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Sheriffs, Outlaws, and No Good Cowboys: An Analysis of the Violent Struggle for Power in Eastern California Borderlands

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Sheriffs, Outlaws, and No Good Cowboys: An Analysis of the Violent Struggle for Power in Eastern California Borderlands

By

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Abstract

As the United States continued to expand during the nineteenth century, the creation of new states and acquisition of foreign territory posed many problems for the people living or attempting to live within these territories. On paper, the borders of these lands were clearly defined. However, the infant United States was still a vast array of "borderlands" that many groups, especially indigenous peoples, refused to believe were legitimate. California is no stranger to such conflicts that perpetuate the disregard for borders and the law for one's personal gain. The advent of ranchers and miners in the Owens Valley created a landslide of cataclysmic events that led to the invasion of unconquered indigenous territory and the establishment of a contested frontier county. This research paper represents a new contribution to the borderlands history of Owens Valley and Inyo County, California, analyzing the intersecting histories of Anglo American settlers, indigenous peoples, and Mexicans in eastern California. This research utilizes United States military correspondence and records, historic newspaper records, and a vast array of secondary sources to analyze the complicated history of eastern California and the governments who refused to accept the legitimacy of created borders. This paper will also utilize historic photographs and paintings to demonstrate how art can be used to remember and interpret the people, places, and events of the past to better understand eastern California borderlands.

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Table of Contents

List of Figures

Introduction

On the evening of February 10, 1878, a man by the name of Gumesindo Palacio murdered a Paiute Native American in cold blood at Frank Dabeeny's saloon in Lone Pine, California. The senseless murder incited a party of Lone Pine's citizens to surround the small cabin in the back of the saloon where Palacio, Dabeeny, and five others were hiding out. They demanded the murderer give himself up. Sheriff Thomas Passmore, who happened to be in Lone Pine that day, was called upon by the citizenry to arrest Palacio. Passmore demanded he be let into the building where Palacio was hiding so that he may arrest him. However, upon his final attempts to forcefully break into the building, the sheriff of Inyo County was shot and killed. The crowd of citizens, outraged by the murder of their sheriff, filled the building with lead. Hours after the murder of Passmore, both Dabeeny and Palacio attempted to escape the scene of the crime; however, both were shot to death in the streets by the angry mob. According to the *Inyo Independent* newspaper, Palacio alone was filled with "a dozen bullet holes through his worthless carcass."[1] Three of the five accomplices outside of Palacio and Dabeeny were let go and the other two were found dead the next morning four miles south of town.

While newspapers reporting on this momentous incident give conflicting reports on the race of Palacio, usually concluding he is either Mexican or Portuguese, it can be confirmed that the two men found dead four miles south of Lone Pine were, in fact, Mexican. Though it may seem trivial to identify the ethnicities of those involved in the murder of Sheriff Passmore, it is important to do so in order to understand the complex makeup of 19th century eastern California. Before European, Mexican, and Anglo American settlers came to eastern California, particularly

[1] "Murder-Sheriff Pasmore Shot and Killed," *Inyo Independent*, February 16, 1878, https://cdnc.ucr.edu/?a=d&d=II18780216.2.7&srpos=2&e=------187-en--20--1--txt-txIN-thomas+passmore-ARTICLE---1878—.

in Owens Valley and the surrounding mountains of modern-day Inyo County, Owens Valley Paiute called this place home. The governments of Spain, Mexico, and the United States failed to recognize their sovereignty over this territory, all claiming this geographically isolated region was theirs under their respective authority. While Spain and Mexico claimed the land, they did not attempt settlement. The first vested interests of foreign governments to settle and make profit off the natural resources of this land was by Anglo American settlers and the U.S. government.

Journalist and historian Willie Arthur Chalfant was one of the first chroniclers of the history of eastern California and is largely responsible for purporting the myth of "the old West" to classify this region's history in his narrative *The Story of Inyo*.[2] This notion that modern day Inyo County is simply just another iteration of the "the old West" with "whites in possession" neglects to acknowledge the expansive and historic "borderland" of eastern California.[3] Before California statehood, modern day eastern California was part of the greater region of Alta California controlled by Spain and later Mexico, in addition to being the ancestral land of a wide variety of indigenous peoples including the Owens Valley Paiute. When California was admitted into the union in 1850, the newly formed state created a seemingly fixed boundary along its eastern border with the idea that exclusive and uncontested state power would green light Anglo American settlement for ranching and mining ventures. What was thought to be a beacon of Anglo American dominance would soon be overshadowed by the reality that even the U.S. lacked true power in their own territory. This thesis seeks to accomplish two goals: 1) demonstrate how the lack of *uti possidetis*, "the doctrine that existing territorial boundaries should be preserved," which disregarded the original inhabitants of Owens Valley as the regions rightful owners, led to the fomentation of the Owens Valley Indian War and heavy U.S. military

[2] W.A. Chalfant, *The Story of Inyo* (Bishop: Chalfant Press, 1922), 233.
[3] Chalfant, *The Story of Inyo*, 192.

involvement to protect Anglo American interests and 2) identify the network of intermingling remnants of past and present empires whose linkages demonstrate the complexity of a region steeped in a power struggle.[4] These linkages between indigenous peoples, Mexicans, and Anglo Americans fostered this unique borderland that tested the limits of the U.S. military and law enforcement authority.

Through an analysis of written primary source materials, as well as a crucial compendium of visual resources across three eras (Pre Contact life in Eastern California, Foreign Incursion: Spain to the end of the Owens Valley Indian War, and Eastern California Post Owens Valley Indian War), this thesis will examine the borderlands history of eastern California and the legacy of important people, places, and events that often are forgotten yet crucial to understanding of the economic and social connections between indigenous peoples, Anglo Americans, and Mexicans and the struggle for power in the Golden State.

Pre-Contact Life in Eastern California

Before European and Anglo American settlement challenged their rule, Owens Valley was occupied by indigenous peoples. Sheltered by the Inyo and White Mountains to the east, the Sierra Nevada Mountains to the west, and the Mojave Desert to the south, Owens Valley Paiute (known also as *numu*) lived across the fertile grasslands of Owens Valley in modern day Inyo County for thousands of years.[5] These groups were hunter gatherers who utilized a unique form of "irrigation without agriculture."[6] Deer, antelope, bighorn sheep, and jackrabbits were the

[4] *The Palgrave Macmillan Dictionary of Diplomacy*, s.v., "uti possidetis," accessed April 15, 2023, https://search.credoreference.com/content/entry/macdiplom/uti_possidetis/0.
[5] Roger D. McGrath, *Gunfighters, Highwaymen and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984), 17.
[6] Harry W. Lawton, Philip J. Wilke, Mary DeDecker, and William M. Mason, "Agriculture among the Paiute of Owens Valley," *The Journal of California Anthropology* 3, no. 1 (Summer 1976): 13, https://www.jstor.org/stable/pdf/27824857.pdf?refreqid=excelsior%3Aca912479a0f0425d4483130ee6dc8640&ab_segments=&origin=&initiator=&acceptTC=1.

primary sources of animal protein hunted. Indigenous people also fished for trout, gathered pine nuts, berries, seeds, tubers, and harvested insects and their larvae. In order to maximize yields of wild plants, Owens Valley Paiute created an extensive system of irrigation ditches that "flooded low-lying valley land to increase the growth of seed- and tuber-producing plants."[7] Ten different sites up and down Owens Valley utilized this type of irrigation, the most extensive of these being a six square mile area of land at Bishop Creek known as *pitana patü*. At *pitana patü*, indigenous people constructed a dam about one mile below the closest peak of the Sierra Nevada Mountains and a ditch leading to the northern and southern irrigation plots. These plots were located on either side of Bishop Creek. While the seeds and bulbs of these plants were harvested each fall, the soil was not prepared, seeds weren't sowed, and plants weren't cultivated, thus leading scholars to categorize this practice as "irrigation without agriculture."[8] Owens Valley indigenous groups controlled and utilized all the region's natural resources, requiring everything they could get their hands on for survival.

Indigenous peoples of Owens Valley had a structure of territorial ownership that divided people into subgroups known as bands. These bands were based on geographic regions and language. Coined by anthropologist Julian H. Steward as "districts," these differing bands of Owens Valley Paiute controlled hunting, fishing, and seed gathering rights within their respective borders. Within each of these districts, there were often multiple villages. According to Steward, each band had a head man who was responsible for "...organizing and perhaps leading pine nut trips, rabbit drives, communal hunting and fishing, war parties, and 'fandangos.'"[9] At *pitana patü*, the head man was responsible for selecting the head irrigator, known as the *tuvaiju*. The

[7] Lawton, "Agriculture among the Paiute of Owens Valley," 13-50; McGrath, *Gunfighters, Highwaymen and Vigilantes*, 18.
[8] Lawton, "Agriculture among the Paiute of Owens Valley," 18.
[9] A fandango is an annual social dance for the Owens Valley Paiute. See Julian H. Steward, "Ethnography of the Owens Valley Paiute," *University of California Publications in American Archaeology and Ethnology* 33, no. 3 (1933): 236, 304, 320, https://digitalassets.lib.berkeley.edu/anthpubs/ucb/text/ucp033-004.pdf.

tuvaiju was responsible for leading the construction of the dam, which required the help of about twenty-five men, as well as the irrigating of the plots when the time came.[10] There is a clear distinction of territorial ownership between bands that cements their legacy and presence here far before foreign incursion ignored them.

While Owens Valley Paiute were the dominating force within the valley in the territory above Owens Lake, they were surely not alone. To the north, around the region of Lake Tahoe, were the Washo. Below Owens Lake were the Panamint Shoshone. To the west were the Monache (Western Mono), Miwok, Tübatulabal, and Yokuts. While these indigenous cultures ruled their respective homelands, they often intermingled with one another through trade and marital relationships and abutted one another territorially. Owens Valley Paiutes often traded with the Monache, their linguistic relatives. Goods such as salt, pinenuts, seeds, obsidian, buckskin, rabbitskin blankets, baskets, and tobacco were traded with the Monache in exchange for shell money (later glass beads), acorns, manzanita berries, apasa', and baskets.[11] Paiute from Mono Lake were even known to trade insects like piüga and cuzavi, salt, pine nuts, and red and white paint. The Paiute of the Mono Lake region were known to even winter in Yosemite and married the Miwok they traded with.

Visual Analysis of Pre-Contact Life in Eastern California

Owens Valley Paiute left not only a legacy of territorial dominance to demonstrate their everlasting presence in eastern California, but an extensive visual compendium of art and architecture. The visuals discussed below comprise photographic materials showing various assortments of petroglyphs, Owens Valley Paiute basketry, and architecture. It is important to

[10] Steward, "Ethnography of the Owens Valley Paiute," 247.
[11] Steward, "Ethnography of the Owens Valley Paiute," 257.

note that Owens Valley Paiutes, just like other indigenous tribes of North America, did not view the carvings, items, and buildings as art, but rather important facets of everyday life that helped them thrive in the rugged locale of Owens Valley. These items are important because they not only demonstrate the relevance of indigenous peoples living in eastern California, but provide a worthwhile example of the importance of visual evidence to further understand a time period where much of what existed in the past has been lost to history.

Like other indigenous tribes in North America, Owens Valley indigenous peoples and their ancestors were no stranger to creating petroglyphs. Petroglyphs, like this one discussed by Charles F. Irwin in *Saga of Inyo*, were found throughout Owens Valley. This one, as shown in Figure 1, is located at Little Lake, just south of Owens Lake.[12] This petroglyph is carved into a basalt rock. It depicts five mountain sheep and a human figure below them in a buckskin garment with outstretched arms. Unlike other petroglyphs with abstract designs found throughout eastern California, this one depicts recognizable figures. While the exact date of this petroglyph is unknown, it is believed that it was created during the late historic or early historic period, most likely during the time of Paiute-Shoshone dominance. Irwin also makes note that petroglyphs were sacred and not just artistic.[13]

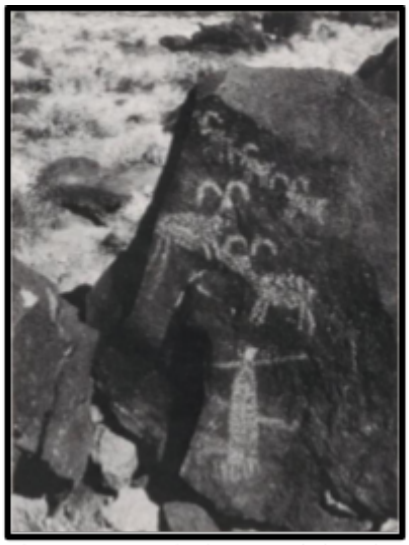

Figure 1: Petroglyphs near Little Lake.

[12] AARP Southern Inyo, *Saga of Inyo* (Dallas: Taylor Publishing Co., 1977), 11.
[13] AARP Southern Inyo, *Saga of Inyo*, 11-12.

Owens Valley Paiutes were very skilled basket makers. In Figure 2, the design of these baskets can be seen more clearly.[14] This conical "burden basket," whose warp and weft are constructed using willow with horsehair lug loops and deerhide patch on the base, demonstrates the practicality of an object that by many is seen as a collectible piece of art. This basket, believed to be created from 1894-1902, displays geometric designs such as diagonal lines of linked triangles throughout the broad horizontal, bordered band on the upper portion of the basket.[15] The intricate coiling of this hand woven basket is a testament to the design capabilities of Owens Valley Paiute.

One final visual demonstration of the legacy of Owens Valley Paiute can be seen through their architecture. Houses like the one in Figure 3 demonstrate the presence of indigenous tribes throughout the region long before the arrival of foreign powers.[16] This house made of tule is one of many that would be found in the various villages in the valley. Owens Valley Paiute

Figure 2 (Left): Conical shaped Owens Valley Paiute burden basket.
Figure 3 (Right): Tule house.

[14] "All Objects: California Indian Baskets," California State Parks Museum Collections, accessed April 2, 2023, http://www.museumcollections.parks.ca.gov/code/emuseum.asp?collection=4392&collectionname=California%20Indian%20Baskets&style=single&currentrecord=82&page=collection&profile=objects&searchdesc=California%20Indian%20Baskets&action=collection&currentrecord=83.
[15] California State Parks, "All Objects: California Indian Baskets."
[16] Jane Wehrey, *Images of America: The Owens Valley* (Mount Pleasant: Arcadia Publishing, 2013), 11.

constructed multiple types of houses, such as winter valley houses (as seen in Figure 3), mountain houses, sweat houses, cook houses, and summer houses. Winter valley houses were constructed using "a cone of poles, 9 to 10 feet high and 15 to 20 feet in diameter…built around a pit about 2 feet deep."[17] Photographs are vital in the preservation of visual evidence of these structures that were created so long ago and that do not exist in their original forms today, allowing future generations to study eastern California borderlands prior to foreign incursion.

Foreign Incursion: Spain to the end of the Owens Valley Indian War

This second content area will examine the lack of *uti possidetis* shown by Spain, Mexico, and the United States which disregarded the original inhabitants of Owens Valley. It will also examine the extent of which each government actually controlled eastern California and the ensuing armed conflicts that resulted in these contested borderlands.

While Native Americans held the majority of power in California, ruling its vast geographical landscapes for thousands of years, including those in Owens Valley, it would not stay that way forever. In 1542, Juan Rodriguez Cabrillo was the first European to visit modern day California, claiming it for Spain. Alta California, on paper, was under Spanish control for over 200 years before the first colonization by Spanish Missionaries began in 1769. The missionaries never made it to Owens Valley, despite the legality of their claims over all of Alta California. This alone demonstrates that while Spain did control parts of California with their missions, they truly did not control all the expansive reaches of their empire. This fact remains

[17] Steward, "Ethnography of the Owens Valley Paiute," 264.

true when Mexico gained independence from Spain in 1821 and Alta California became its northern province. Mexico, like Spain, neglected to send expeditions to settle in Owens Valley.[18]

The arrival of Anglo American and European trappers to the newly acquired Mexican North were not welcomed with open arms. In 1827, Jedidah S. Smith became the first non-indigenous person to cross the Eastern Sierra Mountain ranges, much to the dismay of Mexican authorities, who attempted to deport him prior to his journey across the towering mountain range. While Smith's exact route is uncertain, it is an excellent example of the lack of respect of Mexican authority in the outskirts of their empire because he deliberately disobeyed the law of Mexico and their threats of deportation and traversed their territory.

Another example of the disregard for Mexican authority in Eastern California is the case of British Canadian trapper Peter Skene Ogden. Ogden, a trapper for the Hudson Bay Company, traveled through Owens Valley and present day Mono County during his last trapping venture in 1829-1830.[19]

Smith and Ogden were not the only foreigners to set foot in Owens Valley and Eastern California during Mexico's control of Alta California. Joseph Walker, a mountain man, scout, and early frontier explorer, made three expeditions into eastern California. From 1833-1834, Walker made it across the Sierras, wintered along the California coast, and, on his return journey, finally made it to Owens Valley, traveling north along the foothills of the Sierras before making it back to Nevada. Walker made a second trip to Owens Valley from 1842-1843 along with emigrant Joseph Chiles and his party. Along the way, this party split in two. Chiles went to find a northerly path while Walker went south, following the Owens River and making it over Walker

[18] "Early History of the California Coast: Introduction," National Park Service, accessed March 7, 2023, https://www.nps.gov/nr/travel/ca/intro.htm#:~:text=On%20September%2028%2C%201542%2C%20Juan,land%20for%20thousands%20of%20years.

[19] "Early History of the California Coast: Introduction."

Pass in 1843. In 1845, Walker was again utilized in an expedition led by John C. Fremont, the famed naturalist, explorer, scientist, and future governor of California. This expedition consisted of a smaller party, led by Fremont, which took a northerly path across the Sierras near Truckee in hopes to cross successfully during winter, and a larger south bound party lead by the experienced Walker, Edward M. Kern, and Theodore Talbot. Walker, in his third escapade into eastern California, led his party hastily down the entirety of the valley along the Owens River and over Walker Pass, later rendezvousing with Fremont in the San Joaquin Valley.[20]

Upon Mexico's defeat at the hands of the United States during the Mexican-American War in 1848, the territories of the Mexican North were acquired by the United States. This, in addition to the start of the California Gold Rush in 1848 and eventual statehood, brought more attention to eastern California in and around Owens Valley than ever before. Unlike Spain and Mexico, the United States was the first foreign power to attempt settlement of the outer reaches of eastern California. When California became a state in 1850, numerous surveyors and Indian Agents, government officials who interact with indigenous peoples on the government's behalf, set out to survey the natural resources and indigenous populations of Owens Valley in hopes of exploiting it for the future. In 1855, surveyor Allexey Waldemar Von Schmidt made note of the land, saying that "on a general average the country forming Owens Valley is worthless to the white man, both in soil and climate," as well as the conditions of the indigenous populations who lived there.[21] In 1859, a military expedition was led by Captain John W. Davidson into Owens Valley Paiute territory. Captain Davidson and his men were tasked to locate horses believed to be stolen by Native Americans in Owens Valley. Upon reaching the valley, he discovered that Owens Valley Paiute had not stolen any horses and refocused his efforts from capturing "indian

[20] Francis P. Farquhar, *History of the Sierra Nevada* (Berkeley: University of California Press, 1965), 31-38, 53-62.
[21] Chalfant, *The Story of Inyo*, 72.

horse thieves" to creating one of the first detailed accounts of the subsistence practices of Owens Valley Paiute. This report, as well as his report on the lush territory of Owens Valley, which differed from previous reports of its baroness, led to an increased government focus upon the valley and its indigenous inhabitants.[22]

With Davidson's favorable account of Owens Valley and the nearby mining boom in Aurora, Nevada, the United States and Owens Valley Paiute were on a collision course for conflict. Prior to 1861, no permanent U.S. settlements existed in Owens Valley. It was still the domain of the indigenous people who lived and thrived there for centuries with only recent expeditions from outsiders. In 1861, ranchers such as Alan Van Fleet, Henry Vansickle, Samuel Bishop, Alney and Barton McGee brought their herds of cattle from the San Joaquin and Carson Valleys to Owens Valley and established ranches in order to supply beef to the people of Aurora. These men, along with Charles Putnam, who built a stone cabin along Independence Creek, were the first Anglo American settlers to call Owens Valley their "home." However, these newcomers failed to realize their encroachment on Owens Valley Paiute ancestral lands.[23]

The Anglo American settlers of Owens Valley, under the guise that these lands were part of the United States, moved their flocks freely throughout the entirety of the region. However, the grazing of livestock posed two main problems. First, it was a direct incursion into Owens Valley Paiute lands. These lands were not free for the taking. There was a system of ownership of the various districts which harbored numerous villages within them. These people spoke different dialects and traded with neighboring cultural groups. Owens Valley Paiute lived and thrived here for thousands of years, unimpeded by any foreign intruders, and developed a unique

[22] Harry W. Lawton and Philip J. Wilke, eds., *The Expedition of Capt. J. W. Davidson from Fort Tejon to the Owens Valley in 1859* (Socorro: Ballena Press, 1976), 6-7.
[23] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 17.

and distinctive culture.[24] Second, the arrival of these ranchers and their herds to eastern California completely altered the natural environment. Indigenous peoples first met the newcomers with "requests to move on their cattle and demanded tribute."[25] Intense grazing from these herds led to less natural forage for wild animals, as well as the destruction of natural plant species used by indigenous peoples. Owens Valley Paiute relied on the entirety of the animals and natural forage of the valley and the surrounding mountains for sustenance. The coming of the stockmen created a contested borderland between the expanding foreign interests of the United States, seeking to profit off of the growing mines of Aurora with their cattle stock, and Owens Valley Paiute's ancestral homelands. [26]

The convergence of these opposing powers was not a peaceful one. The harsh winter of 1861-1862 saw the first conflicts of the Owens Valley Indian War. A herder by the name of Al Thompson, who worked for Henry Vansickle, shot a Paiute who was stealing a steer away from the herd. In revenge, Pauites killed a man by the name of "Yank" Crossen a few days later.[27] Owens Valley Paiute saw these ranchers as foreign intruders who had no place being in the valley. The harsh winter and destruction of the ecosystem which fed the Paiute for generations left them with no other option than to raid the ranchers' stock. Paiutes did this before and after the signing of a peace treaty, which was created as a result of the previous events. However, this treaty, which states that "Indians are not to be molested in their daily avocations by which they gain an honest living," would soon be null and void with the murder of Shoandow, the leader of a band of peaceful Paiute, in 1862.[28]

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[24] Steward, "Ethnography of the Owens Valley Paiute," 236, 247, 304.
[25] Genny Schumacher Smith, ed., *Deepest Valley: A Guide to Owens Valley, Its Roadsides and Mountain Trails* (Palo Alto: Genny Smith Books, 1978), 179.
[26] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 20.
[27] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 18.
[28] Chalfant, *The Story of Inyo*, 100.

From this point on, Owens Valley Paiute showed utter disregard for the Anglo American intruders. Joaquin Jim, a Western Mono, assumed command of a band of Paiute north of Big Pine Creek and led numerous raids on settlements to eliminate any semblance of foreign presence in the valley. Jim's band of Paiute, as well as other Owens Valley and Mono Paiute, Nevada Paiute, and Monache banded together and raided and made war against the settlers of Owens Valley. From 1862-1865, indigenous peoples of Owens Valley defended themselves and their homes by raiding and in some cases destroying foreign property such as cabins and mines, while also attacking settlers and their flocks. One instance of these raids occurred in February of 1862. Under the cover of darkness, a band of Paiute captured around two hundred steers that were being driven from the San Francis Ranch to Putnam's Cabin by Barton McGee and his hired hands at Keough Hot Springs. Throughout the cattle drive, Paiute preyed upon the cowboys until they reached Charles Putnam's cabin.[29] Another raid undertaken by Owens Valley Paiute in order to defend their homeland occurred in April of 1862 at E.S. Taylor's cabin near present day Benton. A band of Paiute had found his place of residence and killed Taylor, decapitating his head and leaving his body riddled with arrows.[30]

These raids were not the only means by which Owen's Valley indigenous peoples defied the onslaught of Anglo American settlers. Indigenous warriors acquired guns from the Auroran merchant firm of Wingate and Cohn, leveling the playing field significantly, despite most indigenous warriors still being armed with bows and arrows.[31] With these weapons, indigenous warriors were able to deal decisive blows to both the citizen militia of John J. Kellog, a former army captain, and "Colonel" William Mayfield at the Battle of the Ditch (April 6, 1862) and the combined force of the citizen militia and the United States 2nd Cavalry, California Volunteers at

[29] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 22.
[30] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 23.
[31] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 24.

the Battle of Mayfield Canyon (April 9, 1862). These battles inflicted numerous casualties, including the first sheriff of Mono County, N.F. Scott of Aurora, who was shot in the head at the Battle of the Ditch, and "Colonel" Mayfield at the Battle of Mayfield Canyon.[32]

While Owens Valley indigenous peoples were able to assert their power over Anglo American settlers in the early stages of the Owens Valley Indian War, the arrival of the United States military saw a definitive effort to control eastern California. Anglo American settlers in the valley failed to control the indigenous populations who continually raided their settlements and flocks. On April 2, 1862, Lieutenant Colonel George S. Evans of the 2nd Cavalry, California Volunteers arrived at Owens Lake.[33] On July 4, 1862, Evans founded Camp Independence, a major strategic outpost composed of ramshackle adobe buildings that would become the principal seat of U.S. military power in Owens Valley. From here, the 2nd Cavalry, California Volunteers launched multiple operations to assist in the settlement efforts and protection of the economic interests of the valley's Anglo American population. This resulted in a genocidal campaign to wipe the indigenous populations from the valley by massacring Owens Valley Paiute villages and destroying food caches. According to Evans, he and his men "...destroyed a great many rancherias and a large quantity of seeds, worms, &c., that the Indians had gathered for food."[34]

On April 24, 1863, Captain Moses A. McLaughlin took command of Camp Independence. From this point on, resistance became unpropitious for indigenous people in Owens Valley and greater Eastern California. Prior to his arrival at Camp Independence, McLaughlin ordered the execution of thirty five indigenous men at a "...camp of the Indians,

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[32] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 24, 27.
[33] Department of War, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, vol. 50, part I, 46.
[34] *The War of the Rebellion*, vol. 50, part I, 148.

which was situated about ten miles from Keysville, upon the right bank of Kern River."[35] These souls were shot or cut down with sabers, sending a message that McLaughlin and his men "...will soon crush the Indians and finish the war in this and adjacent valleys."[36] McLaughlin realized that the destruction of food caches as well as control over certain natural springs would force the surrender of Owens Valley Paiute and their allies. After being in the valley for around one month, McLaughlin's men and their vigilante allies caused the deaths of more than one hundred indigenous men, causing Owens Valley Paiute leaders such as "Captain George," "Captain Dick," and Tinemaha to surrender at Camp Independence. On July 11, 1863, Captain McLaughlin, Captain Herman Noble, and Captain Ropes and seventy cavalrymen the 2nd Cavalry, California Volunteers and twenty two foot soldiers from the 4th Infantry, California Volunteers marched over 1,000 indigenous people from Camp Independence to Fort Tejon and the San Sebastian Reservation across the Sierra Nevada Mountains.[37] Though the U.S. military was able to deport these indigenous peoples from their homelands, they would still struggle to hold power despite suppressing the main fighting force of the Owens Valley Paiute.

On August 6, 1863, Camp Independence was abandoned for the first time.[38] However, those indigenous peoples who did not submit to McLaughlin and his men, were still at large in the valley. In addition to that, many indigenous peoples returned to Owens Valley from Fort Tejon and the San Sebastian Reservation. Joaquin Jim took the abandonment of the U.S. military from Owens Valley as a victory, going so far as to display his "war banner of scarlet, trimmed with raven feathers" in Round Valley, while the U.S. figured they had thwarted their indigenous enemies.[39] Owens Valley Paiutes raided Anglo American mines and killed the miners who

[35] *The War of the Rebellion*, vol. 50, part I, 209.
[36] *The War of the Rebellion*, vol. 50, part I, 205.
[37] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 38-40.
[38] Dorothy Cragen, *The Boys in the Sky Blue Pants: The Men and Events at Camp Independence and Forts of Eastern California, Nevada and Utah—1862-1877* (Fresno: Pioneer Publishing Company, 1975), 64.
[39] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 42.

worked there sporadically until the return of the U.S. military to Camp Independence in 1865. On January 5, 1865, vigilantes massacred thirty five indigenous men, women, and children on the east shore of Owens Lake in retaliation for an earlier Paiute attack on the McGuire waystation, which killed Mary McGuire and her son, Johnny. This, along with a few other Anglo American clashes, seemed to mark the final blows of the Owens Valley Indian War which came to a close in August of 1866.

Visual Analysis of Foreign Incursion: Spain to the end of the Owens Valley Indian War

The Owens Valley Indian War is the result of decades worth of borderlands history that oftentimes is very difficult to grasp and understand. Fortunately, with the use of visual aids, eastern California borderlands history can be studied in its fullest capacity. Many of the people and places during this era have been lost to history and the only tangible evidence of these places' existence is through valuable visual evidence.

One excellent example of how visual evidence is used to chronicle and remember the Owens Valley Indian War can be seen in the *1870 Portrait of Samuel A. Bishop* (See Figure 4).[40] This black and white picture of a painting shows the bust of Samuel Bishop, one of the first ranchers who brought their stock to Owens Valley in 1861. This work is very realistic, displaying all of Bishop's features clearly and recognizably to viewers from his suit all the way to his robust facial hair.

Figure 4: *1870 Portrait of Samuel A. Bishop.*

[40] "1870 Portrait of Samuel A. Bishop," SJPL California Room Collections, accessed April 4, 2023, https://digitalcollections.sjlibrary.org/digital/collection/arbuckle/id/419.

While Bishop's time in the valley was limited, he constructed two small cabins along Bishop Creek which he named San Francis Ranch, in addition to bringing "between 500 and 600 head of cattle and 50 horses."[41] Very few images exist of Samuel Bishop, thus adding to the importance of this painting. In addition, the San Francis Ranch, Bishop's very own place of operation in Owens Valley, was the site of the first treaty signing of the war; a treaty that unfortunately would not last long. This portrait can give those studying eastern California borderlands a better idea behind the influential figure who is the namesake of the aforementioned creek and present day town and his legacy.

Another example that showcases the use of visual materials to study eastern California borderlands comes in the form of a photograph of Alney L. McGee (See Figure 5).[42] The McGee family were some of the first settlers in Owens Valley and, unlike Bishop, were a mainstay in this contested borderlands during and after the Owens Valley Indian War. The image below is a tintype photo depicting Alney McGee. He wears a hat with a buttoned shirt coat with one arm at his side while the other rests on his hip. The photograph is very old and faded but one can still make out a clear idea of its subject matter. While the date of this photograph is unknown, the exploits of Alney McGee are not. McGee was born in 1844. In 1861, the McGee family drove their cattle over Walker Pass in hopes of reaching Monoville near Mono Lake and Aurora. On their way, they were met by indigenous peoples who threatened to stampede their cattle if tribute was not given, but the McGees

Figure 5: Alney L. McGee, cattle rancher and Owens Valley Indian War Veteran.

[41] Chalfant, *The Story of Inyo*, 91.
[42] George L Garrigues, *Alnee L McGee: Pioneer, Indian Fighter, Cattleman* (n.p., 1993), I.

threatened them in return.[43] It is clear the McGees disregarded the power structure of indigenous rulers in Owens Valley in order to move their stock not just in this case, but throughout the war. Unaware that conflicts between Anglo Americans and Owens Valley Indigenous peoples had renewed in 1863, Alnee McGee and Jesse Summers, along with McGee's mother, Summers wife and daughter, and Charley Tyler were attacked by a band of over a hundred Paute on their journey from Aurora to Visalia, forcing the party into the Owens River where their wagon got trapped. All but Charley Tyler escaped the foray of bullets and arrows.[44] While there is a written record of many of the events that surround the McGee Family History, visual aids, such as this tintype portrait, are instrumental in aiding our understanding of these events that transpired in eastern California's borderlands by connecting past events with the very people who lived them.

Visual evidence can be used to not only remember the events of certain people, but places as well. This work by artist Aim Morhardt depicts one of the key seats of power held by the U.S. government during the Owens Valley Indian War, Camp Independence (See Figure 6).[45] This realistic watercolor print depicts a scene of the U.S. military in Owens Valley during the 1860s and 1870s during their deployment at Camp Independence. In the right foreground, there are two soldiers, one on horseback and another standing with a rifle. To the opposite side of the print, there stands another soldier dismounted from his horse. Between the soldiers on both sides stand two indigenous peoples. In the middle ground, there is a lone soldier striding towards Camp Independence, which can also be seen in the middle ground with its various buildings scattered throughout the grounds surrounded by a fence. In the background lies a towering mountain range. This work is far from being abstract. Camp Independence, also known as Fort

[43] Garrigues, *Alnee L McGee*, 11.
[44] McGrath, *Gunfighters, Highwaymen and Vigilantes*, 35-36.
[45] Cragen, *The Boys in the Sky Blue Pants*.

Independence, was a strategic military outpost in eastern California that was a place of safety and security for settlers and indigenous people alike in Owens Valley from 1862-1877.

One final example of photographic evidence of place that will be used to chronicle the history of eastern California borderlands during the Owens Valley Indian War is of a small black butte (See Figure 7).[46] Though unimposing, this site marked the anchor of the battle line of indigenous warriors, as well as the site of a indigenous village. In this black and white photo, taken by George Garrigues, a lone black butte can be seen in the left third of the composition surrounded by sagebrush. This image chronicles the site of a major indigenous victory at the Battle of the Ditch, as well as providing an excellent example of borderlands history that showcases Anglo American settlers of the United States fighting over land they believed belonged to them despite the fact an entire cultural group was already living there. [47]

Figure 6 (Left): Watercolor print of Camp Independence by Aim Morhardt.
Figure 7 (Right): Photo of Black Butte, site of the battle line during the Battle of the Ditch.

[46] Garrigues, *Alnee L McGee*, 105.
[47] Garrigues, *Alnee L McGee*, 105-107.

Eastern California Post Owens Valley Indian War

This third content area will examine how the linkages between the past and present rulers of eastern California, specifically examining indigenous peoples, Mexicans, and Anglo Americans, fostered a unique borderland that tested the limits of the U.S. military and law enforcement authority.

While the close of the Owens Valley Indian War and the re-establishment of military presence at Camp Independence seemed to mark an end to the power struggle in eastern California borderlands, Anglo Americans struggled for the next two decades to keep peace. In 1866, Inyo County was established from portions of Mono and Tulare counties, creating a vast new territory that attempted to turn these borderlands into its own proper locality.[48] However, despite the formation of this new county, local and national authorities failed to soothe the incoming problems on the horizon. The geographic isolation of Owens Valley and greater eastern California made it difficult for local law enforcement to hunt down criminals who committed felonies on a daily basis. Criminals flocked from all over to reap the spoils of the burgeoning economic capital coming from the mines of Eastern California. While Owens Valley was still a haven for ranchers and their herds, it was also about to see a major influx in miners in its surrounding mountain ranges than ever before.

In 1865, Pablo Flores, a Mexican miner, discovered rich deposits of silver ore in the Inyo Mountains east of Owens Lake, leading to the boom of one of California's biggest silver mines in state history, Cerro Gordo. Cerro Gordo didn't just become an economic hub of Inyo, producing an estimated $13,000,000 in its heyday, but an embodiment of the continued legacy of eastern California borderlands.[49] This boom town harbored a variety of different peoples, all of

[48] Chalfant, *The Story of Inyo*, 202-203.
[49] W.A. Chalfant, "Cerro Gordo," *The Quarterly: Historical Society of Southern California* 22, no. 2 (June 1940): 56, https://doi.org/10.2307/41167953.

which at one point or another claimed this region as their own. Anglo Americans, Mexicans, and Indigenous peoples inhabited the streets of Cerro Gordo. These individuals all fell victim to the power struggle in Owens Valley. Like many typical frontier towns in the late 19th century United States, violence and lawlessness was rampant at Cerro Gordo. A doctor by the name of Hugh K. McClelland made note of the different characters that were lured to this place: "Here were men who had fled from the vigilantes of Montana and Idaho, horse thieves from California valleys, renegade Mexicans who had been driven out of Sonora."[50] In addition, while it may seem that indigenous peoples were wiped from the territory, Major Harry Egbert of Camp Independence recorded that Cerro Gordo boasted a population of 150 indigenous peoples living either in or around it in the year 1870.[51]

The people who inhabited Cerro Gordo took full advantage of the lack of power and control of eastern California, shooting, killing, and robbing to their heart's content. On November 6, 1873, two Mexicans were killed by Antonio Mesa, a fellow countryman. A man by the name of Miranda claimed Mesa owed him five dollars. According to the *Inyo Independent*, after Miranda tried to grab the money from him, "Mesa told him to come in the street and he would pay him." After they both exited the dance hall of Mrs. Moore, Miranda drew his gun on Mesa but misfired, allowing Mesa to get two shots off, the first of which missed and struck a Mexican bystander in the head while the second ripped through Miranda's heart. Mesa was brought into custody but later discharged.[52]

Eastern California drew many outlaws to its plentiful lands, including the infamous "bandidos" Tiburcio Vasquez and Clodoveo Chavez. Both of these men took advantage of the

[50] Chalfant, "Cerro Gordo," 60.
[51] Cragen, *The Boys in the Sky Blue Pants*, 88.
[52] "Two men killed in Cerro Gordo," *Inyo Independent*, November 8, 1873, https://cdnc.ucr.edu/?a=d&d=II18731108.2.21&srpos=1&e=------187-en--20-II-1--txt-txIN-antonio+mesa-------; "Discharged," *Inyo Independent*, December 20, 1873, https://cdnc.ucr.edu/?a=d&d=II18731220.2.31&srpos=4&e=------187-en--20-II-1--txt-txIN-antonio+mesa-------.

geographical disparities of eastern California to evade law enforcement, as well as the U.S. military at Camp Independence. Vasquez and Chavez made a living robbing stagecoaches throughout central and southern California. Both Vasquez and Chavez knew of the riches that lay in eastern California at mining camps such as Cerro Gordo and Coso, located thirty miles south of the former, and became very much acquainted with the large Mexican and Californio populations of these locales. Vasquez and Chavez echo the ethnic makeup of much of eastern California's thriving borderlands mining towns and no doubt felt safe hiding among them. The bandits spent so much time in the town of Coso that rumors spread of their whereabouts and the Inyo County Sheriff was tipped off to their location by a Mexican miner.[53]

On February 25, 1874, the bandits robbed a stage coach at the Coyote Holes Station, approximately eighty miles south of Independence. Vasquez and Chavez attacked the station prior to the stage's arrival, shooting fifteen to twenty shots into the frame with their Henry rifles. From there, Vasquez ordered those inside to surrender, which they did. Shortly after all were outside, a man by the name of "Old Tex" drew his revolver on Vasquez, but was late on the draw and shot in the leg.[54] When the stage arrived, the bandits stole "about two hundred dollars in coin," eight horses (six from the stage and two from "the other parties"), a telescope, and a fancy silver watch.[55] One of the passengers was Mortimer Belshaw, an owner of the mines at Cerro Gordo. The robbers also attempted to rob the Wells Fargo express box, however Vasquez scattered its contents, a few law books and $10,000 worth of mining stocks, into the wind.[56]

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[53] John Boessenecker, *Bandido: The Life and Times of Tiburcio Vasquez* (Norman: University of Oklahoma Press, 2010), 271.
[54] "The Late Daring Robbery of Vasquez-Full Particulars," *Sacramento Daily Union*, March 7, 1874, https://cdnc.ucr.edu/?a=d&d=SDU18740307.2.33&srpos=2&e=------187-en--20-SDU-1--txt-txIN-vasquez+coyote+holes-------.
[55] "Vasquez Turns Up," *Daily Alta California*, February 28, 1874, https://cdnc.ucr.edu/?a=d&d=DAC18740228.2.29&srpos=1&e=------187-en--20--1--txt-txIN-tiburcio+vasquez+coyote+holes-------; Boessenecker, *Bandido*, 274.
[56] Boessenecker, *Bandido*, 274-275.

The men made it away without being harassed by the local law enforcement. While word reached Camp Independence about the robbery, it was too late for Captain McGowan, commanding officer of the 12th infantry at the military outpost, to do anything. The lack of easily traversable roads and the desolate wilderness of eastern California made it extremely difficult to track robbers. Although Vasquez was captured near Los Angeles a few months later and hanged in 1875, Chavez and other bandits thrived off the rich stage roads and stations of eastern California.[57] In late March 1875, at the Little Lake stage station, "Chavez and four of his banditti had gagged the proprietor of the station, together with three of his men, and after helping himself to all that he considered valuable, loaded four of the stage horses and went his way."[58] Stagecoach robberies, holding up tollkeepers, and horse stealing fell under the jurisdiction of the local law enforcement, totally skirting the authority of the U.S. military at Camp Independence, who could only go after bandits if their crimes had anything to do with indigenous people, the mail, or the U.S government. During these crime laden days, the 12th infantry's presence had a minimal effect at keeping the economic and personal interests of eastern California borderlands citizens safe. Whether bandits like Chavez knew of the aforementioned implications or not, it did not deter them from making their quick getaways on horseback into the surrounding landscape. The lack of control and power in eastern California, which led to countless robberies, shootings, and other crimes, rendered the U.S. military at Camp Independence as useless as smooth sandpaper.

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[57] "The Gallows," *San Jose Mercury*, March 20, 1875, https://cdnc.ucr.edu/?a=d&d=SJMN18750320.2.14&srpos=10&e=------187-en--20--1--txt-txIN-vasquez+death------.
[58] "Chavez Again on the Road," *Inyo Independent*, March 27, 1875, https://cdnc.ucr.edu/?a=d&d=II18750327.2.44&srpos=4&e=-------en--20-II-1--txt-txIN-chavez-------.

Visual Analysis of Eastern California Post Owens Valley Indian War

Similarly to the section about visual materials about the Owens Valley Indian War, post war Owens Valley and eastern California can be further understood using visual aids to remember and study people and places whose existence is often forgotten. An excellent example of this can be seen with the cover art of author, historian, and artist Robert C. Likes narrative *Looking Back at Cerro Gordo*. The painting, created in 2007, displays two rows of portraits above two wooden buildings (See Figure 8).[59] These buildings are the Billy Crapo house (left) and the American Hotel (right). The top row of portraits are not based on real life historical people, rather it portrays the different occupations of the people of the mining camp. These professions include a prostitute, a musician, miners, a gunfighter, and a blacksmith. The row below it includes the likenesses of five of Cerro Gordo's most prominent historical figures. From left to right are as follows: "Remi Nadeau of Cerro Gordo Freighting Company; Pablo Flores, the Mexican miner credited with discovering the first ore; Lola Travis, a prostitute and the owner of Lola's Palace of Pleasure; mining mogul Mortimer Belshaw; and Victor Beaurdry, Belshaw's mining mogul partner and general store owner."[60] This painting helps put into perspective the makeup of one of eastern California's most lawless towns and the very people who put it on the map. One important note about this work is that the portraits of Pablo Flores and young Lola Travis are renderings from the artist.

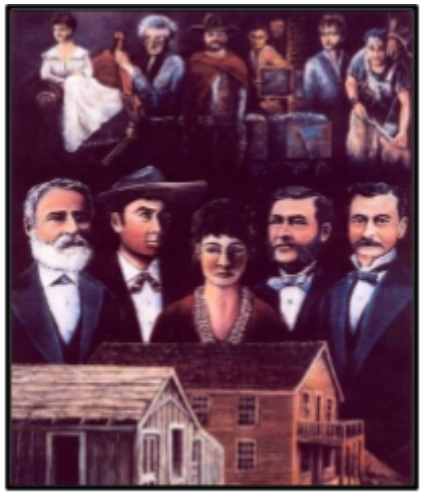

Figure 8: Robert C. Likes *Looking Back at Cerro Gordo* cover art.

[59] Cecile Page Vargo and Roger W. Vargo, *Images of America: Cerro Gordo* (Mount Pleasant: Arcadia Publishing, 2012), 9.
[60] Vargo and Vargo, *Images of America: Cerro Gordo*, 9.

Another important work that will be used to further study the history of eastern California's borderlands is this picture of Lola Travis (See Figure 9).[61] Travis was a prostitute and owner of a famous dance hall known as Lola's Palace of Pleasure. This black and white photograph shows Travis sitting down in a chair with her hand reaching for a cup on a table beside her. This is the only known photograph of Travis, taken when she was 80 years old and long after her time in the business of prostitution. Travis, like many others who lived in eastern California during the late 19th century, was no stranger to the lack of authority, violence, and lawlessness of the land. Doctor McClelland, as mentioned previously, once accompanied a drifter longing to go to one of Cerro Gordo's dance hall's to Travis' establishment. While there, a young Mexican girl disliked the fact that McClelland and the drifter were discussing her peculiar name, which happened to be The Horned Toad, and pulled a knife on the doctor. An Irish girl happened to be close by and stopped the girl from stabbing the doctor. However, the young Mexican girl's boyfriend tried to finish the job with his knife but was shot by Travis' business partner, George Snow, the second person who saved McClelland that night.[62] This story gives a glimpse into the wild life of the pictured Lola Travis, which was just one of many such accounts of life in eastern California's borderlands.

Figure 9: The only known picture of Lola Travis.

[61] Vargo and Vargo, *Images of America: Cerro Gordo*, 17.
[62] Robert C. Likes, *Looking Back at Cerro Gordo* (Pittsburgh: RoseDog Books, 2010), 24.

Conclusion

The early history of eastern California borderlands is often a forgotten part of California history and the larger consensus of U.S. history. Much like the first foreign overlords, who neglected the region's importance and even existence, this subject gets far less attention than is deserved. This borderlands case study, which deconstructs the notion of Anglo American superiority in the existing history of the region, can be used across the "American West." The notion of this dominance neglects the existence of indigenous peoples who ruled long before foreign incursion. It also fails to recognize the linkages of peoples beyond the scope of just one particular nation. Owens Valley and surrounding regions was not just a safe haven of white Americans and Europeans, but one mixed with indigenous peoples, Mexicans, and Californios. These remnants of past power structures of California can be clearly seen, taking advantage of the faltering U.S. military presence in the west. The lack of jurisdiction of the military to chase after bandits and put a stop to gunfights in combination with the ineffectiveness of law enforcement who had to patrol the second largest county in California led to a power structure that lacked the "bite to its bark."

Though an honest effort was made to conduct a thorough analysis of this borderland, there is still room for research. Greater attention should be given to later periods after the second abandonment of Camp Independence in 1877, as little of the research goes beyond this for this paper. An examination of borderlands during the 20th century would be a valuable addition to continued research into the 1880s and 1890s.

Upon the death of Sheriff Passmore, Inyo county faced a similar situation when Sheriff William L. Moore, who was 15 months into his second term as Inyo's sheriff, was gunned down in a saloon on July 3, 1879. Though stories such as these may appear to be taken from a John

Wayne movie, the struggle for power and neglect of authority in eastern California borderlands was a paramount issue that puts into perspective how little the infant United States grasped while expanding from sea to shining sea. The lack of *uti possidetis* and the cultural linkages of California's past and present power holders seen in this case study are applicable not only to eastern California, but for all of California History. The interactions between indigenous peoples, Spanish, Mexican, and United States governments, as well as the remnants of their existence can be seen to this day, proving that California is not just the thirty-first state in the United States of America, but an intrinsic and historic borderland.

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