

# PRESCOTT'S BIRTH CERTIFICATE:

Records of the First Miners' Meeting Held on the Hassayampa in 1863

By Andrew Wallace

**T**he roots of the City of Prescott, Arizona, lie in the makeshift settlements of prospectors—camps like Walker, Granite and Goodwin—that sprang up along little mountain creeks in the central Arizona highlands where flecks and nuggets of gold were discovered in the last eight months of 1863. Twenty-five men recruited from California, Colorado, and New Mexico made the initial discovery in May of that year on the headwaters of the Hassayampa River.

Although the original members of the Walker Party did not found the city of Prescott, their gold discovery immediately drew hundreds of men and women to Granite Creek where in May of 1864 officials of the new Arizona Territory established a town soon to become the territorial capital, scarcely six miles northwest of the first campsite of 1863.

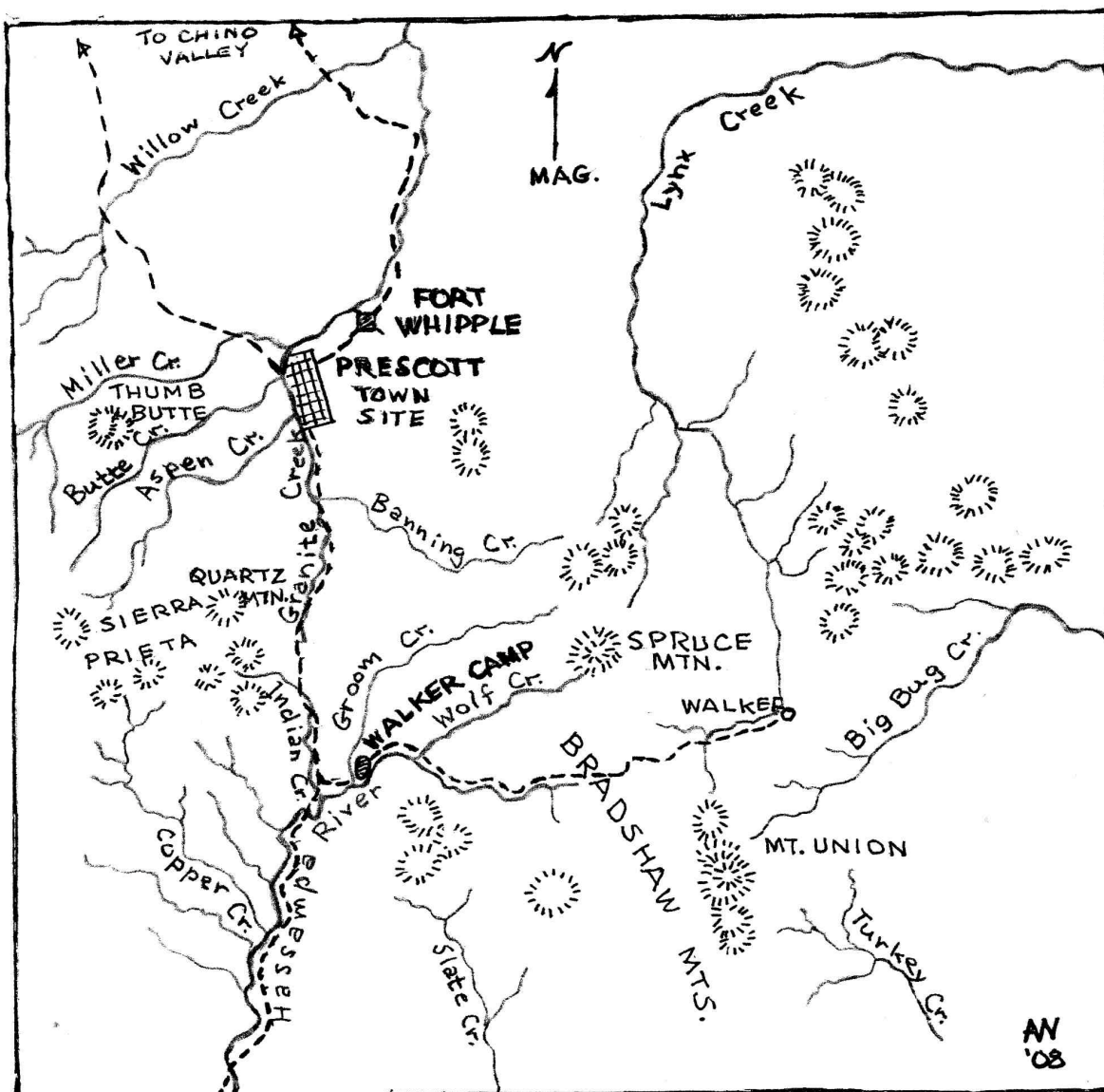
The leader of the prospecting expedition was Joseph Rutherford Walker, born in Roane County, Tennessee, in 1798. He had lived for a time in Missouri before going to Santa Fé as a trader in 1823. His subsequent career as explorer and guide, as well as fur trader, trapper, and pioneer settler, ranks him with the most important of the mountain man fraternity. He guided army captain Benjamin L. E. Bonneville to California in 1837 and the explorer John C. Frémont on his third western expedition (1845–1846). He was the first white man to see the Yosemite. By 1862 he had retired to a large cattle ranch south of San Francisco.

Instigator of the prospecting expedition was George Lount, a thirty-four year-old Canadian, who landed in San Francisco in 1862 where he formed a party of a dozen men to prospect in the Little Colorado River valley of Arizona. How he had fixed on that unlikely region to find gold is far from clear, but apparently he had heard of Walker and his well-publicized explorations along the thirty-fifth parallel between Albuquerque on the Río

Grande and his ranch. Lount persuaded the old mountain man to make one more exploring adventure, though Walker himself never quite caught the gold fever.

The Civil War had reached Arizona by the spring of 1862 with Confederates in Tucson, but in August Union volunteer troops—the California Column under Col. James H. Carleton—had reoccupied New Mexico. In the fall of 1862 the Walker Party prospectors forded the Big Colorado near the Mohave Indian villages, far from the war, and crossed northwestern Arizona to the Little Colorado. Of course they found no sign of gold and moved on to the Río Grande before turning north into Colorado. Walker and Lount finally were guided to the Hassayampa gold field by a thirty-three year old miner and sometime Apache Indian fighter from New Mexico, John W. “Jack” Swilling.

How Swilling came to be associated with the Walker Party and led them to the Hassayampa valley is a fascinating story in itself and told elsewhere to great effect by Al Bates. Suffice to say here that he met the Walker Party near the mining camp of Pinos Altos in southwestern New Mexico in January 1863. Tall and roughhewn, a charismatic leader with an engaging personality, Swilling impressed the veteran mountain man. Although Walker was acquainted with the land north of the Mogollon Rim and west of the San Francisco Mountains where Walker and others thought



RELATIONSHIP OF JOE WALKER'S CAMP IN MAY 1863 TO LATER MINING DISTRICTS ON THE NORTHEAST SLOPE OF SPRUCE MTN. AND TO THE 1864 PRESCOTT TOWNSITE

the Verde River took its rise, he seems not to have seen any part of the Sierra Prieta or Bradshaw mountains. When Walker proposed to explore the Verde Valley, Swilling apparently persuaded him to go farther west to a stream where he and the Gila Rangers, a band of Indian punishers, had found the color of gold in 1860.

The Walker prospecting party camped near the head of the Hassayampa River early in May 1863. The campsite was on the first large, open level ground above the river's

canyon where pine trees provided logs for a corral and a rude cabin. Here some of them found flecks of gold and coarse nuggets in the river's granite sands, just as Jack Swilling had predicted. On May 10 they met to organize and make rules for the area they were to mine. Oddly enough, George Lount was not present at the meeting, but we know that on June 9 he made a claim to the "Black Load" on Granite Creek, somewhere along modern U.S. Highway 89, and he was present at the next meeting on June 10.

At first the would-be miners had been sifting sand with water in broad pans designed for the purpose. Away from the stream they might dig out likely dirt from which to winnow minute gold particles by “dry washing.” Such techniques to extract surface deposits are called placering, and the ground the prospectors worked is called a placer. Though few placers ever led to real mines, and the great majority of gold panners knew little of either minerals or engineering, they were alert to seize the main chance and to take timely action for protection of their claims from interlopers. To divide the wealth among themselves peaceably, the prospectors met together at their riverbank cabin on May 10, 1863.

Their problem was a lack of law. No courts or law enforcement could exist in the central Arizona highlands until territorial government arrived a year later. So the Walker prospectors turned to examples in other Far West territories where voluntary associations had established an informal system of rules and customs to govern mineral claims—as well as real estate, labor, personal conduct, and communal cooperation: an Anglo-Saxon “folk-moot” as their first historian, Charles Shinn, has called them. The best examples were in California whence Joe Walker and George Lount had come.

The usual practice in California was for miners in a small area to club together and to ask

a member of the group who possessed some understanding of the system to preside over a meeting of like minds. The written record of that meeting would include what everyone wanted: a careful transcription of resolutions, passed by majority vote, and a mechanism to preserve each member’s preemptive claims to minerals or land, or both. The resolutions often extended to details of everyday life and commerce, and thus comprised a social code that sufficed until federally sanctioned laws and courts took effect. In California such proceedings were called “miners’ meetings” and that’s what the Walker Party called their assembly in the wilderness. The geographic limits of mining claims, fixed in such codes, also had names; they called theirs the Pioneer District.

Citizens of Prescott today should be thankful that the officers of the Pioneer District’s miners’ meeting obtained a ledger book with wherein they wrote down the proceedings. The journal is a 6 1/2-by-15 inch bound volume that has weathered the years remarkably well and now resides in the Yavapai County recorder’s office. Yet the presence inside it of much more extensive proceedings from the Walker District (formed in November 1863) has obscured the

importance of the journal’s first nine pages transcribed below. These few pages constitute Prescott’s birth certificate.

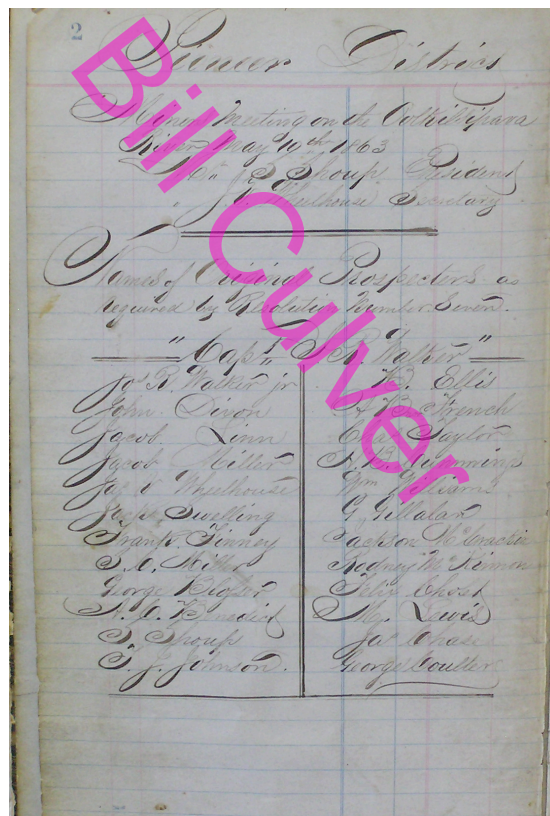


Photo of the first page of the Journal of the Pioneer and Walker Mining Districts.

*Pioneer District*  
*Miners Meeting on the Oolkilsipava River*

*May 10th 1863*

*Mr. S. [Solomon] Shoup President*  
*J. V. Wheelhouse Secretary*

*Names of Original Prospectors [sic]*  
*As Required by Resolution Number Seven*  
*[actually Number Six]*

*Capt. J. R. Walker*

*Jas. R. Walker, Jr.*

*John Dixon*

*Jacob Linn*

*Jacob Miller*

*Jas. V. Wheelhouse*

*Jack Swelling [Swilling]*

*Frank Finney*

*S. C. Miller*

*George Blosser*

*A. C. Benedict*

*S. Shoup*

*T. J. Johnson*

*B. Ellis [Daniel Ellis Conner]*

*Abner French*

*Chas. Taylor*

*H. B. Cummings*

*Wm. Williams*

*G. Gillalan [Gilliland]*

*Jackson Mc Crackin*

*Rodney McKinnon*

*Felix Cholet*

*M. Lewis*

*Jas. Chase*

*George Coulter*



*Record of Miners Meetings  
and Business Transacted Therein*

*Preamble Laws & Resolutions Adopted and Passed by the "Walker" Prospecting and Mining Company for their Mutual guidance & protection at a meeting of said company on the Oolkilsipava River, May 10th 1863.*

*Section 1st*

*To all whom it may concern, be it known that the Walker Prospecting & Mining Company having taken up certain portions of Oolkilsipava River & Tributarys, for Mining purposes have formed the said portion into a District to be called Pioneer District extending from the head of said River to a Tree below the Falls, at the foot of the Mountains (on which notice of claimant is put up) taking in all Tributarys, Gulches and ravines drained by said portion of River to Main Summit on both Sides.*

*Section 2nd*

*That a Miners Meeting duly called and in which a majority shall pronounce pro or con, shall be in this district, the manner by which all Laws to be made & adopted, disputes to rights of claims Settled, extent thereof, Litigation &c & all other business appertaining to Miners and their rights usually settled at said Meetings in other Mining Districts.*

*Section 3rd*

*That there shall be one President to preside over Said Meetings and one Secretary, both of whom shall be elected by a Majority of Votes, for the term of one year from date of Election. It shall be the duty of said President to call all Meetings and see that business belonging to said Meetings be properly brought before it and freely discussed to the satisfaction of all parties concerned. The duty of the Secretary shall be to keep a true & proper Record (in writing) of the proceedings of each & all said Meetings.*

*Section 4th*

*There shall be a Recorder for said District appointed by the Miners for the term of one year, whose duty it shall be to Record all Claims, Sales & Transfers of same and other Transactions in Said District appertaining to Said office in other mining Districts; he shall keep a true Record of same in writing open at all proper hours for Public inspection.*

*Resolutions passed & carried at the above meeting.*

[First resolution:] *Resolved, that one hundred yards in length and fifty yards each side from centre be considered a claim on this River.*

[Second resolution:] *Resolved, that each original prospector be entitled to one extra Claim by right of discovery.*

[Third resolution:] *Resolved, that each member of the Company having drawn by lottery the number of his claims Shall have the privilege of exchanging one or both of them for any other unclaimed part of the said River, same dimension as original being observed.*

[Fourth resolution:] *Resolved, that whereas but little time was taken to properly prospect, no claims be taken for persons outside of original prospectors untill they have definitely settled, to which part of said River their claims may be exchanged for.*

[Fifth resolution:] *Resolved that the President be entitled to a fee of five dollars for each Miners Meeting which may be called to settle disputes or other individual business to be paid by parties calling said Meeting before Meeting be called and in case of winning suit to be refunded to Plaintiff, and same amount collected from defendant.*

[Sixth resolution:] *Resolved that the names of all original prospectors be embodied in this document (for which See page 2.)*

*Resolved that Mr. T. J. Johnson be President of this District.*

*Resolved that Mr. Wheelhouse be Secretary*

*Resolved that Mr. Wheelhouse be Recorder*

*Resolved that the Original claimants whose names appear in this document have nothing to pay for Recording their first claims*

*above motion by the Recorder*

*Resolved that the fee for Recording claims be fixed at Two Dollars & fifty cents per claim.*

*Resolved that No Mexican shall have the right to buy, take up, or, preempt a claim on this River in this District for the Term of Six Months, to date from the first day of June 1863 to dec. 1st 1863.*

*S. Shoup                      President*  
*J. V. Wheelhouse      Sec.*

*Miners Meeting  
held on the Oolksipava River  
June 10th 1863*

*Resolutions passed at said Meeting.*

*Resolved*

*That the present Boundarys of the district be enlarged and its limits be extended to the [San] Francisco River on the East, "on the West to the divide of the River Aziamp & Antelope Creek", and include the Agua Frio River and its Tributarys.*

*Resolved*

*That two days more "from Date" be allowed Original prospecters for locating their claims*

*Resolved*

*That each & all owners of Claims Mark & Number them on trees or stakes at both ends  
So as to be properly understood.*

*Resolved*

*That claim holders shall have the right to say at which end of their claim or claims they shall  
commence measuring from when called upon to measure.*

*Resolved*

*That all claims taken up be recorded within ten days and no person allowed to take up claims  
for others when out prospecting.*

*Resolved*

*That all claims duly recorded be held for one year wether worked or not.*

*Resolved*

*That two hundred feet in lodes be considered a claim.*

*Resolved*

*That Chinaman be excluded from working in any portion of this district.*

*Resolved*

*That all persons bringing in Mexicans or having them in their employ, Record the names  
of said Mexicans at the office of the district Recorder.*

*Resolved*

*That persons employing Mexicans in any capacity be held responsible for all depredations upon property proved to have been committed by them.*

*Resolved*

*That upon discharging each or any such Mexican from employ, Notice be given to the Recorder by the employee.*

*Resolved*

*That the fee for recording each individual Name be fixed at four bits.*



Sara Robinson, archivist in charge of microfilm and retired records for Yavapai County, shows the original journal of the Pioneer and Walker Mining Districts to Bruce Fee, local artist, historian and charter member of the Prescott Corral of Westerners International.

*Meeting of the 12th July 1863*

*Link [Lynx] Creek.*

*Resolved*

*That the law all ready passed with regard to Mexicans remain unchanged.*

*Resolved*

*That the "Walker party" or Original prospectors have the right to locate their discovery claims in any part of the district and have ten days from date to do the same.*

*Resolved*

*That no person hold more than one preemption claim on each stream in this district.*

*Resolved repealed Jan 10th 1864*

*That Asiatic & Senorians be excluded from working in this district. Resolved*

*That a committee of three be appointed to measure & stake all claims on this stream [Lynx Creek] said committee to receive two bits per claim as remuneration.*

*Resolved*

*That the above Named committee consist of Mr. Murray, Col. Dobbins & Jacob Miller.*

*Resolved*

*That a committee of three be appointed who shall decide who are or are not Mexicans subject to the Law of exclusion from taking up & holding claims in the district.*

*Resolved*

*That Mr. Green, Mr. Murray & Wheelhouse compose the above name committee.*

*T. J. Johnson*

*Pres.*

*J. V. Wheelhouse*

*Sec.*

*Resolution passed at above meeting not mentioned before - That Recorder fee be reduced to \$1.50 per claim for Recording & company claims as one and ten days from date in which to record the same be allowed to Miners.*



## NOTES AND COMMENTS

Prescott's founders made their first camp at the headwaters of a stream called the Hassayampa, probably a Yavapai Indian name. That is certain. But the recording secretary of the Pioneer District, James V. Wheelhouse, clearly wrote the name Oolkilsipava River. This must have been how Joe Walker knew it before the name Hassayampa gained currency. Walker had trapped along the Colorado and Gila rivers in the 1830s and traded with the Mohave Indians, and "Oolkilsipava" may come from the Mohave language. By June 10, 1863, however, when Secretary Wheelhouse set down minutes of the next session of the miners' meeting, he was referring to the stream as "the River Aziamp." The other boundary stream that he called the "San Francisco" is today's Verde River.

A modern reader of the Pioneer District mining code must be struck by the miners' insistence on excluding "Mexican" and "Asiatic" persons from their district. We may attribute this to simple racial prejudice, but it probably reflects the experience of Walker's California partners who had coped with a flood of foreigners in the gold fields whose mining skills posed serious competition, especially natives of Mexico and Chile who knew the most advanced techniques for mining precious metals.

We know surprisingly little about most of the prospectors who followed Joe Walker. Shoup, Wheelhouse, and T. J. Johnson must have been experienced in either mining or the law, or they simply were natural leaders in that rough and tumble society. Of Wheelhouse we know almost nothing, except that he was forty years of age and from New York. Solomon Shoup was fifty and from Pennsylvania. Daniel Ellis Conner, the only eyewitness to the May 10 meeting who left a record, thought Johnson was from Mississippi and

about thirty-five. His first name may have been Thomas.

The discovery of hardrock ores on Lynx Creek and elsewhere led to formation of a new governing body called the Walker Quartz Mining District, organized at Captain Walker's camp on November 24, 1863. By then most of the original Walker Party, and many newcomers, had staked claims on the Lynx or its tributaries. The founding document of the new district begins on page 25 of the Journal. Yet the Pioneer District had not dissolved. Prospectors were still working a few of the first placer claims as evidenced by the next entry in the Journal:

*At an adjourned meeting of the miners of Pioneer Dist held pursuant to notice, January 10th 1864, Present Capt. J. C. Bogert [sic] in the chair & V. C. Smith Secretary.*

*Upon motion of F. G. Christie, Mr. V. C. Smith was unanimously declared Recorder of the Placer Mines.*

*The following amendment to the bylaws of the District was adopted*

*"Resolved that no person shall hold more than one Placer claim by preemption at one time within the district except those claims heretofore granted to the Walker party."*

*The following resolution was adopted & was embodied in the laws of the District*

*"Resolved. That any person holding a Placer claim by purchase must have a bill of sale of said claim recorded within ten days from the date of the purchase, unless the purchaser takes immediate possession, and must, if required show a good and sufficient title to said claim & show value received by oath or affirmation before the Recorder or a sworn officer."*

The membership of the Pioneer District had begun to change. VanNess C. Smith, Jacob C. Bogart, and Folet G. Christie were not at the first meeting on May 10, but were they then on the Hassayampa? In spring of 1864 Smith, a twenty-six year old single man from Vermont, told the census taker he had resided in Arizona nine months, which suggests he had arrived no earlier than September 1863. The same for Bogart, a thirty-six year old married man from New Jersey. Christie, however, claimed to be a "Hassayamper." In 1864 he was thirty-one years old and one of the wealthiest Prescott settlers with property worth \$5,000. He told the census taker he had been in Arizona a year, that is since May of 1863.

New faces, however, had appeared as early as the July 12 meeting on Lynx Creek. The "Mr. Green," "Col. Dobbins," and "Mr. Murray," in the Pioneer journal at that date appear in no previous documents. Murray is nonetheless interesting. Although listed as a physician in the 1864 census, he had been farming near Gila City in southern Arizona in 1860 where he probably had known Swilling. The doctor was killed during a card game on Whiskey Row in 1867.

As soon as mineral lodes were opened on Lynx Creek, and elsewhere east of the Hassayampa drainage, the original Walker Party began to scatter, mostly because they lacked the knowledge and capital to work complex underground mines. By then Walker lived in a cabin on Lynx Creek and stayed around Prescott until 1867, having taken out several claims that never profited him. He died at his California ranch in Contra Costa County in 1876.

As we see in the journal of the Pioneer District, Jack Swilling filed placer claims on the Hassayampa, but he soon joined the Peeples Party in developing the fabulous Rich Hill

gold placers discovered near Weaver later in 1863. Four years later Swilling formed a company to reopen prehistoric Indian irrigation ditches in the Salt River Valley, an enterprise credited with the foundation of the modern city of Phoenix. He packed a lifetime of prospecting, farming, and Indian fighting into the next eleven years only to die broken in health in 1878.

George Lount had a long and interesting life in the Prescott area, early on as a partner in the town's first sawmill, and then as "receiver of public moneys" at the federal land office, 1870–1883. The government job left him considerable time for other activities, including construction in Prescott of the county offices in 1873. With a brother, Lount established the first ice plant in Phoenix, and he served in the third and fourth territorial legislatures.

By the time officials of the territorial government took a census of Arizona in 1864, eighteen of the twenty-five prospectors present at the May 10, 1863, meeting were still in the huge domain of Yavapai County, but most departed in a few more years, some disappearing completely. For instance, George Blosser recorded claims on both the Hassayampa and Lynx Creek, some with Jake and Sam Miller. In 1865 he sold everything, including livestock and personal property, to the Millers for \$800 and simply dropped from sight.

Daniel Ellis Conner was from Kentucky and suspected of being "secesh" by federal authorities in Colorado where he joined the Walker Party at age twenty-two. Conner lived under the alias Daniel Ellis until the Civil War ended and even was elected to the territorial legislature under that name. He soon tired of life on this rough frontier—famously trading his valuable ranch for a pistol—and removed to Ohio, later to California, where he was a civil engineer. Conner struggled for

years to sell his account of the Walker Party's adventures, but it was not until thirty-six years after his death in 1920 that an edited version was published.

Besides Lount and Swilling, a few others of the Walker Party played roles in the development of Prescott and Yavapai County. Captain Walker's nephew, Joseph R. Walker, Junior, remained around Prescott and served as sheriff from 1879 to 1882. Later he tried to reclaim the office but lost out to the colorful William "Buckey" O'Neill.

John Dickson (called Dixon in the miners' meeting record) went to farming in partnership with King S. Woolsey, on a spread of land along the Agua Fria River near the later mining town of Dewey. He married a young woman from the Ehle family, some of the first permanent settlers in Prescott, and the Dicksons later helped settle Skull Valley.

The Miller brothers, Samuel and Jacob, found freighting more lucrative than mining and hauled freight in the Prescott area for many years. They also took an interest in cattle ranching and road building and left the family name behind in the Miller Valley area of present day Prescott.

Jackson McCrackin, a South Carolinian, was elected to the first Arizona legislative assembly that met in Prescott from September to November 1864. He also served in the second legislature the next year. In 1874 he discovered a rich silver mine in southern Mohave County, near Bill Williams River. Later in California he spelled his name McCracken.

A varied lot they were, not unlike adventurous parties that founded many durable communities in the Far West. In the later history of Arizona Territory, however, they have an antique flavor, characters as it were from an Old West gallery. The primitive mining,

short-term lumbering, and small scale farming and stock raising of their pioneer territory gave way within thirty years to an industrialized economy bankrolled from afar, in a land still rugged and remote but colonized by expectant capitalists, lawyers, and politicians from California and the Midwest. Prescott today likes to think of itself as a cow town, ignoring its mining roots. An eventual flood of emigrants without any connection at all or sympathy for the likes of Walker and Swilling would form the State of Arizona in 1912.

In his last film, a documentary titled *The Real West*, Gary Cooper expressed what many old timers still around in 1912 probably felt: "By damn, wouldn't it be fun to tear it all down and start over again?"



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