

The Lincoln Writ

Abraham Lincoln and the New Almaden Mine

R.Larry Comstock

South Bay Civil War Round Table

The Lincoln Writ

(May 8, 1863) to Marshall C.W. Rand of Northern California

- *Whereas, Andres Castellero and divers persons have under a pretended grant from the Republic of Mexico occupied the New Almaden Quicksilver Mine. And ,Whereas By the decision of the Supreme Court it has been adjudged that the grant is fraudulent and void.*
- *Now, therefore I, Abraham Lincoln, President of the United States, do hereby order you to seize the property and deliver it to Leonard Swett, an agent who has been authorized by me to take possession of the same for the United States.”*
- *Abraham Lincoln*

Outline of Presentation

- The history of the New Almaden Quicksilver mine
- The litigation over the ownership of the mine leading to the Supreme Court judgment mentioned in the Writ
- The attempt to enforce the Writ and the consequences

New Almaden Quicksilver Mine Location



Capitancellos Mountains



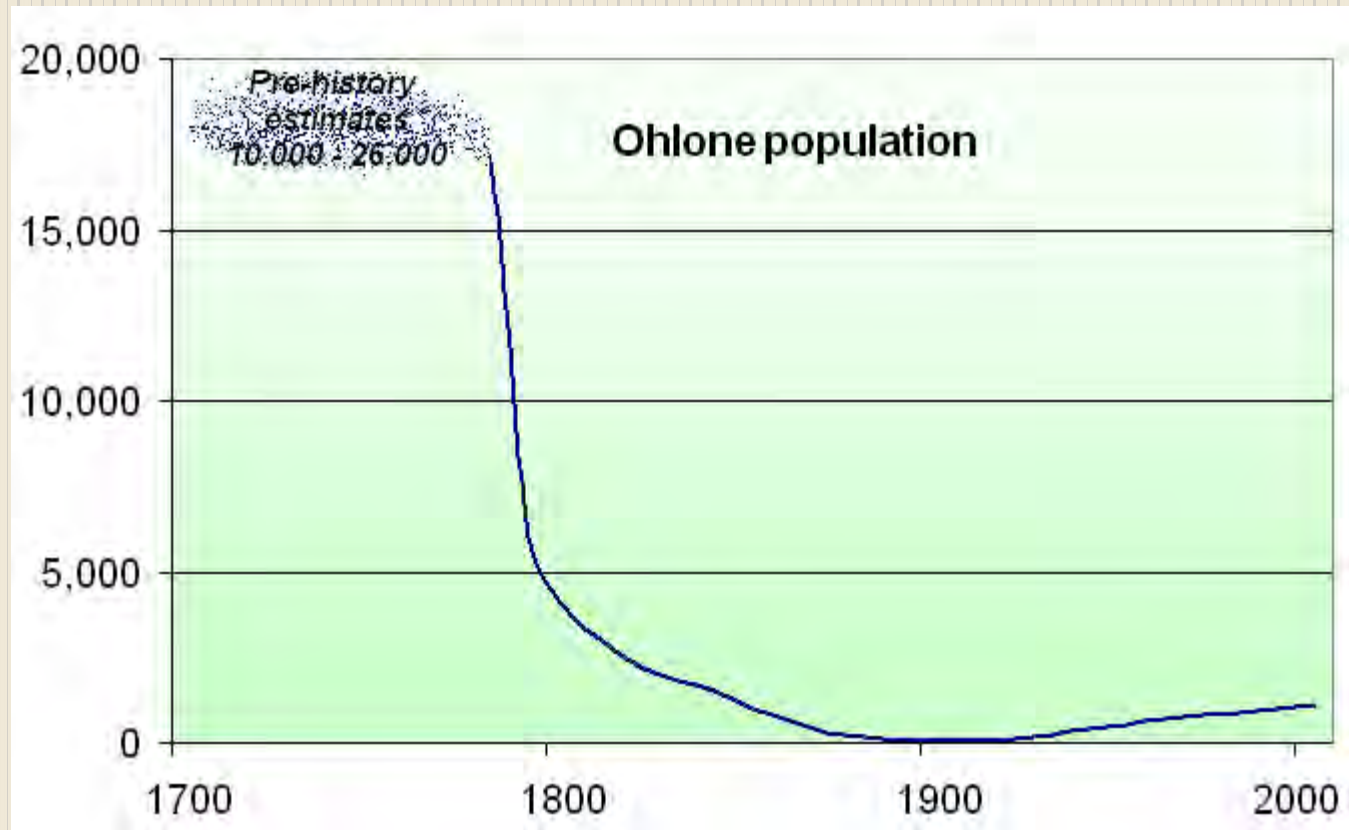
Ohlone Indians



Ohlone Indians and a “Red Rock”

- Discovered red rock in outcrop on top of Capantichellos mountains
- Used red rock as a paint to decorate their bodies
 - Became sick when exposed to fire
- Used red rock to decorate Mission Santa Clara

Ohlone Population



Discovery of the New Almaden Quicksilver Mine

- Lieutenant Don Andres Castillero, in November 1845
- Castillero heated the the red rock under a glass and observed the coating of the glass by mercury
- Red rock found by Ohlone indians was cinnabar—the sulphide ore of the metal mercury
- Castillero formed a company to exploit the mine
 - The Santa Clara mine
- War between Mexico and the United States was declared on May 8, 1846

Captain Don Andres Castellero



Uses for Mercury in the Mid Nineteenth Century

- Mercury used in the patio process for reducing silver and gold ores. Metals amalgamate with the mercury
- Mercury fulminate used as a primary explosive in firing caps and in primers for artillery
 - Mercury plus nitric acid plus ethanol
- Vermillion a compound of mercury and sulfur forms a paste used in carving artifacts

Mercury Shipped in 76# Steel Flasks



New Almaden Quicksilver Mining Company

- Castillero was unable financially to develop the mine and decided to sell
- The mine was acquired in total by 1850 by the Barron & Forbes Company of Tepic and San Blas, Mexico
- Named after Almaden mine in Spain
- Full scale mining and reduction started in 1851
- Captain Henry Halleck was the General Manager from 1850-1858

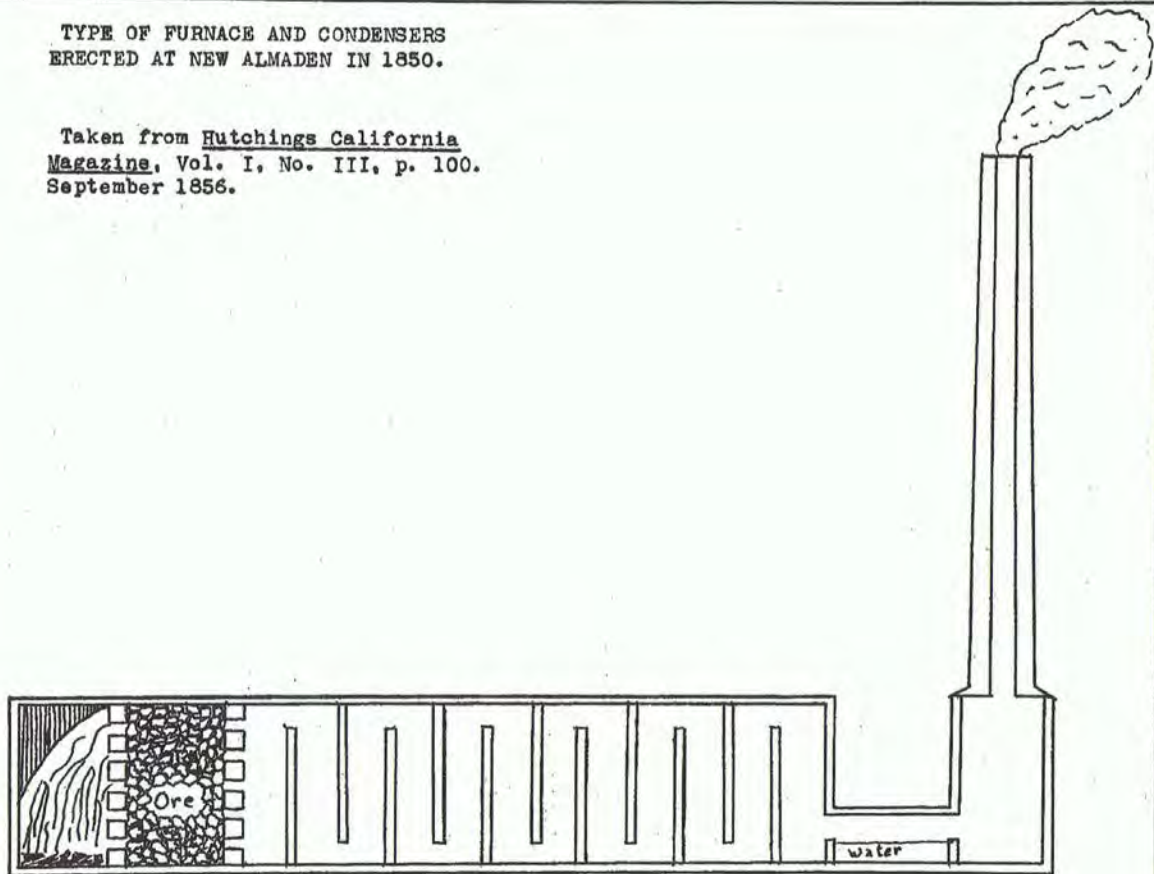
General Henry Halleck during the Civil War



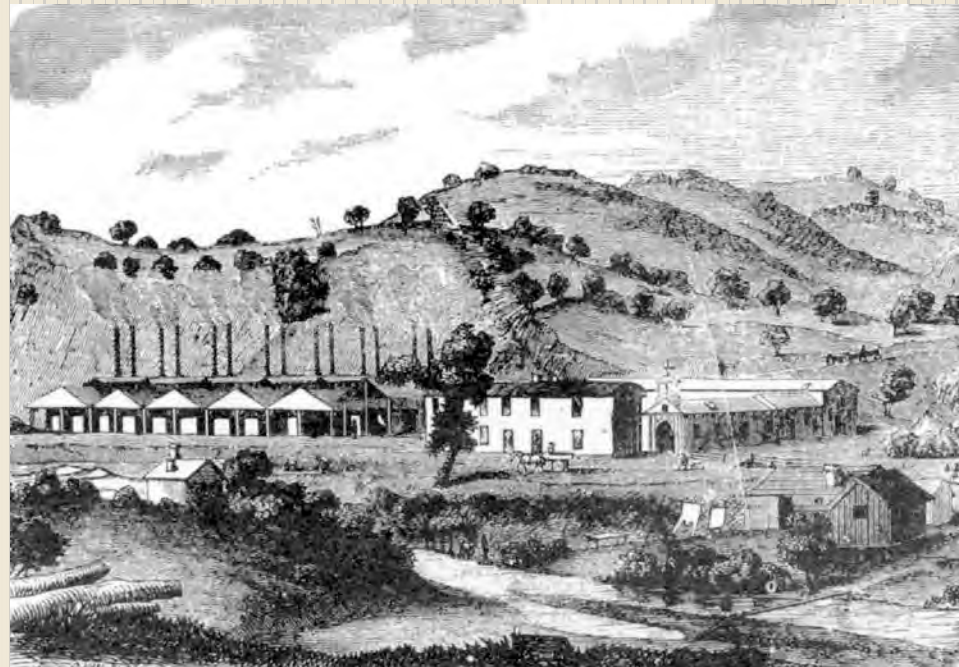
Distillation of Cinnabar Ores to the Metal Mercury or Quicksilver

TYPE OF FURNACE AND CONDENSERS
ERECTED AT NEW ALMADEN IN 1850.

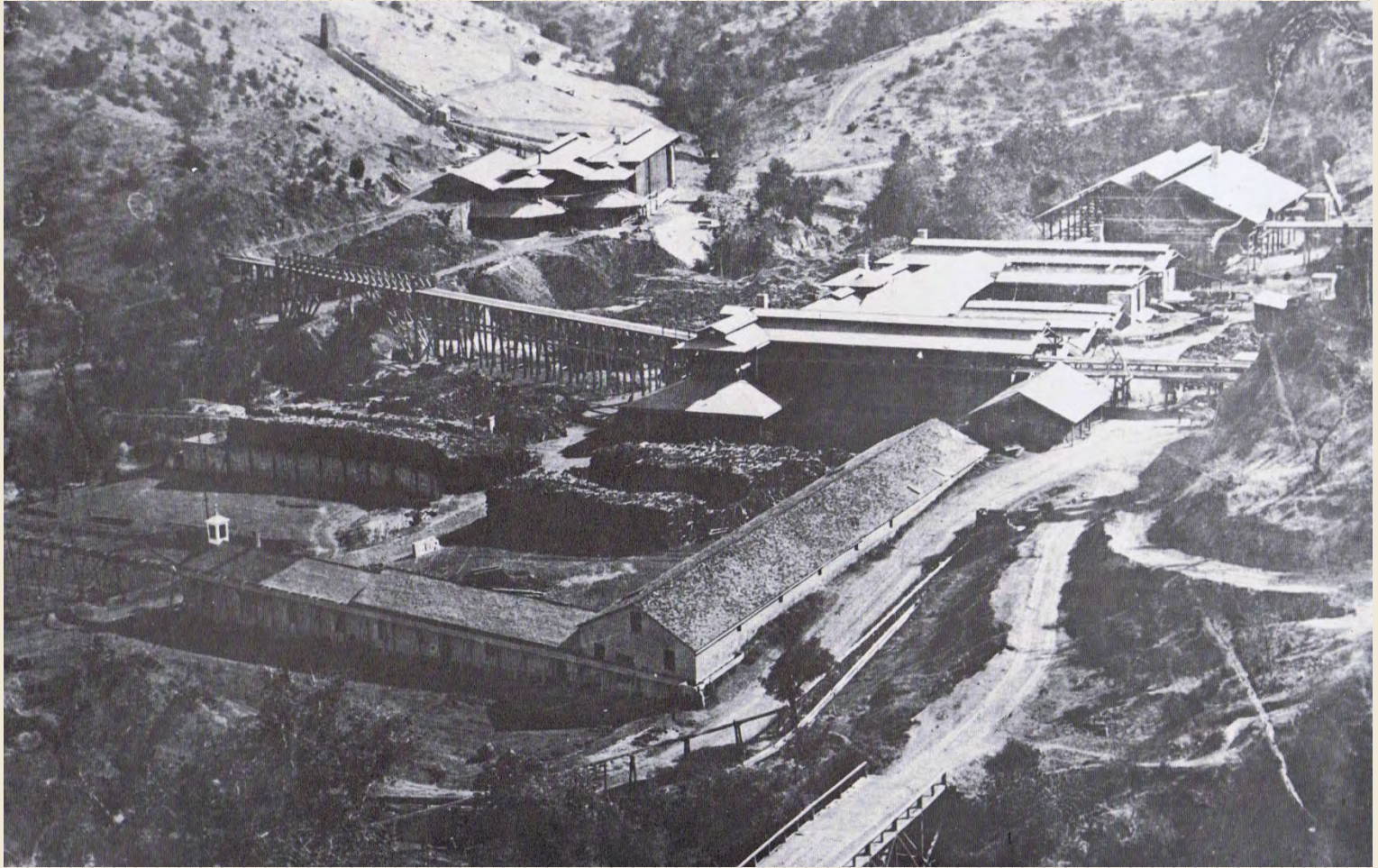
Taken from Hutchings California
Magazine, Vol. I, No. III, p. 100.
September 1856.



Early Drawing of Reduction Works of New Almaden Mine (1850's)



Reduction Works at Height of Production (late 1800's)



The Hacienda-Present Time



New Almaden Village and Reduction Works (late 1800's)



The Casa Grande Building built by Henry Halleck in 1850



Casa Grande-Present Time



Part of Mining Operation on Mine Hill



English Town on Mine Hill



Spanish Town on Mine Hill



English Town-Present Time



Civilian Conservation Corps



Mercury Production at New Almaden Mines

Date.	Ores consumed. Pounds	Pct centage.	Flasks.	Pounds.
July 1850 to June 1851 ..	4,970,717 ..	35.89 ..	23,875 ..	1,826,437
" 1851 " " 1852 ..	4,634,290 ..	32.17 ..	19,521 ..	1,523,956
" 1852 " " 1853 ..	4,839,520 ..	27.94 ..	18,035 ..	1,379,677
" 1853 " " 1854 ..	7,488,000 ..	26.49 ..	26,325 ..	2,013,862
" 1854 " " 1855 ..	9,109,300 ..	26.23 ..	31,860 ..	2,437,290
" 1855 " " 1856 ..	10,355,200 ..	20.34 ..	28,133 ..	2,155,999
" 1856 " " 1857 ..	10,299,900 ..	18.93 ..	26,002 ..	1,989,153
" 1857 " " 1858 ..	10,997,170 ..	20.05 ..	29,346 ..	1,245,045
" 1858 " Oct. 1858 ..	3,873,085 ..	20.05 ..	10,588 ..	809,982
Nov. 1858 " Jan. 1861"
Feb. 1861 " " 1862 ..	13,323,200 ..	18.21 ..	34,765 ..	2,659,522
" 1862 " " 1863 ..	15,218,400 ..	19.27 ..	40,391 ..	3,089,911
" 1863 " Aug. 1863 ..	7,162,660 ..	18.11 ..	19,564 ..	1,496,646
Nov. 1863 " Dec. 1864 ..	25,646,100 ..	16.40 ..	46,216 ..	3,535,524
Jan. 1865 " " 1865 ..	31,948,400 ..	12.43 ..	47,194 ..	3,610,341
" 1866 " " 1866 ..	26,885,300 ..	11.62 ..	35,150 ..	2,688,975
" 1867 " " 1867 ..	26,023,933 ..	7.05 ..	24,461 ..	1,871,266
" 1868 " " 1868	10.12 ..	25,628 ..	1,950,542

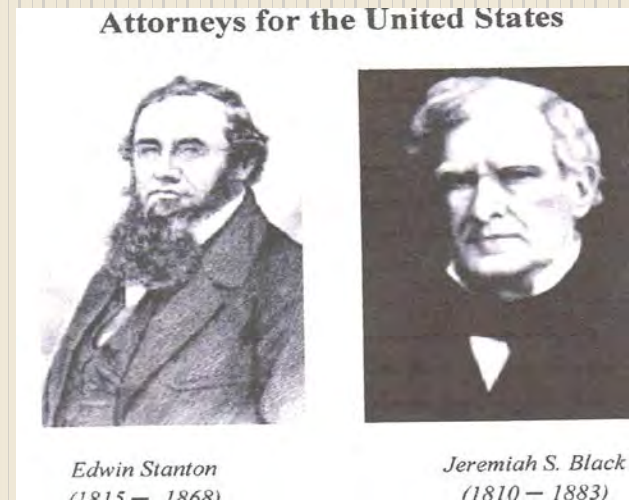
* Mine closed by injunction.

Litigation

- The U.S. Government claimed that the Castillero Claim was fraudulent and that the claim and property should revert to the U.S. government
 - Land Commission led by Edwin Stanton
- Barron & Forbes owners of the New Almaden mines defendant. Owned Berryessa land grant
- The Quicksilver Mining Company had active mining properties adjacent to the New Almaden mines. Owned the Larios (Fossat) land grant

Attorneys for the U.S. Government

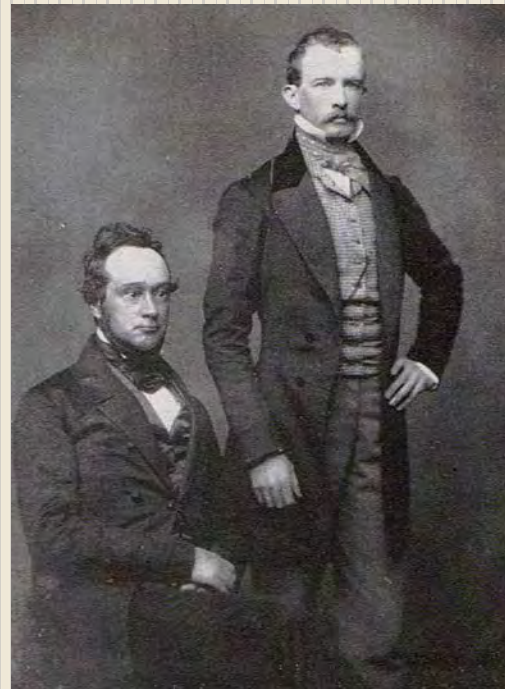
- The U.S. Government was originally represented by Edwin Stanton and Jeremiah Black (Attorney General)



Attorneys for the New Almaden Company

The law firm of
Halleck, Peachy and
Billings from San
Francisco.

The premier law
firm in California



Attorneys for the New Almaden Company

- Frederick Billings. Later president of the Northern Pacific Railroad.
- Billings Montana

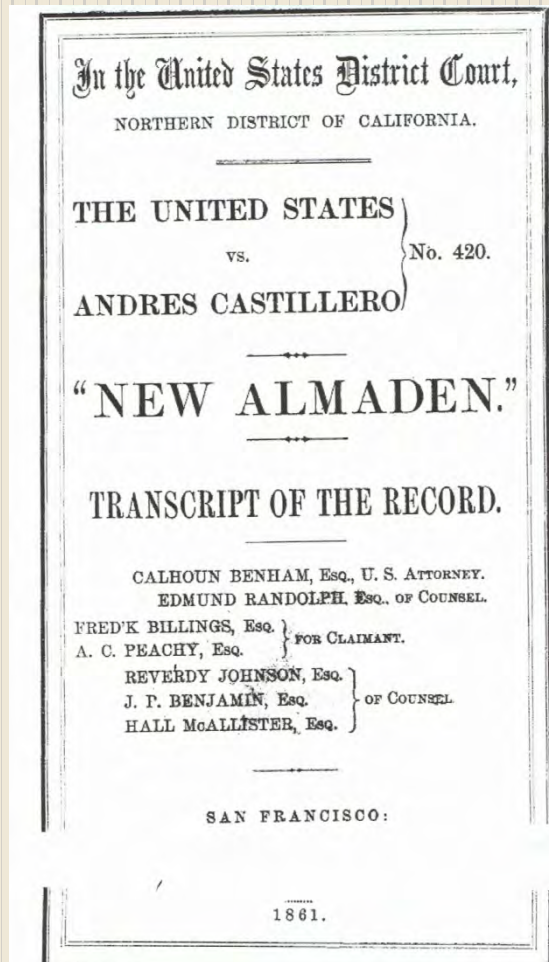


Attorneys for the New Almaden Company

- Judah Benjamin represented the New Almaden Company in the District Court trial (June 1857).
- U.S. Senator from Louisiana(1852)
- Secretary of Defense and later Secretary of State for the Confederate Government



Trial Records District Court



Decision of the U.S. District Court

- The Castillero mining Claim was substantiated but the amount of land in the claim was only 17 acres instead of the 3000 varas in all directions from the mine as claimed by Castillero. (one vara is about 33 inches)
- The New Almaden Company decided to appeal the decision in the U.S. Supreme Court.
- Supreme Court case started in January 1863

Decision of the Supreme Court (March 10, 1863)

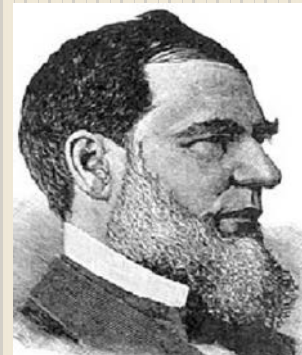
- The Castillero Claim was judged to be fraudulent. 4-3 decision.
- The majority decision:
 - Documents believed to have been post dated.
 - Castillero should have registered the mine at the closest Mining Tribunal (Chihuahua)

Origin of the Lincoln Writ

- The Secretary of the Interior (John Usher) and the Attorney General (Edward Bates) proposed the Writ
- The Writ was likely written by Bates with input from Leonard Swett.
- Evidence that many officials in Lincoln administration were holders of stock in the Quicksilver Mining Company

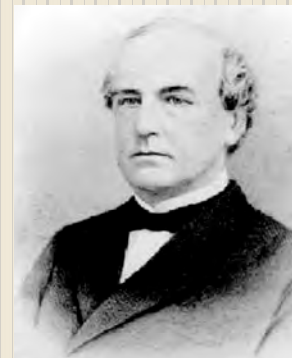
Leonard Swett

- A close personal friend and former law partner of President Lincoln
- Share holder in the Quicksilver Mining Company
- The Writ identified him as an “agent” of the U.S. Government
- Traveled by ship to California with the Writ



Samuel Butterworth President of the Quicksilver Mining Company

- Accompanied Swett to California
- Quicksilver Mining Company owned mines adjacent to the New Almaden Company.
- Company had “influence” in government



The Enriqueta Mine



Leonard Swett and U. S. Marshall C. W. Rand

- July 9, 1863 traveled to New Almaden mine and demanded that the mine manager John Young turn over to the U.S. Government all the mine properties.
- Young refused and asked for time to contact the mine owners (Barron & Forbes)
- Swett and Rand returned and Young argued that the Writ was illegal and enforcement would be resisted by force

The U.S. Marshall



Confrontation between Mine Manager Young and Marshall Rand



Arguments of Mine Owners against the Writ

- Owners had operated the mine for seventeen years
- Part of the property on which the mine was located was owned by the New Almaden Company through the Berryessa Grant
- The land ownership issue was still being adjudicated

Reaction of Miners in California and Nevada



General George Wright

- Commander of Union troops in the far west
- Marshall Rand asked General Wright to order Company F. Second U.S. Cavalry from Benicia Barracks to San Jose to assist in enforcing the Writ
- Wright realizing the problem with using force advised Rand and Swett to suspend the effort to enforce the Writ



Frederick Low

- Collector of Customs in San Francisco
- Running for Governor of California (would be elected 1863-1867) to replace Leland Stanford
- Telegraphed Abraham Lincoln to not use force to enforce the Writ



The California Copperhead Party

- Plan to succeed from Union
- Did not support the Civil War
- Supported slavery and the Confederacy
- Exploited the anger of the miners against the Writ

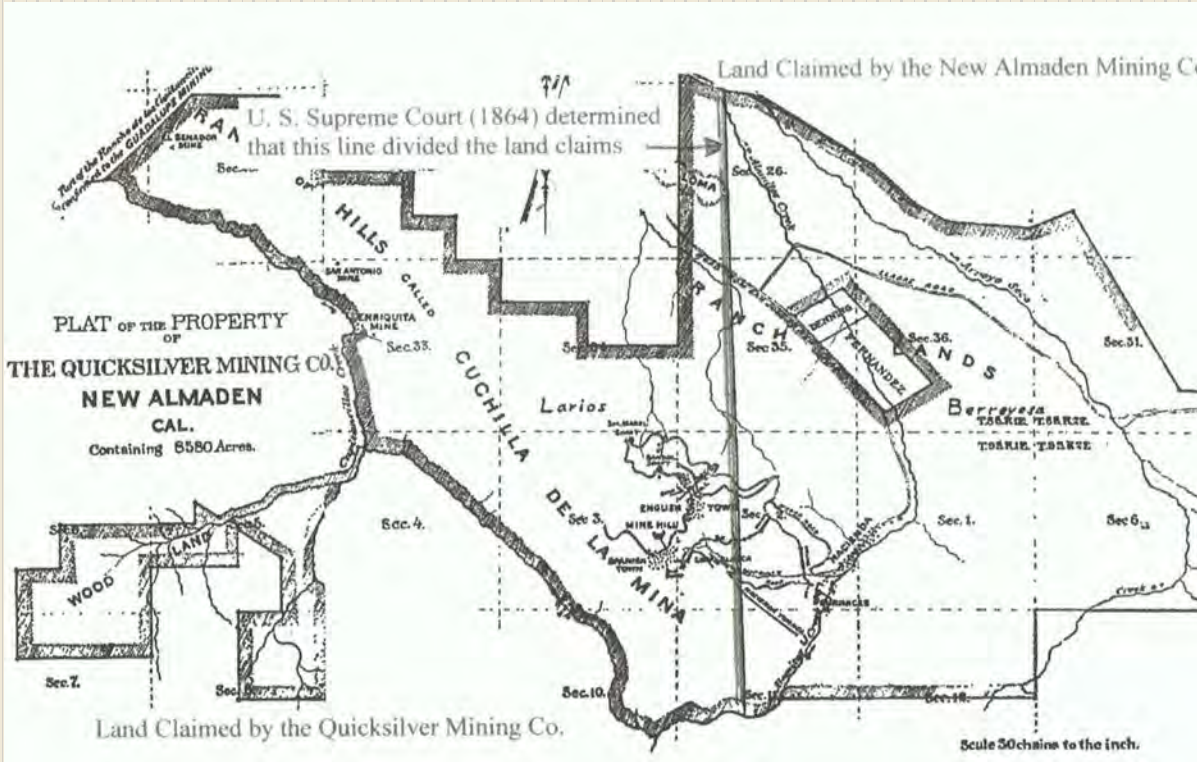
Copperhead Cartoon



The Telegraph Lines were Humming

- Wright to Halleck
- Halleck to Wright
- Low to Lincoln
- Lincoln to Low

Decision of the Supreme Court in the Land Ownership Case



Resolution of the Conflict

- The New Almaden Company realized that the “cards were against them” and sold the property to the Quicksilver Mining Company for \$1.75M
- The QMC operated under a mandate from the U.S. Government
- Eventually the QMC operated with a clear title until the 1900's

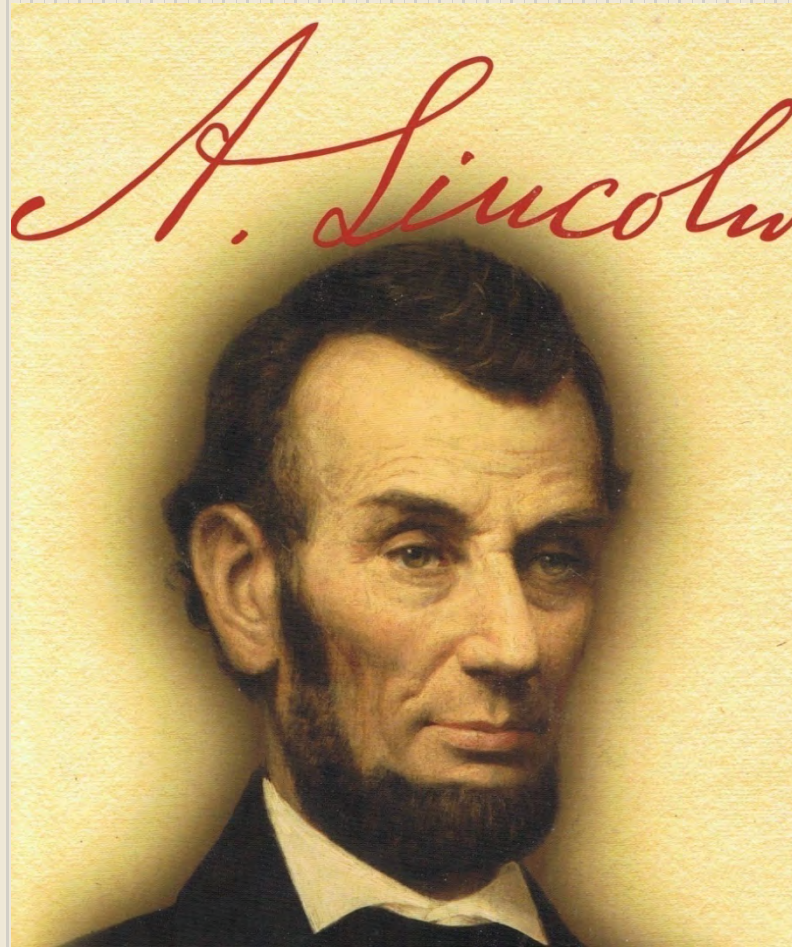
President Abraham Lincoln

Realized his mistake
and corrected it

Did not seek to
blame others

His reputation was
so strong that the
people of California
did not maintain any
resentment towards
him

Reelected by a
majority in
California



The Union Party in California



Confrontation at New Almaden between Mine Manager Young and U.S. Marshall C.W. Rand

