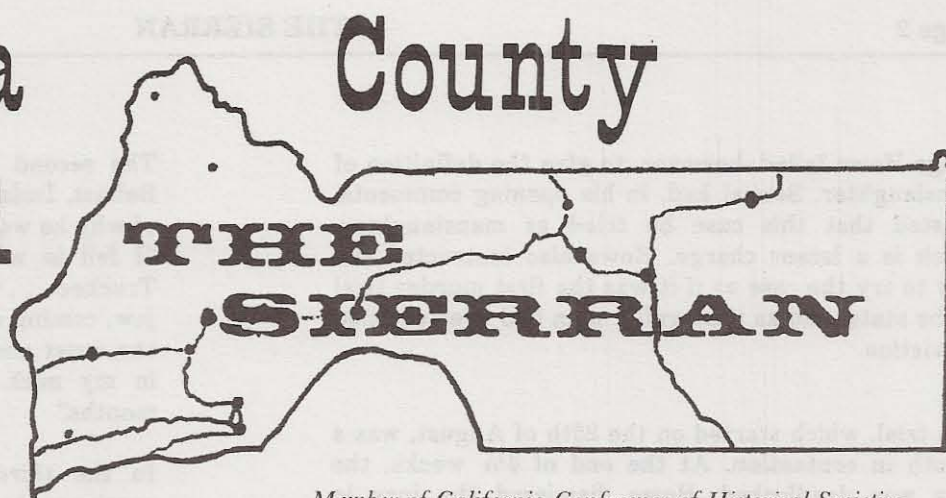


Sierra Historical Society



Member of California Conference of Historical Societies

Vol. XIII

Number 1

Fall 1983

THE STORY OF JAMES O' NEAL

By Jason E. Lewis

The case of "The People of California vs. James O'Neal" is one shrouded in confusion. The only existing records of his conviction and subsequent hanging are a few lines from Downieville: Gold Town on the Yuba and a portfolio of court records in almost illegible handwriting. Using this portfolio, an interview with Mrs. Margaret Lambert, and other sources, this report hopes to tell accurately what happened between August, 1884 and November, 1885 regarding the murder of John Woodward and the trial(s) and hanging of James "Jimmy" O'NEAL.

On the night of August 7, 1884, James O'Neal set out from his bunkhouse with the intent of obtaining his rightful back pay from his former employer, John Woodward. O'Neal had worked for Woodward as a ranch hand at the Weber Lake Ranch, but had not been paid. He had quit his job that morning, but wanted his money before he left the country. Finding Woodward in the ranch stockade, he argued violently with his former boss about his wages. Woodward still refused to pay him. After exhausting all means of verbal communication, O'Neal drew his pistol, "... Hoping this would convince the cheapskate, but (I) definitely had no intention of shooting him." He trained it on Woodward. Reacting to this, Woodward rushed him and tried to knock the gun away. When he hit the gun, it discharged, sending a slug through his body which killed him.

OFFICE OF THE
Sheriff of Sierra County.

Downieville Nov. 21 1885.

Mrs. H. H. Squires

You are respectfully invited to be present at the official execution of

James O'Neal,

which will take place in the Jail Yard at Downieville, Cal., on Friday, November 27th, 1885, at 2 o'clock.

S. C. STEWART,
Sheriff of Sierra County.

Seeing what had happened, O'Neal took flight. He didn't get far before other ranch hands heard the gunshot, found the body and rode in pursuit. Shortly thereafter, the fugitive was apprehended. On August 15 O'Neal was indicted for a murder which he did not willfully commit.

O'Neal was put on trial with Judge H.J. Howe on the bench and a dozen of his peers in the jury box. Howe, after listening to the opening comments by the District Attorney and defending attorney, F.S. Souvai, decided to "help" the jurors with their decision. He proceeded to define murder in the 1st degree: "... murder which is perpetrated by means of poison, or lying in wait, or torture, or any other willful, deliberate, and premeditated killing or which is committed in the perpetration or attempt to perpetrate arson is murder in the first degree. All other is same in the second degree."

The above is not a part of the official file, but for historical purposes only. Dated 9-18-56. This was obtained through the courtesy of Mrs. E.A. Humphreys, in whose possession is the original. Sierra County Recorder.

Judge Howe failed, however, to give the definition of manslaughter. Souvai had, in his opening comments, insisted that this case be tried as manslaughter, which is a lesser charge. Howe also instructed the jury to try the case as if it was the first murder trial in the state, and as if no guilty man had ever escaped conviction.

The trial, which started on the 25th of August, was a month in contention. At the end of 4½ weeks, the jury was deadlocked. Howe dismissed the jury in exasperation and ordered a new trial to begin on November 6.

In the new trial an interesting piece of evidence was exhibited. It was a report by the sheriff of Sierra County, M.H. Mead, who had been O'Neal's jailer. "James O'Neal has been under my charge since August 9, 1884 and ever since . . . I watched his actions and conduct . . . (I) do not think him insane . . . but do deem him weak of mind, presence, and of little sense and weak in reasoning powers." Now this is not so interesting in itself, but because of the fact that it was a damaging piece of evidence that was notarized by F.S. Souvai, O'Neal's own attorney.

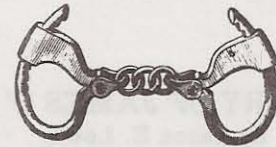
The second trial proceeded laboriously because Souvai kept insisting that O'Neal be tried for manslaughter, not murder. Despite Souvai's objections, the jurors returned a verdict of murder in the first degree. The judge heeded their recommendation, and on November 17, 1884, rendered the punishment of death by hanging on James O'Neal. The execution was to be carried out on January 16, 1885.

Outraged at the verdict, Souvai appealed for a retrial. While the appeal was pending, however, he was promoted to Judge of the Superior Court and thus could no longer represent O'Neal. Months after the original execution date, the appeal was finally heard in court. After approximately 11 months since the original trial, the lower court's ruling was upheld and O'Neal was again sentenced to hang. The date of execution was set for November 27, 1885.

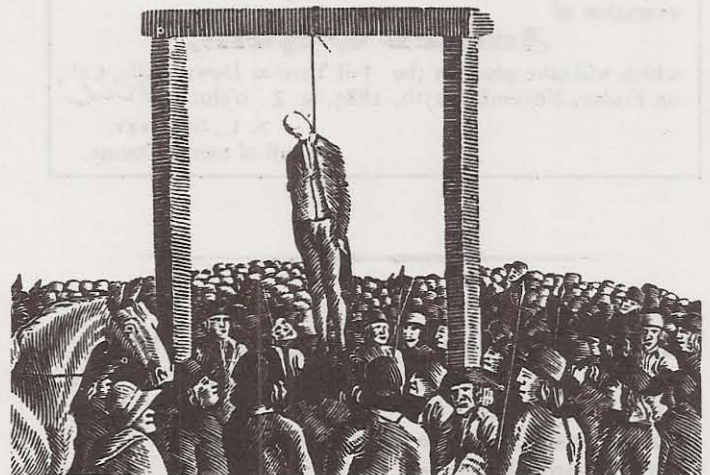
While detained in the Sierra County Jail throughout these long processes, O'Neal wrote to acquaintances. Three of his letters are still in the Downieville Courthouse and they made for an interesting study. The first was written to his girlfriend, Maggie Johnson. He wrote, ". . . I am dying. I was at war with the Indians and I got wounded and the doctor says I cannot live." As the letter ends, he is "losing strength" and "getting too weak to write."

The second letter, written to Thomas Courtney of Belfast, Ireland was an entirely different explanation of why he would never be seen again. This story went "I fell in with a bad bunch . . . in a place called Truckee . . . was shot five times . . . once through the jaw, coming out my right ear. Two in my arm. One at the wrist and the other at the muscle and two more in my neck. I was under doctor's care for three months."

In the third letter, surprisingly, O'Neal told the receivers the truth of his circumstances.



The last hanging in Sierra County took place at high noon, November 27, 1885. Among the spectators were people who had received printed invitations to this grisly event. It was reported that James O'Neal was very "jaunty and carefree going up the steps to his death and had a cocky smile on his face as the rope snapped taut." Thus ended the story of James O'Neal. Was he really guilty of murder in the first degree? Should the case have been tried as manslaughter? Did the murder "victim" actually kill himself? One wonders what the courts of today would have ruled on this case.





E CLAMPUS VITUS

By Dorr Heston

The ancient and honorable Order of E Clampus Vitus was founded in Sierra City in the year 1857. Historians speculated that there were two main reasons why E Clampus Vitus was established: first, men wanted to belong to an order where they could laugh at the hardships of their lives and, second, they were able to laugh and drink while the initiates were submitted to indignities. In other words, the miners needed to have a good time. As one person stated, "E Clampus Vitus was the greatest practical joke ever conceived and put over by all the thousands of practical jokers."

The respectable and prestigious chapter president of E Clampus Vitus is named the Noble Grand Humbug. The responsibility of this position is to call meetings to order and to make decisions on Clamper business.

The actual meaning of E Clampus Vitus has been argued by historians since the beginning of the organization. The letter "e" in Latin means "out of darkness." "Pus" comes from the Latin "pos" which means "after" and "vitus" is from the Latin word "vita" which means "life." "E Clampus Vitus" translated is "Out of darkness, after life."

Another definition was given by Dr. Francis Rabelais at a Clamper meeting. He stated that "clampus" was derived from Hindustani "chulchulana," meaning "to excrete loose feces with a rumbling, interrupted noise." "Vitus" came from "vitosus," which means "bad, rotten, covered with sores." This offensive explanation was said to be no more than malicious slander. Rabelais was expelled in dishonor from the Clampers.

When the roar of the Hewgag was heard, Clampers knew that a meeting was about to take place. The Hewgag is a horn which is about four feet long and resembles an old trumpet. It was used to call Clampers to meetings and outings.

E Clampus Vitus is not only a fun-loving order, but

one which knows the importance of god work and good deeds. Since Gold Rush days, Clampers have been there to help individuals or families in distress. If a person was in financial trouble, they were there to help with the bills. They were always prepared to give out money if there was a mining accident which left only a widow or an orphan. It was reported that Clampers made more than \$400,000,000 for the widow and orphan's fund. Most of this money was raised by giving dances in their halls.

In 1930, at Christmas time, there was a flood that devastated Downieville. Houses were demolished and some people were killed. Life was pretty dismal until the Clampers came along. Hundreds of Clampers brought tools and supplies to rebuild the town. They also brought Christmas gifts for the children. Within months, the town of Downieville was in running order. As Adam Lee Moore once said, "They all thought that the Clampers were angels, instead of jest men."

E Clampus Vitus has endured hardships throughout its history, but it still has its funny, sometimes obnoxious humor. The Clamper oration speech of 1884, delivered by W.J. Holmes, Noble Grand Humbug, was considered one of the funniest Clamper speeches written or spoken. In his speech, Holmes discussed the "history" of E Clampus Vitus from Mark Antony (who was a Clamper) to when the Clampers built the Brooklyn Bridge.

Today, the Clampers are spread state-wide. Each club or chapter has its own number. Downieville's chapter is #1849. Every year, in August, Clampers from all over the United States assemble in Downieville for a meeting. The red-shirted Clampers begin their day at about 9:00 a.m. At noon, they have a parade down the main street, then they hold their private meeting at Slippery Gulch. This is where the initiates graduate into Clamperdom.

The ancient and honorable Order of E Clampus Vitus is again becoming more popular. Most of the California governors have been Clampers. As W.J. Holmes once said, "Once a Clamper, always a Clamper!"



HISTORY OF GOLD BLUFF MINES

Researched and Written

By

Christian Mitchell

By the time I had unloaded the big 357-Magnum into the tunnel, I could not hear anything. For the next two weeks my ears rang. This was the first time my father had taken me to the famous Oxford Mine. It was also the first time I had ever shot a pistol. From then on the place intrigued me. As the mine is now, it isn't half as impressive as it used to be, but it does have quite an interesting background.

In 1852, Mr. Jim Curtis discovered gold on the piece of ground which would later be known as Gold Bluff. According to existing records, he held on to the mine and developed land around it to suit his needs for his newfound claims. This is the earliest known record of ownership for this claim, and there are no other records to be examined. His work continued, and the mines grew. Thirty eight years later, the claims changed hands.

In 1890 three men took charge, and purchased the claim from him. These men were Andrew Van Styke, his brother John, and one Joseph Luiprich. (The last name of the third party was written sloppily in the records, so the correct spelling can only be guessed). Sierra County Courthouse records say that Mr. Van Styke was the first owner and discoverer, but through my own research I found that they were wrong.

Further prospecting was done by this team, and more development took place. Soon the famous "Air-rail Tramway" would make work much easier, and profit margins would grow. According to labor reports, work was hard and slow and little got done. Still the claims grew, and with that, technology.

If the Courthouse books are accurate, the mine was purchased by its most well known owner around January of 1911. This was one Lewis Rosenfeld, and he was in partnership with a man named I. Copeland. (Mr. Copeland's first name could not be found in any of the records searched.)

By the time World War I was raging, the gold business took a plunge. Mine owners found that they could make more profit by selling their used equipment for scrap. Men left to fight, and so the tracks* that were so tediously laid, were torn asunder, and sold as junk to make guns and such.

*Tracks are the rails that mining cars roll on, similar to railroad tracks. More importantly, "tracks" was a jargon of the times, and very symbolic to the miners of the hard work put into the mine.



Stamp mill of the Gold Bluff Mine, early 1900's

Probably the most interesting feature of the Gold Bluff was the "Air-rail Tramway." By now, Mr. Rosenfeld had built up quite a reputation for having one of the largest mining areas in the state. There were many mines, but only one mill. Gold Bluff had expanded to include such mines as the Brevity, Rosenfeld Quartz, Sweetwater, Sailor Ravine, Oxford, Oregon and Monterey. Trucking the ore to the mill took valuable time, so at each mine a huge wooden tower was erected, and cables were strung between the trees all the way down to the mill. (Gold Bluff is located on considerably low ground.) Gravity pulled the huge buckets of ore from various mines down to the mill. Sometime in the 1930's there was a forest fire which destroyed the mill, the tramway, and all of the mine buildings. What was left of the equipment was junked, and sold as scrap.

The property sat vacant, and gathered dust. It was considered property because the claims were patented. Patented claims are an out and out land grant from the government. Unfortunately, patent deeds were not able to be located, so the exact date of patent is unknown.

In 1939, Mr. Rosenfeld died and left the property to a company calling themselves "Sons of Rosenfeld." As impressive as the corporation sounds, they did not do much with the land. Two years later it was impossible for mining to be done as a result of PL #208. This gold ordinance meant that it was illegal to mine gold in the United States. From 1941 to 1948 when the ordinance was abolished, the land gathered more dust than ever.

When "Best Mining Company" came along in 1950 and reestablished the patent it took everyone by surprise. The second patent was made on the basis that another mill would be constructed. However, the mill was not for any of the Gold Bluff claims, but for another mine called the Brush Creek. A new mill was constructed in front of the old Oxford tunnel, and the ore was milled from the Brush Creek mine, the primary producing property of the "Best Mining Company." To pay for the new mill equipment the old Oxford mine was worked in a very dangerous manner. Men went in and shot huge earthen pillars out of the ground, and extracted the gold. Later, because of this weak interior, the mine collapsed.

After several years the mill equipment was moved to the Brush Creek mine, and the mill building was burned for safety reasons. The twenty year patent ran out in 1973.

Eight years later, in February of 1981, gold was rediscovered, and a claim was made by Alfred and Brenda Mitchell. According to Mr. Mitchell, gold runs in arsenical and pocket form, along with one eighteen foot quartz vein which he discovered himself. "The mine has only been used to 7% of its potential," says Mr. Mitchell. In the past it yielded \$1.5 million at \$20 per ounce of gold. Mitchell hopes to redevelop the mine. Until this dream comes true, the tunnels, the foundations, and the legends sit high in their majestic mountaintop palaces.

I sat cleaning the pistol, and pondered the things I had learned. I hoped that my father's dream would come true, and then maybe in the distant future there would be a "Sons of Mitchell" corporation. But, even if it does not come around I still have to get this gun clean.



Miners in front of Gold Bluff Mill building, early 1900's. Identified are: Front row, 4th from right - William Thompson; Front row, 2nd from left - Michael Sinnott; Middle row, 2nd from left - Dickie Ponta; Top row, 2nd from left, Jim Hansen; Top row, 3rd from left, Jack Callis.

LOGGING

By Kevin Marshall

The logging industry has existed in the United States ever since immigrants came over from England. It has been a way of life for thousands which began on the West Coast after Marshall discovered gold at Sutter's Mill. The Gold Rush was on and people came from all over the world to search for gold. Those who didn't strike it rich in mining needed work, and that's when the logging industry began.

When men got into the woods, they found thick trees to use for timber. On the coast, trees were up to 350 feet tall and 20 feet wide. These were the Giant Redwoods. The Sierra Nevadas had Western White Pines, Ponderosa Pine, Sugar Pine, Douglas Fir, and Giant Sequoias. These trees ranged in height from 75 feet to 250 feet.

Falling trees was a huge job. It could take up a half a day to fall one tree. Occasionally the trees were so large that loggers could put two horses and riders in the "butt cut" of a California Redwood.

When the trees were finally cut and on the ground, three men would use hand saws and axes to cut twelve foot sections out of the trees. Because of their tremendous size, oxen weren't strong enough to pull them for any great distance. The loggers would use chokers and teams of oxen to pull these giant logs to the nearest river so that they could be floated downstream to the mills. If the river was large enough, the logs were towed by boat.

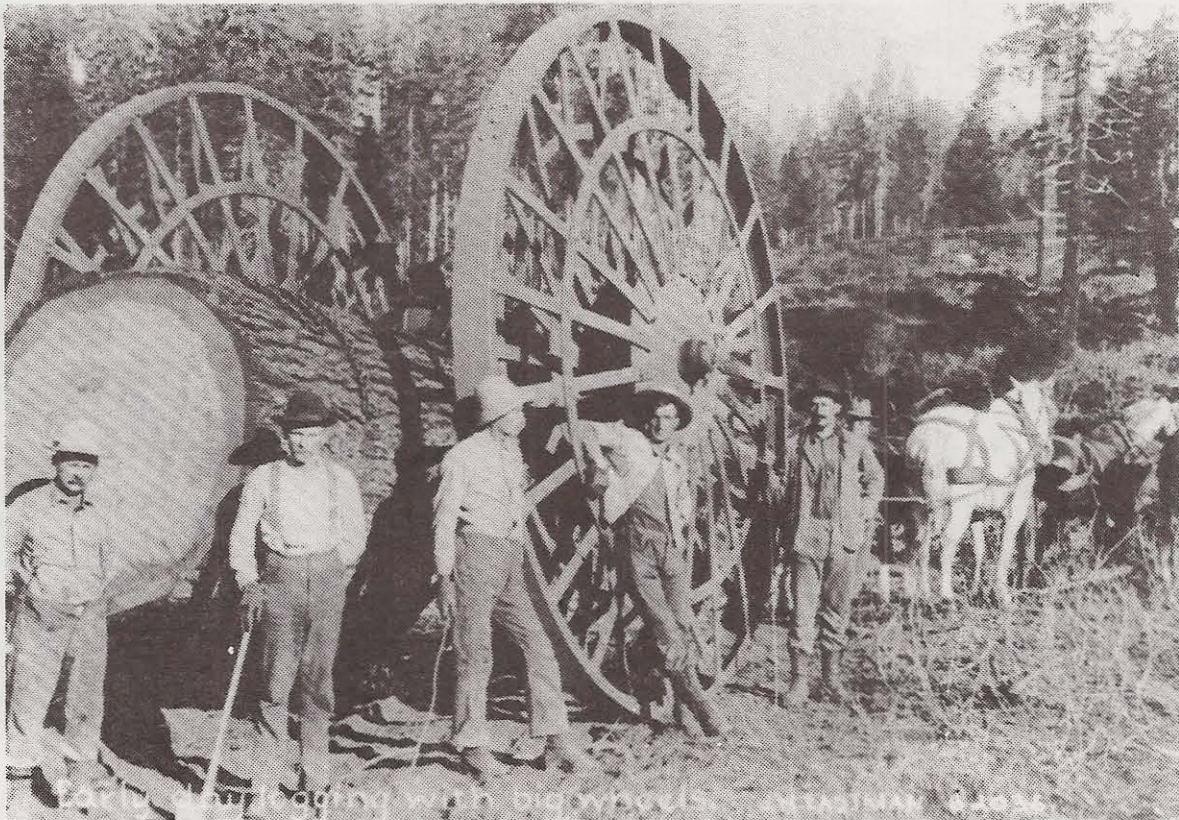
The oxen teams that towed these trees were 15 to 20 pairs long and could pull up six 10 foot logs. When the oxen came to a downhill run, the teams would be reversed so the logs wouldn't take off.

When oxen were not used, loggers employed a steam-powered "donkey machine" to haul logs uphill. Then they would put the logs on a flume that was greased so they could slide easily down to the river. At quitting time, men would grab a log and ride it to the bottom!



Loggers using a "steam-donkey" 1911.

Photo courtesy The Mountain Messenger.



One method of moving large logs: using horse teams and large wheels.

Photo courtesy The Mountain Messenger.

Once the logs reached the mills, they would be placed in holding tanks which were about ten feet deep and large enough to hold 100 logs. They had been barked at the time that they were sectioned, so they were now ready to move up the ramp that would take them to the saw that would cut them in half. This circular blade was about six feet in diameter and cut both ways. When the logs were put in a line, they would be cut one way going down the ramp and another coming back.

From here the logs would go to another saw which cut them into the size strip desired. Next they would go to a kiln that would dry them somewhat. The lumber was then loaded onto a large conveyor belt and sent to men who unloaded it by hand into 5' high stacks. Next, it was taken by a forklift or a flat ore car to the drying fields. Thousands of feet of lumber were stored here in 15' high piles until it was shipped to the coast.

If the mill was near the coast, the lumber was transported by barge down the river. Most of the ports were on rocky coastline, making it difficult to get a ship close to the shore, so a pulley system was devised to load the lumber onto the ships. Large towers were built onto the rocks and a cable was used to ferry heavy carts of wood to the ships. Steam-powered cranes were also used for this purpose.

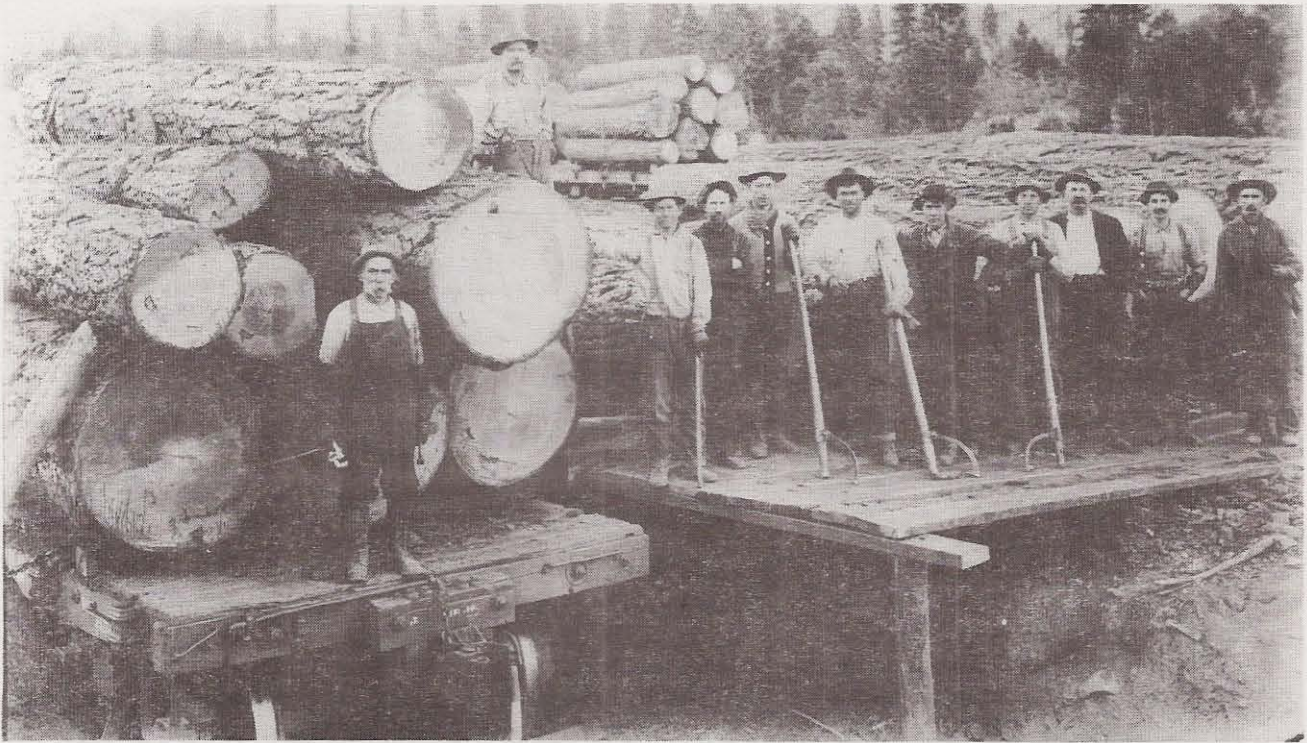
The same coastal ports that were used in logging, were also used to ship gold from the Sierras. There are those who believe that California's riches were in the woods, not in the mines.

The articles in this issue of The Sierran were written by students in Downieville High School's 10th grade English class, spring 1983. The class was taught by Mrs. Mary Nourse. The Historical Society commends these students for their fine efforts in researching local history.



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