

Nevada History:

[Alexander Toponce, A Winter in Nevada 1867-68, from *Reminiscences of Alexander Toponce, Pioneer, 1839-1923* (1923)]

XLVI

About the last of September, 1867, I started for California with near 6,000 head of cattle all in one big herd. We had eighty horses and four wagons with oxen to haul supplies, and a force of twenty men.

We followed the old stage route most of the way, Fish Springs, Deep Creek, Steptoe Valley, Egan Canyon, Austin, on the Reese River, Mammoth and Walker Lake. The feed was fine all the way. We had no trouble with Indians.

When we reached Walker Lake I found that heavy

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snows had fallen earlier than usual on the passes over the Sierra Nevada range and decided to winter in Nevada. I rented the Walker Lake Indian reservation for the winter, paying \$1,000 in gold as grass money.

As I needed only about four men to watch the cattle during the winter I decided to pay off the balance and went into Virginia City, Nevada, with the Indian agent to get my money. I telegraphed for money to John W. Kerr. All my money was tied up in the cattle. Word came back from Salt Lake that Kerr was not in town. He was at the Silver Reef mine down in southern Utah.

So I went into the Bank of California to borrow \$2,500. The President was named Sharon. The Indian Agent identified me. I told my story and asked for \$2,500. I was a pretty tough looking specimen after six weeks on the trail. He looked me over and then chopped me down, "I can't let you have it," he said, and walked away from the counter.

The Cashier, who sat near, called to me as I was going out, "Come in tomorrow morning," he said, "I'll see if we can't fix you up. I've got that much myself." His name was Webster and the next morning I got the \$2,500 and paid off my men who all came up to Virginia City to work around the mines.

But I got even with Sharon. I had brought with me two trotting horses I had picked up in Utah, that could do a mile in about three minutes, also a \$100 buggy I had trailed behind a wagon. I brought the horses and buggy up to Virginia City and put them into Church's livery stable.

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Sharon also had a team of fast steppers in the same stable and every day he would drive them out to Gold Hill and back, taking with him distinguished visitors and lady friends and customers.

I waited till my team was rested and fed up and then every time Sharon ordered out his team Church would harness mine and send for me. I would take the Indian Agent or some other friend and hustle out to Gold Hill and catch up with Sharon. Coming back I would lay my team right along side of him until we got back into town and then I would let my trotters go and they would sail right around Sharon and give him the dust for about three blocks, through the business part of town.

It pleased me very much and tickled the people of Virginia City immensely. It got to be a daily spectacle, and when my team came in ahead of Sharon's the crowd would cheer. They lined up every afternoon to see the horse race between Sharon's steppers and the team owned by the "cattleman from Utah."

Sharon would get mad and touch his team up so hard they would break gait and then he would jerk and saw and lash them and get red in the face. And the madder he got the louder

the people would cheer.

Finally Sharon got so sore he would not order out his team and after a few days I got a tip that he would send a man around to buy my span from me. So I saw him coming first and held the price stiff for \$3,000 for horses, harness and buggy, and got it. After that Sharon drove my team on his trips to Gold Hill. And I had no trouble in paying the bank what I owed it.

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XLVII

Among the 6,000 cattle I wintered in Nevada, in 1867 and 1868 were nearly 2,000 head that had been work oxen, but all they had done was to make one haul from the Missouri River to Utah, and most of them had run on pasture for two or three years until they got big and fat.

As there was a god deal of freighting going on in Nevada, bringing supplies to Virginia City, Carson City and other mining camps, I found a very heavy sale for these work oxen.

I sold 400 head of them at different times as work oxen to freighters. Of course, they picked out the best, but I got \$100 a head for them in gold. I also sold the Quartermaster of Fort Churchill 500 head of the small ones for beef at \$75 a head.

Early in the spring of 1868 I began to sell some to the Butchers' Association. This was a combine of butchers, of which Abe Strauss and Dick Carmen were members. They had the contract with the mines "on the Comstock." This contract with the mines gave them virtually a monopoly of the business in Nevada.

After they had been dickering for some time it began to dawn on me that they were under the impression that I had to sell, and I commenced to look around and see what other fat

cattle there were in the country. I found a man who had eighty and another ninety. So I just bought up these two herds.

Then I announced that I was going to move all my cattle over into California as soon as the snow would permit. I began to hire men and round up the cattle and get ready to move.

The Butchers' Association got interested then and made me an offer. I finally closed with them at the rate of \$46.50 "all round" for each head of cattle. In counting the cattle we counted the calves, yearlings, four wagons, the horses, harness, saddles and two camp dogs, each and all were counted as cattle, and sold at \$46.50 a piece.

I took pay in coin which I sold at a premium of 45 1/2 per cent for greenbacks and had the money transferred to Isaac Kerr & Co., in New York.

We, that is John W. Kerr, Governor Durkee and myself, had each \$100,000 in cash at the close of this transaction.

Late in the fall of 1867 some of the Walker Lake Indians went on the warpath. They made it pretty hot for my friend, the Indian Agent, for a day or so. Then he sent up to Fort Churchill for soldiers and the hostile braves took to the hills west of the Lake.

A lieutenant and six men came down from the fort to arrest these hostiles and the friendly Indians told the agent that the bad Indians had escaped. The lieutenant impressed four civilians, including myself, into the service and we started out to run the hostiles down and bring them back to the reservation.

We found the trail and followed it up into the mountains. We finally located them in the timber where we found they had built a fort of logs and proposed to make a fight.

We made a camp and left the cook in charge and then went up on the hill to get those Indians.

There were six Indians in the fort and we killed two and captured two and two got away. We handcuffed the two prisoners together and took them back down the hill to camp.

Then the lieutenant said, "Let's go back and get the other two while we are at it," and back up the hill we went leaving the two prisoners in charge of the cook. We followed the trail of the two who had escaped until nearly dark and then went back to camp. The cook was all alone.

"Where are those two Indians we left with you?" demanded the lieutenant.

The cook was getting supper and just waved his hand. "They are down the trail there," he said, and went on cooking.

We walked about 100 feet down the trail and there in a bunch of willows were the two prisoners, still stack-led together, but dead, each with a bullet hole in the head.

The lieutenant stood and looked at the bodies. "Great Scott!" he said, "That cook is crazy. The men have all been saying he was crazy. This is a fine mess. I'll catch hell for this."

He took the handcuffs off the dead Indians and we went back to the camp fire. "What did you kill those two prisoners for?" he demanded of the cook.

"I took 'em down the trail to carry some dead limbs up for the fire." he said, "and they wouldn't pick it up; wouldn't carry it, so I shot 'em."

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The lieutenant groaned, "crazy as a loon," he said to me. "This is a fine mess."

We were all hungry, but I for one, did not relish that meal. I never did know just what report the lieutenant and the Indian Agent made to the respective departments.^[1]

XLVIII

At Virginia City, Nevada, everyone gambled on the Stock Exchange. There was a different business atmosphere at Virginia City, Montana. It must have been the California influence. Nobody in Nevada ever planned to live there long, to make their home there. The idea was to make money—to get rich in Nevada, if possible, and then go to California to spend it, or, as they all said "to go below."

The miners working in the big mines all bought stock generally, on ten per cent margins. Some made wonderful winnings but most of them lost. There was a great gathering of gamblers, tinhorns, swindlers, prostitutes, dancing girls, saloon keepers, and adventurers of both sexes in Virginia City, all buying and selling mining stocks.

There was no "under world." Vice and all kinds of sin were open and above board and were the rule and not the exception and nobody seemed to be ashamed of anything.

Because I could speak French I got acquainted with several Frenchmen. I remember one who ate at the same restaurant that I patronized. One day he said to me, "It os great — ze American language. I read in de pape zat 162 REMINISCENCES OF ALEXANDER TOPONCE Yellow Jacket—he boom. So I buy some. I put in \$1,000. I lose de mon. Den I read ze Webster dictionary, I find ze boom is a long stick to fix ze sail on to catch ze wind. It is great—ze American language."

Another Frenchman of my acquaintance there, had a quarrel with a lawyer named Burley. He said to him, "Mr. Burley, you have me insult. Dis is my house, I invite you to leave, I do not invite you to return. If you return, I shot you."

Just before leaving Nevada, I took one last whack at my friend Sharon. He had an expert look over his team of trotters,

the team he drove before he bought mine, to see what was the matter with them. The expert told him that they were getting old and that their front teeth had grown out so long that their grinder teeth no longer met and that the front teeth should be filed down, which was all true. So Sharon told Church, the livery stable man, to have their teeth fixed so they could chew hay to better advantage. Church asked me to help him. I told him I would if I was paid for it. He said, "All right, you can make out a bill for your services."

I helped Church with the job and then made out a bill to Sharon for \$50 for "expert horse dentistry," and told Church, "You tell him I will sue him if he doesn't pay." Sharon was astonished at the size of the bill but he paid it. I thought he would see the joke and refuse to pay, but he paid it like a little man.

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XLIX

Just before I left New York state to come West, I left Mr. Carmen and went to live with an old farmer named Polly, who lived near Morrisville, New York, close to the St. Lawrence River, and opposite to Brockville, Canada.

Besides farming he did quite a business in handling horses. He bought and sold horses of all kinds and some he smuggled in from Canada across the river. I was too young to know any better, so I helped in this horse smuggling.

There was a duty of \$25 a head, levied by the Canadian Government to keep horses from being shipped out of that country into the United States. 'My boss could buy good "Canadian ponies," weighing 1,000 pounds, on the north side of the river for \$15 to \$20 apiece and the minute he got them across the river they were worth \$50 to \$75.

To get across the river without paying the duty was the

main problem. It was easy enough when the St. Lawrence was frozen over, but even then we had to watch the Canadian customs officers.

At some places the customs collectors had stations along the river every mile or so and maintained a kind of patrol. But they could not stop all the smuggling. Everybody on both sides of the line did a little smuggling at times, and seemed to think it all right. It was wrong, of course, to get caught.

Sometimes it was a case of goods being smuggled from this country into Canada and the next time it was
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coming the other way. If people were not personally interested in what was being put over the line, it was polite to look the other way and say nothing.

My boss would take me and his own son, a boy of eighteen, over to Canada with him on his buying trips and turn the horses over to us, as he bought them, and we were supposed to drive them across the river.

Sometimes he paid the tax, when he could not help it, but generally we would find where the weak spots were in the customs patrol, and herd the horses down to the river and if not interrupted, would rush them across the ice to the New York side.

On one occasion, we got the horses within a mile of the river and the old man Polly went to hunt up the customs guard. I followed him. He found the guard and engaged him in consultation.

I sat on my horse at a safe distance and watched. Suddenly I saw him give the signal that the "coast was clear." He did it, as agreed, by lifting his hat and scratching his head.

I at once turned my horse and rode back to the horses and we crowded them up to the river and across the ice. That time we put about twenty-five head across without paying the

duty.

It was not exactly nice work for a fourteen-year-old boy, but it was exciting and I enjoyed the work, and as I have stated, everybody did it.

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One of the bad habits I learned while smuggling horses over the line from Canada, was a liking for cock-
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fighting. There was a great deal of cock fighting in Canada sixty-five years ago.

From that time on I was never without a pair of steel spurs in my pocket until about thirty years ago when the laws against that kind of sport became very stringent.

I participated in cock fighting in nearly every state in the West. I had some great experiences in California and some in Utah. One of the promoters of the sport was a wealthy land dealer named D. P. Tarpy of Salt Lake.

We imported two Irish Gray cocks from California and in a main that attracted a big crowd we cleaned up the Salt Lake sports, including my good friend, Sharp Walker.

But it was while I was in Nevada, in 1868, that I saw most of that game. Nevada was crazy on cock fighting. The leading bankers and business men attended the fights and entered roosters.

My friend, the Indian agent of the Walker Lake reservation, went with me to Virginia City, Nevada, on one occasion and we paid good money to get into a building where they had more than a dozen cock fights.

The fighting was in the center of the room and the pit was surrounded by a canvass wall about two feet high, around which the sport fans sat.

The Indian agent and I sat on the highest seat in the

rear of the room and watched the game. Finally a boy who had a rooster in a sack pulled at my coat sleeve and wanted to sell me a fighting rooster.

He was a little fellow but I liked the way he stood
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up straight and I called the Indian agent's attention to his good points.

"If I had some steel spurs, I would buy him," he said.

I reached in my vest pocket and got out a pair of spurs and gave him and he bought the rooster from the boy.

When he entered his rooster it was pitted against a fancy cock owned by Sharon, of the Bank of California. The roosters fought about thirty seconds and then our rooster drove a spur through the head of Sharon's rooster. We won \$100 on that deal.

At the conclusion of the program they had what they called the "battle royal," each owner of a defeated bird threw his rooster and a \$20 gold piece into the cock pit and the rooster that stayed the longest would win all the money. Some of the roosters would fly right out the first thing.

Just before the wind-up of that evening's doings our boy came around with another rooster. This was a big game cock but he was blind as a result of his numerous battles. The boy wanted a dollar for him.

To please the boy I bought him and entered him in the "battle royal." Sharon had a rooster in the pit and so did several others. My big rooster as soon as he found himself in the cock-pit did his best to run away. He ran around and round in the pit and the other roosters thinking he was running after them got excited and one after another flew out of the pit, leaving my rooster the sole survivor and \$80 in gold on the floor.

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I picked up the gold and Sharon picked up my rooster

and examined him. "Look at this," he said, "That damn Mormon cattleman has licked us all with a blind rooster."

The Indian Agent was Franklin Campbell. Here is his report of the incident, from *Annual Report of the Commissioner of Indian Affairs, 1868*, pp. 145-46:

On the evening of the 5th of August last, two Walker Piver Pi-Utes, Sam and Jim, who had been under arrest for more than two years for the murder of Stuart and Rabe, (spoken of in my annual report for 1866,) made their escape for the third time from the guard-house at Fort Churchill. An unsuccessful effort was made by the military to retake them. Having had great trouble arresting these two Indians on three different occasions, I felt inclined to pursue a conciliatory policy with them, hoping that they had become reformed and would give no further trouble. Up to the present time this hope, so far as Sam is concerned, is fully realized. Jim had a large number of relatives who have always been the most intractable Indians connected with this reserve. Among their number were his two brothers, who were equally as bad as himself, they having after the arrest of Jim killed an Indian on the ground that he was the first to inform of the murder.

This band, acting as a unit, were a terror to the balance of the tribe, among whom there is no responsible head or leader; consequently no concert of action.

Soon after Jim got among his friends, who were camped in the mountains 60 miles south of this agency, they commenced to tyrannize over Indians that had always been friendly towards the whites. Two horses were stolen from an American by Jim, and continual threats were made by the band that they would commit acts that would bring about hostilities between the Americans and Indians, in which case the latter would be forced to become their friends.

The citizens of Aurora and East Walker river, learning of the locality and threats of this band, warned the Indians generally, that upon the least provocation an onslaught would be made against them.

Owing to this threatening state of affairs, many Indians who had gathered pine-nuts in the vicinity of the renegade band and prepared to remain during the winter were frightened off, having to leave behind the principal part of their winter's stores of food, which were generally destroyed by the hostile Indians.

Scarcely a day passed without Indians coming to me with complaints of this band, and the request was unanimous that measures should be taken to quell them, in order that further and more serious trouble might be averted.

Upon consultation with the commanding officers at Fort Churchill, it was deemed best that Jim and his two brothers be captured and confined at that post. Accordingly, on the 13th of December last, I left the fort with eight cavalry men. At this reserve we were joined by 15 Pi-Ute warriors. We then travelled nights, and after making 75 miles through a rough mountainous country, arrived in the vicinity of the hostile camps. Here we divided into three parties for the purpose of visiting several camps simultaneously. Jim and his two brothers were surprised and captured by the party that I was with, but made their escape a few moments afterwards, and before the other parties came up. Their running was so unexpected that they had disappeared in the timber before the soldiers and Indians commenced pursuit, which lasted about an hour, and resulted in the killing of the three brothers. Since then the balance of the band have conducted themselves properly, and are now camped on the reserve near this agency.

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