a favorable resolution was seconded

by his partner and lawyer, Senator John R. Tyrell. The Special investigator Boczkienciz made a favorable report to his superior, who in turn advised the Commissioner of Indian Affairs Charles Burke that the land was chiefly of mineral value. As long as Indians' surface rights were respected, the Bureau saw no obstacle to granting McKenzie the subsurface rights.

When McKenzie was advised of this decision November 22, 1923, he immediately responded that this compromise was not acceptable to him, for the reason that to carry on his mining operations, air shafts had to be sent to the surface:

It is impossible to work our Mine in that deep tunnel with out air, your idea is wrong, no man can work without air to breathe, and if you feel like that to deprive us of the surface, why we could not be able to live down there. We have got to have the Mineral right as it was originally located, and the patent applied for. There is (3000) feet of tunnel there and that cost us the around sum of over (\$75000) to run it. It will cost about (\$5000) more to open it. We have an air shaft over the tunnel 85 feet[;] that cost us \$5 foot to sink it. .... The North Star Company... did not need the surface of the [1/2 acre] tract of theirs for they have all the rest of the land around them for air shafts and everything else they want, but I have not.

McKenzie concluded his letter expressing "outrage" that he be deprived of surface rights and that he would file his complaint with his Senators and Congressmen. If the Indian camp could be relocated elsewhere, on his honor, it would never be taken from them, he pledged.

### **The Woodcutting Controversy**

During the mid-1920s and early 1930s, the threatened resource was wood, and again Belle Douglas was propelled into action as the Indian's advocate. Louis Kelly provided the Land Office with a detailed inventory of the trees that had been illegally cut on the hilly portion of the Indian reservation in spite of the fact

that Kelly posted signs prohibiting such activity. Someone cut his wire fence. The thievery was reported to the Sheriff. Among those stealing wood was an off-reservation Indian named Frank Johnson who was taking wood for his personal use. Kelly locked the gate to the rancheria and refused to let Johnson have wood. Appeal made to an attorney did not end the trespass and pilfering. Finally, Kelly wrote to the Land Office in desperation.

I thought the govrmnt [sic] gave this to the Indian what being here. So I tried to set the law for cutting wood here and Hauling it away. But it was fruitless. So I have to call on you.

In October, 1930, McKenzie was charged with taking wood from the the Indian reserve. McKenzie appropriated the six cords of cordwood (cut in stove-length pieces) which Al Williams—an Indian man living in town and employed in a mine—had cut for his uncle (who was blind) and his aunt; the Yamias. The incident spurred Belle Douglas to protest to the Bureau. “McKenzie has pestered these poor individuals for years and has menaced their rights and their land” as well as everyone else near his mine, Douglas wrote. The Sacramento Superintendent of Indian Affairs ordered McKenzie to return the wood or face criminal charges. McKenzie claimed the District Attorney said he could lawfully confiscate the cordwood. McKenzie appealed to Congressman Englebright, and Englebright lobbied the Bureau on McKenzie’s behalf. An investigation by the Bureau ensued. Infuriated by the stalemate, Douglas wrote a blistering letter to the Superintendent, chiding the Bureau for its neglect and for its inefficiency: **“[I]nvestigating is the best thing they do and that doesn’t seem to feed starving people!”** Douglas called McKenzie’s claims to prior use before the Indian settlement as fabrications and his legal claims a “bluff” run on the public officials. Taking matters into their own hands, Belle Douglas and the Native



Daughters formed a committee to make sure McKenzie replaced the stolen wood.

For a second time, the defense of Indian rights and resources became a hot political issue in Nevada City. The Indians "have had quite a hectic time in holding their possessions and the Government and the Indians' friends at Nevada City have had to come to their rescue more than once," Douglas announced. The Native Daughters demanded prosecution of the dilatorious Mr. McKenzie. They blamed the District Attorney facing reelection for inaction in the matter. After a desperate political fight, the District Attorney was re-elected by a plurality of only twenty-seven votes.

Though making light of the tempest in a teapot in Nevada City in a letter of 1931 to his superior, the Sacramento Superintendent of Indian Affairs correctly foresaw that this "case of very old standing" was not about to go away any time soon. The obdurate McKenzie is "still going to continue his fight for the title of this land." McKenzie refused to return the appropriated wood until 1938. McKenzie's appeals for surface rights were ultimately unsuccessful. In the late 1930s, the Rascob mining interests obtained an option from McKenzie and applied to the Bureau for permission to begin work cleaning out the old mining tunnel located at the mouth of the canyon on the southern part of the rancheria. This was acceptable to the Bureau as long as Indians were not disturbed.

### **The Nisenan's Insecurity over Title and Resources**

At one level of analysis, the Bureau of Indian Affairs' negligence towards its Nisenan wards seems criminal. Under funding and equivocation hampered long-term economic and community development on the Nevada City rancheria after the federal government assumed jurisdiction in 1913. On another level, an under-

standing of the daunting complexities of administering to California's many scattered, executive order reservations, make the Bureau's cautious and defensive posture understandable, if not justifiable. For instance, McKenzie repeatedly claimed the Indian population was dwindling; of the few remaining residents, entitlement to use to the rancheria and its resources was questionable as they were outsiders. In the 1930s, Mr. and Mrs. Lawrence, Indians from Butte County, were living on the Nevada City rancheria and were cutting wood, having obtained written Bureau approval. Louis Kelly complained they "were not of this tribe any way." Once the Bureau was informed the Lawrences were not originally from Nevada City, their timber rights were retracted, but the Lawrences were not evicted. The inability to resolve entitlement questions in order to defend reservation boundaries and resources from outsiders, fed into another unsolvable problem: the vacuum of authority to enforce discipline over troublesome people on the reservation. Belle Douglas substantiated McKenzie's argument when she stated, "Our camp has several occupants now, but only the widow Josie remained of the original group."

### **Fluid Residential Patterns**

The fluid residential patterns on the Nevada City rancheria had a number of causes. Uncertainty over title to the campoodie, friction among individuals and families, economic opportunities of the 1920s and economic distress during the Depression, were all destabilizing forces affecting residency. A further explanation for movement to and from the campoodie by different persons was the complex kinship and social relations fully known and understood only by the Indians themselves. These connections resulted from multiple marriages and the necessity of finding marriage alliances with partners in other Indian communities. Louis Kelly's half brother was Pete Johnson (listed as a full-blood Yuba Indian from Dobbins on the 1933 census). Louis Kelly married Lydia

Martin of Anthony House. Lydia's half brothers were Gus and Irving Childs, who resided in the Nevada City area but not on the rancheria. After Lydia died in 1907, Louis remarried into the Wallace family of Colfax; some of this family subsequently relocated to Nevada City. The Yamias were living in Reno before their relocation to the Nevada City campoodie and were outsiders as McKenzie claimed; however, Mrs. Yamia's maiden name may have been Kelly, and her nephew was a Johnson, suggesting kin ties to the Nisenan. Louis Kelly's son Lester (born 1913) married a Washo woman whom he met in the Colfax area. Lester's daughter, Rose Kelly Enos, was born on the Nevada City campoodie in 1933-34 and was raised by her grandparents.

The constant harassment by McKenzie, and the ensuing uncertainty over land title and insecurity over resources, clearly played a part in the departure of at least one of the rancheria's residents—progressive leader, Louis Kelly. By his own account, Kelly sold all of his possessions “his plough and everything” after hearing a rumor that the reservation was being sold. (This rumor was perhaps the result of the 1923 decision to award McKenzie sub-surface rights.) Pete Johnson and many of the other Indians thought he was crazy to leave; they kept telling Kelly that the Indians would get a lot of money from the government when the land was sold if they maintained residency. Kelly told them he did not believe they would get a penny. He thought Pete was fooling himself when he ran up bills at the store in anticipation of a financial settlement. According to Louis, none of the Indians were reimbursed a penny from the sale of the reservation. Louis Kelly's granddaughter, Rose Enos, gives another explanation for Louis's faltering commitment to the reservation: the problem of alcohol abuse on the rancheria. In 1933, Louis signed an agreement to operate the Nevada City town dump at American Hill. He moved his family, including his granddaughter Rose, off the rancheria at that time, but was reported on Bureau censuses as being a resident in the late 1930s.

## Chronic Problems Unresolved

Theft of wood, boundary violations, disorderly conduct, and trespass by intruders were chronic problems on the rancheria in the 1920s and 1930s. Belle Douglas, the Indian's unofficial guardian, alerted the Bureau to one boundary violation in early 1933. One of the landowners whose property bordered the Indian rancheria had lost 35 feet on one side of his property, and compensated for this loss by moving his property line 35 feet into the Indian's land on the other side. Douglas protested as the Indian fence had been on the old line for many years. There was considerable timber in the disputed area. Mining underground would not be detrimental to the interests of the Indians, but cutting the timber is "something else again," wrote Douglas. Douglas called for an investigation, but the Bureau replied that it lacked the funds to hire a surveyor. Frustrated, Douglass did not know if a survey had ever been done and recorded for the Indian's property.

Drunk and disorderly behavior also was a source of frustration. In the 1930s, a white neighbor, Mrs. Williamson, observed that a white man was selling alcohol and his promiscuous Indian companion, a woman named Martha, was engaging in what appeared to be prostitution. The Lawrences also frequently drank and raised the "devil at every opportunity," attested W.G. Robson, Nevada City Chief of Police. Robson protested: How was it that Kelly, a "square and peaceful Indian" known to be "sober, honest and industrious" was allowed to be abused by Lawrence, who claimed *he* had the power to evict Louis Kelly!



*Louis Kelly with drum*

Douglas's correspondence in the mid-1930s highlights the four

major problem areas inadequately addressed by the Bureau as she and the concerned citizens of Nevada City perceived them: 1) insufficient resources and unmet needs of the aged, infirm, or indigent; 2) lack of clear jurisdictional authority for dealing with internal disputes and crime on the rancheria; 3) questions about boundaries -- ethnic (entitlement to residency rights on the rancheria and to its resources) and geographic; and 4) the unresolved questions regarding ownership of mineral rights on executive order reservations. Some of these chronic areas of concern and confusion, which consumed the time and energy of the California Indian Agency personnel, were addressed by bureaucratic reorganization and reform legislation during the New Deal. Significantly for California Indian people, these reforms of the 1930s anticipated the passage of Public Law 280 in 1953 (which transferred criminal and civil jurisdiction for California Indians from the federal government to the state of California) and the Rancheria Act (Public Law 85-671) of 1958. The Rancheria Act authorized the transfer of title in California from federal trust to private ownership by Indian residents. Forty-one rancherias were transferred to private ownership subsequently, Nevada City's campoodie among them.

## Epilogue: Termination of the Nevada City Rancheria

Suggestive hints of this movement towards termination of federal guardianship can be seen in the correspondence of Superintendent Roy Nash in response to Belle Douglas's complaints of Bureau negligence and inefficiency and for proposals for corrections during the late 1930s. Having to attend to the trivial and unremitting details of a handful of Indians in Nevada City was evidently a source of annoyance for Nash.

In contrast to two decades earlier when the Bureau was deferential and grateful to Douglas and her Nevada City activists for guarding Nevada City Indian's interests, Nash believed Douglas to be a meddling amateur, whose complaints were largely figments of her own imagination. In a barely-cloaked patronizing tone, Nash (representative of the new school of professional bureaucrats of the New Deal) explained that Douglas and the other members of the Nevada City Indian rights committee had a "misconception of the land situation." As for the problems of the indigent Indians, the Social Security Act of 1935 addressed their needs. Two new cabins were built for elderly women in the mid-1930s from federal funds. Nash responded to Douglas's suggestion that a kindly neighbor, Mrs. Williamson, be deputized to keep order on the campoodie by scoffing that this proposal was preposterous, provincial, and ethnocentric. "We are trying to get away from the concept that every white man or woman who considers herself her brother's keeper, has a right to invade the homes and the most intimate affairs of their Indian neighbors." "Moral indignation has little relation to legal right sometimes," he wrote. "[A]s a general proposition if we started running off all the erring sisters, California Indian rancherias soon would be depopulated."

In a restrained reply, Douglas patiently explained that local action by concerned citizens addressed the campoodie resident's needs. It may not be

needs for welfare support and criminal protection. It may not be Nash's idea of "enforcing the law," but he "could not get there in time."

While Nash was nominally willing to grant Louis Kelly authority to enforce rules on the campoodie grounds, arbitrate internal disputes, and eject trouble-making intruders, he did not specify what authority Kelly could legally exercise. Nor did Nash take action to have federal agents eject undesirable or unauthorized persons, though he stated all non-county Indians in principle could be evicted from the campoodie. Thus the problem of the vacuum of law and order was not addressed, but only sidestepped, by the Bureau. (The Indian Reorganization Act and its plan of self-government was not suited to small rancheria populations.). Mrs. Williamson continued to unofficially act as the Indian's guardian into the early 1940s.

In 1958, when the Rancheria Act terminated the Nevada City rancheria, two interrelated families, the Johnsons (Peter, Margaret, and children May, Jean, Harriet) and the Kellys (Louis, Naomi Wallace, and grandchildren Billy, Warren, and Rosie) were all that remained of the historical campoodie population. Others had died or relocated elsewhere. Only two people lived on the rancheria in 1959: Peter and Margaret Wallace Johnson.

The Johnsons requested that the Nevada City rancheria be sold. Fulfilling this request required resolution of the decades-old mineral rights controversy. When the Departmental Circulars were issued in 1884, 1887, and 1903 opening lands for Indian homesteads, doubt existed as to whether these lands precluded mining locations from being made on them. It wasn't until 1938-1939 that the ruling was made that Indian occupancy was to be protected whether or not the lands had mineral value. The Associate Solicitor in the Division of Public lands advised the solicitor in the Division of Indian Affairs that it was their opinion that all mining claims on the Nevada City rancheria were null and void. Though the land was offered for sale in September, 1959, disposal of the property awaited the decisions regarding the outstand-

ing claims of Golden Poppy #1-2, Golden Poppy Cross Ledge #1, Golden Poppy Cross Ledge Lodes, the North Star, the Knickerbocker, Golden Poppy and Golden Poppy Extension placers. Finally, on September 28, 1962 and May 8, 1963 these claims were finally ruled null and void.

Ultimately \$20,500 was obtained for the property: Mr. Johnson received half and the other half was distributed amongst Mrs. Johnson's heirs after being probated by the Examiner of Inheritance. The Kelly family received no share of the proceeds of the sale of the rancheria. The land was sold to Jack R. Wood around June 12, 1963. The last cabin at the campoodie burned to the ground in late 1964.



*Photo of Nevada City Rancheria Structures, ca 1950*

***This story reveals the precarious position of California Indians. In Nevada City, local political support secured the Nisenan land title and federal recognition. Other bands were not so fortunate. Today, in the year 2000, over 200 California Indian bands are seeking federal recognition. The struggle for land and sovereignty continues.***





## Appendix I: Evidence of Racism, Degradation, and Violent

Hutching's Illustrated California Magazine I:7 ( Feb 1857), p. 338 states that the dregs of what are left of the California Indians are inaccessible to any improvement, are but the dregs of what are left of them...Dressed in the loathsome cast off garments of chance, fed upon acorns, roots, and grass hoppers, they eke out a life of squalor, wretchedness and misery, and as if to aid in the extirmination of every relic of their race, burn the last remains of their untimely dead Nevada City Daily Transcript, Feb. 6, 1881: "There are a trio of Indians in the jail, and we propose to make an example of them." Polly Hamburg, a Chicago Park Nisenan, refused to ride the railroad when the engineer was on duty that raped Indian women, Bob Paine, "A History Lesson on the Indians of Nevady City," The Village (Penn Valley), Vol. 7, No. 20, Nevada City Library, Searls Library, Nevada County History File, "Indians."

## Appendix II: Genealogy of Louis Kelly

Louis Kelly, (whose mother was Lilly Westfield, daughter of Betsy and Pete) may have been a direct descendant on his Father, Daniel Kelly's side, of John Keaala (corrupted to Kelly), one of John Sutter's Hawaiian workers who married a Maidu woman and whose family was relocated at Round Valley,..Searls, HC-4, p. 795 and "Lalook," p. 28.

## Appendix III: Searls Family

Fred Searls (1854-1929), lawyer for McKenzie and other shareholders, was the son of Niles Searles (1825-1907), District Judge and Chief Justice of the California Supreme Court. The Nevada County Historical Society located in the Searls law office in Nevada City is named for this prominent founding family. The Searls law books and papers constitute the core of the county historical society's collection.



## Appendix IV: Residents of the Nevada City Rancheria

Rancheria residents in the 1920s and 1930s included: Josie, Charlie Cully's widow (aka Josie Peters, born at Iowa Hill in 1854 and died in June 16, 1940 at the campoodie); Frank Johnson (whom Louis Kelly considered an outsider), wife Hazel and son John, Robert and Ellen Lawrence Yamia (originally from Reno reputedly), Polly Hamburg (who earlier lived at Chicago Park but who moved to become a companion to Josie after Betsy Westfield's death), Pete Johnson (from Dobbins, born 1881) and wife Margaret (Louis Kelly's wife, Naomi's sister). and Anita Prout, a woman originally from the Colfax Indian community, (born Burnt Flat) and relative of Josie. Louis Kelly, the camp's leader, temporarily relocated to Colfax to live with his wife, Naomi Wallace's relatives, during the late 1920s. Indians originating in Indian communities from Colfax, Chicago Park, Auburn, and as far distant as Plumas County and Washo counties periodically resided at the Nevada City rancheria from the 1910s to the 1950s. The Bureau monitored this fluctuating population by making census reports, but equivocated about who was entitled to residency and resource use and ownership. According to the census reports, five families were residing on the Nevada City rancheria in 1936; eighteen in mid-1937, and twelve in the late 1940s.

According to the 1928 California Indian Census (finalized 1933), the local Indians included: Louis Kelly born 7-7-87 in Nevada City (1/2 blood), wife born in Placer County 5-27-87 (3/4), son Lester born 7-7-1909, (5/8); Lee Wallace born 8-27-90 (3/4 a Maidu of Colfax); wife Martha or Margaret Johnson Wallace born 8-13-00 (3/4). Lee and sibling Gug (George?) born 5-25-05 (3/4) were children of George (1/2) and Lucy Wallace (full); Peter William Johnson born 7-20-81 (full, Yuba County from Dobbins); Johnnie Lawrence born 1886 and wife Ellen born 1895, originally living in Plumas County; Clayton and Myrtle Gould, both born ca. 1914, M. C. Murray born 1863 and Viola Murray, formerly of Auburn Rancheria; Frank Morgan born 1893; Robert Yamia [or Yemie or Yamie] born 1893 and wife Elsie Yamia born 1910. Doris Foley, Nevada County historian, says eight or ten lived on the rancheria in 1936. [Interview with Susan Book, 1975, Indian Scrapbook, Searls Library]

In a 1937 BIA report, the rancheria is described as 74.75 acres of hillside land three miles northwest of Nevada City. Forty acres are burnt-over pine and the rest is covered by dense brush. 14.75 acres are below a P.G. and E ditch that bisects the reserve, but the land below was not cleared for garden plots. Above the ditch lived six families; two were in two, new, one-room frame

houses, the other four homes were “decrepit and exceedingly ramshackle.” There were no stock animals or gardens, timber sales or lease returns; the only assets were firewood and accessible water from the ditch or from an all year spring nearby. The residents all spoke English well. None was willing to relocate without a trade for good farming land. Income for the one widow and adult spinster niece totalled \$91.50 for 1936. Neither widow had yet received their pensions and got by with the help of neighbors. Family #3 were two mixed blood young ladies living with a young man with a steady job at the mine, who spent much of their time in San Francisco and earning \$1530. The other three families were typical of other Indian families in the region, poorly educated, “living by W.P.A relief, acorn gathering, and panning gold for extra cash needs.” The total income for the last three families was \$900. They required much material assistance: stock, children’s clothing, cash, and agricultural assistance. They don’t seek relief or help, nor do they complain. The author implies they are bewildered: “life is too complicated for their reticent natures.” There were eighteen people on the rancheria: nine were full-bloods, three 3/4, two 5/8, and four 1/2. Eight were under fourteen years of age; only three were of adults of child-bearing age; there were seven men over 50 and four women over 45. Such a demographic profile suggests that the able-bodied adults were living a more transient lifestyle, or were living close to jobs in towns off the reservation, while the less economic self-sufficient, less mobile, elderly and younger people occupied the rancheria. Sydney J. Thomas, Soil Conservation Service Report, 1937, Nevada City Rancheria, Nevada County, May 1937 (3 pp.); Nash from EHH, August 21, 1939; Williamson to Nash June 8, 1941, San Bruno, RG 75..

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## Illustration Sources

### Page

- Cover Nevada County Historical Society  
vi Charles Cully. Searls Historical Library  
1 Sinking a Shaft. Hutchings' Illustrated Broadsheet  
2 Historical Map of Nevada City. H.P. Davis, Gold  
Rush Days in Nevada City (1948)  
3 Hydraulic Mining. Hutchings' Illustrated Broadsheet  
4 Contemporary map showing Indian Flat and Cement  
Hill. Adapted from Inter-County Title Company Map  
5 Wayside Scene in Gold Rush California. Hutchings'  
Illustrated Magazine.  
6 Indian Attack. Hutchings' Illustrated Magazine  
7 Grass Valley Nisenan, ca. 1860s. Searls Library  
8 Distribution of rations to Indians of Round Valley.  
Hutchings' Illustrated Magazine  
10 Reconstruction of Western Nevada County Indian  
Camps. Doris Foley, Nevada County Historical Soci  
ety Bulletin 7:2 (May 1953)  
11 1871 View of Area Northwest of Nevada City. Augustus  
Koch's Birdseye View Lithograph Nevada County  
Historical Society, Wally Hageman Reprint, 1990s  
13 (top) 1880 Nevada County Mineral Claims Map. T16N  
R8E enlargement. Nevada County Recorder's Office.  
13 (bottom) 1928 Nevada County Recorder's Office Map.  
Nevada County Recorder's Office  
14 Indian Reservation and Cemetery. Nevada County  
Historical File, Searls Library.  
15 Charles Cully. Photograph Searls Historical Library  
17 Betsy Westfield and Josie Cully, ca 1920. Searls  
Library  
18 Nisenan Woman Collecting Seeds, 1898,  
Chicago Field Museum of Natural History.  
19 Woman Outside Conicle Bark Slab Dwelling. 1902. C.  
Hart Merriam Collection. Bancroft Library, UC Berkeley



- 19 Belle Douglas. Searls Library photo
- 21 Board of Indian Commissioners Map, ca 1880-1910.
- 22 Quarrying Quartz at the Vein. Hutchings' Illustrated  
Broadsheet
- 37 Searls Library photo
- 41 Nevada City Rancheria Structures, Searls Library  
photo.ca 1950