

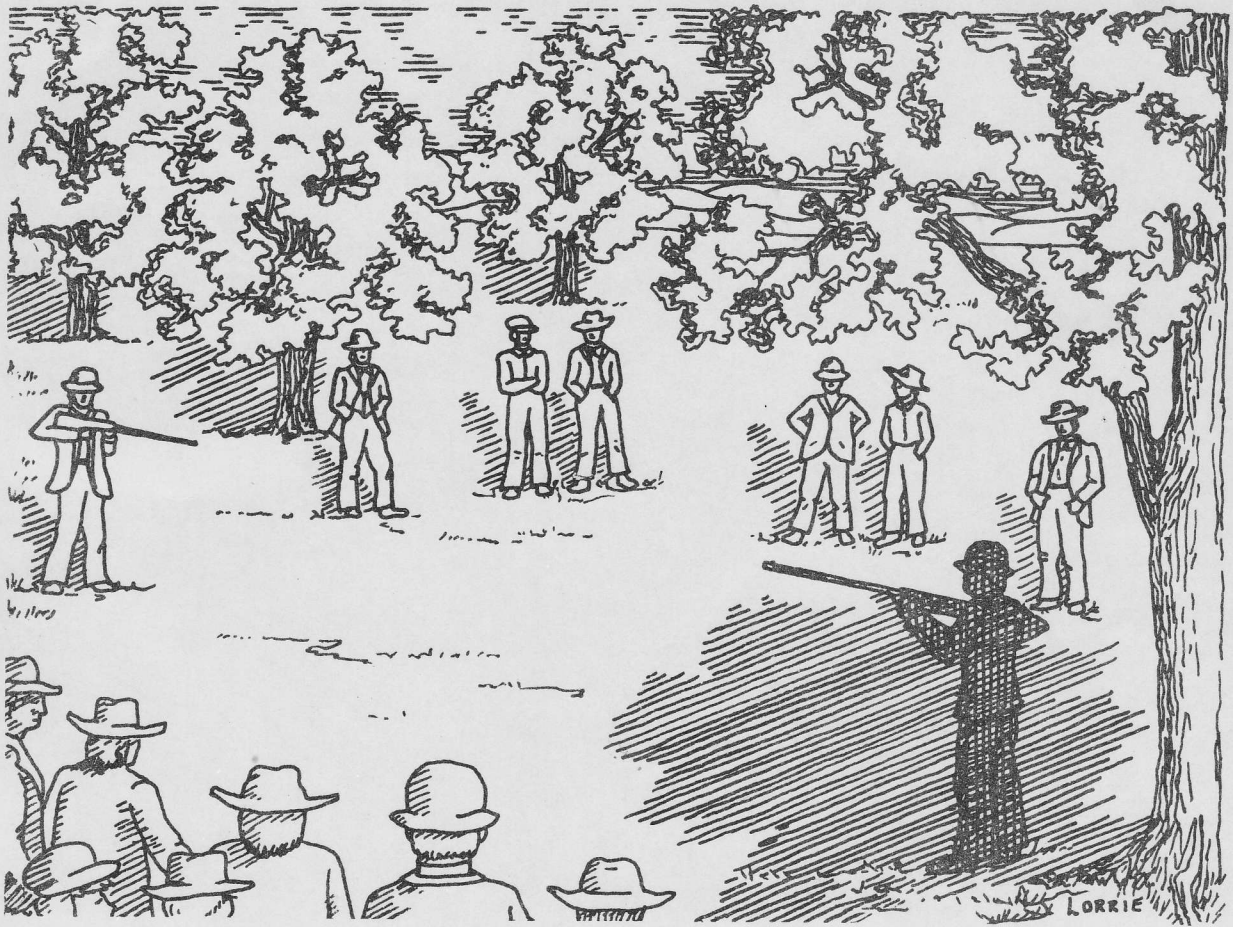
# SUTTER COUNTY HISTORICAL SOCIETY

## NEWS BULLETIN

VO.. XX, NO. 1

YUBA CITY, CALIFORNIA 95991

JANUARY 1981



RUST - STIDGER DUEL

Occured somewhere south of Yuba City in 1853

SUTTER COUNTY HISTORICAL SOCIETY

NEWS BULLETIN

Vol. XX, No. 1

Jan. 1981

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## PRESIDENT'S MESSAGE

The members at the October meeting enjoyed a talk by Douglas Gass. His slide presentation on retracing the Lassen Trail across Nevada was very interesting.

Plans are being made to have the January meeting on a Sunday afternoon at the Museum. \* Several programs of interest are being considered. Suggestions for future meeting programs are always welcome.

It is hoped that shortly after the holidays there will be evidence of progress on the Farm Machinery Area.

Nominations for members of the Board of Directors will be part of the business at the January meeting.

R. A. SCHNABEL  
President

### Marysville Appeal, December 21, 1915

Superior Judge K. S. Mahon named the following to serve on the Grand Jury for 1916:

Fred D. Reische, Meridian	T. J. Mulvany, Nicolaus
William Harrison, Cranmore	T. M. Spitzer, Tudor
Edward Hubbs, Pennington	A. B. Gage, Sutter City
E. R. Redfield, Nicolaus	J. R. Catlett, Pleasant Grove
E. P. Johnson, Pleasant Grove	F. G. Bremer, Yuba City
C. K. Wood, Yuba City	J. J. Heidotting, Oswald
Gangoff Schwal, Nicolaus	J. H. Wilkie, Yuba City
Robert Black, West Butte	B. S. Grimm, Yuba City
A. E. Becker, Live Oak	Jessie Freitas, Grafton

R. W. Skinner was named as Foreman, and F. G. Bremer as Secretary.

\* It will be January 18, 1981.

COMMUNITY MEMORIAL MUSEUM NOTES  
Jean Gustin, Director/Curator

IMS AWARD - The museum received notification this November of a \$9,715.00 Institute of Museum Services (IMS) Award. IMS, United States Department of Education, received 1,475 applications from museums for its 1980 grant cycle. The Community Memorial Museum was one of the 405 awards made by IMS. We are very proud of this national recognition of the quality of our local museum and of our IMS "stamp of approval". The IMS grant will be used to fund the position of Museum Assistant through October of 1981.

MUSEUM MEMBERSHIPS 1981 - Annual Museum Memberships are open to anyone, are tax deductible, and provide the museum's operating and exhibit expenses. Your membership makes it possible for the museum to continue to preserve items of local historical significance; to exhibit these items; and, through these efforts, to increase awareness of the history of the North Sacramento Valley.

MUSEUM MEMBERSHIP 1981

Student (under 18) .....	\$	5.00
Individual/Family/Business/ .....		
Professional/Club .....		15.00
		25.00
		50.00
		100.00
Supporting .....		500.00
Corporate/Benefactor .....		1,000.00

Membership benefits include: meaningful participation in the preservation of our local history; an invitation to all museum exhibit previews; museum news letter, MUSE NEWS; 10% discount at the museum gift shop. With Museum Memberships of \$50.00 and over, a Sutter County Historical Society Membership and quarterly BULLETIN are included.

MAIL IN YOUR MEMBERSHIP TODAY! YOUR SUPPORT IS IMPORTANT!  
BE A MUSEUM MEMBER IN 1981!

MUSEUM CALENDAR - 1981

December 1 - January 5		Special Exhibit, <u>ANTIQU</u> <u>ORNAMENTS</u>
January 5 - March 2		Special Exhibit, <u>WEDGEWOOD POTTERY</u>
January 18	2:00 p. m.	Sunday Concert Series; Don Grishaw, Violinist
February	2:00 p. m.	Sunday Concert Series; John Bresnahan, Clarinet; Joaquina Johnson, Mezzo- soprano; Howard Johnson, Piano
March 29	2:00 p. m.	Sunday Concert Series (program not set)
April 1 - April 30		Special Exhibit, <u>THE MAIDU INDIANS</u> <u>AS DEPICTED IN SCULPTURE AND</u> <u>PAINTING</u> ; Artist, Tommie Moller of Loomis
May 1 - June 1		Special Exhibit from the California State Archives, <u>THE CALIFORNIA</u> <u>WINE INDUSTRY</u>
May (date not set)		Museum Wine Tasting Party

\*\*\*\*\*

LIST OF DONORS TO THE COMMUNITY MEMORIAL MUSEUM  
TRUST FUND

August 16, 1980 through November 17, 1980

Georgia & Wilbur Green	in memory of Ike Norred
Bud & Eunice Menth	in memory of Ike Norred
Lorraine E. Ramsdell	in memory of Lloyd Henson
Randolph & Shirley Schnabel	in memory of Vernie Crouch
Randolph & Shirley Schnabel	in memory of Lloyd Henson
Verna M. Sexton	in honor of Carrie Forderhase
Mr. & Mrs. R. E. Driscoll, Jr.	in memory of Lloyd Henson

Jean Gustin	in honor of Mr. & Mrs. Joe King Roberts on their 25th wedding anniversary
Caroline Ringler & Jean Gustin	in memory of Wanda L. Starke
Howard Harter Estate	gift
Jack & Helen Heenan	in memory of Winsome Jones
Mr. & Mrs. John W. Cary	in memory of Wanda Starke
Rosemary Redhair	in memory of Claude Miller
Mary E. Spilman & Family	in memory of Hazel Emma Binse
Joyce & Fred Benzel	in memory of Shiro Hatamiya
Jessamine G. Powell	in memory of Shiro Hatamiya
James Gilpatric	in memory of Shiro Hatamiya
Adah R. Borchert	in memory of Shiro Hatamiya
Mr. & Mrs. John Cary, Sr. / Pepsi Cola	in memory of Mary Good
Mr. & Mrs. Morgan Warren	in memory of Wanda Starke
Ruth Metcalf	in memory of Manilla Coats
Jess & Ivadel Simmons	in memory of Lu Adams
Harry & Bernice Wilson	in memory of Lou Adams
Jess & Ivadel Simmons	in memory of Lou Ambrose
Mr. & Mrs. R. A. Schnabel	in memory of L. A. "Bud" Morrison
Mr. & Mrs. R. A. Schnabel	in memory of Franklin Morehead
Y. C. U. H. S. Class of 1930	in memory of Franklin Morehead
Betty & Bill Arnett	in memory of "Bud" Morrison
Jack & Helen Heenan	in memory of Ida Eager
Mr. & Mrs. William C. Jones	in memory of Franklin Morehead
Maude K. Roberts	in memory of Ida Mae Eager
Joyce & Fred Benzel	in memory of Ada Bender
James F. Gilpatric	in memory of Ida Mae Eager
Emily C. Forderhase	in memory of Ida Mae Eager
Emma Blodgett	in memory of Phydellia Wagner

Melba Dean	in memory of Phydalia Wagner
Louise Zhinden	in memory of Phydalia Wagner
Busy Bee Club	in memory of Phydalia Wagner
Maude K. Roberts	in memory of Hazel Moore Wapple
Maude K. Roberts	in memory of Elmer De Witt
Verna M. Sexton	in memory of Elmer Marcus De Witt
Clifford & Helen Abbott	in memory of Franklin Morehead
Stella & Roy Anderson	in memory of Franklin C. Morehead
Claudine Rolufs	in memory of Phydalia Wagner
Mary Mulvany	in memory of Phydalia Wagner
Mr. & Mrs. Austin Lemenager	in memory of L. A. "Bud" Morrison
Ed & Jean Gustin	in memory of Howard H. Harter
Mr. & Mrs. William Dawson	in memory of Mildred Tapley
Verna M. Sexton	in memory of Hazel Wapple
Mr. & Mrs. Joe Alexander	in memory of Harold Perry
Clarence Coppin	in memory of Phydalia Wagner
Bethyl Brown & Family	in memory of Phydalia Wagner
Inez A. Peter	in memory of Phydalia Wagner
Eva Johnson, Esther Fortna, & Addie Meier	in honor of Mamie Meier on her 95th birthday
Norma P. Harter	in honor of Mamie Meier on her 95th birthday
Norma P. Harter	in memory of Golden F. Fine
Rose H. Parks	in memory of Elizabeth Curtis

## SUTTERANA

In the report of exhibits at the District Fair in Marysville:

"An embroidered kerchief by Mrs. Alphonse Sutter, having the appearance of frost work. She also has a piece of fancy work in the shape of comb-case much admired for its ornamentation".

From the Appeal, September 12, 1861

(This was the former Rosa Paulina Stooss who was married to Colonel Alphonse Sutter, son of Capt. John Sutter and member of Walker's filibusters to Nicaragua. Mrs. Sutter was yet a bride of two months. She and Colonel Sutter were married at Hock Farm, July 2, 1861.)

A Convention - Sutter's Mill, we are informed, has been converted into a Chinese boarding house within the past fortnight. John, the multitude having prospected the neighborhood, has piled his rice and chopsticks within the old relic, and concluded to stay there awhile.

From the Sacramento Union, December 29, 1854.

A Cavalry Company for Sutter County. A number of the best citizens of Sutter County are preparing to organize a cavalry company under the instructions of Wm. R. Von Sutter, a son of the old pioneer. There will be a meeting of those who signed the call for this organization at the Court-house in Yuba City on Saturday evening, May 18th, at which time an election of officers will be held.

Marysville Appeal



JAMES HASKELL KEYES  
A NEGLECTED PIONEER OF SUTTER COUNTY  
AN ADDRESS BY EARL RAMEY  
AT A MEETING OF THE WHEATLAND HISTORICAL SOCIETY  
OCTOBER 19, 1973

Note: We publish this article by permission of the Wheatland Historical Society.

Unfortunately we know very little of Keyes' early life other than that he was born in Connecticut in 1832. He came to California during the 1850's at about the age of twenty-five years. He spent the first few years around Nevada City working in the mines and evidently did fairly well because by 1862 he had saved enough money to purchase land near Wheatland.<sup>1</sup> Keyes' career during the eighteen years he lived near Wheatland is characterized by troubles. And his first trouble was securing title to the land he had purchased. To understand this trouble we must note some of the history of this particular land.

Theodore Sicard was the first owner, or rather claimant. In 1844 he secured from the Mexican-California government a grant of four square leagues of land. This was what was called a floating grant. The north boundary was to be the Bear River, and the west line was to be the east line of Sutter's grant. The east boundary was the mountains. Presumably he could range as far south as he wished, but in those days no one wanted to be far from a river. Obviously, the only definite limit was the river. This became known as the Menshas grant.<sup>2</sup>

In 1845 Sicard was working with a man named William Martin in Santa Clara district where they were getting out redwood timber. He sold Martin a league and a half on the west end of his grant, about 6,500 acres, for \$350. Later, in 1851 Martin gift deeded to his son, Dennis Martin, the extreme west portion, two and a half miles on the river and one league (2.6 miles) deep, about 4,160 acres.<sup>3</sup>

In 1850 Captain John Holloway and his family came to California and settled on 160 acres of this land then held by Dennis Martin. The Holloways assumed that it was public land. The Captain died in 1852, but his widow and children continued to occupy and improve their claim. In the meantime, the land commission was considering Sicard's claim and the claim of Martin, his assign. By 1859 the Holloways evidently became convinced that the claim

of Martin would be confirmed; so the oldest son, Thomas, and a partner named Pointer purchased a portion of the land from Martin paying him \$12,000.00 for a mile and a half on the river and one league deep, or about 2,500 acres. These first settlers were reluctant to use the Spanish league as a unit of linear measurement. The north-south depth was not very important to them, but they felt more secure having their river frontage expressed in miles, a unit they could comprehend and measure.<sup>4</sup>

In February, 1860 Pointer sold his interest to Mrs. Holloway and a second son John for \$5,000. The Holloways were then full owners. In 1861 Thomas sold his interest to his brother John for \$2,000; but by 1862 after the great flood, the Holloways decided to leave. They sold the land and improvements to James H. Keyes for \$9,000.<sup>5</sup>

Soon after Keyes had purchased the Holloway interests, it became known that the claim of Martin to his part of the Nemshas grant had been rejected by the commission and courts. This action automatically made the land become a part of the public domain-federal, excepting those sections which Congress had awarded to the state for school purposes and to the Central Pacific Railroad as subsidy. Keyes and several of his neighbors - Brewer, Hudson, Warren and others - repurchased their land from the federal office in Marysville or the state office in Sacramento. Including several tracts which he purchased from neighbors and from the railroad company, Keyes acquired a ranch of over 800 acres. He also owned extensive acreage as partner with his neighbor and business associate, Thomas Brewer, some of which land lay east of the line in Placer County. But the main ranch was in Sections 13 and 14 of Township 13 North, 4 East,<sup>6</sup> in Sutter County.

The great flood of 1861-62 demonstrated to Keyes that his land was subject to overflow and deposit of debris; but he and his neighbor Brewer believed that they could protect their ranches with a levee. They constructed

a private levee along the northern boundary of their land, but it was not adequate to hold the high water which became higher as the river channel filled with debris from the mines. Even when they were able to stop the overflow their crops were damaged by seepage from the channel which was in some places higher than the fields.

We have a very convincing bit of evidence of this seepage problem in the testimony of S. D. Wood, a pioneer of Wheatland, who was a witness in the Woodruff-Bloomfield injunction suit of 1883. He is being questioned by Counsel.

Q. Do you recollect the place about two miles on the road from Wheatland to the Keyes ranch as it was in 1857 that was thoroughly leveed and turned into a lake for seepage water? What place was that?

A. That was a place belonging to Keyes and Brewer. I think at that time it was called the Young place.

Q. Keyes and Brewer bought it, but who built the levees around it?

A. They were built by the citizens and a portion by Keyes. It was not in a levee district.

Q. That levee was nearly circular was it not?

A. Yes.

Q. How much land was in the confine of the levees?

A. About 160 acres.

Q. What occurred to that land from seepage?

A. It was not so they could use it at all. It just stood there.<sup>7</sup>

The floods of 1874-75, which broke the levee at Marysville and inundated the city, broke the levees of Keyes and Brewer, doing great damage to their land and crops. Other owners along the Bear were also damaged.

In January 1876, a group of farmers met in Wheatland and agreed that they would have to resort to some means of protection from hydraulic debris other than their levees. They organized themselves into what they called the

Bear River Farmers Protective Association. A committee, of which Keyes was chairman, was named and instructed to investigate the possibility of securing some kind of court action to restrain or limit the quantity of debris being dumped into the Bear.<sup>8</sup>

Keyes undertook personally to find a competent lawyer who could advise them and begin litigation. He found an attorney in Sacramento named George Cadwalader who assured him that the farmers had grounds for an injunction suit. The Association ordered the committee to authorize the attorney to begin action. Keyes was named as plaintiff, and inasmuch as he was a resident of Sutter County, the suit was filed in that county.<sup>9</sup>

This case, Keyes vs. Little York Mining Company et al (et al referring to eighteen other mining companies on the Bear) was one of the first "class action" cases on record; in fact, it was a double class action, both plaintiff and defendant representing more than one person or company. This action caused a prompt organization for defense by the miners. The suit was filed in July 1876 and the hearing began before Judge Keyser in the Superior Court of Sutter County in November.

The miners then began what was to be their main defense - delaying tactics. They petitioned for a change of venue to the federal district court of California. They wanted to avoid Sutter County where the anti-debris forces were strong. Yuba County would have been better, but a more remote setting in San Francisco, where the miners always had allies was yet better. This petition for change of venue had a long tedious trip up to the United States Supreme Court which ruled in January 1878 that the case did not belong in the federal system. So the case came back to Yuba City to Judge Keyser in June 1878.<sup>10</sup>

Judge Keyser, after a long hearing, gave a judgement favoring Keyes and issued a permanent injunction in March 1879. Then the miners asked for a demurrer, which petition started a trip through the state appellate system to

the state supreme court where the demurrer was granted; and the Keyser decision, or rather the injunction, was dismissed in November 1879. The court ruled that there was a misjoinder of defendants, and gave the rather logical argument that it was unjust to convict a group of defendants upon evidence which was not directly and specifically related to their actions. They were being convicted by association. Some time later, in preparation for the big suit, a decision was secured from a federal court which declared that all defendants who contributed to a damaging performance were equally guilty. If debris were doing damage as it came down the river, all miners whose actions added to the mass of debris were guilty of damage which the mass might have caused. However, this ruling was too late for the Keyes case.<sup>11</sup>

This decision by the state supreme court was a knock-out blow to the Bear River Farmers. They would now have to bring suit against one mining company at a time, a procedure which would have been more costly than they could have financed.

Keyes had already become convinced that there had to be wider organization of an anti-debris association to combat the wealthy miners. He and George Ohleyer of Yuba City, editor of the Sutter Farmer, were very good friends. They, more than any other individuals, were responsible for the organization of the Sacramento Valley Anti-Debris Association. They called a meeting in Yuba City August 24, 1878 to consider a valley wide organization. Keyes delivered a forceful address urging the formation of such an organization. Other speakers followed agreeing with him. This meeting was adjourned to meet again in Marysville on August 31, 1878 where the final action of organization was taken. Five directors were named, including Keyes. They were authorized to choose one of the directors who would serve as chairman of the board and president of the association. Keyes was chosen to serve and thereby became the first president of the Sacramento

Valley Anti-Debris Association. It is of interest to note here the fact that the Bear River Farmers organized two years and a half before the valley organization was formed, and that Keyes had a leading part in both.<sup>12</sup>

When the Bear River Farmers were preparing to begin the Keyes suit in 1876, they adopted a plan of finance which may or may not have been original. They circulated a pledge paper among the land owners whose land was threatened by floods. These owners indicated the maximum amount they felt they could afford or were willing to give to the fund over a period of indefinite time. When the association needed a certain sum for an immediate project, they would calculate the percentage the sum needed was of the total pledged, and assess each owner that percentage of his personal pledge. The Valley Association used this plan at times.<sup>13</sup>

As early as 1875 Mr. Keyes' health began to fail, and some time later he learned that he had contracted tuberculosis. His various interests and responsibilities led him to engage in the worst kind of activities he could have followed, given his affliction. But it is doubtful that he could have been restrained. Besides his land problem and his anti-debris work, he served as director of the Farmer's Bank of Wheatland which he helped to establish. He was master of the Wheatland Grange and treasurer of the Nicolaus Lodge No. 129 of F. & A. M. for several years.<sup>14</sup>

In the session of 1878 the state legislature called for a convention to frame a new constitution to replace the original one of 1849. Each legislative district was authorized to send a delegate to the convention. The county party organizations were expected to attend to the matter of selecting delegates. Sutter and Yuba counties constituted a joint senatorial district and were entitled to a joint delegate. A bi-county convention was called to meet in Marysville, and delegates to this meeting were chosen by precincts in an open write-in election. Keyes led a list of five or six names and was sent to Marysville from his precinct.

The selection of the state delegates was supposed not be a party contest; but there had grown a dissident third party known as the Workingmen's Party, which was held to be radical. To oppose this radical group, the old parties merged to support what they called the non-partisan movement. Keyes affiliated with the non-partisans and did some campaigning before the county convention met. He was well known and popular as a result of his activity in the anti-debris organizations and litigation, and was chosen to go to the state convention as the Sutter-Yuba joint delegate. He attended and worked in the convention at Sacramento from November to February, when he ought to have been resting in bed. He and his fellow delegates framed the constitution adopted in 1879 which we are yet using today, although in a much amended form.<sup>15</sup>

Given all of this intensive activity and mental and physical strain, it is not surprising to learn that Mr. Keyes was breaking down. At that time, medical science was nearly helpless in any attempt to arrest or cure tuberculosis. Many victims of the disease spent their final years resorting to any practice which held some hope of recovery. Some went to a higher and dryer altitude, while others simply moved to any new district hoping that a change of climate would help. A very popular source of relief for those who could afford the expense, were the many health resorts which could offer some particular quality of water reputed to have healing effects. Those who went to such places were said to be "taking the waters". A very popular place at the time was Bartlett Springs in northern Lake County.

In the summer of 1880, Mr. Keyes' health was failing rapidly. Mrs. Keyes took him to Bartlett Springs where they remained for several weeks, but he failed to improve. By the middle of August he evidently believed that the end was near, and responding to that impulse, common to both men and animals, to get home to die, he tried to make the trip back to Wheatland. The difficult travel by stage through Lake and Sonoma counties was more



than he could endure. He broke down at Cloverdale in Sonoma County where they put him to bed to die August 18, 1880. The remains were brought back to Wheatland and the funeral was held in the Masonic Hall. He lies buried in the Wheatland Cemetery.

The history of the final years of Keyes' life is especially sad when we consider how it would have been possible for his devoted wife and daughters to give him the care and diet with complete rest which is known now to be the only effective procedure in arresting or curing the dreaded affliction.<sup>16</sup>

Mrs. Keyes was forced to abandon the ranch. She and her two daughters moved to Wheatland where they occupied a residence on Main Street opposite the Town Hall. The best first-hand description of the condition which forced them to leave the ranch is found in the testimony of I. N. Brock given at the Woodruff-Bloomfield hearing in 1883. He is being questioned by attorney Cadwalader:

Q. Do you know the Keyes land?

A. Yes.

Q. What changes occurred in the Keyes land since 1879?

A. A great change.

Q. What has been the nature of it?

A. It has grown up with willows; the fences are buired up in sediment and it is a good place to go for grizzly bears.

Q. Can you get within a mile of the Keyes house?

A. No sir; it will be all you can do to get in there now with a team.<sup>17</sup>

Now, in conclusion, I am going to quote an editorial which appeared in the Wheatland Graphic six years after Keyes' death. To comprehend fully the import of this editorial, one must have in mind the history of the hydraulic contest from 1880 to 1886. The Keyes case and several other preliminary suits against the miners had failed to stop the menace of debris. The big suit, the Woodruff-Blommfield case of 1883, resulting in the Sawyer injunction

of January 1884, was generally hailed in the valley as the end of the war. There was a condition comparable to that which has existed at the conclusion of some of our wars. The general and his immediate troops who win the final battle are credited with the entire victory to the exclusion of, or indifference to the many costly preliminary battles which weakened the enemy to the point at which the final victory was possible.

The Keyes case, the Gold Run, the Marysville and other minor cases had weakened the miners both financially and morally. But more important, these cases had trained a corps of lawyers. George Cadwalader, whom Keyes had discovered, became the leading counsel in several of these cases including the big case, and he got his training in the Keyes case. Thaddeus McFarland, the editor of the Graphic, is protesting the fact that the public is inclined to give full attention to the final victory and to forget the pioneers of the contest.

In addition to the contribution which this editorial makes to a biographical sketch of James Keyes, it serves as an example of an old type of journalism which was to be found in small closely knit communities like Wheatland. We have nearly completely lost this type of journalism to the syndicated news systems and "canned" editorials. The typical editor, if he had the talent, occupied a position comparable to that of a pastor of a congregation. He was the spokesman of his readers, putting into printed words opinions and sentiments which he knew they would approve and share. I believe you will agree that this editorial is a rather beautiful bit of composition expressing sincere community feeling. I now quote the editorial from the Wheatland Graphic of August 21, 1886.

"Too true how soon we are forgotten when we die. What a true saying. Years ago when the ruin of a beautiful home stared him in the face, James Keyes took up the fight against the hydraulic miners, aided and encouraged by Wheatland people.

He fought manfully and well in the cause, and the continual worry and work hastened his death.

The grand principle for which he gave his life has been affirmed.

But poor Jim Keyes has been forgotten and no reference is made to the grand old pioneer of the movement, and to the little band of Wheatland men who so nobly began the apparently hopeless fight against the United Capital of the hydraulic mines of California.

The wild birds sing a requiem over his moss covered grave, and though Jim Keyes has paid the debt to nature, he will live in affectionate remembrance in the hearts of those whose homes his fight preserved, which fight resulted in the grand movement against the hydraulic vandals.

Especially is this the case in Wheatland where the initiatory steps in the matter were taken, and whose citizens first raised the cry of the complete and immediate discontinuance of hydraulic mining.

James Keyes, C. K. Dam and J. M. C. Jasper were the committee that had charge of the first anti-slickens suit ever commenced in the United States and acted as agents for the Wheatland people".

And these pioneers were really advanced agents for Sutter County.

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17. Woodruff-Bloomfield, Vol. 21, Pages 7953-8050

## "Railway Depot Nucleus of New Farming Town"

When the Northern Electric Railroad built its line about 1904 through Sutter County to connect Sacramento and Marysville, the survey was east of Nicolaus.

The railway (now the Sacramento Northern) erected a depot and called it "East Nicolaus". Around this grew up a new community.

There now are several places of business in the town and the East Nicolaus Union High School and Marcum-Illinois Elementary School are located there. These were built in 1925 and the high school until 1953-54, when a new district was formed, was a branch of the Sutter Union High School.

In 1936 the Pacific Gas & Electric Co. put up an electrical sub-station at East Nicolaus, augmenting the growth of the community.

To the east of East Nicolaus Ave. - is another community called Trowbridge. The residents of the fertile farming section are all listed under "Nicolaus" in the Pacific Telephone & Telegraph Co. service.

Kempton's Crossing of the Bear River was in use in 1849. In 1852 Mathew Kempton and H. H. Flagg bought the place which had been known as Robinson's Crossing. They put up a hotel and built bridges in 1850 and again in 1853. In 1855 a brick schoolhouse was provided, big enough for 50 pupils. There was also a pioneer Methodist church there.

## Marysville Appeal, December 10, 1915

### Changes are made in Election Precincts

Yuba City, December 9 - Radical changes in the voting precincts of the county were provided for in resolutions adopted by the county board of supervisors this afternoon. The changes will become effective at the next election.

The changes are as follows: One additional precinct established in Yuba City, and one also at Live Oak; Lafayette precinct re-established in West Sutter; Meridian No. 1 and Meridian No. 2 and South Butte No. 1 and South Butte No. 2 boundaries changed; Vernon precinct to be set over from fourth to fifth supervisorial district.

"Rio Oso, Near To Sutter-Yuba Line, Busy Community"

Rio Oso, which took its name from Bear River, is located near the Sutter-Yuba county line and geographically is closely allied with Wheatland.

The community has a post office building, dedicated late in 1959 and located opposite the Rio Oso Community Hall in the town's business center.

Brown's Elementary school, located in Rio Oso, in the fall of 1959 had an enrollment of 173 pupils.

The ranchers living in the area belong to the Rio Oso Farm Bureau Center, of which Robert Gallagher was chairman in 1959.

For several years Supervisor Eber F. Beilby of Rio Oso represented the entire southeastern section of the county included in District 5. He is a member of one of the numerous pioneer families of the area.

In 1953 the two counties obtained a new boundary survey, as meanderings of the Bear River which had served as boundary line were constantly changing it. Property owners on both sides of the river had become uncertain in which county some of their lands were located. But the new survey, confirmed by the state Legislature on May 12 of that year, provided a definite line.

Rio Oso sub-station of the Pacific Gas & Electric Co. is one of the largest such installations in the electrical system of the concern. It was built several years ago at a cost of about \$2,000,000.

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Marysville Appeal, December 7, 1915

The American Restaurant

Best 25 cent meal in city; good coffee. Ice box and kitchen open to inspection. Chicken dinner, Sundays, 35 cents.

W. R. Baldrige, Prop.

This article by Robert Curry appeared in the October 11, 1980 issue of Appeal Democrat, and he has given us permission to print it in the Bulletin.

"Trowbridge: Post Office Lone Survivor"

Like hundreds of other once-thriving communities that dotted the American landscape, Trowbridge in southern Sutter County is a town whose past is probably brighter than its future.

Until last week, the small rural community had two connecting points linking the few scattered ranch houses in the area into a single entity.

The Trowbridge General Store and the Trowbridge Post Office gave the community status as a town.

Both were located in the 66-year old wooden building constructed by Frank B. Pierce in 1914 on the southeast corner of Pacific and Nicolaus Avenues just a long stones throw from the Western Pacific Railroad tracks.

Now the General Store is gone, the victim of higher utility costs and competition from East Nicolaus High School across the street.

Last Friday, store operators Ken and Darlene Roberts decided enough was enough and left to seek their fortunes elsewhere.

"There sales just weren't enough to offset their utility costs", said Postmistress Nadine Eck this week, "and when the high school opened its own snack bar this year that really cut into their profits".

Except for the small cubicle along one side of the building that serves as the Post Office, the cavernous interior is almost vacant.

Still remaining are a small oil burning stove, a few chairs and a long bar that served as the store's check out counter.

If only that oil burning stove could talk.

The store is a social gathering point for residents in the area, says Mrs. Eck who has served as postmistress in Trowbridge for almost a year.

"People still come by to sit and chat", she said, "especially in the winter when its cold outside and the stove is on".

When the building was first constructed, it was situated at one of the main crossroads in the southern part of the county.

Pacific Avenue was one of the main routes from Marysville and Wheatland to Sacramento and Nicolaus Avenue was a direct road from the railroad tracks.

"It was the main delivery point for incoming mail", said Don Pierce, grandson of the original owner.

"My grandmother, Margaret Pierce, though everyone called her 'Maggie', was the first postmaster".

"As far as I can tell", he said, "the post office was started in 1916 and possibly earlier".

"My grandparents ran the general store until about 1920 when my uncle took over", he said, "I bought it in 1940 and my wife and I ran it until we retired in 1973", he said.

They leased the general store portion of the building until 1977 when they sold the building to Mike and Donna Koontz.

The Koontz's operated the store for about one year, according to Mrs. Koontz and have leased it the past two years to the Roberts.

"We are going to try to keep the Post Office open", she said, "that's the only way to keep the area's identity".

Without the Post Office, Trowbridge is apt to become a nameless suburb of East Nicolaus which is lying in wait just across the street.

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## THE RUST-STIDGER DUEL

by

Wilbur Hoffman

Two men faced each other sixty paces apart. Each held a cocked rifle. Somber men stood in the background in two groups of three each. A voice slowly, firmly pronounced, "Fire - one - two - three - stop!" Weapons simultaneously cracked on the word two.

Strange as it may seem, this solemn scene occurred June 18, 1853, in Sutter County in a grove of oaks about two miles south of Yuba City near the Feather River. Some reports indicate nearer the Hock Farm; others nearer Yuba City. It was a duel between Judge Stidger and Colonel Rust, but only one of a number of such affairs staged in the county. As county historians Thompson and West wrote, "In the matter of duels, Sutter County has been 'more sinned against than sinning.' " While these "affairs of honor" were fought in Sutter County by contestants from adjacent counties, apparently residents of Sutter County refrained from this sport of potential mayhem as too risky or as too permanent a solution to a quarrel.

Reports indicate the reason Sutter County was chosen as the field of honor was that there lawmen were less apt to interfere with such events. Perhaps the remoteness of the chosen arena, sparseness of inhabitants, and secretiveness of duels made Sutter County more desirable.

Judge O. P. Stidger and Colonel Richard Rust were editors of two Marysville newspapers on opposite ends of the political spectrum. Stidger, a Whig and a northerner from Ohio, published the Marysville Herald; Rust, a southerner, a Democrat, and a pro-slavery man, published the California Express. In the decade prior to the Civil War, the cleavage between North and South over slavery widened and mutual acrimony intensified. Emigrants to new territories and states came from both North and South creating a mix of both sentiments. Historians estimate that three eighths of California citizens were southern sympathizers. Hostile feelings between the two groups in California were bitter. Editors hurled many verbal barrages at opponents over the issue of slavery.

And so it was with editorials written by O. P. Stidger and Colonel Rust. The latter started the contention and Stidger replied in kind. For several days editorials became increasingly bitter, sarcastic, and virulent. Stidger, according to his contemporaries, excelled in penning vitriol therefore bettering Rust's verbal barrages. Many times controversial editors were horse whipped or attacked with fists or knives. Occasionally, however, an aggrieved protagonist considered his honor at stake and challenged his opponent to a duel. Colonel Rust, a southerner steeped in the tradition of dueling, chose to challenge Stidger to meet him on the field of honor. Even though Stidger was from Ohio where dueling was abhorred and illegal, he accepted the challenge.

At first, Colonel Rust had not considered a duel, since he had initiated the editorial war and had been unable to match his opponent's verbiage. But elements of the Democratic Party in Marysville saw this as an opportunity to rid the community of Stidger and take over the Marysville Herald. So they prevailed upon Rust to challenge him. Actually, they believed that Stidger, a northerner unused to dueling, would refuse, or better yet, would wilt on the field of honor thus disgracing himself. Should this happen, he would be forced to leave Marysville - or so the Democrats reasoned. But their premise that northerners were cowards proved unsound. Stidger accepted the challenge and did not wilt on the field.

According to the time-honored code of dueling, the challenged had choice of weapons and manner of meeting. Judge Stidger chose Buckeye rifles with set triggers at sixty paces. As he said, he could knock the tail off a squirrel at sixty paces. The Judge's seconds were Judge Gordon N. Mott and Judge T. B. Reardon; Dr. McDaniel, his physician, would accompany him. Rust picked Colonel Fairfax (who, as a southerner, had presided over many a duello) and a Mr. Lee Martin as seconds; Rust chose his brother, a physician, as his doctor. On Friday, June 9, 1853, the challenge was sent

and accepted. Judge Stidger set the time for sunrise the following Sunday. On Saturday evening, Colonel Rust became ill and his seconds asked for a week's delay which was accepted. Meanwhile, seconds for both principals failed to find Buckeye rifles of equal caliber. They settled on Mississippi yagers. On testing these rifles, the seconds found one more reliable. In accordance with the code, lots were cast to determine who would use which rifle. Colonel Rust won the better weapon.

Arriving on the field of honor, seconds cast lots to determine where each contestant would stand. Again Rust's seconds won, and Rust chose the shade of a tree thus placing Stidger with the dawn sun shining in his face. This procedure may have been in conformance to the code of honor, but it certainly worked to the disadvantage of Judge Stidger. As Judge Mott remarked to himself, "My man is going to get killed; Rust has the best gun and the best standpoint".

The scene was now set for the redemption of honor. All participants averaged about thirty years of age, and according to an eyewitness, "the two groups were fine specimens of manly strength and symmetry of form". Because the duel had been delayed a week, news of the event had spread to the populace of Marysville. Several hundred curious spectators were eagerly awaiting the shooting about to take place in this beautiful, serene, sylvan setting. Principals received last minute instructions and assumed their positions sixty paces apart. They were to fire during the slow recitation of the words "Fire! - one - two - three - stop! "

Rather than wilting as his opponents had anticipated, Stidger appeared nonchalant, in fact, he strode onto the field as though he owned it. But he indicated to a second that he did not wish to kill Rust. It was said of Colonel Rust "that his bearing was brave and resolute".

Seconds of each protagonist met on neutral ground and somberly discussed the situation. A second then fired into the air signaling that some arrangement had been made to end the "Affair D' Honneur". The settlement was satisfactory to each side; neither principal's honor was compromised; terms were honorable to all parties. Everyone then departed for Marysville.

Though never verified, word was later spread that Stidger's second shot cut Colonel Rust's hair just above his ear and that this influenced Rust's seconds to conclude the affair. A witness, who knew Colonel Fairfax, Rust's second, reported that Fairfax said he had attended many such meetings and had never seen such bravery as Stidger and Rust displayed. He praised Stidger in glowing terms. "People who tell me after this that men born in the North are cowards, will run the risk, sah, of my telling them they are asses. I know better. It won't do to monkey with such men, sah. No, sah, they are plucky and will die game, sah".

Even though dueling had by this time lost its former esteem and was illegal in much of America, and deadly sport continued for another few years. The last known duel in Sutter County was fought between John Davis and Thomas Burns a few miles south of Yuba City in 1871. Four harmless shots completely satisfied these gentlemen.

Olive Perry Stidger was a notable California pioneer. He was born in Ohio in 1814, and emigrated to California in 1849. He published the Marysville Herald until 1856 and other newspapers until 1864. After that he practiced law in North San Juan for ten years and for some years was Justice of the Peace and Associate Justice of the Yuba County Court of Sessions, hence his title of Judge. He died in his North San Juan home in 1888.

The word came, "Gentlemen, are you ready?" "Aye", sounded each protagonist. The count began. Both rifles cracked almost simultaneously. Judge Stidger's shot cleared high above Colonel Rust's head. Stidger was unhurt, but witnesses stated that Rust's bullet lodged in Stidger's coat-tail pocket and shredded his handkerchief. He later denied this happened.

Stidger's doctor, standing about twenty paces to the judge's left, reportedly advised him, "You must kill him or he will kill you. Your gun carries up. Shoot for his legs and you will hit him in the body".

Stidger responded, "I do not want to kill him. I don't want his blood on my hands. He has a family to maintain, and I don't want to rob them of their support". The doctor again advised him that Rust was trying to kill him that "you must kill him".

Judge Mott then suggested that Stidger's posture was such that it presented too many angles to the enemy, that he must stand erect. He then stood straight. But again Stidger remarked that he would shoot at Rust but not try to kill him. He wanted merely to wound him. As he later remarked, "to wing him".

Seconds reloaded the weapons; both men stood poised; the slow count droned; both rifles cracked. Neither man was hit. Witnesses reported that Stidger complained to his doctor that "this gun ain't worth a damn. I had a splendid shot at his arm, and I got a pretty good sight along the barrel".

Seconds took the weapons and reported back that Rust demanded a third shot. Stidger's doctor asked him what he would now do. "I will kill him. I have now given him two fair shots at me". He went on to say that he could have killed him, but that even though he did not wish to do so, he would now kill him if a third shot were demanded.

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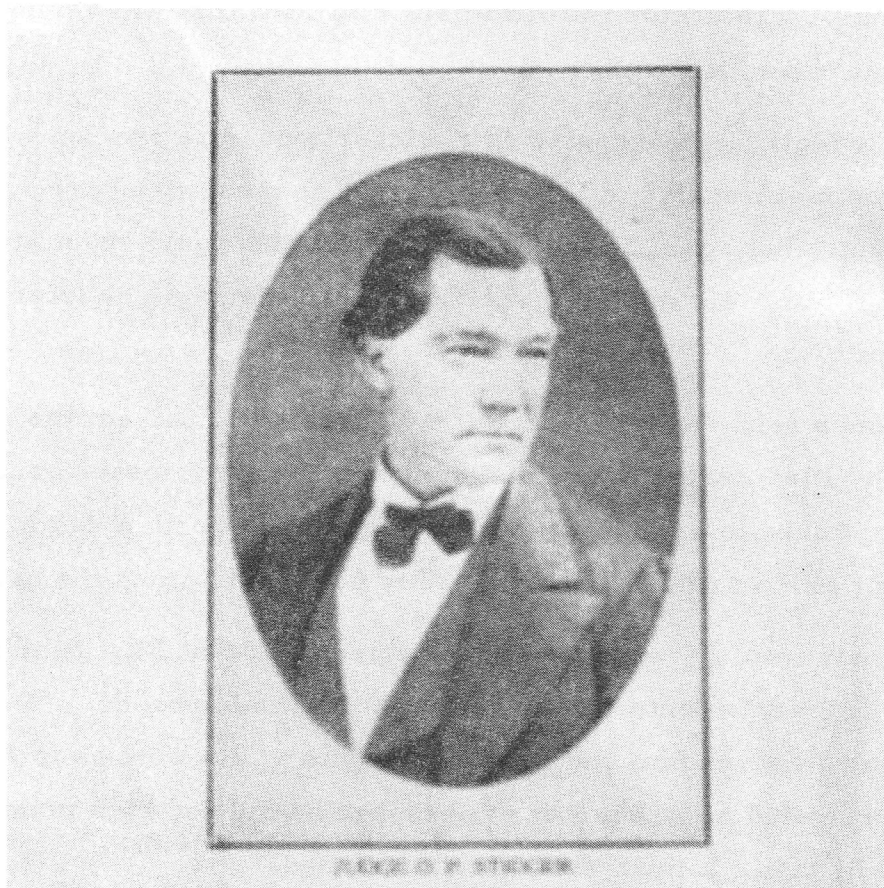
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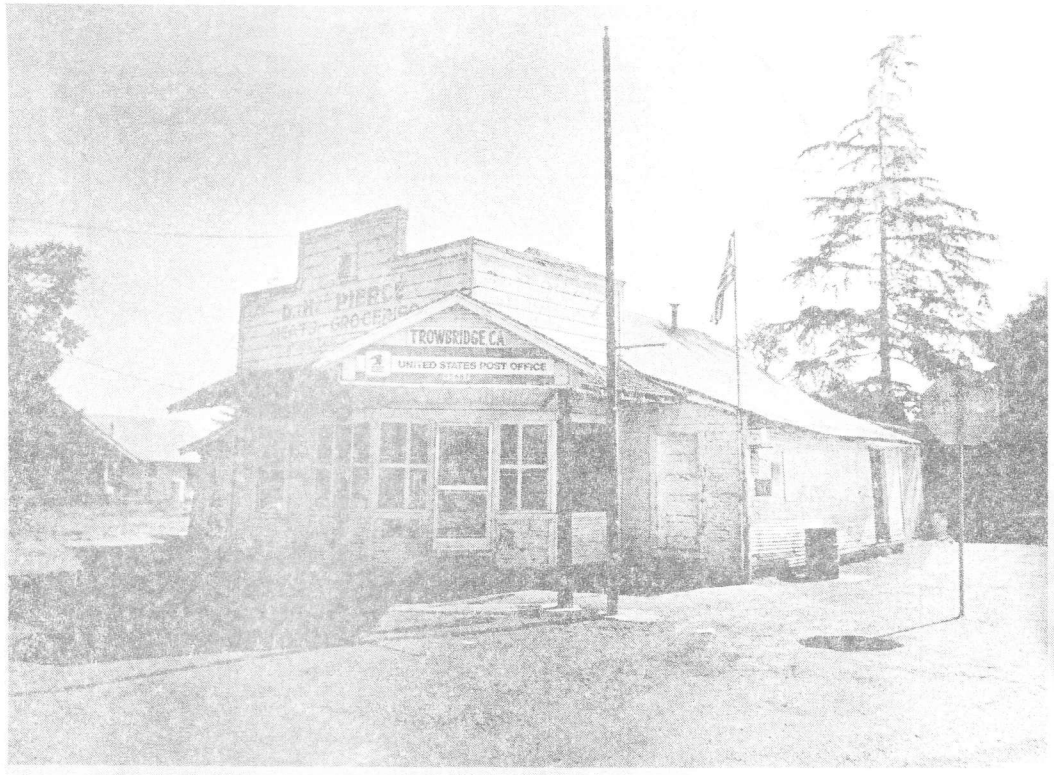
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TROWBRIDGE GENERAL STORE AND POST OFFICE

TROWBRIDGE POSTMISTRESS NADINE ECK

