

a splendid marksman with a revolver, took a number of men to the head of the ditch, surprised and drove away the guard of miners and took possession, sending word that he proposed to hold the ditch or die in the attempt. Before an hour had passed, forty-three miners started to recapture the lost position. When they arrived at the ditch they found the other party standing in line of battle with revolvers drawn, Walker a little in advance, with a "six-shooter" in each hand. A log dam had been hastily constructed across the creek, to divert the water into the ditch. Three of the miners were delegated to cut the dam, but as they stepped forward to do so, Walker covered them with both of his revolvers and warned them to desist, and with commendable discretion they returned to their friends. The two parties were about twenty feet distant from each other, and the miners shouted for the ditch men to begin shooting if they wanted to. Walker commenced backing slowly, at the same time aiming his revolvers, when one of the miners shouted: "You shan't shoot anybody and run away," and began a flank movement. When he had approached to within ten feet, Walker took deliberate aim at him and fired, the bullet entering his right arm near the shoulder. The firing then became general, until, after fifty or sixty shots, the ditch men fled, leaving Walker with a severe wound in the neck and two bullet holes in his hat. The ditch company then began an injunction suit in the district court, to restrain the miners from interfering with the ditch. This was decided in favor of the miners, and an appeal was taken to the supreme court. Pending decision, Walker sold the ditch to some of the miners. The change of ownership put an end to litigation, but it was of little benefit to the miners not interested in the purchase.

A somewhat similar, but more noted, case occurred in Siakiyou county, which has been known locally as the "Greenhorn war." Early in 1852, after they became tired of packing the dirt to the creek, miners on the flats back of Yreka united for the purpose of bringing in a ditch from Greenhorn creek, a stream running parallel with the flats, but separated from them by a range of hills. A gulch ran transversely through the hills, and it was by no means difficult to bring a ditch from a point on the creek above, through the gulch and upon the upper end of the flats. The company was composed of seventy miners, who did the work with their own hands. There was but one claim being worked on Greenhorn, below the head of this ditch, and by agreeing to always leave enough water in the channel to fill the small ditch leading to this claim, they easily obtained the consent of the owners to draw off the surplus and take it to Yreka. Afterwards, gold was found in quantities on Greenhorn, below the head of the ditch, and many claims were located. All was peace and loveliness as long as there was plenty of water for all, but when the warm days of summer came on and the once strong current was transformed into a succession of shallow pools, between which the bowlders in the bed of the creek projected upwards like the skeleton vertebrae of some huge animal, discontent reigned on Greenhorn. The disappointed miners declared their belief in the old principle of riparian rights. They insisted that no one had the right to take out water above them, no matter if the ditch was located prior to their claims. No trouble was experienced until the spring of 1855, when, there being no water for them at a season usually the best for mining, they took the law into their own hands and cut off the ditch, allowing the water to run down the creek to their