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Contesting the commons: Race, ethnicity, class, occupation, and environment in Central Nevada, 1850-1880

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CONTESTING THE COMMONS: RACE, ETHNICITY,
CLASS, OCCUPATION, AND ENVIRONMENT
IN CENTRAL NEVADA, 1850-1880

by

Brian W. Frehner

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

in History

Department of History
University of Nevada, Las Vegas
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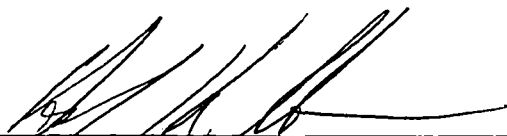
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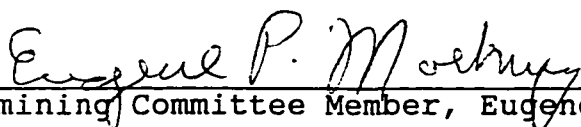
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ABSTRACT

This thesis tells a story of resource competition in central Nevada primarily between two groups--Shoshone Indians who inhabited the region for centuries and European Americans who arrived in the nineteenth century. Although people who competed for control of the region's piñon pine trees generally fell into either of these categories, the labels of Indian and European grossly oversimplify the diversity within each group. Both Shoshone and Europeans comprised a variety of sub-groupings that utilized resources in a distinct manner and for purposes that often differed from those of the larger population. A number of different Shoshone bands and families competed against each other for food resources but particularly for pine nuts. Among Europeans, a variety of different racial, ethnic, class, and occupational groups competed for the same timber resources. These included middle- and working-class Italian immigrants, upper class businessmen and industrialists, as well as miners. Conflict intensified among these diverse segments of the population and between Indians and Europeans as natural resources diminished.

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CHAPTER 1

INTRODUCTION

Environmental history figures prominently in the recent resurgence of interest in the American West because historians have recognized that contested relationships between the land and its various inhabitants serve as a defining experience within this region.¹ The way in which a group of people acquired control over common resources depended upon the complex interplay between a number of factors that often overlapped and changed over time. Groups that competed for the commons fall within one or more of a variety of categories, such as ethnic/racial, economic/occupational, urban/rural, and federal/local.² Garrett Hardin argues that any "commons" results in a tragedy, a term he uses to describe a resource open to public use or an issue, such as population control,

¹ Richard White, "Trashing the Trails," *Trails: Toward a New Western History*, 37, Patricia Nelson Limerick, Clyde A. Milner II, Charles E. Rankin, eds. (Lawrence, Kansas: University Press of Kansas, 1991); Patricia Nelson Limerick, *Legacy of Conquest: The Unbroken Past of the American West*. Limerick argues that western history has been an ongoing competition for legitimacy--for the right to claim for oneself and sometimes for one's group the status of legitimate beneficiary of Western resources."

² White, "Trashing the Trails," 37-8.

confronting the population at large. Technical solutions, Hardin argued, insufficiently address commons issues because they demand "little or nothing in the way of change in human values or ideas of morality."³ Hardin's call for a change in human behavior drastically oversimplifies the complex nature of resource control. While important, human values and morality contribute only partially to the historically derived power relations enabled one of the above-mentioned groups of people to wrest control of the commons from another.

Competition for resources in the southwestern portion of the Great Basin demonstrates this point. A number of different racial, cultural, and economic groups struggled to control common resources during the nineteenth century in the portion of the Great Basin encompassed by the state of Nevada. The first struggles over common resources occurred thousands of years ago between different prehistoric cultures, such as the Anasazi and Fremont. Approximately 2000 years ago, the To-Aztec culture migrated northward from Mesoamerica and played a pivotal role in the disappearance of these prehistoric groups by competing with them for the limited natural resources of the area. As the

³ Garrett Hardin, *Exploring New Ethics for Survival: The Voyage of the Spaceship Beagle*, "The Tragedy of the Commons," (U.S.A., The Viking Press, 1972; Reprint, Pelican Books, 1973, 1975, 1976, 1977), 251.

To-Aztec culture branched off into distinct cultural entities, a number of different inter-tribal conflicts between Shoshone and Paiute tribes as well as intra-tribal struggles among the Shoshone ensued that centered around control of common resources.

The arrival of European Americans represented the next attempt of a distinct cultural group to control the area's resources. Even after consolidating control over the area by disenfranchising the Shoshone and Paiute who descended from the To-Aztecs, conflicts ensued among diverse segments of the European American population for control over the commons. Representing more than merely a homogeneous group of "white" people, the sides battling for resources often broke down into a complex mix of ethnic, economic, and occupational interests. As an example, socially mobile ethnics in Eureka, Nevada attempted to protect their economic interests by joining with the town's elite to prevent working-class Italians from utilizing ethnic ties to assert control over timber resources. Miners opposed both of these groups to form an occupational alliance and ensure their access to timber. Ultimately, all the residents within Eureka lost control as the federal government stepped in to control the county's resources.

CHAPTER 2

SHOSHONE SUBSISTENCE

Encompassing most of Nevada, the western half of Utah, and small portions of Oregon, Idaho, and Wyoming, the Great Basin vies for the title of largest subregion within the American West. Bounded by the Sierra Nevada Mountains on the west and the Wasatch to the east, this central portion of the intermontane region evokes the image of a kitchen basin because its few rivers and streams drain internally, their access to the ocean blocked by the surrounding mountains. Although John C. Frémont intended to capture the distinctive character of this 210,000 square mile region with the name he provided, the image of a kitchen basin suggests a uniform topography that minimizes the area's geographic diversity. The Great Basin encompasses more than 90 smaller basins as well as approximately 160 mountain ranges running north to south, anywhere from 30 to 100 miles long and up to 10,000 feet in elevation.¹ The valleys and basins within this immense territory served as the dwelling places to native human inhabitants for thousands of years.

¹ Gloria Griffen Cline, *Exploring the Great Basin* (Norman: University of Oklahoma Press, 1963), 3-4.

Beginning in Mesoamerica, the Uto-Aztecan language entered the Great Basin around 1000 A.D. through the southern tip of modern-day Nevada and spread throughout many western states. As people continued to spread within the region, the language spread throughout all of Nevada and Utah, as well as large portions of California, Oregon, Idaho, Wyoming, and Colorado, eventually subdividing into three distinct dialects that anthropologists classify as the Numic languages. They are the Western Numic, spoken by Northern Paiutes; Southern Numic, spoken by Southern Paiutes; and Central Numic, spoken by Shoshone.² Although descended from common ancestors, as people continued to disperse their language grew apart to such an extent that each group distinguished itself culturally from the others. Despite differences among these three cultures, the struggle to survive within the Great Basin's harsh environment provided for a similar experience.

The reason that cultural distinctions emerged within this group may have to do with the fact that each of the Numic-speaking groups encountered preexisting inhabitants upon entering the Great Basin. Entering as a single culture and branching off into three, these groups spread throughout the Great Basin as well as most of the intermontane area

² Richard O. Clemmer, "The Pinion Pine: Western Shoshone Indians vs. the Bureau of Land Management," *Environmental History Review*, 9:2 (Summer 1985), 132.

between the Sierra and Rocky Mountains. They reached the northern edge of Nevada and Utah by about 1300 A.D. Archaeological excavations of southern and northern Nevada confirm that human beings inhabited the area as many as 12,000 years ago, very soon after humans crossed the Bering land bridge.³ Descriptions of these initial inhabitants remain sketchy at best, but archaeologists provide a clearer picture of the original people. Excavation of the Lovelock Cave uncovered traces of a prehistoric culture occupying northeastern Nevada from 2000 B.C. to 1400 A.D. Droughts throughout the thirteenth century coupled with "pressure" from incoming Northern Paiute resulted in the Lovelock culture's decline and eventual disappearance.⁴

A similar pattern occurred in southern Nevada as the Southern Paiute also displaced a prehistoric cultural group. Excavation of the Stuart Rockshelter seventy-five miles outside Las Vegas revealed that humans occupied the site as early as 2094 B.C. These first inhabitants were hunters and gatherers who descended from the southern California Pinto culture. Succeeding the Pinto from 300 to 700 A.D. was the Anasazi basketmaker culture whose descendants, the Pueblo, occupied the region from 700 to 1150 A.D. The Southern

³ Russell R. Elliott, with the assistance of William D. Rowley, *History of Nevada*, Second Edition, Revised, (Lincoln and London: University of Nebraska Press, 1987), 18-19.

⁴ *Ibid.*, 20-1.

Paiute who currently inhabit the region first arrived around 1000 A.D., 150 years before the Pueblo departed.⁵ Just as the Northern Paiute encountered an existing culture when they came to the region, so did the Southern Paiute.

The excavations of southern and northern Nevada reveal a centuries-long pattern of displacement of one aboriginal group by another. Although the Northern Paiute exerted some degree of "pressure" on the inhabitants they encountered upon moving into northeastern Nevada, excavations do not reveal the degree of conflict, if any, between preexisting aboriginal groups and the ancestors of those who inhabit the area today. What is probable, if not certain, is that the Southern and Northern Paiute who currently inhabit the region and have resided there for centuries were not its first inhabitants.

One aboriginal group's ability to displace another within the Great Basin hinged upon its ability to control natural resources. The Shoshone were the third Numic-speaking group to inhabit the Great Basin and their ability to persist required them to wrest control of resources from yet another preexisting cultural group. The Fremont culture inhabited all of Utah and half of eastern Nevada from approximately 300 B.C. to 1250 A.D. This group began cultivating food such as corn as early as 2500 years ago but

⁵ Ibid., 21.

predominantly hunted and gathered.⁶ Disappearance of the Fremont around 1250 A.D. coincided with the dispersion of Numic-speaking groups. Archaeological excavations reveal that Fremont and Numic cultures simultaneously occupied the area along the Utah/Nevada border for 100 to 200 years, the heart of modern-day Shoshone territory. Archaeologists postulate that competition between these two groups for the region's pinion pine nuts played a crucial role in the disappearance of the Fremont culture.⁷ Although enough dissimilarity exists between Numic groups to classify them as culturally distinct, their need to adapt to the Great Basin's harsh environment shaped these various native inhabitants similarly.

In addition to sharing a common linguistic tradition, the Shoshone, Southern Paiute, and Northern Paiute shared a uniform culture that resulted from subsisting in the same environment.⁸ Noted anthropologist Julian Steward argued

⁶ David B. Madsen, *Exploring the Fremont*, (Utah: Utah Museum of Natural History, University of Utah, 1989), 8.

⁷ *Ibid.*, 82-5. Madsen cites two other scholars who corroborate this view. They are Melvin C. Aikens, "Hogup Cave," *University of Utah, Anthropological Papers* 93; and Robert C. Euler, "Southern Paiute Archeology," *American Antiquity*, 29: 379-381. Madsen argues that as full-time hunters and gatherers Numic-speaking people were more adept at surviving within this region and, as a result, competed with and ultimately displaced the Fremont, 14.

⁸ Julian H. Steward, "Essays in Historical Anthropology of North America," *Smithsonian Miscellaneous Collection*, C, Vol. 100, (Washington: 1940), 454-504.

that the Great Basin provided for an essentially uniform culture despite some diversity among aboriginal inhabitants. Aridity was the most distinguishing feature of the Great Basin environment that influenced aboriginal culture. Water was so sparse that the location of streams and springs more than any other factor determined hunting and gathering practices. Water was necessary for human consumption but also because it determined where other food sources could flourish.

Shoshone subsisted on a diverse range of flora and fauna, but the confinement of these resources to a limited geographic area resulted in limited supplies. For example, the spruce-fir belt ranged from 9,000 to 11,000 feet. In addition to fir, spruce, and pine trees this floral and faunal belt contained sixteen species of grass, the seeds of which provided food for the Shoshone. Deer and mountain sheep also grazed on these grasses which attracted Shoshone to this elevation hunting for meat. The mahogany belt ranged from 7,000 to 9,000 feet. Of the twenty-four most abundant plant species within this belt, eleven served as food for the Shoshone. Although such a diversity of flora and fauna seemingly offered the Shoshone a plentiful food supply, this was not the case. The spruce-fir and mahogany belts yielded important food and attracted wild game but

covered only 0.8 percent of the state.⁹ Although productive, such a small geographic area was not sufficient to feed the entire Shoshone population, increasing the value of those resources growing over larger areas.

The location and quantity of food determined the social and economic structure of Shoshone culture as well as population density. Although Shoshone practiced communal hunting techniques, gathering food in large groups within this environment of limited resources proved inefficient by significantly decreasing the harvest. Such limited natural resources within the Great Basin prevented the Shoshone from organizing their culture around extended family or lineage groups.¹⁰ The region's ecology made it impractical, if not impossible, for groups larger than the family, or at most two or three families, to remain together throughout the year and function as an economic unit. Aridity and the resulting lack of flora required Shoshone to settle in such a disperse manner that vast stretches of waterless terrain supported only one person for every 100 square-miles of land. Even fertile regions required five square miles to

⁹ Julian H. Steward, *Basin-Plateau Aboriginal Sociopolitical Groups* Smithsonian Institution Bureau of American Ethnology Bulletin 120 (Washington: United States Government Printing Office, 1938; Reprint: Salt Lake City: University of Utah Press, 1970), 18.

¹⁰ Julian H. Steward, *Theory of Culture Change: the Methodology of Multilinear Evolution* (Chicago: University of Illinois Press, 1955), 102.

support a single person. The mean for the entire Shoshone territory was one person to twenty or thirty square miles.¹¹ Such disperse and limited resources also influenced population mobility.

Shoshone never roamed far from the pinion-juniper belt because it yielded their most important food, the pine nut. Although pinion and juniper trees grew abundantly throughout eastern and central Nevada, their total area covered a mere twelve percent of the state.¹² Limited to an elevation of 5,000 to 7,000 feet, pine nuts were almost nonexistent north of the Humboldt River.¹³ Indeed, the majority of the state was devoid of plant food and dominated by the sagebrush-yielding artemisia belt which covered 75.9 percent of Nevada.¹⁴ Geography and climate so limited the range of this valuable resource that in order to extract it individual Shoshone families converged on the pinion-juniper belt once a year as the nuts began to ripen.

Although limited to a relatively small percentage of their territory, Steward argues that pine nuts remained so plentiful that Shoshone typically did not feel compelled to

¹¹ Ibid., 103.

¹² Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 14-16.

¹³ Ibid., 153-54.

¹⁴ Ibid., 18.

assert ownership of pinion groves.¹⁵ Ownership served no practical purpose because the amount of nuts available was more than the local population could harvest in the ten-day to three-week harvesting period. In the event that the crop in a particular locale failed to yield a sufficient supply of nuts, these people "were welcomed, even invited" by other families to harvest at more plentiful sites.¹⁶ This somewhat utopian description of a cornucopian land of plenty whose inhabitants never competed for resources conflicts with the region's prehistory. It is curious that a people so limited by their environment and having so few options from which to choose would not have developed some form of protection over their most valued resource, particularly when that resource began to diminish.

Steward's utopian depiction of Shoshone communally sharing resources has influenced much subsequent literature this culture.¹⁷ As the first major study of the Shoshone people, Steward's work serves as the starting point for scholars conducting new research. Unfortunately, many have not overcome Steward's simplistic approach which presents

¹⁵ Ibid., 27.

¹⁶ Ibid., 27.

¹⁷ Steven J. Crum, *The Road On Which We Came: A History of the Western Shoshone*, (Salt Lake City: University of Utah Press, 1994)

Indian history as Beginning with European contact.¹⁸ Arguing instead how they lived "in harmony with the natural environment," current research deemphasizes conflict with surrounding tribes as well as among different Shoshone groups.¹⁹ Clearly, warfare over territory between Great Basin tribes was not as central to their experience as it was for tribes such as those on the Plains, but to deemphasize intertribal competition prior to contact ignores the region's prehistory and fails to consider how the physical environment necessitated a proprietary conception of resources.

The desire to acquire territory and resources often played a major role in conflict between different Indian tribes. Richard White argues that warfare between Sioux and other Great Plains tribes resulted from one group's desire to acquire territory and resources from neighboring tribes who refused to relinquish them. He divides anthropological writings on the subject of intertribal warfare into two camps. The first emphasizes the individualistic aspects of native American warfare and argues that the pursuit for

¹⁸ Ibid., 2. Crum argues that a distinctive aspect of Shoshone culture was "their peaceful way of life" which resulted in "no competition over land." Not only did all Shoshone peacefully coexist, but they "maintained cordial relations with their tribal neighbors, including the Numa (Northern Paiute) who lived to the west." Although "brief periods of ill feeling arose" over territorial disputes, "there was no organized warfare."

¹⁹ Ibid., 12.

glory and revenge motivated Indian conflicts but not the desire to acquire new territory. These scholars create a context in which intertribal warfare appears random and chaotic, "an almost irrelevant prelude to the real story: Indian resistance to white invasion."²⁰ The second camp suggests that economic and social gain resulting from the acquisition of resources such as furs, horses, and better hunting grounds motivated Native American warfare to a greater degree. This alternative approach deemphasizes the role that whites played in Native American history by stressing how intertribal conflict resulted largely from the need to acquire and defend territory and resources essential for survival.

A 19th-century Nevada newspaper article demonstrates how one observer attributed a conflict over resources between Shoshone and Paiute to an ingrained cultural hatred. The account described how Shoshone "stand in mortal dread of their Paiute [sic] brethren who have always imposed upon and tyrannized over them..."²¹ This characterization reflects what White believes to be the mistaken view that intertribal

²⁰ Richard White, "The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries," *The Journal of American History*, 65:2 (September 1978), 320.

²¹ Reese River Reveille, August 28, 1871; as cited in C. William Clewlow, Jr., Helen Fairman Wells, Richard D. Ambro, eds., *History and Prehistory at Grass Valley, Nevada*, (Los Angeles : Institute of Archaeology, University of California, 1978), 23.

warfare resulted from "some ingrained cultural pugnacity."²² Such accounts contributed to the characterization that Indians fought "mindlessly" for centuries. Conflict centered not a longstanding feud between ancient enemies but Shoshone resentment at the Paiute for "taking their territory, stealing their squaws and horses, killing their game, and pillaging their pine-nut groves."²³ Material resources lay at the heart of the dispute. Cultural distinctiveness among Numic-speaking groups arose when each felt pressed to maintain control of resources.

Culture serves as one of the mechanisms by which human beings coalesce to assert their claim to the commons. Each Numic group ensured its survival by undermining the preexisting inhabitant's control over resources. Although descended from common ancestors, cultural differences emerged between Shoshone and Paiute that likewise led these groups to delimit territory to include themselves and exclude the other. How and why these groups grew apart may have much to do with the physical conditions they encountered in the Great Basin. The diversity of the environment and its disperse natural resources structured aboriginal life in such a way that cultural diversity emerged over time. Evidence of this rests in the single

²² Ibid., 342.

²³ *Reese River Reveille*, August 28, 1871; as cited in Clewlow, Fairman Wells, and Ambro, 23.

mountain chain that serves as a physical barrier separating Shoshone and Paiute cultures.

Steward discovered the greatest degree of property rights among Shoshone and Paiute who resided closest to each other, suggesting that proprietary attitudes developed from each group's need to protect land and resources from encroachments by the other. Shoshone and Northern Paiute viewed one another as culturally distinct in part because the Paradise Mountain Range functioned as a barrier separating the two.²⁴ Property rights among the Shoshone settlements just east of this range and Paiute to the west was no coincidence. In addition to having an abundant water supply, the Reese River Valley was one of the most fertile areas in Central Nevada and the Shoshone settlement closest to the Northern Paiute who resided further west.²⁵ Situated on the periphery of the Shoshone cultural zone, the Reese

²⁴ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 100; Simpson reported that an Indian told him that the Toiyabe Mountains served as the "dividing boundary between the Pi-Utes and the Diggers [Shoshone] proper." Captain J.H. Simpson, *Report of Explorations Across the Great Basin of the Territory of Utah for a Direct Wagon-Route from Camp Floyd to Genoa, in Carson Valley, in 1859*. U.S. Army, Engineer Department, (Washington, 1876), 111; as cited in David H. Thomas, "The Colonization of Monitor Valley, Nevada," *Nevada Historical Society Quarterly*, 25:1 (Spring 1982), 14-15.

²⁵ Edna B. Patterson, Louise A. Ulph, Victor Goodwin, *Nevada's Northeast Frontier* (Western Printing and Publishing Company, 1969; reprint University of Nevada Press, 1991) Patterson, 42; Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 100.

River Valley would have attracted Northern Paiute wishing to expand their resource base eastward by expropriating this fertile territory, especially after the 1850s when the Comstock boom depleted their resources. Property rights generally did not exist within most Shoshone settlements except these, suggesting that a more proprietary stance toward land and resources developed in response to encroachments by the ethnically distinct Paiute.²⁶

If the Reese River Shoshone maintained property rights because their peripheral position left them vulnerable to encroachments by outsiders, the same was true of ethnically distinct groups that bounded Shoshone territory. Substantiating this point is Steward's finding that property rights prevailed among each Numic tribe surrounding the Shoshone. Southern Paiute to the south, Northern Paiute to the west, and the Bannock (or Snake River Shoshone) to the North were all Numic groups that bordered Shoshone territory and each maintained property rights.²⁷ Cultural differences emerged as a result of each group's need to claim a portion

²⁶ Steward recounts that "BG," a Humboldt River Shoshone, reported that "an ancient enmity existed between the Shoshoni and Paiute" and that they "continue to dislike one another." It is unclear whether this enmity is related to resource competition. Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 160. Elsewhere BG stated that Northern Paiute fought Shoshoni "without provocation" even in "pre-Caucasian times," 149.

²⁷ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 233.

of the commons to ensure its survival.

Just as property ownership developed in response to disputes over borderland territory between ethnically distinct groups, Shoshone who inhabited overlapping resource zones within their own cultural region also developed proprietary conceptions of land use. Steward argues that ownership of pinion groves was "impractical" among Shoshone because the territory that different families utilized overlapped and varied annually depending on the yield of a given crop.²⁸ Indeed, ownership would have been "impractical" as long as pine nuts remained plentiful because more pine nuts grew than people could harvest. As food supplies decreased, overlapping and variable territory exacerbated intertribal conflict as well as intratribal disputes between different Shoshone groups.

Steward found no evidence of property ownership among the majority of Shoshone groups because he failed to consider how diminishing food supplies changed attitudes toward land use. Basing his conclusion that there was "no competition" for vegetable foods on the notion that pinion seeds "fell to the ground so rapidly that people could not possibly gather all of them," Steward never considers whether people became more proprietary when yields decreased throughout the region.²⁹ He acknowledges that "everyone

²⁸ Ibid., 233.

²⁹ Ibid., 254.

went hungry" when the majority of pine nut crops failed and that this "was not uncommon" but never explores how hunger shaped Shoshone attitudes toward one another or toward the land.³⁰ If Pine Creek and Diamond Valley Shoshone shared resources "when the crop was good," they presumably refused to share when crops failed to produce.

Similar examples suggest that dwindling resources caused groups to become more proprietary toward their resources. Shoshone of the Ione Valley divided their pinion groves into village-owned tracts of approximately 100 to 200 acres, inviting others to gather only "if the crop were abundant."³¹ Visitors who gathered berries in Cloverdale and roots in the Great Smoky Valley could do so only with the permission of local residents.³² Conditional invitations such as these suggest that some form of ownership arose depending on the availability of food resources. As Euroamericans increasingly appropriated resources, competition increased between Shoshone and neighboring tribes but also between Shoshone groups who gathered in the same pinion groves. Deforestation exacerbated the Shoshone instinct to protect resources from Europeans but from each other as well. No longer could they visit the groves of another group as an alternative because

³⁰ Ibid., 254.

³¹ Ibid., 106.

³² Ibid., 106.

food supplies for all Shoshone had markedly decreased. No other factor could have provided more encouragement to protect one's food source than the threat of starvation.

Another reason Steward failed to detect widespread ownership of pinion groves resulted from his rigid definition of property rights. According to Steward, an individual owned only those resources to which he or she had applied effort but not those growing wild in nature. A family owned a seed plot that it had sown or the particular place where it had constructed a fish dam, but no one owned wild seed plots or pine trees they had not planted. .. Likewise, seeds or roots belonged to the person who had gathered them.³³ Steward concludes that this was a "rather obvious, simple, and practical concept, and it seems to have entailed a minimum of conflict."³⁴ Property rights were not nearly as simple or obvious as Steward contends, and his inability to understand their complexity minimizes the degree of conflict that actually existed.

Steward concluded that Shoshone typically did not view land and resources in a proprietary manner because he looked for signs of ownership as he conceived this concept. Although no band, village, or family owned actual pine-nut

³³ Julian H. Steward, "Culture Element Distributions: XIII Nevada Shoshoni," *Anthropological Records*, Vol. 4, No. 2, Berkeley and Los Angeles: University of California Press, 1941), 254

³⁴ Steward, *Theory of Culture Change*, 107.

groves among the Shoshone living in Pine Creek and Diamond Valley, "outsiders were welcome and even encouraged to come when the crop was good."³⁵ Steward's own wording reveals the proprietary manner in which they viewed their resources. That Shoshone inhabiting a particular locale considered others to be "outsiders" indicates that the group living closest to the groves presumed first right to the harvest. While Steward concedes that "habitual use" resulted in "exclusive rights to resources within bounded areas," he never considers this response evidence of actual ownership.³⁶ According to Steward, encroachment by outside groups never resulted in violence but trespassers were "driven off with words, if possible."³⁷ In another instance, a weather shaman protected his seed lands by producing a heavy downpour of rain and hail to drive away interlopers.³⁸ Incidents such as these indicate how Shoshone attempted to claim resources, an impulse that

³⁵ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 142.

³⁶ Steward, *Theory of Culture Change*, 108; Unlike Steward, William Cronon equates ownership with habitual use: "Southern New England Indian families enjoyed exclusive use of their planting fields and of the land on which their wigwams stood, and so might be said to have 'owned' them." William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England*, (New York: Hill and Wang, 1983), 62.

³⁷ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 106.

³⁸ *Ibid.*

probably piqued when food became scarce.

To take full advantage of their limited resources, Shoshone had very few locations from which to choose in establishing settlements. Families remained somewhat isolated throughout the year because of their need to function as an independent economic unit, but each fall brought a number of Shoshone families into contact as pine nuts began to ripen. The limited range of resources required Shoshone to inhabit two different settlements each year depending on the season. Each winter individual families clustered on the margin of the pinion-juniper belt and sagebrush flats.³⁹ Constructing settlements between these two regions provided them with access to two resources, groves of pine nuts in the mountains and running springs of water on the valley floor.⁴⁰ Drawn to this resource-rich region by the need to acquire as many nuts as possible for the remainder of the year, no single village or organized community emerged as all families spread out to gather individually. Although such gatherings provided numerous opportunities for social interaction, formalized

³⁹ David Hurst Thomas, "Historic and Prehistoric Land-use Patterns at Reese River, Nevada *Historical Society Quarterly*, Vol. xiv, No. 4, Winter 1971, 4.

⁴⁰ David Hurst Thomas and R.L. Bettinger, "Prehistoric Pinon Ecotone Settlements of the Upper Reese River Valley, Central Nevada," *Anthropological Papers of the American Museum of Natural History*, (New York, 1976), Vol 53 Part 3, p. 4.

rituals were necessary to eliminate conflict over resources in this borderland zone.

Richard White describes how tribes separated by borderland or "neutral" zones often contested each other's claim to this peripheral territory. Borders dividing tribes were never firm, particularly when valuable resources lay between them. Hunters demonstrated an increasing reluctance to search for prey on the land separating conflicting tribes because warfare increased the danger within this indeterminate zone. The lack of hunting transformed this land into a refuge for animals fleeing each tribe's traditional hunting grounds. As the number of animals within the neutral zone increased, so did hunting prospects and thus the desire of each tribe to acquire this adjacent territory.⁴¹ The pinion-juniper belt functioned as a borderland zone that separated different Numic tribes but also different Shoshone families and bands.

Shoshone pinion groves functioned as a borderland zone in much this way. Because each pine nut harvesting season only lasted from ten days to two weeks, residing there permanently served no purpose. Once the season began, though, different Shoshone families from outlying regions converged on the same grove. According to Steward, conflict was minimal if not absent because more pine nuts ripened in the short harvesting period than Shoshone could gather.

⁴¹ White, "The Winning of the West"

Given the abundance of resources, Steward argues, ownership of groves served no practical purpose within Shoshone culture.

Different Shoshone bands very likely competed for resources even before Euroamericans occupied the territory. Northern Paiute resided west of the Shoshone and the Humboldt River delimited the boundary of their territory to the north. This region north of the river lacked significant pinion groves. The Tosawhihi band, or White Knives, ranged along the Humboldt River and its northern tributaries, occupying this pine-nut deficient region.⁴² While the Battle Mountain area remained their primary dwelling place, the band travelled to Idaho in the North where they traded with Bannocks, Flatheads, and Nez Perce, and as far south into the central Nevada towns of Austin and Eureka.

If trade lured the White Knives north, the opportunity to benefit from the most fertile pine nut orchards likely drew them south. Evidence of tension between the White Knives and other Shoshone bands confirms this point. Because the White Knives were the first to settle at the Duck Valley reservation on the Nevada/Idaho border, the Temoke band of northeastern Nevada was reluctant to settle there. The reasons for Temoke animosity may have stemmed

⁴² Patterson, *Nevada's Northeast Frontier*, 55.

from a long time resentment at having to defend its fertile pine nut lands from the less fortunate White Knives.⁴³

That some form of political organization to mediate between people and resources was necessary to prevent conflict indicates that the Shoshone were proprietary even prior to the arrival of Euroamericans. Political and social organization was so tenuous that no single individual possessed sufficient authority to warrant use of the term "chief."⁴⁴ A centralized political figure was entirely absent in small villages, but larger villages entrusted a headman with some degree of authority. His primary responsibilities included staying informed about the ripening of plant foods in different locations, disseminating this information to others, and designating where each group gathered if a number of families traveled to the same pine-nut area.⁴⁵ The headman did not retain absolute authority and he directed only those who chose to cooperate, but his presence reaffirms that an intermediary was necessary to prevent conflict even when pine nut supplies remained plentiful.

Just as a headman mediated between people and resources in the pine-nut groves, the same was true among tribes

⁴³ Crum, *The Road On Which We Came*, 38.

⁴⁴ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 247.

⁴⁵ *Ibid.*

further north who relied upon fishing as their primary means of subsistence. One observer noted in 1851 that the "paucity of game" in Southern Idaho among Snake River Shoshoni was "the cause of the almost entire absence of social organization among its inhabitants." The lack of resources did not require the existence of a social or political entity to mediate between people and resources. Only "during Salmon times" when people gathered near rivers to harvest fish did "some little organization" emerge as a chief "occasionally gives directions as to times and modes of fishing." The chief derived his authority by preserving order in the process of resource extraction.⁴⁶ His presence indicates the proprietary impulse that existed toward resources even before contact with Euroamericans. These particular Shoshoni "had no interest of property requiring organization to protect it, except that of the Salmon fisheries..." because fish, rather than pine nuts, were their most valuable resource. A plentiful supply of resources did not always eliminate competition but in fact required some form of political organization to prevent conflict.

⁴⁶ Henry R. Schoolcraft, *Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States, Part 1* (Philadelphia, 1851); as cited in Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 209.

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CHAPTER 3

COMING OF THE EUROAMERICANS

The incursion of Europeans into the Great Basin exacerbated the proprietary impulse that had always been present in Shoshone culture. Shoshone responded proprietarily because the availability of resources was the primary concern among the first Euroamerican explorers to trek through the Great Basin. Probably the first to encounter the Shoshone was Jedediah Smith who entered the region in 1827, observing that the people were the "most miserable of the human race having nothing to subsist on (nor any clothing) except grass seed, grasshoppers, etc."¹ Smith made his reasons for exploring the Great Basin clear in a letter to General William Clark, the man who made up half of the famous Lewis and Clark duo. What captured Smith's attention was that the region was "completely barren and destitute of game."² James H. Simpson explored the area

¹ As cited in Crum, 13.

² Marice S. Sullivan, ed., *The Travels of Jedediah Smith* (Santa Ana, California: 1934), p. 165; as cited in Thomas and Bettinger, "Prehistoric Pinon Ecotone Settlements of the Upper Reese River Valley, Central Nevada," *Anthropological Papers*, 8.

in 1859 and was also concerned about natural resources, particularly those along the Toiyabe range which separated the Shoshone and Paiute. Simpson described the "luxuriant" fields of willow and grass as well as the ducks that frequented a lake in the area. Simpson stated clearly why resources were so important: "Should it ever become necessary to establish a post, say near the entrance of Won-a-ho-nupe (Simpson Park) Canon the grass, water, and timber of this mountain range would be amply sufficient."³ While curiosity and adventure may have motivated each of these explorers to some extent, locating resources for later settlement was their primary concern.

The 1828 expedition of Peter Skene Ogden demonstrated the impact on resources that would mark later Euroamerican expansion into the region. Ogden's employer, the British-owned Hudson's Bay Company, instructed him to carry out a scorched earth policy by trapping all the beaver along the Humboldt River before American fur trading companies could do the same.⁴ Competition between European and American commercial interests eliminated the entire population of

³ Simpson, *Report of Explorations*, 77; as cited in Thomas, "The Colonization of Monitor Valley, Nevada," *Nevada Historical Society Quarterly*, 12.

⁴ Crum, 13; Larry S. Kobori, et.al., "Great Basin Occurrence of a Southwestern Dental Trait: The Uto-Aztecan Premolar," *Nevada Historical Society Quarterly*, 22:4 (Winter 1980), 247-48; Cline, 118; *Newe: A Western Shoshone History* (Reno: Inter-Tribal Council of Nevada, 1976), 15. All these authors describe Ogden's trip.

aquatic fur-bearing animals along the Humboldt River.⁵ Stock animals accompanying the expedition trampled and grazed upon grasses that the Shoshone needed to subsist, foreshadowing how later Euroamericans would alter their resource base. The differences in the way that these explorers conceived of the environment elicited a timely response from the Shoshone.

The Battle Mountain Shoshone quickly comprehended the impact of trapping on their economy. Ogden hinted at their concern in observing that "the banks of the river are now lined with Indians." The turnout was so great because "they are now convinced we are come merely to wage war on the beaver, and this I trust we shall do most effectually."⁶ In addition to showing up en masse, approximately 200 Shoshone visited the expedition's camp and stole their beaver traps.⁷ When Ogden and his men moved 100 miles east near the South Fork of the Humboldt River, the Shoshone there also stole the expedition's traps. These thefts served a practical as well as symbolic purpose. Without the traps, the expedition obviously could not deplete the beaver population as

⁵ Omer C. Stewart, "Temoke Band of Shoshone and the Oasis Concept," *Nevada Historical Society Quarterly*, Volume 23, Winter 1980, No. 4, 246.

⁶ Peter Skene Ogden, *Peter Skene Ogden's Snake Country Journals*, 1827-1828 and 1828-1829, p. 109. As cited in Newe, p. 15.

⁷ Newe, 15.

efficiently. More importantly, the thefts demonstrated the manner in which Shoshone had always delimited the boundaries of their territory. Encroachments by competing Paiute or other Shoshone groups prompted a similar response in the past. The only difference was that now they competed with individuals of another race. Disputes over how to utilize the environment within the Great Basin initiated territoriality, creating cultural divides as people turned inward to segregate themselves from competing groups.

If stealing traps did not sufficiently delimit their territory, Shoshone employed the strategy of simply refusing to interact with subsequent trapping expeditions. Ogden observed a noticeable change in Shoshone attitudes upon his return visit. While they had initially been curious about the men and their "strange machines," Ogden noted that they tended to stay away when he returned to the region. Shoshone employed the same tactics when Joseph Walker's fur trading expedition entered the region in 1833. Once Walker began trapping beaver, the Shoshone crept along the river banks at night to take his traps and make their claim to the territory.⁸ Although Walker arrived five years after Ogden, Shoshone recalcitrance had not diminished. The expedition "knew there were great numbers [of Indians] in the neighborhood" because they "frequently" encountered trails and observed "their fires rising in various parts of the

⁸ Ibid., 17.

vast landscape." Despite evidence that the Shoshone resided close by, "scarcely ever were any of them to be met with."⁹ Shoshone understood that they were confronting a different conception of property and control of the environment, a conception that directly threatened their survival. Their refusal to interact indicates how competing claims to the commons gave rise to cultural divides.

Despite the Shoshones' brief albeit negative encounters with the Ogden and Walker expeditions, this interaction stimulated property ownership of another kind. All previous accounts describe Shoshone theft of the beaver traps as a defensive maneuver intended to preserve resources. Even though curiosity "about the men and their strange machines" prompted Shoshone to visit the Euroamericans' camps "in great numbers," none of the sources consider the possibility that stealing the traps was an attempt to acquire technology that they could use to their own advantage.¹⁰ However unlikely this theory may appear, the acquisitiveness Shoshone displayed in acquiring the horse from both the Ogden and Walker expeditions supports this claim.

If the allure of beaver traps evoked a proprietary impulse among Shoshone, their attempts to acquire horses

⁹ Washington Irving, *The Adventures of Captain Bonneville*, Edgeley W. Todd, ed., (Norman: University of Oklahoma Press, 1961), 281; as cited in *Newe*, 17.

¹⁰ *Newe*, 16.

demonstrated an even greater degree of acquisitiveness. When one Shoshone man asked for a horse as payment for his assistance in leading the Ogden expedition to buffalo, the trappers beat the man and sent him away on foot. Despite such abusive treatment, he returned the following day to resume his duties as buffalo guide.¹¹ Why he risked another beating by returning to assist the strangers who depleted the region's resources remains unclear, but the lure of acquiring a horse offers a probable explanation. Perhaps the guide believed that the eight buffalo Ogden's party eventually killed were a fair price for a horse.

Such an example demonstrates how the allure of new forms of property such as the horse compelled otherwise reluctant Shoshone to interact with Euroamericans even though these encounters tended to result in some degree of conflict. The desire for horses became so strong among Shoshone that it bridged the gap between competing cultures and their conflicting claims to the commons. Even if initially reluctant to interact with Euroamericans, acquiring property required them to initiate contact to bargain with the strangers. George Nidever, a member of the Walker party, explained that although initially recalcitrant, the Shoshone "became very bold and at last offered to let us to go through their country unmolested if

¹¹ Ibid., 15-16.

we would give them our horses and meat."¹² Nidever's comment reveals a marked change in Shoshone behavior. Recognizing the advantages the animal could provide, Shoshone became emboldened in an attempt to acquire it. Such behavior casts doubt on the assertion that the similarly bold act of stealthily crawling along the river bank at night to steal beaver traps was intended solely for preserving resources.

Other examples support the point that the desire for material goods and new forms of technology initiated contact between cultures. Because both groups equally valued commodities such as the horse, they did not flow solely from Euroamericans to Indians. In 1840, a mere seven years after requesting horses from the Walker party, herds had grown large enough that Shoshone entered the camp of the Bidwell expedition to sell three horses. The following day they returned to sell some berries.¹³ In another encounter with Shoshone near Pilot Peak, Bidwell reported that an elderly Indian man approached the expedition to recount a vision in which "the Great Spirit" had spoken to him, telling him that he would encounter "some strange people who would give him a

¹² George Nidever, *The Life and Adventures of George Nidever [1802-1883]*, William Henry Ellison, ed., (Berkeley: University of California Press, 1937), 33; as cited in Crum, 17.

¹³ Charles Kelly, "The Salt Desert Trail," *Utah Historical Quarterly*, 3, No. 2 (April 1930), 64-67; as reported in Newe, 18.

great many things."¹⁴ The desire for "things" that the old man's vision revealed was not new to Shoshone culture. Whether they desired pine nuts, beaver traps, or horses, the Shoshone displayed a very natural proprietary impulse to provide for themselves and secure their existence in an often unpredictable and harsh environment. The willingness of Shoshone to cross the cultural gap separating them from Euroamericans is reminiscent of their willingness to enter borderland territories and assert their claim to land and resources.

Although the horse initiated contact between Indians and Euroamericans, once acquiring it Shoshone utilized it to their advantage in reasserting their claim to the commons. Two weeks after his encounter with the old man, approximately eighty to ninety Shoshone approached Bidwell in the northeastern corner of Nevada near present-day Wells. Clad in buffalo robes and "well armed with guns and bows and arrows," the Indians rode "full speed from the W., many had horses."¹⁵ The expedition was so frightened that "the whole band of savages was suffered to come directly up to us, and almost surround our camp, when B. Kelsey showed by forcible

¹⁴ Kelly, 48-49; as reported in Newe, 19.

¹⁵ John Bidwell, "A Journey to California," Wednesday, September 22, 1841; as cited in Charles Kelly, "The Salt Desert Trail," *Utah Historical Quarterly*, Vol. 3, No. 2, April 1930, 51-52.

gestures, they would be allowed to proceed no further."¹⁶ Approaching Shoshone engendered fear within the expedition, but the impulse to respond with "forcible gestures" conflicted with Bidwell's assessment only one month prior to encountering any Shoshone that "they are friendly."¹⁷ As Shoshone increasingly understood the threat that Euroamericans posed, they responded as they had toward other Indian groups, such as the Paiute, as well as toward one another. With the benefit of horses and guns, Shoshone could assert their claim to the commons in a more efficient manner.

Guns and horses enabled Shoshone to defend the commons against incoming Euroamericans but also enhanced their ability to assert their claim to resources in the indeterminate zone separating them from tribes to the east. Based upon this confrontation, Bidwell concluded that "they were not a little acquainted with warfare."¹⁸ In fact, he believed Shoshone had received extensive schooling in warfare, "for they undoubtedly visited the buffalo country (having many robes) which requires much bravery to contend with the Blackfeet and Chiennes [sic], who continually guard the buffalo in the region of the Rocky mountains."¹⁹

¹⁶ Ibid., 52.

¹⁷ Bidwell, August 17, 1841; as cited in Kelly, 44.

¹⁸ As cited in Kelly, 52.

¹⁹ As cited in Kelly, 52.

Shoshone did not hunt buffalo on a large scale until they acquired the horse.²⁰ Guns and horses enhanced their ability to compete against Euroamericans as well as with other Native Americans. Acquiring horses enabled Shoshone to compete more aggressively for control of borderland territory separating them from Plains tribes further east.

The horse altered the economy and culture of those who possessed it in such a significant manner that tribal distinctions emerged among the Shoshone. Although descended from common ancestors, the Northern and Western Shoshone divided into distinct tribal entities because of the different way that each utilized the horse. Residing in the arid portions of Nevada, Western Shoshone remained primarily seed gatherers because the lack of grazing grounds in the environment they inhabited increased the difficulty of caring for horses.²¹ Located further to the north and east, the physical environment that Northern Shoshone inhabited was better suited for grazing. The horse enabled Northern Shoshone to drift toward the Plains to hunt when bison became extinct west of the Rockies.²² Claiming the commons in such a different manner initiated a cultural gap in much

²⁰ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 33.

²¹ *Ibid.*, 235.

²² Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 46.

the same way that Shoshone and Paiute developed tribal distinctions despite their common roots. Differences in their environments provided for less competition between Northern and Western Shoshone, but acquiring the horse initiated a similar cultural divide.

If the horse initiated tribal distinctions between Western and Northern Shoshone, homogeneity diminished within Western Shoshone culture as kinship groups who acquired the horse enjoyed advantages over those who did not. Sharing the same hunting and gathering economy for centuries provided Western Shoshone with an essentially uniform identity, but the families and kinship groups who first acquired the horse almost immediately increased their capacity to hunt game and gather plant foods. Utilizing the horse enabled them to gather nuts more effectively by covering a wider range of territory. Settlement in winter camps situated near productive nut groves had been necessary in order to ensure a winter store prior to acquiring the horse. By increasing their mobility, the horse eliminated the need to settle in winter camps.²³ Greater mobility also made them less vulnerable to bad crops.²⁴ If the crop in a particular area yielded a poor supply of nuts, the horse enabled Shoshone to respond quickly by seeking out more plentiful groves rather than starving. Nuts probably became

²³ Ibid., 232.

²⁴ Ibid.

an even larger part of the Shoshone diet because the animal ensured a more consistent and efficient harvest.

Just as the horse enhanced their ability to gather nuts, greater mobility resulted in more efficient game-hunting practices. Prior to acquiring the horse, a large number of Shoshone gathered on foot to take part in communal antelope drives. Egan recounts a typical example in which Shoshone in the aptly named Antelope Valley constructed a corral approximately two miles long from sagebrush, cedar trees, and rocks.²⁵ Twentymiles away, a number of men and women spread out and walked slowly back toward the corral, gradually decreasing the distance between them to steer the antelope toward an opening at one end.²⁶ Only the most able-bodied people participated in this physically demanding task.²⁷ If an antelope attempted "to pass around the drivers, a buck or squaw is sure to raise to his feet, and that sends them off to the center again."²⁸ The drivers' speed was crucial to the hunt's success. By the time they

²⁵ *Newe*, 9.

²⁶ *Newe*, 10. Although the tribal history says that "only the most physically fit men took part in the drive," Egan's first-hand account contradicts this statement in that he describes women driving antelope as well.

²⁷ *Newe*, 10.

²⁸ Major Howard Egan, *Pioneering the West*, 1846 to 1878, William M. Egan, ed., (Salt Lake City, 1917), 235-241; as cited in Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 35.

reached the corral, the Indians were "all on a fast run, yelling like a pack of coyotes." After chasing antelope for twenty miles or more, "the drive came to an end with a rush and everyone working desperately closing up the entrance."²⁹ Although they utilized this technique effectively, antelope could not serve as Shoshones' primary food supply because they did not exist in significant numbers.

The effectiveness with which Shoshone hunted antelope coupled with already sparse herds significantly depleted antelope populations to prevent them from ever becoming more than a secondary food supply.³⁰ On average, herds typically numbered about one hundred but could grow as high as three hundred, but the antelope population must have been significantly lower at the time that Egan observed the drive.³¹ He reported that they killed only twenty five animals were killed, but "the last drive before this one at this place was nearly 12 years ago and the old men never expected to see another at this place, for it would take many years for the animals to increase in sufficient numbers

²⁹ Steward, Basin-Plateau Aboriginal Sociopolitical Groups

³⁰ Hurst and Steward both make this point. The herds were so small that "it is clear that a single area could not host annual antelope drives, since hunters had to wait for the herd numbers to increase to economically viable proportions." (Thomas 161)

³¹ Ibid., 34.

to make it pay to drive."³² If hunting by foot seriously threatened the antelope population, introduction of the horse must have devastated it.³³

The horse so markedly enhanced Shoshone's ability to hunt that it transformed their traditional antelope drive. Rather than constructing a corral, approximately ten people on horses and five or six on foot "formed a very large circle" around an antelope herd. The technique differed somewhat but the objective was the same--"to keep them in the circle and on the run all the time and not allow them to rest."³⁴ Utilizing multiple horses enabled Shoshone to tire the antelope more easily. After they "had been kept running back and forth till they were very tired, a man would chase one on a fast run and, as he neared, another man would stop to rest his horse." While the first horse was resting, "the second man could run his horse alongside the antelope easily" until the animal slowed enough to provide the rider

³² Egan, as cited in Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 35.

³³ Thomas argues that "almost all of the herd was killed." This "cultural practice of nearly decimating entire herds must have placed severe stresses on pronghorn population numbers," David H. Thomas, "An Empirical Test for Steward's Model of Great Basin Settlement Patterns," *American Antiquity*, 38:161. Thomas' account differs somewhat from tribal histories that state that "they killed some and turned the remainder loose. The Newe never killed more animals than they needed," Newe 10.

³⁴ Egan, as cited in Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 36.

with a clear shot. Egan took part in the drive by acting as the "second man" who rode next to the antelope and "shot him at a distance of about 8 or 10 feet." The horse by itself significantly increased Shoshone hunting efficiency and, when combined with the gun, antelope never stood a chance.

The increased effectiveness of Shoshone who had acquired commodities such as guns and horses placed them in direct competition with other Shoshonean groups who lacked these tools. Because the horse increased the efficiency with which Shoshone gathered pine nuts and hunted antelope, it quickly became a valued commodity. In fact, horse-owning became so integral to subsistence that those with horses retained a distinct advantage over those without them.³⁵ Some degree of tension over resources had always existed among Shoshone groups and the horse only made these differences more pronounced. Whereas one group may have been more welcoming of another in a particular pine grove in the past, this was no longer the case.

Horse ownership became so important to Shoshone subsistence that social distinctions became more pronounced between those who owned them and those who did not. Introduction of the horse significantly altered but did not

³⁵ White describes how the Pawnee adopted the horse as a "peculiar form of property" that ultimately "became essential for production." Richard White, *Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaw, Pawnee and Navajo*, (Nebraska, 1983), 180.

transform Shoshone culture. Just as the horse "took on meaning only within Pawnee culture," Shoshone integrated the animal into preexisting practices rather than altering their lives to accommodate it. Thus, the horse exacerbated rather than initiated divisiveness and conflict, but as with the Pawnee, "it did so along certain preexisting fault lines."³⁶ Egan hinted at the emerging socioeconomic divisions that occurred because of horse ownership as he observed that antelope drives by foot still occurred, but "mostly in the desert valleys, where the poor horseless natives live." Horse ownership became so crucial to subsistence that Egan equated "horselessness" with poverty.³⁷ His statement underscores the manner in which horses made band and family divisions more distinct within Shoshone culture, much as it did among the Pawnee and other Native American groups.³⁸ The emerging class stratification precipitated by the horse indicated that Shoshone had begun to delimit resources and land within their own territory to exclude other Shoshone.

³⁶ Ibid., 188.

³⁷ As cited in Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 36.

³⁸ White describes the way in which the horse initiated change among the Pawnee by introducing new forms of status and prestige: "In a way no other possession did, horses began to denote wealth and created the beginnings of a social standing somewhat apart from the older distinctions of birth, knowledge, and skill. Horses were personal property, and they remained unevenly distributed," White, 180.

Acquiring a herd of ponies denoted varying degrees of wealth, but even more importantly, this newest form of property ensured a family's security by preserving its access to resources.³⁹

Although Shoshone did a better job than Euroamericans of managing resources within the region, determining responsibility for the depletion of resources is not always an easy matter. To understand the impact that Euroamericans had on individual Shoshone communities within Nevada and on its periphery, one must view contact within the larger context of Euroamerican expansion. The discovery of gold in 1848 at Sutter's Mill lured tens of thousands of people westward with dreams of striking it rich, and in order to reach their destination would-be miners and other settlers travelled through the heart of Shoshone territory. In the first two years alone, approximately 100,000 people migrated to California.⁴⁰ Although the rush eventually diminished, discovery of the Comstock Lode in 1859 pulled settlers eastward to Nevada. Between approximately 1860 and 1880, a number of other Nevada mining booms in towns such as Austin, Belmont, Ely, and Eureka dispersed Californians as well as additional settlers from other states throughout Nevada.

³⁹ Among the Pawnee, "a rich family might have twenty or more, while a poor family had two, one or none," White, 180.

⁴⁰ *Newe*, 24.

Each of these booms brought Euroamerican immigrants from elsewhere in the United States and the world to seek better opportunities.

By suggesting a self-contained community, the word "boomtown" obscures the disperse nature of settlement within a mining district and how activities within them spilled over to the hinterland between each Nevada town. In order to accommodate this new conception of land use which differed so markedly from the way in which Shoshone constructed their environment, Euroamericans linked towns together by constructing roads to haul supplies in and lowgrade ore out for processing at a distant location.⁴¹ The toll road linking the towns of Austin and Belmont provides an excellent example of how settlement within urban locales reached out to the hinterland between them. Although the road alone altered the landscape to a significant degree, the activity that accompanied the road more seriously disrupted Shoshone subsistence practices.

The Stonebarger Toll Road linking Austin and Belmont

⁴¹ James Merrell describes how roads functioned as one of many devices Euroamericans used to alter their environment and accommodate their needs rather than transform themselves to their surroundings: "Planters headed into the upcountry intent on changing the landscape rather than themselves. They dreamed of making the piedmont into a place of plowed fields and wooden fences, of mill ponds and wagon roads," James H. Merrell, *The Indians' New World: Catawbas and Their Neighbors from European Contact through the Era of Removal*, (Chapel Hill and London: The University of North Carolina Press, 1989)

signified the profound alterations that the massive infusion of people and buildings made upon the landscape. Because Stonebarger's road was "destined to become one of the most important thoroughfares of the State," a number of "stations are in course of construction at convenient intervals to service teamsters and other travellers." To lure those more inclined to travel in comfort, "Mr. Stonebarger is also engaged in building a substantial hotel and barn for the accommodation of the travelling public."⁴² In the event that massive snowfalls obstructed the passage of wagon teams upon the road, "working parties will be kept upon it constantly" so that "a force will be at hand to accomplish its immediate removal."⁴³ In addition to populating the hinterland with traffic and buildings, the toll road provided access to hinterland resources. Prior to the construction of service stations, travellers with horses could "already procure forage at several points upon the road." Although the number of mining towns springing up throughout northern and central Nevada at this time drove Indians to the hinterlands, they could not retreat to the hills in safety because they felt the effects of

⁴² *Reese River Reveille*, November 19, 1866; as cited in Thomas, "The Colonization of Monitor Valley, Nevada," *Nevada Historical Society Quarterly*, 23.

⁴³ *Ibid.*

Euroamerican settlement there as well.⁴⁴

The toll road and accompanying settlements demonstrate how competition for resources between Euroamericans and Shoshone reflected their conflicting notions of environment and the role it played in each group's culture. Both exhibited the human tendency to inscribe the landscape in a manner that accommodated their culture.⁴⁵ Property rights arose among Shoshone when "outsiders," whether Paiute, or even other Shoshone, threatened their resources. The emergence of a proprietary impulse reflected their need to conceive of their surroundings in a manner that secured their survival. Euroamericans entered the region with a different and competing conception of resource use that threatened to reorder the environment in the manner best suited to ensure their survival. Competition between these paradigms throughout Nevada reveals a pattern in which Euroamericans reordered the landscape to accommodate their

⁴⁴ William Cronon's *Nature's Metropolis* is the definitive work on the relationship between urban metropolis and rural hinterland, but Cronon does not explore how the relationship between core and periphery impacted native inhabitants. William Cronon, *Nature's Metropolis: Chicago and the Great West*.

⁴⁵ Merrel argues that "Indians were not a people that are contented with Nature as they find her." In fact, the practice of reshaping environment to suit their needs they viewed as "provocative." The upland territory Merrel describes was "far from a tabula rasa on which newcomers could make their mark" because it "bore native American signatures that colonists erased before scrawling in their own," Merrell, 170.

lifestyle and in the process disenfranchised Indians.

Grass Valley, which lies about twenty six miles northeast of Austin, provides another example of the way that the effects of mining reverberated outward, disrupting native subsistence practices in the hinterlands. Grass Valley's fertile soil was perhaps the greatest attraction for Shoshone and Euroamericans. In 1863, the seventeen 160-acre surveyed ranches in the valley rested on "tillable or meadow lands" and the grass grew "more than knee high at this time--consisting of bluejoint, clover and red-top."⁴⁶ Attracted by the valley's capacity to produce 1,500 tons of hay annually, farmers also took advantage of the ability to grow a variety of crops, including potatoes, beets, onions, tomatoes, cucumbers, water and musk melons, parsnips, beans, peas, corn, and sorghum.⁴⁷ This fertile locale supplied food to local mining communities throughout the region, particularly the town of Austin to the west and the Cortez Mining District at the north end of the valley.

In addition to being a fertile agricultural region, Grass Valley served as a major thoroughfare to the Cortez District. The mining district could be "reached easily by heavily freighted teams, by passing through...Grass Valley,

⁴⁶ *Reese River Reveille*, June 13, 1963.

⁴⁷ *Reese River Reveille*, August 22, 1963.

with several fine ranches, water and grass on the road."⁴⁸ In much the same way that the toll road increased traffic and provided access to resources in the hinterland between Belmont and Austin, Grass Valley's role as a thoroughfare and supply center for surrounding mining districts imposed a different conception of land use over that which Shoshone had established. Euroamericans transformed what to Shoshone was a self-contained econiche by utilizing its resources in a profoundly different manner.

If roads transformed the hinterland, the need for resources such as timber within the mining districts also altered and undermined the way in which Shoshone had constructed the environment. Not only those Shoshone residing to the south of Cortez at Grass Valley experienced the district's effects, but those to the east did as well. Newspaper accounts reveal that in 1864 "the Indians east of Cortez are in a suffering condition, owing to the entire failure this year of their staple articles of food and the severe storms."⁴⁹ Attributing Indian hunger to the cycles of nature fails to account for the role that Euroamericans played in altering Shoshone subsistence practices. Severe

⁴⁸ Reese River Reveille, April 7, 1864; as cited in C. William Clewlow, Jr., Helen Fairman Wells, Richard D. Ambro, eds., *History and Prehistory at Grass Valley, Nevada*, (Los Angeles : Institute of Archaeology, University of California, 1978), 15.

⁴⁹ Reese River Reveille, December 15, 1864; as cited in Clewlow, 15.

weather and the three- to four- year pine-nut harvesting cycle had always varied their food supply to some extent in the past. When pine-nut supplies failed prior to contact, Shoshone relied upon secondary food resources such as antelope and jack rabbits to supplement their diet. Those who had acquired the horse maintained even more access to alternative food supplies when pine nut harvests failed. Hunger among Shoshone east of Cortez would have almost certainly resulted from deforestation caused by residents within the mining district. The increasing number of Euroamericans presented Shoshone with fewer options than they enjoyed in the past.

The timber industry transformed the hinterland surrounding other mining districts as well, such as Austin and the Reese River Valley. Organized by William Talcott on May 10, 1862 after he discovered an outcrop of silver-bearing quartz, the Reese River Valley lies fifteen miles north of Austin and served as the dwelling place to hundreds of Indians.⁵⁰ Approximately 530 Indians resided there in 1872.⁵¹ The lumber that Euroamericans used for fenceposts, fuel, construction, and shoring up mines most directly eliminated Shoshone food supply. To convince skeptics that

⁵⁰ Donald R. Abbe, *Austin and the Reese River Mining District: Nevada's Forgotten Frontier*, (Reno: University of Nevada Press, 1985), 2.

⁵¹ Steward, *Basin-Plateau Aboriginal Sociopolitical Groups*, 49.

"the Reese River country can produce trees larger than sagebrush," the newspaper urged the unfaithful to "look at the huge piles of all sorts of lumber required for building purposes at the new yard of the Reese River Mill and Mining Company."⁵² Although shipments from the Sierra Nevada Mountains supplemented local supplies, "a considerable quantity of lumber comes to the market from the saw mill upon Silver Creek" fifteen miles north of Austin.⁵³ The type of lumber millmen cut was pinion pine, the tree so crucial to Shoshone sustenance. In addition to the Silver Creek area, heavy cutting of pinion, juniper, and mahogany occurred on the Toiyabe and Shoshone mountain ranges that paralleled the Reese River. Just as massive deforestation eliminated Shoshone pine nut groves at Cortez, deforestation at Reese River forced Shoshone to rely upon secondary food supplies which had also begun to diminish.

The livestock industry further depleted Shoshones' secondary food supplies as Euroamericans introduced cattle and sheep to supply mining districts with fresh meat. Pinion caches gathered each fall began to diminish by the subsequent spring, forcing Shoshone out of the mountains and onto the valley floor to gather grass shoots, ripening

⁵² Reese River Reveille, May 3, 1864; as cited in Thomas, "Historic and Prehistoric Land-use Patterson at Reese River, *Nevada Historical Society Quarterly*, 5.

⁵³ Ibid.

tubers, and other riverine crops.⁵⁴ Deforestation eliminated pine nuts as a primary food supply, forcing Shoshone to rely upon native grasses and roots that grew at lower elevations. Newspaper accounts confirm this point by indicating that "the great number who have heretofore lived on game and pine nuts will in a very few years more find themselves reduced to roots."⁵⁵ The option of relying upon secondary resources increasingly diminished as ranchers fattened cattle and sheep by grazing them on the valley's native grasses. Significant numbers of grazing animals entered the region at least as early as 1862 when one-time Nevada governor Lewis R. Bradley introduced 500 Texas longhorn cattle into the upper Reese River Valley. Herds throughout the region continued to grow until they numbered in the thousands. The livestock industry competed with Shoshone for native plants, as one account observed that "it's a joy to bovines and horseflesh to see the long, wavy grass which abounds in such profusion on the slope and main ridges of the Reese River Mountains..."⁵⁶ Utilizing the forage on the valley floor for animals rather than people

⁵⁴ Ibid., 4.

⁵⁵ *Reese River Reveille*, July 29, 1871; as cited in Clewlow, 23.

⁵⁶ *Reese River Reveille*, June 6, 1863; as cited in Thomas, David H., "Historic and Prehistoric Land-use Patterson at Reese River, *Nevada Historical Society Quarterly*, 5.

represented the different way in which Euroamericans perceived this environment. Confronting grazing animals on the valley floor after being pushed there by deforestation in the hills, Shoshone grew desperate at the prospect of starvation caused by the Euroamerican paradigm for ordering the environment.

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CHAPTER 4

RACIAL VIOLENCE IN THE COMMONS

Nevada's Shoshone fought to preserve their subsistence economy and the resources integral to it, indicating their initial refusal to accept Euroamerican conceptions of land use. Violence between different groups of people over common resources functions as a physical expression of conflicting conceptions of the environment.¹ Violence serves a practical purpose if used by one group as the means to eliminate another but also symbolizes how different cultures compete for resources and attempt to assert their conception of resource extraction. Shoshone understood the changes taking place upon the land and responded with violence when necessary to prevent themselves from starving.

Many Euroamericans understood that their conception of the environment sparked Shoshone violence. John Muir reported that Indians killed any Euroamericans they

¹ White describes how violence between Pawnee and Americans often resulted because of disputes over resources: "They complained bitterly and threatened to resort to arms because white settlers stoke timber from their lands," *Roots of Dependency*, 159.

discovered cutting pinion trees.² Those who viewed "acts of murder and robbery" as "retaliatory" defended the Indian because "his country is occupied, and means of subsistence destroyed by the white."³ To others, such logic was not only "erroneous" but failed to account for the way in which "the occupancy of the country directly benefits the Indian..." Euroamerican settlement enabled the Indian to behave as a "scavenger" and gather "cast off clothing and waste provisions" that were "greater luxuries than he ever before enjoyed..." Not only does such logic fail to consider that Shoshone did not necessarily value the same "luxuries" as Euroamericans but, in fact, underscores how Shoshone embraced aspects of the incoming culture often because their only other choice was starvation.

In the same way that hunger increased conflict among different aboriginal groups, Shoshones' dependency on core Euroamerican settlements for food initiated additional conflicts over resources. Newspaper accounts indicate the manner in which fewer resources drew Shoshone from the hinterland to attach themselves to Euroamerican settlements. When Shoshone of the Cortez mining district found themselves in a "suffering condition" they responded to the lack of

² John Muir, *The Mountains of California* (Reprint, Garden City, New York: Doubleday Anchor, 1961), as reported in Lanner 79.

³ *Reese River Reveille*, December 19, 1864; as cited in Clewlow, 15.

food by "dispersing in small squads and locating near the cabins of ranchers."⁴ Whenever Shoshone moved in large numbers, Euroamericans became nervous but were "inclined to the opinion that hunger is at the bottom of all the trouble."⁵ Conflicting paradigms confronted one another. Such close proximity to a different culture combined with the need to feed themselves resulted in conflict between Shoshone and Euroamericans.

Dwindling supplies of pine nuts and other traditional foods forced Shoshone to supplement their diet with Euroamerican foods such as beef. Euroamericans understood that Shoshone desperation resulted from hunger, concluding that "it is not reasonable to suppose they will starve while there is cattle on the hills..."⁶ When a rancher ten miles northeast of Austin ventured into Italian Canyon to find a stray milk cow, he encountered "a party of Indians who had slaughtered the cow and were cutting it up." A shootout nearly ensued when the rancher "attempted to drive the marauders off" and one of the Indians "covered him with his gun and prepared to fire." When the rancher countered with his own revolver, "the Indians decamped, leaving their prey."⁷ In another incident, a wagon transported "a wild

⁴ Ibid., December 15, 1864; as cited in Clewlow, 15.

⁵ Ibid., January 23, 1872, as cited in Clewlow 24.

⁶ Ibid., January 23, 1872, as cited in Clewlow, 24.

⁷ Ibid., December 17, 1864; as cited in Clewlow, 15.

and untamed son of the sage brush" into town after "he had been shot by a rancher for stealing cattle."⁸ Prior to contact with Euroamericans, hunger initiated conflict between different Shoshone groups. Conflict between Indians and Euroamericans resulted from hunger as well. That the intensity of this conflict resulted in violence reveals how competing paradigms of resource ran against one another.

The number of cross-cultural violent incidents reveals that the battle between European and Indian conceptions of the environment had reached a lagerhead. Shoshone dislocation had become rampant, as the incident in Italian Canon was merely "one of the many instances occurring almost daily in our immediate vicinity, of Indian depredations."⁹ Ranchers in Grass Valley reported that they "suffered heavily" because of Indians "who are in the habit of running off and butchering their cattle."¹⁰ Shoshone may have even believed that they owned the cattle as much the people who brought them, as one astute observer described "the Indian feeling himself 'to plain and river heir, will with strong arm redeem his share' until trouble comes of it."¹¹ For each group, property rights were at stake. Recognizing the pivotal nature of the conflict, one angry resident demanded

⁸ Ibid., May 16, 1865; as cited in Clewlow, 16.

⁹ Ibid., December 17, 1864, 1:1.

¹⁰ Ibid., February 7, 1865; as cited in Clewlow, 16.

¹¹ Ibid., January 23, 1872; as cited in Clewlow, 24.

that "something should be done at once to prevent bloodshed." The differences in the way that each culture conceived of the environment could not peacefully coexist. Settlers who would not "timidly submit to seeing their stock driven off and butchered" considered only two options: "the Indians should either be provided for or driven from the land." What this person failed to realize was that the process of driving Shoshone from the land had already begun as a result of mining and agricultural activities.

Unable to battle with Euroamericans indefinitely, the Shoshone conception of the environment began to fracture as they increasingly abandoned hunting and gathering to take part in Euroamerican economies. Indian agent Levi Gheen recounted how resource depletion initiated Shoshone dependency. Gheen relayed information provided to him by a Shoshone man, Captain Sam: "the game was all gone; the trees that bore pine-nuts were cut down and burned in the quartz-mills and other places; the grass-seeds, heretofore used by them for food, was no more; the grass-land all claimed by and cultivated by the white people..."¹² Their inability to preserve their environmental paradigm presented them with only two options: "work for the ranchers for two bits a day

¹² Levi A. Gheen, *Report of the Commissioner of Indian Affairs for 1876*; as cited in Thomas, "Historic and Prehistoric Land-use Patterson at Reese River, Nevada *Historical Society Quarterly*, 6.

or starve."¹³ Newspapers accounts abound with details of Shoshone laboring for whites.

Although Shoshone contributed to the transformation of the environment by participating in a new and different economy, they simultaneously inhabited two worlds by capitalizing on native subsistence practices.¹⁴ Although Euroamericans had devastated pinion trees and their pine nuts, Shoshone valued the few that remained more as a commodity than as a food supply. In Austin, the Shoshone "seem to take great delight in cultivating a taste for pine nuts in their pale-faced brethren."¹⁵ They found a ready market too, as the nuts were "sought after avidly by the white settlers."¹⁶ White demand for pine-nuts and the Indians' willingness to supply them was consistent with mining communities throughout the area.¹⁷

The lure of pine-nut season still drew Shoshone to the hinterland but they no longer remained in the hills, returning to town instead to patronize urban establishments.

¹³ Ibid.

¹⁴ Thomas, "Historic and Prehistoric Land-use Patterson at Reese River, Nevada Historical Society Quarterly, 6-7.

¹⁵ Reese River Reveille, September 29, 1865; as cited in Clewlow, 16.

¹⁶ Ibid., October 25, 1869; as cited in Clewlow, 21.

¹⁷ Eugene Mitsuru Hattori, *Northern Paiutes on the Comstock: Archaeology and Ethnohistory of an American Indian Population in Virginia City, Nevada* (Carson City, Nevada: Nevada State Museum, 1975)

In order to transform gathered nuts into purchasing power, "the Indians who have been out in the hills gathering the pine-nut harvest have returned to the flesh pots of Austin."¹⁸ At the end of each harvesting season, "the patronage of the Indian restaurant and the slaughterhouse will increase accordingly, and decayed fruit and cast-off clothing will be at a premium."¹⁹ No longer content to eat pine nuts for their caloric value, Indians sold and bartered them for material necessities and sometimes for luxuries. This process mirrored that among Virginia City's Northern Paiute who realized they could get "five times the grub" if rather than eating the nuts they sold them and bought beef with the profits instead.²⁰

While continuing to gather nuts enabled Shoshone to maintain long-established traditions, some individuals participated in the European economy and conception of the environment better than others. One Shoshone man understood this new world only too well, leading observers to note that "there is a corner in pine-nuts, one aboriginal merchant having corralled the entire crop." His success and confidence at interacting within this world bred resentment

¹⁸ *Reese River Reveille*, September 11, 1873; as cited in Clewlow, 25.

¹⁹ *Ibid.*, September 11, 1873; as cited in Clewlow, 25.

²⁰ *Territorial Enterprise*, August 18, 1881, 3:3; as cited in Hattori, 17.

because he was "as independent as a hog on ice and refuses to accept two dimes in payment for a two-bit cupfull. This red monopolist should be looked after."²¹ Other Shoshone became so confident in their ability to capitalize on pine-nuts that they shunned opportunities to work for whites. Their preference to play the role of capitalist generated "great complaint among our citizens that, owing to the bountiful crop of pine nuts, it is almost impossible to hire an Indian to do any kind of work." Townsfolk resented the entrepreneurial spirit displayed by some Shoshone who chose to sell their labor. Irked by the inability to dictate the terms of employment, they griped that even "when one does condescend to perform any labor he demands the privilege of making his own terms."²² Despite the adaptation to a capitalist economy, native practices persisted to the extent possible.

Participating in capitalism did not entirely extinguish the instinct to construct the environment in a manner that catered to traditional hunting and gathering practices. In Virginia City and Belmont, Indians introduced new species of fish and game to later extract with traditional hunting and gathering techniques.²³ In another instance, Indians

²¹ *Reese River Reveille*, September 3, 1873; as cited Clewlow, 25.

²² *Ibid.*, September 17, 1873; Clewlow, 25.

²³ *Belmont Courier* October 5, 1889, 3:3; *Territorial Enterprise*, January 5, 1879, 3:4; January 18, 1879, 3:2; as

stocked a man-made pond with fish at the mouth of the Sutro Tunnel.²⁴ Even though Austin's Shoshone were taking part in capitalist endeavors by 1866, rats, lizards, crickets, grasshoppers, and various roots continued to "form their principal diet" during the spring when pine-nuts were not in season.²⁵

reported in Hattori, 18.

²⁴ *Territorial Enterprise*, January 18, 1879, 3:2; as reported in Hattori, 18.

²⁵ *Reese River Reveille*, June 20, 1866; as cited in Clewlow 18-19.

CHAPTER 5

ETHNIC VIOLENCE IN THE COMMONS

Although competition for resources between Indians and whites was intense, competition for resources among non-Indians became equally intense and usually centered around the timber industry. Deforestation precipitated a number of conflicts between whites and Indians, as well as between other cultural groups.¹ Ethnicity functioned as another mechanism that provided people with the ability to protect their claim to the commons. Incoming European and Asian immigrants asserted their own claims to the commons and in so doing replaced Native Americans as the lightning rod from which others wrested control of the commons. Working-class Italians in Eureka particularly employed this tactic by excluding others on the basis of ethnicity from working in the charcoal industry.² Non-Italians took "a considerable risk" if they attempted to find employment in

¹ Ronald M. Lanner, *The Pinon Pine: A Natural and Cultural History* (Reno: University of Nevada Press, 1981), 128.

² Brian Frehner, "Class and Ethnicity in a Smelting Town: The Italians of Eureka, Nevada, 1875-1885," *Nevada Historical Society Quarterly*, (Spring 1996)

the charcoal industry.³ Chinese stayed away from charcoal production "for fear of their lives" and Italians prevented merchants from employing Indians in the trade as well.⁴ The large number of Italians inhabiting Diamond Valley in Eureka County in 1876 were probably responsible for the 1876 murder of a Chinese laborer who dared to seek employment on a wood ranch.⁵

Even when ethnicity was not a factor, violence over timber resources still prevailed. In 1863, "parties unknown" murdered Herbert E. Herter at the Gould and Curry wood ranch eleven miles south of Reno near Steamboat Springs. Six years later in Pine Nut Valley, Frank Rankin murdered John L. Roach after a dispute involving a timber transaction. Another murder occurred in 1877 at Mackay and Fair's wood camp. What is significant in most of these incidents is that they no longer involved Native Americans. Disenfranchised Indians who lost their hold over resources no longer attracted the wrath of resource-hungry settlers and capitalists, leaving Europeans to fight among themselves for the commons. They may not have been as willing to employ violence with each other as they did with the Indians, but violence remained a viable strategy for

³ Frederick Reichman, *Early History of Eureka County, Nevada, 1863-1890* (unpublished master's thesis, University of Nevada, 1967), 48.

⁴ Ibid.

⁵ Lanner, 128.

wresting control of the commons from whoever controlled it. An incident in Eureka, Nevada demonstrates this point.

The Charcoal Burners War that occurred in 1879 ten miles outside the central Nevada town of Eureka was not really a war. Although the deputy sheriff and six volunteers who rode their horses southwest of town to Fish Creek killed five Italian charcoal burners and wounded six others, the episode took on the connotation of a "war" only in the minds of the Eureka community because it foreshadowed significant changes in their lives. The violence indicated to Italians as well as other residents that they could not escape the impact of industrialization upon their lives and community.

The eleven men the deputy and his posse shot belonged to a much larger group of Italians who inhabited the hills outside Eureka to produce charcoal by cutting the piñon pines that grew so abundantly throughout northeastern Nevada. As the resource that fueled Eureka's sixteen smelters, charcoal was the lifeblood of the community but particularly important to industrialists who financed and operated the smelters, the merchants who purchased it from the burners, and teamsters who transported it to town. The Italians retained an advantage by living outside of town near the trees they transformed into this valuable commodity when merchants and industrialists challenged them for control of timber resources. The burners mobilized common

social and cultural values in forming a workers' cooperative to prevent charcoal from entering the town. When a radical faction began tipping over teamsters' wagons, the deputy and his men confronted the group at Fish Creek where the shootings occurred.

This incident demonstrates how diverse cultural and social groups within the community competed for resources and refused to surrender their diminishing control of the commons in protest to the social stratification industrialization caused within their town. The term "commons" does not accurately characterize timber use at each stage of Eureka's history because it implies a fixed number of users who are coequal in their right to the resource. Given the absence of restrictions governing initial timber use, "open access" better characterized the situation in Eureka.⁶ Over time, industrialization transformed an "open-access" resource into a "commons."

An obstacle to industrialists' efforts to consolidate control over timber resources was the conflicting class and ethnic values among rural and urban Italians. The working-class charcoal burners who inhabited Eureka's hinterland

⁶ Hardin, 1248. Hardin describes any resource open to public use as a commons. He suggests privatization or regulation by an outside party as two possible alternatives to avoid overuse. Pauline E. Peters, "Embedded Systems and Rooted Models: The Grazing Lands of Botswana and the Commons Debate," in *Question of the Commons*. Peters makes a similar distinction between an open-access resource and a commons, 175.

maintained the village-based culture of their native Italy. Exposed to the business opportunities of a mining boomtown, urban Italians identified so strongly with the advantages industrialization offered that their ethnic identity began to fade. Rural and urban Italians' contrasting social and ethnic values conflicted with each group's desire to control the commons. Urban Italians ultimately sanctioned industrialists' efforts to strip control of timber resources from the charcoal burners but met resistance ten years later when miners staked their claim to the commons.

Superficially, the Charcoal Burners War was merely an economic dispute over the price of charcoal, but this incident represented the culmination of industrialists' struggle for power within Eureka. The Italians' failure to raise the price of charcoal suggests that they were powerless against industrialists who operated and financed the smelters and the charcoal merchants who functioned as middlemen. Viewing the Italians as victims of industrial power supports "the widely held view that from the start, industrialists had the social and political power and prestige to match their economic force, and that they controlled the towns."⁷ Herbert Gutman argues that such a characterization of nineteenth-century American industrial

⁷ Herbert G. Gutman, *Work, Culture and Society in Industrializing America: Essays in American Working-Class and Social History*, (New York: Alfred A. Knopf, 1976), 236

towns is a "misleading generalization" and fails to account for the formidable resistance the community often presented.

A corollary to the argument that industrialists controlled the towns is the notion that a passive community failed to resist when all-powerful employers attempted to consolidate their power. Far from providing "ineffective opposition," the burners' protest represented a pivotal event that challenged industrial authority within Eureka.⁸ They so seriously defied industrialists that only violence, namely five dead and six wounded, could end their protest. The support that other segments of the community displayed for the burners, particularly non-Italians, further illustrates that industrialists' legitimacy was at stake during the Charcoal Burners War.

Even though the protest exacerbated the ill effects of an already slowing economy, non-Italian community members generally supported the charcoal burners. Because ore throughout the Eureka mining district required smelting, a steady supply of charcoal was crucial to ensure the town's prosperity. Preventing charcoal from entering the town potentially threatened the interests of all the residents because small businesses relied upon the smelting and charcoal industry's wage-earning employees for customers. Even though residents feared the effects of the charcoal burners' protest on the economy, newspapers reported that

⁸ Ibid.

"the people of Eureka had a good deal of sympathy for the plight of the burners and supported their efforts to improve the deplorable conditions of their life and labor."⁹ The newspaper editor upheld their right to sell charcoal for any price they deemed fit, seeing no difference in their practices and merchants who set prices for the items they sold in their stores.¹⁰ Community support for a labor force whose protests compounded an already lackluster economy demonstrated the failure of industrialists to rally unequivocal "support and sanction at critical moments from the local community and its leaders."¹¹ Despite their support for the burners, residents' condemnation of the deaths at Fish Creek resulted more from their dismay at the prospect that industrialization would similarly impact their lives.

Industrialization caused social dislocation in towns like Eureka because life there was significantly different prior to the growth of industry. Because of a relatively small population, pre-industrial towns maintained a lifestyle markedly different from that of a densely populated metropolis. Upon arrival, the industrialist encountered a "static city, which thrived on small and

⁹ Phillip Earl, "Nevada's Italian War," *Nevada Historical Society Quarterly*, 12, no. 2 (Summer 1969), 60

¹⁰ *Ibid.*

¹¹ Gutman, 242

personal workshops and an intimate and personal way of life." Residents had established familiarity with one another and resented industrialist innovations that altered their social ties. Factories financed by outside capital replaced owner-operated workshops, reinforcing the image of the industrialist as a "disruptive outsider" who altered their "settled and familiar" existence.¹² Having experienced life prior to industrialization, residents condemned the "social dislocations and social conflicts" they witnessed on the streets of their town. Labor protests had a greater impact in industrializing towns than they did in established cities like New York or Chicago.¹³ The deaths at Fish Creek particularly disturbed community members by indicating how industrialization would alter their lives, but not all within Eureka responded similarly to the shootings.

Understanding why industrialists met such fierce opposition in Eureka mandates a discussion of the term "community" as it relates to a commons. Garrett Hardin's famous model of the commons fails to account for any diversity among resource users.¹⁴ Hardin proposes only "the

¹² Ibid., 256

¹³ Ibid., 257

¹⁴ Bonnie J. McCay and James M. Acheson, "Human Ecology of the Commons," *The Question of the Commons: The Culture and Ecology of Communal Resources*, (Tucson: The University of Arizona Press, 1987), 2.

classical economic model of self-seeking and essentially unconnected individuals" rather than resource users motivated by diverse ethnic and social values.¹⁵ Diversity within a community offers a window into the nature of commons conflicts. Articulating the different values within a community presents commons dilemmas "in terms of the dynamics of conflict and competition between different social groups located in history and social systems."¹⁶ Competition between subsistence and commercial interests for the same resources demonstrates how a community's interaction with the environment reordered its social structure.

The technology that some commercial enterprises rely upon to maximize productivity often alienates, if not disenfranchises, non-commercial resource users. Entrepreneurs who introduced pound-nets and fish traps in New England fisheries provoked the ire of subsistence fishermen who relied upon more conventional methods.¹⁷ Locals increasingly lost access to resources because

¹⁵ Lawrence Taylor, "'The River Would Run Red with Blood': Community and Common Property in an Irish Fishing Settlement," Bonnie J. McCay and James M. Acheson, eds., *The Question of the Commons: The Culture and Ecology of Communal Resources*, (Tucson: The University of Arizona Press, 1987), 291

¹⁶ McCay and Acheson, 22

¹⁷ Bonnie J. McCay, "The Culture of the Commoners: Historical Observations on Old and New World Fisheries," in *The Question of the Commons*, 205

commercial fishing interests depleted the subsistence fisheries that poor coastal communities relied upon for food. Subsistence fishermen's anger over the new technology masked an underlying resentment at increasing social stratification. The use of nets and traps signalled "strong class differences among fishermen" who could not afford them, a visible reminder that more successful commercial enterprises increasingly controlled the commons.¹⁸ Subsistence users opposed commercial technology to preserve their access to resources, but their struggle reflected an even greater effort to resist their diminishing power amidst increasing social stratification.

Competition among Eureka's urban and rural Italians reflected a similar class struggle over common resources. Although more sophisticated technology was not an issue, the different values of urban-based socially mobile Italians who aligned their interests with the smelters conflicted with the ethnic and class values working-class Italians retained in the hinterland. The different social and cultural values of these two groups resulted in a "multiplicity of links and claims to use of the commons."¹⁹ Industrialization intensified competition for resources to such an extent that urban and rural Italians' "multiple claims" to the commons

¹⁸ Ibid.

¹⁹ Peters, 178

became "competing claims."²⁰ The charcoal burners reaffirmed their "claim" on the resources to the extent that they successfully promoted egalitarianism within their ranks by drawing upon common class and ethnic values.

Homogeneity among a community of resource users can preserve its access to the commons by functioning as a bulwark against commercial interests seeking to profit. Common class values particularly provide a barrier to industrialist encroachments because "egalitarian communities, more than stratified ones, are likely to exert social control successfully within their ranks to act in a unified fashion against outside interests."²¹

Geographically isolated in the hills outside Eureka, the charcoal burners fostered similar class values that inhibited industrialists' efforts to commercialize the commons. Inhabiting the commons provided the charcoal burners with some advantage, but their isolation was ultimately an insufficient defense. They lacked adequate "social control" within their ranks, as evidenced by a minority taking part in the wagon stoppages despite the majority disapproving of this tactic.²² Their inability to respond to industrial encroachments in a "unified fashion"

²⁰ Ibid.

²¹ Gutman, 358

²² Franklin Grazeola, *The Charcoal Burners War of 1879: A Study of the Italian Immigrant in Nevada*, (unpublished master's thesis, University of Nevada, Reno, 1969), 51

resulted in part from the lack of a homogeneous ethnic identity.

The persistence of multiple regional identities within an immigrant workforce often presented a problem for industrialists trying to maximize efficiency. Italian entrepreneurs in other American locales struggled to diminish traces of regionalism within the workforce by creating an environment where cooperation prevailed. To increase the productive capacity of Del Monte Corporation, Marco Fontana "hired Italians from diverse regions but worked to get them to overcome their differences in order to promote efficiency." In addition to maximizing production, emerging business elites shaped the consciousness of the immigrant community to sustain their dominance over it. German businessmen in New York City promoted ethnic homogeneity to diminish the influence of labor organizations. Likewise, Yugoslav entrepreneurs dominated ethnic and community organizations for fear that consumer cooperatives would undermine their own saloons and stores.²³ So long as homogeneity was not mobilized against them, entrepreneurs had an interest in consolidating a workforce to support their own business enterprises.

Many Italians identified more with their village than

²³ John Bodnar, *The Transplanted: A History of Immigrants in Urban America*, (Bloomington: Indiana University Press, 1985), 140

with their country or even a particular region because of Italy's long history of political and geographic fragmentation. Unlike most Italian immigrants to the United States, those arriving in Eureka were predominantly from Northern Italy and the southernmost Swiss province of Ticino. Those who listed Switzerland as their country of origin retained an Italian ethnic identification, given their similar physical features and common language. Italians from northern Italy and southern Switzerland typically broke free more easily from the confines of a village-based culture that insulated East Coast Southern Italians from the surrounding world long after they had emigrated. Despite cultural differences with Southern Italians, Northerners retained a very narrow *campanilismo* identity. *Campanilismo* demarcated the distance one could travel from the village bell and still hear its ringing and defined the traditions and customs within that locale. A village identity persisted more readily among Italians who migrated in large numbers to rural locations rather than to cities.²⁴

Although more Italians settled in San Francisco than any other western city, the representation of individual villages was so low that a homogenous community arose

²⁴ Dino Cinel, *From Italy to San Francisco: The Immigrant Experience*, (Stanford: Stanford University Press, 1982), 197-200

instead of one fragmented among numerous identities. San Francisco served as a particularly useful foil for Eureka because the Italian community there also migrated from northern Italy. *Campanilismo* did not emerge in San Francisco because "no group from one commune was large enough to create a viable social structure by itself."²⁵ Ethnic identity among Italians who settled within Eureka mirrored that of San Francisco, but the large number who settled in various hinterland locations perpetuated lingering traces of individual village identities.

Population density played a significant role in the formation of Eureka's Italian community and its ethnic identity. In 1875, the 242 Italians and ninety-four Swiss-Italians in Eureka County represented approximately 8% of the population.²⁶ The Italian community grew by 69% over the next five years. Census population statistics list 840 Italians in Eureka by 1880, but the manuscript census shows slightly less at 827.²⁷ Assuming the lower number is correct, the 243 Swiss-Italians who listed Switzerland as their country of origin bring the total number of Italians in Eureka for 1880 to 1,070, or 15% of the population. They

²⁵ *Ibid.*, 198

²⁶ Nevada Legislature. *Journals of Senate and Assembly, of the 8th Session of the Legislature of the State of Nevada.* (1877) Vols. 2 and 3. No pagination.

²⁷ Department of the Interior, Census Office, *Statistics of the Population of the United States at the Tenth Census, 1880* (Washington: GPO, 1883), 520

were by this time the largest ethnic group in Eureka, larger even than the 852 residents who listed their birthplace as England or Wales. Despite such large numbers, one of the reasons ethnic solidarity never emerged was their dispersal in several locations outside of town.²⁸

Italians' inability to establish ethnic cohesion resulted in part from their geographic dispersion throughout Eureka County. The 1880 census indicates that Italians settled in twenty-one different locations in Eureka and the surrounding valleys. The two communities spaced farthest apart were separated by approximately ninety miles. Of the 827 Italians listed in the 1880 census, 40% lived in the town, 25% were dispersed in seven locations north of town and 35% in twelve settlements to the south. The average number of Italians at each northern and southern location was 31.6, a figure significantly smaller than the largest Italian community of 438 who resided in town. The urban population was certainly large enough to diminish distinctions based upon village or province and form a single community. The significantly lower total in each rural location greatly diminished any sense of community that may have existed if all had lived within a single enclave. Whether the average population of 31.6 in each hinterland settlement was large enough to sustain a "viable

²⁸ *Population Schedules of the Tenth Census of the United States, 1880*

social structure" would depend upon the size of the homeland village or province from which each group originated.

Whatever the case, diversity within each settlement also prevented the various hinterland locations from coalescing into a single community.²⁹

Even though Eureka's Northern Italians and Swiss shared a regional identity that distinguished them from Southern Italians, where provincial differences continued communities remained fragmented. Fourteen of Eureka's twenty hinterland settlements boasted a mixture of Italians and Swiss, with Italians predominating in all but one. Originating in Northern Italy and sharing a common language provided Italians and Swiss with a similar culture, yet distinct *campanilismo* identities within each settlement perpetuated significant differences between immigrants from different villages of these two different countries. Cultural differences persisted not only between Italians and Swiss but even among the different rural Italian communities because of the long distances and geographic barriers that separated them from each other.³⁰

The absence of geographical barriers in San Francisco prevented provincial- or village-based communities from

²⁹ *Population Schedules of the Tenth Census of the United States, 1880*

³⁰ Bodnar makes the point that a single ethnic group retained so much diversity that the number of fraternal associations usually equalled the number of village identities; Bodnar, 123.

emerging. As a result of settling in the city, Italians "were no longer isolated from each other by mountain ranges."³¹ Whereas mountains, canyons and rivers isolated individual communities in Italy, in San Francisco "the barriers were only streets or paper-thin walls of tenement rooms."³² Village-based cultural identities did not take root because urban settings lacked the geographic formations that isolated Italian villages. Ethnic identity within Eureka became increasingly homogeneous, but the geography outside of town shaped identity in a different manner.

The topography surrounding the Eureka townsite provided physical barriers that contributed to the isolation of each hinterland Italian community. Central Nevada's topography resembled the mountainous region of Northern Italy and Switzerland where these immigrants previously resided. Fourteen out of Eureka's twenty hinterland communities were situated on or near a creek, canyon, valley, mountain range or hill. Geographic formations functioned as physical barriers that retarded access and communication with other rural locations and the town. Geography strengthened *campanilismo* among individuals in the hinterland by reinforcing the "suspicion of 'others'" that existed among "most immigrants who came from isolated, near feudal

³¹ Paul McBride. "The Italian-Americans and the Catholic Church: Old and New Perspectives," *Italian-Americana*, 1 (1975), as quoted in Cinel, 198

³² Ibid.

villages."³³ Eureka's topography perpetuated cultural differences that existed long before emigration, thus preventing the formation of a homogeneous ethnic identity that united rural Italians but also providing a barrier to industrialists' control of the commons.

A less stratified social hierarchy within the town also inhibited industrialists' attempts to consolidate power by preventing them from rallying middle-class support. The need for acceptance upon entering a community required industrialists to rally the support of individuals who demonstrated success at exploiting an expanding economy by engaging in entrepreneurial pursuits or city politics.³⁴ Many who occupied such positions had only recently acquired their middle-class status and retained significant ties to their working-class origins. Albeit "conservative in many ways," the new middle class still had "memories and roots and relatives" that tied them emotionally to the community.³⁵ At times their sympathy for the working-class resulted from outright rejection of the new industrialist order taking root within their town, particularly because many "suffered" from the same employers who now called on

³³ Jerre Mangione and Ben Morreale, *La Storia: Five Centuries of the Italian American Experience*, (New York: Harper-1993), 146

³⁴ Gutman, 257

³⁵ *Ibid.*, 258

them for support.³⁶

An Italian ethnic heritage was one of the most significant factors that bridged the gap between Eureka's middle- and working-classes. Although Gutman lists numerous reasons why the middle and working classes allied against industrialists, he fails to cite ethnicity as a factor. For instance, he notes that particularly "in crisis situations," such as labor strikes and economic downturns, the "social origins and older community ties" among the new middle class "may have created a conflict between their fellow-feeling and even family sentiment and their material achievements."³⁷ The protests over charcoal prices in the midst of economic hard times and the accompanying violence in Eureka surely qualify as "crisis situations" that would have evoked sympathy from an emerging middle class with working-class roots. Crises in Eureka particularly evoked "fellow-feeling" among the Italian middle-class because it shared a common ethnicity with the working-class.

In other locales throughout the West, ethnicity overcame significant class differences to prevent the enclave from dissolving. For instance, working- and middle-

³⁶ Ibid.

³⁷ Ibid. Bodnar confirms this point in arguing that an industrial economy nurtured ethnic and kinship bonds rather than deteriorated them, especially among the first generation. Individual immigrants often had to engage in collective entrepreneurial efforts to survive when economic opportunities did not present themselves, thus reinforcing group identity; Bodnar, 137.

class Irish in Butte, Montana, maintained a reciprocal relationship that preserved their ethnic identity. Despite some degree of class variation, Butte's Irish understood that "neither the merchant nor the working-class could perform its expected community function if the latter was effectively removed as an economic participant."³⁸

Recognizing the advantages of cooperation, the working and middle classes formed an alliance on issues such as wages.³⁹ Individuals defined themselves neither by ethnicity nor class alone but by a broader Irish identity resulting from a commingling of the two. Ethnicity provided stability only if each class agreed to put aside interests that impacted the other.

The alliance between working- and middle-class Italians in Eureka was much more tenuous than in Butte, but ethnicity still figured prominently in the lives of some entrepreneurs. The willingness of a few middle-class immigrants to maintain ethnic loyalty even as the distance in social classes increased was consistent with the pattern in other immigrant communities.⁴⁰ Prominent Italians who supported the burners by serving as officers in the Charcoal Burners' Protective Association demonstrated the existence

³⁸ David M. Emmons, *The Butte Irish: Class and Ethnicity in an American Mining Town, 1875-1925* (Urbana and Chicago: University of Illinois Press, 1989), 70

³⁹ *Ibid.*, 69

⁴⁰ Bodnar, 139

of an interclass ethnic identity. Joseph Maginni and Lambert Molinelli were two prominent Italians who supported the burners by serving as President and Vice President of the CBPA.

If the blend of ethnic and class values varied within each of Eureka's socially prominent Italians, Molinelli had an equal mix of both. Like most successful Italian businessmen in Eureka, Molinelli acculturated to a significant extent. A child upon emigration, he came to Eureka with his family sometime in the early 1870s. Once there, he married a non-Italian woman from Iowa and the family had two children. Given the negative perception of Italians who worked as burners outside of town, the fact that Molinelli "was well known and liked in the community" was a significant achievement.⁴¹ This perception was particularly important because Molinelli was not involved in the charcoal industry and his diverse business ventures required him to interact extensively with non-Italians more often than not.

If not Eureka's most successful Italian businessman, Molinelli was perhaps its most visible. In addition to serving as county clerk, he ran unsuccessfully for Eureka County public administrator and had numerous business

⁴¹ Lambert Molinelli, *Eureka and Its Resources: A Complete History of Eureka County, Nevada*, (San Francisco: H. Keller, 1879; Reno: University of Nevada Press, 1982), 3

interests. Indeed, he and a non-Italian partner, James W. Smith, owned and operated Lambert Molinelli and Company, Conveyancers and Real Estate Agents. In addition to buying and selling mines and houses, they bonded mines, negotiated loans, sold life and fire insurance policies and owned a safe and lock company.⁴² In 1879, he even published a 127-page promotional history of the town. Another indication of Molinelli's interaction with the non-Italian business community was the fact that between April 1876 and February 1883 his twenty-six real estate transactions only involved one Italian. This is particularly significant since his representation of the charcoal burners reflected close ties with the Italian community. Molinelli demonstrated that some prominent Italians conceived of an interclass ethnicity, but he could not sustain the delicate balance between ethnic and class values for long. He had a strong incentive to protect his business interests, even if doing so mandated that he adjust his sense of ethnic loyalty.

Molinelli confronted a choice between ethnicity and class when the burners' demonstrations over charcoal prices threatened the interests of Eureka's entire middle-class. Even though all the burners did not participate in these incidents and no violence occurred, the radical overtones of such tactics caused the businessmen who served as officers of the CBPA to resign. Eureka newspapers reported that

⁴² Ibid., 111

Molinelli left "in protest against the wagon stoppages" and the following day Maginni resigned "ostensibly for the same reason."⁴³ Neither could continue supporting the burners whose radical tactics threatened Eureka's stability.⁴⁴

Molinelli and Maginni's ambivalence was a common attitude middle-class members of all ethnicities displayed toward the immigrant masses. Industrialism challenged their sense of ethnic loyalty so that most within the middle-class faced a dilemma, "alternating between separateness and involvement" with the immigrant community.⁴⁵ Even though the threat to all middle-class Italians was equally severe, specific individuals placed ethnic loyalty above their class interests.

Louie Monaco's experiences in Eureka illustrate that some prominent Italians demonstrated ethnic loyalty despite the risk to their class status. Because Monaco was extremely ambitious, he attempted to relinquish any sign of his immigrant status that might have stalled his economic advancement. Like Molinelli, Monaco's social mobility resulted in acculturation. A descendant of Monaco's wrote

⁴³ *Eureka Daily Leader*, 21 July 1879, p. 3; 22 July 1879, p. 3, as reported in Grazeola

⁴⁴ Earl confirms that resigning was Molinelli's only choice because of "his business interests, which surely would have suffered had he continued to support a course of action opposed by his business colleagues and customers"; Earl, 61-2.

⁴⁵ Bodnar, 142

that the "stiff price" he paid for his position of social and economic prominence was that he "increasingly sacrificed a large portion of his Swiss[-Italian] emigrant identity and heritage."⁴⁶ Monaco knew that his photography studio "would survive only if he sought business from all ethnic groups" and therefore "fine tuned his command of the English language," which he learned so well his Italian began to fade. He exercised his language skills by writing letters to the newspaper editor and "improved his status within the community by purchasing several buildings and real estate in the main business district." Eureka County records confirm Monaco's dealings, listing five purchases and two sales of property between April 1875 and October 1880. The only dealing with an Italian was with Molinelli.⁴⁷ As a result of his business interests, Monaco became "isolated" from the "poor, emigrant laborers" who comprised the bulk of Eureka's Italian population.⁴⁸ Despite the acculturation resulting from his rise in social and economic status, he maintained a significant degree of ethnic loyalty, perhaps more than any other member of Eureka's Italian elite.

If Molinelli equivocated between class and ethnic

⁴⁶ Monaco's descendant probably identified him as Swiss because Switzerland was his native country but he clearly retained an Italian ethnic identity; Monaco, J.R., "Eureka, Nevada, 1872-1888," [photocopy], 7.

⁴⁷ *Deed Index*, 7:390

⁴⁸ Monaco, 7

values, Monaco was the member of the social elite most devoted to preserving ethnic ties. Whereas Molinelli and Maginni resigned from the CBPA, Monaco continued to champion the burners' cause despite a significant risk to his class interests. Monaco was clearly aware of the danger he faced by allying himself with the burners; indeed, he voiced his opinions in the editorial pages of the newspaper under the pseudonym "Veritas." In crisp language he summarized the burners' chief problem: "Four years ago, when the coal pits were but ten to fifteen miles away, coal was worth 31 cents per bushel, and freight 6 to ten cents. Now when the pits are from thirty-five to sixty miles distance, and freight from 14 to 16 cents per bushel, coal is run down to 26 1/2 cents."⁴⁹ As the hills became deforested, hauling costs increased because teamsters had further to go. Charcoal prices decreased because merchants purchasing it offset additional hauling costs by paying the burners less.

That Monaco's attacks upon the most prominent Italian merchants in town required anonymity indicates the intensity of the class conflict underlying the charcoal burners' wagon stoppages. What most perturbed Monaco was that working-class Italians fell deeper into debt because merchants paid them less for charcoal to compensate for increased hauling costs. To remedy this situation, he demanded that the

⁴⁹ *Eureka Daily Sentinel*, as cited in Monaco, 12.

smelters terminate their exclusive agreements with the middlemen and accept delivery from all charcoal burners. He compared the "miserable, pitiful state of the poor toiler of the forest" with the "comfortable situation of the contractors, who got rich at easy work."⁵⁰ Monaco identified the villains as "Giuseppe Tognini and Co. and Signor Giuseppe Vanini (Swiss), Signor Giovanni Torre, Mr. E. Sadler, G. Lambroux and two others."⁵¹ The agreements these men had with the smelters provided them with the clout necessary to dictate the price of charcoal to the burners. The Italians in this group, Tognini, Vanina and Torre, demonstrated their strong commitment to class values by aligning their interests with the non-Italians listed in Monaco's editorial.

Tognini's response to Monaco's newspaper editorials suggests that in opposing the burners he entirely abandoned his ethnic identity. Unaware that "Veritas" was Monaco's pseudonym, Tognini charged him with "not understanding the 'idiosyncrasies of the foreigners.'"⁵² Tognini's reference to fellow countrymen as "foreigners" is an extreme example of how some prominent Italians exchanged ethnicity for a place within the emerging industrial order. Such a

⁵⁰ *Eureka Daily Sentinel*, August 15, 1879, 3:3, as cited in Earl, 70

⁵¹ *Ibid*, 12.

⁵² *Ibid*, 13.

statement is consistent with those members of the middle-class who Gutman argues eased industrial entrenchment because they "identified entirely with their new class and repressed their origins."⁵³ The path toward social prominence was important enough to most of the Italian elites that they could not afford to let ethnicity obstruct their way.

The way in which industrialization contributed to the deterioration of an ethnic identity among middle-class immigrants in Eureka was evident in other ethnic communities. Molinelli's "ambivalence" between class and ethnic values may have been more the rule than Tognini's total abandonment of ethnic identity. That a conflict between competing sets of values existed at all indicated the increasing pressure that industrialization placed on the Italian community. The increased "social distance" between men like Tognini, and even Molinelli, with the immigrant masses indicated a stronger commitment by the middle class to an emerging capitalist order taking shape within the town.⁵⁴

By residing within the town, Italian elites encountered more opportunities to further their class interests. The working-class comprised the largest segment of immigrant communities throughout the United States, but within each

⁵³ Gutman, 258

⁵⁴ Bodnar, 138

enclave a small number of self-employed individuals identified more strongly with the business culture of urban America.⁵⁵ Eureka's rural geography recreated the isolation of native Italian villages and halted the deterioration of a provincial mentality, but Italians who lived within Eureka could not identify with the "clannish" culture perpetuating itself in the hinterlands. Exposure to the cosmopolitan life of a mining boomtown presented other possibilities to improve their economic situation, the primary reason most of these Italians emigrated.⁵⁶ The increasing prosperity of Eureka's urban Italians confirms this point.

The Italians living in town experienced a significant increase in their economic status between 1875 and 1885. The 62 Italians listed on the 1875 tax rolls owned just under 1.75% of all taxable property in Eureka even though they comprised 7.5% of the entire population. By 1880

⁵⁵ Ibid., 117-118

⁵⁶ Robert F. Foerster, *The Italian Emigration of Our Times* (Cambridge: Harvard University Press, 1924), 48-9. The argument that economics motivated all Italian emigration is a generalization. However, Foerster argues that "a full account of the causes of emigration would require an examination of the conditions in each region of the country." Despite diverse economic, political and religious conditions in each region, Foerster contends that "commonly economic conditions in them are similar" at times of highest emigration. Thus, the reasons for emigration may have varied to some degree by region because Italy is so diverse, but ultimately economics was the primary reason the majority of Italians emigrated.

Italians owned 7.2% of all taxable property and comprised 15.1% of the population. Other than the thirteen new names appearing on the tax rolls, most of those listed were the same as five years earlier. Thus, the increase of Italian-owned taxable property indicates that the same people were becoming wealthier. The tripling of the Italian population by this time suggests a growing underclass as well. The population of the entire town began to decrease by 1885, although there are no population totals for this time. The 4.72% of all taxable property that Italians owned in 1885 was less than five years previously, which reflects the fact that some of the elite had left town and those who remained were making less due to a recession. Testifying to urban Italians' social mobility was that their number on the tax rolls increased again by 13, suggesting that the elite was continuing to grow even as the town fell upon hard times and the Italian population was diminishing.⁵⁷

Some Italian elites cleared the path for industrialization by taking advantage of the working class. Prominent immigrants of all ethnicities often protected their own status and prestige by mobilizing newcomers to take part in industrial pursuits.⁵⁸ Exploitation of charcoal burners in Eureka by the middle class resembled

⁵⁷ Eureka County Assessment Rolls, 1875, 1880

⁵⁸ Bodnar, 117-118

that of *padroni* in other Italian communities. *Padroni* were a class of men who supplied employers with laborers and maintained significant control over the workforce because of their access to jobs.⁵⁹ Laborers were particularly subject to exploitation when the work was located out of town because the *padrone* ran a company store and charged them exorbitant prices for supplies.⁶⁰ In extreme cases, immigrant entrepreneurs forced lower classes into a system of peonage by operating food stores that also provided loan-sharking services to take advantage of newcomers' need to eat and their inability to acquire loans through normal channels.⁶¹ Because Eureka's Italians settled sometimes as

⁵⁹ Charles B. Phipard, "The Philanthropist--Padrone," in *The Italians: Social Backgrounds of an American Group*, Francesco Cordasco and Eugene Bucchioni, eds. (Clifton: Augustus M. Kelley, 1974), 93

⁶⁰ *Ibid.*, 94

⁶¹ Bodnar, 132. William deBuys, *Enchantment and Exploitation: The Life and Hard Times of a New Mexico Mountain Range* (Albuquerque: University of New Mexico Press, 1985), 204-6; Hal K. Rothman, *On Rims and Ridges: The Los Alamos Area Since 1880* (Lincoln and London: University of Nebraska Press, 1992), 128-130. deBuys and Rothman explain a similar system in New Mexico, called *partido*, where two entrepreneurs, Frank Bond and Edward Sargent, leased grazing rights to Hispanic shepherders, or *partidarios*. The conditions of the lease required *partidarios* to outfit themselves in company stores at inflated prices. Because of this arrangement as well as other mandatory remunerations, they fell deeper into debt each year of the lease. That the stores also offered cash loans at 10 percent interest suggests that Bond and Sargent also exploited the shepherders' need for food and cash. Unlike the situation in immigrant communities such as Eureka, the *partido* system in New Mexico did not involve entrepreneurs of the same ethnicity.

far as fifty miles outside of town to live near their work, they would have been particularly vulnerable to any merchant capable of supplying them. A chief complaint of the charcoal burners was their increasing indebtedness to charcoal merchants, suggesting a similar pattern in Eureka.

Eureka's Italian charcoal merchants likely functioned as *padroni* because many were also storeowners and this business venture provided them with an incentive to exploit the burners.⁶² Although no evidence other than ownership of a store supports this claim, a version of the *padrone*/laborer relationship likely existed in Eureka.⁶³ Charcoal merchants who also owned stores would have recognized the potential to profit from two businesses simultaneously by filling their wagons with supplies and selling them to burners from whom they purchased charcoal. Burners would have had to purchase these supplies because the merchants paid them for their charcoal with script which was very likely not redeemable elsewhere.⁶⁴ Burners were vulnerable to accepting whatever

⁶² Grazeola, 63 n. 54

⁶³ *Ibid.*, 16

⁶⁴ Frederick Reichman, *Early History of Eureka County, Nevada, 1863-1890* (unpublished master's thesis, University of Nevada, 1967), 49. Reichman cites the *Eureka Daily Sentinel*, 9 July 1879, to conclude that one of the resolutions the burners settled upon once they formed their protective association was that "they would no longer accept payment for their labor in anything but coin. The basis for this complaint was that the charcoal business, which was controlled by a few men, paid the burners largely in orders with certain merchants, who would redeem these orders in goods at a higher rate than was asked for coin." Dale E.

means of payment the merchants chose to offer and to inflated prices because of their isolation. Because charcoal merchants profited more from charcoal than from merchandising, viewing them solely as *padroni* understates how their activities legitimized an industrial economy. Joseph Tognini, Joseph Vanina, and John Torre were the three wealthiest Italians in Eureka in 1880 and all were charcoal merchants. Although as storeowners these three men behaved as *padroni*, overcharging other Italians was not their primary source of revenue. Torre, Tognini, and Vanina each had a greater financial investment in charcoal than in their stores.

John Torre certainly could have profited from exploiting the burners, but the fact that his investment in charcoal was greater than in merchandising indicates a stronger desire for social mobility than the parasitic existence of a *padrone* would suggest. Torre was in Eureka as early as 1875, as indicated by the Nevada State Census which lists an Italian saloonowner named "J. Torrey." This is certainly the same man given the fact that an 1879 advertisement listed John Torre as a "dealer in general merchandise, wine, liquors, cigars, etc." as well as

Wooley agrees with this view, although he does not offer any sources to substantiate his claim. Dale E. Wooley, *The Dames and the American Curly Horse* (By the author, 1993), 78-9.

proprietor of the Garibaldi Hotel.⁶⁵ Despite a variety of business ventures, Torre invested most heavily in the charcoal business. His charcoal-related assets for 1880 include sixteen horses, six mules, six wagons and 400 cords of wood, assessed at a total value of \$3200. This figure omits his ownership of a 40-acre parcel of land and interest in another woodland, both of which he used to harvest wood to make charcoal. Assets from other business ventures, such as bar fixtures and merchandise, totalled only \$1000, less than a third of his charcoal interests.⁶⁶ Although the tax rolls do not indicate what percentage of his income came from which business, the greater investment in charcoal suggests that this was his primary money-maker.

Like Torre, Tognini also had various businesses including a saloon, but his major investment was also in charcoal. Assets not related to charcoal in the 1880 tax rolls include bar fixtures, a safe assessed at \$400, and \$3,000 worth of merchandise.⁶⁷ The large amount of merchandise and the fact that the 1880 census lists him as a storekeeper indicate that Tognini also had an incentive to exploit laborers as a *padrone*.⁶⁸ He had more of an incentive

⁶⁵ Molinelli, 116

⁶⁶ Eureka County, Nevada, *Assessment Roll*, 1880, 142

⁶⁷ *Ibid.*, 144-6

⁶⁸ *Population Schedules of the Tenth Census of the United States*, 1880

to profit from charcoal, since his \$5,605 investment was nearly double that of his non-charcoal assets, a figure which does not include the cost of seven 160-acre tracts of timberland where he harvested wood.

Joseph Vanina's investment in charcoal was more than five times the amount in his store and saloon. Merchandise and bar fixtures totalled only \$1,950, significantly less than the \$10,950 invested in his charcoal business. More than 82% of Vanina's business investments were in the charcoal industry.⁶⁹

The significance of Torre, Vanina, and Tognini profiting more from charcoal than merchandising is that their success did not depend upon exploiting the burners. If they had been willing to cooperate with the working-class, an interclass ethnicity could have stabilized the Italian community as it had in Butte, and perhaps prevented the Charcoal Burners War. They had no financial reason to cooperate given that they were the three wealthiest Italians in Eureka by 1880, more affluent than many non-Italians. Torre's assessed worth was approximately \$17,075, Vanina \$18,233 and Tognini was the wealthiest with \$26,468. Such gains did not come easily. Tax rolls reveal that Tognini made just under \$2,500 in 1875, less than ten percent of his valuation five years later. Although Torre owned a saloon,

⁶⁹ Eureka County *Assessment Roll*, 1880, 151

he did not profit enough to even make the tax lists in 1875. Vanina had not yet arrived in town. Each of these men understood the economic opportunities that accompanied industrialization. As a result, they would not surrender to ideals of ethnic solidarity the class advantages they had fought so hard to win even if their values significantly reordered the town's social structure.

Urban Italians' social mobility expressed their approval of the new industrial order, but transforming economic power into social prestige required them to bypass remaining community opposition. When city officials in Paterson, New Jersey, refused requests for a larger police force to control worker demonstrations, manufacturers concluded that hiring their own militia was easier than overcoming resistance from city officials.⁷⁰ Reliance upon a militia indicated weakness rather than strength by highlighting industrialists' "inadequate prestige and power to dominate the city government."⁷¹ Industrialists within Eureka bypassed local opposition by requesting that the governor mobilize the state militia to control demonstrations over charcoal prices.

As the increasing number of wagon stoppages prevented more of the middle-class from conducting business, Tognini and Vanina joined the most prominent non-Italian charcoal

⁷⁰ Gutman, 245

⁷¹ Ibid.

merchants and teamsters to request that Governor John Henry Kinkead mobilize the Second Brigade of the Nevada Militia to end worker protests. An indication that industrial authority had already begun to take root was apparent in the willingness of the sheriff and the Chairman of the Eureka Board of County Commissioners to join them in their call for state troops. Simply because the governor in Nevada and other states sent militia to settle industrial disputes does not suggest that industrialists in Eureka and other cities "so dominated the local political and social structure that their freedom of action remained unchecked."⁷² Indeed, the need to invoke the authority of state officials was necessary because many community members were unsympathetic to industrial interests.

Eureka residents' refusal to answer the sheriff's call for posse members demonstrated community resistance to industrial authority. Seeking 100 recruits for his posse, the sheriff could muster only thirty-five. The lack of community support arose from the perception that the sheriff was fighting for an industrialist cause, as indicated by "Cela" in a newspaper editorial. The writer suggested that the sheriff recruit charcoal merchants and smelting company officials for his posse since they had "the greatest

⁷²Ibid., 255

interest in this matter."⁷³ Cela also hinted at the class conflict underlying the rivalry in stating that the industrialists "do not seek to enforce the law themselves, against those to whom they have so often denied justice."⁷⁴ Even though the governor eventually sent the militia, this approach also encountered resistance because the Second Brigade was regularly stationed in Eureka and it too relied upon local residents for recruits.

That the sheriff initiated the only confrontation with the burners even after the governor mobilized the militia indicates community members' reluctance to support what they perceived as an industrial cause. The militia could not effectively oppose the burners for the same reason that the sheriff had difficulty recruiting a posse--the only people available to serve lived within Eureka. Drawing upon community members to make up its ranks, "neither the men of the Second Brigade nor the more affluent members of Eureka's Italian community were of one mind in regards to the dispute."⁷⁵ Clearly, a schism existed. Militia members were so reluctant to oppose the charcoal burners that from the outset "there had been rumors of dissidence" within

⁷³ *Eureka Daily Sentinel*, August 14, 1879, 3:2, as cited in Earl, 68

⁷⁴Ibid.

⁷⁵Earl, 69

their ranks.⁷⁶ An officer was even arrested for insubordination after "he had been seen drinking with Modoc Sam and Charcoal Bill, two violent thirty-cent-a-bushel men."⁷⁷ Unable to whip community sentiment into a passionate frenzy against the burners, the sheriff was industrialists' only ally willing to enforce their authority. Realizing he could not rely upon the militia, he sent his deputy and six volunteers to serve warrants at Fish Creek where their confrontation with the burners resulted in the Charcoal Burners War.

The need to invoke the governor's support demonstrated that industrialists lacked the power to enforce a worldview that served their interests, but their ultimate victory over the charcoal burners provided them with the authority they sought. The posse's justification for shooting the eleven men was so suspect that a grand jury investigated the incident, eventually dismissing charges of murder against the deputy and his posse as well as charges of riot and conspiracy against twenty of the charcoal burners.⁷⁸ The burners' attempt to control the price of charcoal ended when they renounced the tactic of stopping wagons. Industrialists had gained a considerable foothold within the town by taking control of the timber resources that fueled

⁷⁶Ibid.

⁷⁷Ibid., 70

⁷⁸Ibid., 81

the community. The Charcoal Burners War represented one stage in industrialists' ongoing struggle to legitimize their place in the community by controlling the commons.

By taking control of a commons from another class of users, industrialists successfully redefined access rights to the resources as well as the very definition of community within Eureka. The struggle for community legitimacy reflects the idea that "competition among rights and claims takes place through competition in meanings."⁷⁹ Given the "static" and "intimate" atmosphere prior to industrialization, Eureka residents defined "community" to include themselves only. By capturing the commons, industrialists simultaneously changed "definitions of rights, of relative claims, of appropriate uses and users" of the commons as well as the definition of community.⁸⁰ Meanings in Eureka and other locales throughout the United States were "embedded in specific historical sets of political and economic structures" and changed as communities evolved. Commons conflicts reflect the "cultural meanings and social relationships" of a particular community at a given point in time.⁸¹ When the Charcoal Burners War occurred in 1879, the struggle to define community in Eureka was "about who has the rights to the

⁷⁹ Peters, 192.

⁸⁰ Ibid., 178.

⁸¹ McCay, 203

commons."⁸² Ten years later a similar struggle ensued.

⁸² Ibid., 205

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CHAPTER 6

MINERS CLAIM THE COMMONS

In 1889, a decade after the Charcoal Burners War, a similar clash over timber resources occurred between miners and industrialists. Although miners fought their battle in the courts and not with guns, their complaints resonated with the same bitterness the charcoal burners expressed toward industrialists. A Nevada district attorney, Thomas Haydon, filed ten law suits against the two biggest smelters, the railroad, and various charcoal merchants for cutting timber on public lands, seeking more than \$10,000,000 in restitution.¹ The suits, like the Charcoal Burners War, represented community resistance to the social dislocation resulting from industrial monopolization of the commons. Miners fought for a share of the resources against smelters and charcoal merchants who struggled to maintain unfettered access to timber they had cut freely since coming to the district.

¹ Report of the Committee on Mines and Mining Concerning United States Suits Brought for Cutting Timber in Nevada, Senate Report, No. 2, 51st Congress, Special Session, (Washington D.C.: Government Printing Office, 1889), v.

The suits triggered an investigation by the United States Senate Committee on Mines and Mining to determine whether existing legislation allowed for commercial cutting of timber on public lands. The Senate investigation centered around the interpretation of the Free Timber Act. Passed in 1878, this act allowed any "bona fide resident" of Nevada and certain other states "to cut timber for 'agricultural, mining, or other domestic purposes' on mineral lands that were not subject to entry except for mining."² Although the language was extremely vague, the district attorney and officials from the Department of the Interior argued that Congress intended the act to protect miners'--and only miners'--access to timber on unsurveyed portions of the public domain. Their interpretations denied access to the smelters and charcoal merchants who had been cutting timber with virtually no restrictions. In fact, the district attorney decided to prosecute specifically because industrialists' increased commercial use of the commons denied miners access to timber provided for in the legislation.

In the earliest days of the Eureka mining district, commercial timber cutting did not conflict with community members' claims to resources because of the informality governing pre-industrial towns. There was no legal precedent for

² Paul W. Gates, *History of Public Land Law Development*, (Washington, D.C.: Zenger Publishing Co., Inc., 1968), 552

commercial timber cutting on unsurveyed portions of the public domain as in Eureka, but local custom provided virtually unlimited access to anyone needing wood. An employee of the United States Land Office in Eureka described the informality of taking timber:

In this district, any person who wants the timber takes it. A man will go into the timber, build a fence around a large quantity, perhaps miles square, and by local law such an inclosure [sic] holds it."³

Eureka was an open access resource with very few restrictions. Individuals as well as companies enjoyed free reign to timber because of the permissiveness of "local law." As increased demand transformed wood into a highly-valued commodity, such unfettered access resulted in competing claims to the commons between miners and timber interests. As had occurred during the Charcoal Burners War, a struggle for resources ensued that challenged the meaning of "community."

³ US Public Lands Commission, *Report of the Public Lands Commission, Created by the Act of March 3, 1879, Relating to Public Lands in the Western Portion of the United States and to the Operation of Existing Land Laws*, House Executive Documents No. 46, 46th Congress, 2d Session. (Washington D.C.: Government Printing Office, 1880), 425, as cited in Ronald L. Reno, *The Charcoal Industry in the Roberts Mountains, Eureka County, Nevada*, Volume 1, (Virginia City: Archaeological Research Services, 1994), 4-7.

As the commercial value of wood increased, smelters and charcoal merchants monopolized the resource by consolidating as much timber under their control as possible. The growing need for timber quickly transformed wood ranches into saleable commodities.⁴ Even though private ownership of small ranches continued, a few merchants and companies began accumulating large tracts of timber in about 1875."⁵ By 1878, the twelve individuals who bothered to report their holdings controlled 16,049 acres of woodland; only one of these tracts met the federal limit of 160 acres. Four people held 160-acre tracts in 1880, but this comprised only 5% of the 13,035 acres of woodland assessed. The wood and charcoal industry became centralized within the hands of a rising middle-class because of increased timber speculation.⁶ Just as commercialization resulted in class stratification among New England fishermen, speculators who grew rich by consolidating timber holdings in Eureka threatened to disenfranchise miners.

⁴ Reno, 4-8

⁵ Ibid.

⁶ Reno, 4-8 to 4-9. Although the evidence cited here supports the argument that the wood and charcoal industry became increasingly centralized, according to Reno "small properties are more likely to have gone unrecorded." Despite this probability, the huge holdings of a few individuals and companies reinforces the argument that centralization did occur. For example, in 1878 the Richmond Smelter controlled 3600 acres of woodland and coal merchant George Lamoureaux 3640 acres. Each probably controlled even more woodland that was not recorded in county records.

The district attorney recognized that he was protecting community interests from increased commercialization because the suits he filed targeted industrialists rather than the Italians who cut the wood. Haydon received complaints of "Italians, maybe thousands of them" who had been "systematically" engaged in cutting timber off thousands of acres of the public domain with no intention of preempting or buying it. What particularly troubled Haydon was that these encroachments occurred upon mineral lands "for purposes of commerce, not by miners for their mines or for improvements on the land."⁷ He was less concerned with the charcoal burners than with the "boss Italians or leaders among their countrymen who have grown quite rich on these speculations."⁸ That some grew "rich" at the expense of others within the community was a trend apparent in other western locales.⁹ Miners' complaints served as the basis for the federal government's decision to prosecute commercial interests rather than the Italian woodcutters.

Complaints that timber interests cut wood on mining claims confirmed federal officials' suspicions that commercialization

⁷ *Report of the Committee on Mines and Mining*, 33

⁸ *Ibid.*

⁹ Gates attributes increased efforts in the Department of the Interior to prosecute depredators to its recognition that "trespass was no longer a matter of small operations extending around a 'big 40' but very large operations involving some of the big lumbermen and millmen; Gates, 554

increasingly disenfranchised miners. Miners resented paying high prices for wood they needed for hoisting works and crushing mills, especially when it "may have been cut off from their own mining claims by a wood rancher."¹⁰ As wood grew scarce, competition for resources became intense. In one instance, a group of miners notified woodcutters in the area to stop cutting, but "the parties thus complaining have been treated with contempt."¹¹ Miners felt that timber speculators robbed them of wood that they legally possessed. Even though working-class Italians were cutting the wood, miners directed their anger at the industrialists who employed them.

The timber suits represented community resistance to industrial control of the commons because miners identified corporations as the cause of their distress. Haydon described to the investigating Senators the experiences of E.H. Ross, a miner in Eureka County for more than 20 years. Ross could testify that independent miners had been "materially interfered with and damaged by the wholesale and rapacious denudation of the forests and the clearing off of the timber upon mines, by large and wealthy corporations."¹² Miners resented being "materially interfered with," but the anger that their resources made

¹⁰ Reno, 4-12

¹¹ *Report of the Committee on Mines and Mining*, 33

¹² *Report of the Committee on Mines and Mining*, 53

corporations "wealthy" hints at a stronger class rivalry. Just as increased commercialization caused class stratification in the New England fisheries and among urban and rural Italians, Eureka residents resented the social changes industrialization brought to their community.

Ranchers, farmers, and businessmen corroborated miners' reports of the impact commercial timber cutting had on their lives. The Eureka community's willingness to support the government's suits against timber depredators was consistent with other western communities.¹³ The district attorney confidently reassured the Commissioner of the General Land Office that the Eureka community supported the prosecutions in stating that "many merchants, miners, and farmers in this State fully indorse [sic] the action of the Government in respect to these suits."¹⁴ Haydon cited J.R. Ennor as an example, a farmer in Eureka whose "supply of water has been materially decreased by the illegal and wholesale denudation of the forests."¹⁵ The farmer's situation

¹³ When the Land Commissioner attempted to prosecute timber depredators in other locales, "the western public upheld the government in these prosecutions, for much of the illegal activity was chargeable to the speculator." Despite widespread public support, opposition to industrialists was not entirely unanimous. "At times," even in the midst of massive depredations "a keen sympathy was expressed for those who supplied the towns with timber and capital"; Robbins, 245.

¹⁴ Report of the Committee on Mines and Mining, 49

¹⁵ Ibid., 53

was representative of "any number of farmers or ranchers" who could recount similar stories.¹⁶ Even though "alien Italian coal-burners, working in the interest and under the employment of mining and railroad companies" cut the timber, the farmer resented the "companies" and not the Italians for taking his timber.¹⁷ Distinguishing between laborers and the companies that employed them suggests that Eureka residents refused to consider industrialists as legitimate community members.

Overcoming such widespread opposition required industrialists to challenge the definition of "community" and legitimize their place within Eureka to consolidate their control over the commons. Many of the most prominent men with timber interests in Eureka pleaded for support in a letter to Nevada Senator William Morris Stewart, stating that their inability to cut timber "would ruin this community."¹⁸ They had a flair for

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., 21. The following men who signed the correspondence to Stewart had an impressive array of credentials: One of the men who requested Stewart's support was George Cassidy who had served in Congress from 1880 to 1884 and ran unsuccessfully for the Senate. Another was C.C. "Black" Wallace who also ran for the House and Senate. According to Elliott, Wallace also served as county assessor in Eureka and "from this position he began a career which eventually made him one of the most powerful political figures in the state"; Russell R. Elliott, *Servant of Power: A Political Biography of Senator William M. Stewart* (Reno: University of Nevada Press, 1983) Elliott, 93. Working as a paid agent for the Central Pacific Railroad and his campaign manager in 1886 only reinforced his loyalty to Stewart.

the dramatic, claiming that "universal distress and destitution would follow" if the government denied them access to public timber. They were integral to Eureka's functioning because "hundreds of poor men, many of them with families, are dependent upon the companies for their daily bread."¹⁹ Certainly, industrialists benefitted the community by providing jobs, but raising this point diverted attention from miners' complaints that unchecked industrialization was a detriment to their interests. Industrialists argued that they were entitled to at least a share of the commons because they benefitted the town, despite some community members' objections to the contrary. Appealing to Senator Stewart was an old tactic intended to bypass these objections.

Because the governor proved an effective ally during the Charcoal Burners War, industrialists again sought outside political support. In U.S. Senator William Morris Stewart they found a willing and able ally. A biographer accurately characterized Stewart's career in titling his book *Servant of Power*. Corporate interests exerted significant control over

These three men led the movement within Nevada to bring about free coinage of silver, a cause for which Stewart had become a symbol. Sadler was the wealthiest charcoal merchant in Eureka and later became Governor of Nevada. Thomas Wren was president of and an attorney for one of the smelters named in the suits. He and Stewart had met in Eureka previously as opposing attorneys in a lawsuit.

¹⁹ *Report of the Committee on Mines and Mining*, 21

state and national political offices in late nineteenth-century Nevada, and Stewart's tenure as Senator proved no exception.²⁰ He was one of only five men to serve as senator in Nevada from 1865 to 1900, a group many believed was "the bribed tool" of the railroad and mining companies.²¹ He endlessly promoted the interests of the Central Pacific Railroad, a relationship strengthened by Charles Crocker's gift of two hundred shares of railroad stock.²² Stewart's ability to further corporate interests by influencing important legislation resulted from his position as Chairman of the Senate Committee on Mines and Mining, the entity investigating the Nevada district attorney's justification for filing the timber suits.

Stewart had the power to influence the outcome of the investigation as chairman of the committee, but even more helpful to Eureka industrialists was his longtime aversion to federal regulation of mining interests. Drawn to California as a young man by the gold rush, Stewart worked under the "plethora of local rules and regulations" prevailing at the numerous mining camps.²³ As a miner he formulated rules for quartz claims that served as a

²⁰ David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890*, (Berkeley: University of California Press, 1992), 329.

²¹ *Ibid.*, 330

²² Elliott, 64

²³ *Ibid.*, 50

model for later mining districts, but firmly believed that all such regulations should originate from within the mining camps and not from federal bureaucracies.²⁴ He demonstrated this belief in the Senate by authoring the 1866 National Mining Law, referred to as the Miners' Magna Carta because it legalized local mining district regulations "that otherwise would have been a trespass."²⁵ Stewart's career demonstrates his strong belief in the autonomy of local mining districts, but only the most powerful corporate interests figured into his definition of community.

Stewart's devout loyalty to corporate interests and contempt for federal regulation led him to justify industrialists' claim to timber by legitimizing their place within the community. As chairman of the investigating committee, he immediately targeted the vague language of the Free Timber Act in an attempt to redefine "community" to include industrialists. The act allowed any "bona fide resident" to cut timber on lands intended for mining use if the timber was for "building, agricultural, mining, or other domestic purposes."²⁶ Stewart construed the admittedly vague language to justify the status of every industrial enterprise within Eureka to be a "bona fide resident" entitled to

²⁴ Ibid., 51

²⁵ Gates, 719

²⁶ Reno, 4-12

timber located on public lands.

The district attorney's justification for filing suit against the Eureka Consolidated Smelter was his belief that it was not a legitimate part of the community. The smelter incorporated under California law and maintained its principal office there, suggesting it was not a "bona fide" resident of Nevada. According to Stewart, Nevada laws treated corporations organized under California law the same as home corporations.²⁷ The Commissioner of the General Land Office "was not aware of any such statute," however, and believed that "the general rule is that a corporation organized under the laws of another State is considered a foreign corporation."²⁸ Stewart's failure to identify the specific statute cast doubt on his assertion, especially when he argued that even British firms were "bona fide" residents of the United States.

Even though the other smelter facing prosecution was British-owned, Stewart argued that it too was entitled to timber rights under the Free Timber Act. Land Commissioner S.M. Stockslager justified the suit against the Richmond Consolidated Smelter on the grounds that it was a foreign corporation appropriating timber that the government intended "for the benefit of its citizens only, and for the individual necessities

²⁷ *Report of the Committee on Mines and Mining*, 28

²⁸ *Ibid.*, 29

of the miner and agriculturist."²⁹ When Stockslager identified the smelter's owners as "foreigners, not citizens of this country," during the investigation, Stewart replied, "I think you make a mistake."³⁰ In fact, Stewart was mistaken, or lying, in denying Stockslager's assertion. British firms often practiced the "subterfuge" of registering a dummy corporation to hold title to western mining and timber claims while the principle interest remained in Britain.³¹ The point here is not to engage in the same hair-splitting argumentation over vague language but to cite examples of Stewart's manipulation of the legislation to legitimize industrialists' place within the community.

The debate over the meaning of community within Eureka resulted from a power struggle between federal and local authorities over the control of western resources. State politicians like Stewart frustrated Interior Department reformers by manipulating the language of the Free Timber Act and similar legislation in appealing for the right of "poor settlers" to cut timber for fuel or construction.³² What these state officials really defended was the right of smelters as well as large-scale

²⁹ Ibid., 39

³⁰ Ibid., 6

³¹ Clark C. Spence, *British Investments and the American Mining Frontier, 1860-1901*, (New York: Cornell University Press, 1958), 196

³² Gates, 554

mining and timber companies to cut as they pleased without incurring additional operating costs.³³ Western politicians subverted meanings to alter the definition of community and provide industrialists with access to resources, but all too often their access shut out the miners and settlers the laws aimed to protect.

The Department of the Interior spearheaded efforts to define community in a manner more representative of independent citizens. Secretary of the Interior Carl Schurz and Land Commissioner J.A. Williamson always conceded the individual settler and miner's need to cut timber from public lands. What they attempted to eradicate was the large-scale commercial cutting of smelting, mining, and timber companies.³⁴ Although Interior officials' interpretations were more consistent with the spirit of the legislation, their willingness to choose sides in the debate indicates a flaw evident in many instances of government regulation of common resources.

The battle between the Department of the Interior and state politicians such as Senator Stewart highlights another shortcoming of Hardin's Tragedy of the Commons thesis. Hardin assumes a dichotomy between laissez-faire market forces and a supposedly objective regulating entity. He fails to recognize

³³ Ibid.

³⁴ Ibid., 553

that market forces can influence legislation and even reproduce competition over resources within and between government agencies. The conflicting definitions of community between Interior officials and western politicians demonstrate this point.³⁵

Stewart's success in bringing about the dismissal of the ten suits against the timber interests suggested that, for the time being, he had defined community within Eureka to include industrialists. While he fought this battle, "a wave of anti-alien-landholding measures swept the West" when news broke of British and Scottish land monopolies of the kind Stewart so ardently defended.³⁶ Hostility to alien ownership and corporate land monopolies brewed among private citizens throughout the 1880s, providing impetus to the Revision Act of 1891 only two years after the dismissal of the Eureka timber suits. Although Garrett Hardin could have seen the Revision Act as just the

³⁵ Arthur F. McEvoy, "Toward an Interactive Theory of Nature and Culture: Ecology, Production, and Cognition in the California Fishing Industry," *The Ends of the Earth: Perspectives on Modern Environmental History*, Donald Worster, ed., (Cambridge: Cambridge University Press, 1988), 223-4. McEvoy describes how efforts to regulate California sardine fisheries demonstrated a similar error in assuming that lawmaking was detached from marketplace competition. Relying upon legislators to regulate the fisheries resulted in a tragedy of the commons "in the very legal process that were supposed to correct such failures in the market." Relying solely upon legislation as a solution did not account for the "mutually constitutive relationship between the legal system and the private economy."

³⁶ Gates, 482

remedy needed for conserving western resources, it failed to resolve conflicts between corporate and community interests. Intensified government regulation marked the beginning of a new era during which competing interests continued their fight for the commons, but did so increasingly within the arena of the federal bureaucracy.

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