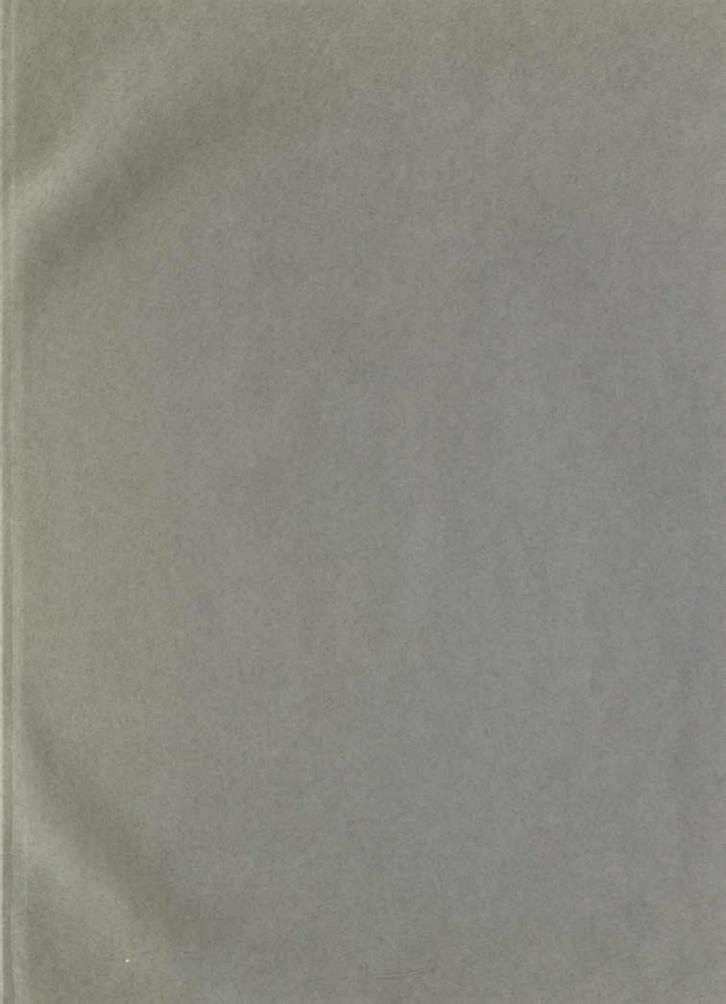
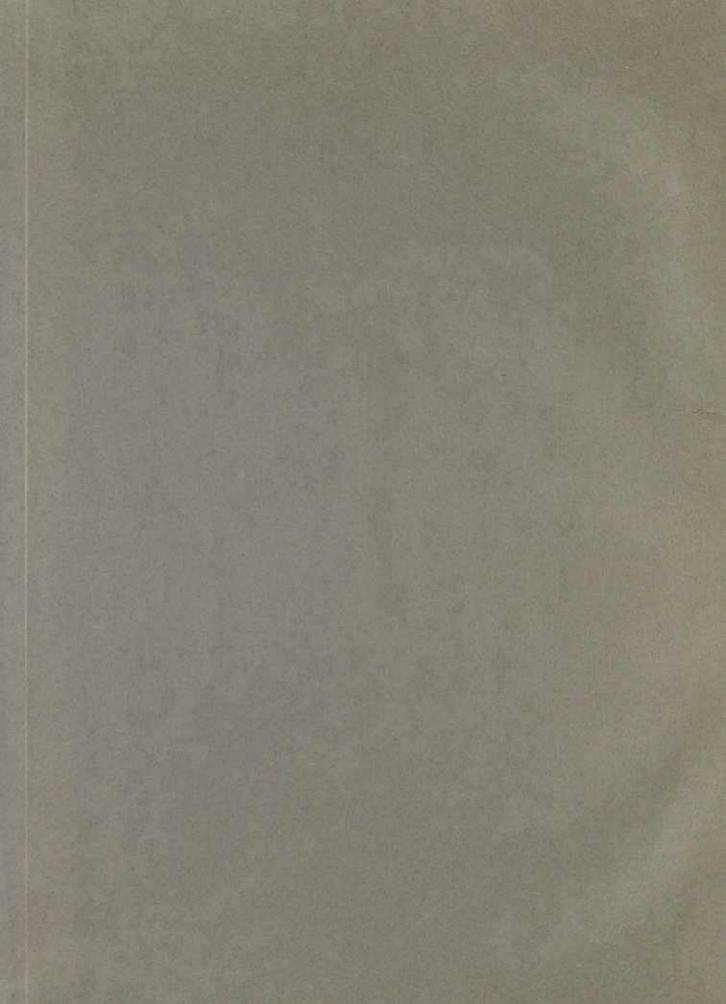


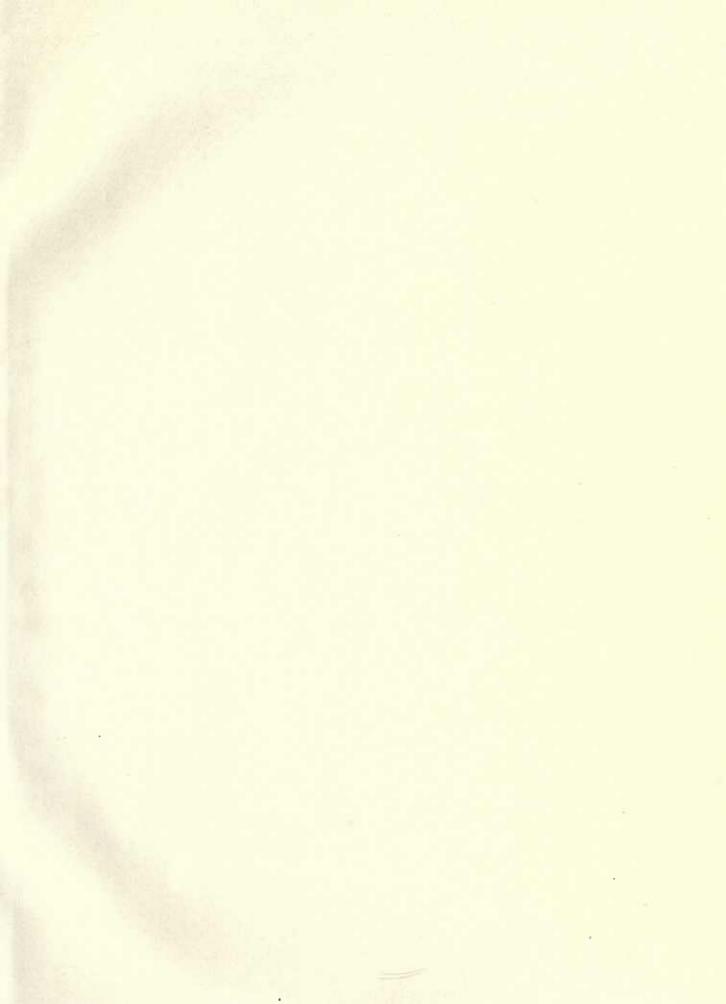


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Regional Cultural History Project

WILLIAM E. COLFY

Reminiscenses: tape recorded interviews for the Beneroft Library.

Oct-Hov. 1953

William E. Colby

REMINISCENCES

An Interview Conducted By
Corinne L. Gilb

Berkeley 1954 Villian E. Colby REMINISCENCES

Regional Gultural History Project

An Interview Conducted By Corinne L. Gilb

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Oct-Nov. 1953

The Librarian of the University of California at Sentencey.

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Mr. Colby uses a cane now, at 78, but he still goes duckhunting and his mind still dredges as thoroughly and powerfully as ever. During the weeks we were recording and editing, he was writing what will some day be considered one of the last great briefs on extralateral mining rights, journeying to Yosemite to serve on its advisory board, planting his garden down at the Big Sur, visiting and entertaining his many friends, and writing an article on his father's life. His remarkable memory and the discipline of his mind are evident in the following manuscript.

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Corinne L. Gilb

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Bancroft Library 15 March, 1984

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Gilb: This is October 14, 1953 in Berkeley, California at the home of William E. Colby, who is being interviewed by Corinne Gilb for the University

Mr. Colby, won't you go ahead and tell us the story of your life in your own words -- beginning at your birth, if you care to start that way.

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Colby: I was born May 28, 1875 in Benicia, Solano County,
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william Edward Coloy, a native son whose parents were eminent Colifornians, has been an afterney in San Francisco for more than fifty years, a lecturer at the University of California Law School from 1911 to 1937, collector of rare books on mining law and of Chinese ropes, Secretary of the Sierra Club from 1900 until recently, chairman of the California Park Commission from 1927 to 1936, and currently a member of the Yosemile Advisory Board. He is one of the most outstanding mining lawyers of the west and has been ranked by the Sierra Club as second only to John Muir among California's conservationists.

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of the state, for only a few months, I believe.

It was the headquarters for the Army; both the arsenal and the barracks, being the most important Army and military concentration on the coast, were situated there. It also was the leading educational city in the state for some time, having several young ladies' seminaries and colleges and also St. Augustine's college for young men.

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was the headquarters of the principal stage com-

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My father was Gilbert Winslow Colby and my mother, Caroline Amelia Smith. My father was born in Bradford, New Hampshire on May 5, 1825. His father was killed in a cave-in of a well in which he was working, and his mother and sister were also very seriously injured and afterwards died from an accident in a carriage, leaving my father an orphan about the age of 12. He apparently had a good early education and taught school for several years. He attended the University of Norwich, in Vermont, taking a course in civil engineering. He was in the class of 1841. He left Boston on the sailing bark, Drummond, February 1, 1849, coming around the Horn and arriving in San Francisco September 1, 1849. He was a member of the Suffolk mining company, of whom there were 47 members. Upon arrival in San Francisco he took a sailing

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schooner for Sacramento with three of his companions on the trip around the Horn and formed a partnership, taking merchandise with him which had been brought on the sailing vessel around the Horn. He opened a store with two of his partners in what was called the "Big Tent", on J street, in Sacramento, which was the largest available place that business could be carried on. Several merchants had stocks of goods in that tent. It was the headquarters of the principal stage company leading out from Sacramento, and also the officials of Sacramento city were located there. He did not remain there long, but transported the merchandise, consisting principally of tools and goods for miners, on a mule train to Mormon Island at the junction of two branches of the American river and then on up to Redbank, where he was located for some time. He engaged in mining and also in merchandising. Every week he drove his own team of oxen to Sacramento to secure additional supplies for his store at Redbank. He remained at Redbank for several months, but evidently came to the conclusion that mining was not the kind of business he wanted to engage in, so he returned to Sacramento and purchased a ranch near there. He took as a partner a Mr. Pettit, who also knew something about raising grain, and together they operated

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this ranch near Sacramento and successfully raised in the very early 150's. 150 or 151, the first crops of merchantable grain that were raised in the Sacramento valley. He later sold this ranch and purchased another larger one on the Sacramento river near and north of the famous Bidwell Chico ranch. General Bidwell and his wife were close neighbors, and they saw a good deal of each other. I can remember meeting General Bidwell up in Chico in those very early days. My father was made a city and county surveyer for Sacramento and held that position for several years and later on became what was called a locating agent for state school lands. He held that position from 1860 to 1869. He was also elected a member of the Agricultural Board, which was an official position in those early days.

Going back to his ancestry in New Hampshire, he was the great-grandson of Neremiah Colby, Sr. of Hopkinton, New Hampshire, a patriot who served on the Committee of Safety and who signed the Association Test, April 22, 1776 to support the American colonies.

While he was in Sacramento, he assisted in the surveying of the transcontinental railroad and was present at the driving of the last spike in Utah when the two branches of the railroad were con-

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While he was in Sacramento, he assisted in the surveying of the transcontinental railroad and was present at the driving of the last spike in Utah when the two branches of the railroad were con-

nected. He surveyed public lands for the United States government in a good many of the Northern counties. He also owned a lumber mill in the Sierra Nevada under the firm name of Colby and Allen. His cattle, horses, wheat, and barley won first prizes at state fairs. He was an early member of the State Grange and stood very high in Masonic circles, and also of the Independent Order of Odd Fellows. His picture is among the pioneers in the Sutter's Fort State Park at Sacramento. He was admitted to the bar in 1852, having studied law on his way around the Cape, having taken some law books with him on the voyage for that purpose. He practiced locally in Sacramento and also in the Interior Department in connection with public lands. He had large farming and live stock interests in Colusa, Tehema, Butte, Yuba, Solano, and Contra Costa Counties. In 1862 he opened a merchandise store at Colby's Landing near Nord, which is the railroad station a little north of Chico. The firm was Colby and Pond. His partner was Samuel Pond, who afterwards became mayor of San Francisco. He was a director of several banking and business corporations and at the time of his death in 1881 was President of the Grangers' Bank of San Francisco, a bank which was connected with the State Grange. He was also postmaster at Nord

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for many years. He owned a ferry -- which crossed the Sacramento river at Colby's Landing. It was operated by a man I can recall, by the name of Ringland. It was used for teams and foot-passengers crossing the river at that point. Colby's Landing was also a point where the Sacramento river steamers stopped on their way up and down the river. He was elected in 1852, when he was only 27 years old, as a State Assemblyman and served for the year 1853. He was later, in 1854. elected to the State Senate and served in 1855 and 156 and took part in a great deal of the important legislation that was passed in those early days. On March 30, 1878 he made a principal address before the State Grange, and it is interesting to note that at that early date he warned people of the threatened invasion of "taxgatherers and communism". Later on in this speech he also referred to Kearneyism, which at that time was attracting so much public attention because of the deplorable methods of Kearney and his hoodlum associates in San Francisco. He advocated dispelling all apprehensions that alien or communistic element would control our conventions or administer our government in its interest. He was a great advocate of women's suffrage because of

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his wife's interest in that cause.

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column of the California Patron, which was an of-On December 8, 1866 he married Caroline Amelia Smith, in San Francisco, and following that time their main home was at Colby's Landing on the Sacramento River. She was my mother, born in Garland, Maine, May 2, 1837. She graduated from the Maine Female Seminary at Gorham, Maine on May 3, 1858. She came to California via the 1sthmus of Panama in 1859 in company with Mrs. A.G. Stiles, who became very prominent in California and for whom Stiles Hall situated near the University of California was named. She taught school in California in various places: San Francisco, Marysville, Centerville, and particularly in the Young Ladies' Seminary in Benicia. This Seminary was started in 1852 by a group of pioneers in Benicia, California. Later on Dr. Cyrus Mills and his wife, Susan Mills, took charge. My mother taught under their administration and continued after the Mills had removed to Oakland, where they established Mills College. She taught English and "Moral and Mental Philosophy" in Benicia, and also had as one of her pupils Louise Strenzel, who later became the wife of John Muir and who at that time lived across the Bay back of Martinez in Alhambra

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Valley. My mother was prominent in church work, being a Congregationalist, and edited the women's column of the California Patron, which was an official publication of the State Grange. My mother also had an ancestor who was in the War of the Revolution. She also had four ancestors who came over in the Mayflower, that very much overloaded ship. The geneology of this Mayflower ancestry is that John Tilly and his wife and their daughter. Elizabeth, were on that voyage and also a John Howland, who married Elizabeth Tilly after they had arrived on this side of the ocean in Aymouth. Louise Smills was Hope Howland was their daughter and married Elder f us four childr John Chapman in 1646. Their daughter, Bethla, married Samuel Smith. Their son, Stephen Smith, married Deborah Ellis in 1762. Their son, William Ellis Smith, married Hannah Lyon. Their son. Stephen Smith, married Nancy Peasly. who was my grandmother and the mother of Caroline Amelia estraordinary for a women in those days. She was Smith.

My mother and father had five children. The first one, by the name of Bertie, died within a year of his birth; and then followed a daughter, my oldest sister, Julia, next my brother, Charles

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then followed my birth, and after that my younger sister, Josephine. We were all born about three years apart.

e a year older than t. I continued with my

My mother died October 24, 1879 and my father on October 20, 1881, so I became an orphan when I was six years old. I was then, still living in the same home in Benicia, in which I was born, which was one of the earliest permanent residences there and I think the first brick house that was built in Benicia. After my parents ! had died, I was taken care of by my aunts. My Aunt Henrietta Louisa Smith was made the legal guardian of all of us four children, and she was assisted in our care by a great aunt, who was quite a remarkable person, Louisa Mitchell Daugherty. My Aunt Daugherty had been a schoolteacher in the East, had married a physician who had died. She had preached in several pulpits in the East, which was rather extraordinary for a woman in those days. She was born in 1799, and she used to state with pride that she was born when George Washington was still alive. She had a very active mind and wrote for the newspapers, had a column at one time on the subject of Prohibition, which was one of her specialties. She took charge of my education and taught me regularly until I entered the public school in

then followed my birth, and after that my younger sister, Josephine. We were all born about three years apart.

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public school where the great majority of the pupils
were a year older than I. I continued with my
public school education in Benicia and went on
into the high school there, spending the first
two years in the high school. Then I came to
Berkeley with my aunt and younger sister. My
older sister had graduated from the State Normal
School in San Jose and was a teacher at that time.
My brother had gone into business.

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When I came to Berkeley, I entered Bowens Academy, which was a school preparatory for the University, at the corner of University Avenue and Grove Street. There I took one year finishing my preparation for the University. The Principal of the school, Thomas Stewart Bowens, was a Latin scholar, having graduated from Dublin College in Ireland. He found that I had an interest in Latin, having just a smattering of it acquired in Benicia under the tutelage of the Episcopalian minister, who had a small class. But under Professor Bowens! leadership, I prepared in one year and took seven entrance examinations at the University in Latin, reading Latin at sight and translating English into Latin at sight. I got first sections in all

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seven examinations, and also in algebra and arithmetic.

In the University I tried to take courses that would equip me for my profession, which at that time I had decided would be that of a lawyer. I took courses in Constitutional History and Jurisprudence, from Professor Jones, William Carey Jones, who founded the School of Jurisprudence, which was later on called the Boalt Hall Law School. I also was greatly interested in science, and I became acquainted with Dr. Joseph LeConte, the elder, who was the eminent naturalist, scientist, and geologist. I took as many of his courses as there were available. This was one of the most stimulating and interesting periods of my education. because I found Dr. LeConte to be a master of the subjects that he taught and also had a personality which inspired all his students to revere him and appreciate the work that he gave. I can remember that I got first sections in both Geology and Biology, which were the two main courses that he gave, but I also took some additional lecture courses for which no credit was given.

Gilb: Did you have a laboratory method of learning geology in those days?

Colby: No.

Gilb: Just lectures. And I wondered also about your

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Gilb: How large were your classes in science?

Colby: The classes in science were crowded, as many as could get into the South Hall lecture hall. Dr. LeConte's courses were always very popular, and he had to place limitations on those who took the courses. I can always remember the course in Geology especially because, though I was a freshman at the time, two sophomores who took the course came in and sat down along side of me. One of them was John Howell, who afterwards ran the

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I only continued in the University in the class of 97 for two years, because our finances were low and I had to take a position as teacher at Bowens Academy, which prepared students for the University. I taught advanced arithmetic, algebra, geometry, trigonometry, physics, chemistry, biology, botany, and bookkeeping during the middle of the day. I left my home in Berkeley taking the Southern Pacific train for San Francisco at seven o'clock in the morning, when I attended an 8 A.M. lecture at Hastings - Montgomery St. near Jackson - returning to Berkeley a little after ten, when I

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started teaching, and taught with usually only a half an hour's intermission for lunch and took the 3:30 train for San Francisco again for the afternoon lecture at Hastings College of the Law. I arrived in Berkeley about 7 P.M. In that way I crossed the San Francisco Bay four times a day, and of course I had to do a great deal of my studying on the train and on the ferry. Judge Charles Slack was the Dean of Hastings at that time, and Warren Olney, Jr., who afterwards became a Judge of the Supreme Court of California, was just starting his lecturing, which he continued for several years. And William Bradford Bosley, a graduate of Yale Law School, was also teaching in his early years at Hastings, and Professor Louis T. Hengstler, who had been a professor of mathematics at the University in Berkeley, taught Jurisprudence at Hastings commencing during my second year.

I graduated with the class of 1898, and I had an opportunity to take a vacation, which I needed at that time because I had been working pretty hard attending Hastings and also teaching at the same time. I represented the Sierra Club in Yosemite Valley, opened headquarters for them, the first headquarters that they ever had in the Valley, in the summer of 1898, spent three months up there. When I returned from that stay in the Valley, I had

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Gilb: I wonder if I could interrupt to ask you a few questions about Hastings and your education there.

You didn't all have to be from college, did you; you could have gone without a college education?

Colby: All that was required was a high school education.

Gilb: Did you find that the ones without college were especially handicapped?

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Solby: Well, I couldn't notice particularly any difference. Most of my friends sere either graduates of the University or had attended the University, though there were a few. And now that you call it to my attention, the ones who did not have a college education, just as I recall it rather superficially, did not turn out to be as prominent lawyers as the others.

Gilb: Were many of these men working also while they
were attending school?

Colby: A good many of them were in offices, law offices in San Francisco, but without being paid for it in the majority of cases. They simply were allowed to study in the offices and use the books there in return for some service that they might perform.

Gilb: Was it valuable to them, that experience?

Colby: That experience was undoubtedly valuable to them, and I felt somewhat handicapped when I started practicing law, not having had the advantage of being in court very often. Once in a while, while we were attending college, we heard of some special case that was in progress, and we tried to get time off to attend. I can remember one case in particular when General Barnes, who was attorney for the Southern Pacific Railroad in a damage suit defending against a suit brought by someone who was represented by Delmas, who was the great orator and lawyer, originally from San Jose. It was really a remarkable exhibition of forensic

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ability, the contest between these two great lawyers, both of them renowned for their oratory. However, it was the character of oratory that you hear very little of in courts nowadays.

Gilb: Did you do Moot Court work there at Hastings?

Colby: Yes. It was rather limited. Mr. Bosley had started this type of work. We organized into little units of about four or five as I remember and would meet at least once a month, if not oftener, and conduct a quiz covering the work of the previous month and also arguing some moot questions.

Gilb: But you didn't have a --

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Colby: We didn't have a regular moot court as they have nowadays.

Gilb: Did you use the case method in your classrooms?

Colby: Yes, the case method had just about started at that time.

Gilb: How did you students react to it?

Colby: The students, I think, received it all right because they didn't know anything else. It started
in the first year, and I think in practically all
of our courses except jurisprudence and corporations the case system was followed.

Gilb: Did you have adequate books in the library to take care of that?

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- and we used those in conjunction with textbooks on the same subject.
- Gilb: What is your view of the casebook method? Do you think it is the more valuable?
- Colby: I think that by combining it with the textbooks

 you get the best results. Take either one alone
 and it is deficient. A combination of the two

 will bring about the best results.
- Gilb: Did you do legal aid work while you were there at school?
- Colby: No. I didn't do any while I was attending school, but soon after I started to practice I did.
- Gilb: I have one more question and that is, were there women in the classes and what was the reaction of the men to them?
- Colby: There were three women in my class. One of them was Rachel Vrooman, daughter of Senator Henry Vrooman, who was one of the noted State Senators, and an outstanding lawyer, who was the author of the Vrooman Road Act. He drafted the charter for Stanford University, and was personal attorney for Stanford, drawing up the trust which created Stanford University, and supervised getting the legislation through the State Legislature that aided the University. Miss Vrooman became my first wife. We were married in 1902.

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first wife. We were married in 1902.

And another woman classmate was Elinor Pratt, who was daughter of the United States Surveyor General for California. She held a rather important position of chief clerk in the United States Surveyor General's office at the time she was attending Hastings, and she was a young woman of exceptional ability so that many of the persons who went to the Surveyor General's office sought her advice on law questions. And she, being a public official, was unable to help them out by appearing before the land department or the courts, so that shortly after graduation she asked me if I would take on some of this work that she was unable to handle, and she referred many clients to me, especially those who were interested in mining problems. That is the reason I moved to the Mills Building. to open an office in conjunction with an oil company that the Surveyor General was interested in. Nowadays a public official would have difficulty in conducting the private business on the side that they did in those days. It was nothing unusual at that time.

The third young woman in the class was Jessie

Watson of Oakland, and she after graduation start—

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elderly women, who sought her advice in the making of wills and legal advice generally. She probated many estates, and she came to me later on in the Mills Building and asked me to rent her desk room in my entrance office, which I did, and she practiced law there for a number of years. So that I had rather a close relationship with the three women who graduated in the class of 1898 from Hastings.

Now in my own personal life. I have two children. both sons, the oldest one named Henry Vrooman Colby, named after his mother's father, and the other one Gilbert Winslow Colby, named after my father. Both sons attended public school here in Berkeley, each graduating from the University of California. Henry graduated from the Harvard Law School. feel rather proud of him because they start Moot Court work in Harvard Law School in the first year, and each time a moot case is tried one-half of the participating students are eliminated until finally in the senior year they get down to the finals. My son was one of the last eight. A good many of his classmates thought he ought to have been in the last four because it was due to a misunderstanding of the nature of the case which was tried

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before the Moot Court and advice from Dean Pound that was criticized by the three Supreme Court judges from adjoining states that sat in my son's final Moot Court session, that resulted in ruling an argument that he made out, whereas Dean Pound had said that it should have been included. He asked Dean Pound in advance and got that advice which went against him. Some of his classmates said that he should have been in the last four.

Gilb: Why did he go to Harvard rather than here?

Colby: It's rather difficult to tell. I think that the idea that was in my wife's mind and my own was that he should have some Eastern experience, and it proved of value because when he returned to California the fact that he was a graduate of Harvard with high standing made quite an appeal to the office that he entered at that time, that was McCutcheon, Olney's office.

Gilb: Did he ever talk to you about Pound?

Colby: Yes. He admired Pound greatly. My younger son also went to Harvard to the Business Administration School. We sent him there because that was supposed to be the leading Business Administration School, with possibly one exception, in the United States. And I also felt rather proud because he graduated with distinction. He missed getting high distinction, which only about three students

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attained, by a fraction of one percent. I always attributed the fact that he was not given high distinction to his poor handwriting, which was quite a handicap to his professors. My sons both to come demand an meetings of yourse's clubs to met girls from the East and married them and brought them out here to live, where they have resided since then. My son Henry was with the McCutcheon, I don't know. I had thought of it of lime. Olney firm until the beginning of the second world war when he enlisted in the navy and became a the took the law course more as an advection. lieutenant, J.G. After the war he became a partner of Joseph McKeon and has practiced here in San Francisco since then under the firm name of McKeon & Colby. My son Gilbert went into the investment department of the Wells Fargo Bank and Union Trust Company. He has been made a Vice President of the bank and now has full charge of the bank's investment department. My oldest son. Henry, has three children, one son attending Stanford University in his senior year now; another. the oldest daughter, has already graduated from Smith College; and the younger daughter is now attending the University of California, having concluded her first year at Smith. My younger son has a daughter who is now in her first year at the University of California. My younger sister and two of my nephews who each lived with us in Berkeley for the four years and a niece also grad-

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My first wife, Rachel Vrooman Colby, became quite an authority on parliamentary law so that she was in great demand at meetings of women's clubs to act as parliamentarian. She never practiced law.

Gilb: Would you have liked it, if she did?

Colby: Well, I don't know. I had thought of it at times, but she didn't seem to care for it particularly.

She took the law course more as an education. She was a great admirer of her father, who was such an eminent lawyer, and that was one reason why she was attracted to the law course. Unfortunately, my first wife passed away in 1949, I think it was.

tower Station, the serrow-gauge train ions to Two years later I married my present wife. Helen Manary then the providence of the In State 110. Leach was her maiden name, and at the time I and the farry across, and then I went on to my married her she was Mrs. Flemming. It is rather inoffice and she continued on the farry across the teresting that I met her in the mountains on one of ay to Berkeley, the train, and then the Sierra Club trips which I conducted in 1923, and she attended another outing in 1925. She married later on and had one daughter, Sylvia Christenson, who is now attending the University of Califwife had a neady explanation, but we enjoyed ornia. My wife was an artist, has been a profes-The slay of laverness because it fool on surdeers. sional artist in past years and is still greatly line I had eleven boats in a basthoose that interested in art.

Gilb: Portraits, or ? What was the professional angle?

usted from the University of California.

My first wife, Rechel Vrooman Colby, became quite an authority on parliamentary law so that she was in great demand at meetings of momen's clubs to act as parliamentarian. She never practiced law.

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Veli. I don't know. I had thought of it at times, but she didn't seem to care for it particularly. She took the law course nore as an education. She was a creat admirer of her father, who was such an eminent lawyer, and that was one reason shy she was attracted to the law course. Unfortunately, my first wife passed away in 1949, I think it was.

Two years later I married my present wife. Helen Leach was her moiden name, and at the time i married her she was Mrs. Flemming. It is rather interesting that I met her in the mountains on one of the Sierra Club trips which I conducted in 1923, and she attended another outling in 1925. She married later on and had one daughter, Sylvia Christensia, who is now attending the University of Colifornia. My wife was an artist, has been a professional artist in past years and is still greatly interested in mrt.

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Colby: She was a commercial artist for several years

but was glad to give it up and now paints and

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TE WE GOT abalones and ovelers, clams, caucht I've always enjoyed getting out in the country, so and nathered berries, blackberries, salel, and shortly after -- no, not shortly after, several ough tenercies. years after, 1913 as a matter of fact -- after our two boys were growing up, my first wife and I bought a lot and built a very attractive country place in Inverness. Marin County. She used to take the two boys up there friday afternoon after school. I would come up Saturday afternoon, after I got away from the office, and spend all Sunday there. We'd start down Monday morning, getting up about four o'clock, taking the horse stage over to Point Reyes Station, the narrow-gauge train down to Manor, then the broad-gauge train to Sausalito. and the ferry across, and then I went up to my office and she continued on the ferry across the Bay to Berkeley, the train, and then installed the boys in school there. And when the teacher complained that either one or the other boys went to sleep during the daytime on Monday, my wife had a ready explanation. But we enjoyed the stay at Inverness because It took us outdoors. At one time I had eleven boats in a boathouse that I had bought down on the Bay, hunting boats and

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rowboats, a sailboat, and a launch, twenty-five feet long, that we took trips on the Bay and went down the mouth of the Bay over to Abalone Beach where we got abalones and oysters, clams, caught fish, and gathered berries, blackberries, salal, and huckleberries.

In the fall of 1905, my first wife, Rachel, and I built our present home here in Berkeley at 2901 Channing Way, where this recording is being made. And I have maintained this as my home ever since. It has proved most satisfactory because of my relationship with the University, my boys going to the University, two of my nephews went to the University and stayed here and I lectured for 26 years at Boalt Hall. Later on I acquired a country home down the coast, below the Big Sur river, where I go now weekends with my wife and where we have a great outlook on the ocean on one side and into a redwood canyon on the other.

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of his feverile nobbles. And I was told offer-

Gilb: This part of the interview with William Edward

Colby was recorded on October 21, 1953 in his

home.

Mr. Colby, would you like to go ahead with your narrative?

Colby: This afternoon I'd like to talk about my conservation work and my interest in conservation.

> My parents were both very much interested in the out of doors, my father and mother having taken trips in their two-horse carriage to Calaveras Big Trees, and Yosemite in the early 70's before I was born. I can remember a trip I took with my father after my mother's death -- I must have been four or five years old -- from our home at Colby's Landing on the Sacramento river when we drove up in our team to some meadows in the Sierra in Plumas County and camped there evidently for a couple of weeks. I can remember the wonderful pine forest. And very early in our stay there they brought into camp to show the paw of a huge grizzly which some hunter had shot nearby at that time. I was very much impressed with that because they told me that if I strayed from camp any distance that one of those grizzlies would get me.

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My father was a grizzly bear hunter. That was one of his favorite hobbies. And I was told afterwards by a cousin much older than I that he had been taken by my father on a grizzly bear hunt, and my father had nearly run his legs off. My father was a civil engineer and surveyor and was noted for his travelling abilities, travelling on foot.

Herveley to Granily reak sometimes on mountly winhis

My first direct connection with conservation came during my first trip into the Sierra, which was taken in 1894, starting toward the end of May and it was completed about the middle of August. It occupied nearly three months, and I went with two older men, both graduates of the University. one taking work at Hastings Law School and the other getting his master's degree. It was only his fourth year in college, having completed his bachelor's work in three years. He was one of the most brilliant men that I ever met. His name was Leon Solomons, and he afterwards attended Harvard University and got his doctor's degree in a very short time. Both Professors Munsterberg and William James, in the Department of Psychology where he specialized, stated that he was one of the most stimulating young men that they had ever met.

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He afterwards became Professor of Psychology at Nebraska University and then at Wisconsin, where he died from a very minor operation, because he was one of the most high-strung individuals 1 ever came in contact with. The other fellow was Ernest Bonner, who afterwards became District Attorney and Superior Judge of Modoc County. He was much more phlegmatic. We arranged for the trip, and would go up into the hills here at Berkeley up Grizzly Peak sometimes on moonlit nights and lie out there on the side of the hills discussing our great trip that we were going to take into the Sierra. We all of us had read John Muir's writings, and at that time his magnum opus, which was written for the San Francisco Bulletin and issued in very fine illustrated form, very large pages, had just appeared. And in that were intimate descriptions of Yosemite Valley and the Sierra, illustrated by engravings taken from William Keith's paintings and those of other noted artists, as well as photographs. We started from Placerville and travelled down the Sierra through the Calaveras Big Trees, Lake Eleanor, Hetch Hetchy Valley and over to Yosemite where we spent quite a few days. From Yosemite we went up into the Tuolumne Meadows, and stayed there for about a month, took a knapsack trip down Tuolumne Canyon,

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which had only been visited by a very few hardy explorers like John Muir and Galen Clark. We then visited the Mono Craters, climbed several of the mountains in the vicinity, and returned home toward the middle of August. This trip gave me a very wonderful insight into the beauties of the Sierra and the magnificence of that range. I realized that travel of that sort was of the very highest order, something that I repeated largely during the rest of my life as long as I was able to go into the mountains and do the strenuous hiking that was necessary for such trips. I met some people on that trip in Yosemite and other places who afterwards had quite an influence on my life and became some of my very intimate and best friends. Among them was Professor Joseph LeConte --J.N. LeConte. the son of the elder Professor Joseph LeConte, the noted geologist, whom I also met. I had taken work with him at Berkeley, so I know him, but I met him and had a very delightful chat with him at Crockers on the Big Oak Flat road going into Yosemite. I also met Robert Price, who was then the Secretary of the Sierra Club, whom I succeeded in a very few years.

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The Sierra Club had become very well known in

defending the Yosemite National Park, which had been created by its President, John Muir. And most of the people who went into the Sierra belonged to the Sierra Club. I was requested in 1900 to become the Secretary of the Sierra Club. This was almost entirely due to the friendships that I had made among Sierra Club members on that first expedition. I was glad, indeed, to take this position because of the very fine type of people who were members of the club and the character of the work which it involved. John Muir was the President of the Sierra Club, had been from its organization in 1892 and remained its President until the date of his death, Christmas eve, 1914. As a result of my election as Secretary. I was brought into very close and intimate contact with Muir. He invited me up to his home Alhambra Valley near Martinez, and I visited him many times there talking over various matters that involved the Sierra Club and conservation. It is interesting that my mother should have taught his wife, Louise Strenzel, before she married John Muir, and I met Mrs. Muir on these various trips to the Alhambra Valley in the early days of my secretaryship before Mrs. Muir passed away.

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One of the first extremely important matters that came to the attention of the Sierra Club and which I was called on to take charge of was the campaign for the recession of Yosemite Valley to the federal government. John Muir had lived in the valley for several years after he first came to California along from about 1870 to 1880 or thereabouts and had become very devoted to everything that concerned the Valley. He became distressed at the manner in which the valley was managed because it had degenerated from a very fine group of Commissioners, who were appointed by the Governor when the state park was created by Congress. It had become a political catspaw, and members of the Yosemite Commission, with very few exceptions, were appointed for political reasons rather than for any qualification for the position.

Gilb: Was it a salaried position?

Colby: It was not a salaried position, but the expenses of the commissioners were paid and it had a certain political prestige, so that rather important people were often times appointed on the Commission but without any particular qualification for guiding the best interests of the Valley.

John Muir was called on to accompany President

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John Muir was called on to accompany President

Theodore Roosevelt into Yosemite and guide him around on a camping trip above the Valley.

Gilb: What year was this?

Colby: This was in 1903, I believe. It was when Roosevelt came out during his Presidency on a tour of
the Coast. Muir took the opportunity to get
Roosevelt committed to the idea of having the
state park, which included the Valley itself,
turned back to the federal government and included
in the great national park which surrounded Yosemite and which included something over 1000 square
miles.

Gilb: What would be the advantages of having it be

Colby: The advantage of having it national was that in the first place Yosemite Park was only a small area extending a mile back from the walls of the Valley itself, and this small area was entirely embraced within the larger national park. It resulted in a great conflict of interests. Sometimes a fire would start on the border. The national government would claim that it was in the state park, and the state people would claim that it was in the national park so that this conflict of interests was rather serious so far as carrying on the operations of the two parks in a cooperative way. And more fundamental than any-

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thing else was the fact that Yosemite Valley was operated through state appropriations, and they were very meagre. I was amazed when I started to investigate to find out how much was appropriated, only ten to fifteen thousand dollars a year to cover all of the expenses, which included the expenses of the Secretary of the Commission in San Francisco, his offices there, the travel expenses of all of the Commissioners, and the salary of the "Guardian", a state official, and whatever money was left over was used to keep up the roads and trails and buildings, etc. It was a paltry amount so that it was no wonder that trails were in bad condition, as well as the roads not surfaced at all, and there was a general unkempt appearance about the Valley floor, which we noted when I went into the Valley first in 1894. So that with these arguments, John Muir was able to interest not only Theodore Roosevelt in having the Valley turned back to the federal government but George C. Pardee, Governor of California, also, who was a member of the party though he did not accompany Roosevelt on his trip with John Muir, which was a private affair. Pardee was also willing that the Valley should be turned back, and that arrangement was made between them, but of

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through the legislature was another matter that had to be handled by other people. So that John Muir took up the gauntlet, and he enlisted my support as Secretary of the Sierra Club, and we got the Club strongly behind us. I prepared at the outset a little leaflet giving the reasons for the transfer and quoting from several editorials of leading newspapers in the state which had advocated it after we had called the to their attention. I got the leaflet printed and distributed to the members of the legislature before they met in January, as I remember it.

Gilb: Of what year? we walley want to zankladrou, and

Colby: Of -- that would be 1904, I think. I got it out none too soon. In fact, the speaker of the Assembly, William Waste, who afterwards became Chief Justice of the Supreme Court of California, told me that he received my little leaflet in the mail just before he left Berkeley to attend a Masonic meeting in Oakland one evening. He read it on the way over on the street car and became thoroughly convinced that our cause was just.

During the Masonic meeting, he was called out by an Examiner reporter and asked what he thought about this proposition. So he was able to tell

course the work of getting the recession bill through the legislature was another matter that had to be handled by other people. So that John Muir took up the geuntlet, and he enlisted my support as Secretory of the Sierre Club, and we got the club strongly behind us. I prepared at the outset a little leaflet giving the reasons for the transfer and qualing from several editormials of trading newspapers in the state which had advocated it after we had called it to their atmosphere in the leaflet printed and distributed to the members of the legislature before they met to lanvery, as I remember it.

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him without any question. The <u>Examiner</u> was violently opposed to the transfer.

Gilb:

Why? Stores are of the State Park States and to

The reason for the Examiner's opposition was Colby: manifold. I found that -- after many years of experience -- Hearst had little sympathy with parks. One reason was that he had purchased a beautiful home. It was a small hotel, in the Grand Canyon National Park, at Grandview. And he didn't like park restrictions and it showed up in many other ways. This was long before that. but he had the same trend of thought. His principal argument was that we would be virtually moving the Yosemite Valley back to Washington, and we'd have to get down on our knees and go to Washington to be permitted to enter the Yosemite Valley and that it was a great reflection on the people of the State of California if they couldn't run something that was within their own borders. Another reason, and probably one of the principal ones, was the fact that a very prominent criminal lawyer by the name of W.W. Foote, who had offices in San Francisco, had been during the latter portion of his lifetime attorney for the Examiner and the Hearst interests. He had been a Commissioner of the Yosemite Valley, a State Commissioner.

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He had died shortly before this, but his partner, J. J. Lerman, had become the attorney and had been made Secretary of the State Park Commission, so that this intimate tie with the Examiner explains in large part their great opposition. Anyway, the first day that the Examiner came out after they had gotten wind of our little leaflet, they had a full front-page picture of Yosemite falls and underneath was this label, "Do you want to have this taken away from the residents of California and practically moved back to Washington." And they played up that sentiment very powerfully and devoted at least a page of the Examiner, each day all during the campaign which lasted for a couple of months or so, getting everyone that they could to advocate the retention of the Valley by the state. I realized right away that we were up against a very difficult battle, and that if we were to win we'd have to do something very drastic; so I take credit on myself for having thought up a strategy which proved successful. I remembered that John Muir had been a great friend of E.H. Harriman, the railway magnate. Harriman had a nervous breakdown and his doctors ordered him to take a sea voyage and a thorough vacation and forget all about railroads. He asked if he could take friends along with him. The doctors said,

He had died shortly before this, but his partner, i. J. terman, had become the attorney and had been mode Secret ry of the State Park Commission, so that this intirate lie with the Exeminer explains in large ourt their preat opposition. Anyway. the first day that the examiner come out after they had gotten wind of our little leaflet, they had a full front-page picture of Yosemite fails and underneath was this label, "Do you want to have this taken away from the residents of Colifornia and procincilly moved back to Vashington." And they played no that sentiment very powerfully and devoted of least a page of the Examiner, each day all during the campaign which lasted for a coupie or menths or so, actions everyone that they could to advocate the rejention of the Valicy by the state. I realized right away that we were up against a very difficult baltle, and that if we were to win we'd have to do something very deastie; so I take credit on myself for having thought up a stratemy which proved successful. I remembered that john Muir had been a great friend of E.H. Harriman, the reilway magnete. Harriman had a nervous breakdown and his doctors ordered him to take a sea voyage and a thorough vocation and forget all about railroads. He asked if he could take friends along with him. The doctors said,

"Yes. Take plenty of them, but don't take any railroad men. " And he invited leading scientists: John Muir, John Burrough, a great many others in the government service, who were biologists, geologists and botanists and so on, on what was called the Harriman Expedition which went to Alaska in 1893 with the very fine object of writing up the geology, geography, and botany of Alaska. So John Muir was included. I remembered this, and Harriman, because John Muir didn't kowtow to him and show the deference that so many of the other members of the party did, took a great liking to him. And every time that Harriman would come to California after that, he would get in touch with John Muir and try and get him to go up to his lodge at Pelican Bay, Klamath Lake or up to his Idaho lodge. So I realized that this great influence could be brought to bear: Harriman, through the Southern Pacific -- was President of the Southern Pacific Railroad Company at that time, and the Southern Pacific had almost absolute control of the legislature. They did it for self-protection, of course, to protect their own interests. But they had such a control that they could do almost anything that they wanted to, within reason, with the legislature. So l told Muir to write to Harriman and tell him in great

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detail why the Valley should be returned to the federal government. As soon as Harriman received the letter, he wired out to William Herrin, who was the chief counsel of the Southern Pacific Company in California and who handled its political affairs. Herrin called me over to his office, and I explained to him all the details, gave him the data that we had accumulated on the subject. And he told me, he said, "Now don't think that we are going to fight this battle for you. You've got to get out and do the real fighting, and we'll help where we can where it will not affect the Southern Pacific interests." I learned more about politics and the state legislature in those few weeks than I have in all the rest of my life put together.

Gilb: Who were your opponents? Do you remember them?

Colby: Yes. One of the principal opponents was a state senator by the name of John Curtin, who came from the district in which Yosemite is situated. He was an attorney from Sonora, and he represented as a lawyer most of the interests in the Valley — the hotel people, the stage people, and all the other interests. And he had had several battles with the United States government over the cattle which he drove into the Yosemite National Park and allowed to run free over great portions of

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the park. They tried to stop him. Colonel Benson, who took over the management and -- was in charge of Yosemite National Park, tried to stop him and drive his cattle out. but he got a decision from the Supreme Court of the United States to the effect that he could do that as long as the federal government did not fence his land and keep the cattle from running into the park, and on that ground he was very bitter against the national park and made a very good champion for the other side as well as representing all his clients. So, it really was a battle royal on that ground. I found out, however, that several of the leaders who everybody knew represented the Southern Pacific Company fought us and made speeches against us and so on. I found out afterwards that this was a part of the game. The Southern Pacific wanted to divert attention from itself, and by doing this would get people to believe it was not interested in the recession. John Muir and I took nine different trips to Sacramento to talk with members of the legislature and try and get them to vote favorably, and I always reported to Mr. Herrin when I came down as to how things were getting on. I told him one time that Charlie Shortridge, who was really a Southern Pacific representative in the fact that

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about the golden haired girls, and the golden
state, and golden poppies, and all these things
would be moved out of the state, taken on to
Washington, if this bill was carried through.
Herrin smiled rather an amused smile and said,
"Well, I think you'd better send all the wires
and letters that you can get written to Charlie
Shortridge from his constituents down there.
That will help a lot. And we'll see what can be
done."

So David Starr Jordan was one of Shortridge's constituents, and he and others, some very high member in the Catholic Church in San Jose helped us tremendously lone was head of the Sempervirons Club), and altogether we brought this pressure to bear on Charlie Shortridge. So when the vote copresses from Stockion, -- Speaker Censon sould came up, it passed the Assembly very easily, by by recognize him, and Cannon at It a great majority. But in the Senate, we checked ton Tear of the House. Unless he recognized the up and found that we needed one more vote, so concere of a billy it was dead. when it came to the balloting in the Senate. burg out -- It was Congressmen Needhan, Shortridge, when his name was called, got up and said that he was still of the opinion that the Valley should not be turned back but he had told the of our trouble and that he'd butter net

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heard from so many of his constituents who wanted him to vote in favor of the recession that he would have to do it. And that carried the day. Of course, Governor Pardee signed the bill without anyquestion.

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Colby: After the recession of Yosemite Valley to the federal government by the legislature of California, it became necessary for Congress to accept it to make it legal. The state had originally accepted the responsibility and therefore Congress had to agree to take it back. We thought that there would be no difficulty because the very strong adverse sentiment that had arisen in California through the work of the Examiner was entirely lacking the East and among the Congressman generally. But to our consternation, when the bill came up in the House of Representatives -- it was sponsored by a very prominent Congressman from Stockton, -- Speaker Cannon would not recognize him, and Cannon at that time was the Tsar of the House. Unless he recognized the advocate of a bill, it was dead. So, when I found ever | | Win Shdirmen conid not this out -- it was Congressman Needham, who afterwards became a Judge in the East by appointment -- I immediately got in touch with John Muir and Eastwee Relirose, the filling told him of our trouble and that he'd better get

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busy with Harriman again because Harriman, of course, through his Southern Pacific interests had great influence in Congress. He wired Harriman the difficulty and in a day or two Cannon recognized Needham. The bill passed the House by a very large majority. One reason for the opposition of Cannon was probably the fact that he was a great economist, and he wanted to cut down on federal expenses everywhere. He thought that if the state would pay for the upkeep of the Valley, that was all to the good.

Then we thought our difficulties were over. The bill came up in the Senate, and Senator Perkins, who was next to if not the Senior Senator and had great prestige and power on that account. his rearon, this had introduced the bill and was one of the charter members of the Sierra Club so that he was very strongly in favor of it and would do more than most persons would on that account. But the bill was referred to the committee on public lands. The chairman of that committee was a Senator from Dakota, I think before Dakota was divided. event, this chairman would not report out the bill. The reason was that he had visited the Valley the year before, and the Yosemite and Eastern Railroad, the little branch road that extendnarry one the bill was walled out and passed

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ed up from Merced to El Portal, had taken him in tow, told him their troubles, and they had had a rather violent contest with the Southern Pacific company. The Southern Pacific company wanted to own and control the railroad, and the Yosemite Railroad would not give up their interest and control. So they had enlisted the support of this Senator. The Southern Pacific in order to get a little advantage over this branch railroad had provided in the bill before Congress for the cutting off of a small corner, that was inconsequential as far as any park value was concerned, of the park which would enable the Southern Pacific railroad to run a branch road in from Fresno and in that way compete with the Yosemite road. For this reason, this Dakota Senator would not report the bill out, which meant that it was dead if he continued in that view. However, Senator Perkins was so powerful that he obtained the consent of two-thirds of the Senate, and when a bill came up to provide an appropriation for the District of Columbia, which was a custormary bill every year, he moved that the Yosemite recession bill be taken out of committee and brought up on the floor of the Senate. He obtained the two-thirds vote which was necessary, and the bill was called out and passed

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Roosevelt signed it without question, as he had already promised John Muir. So that we finally concluded this long and arduous campaign.

Gilb: Did any other newspapers besides the Examiner oppose you?

The Examiner and the Lodi Sentinel were the only Colby: two papers in California that opposed it, and we had favorable editorials from almost every other paper in the state, showing the overwhelming public sentiment in favor of the transfer. As it has turned out from a practical standpoint, Congress commenced appropriating sums ranging up to \$50,000 at first and then \$100,000 a year and now, I don't know what the amount is but it is upwards of \$250,000 or more each year for the upkeep of the Valley as compared with the \$10,000 or \$15,000 the state appropriated before. Any fair-minded person would agree that the transfer of jurisdiction was one of the finest things in the interest of the Valley itself that was ever done.

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fight. The Hetch Hetchy Valley had been included in the Yosemite National Park largely as a result of John Muir's efforts, aided by Robert Underwood Johnson, one of the editors of the Century Magazine, and it was only because of that reason that it was included in the national park. It had never been filed on and water rights obtained either for the flooding of the Valley or for the development of electric power. The United States Geological Survey when they surveyed the general region had reported that the damsite resulting from the narrowing of the Hetch Hetchy Valley at its lower end was one of the fine damsites of the world because it would impound so much water which the Tuolumne River, a large river of the state, flowing through it, would bring behind the dam. on I park, and In combination with

San Francisco became interested in acquiring this as a municipal water supply. When we heard of it, of course John Muir was tremendously exercised to think that a great part of his work would be undone. And so the Sierra Club very strongly opposed this application by the city of San Francisco. We were successful in preventing the grant for a number of years.

Gilb: How did you manage to do this?

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We managed to do this because John Muir had Colby: personal interviews with Theodore Roosevelt, who was then President, and enlisted his support, and Theodore Roosevelt was, though he had a great many friends on the other side -- because on the other side there was Governor Pardee, Gifford Pinchot, and other notable people -- so that he however had such an interest in conservation and realized that John Muir had done such a wonderful work in preserving the Valley that he threw his weight in favor of the preservation of the Valley as long as it was possible to do so. Garfield was his Secretary of the Interior, and Garfield decided against San Francisco as far as the Hetch Hetchy Valley was concerned. However, he permitted San Francisco to file on Lake Eleanor, which was within the national park, and in combination with the Cherry River the officials in Washington felt that the city's needs would be taken care of. So that the permit was made that way, and Hetch

But the tide turned when Woodrow Wilson became President, because he named Franklin K. Lane, who had been City Attorney of San Francisco, when the application for the Hetch Hetchy Valley for a site for a municipal supply for San Fran-

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Gilb: Do you know the date of that original application?

Colby: I couldn't tell you offhand. And Benjamin Ide

Wheeler had recommended Franklin K. Lane to Woodrow Wilson. Because of this change in the political situation, we found that we were at a great
disadvantage. And we found afterwards that that
was largely due to the fact that San Francisco
sent on to lobby in Washington a secretary or
some representative of the Board of Supervisors,
who stayed in Washington for a year or more,
talking to Congressmen and getting them enlisted
on the side of San Francisco.

We issued a pamphlet which I helped to prepare, illustrated by some very beautiful reproductions of photographs of the Hetch Hetchy Valley, and that was circulated very widely. We had tremendous support from many sources. But this political change was too powerful for us. They had hearings in Washington. We had representatives at those hearings who did splendid work.

Gilb: What type of people who supported you?

Colby: There was an attorney, one of the leading attorneys of Boston, Mr. Edmund Whitman, who had come out on some Sierra Club outings, went down to Washington to appear at one of these Senate cisco had been made.

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those hearings.

- Gilb: Were they all just interested in preserving the beauty, or were there any other interests invol-
- Colby: No. It was entirely preserving the beauty, and the fact that it was a national park and that this would set a very serious precedent if national parks could be invaded on such a count. We even enlisted the support of civil engineers, hydraulic engineers, who aided us in preparing reports showing that there were very many other, half a dozen other, sources of supply that San Francisco could have obtained. And that was absolutely demonstrated later on by the fact that Oakland went over to the Mokelumne River and obtained a very fine water supply and brought it into Oakland long before San Francisco got the Hetch Hetchy supply even.
- Gilb: Well, that would take care of water but what about electric power?
- Colby: Yes. That was true. The power situation was
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sons, as backed up by the San Francisco, have caused them to close up the lake entirely to oublic travel. There's no boating on it. Nobody can view the waterfalls and cliffs except from the damsite at the lower end. So that all of these statements and promises that were held out were entirely specious and were never carried out when it came to the actual test. The city did very reluctantly put up some money to build some roads and trails back into the country above the Hetch Hetchy Valley. I never felt that amounted to very much, though a great deal was made of it, because the roads and trails have fallen into disuse and nobody uses them now. They have proven of practically no value as far as making the park more accessible is concerned. This loss of Hetch Hetchy Valley was a tremendous blow to John Muir.

Of course we opposed the Raker Act, which was the granting act, and Congress put a number of conditions in the Raker Act that were supposed to be for our benefit. We didn't care anything about them because if the Valley was lost we felt the major wrong was done and it couldn't be righted by any conditions that were put in the Raker Act. They never amounted to anything so far as benefiting the situation was concerned. I'm quite sure

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sons, as packed up by the San Francisco, have caused them to close up the lake entirely to oublic travel. There's no boating on it. Nobody can view the waterfalls and cliffs except from the demsite at the lover end. so that all of these statements and promises that were held out were entirely specious and were never carried out when it came to the actual test. The city did very rejuctantly out up some money to build some roads and trails back into the country above the Hetch Hetchy Volley. I never felt that amounted to very much, though a creat deal was made of it, becouse incroads and trails have fallen into disuse and nobody uses them now. They have proven of proceeding to value as far as making the park more accessible is concerned. This loss of Helch Hebeny Velley was a tremendous blow to John Muir.

Of course we opposed the Raker Act, which was the granting act, and Congress put a number of conditions in the Raker Act that were supposed to be for our benefit. We didn't care anything about them because if the Valley was lost we felt the major wrong was done and it couldn't be righted by any conditions that were put in the Raker Act. They never amounted to anything so far as benefiting the situation was concerned. I'm quite sure

that this loss of the Hetch Hetchy Valley had a great deal to do with Mr. Muir's subsequent ill-ness and ultimate death. He probably died in advance of the time that he would have if the attempt to save Hetch Hetchy had not gone against him because he felt so deeply on the subject.

Gilb: Do you think that the fact that there was a progressive government in California at that time affected the situation any?

Colby: It helped tremendously because the municipal government, everybody realized, under Taylor, Mayor Taylor, who followed the very corrupt regime of Ruef and Schmitz, was such a reversal that almost everyone who had any morality or advanced views of citizenship favored that regime. And that undoubtedly had a very powerful effect with Congress, because they felt they could trust such an organization and that everything was done in good faith. It was rather interesting because Mayor Taylor was a great friend of John Muir's and was one of the early members of the Sierra Club, if he wasn't a charter member. I don't recall whether he was or not. He was a great friend of Muir's and Keith's and others of the Sierra Club who opposed the granting of this right to the city. Muir met him once or twice in an elevator somewhere in San Francisco and

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he told me he just went right after him. Of course, Taylor couldn't say very much but Muir didn't mince any words in expressing his ideas of the tremendous loss to the nation by reason of the flooding of Hetch Hetchy Valley.

Another major item which came up before the Sierra Club was the setting aside of the Kings and Kern River watersheds in national parks. Almost everyone who examined the situation and had a fair mind agreed that these areas were of national park calibre, and John Muir as a matter of fact advocated setting aside the headwaters of the Kings River in the 1801s sometime. That was one of his pet projects, but he was never able to accomplish it during his lifetime. Stephen Mather, who became Director of National Parks, was converted to it largely by John Muir's ideas and talks with other members of the Sierra Club. So that he very strongly advocated it. And after he became Director of National Parks, and the National Park Service was created through a bill which was strongly advocated by the Sierra Club and which the Sierra Club helped to pass in Congress, the matter of setting aside this great area, the headwaters of the Kings and the Kern, was taken over

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by Mr. Mather, and a bill was introduced. But due to local opposition from the irrigationists in the vicinity of Fresno and in the San Joaquin Valley, we were never able to get it through Congress, tried it several times. But the local Congressman from Fresno would always oppose it. We had it at the point one time when the bill would have passed, but the Congressman from Fresno --I think his name was Judge Church -- was ill and was in a hospital, as I recall it, in Los Angeles, and he sent on word to his fellow Congressmen as a favor to him, "Please don't pass that bill this time, because I'm not able to be there." And they put it over out of personal friendship. Then, the bill came up again, and too much opposition had developed in the meantime. Los Angeles became interested because they were going to take the water from the Kings River to Los Angeles. That was before they got the Colorado River water, and they caused us a lot of trouble. Of course, the Los Angeles interests and the irrigation interests in the San Joaquin Valley collided headon, so that helped us, but it didn't help us to get the bill that we wanted through. It held off any chance of invading the area at that time. However, Mr. Mather wrote out and wired out and phoned out to the club that he had the bill in such a condition

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that the entire headwaters of the Kern River could be added to the Sequoia National Park if the Sierra Club would agree to it, and the Kings River would have to be left out temporarily. We held a conference. I had gone on to advocate the addition of the park and appeared before the Senate committee. We finally agreed that we had better take what we could before more opposition arose. and so the headwaters of the Kern River, including Mount Whitney and that area, was added to the Sequoia National Park. We still had the Kings River Canyon to fight for. We tried that out, as I said, two or three times, but found the opposition too great and not enough support. However, when Ickes was appointed Secretary of the Interior, he became interested in it. I never found out why, and I'm sorry I didn't write to him before his death to find out why he was so definitely interested. I think it was due to the fact that he came form Chicago where he had been a very close friend of Steve Mather's, and Steve Mather had interested him in the Hetch Hetchy fight. He was opposed to that very strongly. That was long before he was a federal official. And he became interested at that time in having the Kings River set aside as a national park. Anyway, to our great surprise,

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he had a bill introduced in Congress to have the headwaters of the Kings River made a park. We welcomed it. though one or two members in the Sierra Club felt that they should have been consulted first. He heard of this, and lokes made a special trip to San Francisco to enlist the support of the Sierra Club. We had a meeting in San Francisco -- a dinner. I remember one evening I sat next to lokes and talked the whole situation over, and we were in thorough agreement of course. The irrigationists, however, were still opposed to it and a great many of the people in the Fresno region. Ickes held a hearing in San Francisco the following day and called for everyone interested in the subject to appear and oresent his views. I represented the Sierra Club and gave the reasons for the creation of the park.

Gilb: Do you remember what year that was?

Colby: No, I don't, but I can look it up and find out.

The irrigationists were represented there and opposed us, and the Chamber of Commerce of Fresno.

However, Ickes was so intent on carrying the thing through that he went down to Fresno, had a conference with the leading men who were interested down there, and made a deal with them by which he agreed to favor the creation of the Pine Flat Reservoir if they would help with the creation of

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the park. However, unfortunately we had to leave the Kings River Canyon floor itself and the Tehipite Valley out of the park, which was a very serious lack. However we felt that it was better to take the country above it, above these two areas, into the park while we could and then fight for the preservation of these two valleys later on. And things are developing so that it shows that our judgment was good. The park was created, and Ickes carried through magnificently because there was great opposition. It passed the House of Representatives fairly easily, though there was great opposition there. But fortunately the Congressman representing the Fresno Region, Bud Gearhart, after the lokes compromise in that region, favored it, and he was our main strength. But Ickes finally was a little dubious about its getting through the Senate, so he personally got President Roosevelt to write letters to various Senators asking them as a favor to vote for the bill. The bill carried, by some small majority. And that created the new park.

I had a great deal to do with that because I drafted the little pamphlet we got out illustrated by
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tes, At these, when I diesh became secretary of Colby: I was appointed Secretary of the Sierra Club in 1900: and I started running Sierra Club outings. largely at the suggestion and backing of John Muir, in 1901. We felt that we needed a reserve of people who knew the Sierra and its needs well enough to help us fight our battles in Congress and before the state legislature, and that we could only get them acquainted with the wonders of the Sierra and the need of preserving these wonders by taking them into the Sierra and getting them familiar with the region. So I started these outings in 1901. We had a party of 100 this first time and went into the Tuolumne Meadows. In 1902 we went into Kings River Canyon. Because of the fact that Kings River Canyon was seldom visited on account of the difficulty of getting in there, we were overwhelmed with applications and we took 200 people in on that trip. And the same way with the Kern, on the following trip, we had a party of over 200. Then in succeeding years we finally decided that it was difficult and it destroyed some of the value to have more than 200 people,

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And I ran those outings for thirty years or more, and I was Secretary of the club for 46 years.

Gilb: Did you receive any salary or payment of any sort?

Colby: No. At first, when I first became secretary of

No. At first, when I first became secretary of the Sierra Club, in 1900, the organization was very small and not very much had been done in the way of having headquarters and so on. They paid me fifteen dollars a month; it was given to me largely for stamps and expenses of that kind.

So that I never received any real salary. It was all a labor of love, and I was more than repaid by my contacts with John Muir for the fourteen years that he was alive after I became Secretary prior to his death. I was President for two years during the war, and Joe LeConte took over the secretaryship for that period.

Gilb: Which war? many makes the same to the same to

Colby: The first World War. I resigned as Secretary and Director after 46 years, and I was made honorary chairman of the Board of Directors, and then after Joe LeConte's death, Joe LeConte having been made honorary President, I was made honorary President and I still am.

In 1927, I was asked by Governor Young whether I would become a member of the State Park Commission. I was a member of the Save-The-Redwoods

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In 1927, I was asked by Governor Young whether I would become a member of the State Park Commission. I was a member of the Save-The-Redwoods

League, and Duncan McDuffie, the great conservationist, and Newton Drury, who is now chief of the Division of Parks in the state park system and was a director of the national parks until recently. together drew up a bill, which was introduced in. the legislature creating the State Park Commission. The Save-The-Redwoods League had put in so much money into purchase of redwoods that it felt that a definite official organization was necessary to carry on. We drafted this bill to create the State Park Commission, another bill to provide for six million dollars for the purchase of state parks, and still a third bill for a state-wide park survey. The bills all passed the legislature, and the bond act, however, had to be put up before the people for a popular vote and it carried by a tremendous majority, about three or four to one. That gave us six million dollars which had to be matched by another six million given from private or county sources, so that inaugurated that Time Prevident of Stanford University: denator a great era in the state park system. Before that, the few state parks that there were had been ore Moyery Important politician tron forest and a controlled by very local boards with no common or portably man of the manhead character organization. We discussed the question of who Physicians, a very prominent different of Lor Ampelent should become the State Park Commissioners. was asked to consider the proposition but turned Bell bell Scouts in the South En. He had also been it down on the ground that I could do more good

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as Secretary of the Sierra Club from the outside than I could from the State Park Commission on the inside. However, on the Kern river outing in 1927, a special messenger brought in a message to me from Governor Young. Governor Young had helped us tremendously in passing this program for the benefit of the state parks through the legislawalled In Secremento, ture. He asked me in this message, and it was of course inspired by Duncan McDuffie who was a great friend of mine, and who had helped in all of this work, asking me to become a member of the State Park Commission. I sent out word that I would consider it, and that I might. And I evenof Natural Sessurces care tually did agree to accept. Duncan McDuffie was a logical candidate, but would not consider it because he was in the real estate business and would not subject the commission to possible one is confuct with her -- inch been criticism.

Governor Young appointed Ray Lyman Wilbur, at that time President of Stanford University; Senator Chandler who had retired from the Senate and who was a very important politician from Fresno and a very upright man of the highest character; Henry O'Melveny, a very prominent attorney of Los Angeles; and Major Burham, who had been the head of the British Scouts in the Boer War. He had also been

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a scout for the United States in the Apache days and was a very remarkable man in many respects.

He was a very short fellow, not much over five feet tall. He said that he owed his life to the fact that he was so short that all the bullets that had been aimed his way had gone over his head.

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Gilb: Was your job a full-time job?

Colby: No. Oh, no. I was paid no salary at all, and
I spent about half of my time on it, neglecting

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my law work.

Gilb: Did all the other Commissioners spend that much time?

Colby: No. Being chairman -- and I made another condition, which turned out to be very unfortunate as far as I was concerned, that the office should be in the Mills Building next to mine. It resulted in the fact that nothing was decided without coming and referring it to me, and if anybody called at the office of any consequence or had any matter of importance they always called me in to help out on the discussion. I found that that did take a great deal more of my time than it would have otherwise, and at the same time it saved time in the fact that I could contact the representatives immediately when any occasion arose.

We were very fortunate in securing the services of Frederick Law Olmsted, the leading landscape architect in America, who knew more about parks than anybody else, and he did it largely as a labor of love though we did pay him some for his services, but never anything commensurate with the value of the service that he performed.

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to everyone that we could think of who would be interested in state parks. And these questionnaires came in, of course, recommending state parks and giving us information as to values and so on. That part we found was of very little weight. When it came to getting actual values, we had to employ appraisers. The other information we got was sometimes of value but not to be relied on. Under Mr. Olmsted's supervision and under our direction, we evolved one of the best statewide park surveys that was ever made in the United States. We got information from every source. Mr. Olmsted compiled it for us and prepared a pamphlet describing the different areas and giving a general survey of the state park situation in California, which was recognized as one of the most important publications of the kind which was ever issued in the United States. This was illustrated and had a very wide circulation. and demand for it from all other states that were interested in state parks was great.

Then the question arose of acquiring these state parks. They were legion in number, and we had to go through the various suggestions made and boil the thing down. With the help of Mr. Olmsted, we did get it down to a point where we knew

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Then, of course, we were met with the proposition of getting matching money, so that it was a most interesting venture and one of the things that I have done in which I felt that I accomplished more than probably in any other of my activities. Because we really accomplished something. It resulted in the acquisition of twelve million dollars worth of park lands, the six million bond issue being matched. That was the only reason that I ever would have taken a political position, because I saw this opportunity of acquiring these wonderful lands for the benefit of the state.

How long did you remain on the Commission?

Gilb: Colby:

I remained on the Commission for nine years, and I resigned in 1936, largely because of a change in administration which was very distasteful to me because under this new administration Mrs.

Gregory, who had done such wonderful work for us, was relieved of her job. It was given to a politician; the chief of the Division of Parks, Colonel Wing, who had been the head of the civil engineering department at Stanford University and had done a wonderful job with his great knowledge of civil engineering, he was displaced and one of the poorest sort of politicians out in his place.

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Gregory, who had done such wonderful work for us,
mas relieved of her job. It was niven in a politician; the chief of the Division of farts. Colonel Vinc, who had been the head of the civil engineering department at Stanford University and
had done a monderful job with his great knowledge
of civil engineering, he was displaced and one
of the poorest sort of politicians out in his

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Gilb: It was still a Republican administration, wasn't

Colby: Yes, but it was an absolute change. We started under C.C. Young, under a reform movement. And under him everything went perfectly.

Gilb: How about under Rolph?

Colby: Under Rolph, we would have had difficulty because of the politics. When Rolph got in, he was one of the most astute politicians we ever had, and he of course had all sorts of political obligations and friends. We were very fortunate in the fact that Rolph's manager -- he had been his secretary as mayor and he was his manager for the gubernatorial campaign -- was Ed Rainey, and Ed Rainey had been on Sierra Club outings, a great friend of mine. And he went to Rolph after the election the very day that he was elected and said, "Now there's one person that you must not displace. That's Will Colby." And he didn't say that as to other members of the Commission. and some of the other members were displaced for political reasons. One of them was Arthur Connick, who was really a wonderful fellow, in connection with the Redwood Highway and the acquisihad been arbitrar tion of redwoods. He is now the President of the Save-The-Redwoods League. But because he would not make Governor Rolph a loan to build wooden with the six million on its boad frame. I made ships in the first World War (I guess that must

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have been it, the first World War), which turned out to be that his judgment was perfect because the war ended and wooden ships were just a drug on the market, so because of that Rolph displaced him almost immediately. He left other members so that we got along very well. And because of Ed Rainey, Governor Rolph did not interfere in any way with the administration of the parks with one or two exceptions. They were very minor and didn't amount to very much. He left us alone.

And then Governor Merriam came in upon Rolph's death. He was Lieutenant-Governor and became Governor, and during the remainder of what would have been the Rolph administration he kept hands off. But he ran for election as Governor and on, my week intrible. was elected, and the very day that he was elected and his new administration came into office he undid a tremendous amount of work that we had not be not in as which of the Division of Party done. I saw right away that there was going to be THE COURSE -- There's no question abo trouble and that it would be very distasteful to me to stay on. I stayed on, however, in spite of this -- of the fact that our secretary and our chief of the Division of Parks had been arbitrarily removed without any consultation with us. But 1 of east, Wison, they not in as administrative stayed on because we were making commitments still done to select park lance are deal with them a with the six million dollar bond issue. I made

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up my mind I was going to stay until all those commitments, until I saw them all through, and the money which was available had all been pledged. And I did that, told Governor Merriam that I was going to resign when we accomplished a little more. And one day he called me up and wanted to know if I still wanted to resign. So I told him, "Surely." It wasn't long after that before he appointed somebody in my place.

Gilb: Did the policy of the Park Commission remain the same after that? under Olson?

Colby: No.

Gilb: Did it change under Olson?

Colby: Oh, under Olson. That was the worst of all.

Gilb: Worse than Merriam?

Colby: Oh, my yes. Terrible.

Gilb: How did it differ?

Colby: Well, under Merriam it was bad enough because the man he put in as chief of the Division of Parks was corrupt -- there's no question about that. He tried to put over deals on the Park Commission which we headed off. We saw they were coming, you know, and simply wouldn't stand for it. That was one reason Merriam didn't want us. But later on under Olson, they put in as administrative officer to select park lands and deal with them a

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man who had been trying to sell to us property under the previous administrations. I learned this afterwards, that he actually sold to the state directly, to the Park Commission as park property, lands that he acquired himself knowing that that would be done. And, in other ways, it was just terrible what went on.

Gilb: Did it improve any under Warren?

Well, yes. Under Warren, of course, it came Colby: back again to a solid foundation. The difficulty with Warren is -- I'll probably have to suppress this til some time later -- that Warren carried the idea of political favoritism and giving these positions on the State Park Commission as a matter of political friendship or favoritism. did, however, not at my suggestion because he'd have done it anyway -- Joe Knowland, the Tribune man. had been on the Board under me. I mean, he had been one of the Commissioners when I was chairman, and I found he was straight, and while I didn't always agree with him in judgment, you could rely on him that there would be nothing underhanded or anything of that sort done when he was in charge. So he was made chairman by Warren when Warren came in and was able to appoint the new Commissioners. He appointed Leo Carillo,

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who had no qualification whatsoever for state parks, but Leo Carillo had campaigned with Warren in the same auto, was a great friend of Warren's, and Warren knew of course that he could get votes in that way. They travelled all over the state together in their campaigning, and he appointed him.

- Gilb: What good would that appointment do him if he had no interest in the subject?
- Colby: He thought he wanted to do something for his friends.
- Gilb: What good would it do his friends?
- Colby: None particularly except that it was an important office and had a little prestige connected
 with it.
- Gilb: And that was all?
- Colby: That was all. And Leo Carillo attends meetings sometimes and usually he doesn't, and he's a good enough fellow. No question about that. I like him. I met him at some of the Board meetings, and he's a very likeable fellow. But he doesn't know anything about parks. He did appoint a fellow, a Charles Kasch, an attorney from Ukiah. And the interesting thing was that he was a former student taking my work in mining and water law at the University. He is one of the most act-

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ive of the Commissioners. He actually gets out and travels all over the State and visits the parks. He knows what their needs are. And so he's a very reliable fellow, and that's a good appointment. So that I have to modify some of my criticism in Warren's later appointments. He appointed a very fine man from San Diego -- Judge, I can't remember his name, but he was a very good appointment. He appointed more recently the President of the College of the Pacific, who evidently -- I don't know much about his park qualifications, but he evidently is going to be a good member of the Commission because he intends to go out and visit the parks and find out what he's voting on. So that I'll say that Warren's later appointments are much better than his earlier ones. And of course Governor Warren could be relied on absolutely because he is of such fine character and so dependable, and usually we had no difficulty, the Commission I mean had no difficulty. I, of course, wasn't on the Commission since he became Governor. In fact, he asked me if I would go back on the Commission, but I thought that I had had such a wonderful time, one of the happiest experiences of my whole life, and accompliched so much which I knew I couldn't accomplish under any other circumstances because

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Gilb: I've read somewhere that you drafted a forest fire law for California. Can you tell us about that?

Yes. I helped to draft it. There was an organi-Colby: zation called the California Water and Forest Association, which was organized in the early part of this century. It was public spirited. It just started on the examination of what water interests the state had and what should be done with them and also the forests. It had nothing to do naturally with federal forests, but these were state-owned forests, that afterwards were acquired. They were owned by the state at that time. So we in conjunction with Mr. Thomas, Will Thomas, a very noted attorney in San Francisco, much older than myself -- I became associated in this organization because of my conservation interests, particularly in connection with the Sierra Club; I was really a representative of the Sierra Club on this new organization. We held meetings at various times and drafted this act which was for the protection of the forests and also had something to do with water resources.

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Gilb: When was that?

Colby: That must have been way back in 1903 or somewhere along there. The very early part of this
century. And that was the first forest fire law
that I recall, and I think it has been referred
to as one of the first in the United States.

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Gilb: Can you tell us something about your work on the
Yosemite Advisory Board? When did you start that?

Yes. I was appointed by the Secretary of the Colby: Interior as a member of the Yosemite Advisory Board, which had three members and which was created under an Act of Congress in a very indirect way. In making an annual appropriation for Yosemite Valley, the Yosemite Advisory Board was authorized. So it became an official body, appointed by the Secretary of the Interior. When Mr. Newton Drury became Director of National Parks, and Secretary Ickes later on -- he was disappointed in some wavs with Mr. Drury because he didn't agree with him on some of the subjects -- said I was largely responsible for Mr. Drury's selection. Which I don't think is entirely correct, but I did write a letter of approval and recommendation because Mr. Drury had been the investigating officer for land acquirement under the State

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because Mr. Drury had been the investigation
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Park Commission. I found that he was thoroughly reliable and very conservation minded and so on, so I could recommend him very completely, which I did. Mr. Drury had been on this Board, and he had to resign naturally when he became —— couldn't hold two offices under the Department of Interior so he resigned, and I think it was largely due to his resignation and perhaps also Duncan Mc—Duffie that I was selected to fill the vacancy.

Gilb: What year, do you know?

Colby: I couldn't tell you offhand. It was about twelve years ago. I should say. And I have acted on that Board ever since. Dr. John Bewalda, who is a very eminent geologist, head of the geological department of the Institute of Technology in Pasadena and was a professor of geology here at the University for a number of years, is another member of the Board and I think he has been a member of the Board practically since the beginning. Mr. Olmsted was one of the first members of the Board, but when he removed from California and went east he naturally resigned from the Board. Though he now has returned to California and has been reappointed so he is again a member of the Board to take the place of Duncan McDuffie, who passed away three or four years ago -- about three years ago. Our duties are to recommend, to consider

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and make recommendations on any matters of importance that come up in connection not only with Yosemite Valley but the Yosemite National Park -- new roads, of which the whole policy now is not to build new roads if we can possibly help it, but any roads that might be changed, on the floor of the Valley for instance a road has been changed to take the place of a road which is going to be eliminated, and the trails, we recommend that certain trails be built and pass on any new or proposed buildings or structures.

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- Gilb: This part of the interview was recorded on November 2, 1953. Would you like to go ahead with your story, Mr. Colby?
- Colby: All right. I'm going to tell about my preparation for the practice of the law and my experiences during that practice, which has continued up to the present time.

I originally when I was a small boy had an idea that I would like to be a naturalist. I did not know John Muir at that time or anything about him, and yet I would have started out on a life very much like his. I had read a diary published by someone who had gone up the Amazon River, and I was greatly taken by that so that one of my principal objectives would have been to have made a trip up the Amazon carrying out this idea of following the naturalistic study. And John Muir, of course, had the same idea in his mind but was never able to carry it out until he was over 70 years old. And he took his trip up the Amazon.

I had my first definite idea that I might become a lawyer through the influence of my great aunt, this remarkable character who took care of my early education. And she was quite insistent that I

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should become a lawyer; and it was not until I had a best girl that I really thought that a naturalist wouldn't be adequate and that I should do something that was more important, which seemed to be practice of the law. My father was a lawyer, admitted to practice in California in 1852. And in his library I found law books — one especially which I remember which was a dictionary of law terms. So after I decided in my own mind that I might follow the practice of the law, I used to read that dictionary, and got my first ideas of law from it.

I attended the University of California here in Berkeley for two years and then went to the Law School. I had an opportunity to teach at the same time and make some money which was essential to continue my work at the Law School, Hastings College, where I graduated in 1898 with a degree of Bachelor of Law. I have already told about my relation with the three women who were in the law class, and that one of them was in the United States Surveyor General's Office in San Francisco, a very able young woman, who asked me to specialize in mining law because she was unable to carry on any practice in connection with her official work. And this I did very gladly because

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the first year or so of my law practice I had to rely on the collection of debts which were uncollectible. I did some charitable work getting divorces and also guardianships for children in the slum districts. That character of work did not appeal to me at all, so when I started with the practice of mining law and its scientific aspects it at once appealed to me and I then commenced to specialize on mining law and continued from then on until the present time. When I started practicing mining law in San Francisco, there was a very extraordinary bar of mining attorneys in San Francisco. Judge Garber was still alive, and he had grown up with the mining law in Nevada. at one time was one of the justices of the Supreme Court in Nevada. And lawyers by the name of Cross, Soliensky, and Wehe, and many others who specialized in mining law and were noted for the work they had done in that field. But outstanding among them all was Judge Curtis H. Lindley, who had been a Judge in Amador County and became interested in mining law through that Judgeship because he had to decide cases on the subject. And he later on moved to San Francisco. He was defeated for the nomination to succeed himself. having been appointed by the Governor in the first instance.

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Gilb: Which Governor was that?

Colby:

I don't recall. But he said that was the best thing that ever happened to him, the fact that he was defeated in that nomination, because otherwise he might have continued as Superior Judge there for the rest of his life, as was true of a great many other attorneys. Whereas he came to San Francisco and, under the stimulation of having to do something drastic to get into the practice of the law in a large city, he started writing Lindley on Mines, which was the first great mining work and in fact the only work of outstanding character on mining law that has ever been published. Prior to that, it was impossible to publish any really comprehensive work on mining law, because there were not enough decided cases. The law had not yet been sufficiently developed, and in his forst edition, this is shown. But he was an extraordinary lawyer in the sense that he was something of a philosopher and also a master of English so that he produced quite a remarkable work. He had already edited the Second Edition of Lindley on Mines when I knew him.

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case in Shasta County; the title is Galbraith vs. Shasta Iron Co., 143 Cal. 94. I always felt that the President of this Shasta Mining Company showed a great deal of confidence in me, for l was very young at the time and had only been in practice for two or three years, in having me try such an important case. The mine was rather an important mine, one of the most important iron mines in California. Opposed to us was a former Attorney-General of California, William H. H. Hart, who was a fairly clever man, not particularly erudite, but he had the fame of having been State Attorney General and also was attorney for Florence Blythe, which was one of the famous cases tried in San Francisco in those days, in which this estate of several millions was involved and he was one of the attorneys on the successful side. So that he had a great reputation, and I was a little timid about trying this case against him. But'l had examined the law, and I felt that if I couldn't win this case I might as well find out from the beginning because it seemed as though I had the best of the argument, and it turned out so.

It was rather interesting. I went up to try the case and I met the ex-Attorney General in front of the hotel that morning, and he asked me if I

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had seen any of his witnesses. Of course, I didn't know them from Adam and told him so. "Well," he said. "I don't understand. They're not here." He had previously tried to get a postponement of the case, and I finally refused to give it to him after giving him a couple of postponements to begin with. So that he went into court that morning and told the judge that none of his witnesses were there. He had seen them the end of the week before -- this was Monday morning -- and had given them money to appear there and didn't know why they were not there. So he got a continuance until that afternoon. Then he drew up some affidavits along these lines, and he presented them to the court stating that he couldn't continue with the case without them. I was willing to admit that the witnesses would testify to what he said they would, but he said he couldn't anticipate my defence so he couldn't anticipate what he might have to put in by way of rebuttal. And the Judge granted him a continuance. Judge Sweeney was the Judge, a very fine type of man who afterwards became a Director of the Mint in San Francisco. In talking to him after the continuance, he told me that he felt that it was phony, all the affidavits and everything else, but I had no counter-affidavits, and it was his custom to grant such a continuance.

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So that it was granted. We went to trial next time, and I won the case quite handily. In fact, I won it on an admission which General Hart made in open court, which he tried to get out of afterwards and said that it was only a hypothetical question asked my witness, a Deputy Mineral Surveyor, who was then on the stand. I won the case and argued it before the Supreme Court in Sacramento later on.

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One of the most important events in my law career was the fact that Judge Lindley, with whom I had a very slight acquaintance but who knew I was practicing mining law, had the habit of sending out assistants from his office to take charge locally of the law work of some of the important mining corporations he represented. He represented Bunker Hill and Sullivan Mining Company in Idaho, one of the greatest lead mines in the world, and also the Nevada Consolidated Mining Company in Nevada, which was one of the great copper mines of the world, the great open pit of Ely. And also, he represented some of the Gold field interests. And he sent assistants from his office to these various places so that handicapped him, and I was surprised that he would do

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that so consistently. And it was shortly after the San Francisco fire of 1906 and earthquake that he, knowing that I had specialized in mining law, asked me if I would take care of some work for him, which was piling up due to the fact that he had sent some of his principal assistants out in these outlying fields. I did this work for him, and I would see him every Saturday because he was trying a mining case in Nevada City at that time. And he would pile a lot more work on me, which of course pleased me very much because he complimented me on the knowledge which I had of mining law and saw that I was able to handle the matters that he turned over to me. So that finally toward the end of 1906, he asked me if I wouldn't come into his office. So I did January 1. 1907. I've oftentimes told persons that if I had had \$10,000 at that time, that was all the money I had saved up, that if anybody could have insured me this position in Judge Lindley's office I would have given him the \$10.000.

Gilb: Was your law practice damaged by the fire at all?

Colby: Very much so. And I had to give up temporarily specializing on mining law. I was asked to go into the office of a very eminent attorney in San Francisco, Jacob Reinstein, who was a Regent of the University, because of the fact that he was

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President of the Alumni. And he had a great deal to do with the new plan for the University, the first plan, the Maybeck plan, which was carried on largely through his organization and origination. I heard a great deal about that because it was at that time that I was more or less closely acquainted with him. He asked me if I would go into his office, but for catain reasons I felt that I preferred to practice mining law, as I did on the outside. But after the earthquake-fire, for a very short period I went into the office -because my law office in the Mills Building in San Francisco was entirely burned out, everything I had destroyed -- I went over into Oakland, into George Degolia's office. George Degolia had been associated with Senator Henry Vrooman, who was that prominent lawyer, the father of my first wife. And because of that relationship George Degolia asked me to come into his office and take desk room in the office, which I did for several months immediately following the fire. And then Mr. Jacob B. Reinstein, with whom I came in contact and had known before, asked me if I wouldn't come into his office. He practiced corporation law. specially. So that I went over to San Francisco. He had an office at that time in the parlor of his residence out on Ellis Street.

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practiced there for a while with a desk in his front room, and then I did specialize in corporation law and had very little mining law for a while. Judge Lindley knew of the fact that I had practiced mining law so that was the reason that he asked me finally to come into his office, which I did, as I say, in the early part of 1907.

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of a lode which was commonly met with up in that general region that he could hope to win the case. However, the jury, though told that there was no alternative but to decide the case one way or the other, both by Judge Lindley and Mr. Metson and the Judge who was trying the case, the jury went out and returned a verdict of about half of what everybody agreed that they should decide was the proper amount if they were going to find it against our company. This compromise verdict, however, enabled us later on to compromise the case so that it did not have to be retried.

Gilb: What effect do you think the San Francisco fire
and earthquake had on the practice of law in
general?

Colby: It changed the practice very materially, in the fact that the Hall of Records was burned and all the records destroyed, which is a most terrible situation to exist in any community. And McEnerney, who is responsible for the McEnerney Law Library here at the University and who was one of the ablest legal minds in San Francisco, drafted the McEnerney Act, passed by the legislature which was called into session in order to remedy the situation, and that enabled the titles to the real property in San Francisco to be replaced, reinstituted. They

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had to go through certain legal processes in order to do that so that the courts in San Francisco were clogged with these McEnerney suits to reestablish titles.

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I might say something about the various cases Colby: that I have tried, some of the most important in conjunction with Judge Lindley when he was alive. I used to assist him, and oftentimes helped him in examination of witnesses and so on and in preparation for trial. And as a matter of fact, I wrote most of the briefs on the cases that he did try and that he argued, because that is the logical thing for an assistant to do. I helped him in the last case he ever tried. Judge Lindley, like a great many lawyers, was subject to gastric ulcers. Lawyers, because of the intense mental strain of trying cases in court and the blood pressure that that results in, are chronically subject to these gastric ulcers. No doubt about that. I've had some symptoms. But I was able to get the better of it. Judge Lindley had very serious attacks which due to the physician's guidance and care, he was able to get over. We finally tried a case down in Arizona, a case that evidently he put his

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of the trial he seemed to rely on my help, turning witnesses over to me to examine and crossexamine that I was very much surprised that he would because he generally tried to take the lead as he was expected to. That evening, after the case was closed, he asked me to go over to the restaurant with him, which was a little unusual. I usually did anyway. For him to ask me was a little out of the ordinary. When he returned to the hotel, we were sitting in the lobby after dinner, and he lost his dinner and you could see from the blood with it that this ulcer had burst and that he had been bleeding internally. I helped to carry him upstairs. It was rather interesting that the opposing attorney, John Gray, and myself, should have been the ones to carry him up to his bed in his room upstairs in this very primitive hotel. The burden of course fell on me to take care of him as best I could. We got the only physician in town, and he communicated with Los Angeles and had trained nurses sent up immediately. It was in 1920, in the late fall, and the rail service had not yet been completely reinstalled after the war so I had difficulty in getting him back to San. Francisco. We finally got a Pullman car that went through this little town where the case was tried, Kingman, Arizona, a Pullman that would carry all

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the way into San Francisco. He had to be taken to his home in San Francisco on a stretcher. He only lived two or three days after his arrival. And the interesting thing in connection with my law work is that I was asked to take over his practice, by most of his clients, most of the important mining companies he represented at that time. I have continued as leading counsel for many of these companies ever since Judge Lindley's death. That has been now 33 years ago.

Gilb: Was most of your work for the companies, or was

No. Most of the work was for these leading com-Colby: panies, and because of my reputation as a mining lawyer I was selected as an associate attorney in one of the most important mining cases that was ever tried in Nevada. It was entitled Nevada Consolidated Mining Co. vs. Nevada Consolidated Copper Mines, and this case involved millions so that though they had a chief counsel in New York, a very able attorney by the name of William Wallace, and another local counsel in San Francisco by the name of Charles Chandler, who had been in Judge Lindley's office and who Judge Lindley had sent up to Nevada. He had been there for a long time and finally had come back to San Francisco. I was associated with them. The case involved a very

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Gilb: Was most of your work for the companies, or was it often against the companies?

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important law question. And I always prided myself ece the case for on the fact that this very important law firm with which Wallace was associated in New York and also lawyers with whom Chandler was associated in San Francisco had looked up the law of the subject and never found the very important cases which I unearthed up here in the attic of this very same house where I am speaking and where I kept for a long time a set of United States Supreme Court Reports, which I gave last year to Boalt Hall. And I spent many an evening up there going through all the cases that could possibly bear on the contractual question that was involved in this particular case. It was as to the interpretation of the word "all" in one of the clauses of this contract which was in controversey. It said all of the ore in a certain mining claim described, and we had to get out from under that and show that it did not mean all of the ore in those mining claims but all of a certain kind of ore. I found decisions by the Supreme Court of the United States, decided in the first place by Chief Justice Marshall and others, the said sellage stated of the involving wills, contracts, and even the Constitution of the United States, in which the word "all" was held to be limited by the language used in that part of the contract, showing that it was not intended that that word "all" should mean

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literally all, but all of a certain class. And that won the case for us. In that case we were actually in court for nine months, in the federal court in Carson City. It was not consecutively, but Judge Norcross, a very able Judge, familiar with mining because of his long residence in Nevada, every now and then would have to adjourn the case in order to try criminal matters and other cases that were pressing that would take precedence. And then we'd go back and continue with the trial. altogether, it took nine months of trial time, and it was the most important and longest case that I have ever been associated with. We won the main case and the other side brought thirteen counterclaims, and those were tried, some consolidated and tried following the trial of the main case. They won some of the counter-claims, and we won some of them. But the main victory was on the main case, which we won very handily. That interested me also because I had prepared the main briefs on certain phases of the subject, and when it came to arguing the case orally I argued phases of it. Chandler and Wallace argued other phases of it, because it was so broad in its many phases that it was practically impossible for one person to cover the whole case. It finally came to arguing the case in the Circuit Court of Appeals in San Francisco,

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where it was appealed. They selected me to argue the case before the Circuit Court of Appeals, and my long familiarity with the case of course made it possible for me to prepare that argument in a way that an outsider could not have done. I argued the case, and the interesting part of it is that the presiding judge of that time was Curtis Wilbur, whom I knew very well, who was a member of the Chit Chat Club, consisting of 25 members in San Francisco. He and I were both members of that club. It was organized way back in the early days and had been in existence for some 60 years or more at that time. That case was held under submission for a year or more, which made us and our client, the Nevada Consolidated Copper Company, very anxious. One time at the Chit Chat Club, Judge Wilbur started to talk with me about the case. But he checked himself because it was entirely out of procedure for him to do it, but he didn't get far enough to tell me what was in his mind. I found when the case was decided, he had written an 18-page dissenting opinion against our view of the case. But the other two judges refused to concur in it. That dissenting opinion was supposed to be the main opinion, but the other two judges would not agree to it and decided the case in our favor. I cannot

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understand to this day how Judge Wilbur ever got off as he did in writing a dissenting opinion of that kind, because it was contrary to two cases that he had decided himself on the bench earlier and which were leading cases on that particular subject. But, anyway we prevailed and the case was taken up on certiorari to the Supreme Court of the United States and they refused to entertain it, so that the decision became final.

Gilb: You say this was your most important case. Do
you mean in terms of time spent, or the money
involved, or because of the issues decided?

Colby: All of them. The issues were extraordinary, involbing the interpretation of this word "all" and also it involved the future of the entire pit at Ely, this open pit, which was the only way in which low-grade copper ores can be successfully mined. This pit at that time even was over a mile long, half a mile wide, and several hundred feet deep. There was more excavation taken out of that pit than out of the Panama Canal. It has been continued ever since, and our adversaries, the Consolidated Copper Mines Co. that had insisted that the pit should be wrecked by mining underground, and they were preparing to mine underground. and the whole object of our main suit was to stop them from mining underground, their own ores now

understand to this day how judge wilbur ever got off as he did in writing a dissenting opinion of that hind, because it was contrary to two cases that he had decided himself on the bench earlier and which were leading cases on that particular subject. But, envey we prevailed and the case was taken up on certionari to the Supreme Court of the United States and they refused to entertain it, so that the decision became final.

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by: All of them. The issues were extraordiming, involuting the interpretation of this word fall and also it involved the future of the entire off and at Lly, this open bit, which was the only why in which tow-grade couper over can be successfully mined. This oit at that time even was over a mile long, half a mile wide, and several hundred feet desp. There was more excivation taken not of that than out of the Panama Canal. It has been continued ever since, and our adversaries, the Continued ever since, and our adversaries, the Continued the pit should be wrecked by mining underground, and the whole object of our main suit was to stop and the whole object of our main suit was to stop

them from mining underground, their own over now

involved, or because of the issues decided?

are being mined by our company, the Nevada Consolidated, and they could never have been mined economically without the continuation of this pit.

This pit now has been extended for hundreds of
feet into their ground and is successfully operating today. Untold millions were involved in the
outcome of that suit, and from it I was paid the
largest fee that I ever have had in all my experience.

Gilb: During your mining practice, which issues most frequently arose, were brought to you as problems?

Colby: Extralateral right cases. Those were the most important and the largest. I might mention a few of them that were of considerable importance.

I tried an extralateral case, or a case that involved some features of the extralateral problem,
McElligott vs. Krogh, cited in 151 Cal. 132. I
reversed the trial judge, who straddled the fence
and gave my client half-victory in the trial court,
and then I won it on appeal. Another case, a
mining case, in California here that I prepared
the final briefs for Judge Lindley before the
Supreme Court of California, which we won was
Lightner Mining Co. vs. Lane. That was a trespass
case. Another one was Emerson vs. Kennedy, 169 Cal.

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718. Lassisted Judge Lindley in the trial of the case of Jim Butler Mining Co. vs. West End Mining Co., which was carried to the Supreme Court of the United States in 247 U.S. 450. We lost that case, but it decided some very important principles in mining law. I assisted Judge Lindley in the trial of a number of cases, six cases altogether, between the Utah Apex Co. and Utah Consolidated. This was tried in Salt Lake City in the federal court in Utah. and the cases were decided in our favor in 277 Fedl. 41 and 205 Fedl. 249 and 252. Judge Lindley died shortly after arguing these cases before the federal court there. When we went on to try the cases, he was laid up with his stomach condition and could not participate in the trial. I don't think he participated at all in that trial, but Judge Marshall, a very eminent jurist -- he had been a federal judge, in Salt Lake City and I tried those cases. I prepared the briefs and helped Judge Marshall argue the cases before the 8th Circuit Court of Appeals. They were both decided in our favor and were very important cases. The case that I assisted Judge Lindley to try in Arizona at the time of his illness was Tom Reed Mining Co. vs. United Eastern, which is reported in 24 Ariz. 269, and

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certiorari was denied by the Supreme Court of the United States.

I tried on my own account several cases, between the 16 to 1 Mining Co. and the 21 Mining Co. They were tried originally in San Francisco and were appealed to the United States Circuit Court of Appeals there. There are found in 255 Fedl. 658, appealed 265 Fedl. 649, and again tried in 254 Fedl. 630, affirmed in 255 Fedl. 658. There were six appeals taken to the Circuit Court of Appeals in those cases. And they were the largest number of cases that I ever handled myself at that time. I won all of them. A case which I tried against John Gray in Spokane, Washington -- Northport Mining Co. vs. Lone Pine Surprise was an extralateral case, decided in the trial court in my favor, 271 Fedl. 105. Decided in my favor on appeal, 278 Fedl. 719. I considered that a great victory because John Gray was considered, outside of Judge Lindley, one of the leading mining attorneys in the West. I tried a case in Butte, Montana, the Moulton Mining Co. vs. the Anaconda Mining Co. It was decided by the lower court adversely. 20 Fedl. 2nd 1008. It was appealed and I succeeded in modifying the judgment in the appellate court, in 23 Fedl. 2nd 311. I represented the Clark

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interests in Montana -- the noted United States Senator Clark, and his son, Will Clark; his son came into my office before he left for Europe after the case had been lost in the trial court before Judge Borquin in Montana and told me that if I succeeded in reversing the case, he would add \$10,000 to my fee. I naturally would have worked hard on the case anyway, but that made me work all the harder. And just before he left for Europe, which was his custom every year to spend the summer in Paris, I secured a favorable decision reversing the trial court in part. I wired him in New York, and he wired back. I can always remember that wire, that he was the happiest man in the United States as a result of that victory over the Anaconda Copper Co. which had been the great rival of the Clark interests through all the years in Montana. The second selection of the continue co

Gilb: Weren't there any local mining lawyers? Why did these clients from Montana and Idaho and all those places come to San Francisco for an attorney?

Colby: Well, the reason there was because Clark lived in Los Angeles, and he was accustomed to getting outside help. He wanted to secure the services of John Gray, but John Gray had represented the Anaconda Copper Co. a short time before, so he thought it wouldn't be appropriate to take a case

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of John Gray, but John Gray had represented the
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against the company so soon. And he recommended me to take the case. And that is the reason that Clark came to me. Then I tried the case of Empire Mining Co. vs. Butler. That was decided in 62 Cal. 2d. 49, and certiorari in that case also denied. I won this case of Ames vs. Empire in 17 Cal. 2d. 213. Also tried the case of Empire Mining Co. vs. Bullion Mining Co. decided in 99 Fedl. 2nd 228 for the Circuit Court of Appeals. In this case, Judge Annette Adams was the presiding Judge and wrote the opinion in my favor, Middle fork Mining Co. vs. Grange, 79 Cal. App. 2d. 350. She had taken my course in mining law at Boalt Hall.

Gilb: In your work as a mining lawyer, did you find you had to learn a great deal about mining engineering?

Colby: I did. I read a great deal on the subject as soon as I found that I was going to specialized in mining law. I had taken, very fortunately, with Professor Joseph LeConte, Sr., the great geologist at the University of California, I had taken his course in geology and also a course that he gave in vein structure so that I was fairly well equipped in that respect. Then I purchased a great many books on geology and mining engineering. In

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fact, I knew a great many mining engineers; some of them had written books on mining engineering so that I secured copies of these. My constant as—sociation with geologists and mining engineers, resulted in my becoming very familiar with mining geology problems. I had geologists compliment me by saying that I gave them ideas in connection with the mining cases in which they represented the parties as witnesses. So that I did acquire an unusual familiarity in that respect.

- Gilb: Did you find that recent changes in the techniques of mining engineering had any effect on the law?
- Colby: No. No, the mining engineering had very little
 to do with the law. The law overpowered, overwhelmed the mining engineering side of it. Mining engineers and geologists had to adapt themselves to the various phases of the law that was
 required.
- Gilb: In a general way, have there been any major changes in the methods of classifying mineral land? since you first started to practice?
- Colby: No. The mining law that was in force at that time... No and yes... the mining law which was in force at that time is still in force. The Mining Act of 1872, which governed the -- all the mines of metallic minerals. But the non-metallic minerals,

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there has been a great change. It took place in the withdrawal in 1908, '09, '10, and '11 of the oil lands in the West, the potash lands, the phosphate lands, the coal lands, and so on, and that resulted in the enactment in 1920 of the Leasing Act, under which these lands that had been withdrawn were leased. No longer does the individual miner get a fee simple title to the land, in the case of these non-metallic lands, but they are leased by the federal government.

Gilb: And that's a major change in policy?

Colby: That's a very major change, brought about through
the fact that the United States government and
the conservation elements of — the conservation—
minded officials like Pinchot, Garfield, and
Theodore Roosevelt and others, they inaugurated
the system. The oil lands were being so rapidly
depleted, and it had become so important for
naval use of the government, that it was best
to withdraw these lands and administer them under
a leasing system.

Gilb: Did you find that there was any connection between your conservation work and your mining law work?

Colby: Yes. I did. There was some little opposition grew up, just as it did in the case of the Hetch Hetchy, with Judge Lindley on one side and me on the other. Judge Lindley in the Hetch Hetchy

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matter was finally selected by San Francisco as its chief counsel, guiding It not only in its Congressional work, its appearances before Congress. but in the actual legal side of it. As a consequence that became so outstanding. the conflict. that I told Judge Lindley that I would draw out and resign from his office if he felt there was a conflict. I felt my friendship for John Muir was so great that I could not give that up and oppose him on the Hetch Hetchy issue. Judge Lindley told me that it was all right to continue representing the conservation side, but he didn't want it to appear too prominently that the major work was coming out of the same office on both sides, which would have been misunderstood. But we got along all right, and Judge Lindley, of course, his side won eventually in securing the Hetch Hetchy. That was quite a strain there for a while to reconcile these opposing elements.

Gilb: Did you ever have any other incidents of conflict?

Colby: No. No. Nothing special. No.

Gilb: Can you tell us if placer mining is as significant today as it once was?

Colby: It is not in a small way. In the line of individual work. It is carried on now by large dredging companies. Most of the gold which is produced

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in placer mining nowadays is by very large dredging companies. There is a small amount of dredging carried on by individuals or small companies,
but that is comparatively insignificant. The great
dredging operations in Alaska and California and
other parts of the West are carried on as major
enterprises by the great companies.

Gilb: Have the changes in the water law and the law of nuisance affected mining law?

Colby: To a certain extent, yes. Of course, there the great battle took place before I ever came into the law picture, between the hydraulic miners and the agriculturalists in California. That was, of course, a classic battle, which was decided in favor of the agriculturalists, eventually, and resulted in the injunctions against hydraulic mining which was later modified so that hydraulic mining can be carried on legally in California if dams are put up and the debris which results from the mining properly taken care of.

Gilb: Were most of the suits in which you were involved between mining companies, or were there any other interests in conflict with the mining companies?

Colby: They all of them were between mining companies.

Gilb: Have you found that any minerals have come into importance in the 20th century that were not important before?

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Colby: They all of them were between mining companies.

Gills: Have you found that any minerals have come into importance in the 20th century that were not important before?

Colby: Of course, the outstanding mineral is uranium, and I have no contact or relationship with that.

In fact, it is almost taken out of the hands of lawyers because the government supervises the mining of uranium so intimately and exclusively.

No uranium could be mined and sold except to the government itself. And the fact that government supervises it entirely has taken it practically out of the hands of lawyers.

Gilb: Why is mining law not so important now as it once was?

Because the public domain has been so extensively Colby: located. The mines have been developed. And many of the mines have been exhausted. Those mines don't exist any longer. In other cases, the mines have been taken over by the large companies, the deposits of gold, for instance placer gold, the deposits of gold in the quartz mines and hard rock mines, as they call them, have been taken over by the large mining companies. It has become so expensive to open a mine now and develop a mining property that only a large corporation can do it, and interests have become consolidated in that way so that very few lawyers are employed by those corporations so it has concentrated the legal talent that is necessary because the public domain has been gone over so carefully, almost with a

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has been gone over so carefully, almost with a

- tooth comb by miners that you might say that
 the opportunities for mining have been exhausted.
- Gilb: In your work as a mining lawyer did you ever run into any political problems or have any contact with
 the politics of the state?
- Colby: In a measure. I was attorney for a while for the California Mining Association. I have forgotten the exact name, but they appeared before the Legislature. They had a lobbyist employed to appear before the Legislature, but as a lawyer I very seldom participated in that. The lobbyist was usually able to handle the matter satisfactorily. And while there was some effort to change the mining law at different times, it was not successful.
- Gilb: So we still have more or less the old mining
- Colby: We have the old mining law of 1872 in force to-
- Gilb: Do you think there are any things, aspects of it, which ought to be changed?
- Colby: There is one which involves a conflict between
 the conservation interests and the mining interests. And I straddled the fence at one time because a very important company that I represented took over an option on a group of mining claims that was inside of what was originally a part of

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the Yosemite National Park, but which had been excluded from the park, which enabled these mining claims to be located. I felt that this part of the original park should be returned to it, and I disliked to see this mining company have any interest in developing part of the original park, which was in the Minarets region where Shadow Lake and Mount Ritter exist. And it should be returned to the National Park, made a part of Yosemite National Park. We tried to prevent its being taken out, and I was very happy to see that my mining company gave up its option on the property and decided it wasn't attractive enough to justify them going ahead. But that conflict exists. And there is another conflict which has gone on for a long time in the conservation field. The national forests are being invaded by locaters, who locate mining claims for recreation purposes, in order to get the timber on them, or to develop them for a summer homesite or for some commercial purpose, such as a filling station, or even outting on a resort, a hotel. The forest service has been rather bothered with this. We have felt, however, on both sides, the conservationists and also the lawyers, that if the forest service would go after these cases that involve really improper location of mining claims as was done in the case of Senator Cameron. He

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was a United States Senator and located a lot of mining claims on the Bright Angel trail going down into the Grand Canyon. The United States went after him and brought suit, United States vs. Cameron. carried it into the courts and proved that these mining claims were fraudulent. There was no mineral justifying the location. He carried it to the Supreme Court of the United States, which decided it against Cameron. He wielded so much power that the District Attorney in Arizona, the federal District Attorney was an appointee recommended by him, and refused to carry into effect the mandate of the Supreme Court of the United States. It required a special appointment. Stephen Mather, who was then Director of National Parks, whose influence in Washington was so powerful, was able to offset Cameron's influence. He had a special Assistant Attorney General sent out to Arizona to dispossess Cameron and throw him off the mining claims, which was finally done. That phase of the conflict is still bothering the Forest Service. There are pending now in Washington bills which would modify the mining law and try to prevent this illicit filing of claims for purposes other than mining.

Gilb: Can claims be located in the public parks?

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Colby: No, they are free from it. But they can be located in the national forests.

Gilb: What happens if there are substantial minerals in those parks which are of great public importance?

Colby: Very fortunately none such have been developed.

There was a case in the Yosemite National Park of a tungsten mine, a tungsten property in the very northeastern part of the park, and it was actually worked during the last World War because of its importance. The Secretary of the Interior found some statute which gave him the right to give a lease on it, though it is inside the national park. And it has been worked out, practically all of the ore taken out of it, I believe.

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Colby: I was asked very early in my association with
Judge Lindley, and I think through his reference,
to prepare a history of mining law for the Carnegie Institution in Washington. And I agreed to
do that because it was along the line of my studies and my law work. I found, however, when I
tried to get the books I wanted on mining law that
might give some idea of what was the form of mining law in Europe and other countries which might
have preceded and had some effect on the mining
laws that developed in the United States, that

Colby: No. they are free from it. But they can be tell to located in the national forests.

Gilb: what happens if there are substantial minerals in those parks which are of great public importance?

Calby: Very fortunately none such have been developed.

There was a case in the Yosemite National Park
of a tungsten mine, a tungsten property in the

very northeastern part of the park, and it was
actually sorked during the last world wer because
of its importance. The Secretary of the Interior
found some statute which gave him the right to give
a lease on it, though it is inside the national park.
And it has been worked out, practically all of the
ore taken out of it, I believe.

Bellion.

Judge Lindley, and I think through his reference,
to prepare a history of mining law for the Cernegic Institution in washington. And I agreed to
do that because it was along the tine of my studies and my law work. I found, however, when I
tried to get the books I wanted on mining law that
might give some idea of that was the form of mining law in Europe and other countries thich might
have preceded and that some effect on the mining
laws that developed in the United States, that

there were not many of these books available. I went to the University of California and also to the library in Sacramento, but found very few books that would give me an insight into what I wanted to know so I started collecting these books myself and carried this on all during the time that I was in Judge Lindley's office in the early days. I was very fortunate in the fact that I came in contact with Herbert Hoover, who afterwards became President of the United States.

Herbert Hoover was a great friend of Judge Lindley, becuase Judge Lindley gave a course of lectures on mining law at Stanford, which I did later on, long afterwards. I think I gave only one course of lectures.

Gilb: Lindley's was in 1909, wasn't it?

Colby: Yes. Judge Lindley's was rather early. And Hoover took this course with Judge Lindley, and later on, Judge Lindley I believe got him his first mining work, in Nevada County, Grass Valley, and put him in contact with some mining engineers that Judge Lindley knew very well. So that later on after Hoover had made his great fame as a mining engineer and came back to the United States from Australia, Africa, and China to Callifornia, he always looked up Judge Lindley, and

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finally Judge Lindley gave him an office while he was there visiting two or three months each year, as it was his custom. Hoover's main offices were in London, and that was used against him very strongly when he first gave evidence of running for the presidency of the United States, the fact that he was almost like an English citizen, instead of an American citizen, because he had transferred his main activities to his London office for some few years; but he had finished his great work of feeding the Belgians during the first world war. At the time he was given free access to both sides of the lines. He went behind the German lines and behind the French and English lines. They trusted him implicitly, but he carried that work of Belgian relief to such a degree of perfection he felt he could leave it. He could sense that the United States was bound to come into the war sooner or later. So he came over to the United States. And Judge Lindley introduced him to prominent officials in Washington, whom Judge Lindley knew. Franklin K. Lane, Secretary of the Interior, was one of them, and Judge Lindley had known President Wilson very slightly. He was a Democrat, as Wilson was. So he was able to get Hoover a very intimate intro-

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duction. So when the Food Administration was organized in Washington, Hoover was selected for it partly through Judge Lindley's influence, partly through his own great qualities. Hoover told Judge Lindley, he said, now you have gotten me into this fix, I'm going to make you come on to Washington to be the attorney for the Food Administration. This appealed greatly to Judge Lindley, who felt that he wanted to do something for the war, so he agreed to go on. And he asked me to carry on in his office, and continue to conduct his business. I should go back to my law book collection which was connected with Hoover. Hoover's main offices were in London at that time, and he spent most of the year there except when he was travelling around the world on his various mining trios. He came to San Francisco during the summer of almost every year, and Judge Lindley gave him one of his three private offices, which had geological books in it and books that of course Hoover would naturally refer to while he was there in San Francisco. Earlier Hoover had been collecting books on Mining, in every language, from all over the world, from all times, and he finally amassed the greatest collection, without any doubt, of books on mining that there is in the world. And that is now down at Stanford University, and if he hasn't given it

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to Stanford University, no doubt he intends to. But because of his collecting, he had in London sent to him from all parts of Europe and the world various catalogues of books on mining. Those catalogues of books on mining, oftentimes contained books on mining law, so that very kindly he'd send those over to me. After he'd gone through them, his secretary had gone through them, he'd send them to me. And from those I selected books on mining law, mainly in connection with English works, and I had other friends from the University and elsewhere who put me in touch with the antiquarian book dealers in various parts of Europe, in London, of course, Paris, Berlin, Amsterdam, Rome, and Madrid. So though I never have been in Europe, I was able to purchase some of the rarest books on mining law that have ever been published. I amassed this great collection in order to give me the necessary background for writing the history of American mining law. This I never was able to do because the Carnegie Institution gave up the idea of writing this great series of works on mining after they requested me to write the book on mining law. Various other books had been written and published, and it was just as well that they did give it up because it would have taken

to stanford University, no doubt he intends to. But because of his collection, he had in London sent to him from all perts of Europe and the world verious constocues of books on mining. Those cafelonues of books on mining, offentimes contained books on mining law, so that very kindly he'd send those over to me. After held come through them. his secretary bad constitutough them. he'd send them to me. And from those I released books on mining law, mainly in connection with English works, and I and other triends from the University and elsewhere who not me in louch with the antiquarian book dealers in various sarts of Europe, in London, of course, Phris. Berlin, Amsterdam, Rome, and Madrid. So though I never have been in Europe, I was able to ourchase some of the recal books on mining law that have ever been published. I amessed this great collection in order to give me the necessary background for Friting the hintory of sldt see raver I aid . wel going never mas able to do because the Carnesic Institution gave up the idea of writing this oreat series of works on mining after they requested me to write the book on mining law. Verious other books had been written and published, and it was just as well that they did give it up becouse it would have taken

up so much of my time away from my law that I could have ill-afforded to give to produce a work which would have been adequate.

However, I did publish, as a result of my collection and my research, a series of articles in the California Law Review on the extralateral right. particularly, but also on various phases of mining law. I remember that at one time I had these books here in this house in which I am at present speaking, on the upper floor, which I made into a study specially for the purpose of carrying on my mining law work and for writing of these articles. I had Professor Gayley of the English Department of the University and Professor Richardson of the Latin Department and one or two other professors one evening at dinner and took them up afterwards to show them these books. And they were unanimous in saying to me, "Colby, you are committing a crime to keep these books in a wooden house where they might be destroyed by fire, because many of them are irreplaceable." So that I did finally make an arrangement with the University and with the Law School to have them installed in the special room there in the Law Department, as part of the Law Library. But I still retained ownership and the right to take them out whenever I wanted to.

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Later on, I gave them outright to the University with the reservation that I could take them out any time I wished in connection with my mining law work. This library is outstanding. I've examined the libraries of New York City, of Congress, of various Universites, and there is no collection of books on mining law that can compare with it. So that I felt especially pleased that it should be deposited with the University of California in a state that was the outstanding mining state, that had more to do with the development of mining law than any other state in the union.

Gilb: Did you ever tabulate the cost of making this collection?

Colby: No, I didn't. I didn't want to surprise myself with the results. I remember that I paid fifty dollars, which in those days was an outstanding amount, for one book, which was a book, The Mining Laws of Joacimsthal in Germany, in the Hartz Mountains. This book was published in 1500 and something, as I remember it. Anyway, it was just about the time that Agricola was published that Hoover translated, he and his wife translated, and published in England. A most remarkable production. I gave the complimentary copy which Hoover gave me, I presented it recently to Boalt

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Gilb: Did you ever come into conflict with Hoover because both of you wanted the same book?

Yes. That was interesting because one summer Colby: when Hoover was out here, one of the book firms he had put me in touch with, Wesley & Co. of London, sent me a notation of a very rare book 11d been looking for for a long time. It was Mander's Mining Glossary published in Derbyshire, and Hoover had been very anxious to get it. He found from some other books it had been published, and he put in a standing order for it. Because he was away from London, they sent it on to me, and it arrived when Hoover was there. And I showed it to him and he became very indignant because this book firm had not kept it for him on his special order. I told him that he could have it photostated any time and that I'd loan it to him any time he wanted. That did not seem to satisfy him. So that is one book in my collection that I don't think exists in his. Of course, he spread over into mining law because he wanted to get all the books on mining of every character that he could, and books on mining law of course were of that character.

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In 1911, I was asked by representatives of the Colby: Law School in the University here in Berkeley if I would not deliver a course of lectures on mining law. This was what I had been specializing on. It appealed to me particularly. So I agreed to do it. Professor Jones was the head of the School, which was called the School of Jurisprudence at that time. And I started in 1911 to give a course of lectures on mining law during the fall term only of each year. First, our lecture room was up in old North Hall, where I had taken jurisprudence under Professor Jones when I was attending the University. Very shortly, we moved into Boalt Hall, which of course was a palace by comparison. At the same time, now I think of the new Boalt Hall, which in turn is so great an improvement on Boalt Hall, that it is hard to realize that there could be such an improvement. Boalt Hall was considered the last word in academic buildings at that time.

I lectured on mining law there for three or four years when I was asked to give a course of lectures on water law, the water law to be taken in the spring term. Judge Lindley had specialized on water law as well as mining law, and I had also done the same. It was quite ordinary that this

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should be done because the miners, themselves, originated the water law, the appropriation doctrine of California. So that the water law was rather intimately woven in with the law of mines. especially in the early days. I carried on this lectureship from 1911 to 1937, which was just 26 years. It's very interesting that my first wife, who was trained as a lawyer and graduated from the same class at Hastings, took my courses in both mining and water law, so that when I was called away on mining cases as was very common at that time, she would substitute for me. And I don't know whether it was a compliment or not, but the students oftentimes said that they preferred my wife as a lecturer and in charge of the work, to me. I always think that this was due to the fact that she was a little bit easier on them than I was. However, I might say that I was rather easy compared to the professors who were regularly in charge of the Boalt Hall school. Some of them were rather severe. Captain Kidd. It was rather difficult to get through those particular courses. But in my own case I felt that my courses were sort of a side issue, and I had a sympathy for the students. I know the students oftentimes told me they liked my work because it was a little fresher, and the fact that I was actually practi-

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Gilb: I wanted to ask you about some of your memories as an instructor. You mentioned that you taught Earl Warren. Do you remember anything about him?

No, I don't. I did have -- preserved somewhere Colby: I think the record of all the students I had and their grades, and I've tried to look these up to see what grades some of these prominent men have had. Earl Warren was one of the important men that I had as a student. Horace Albright was another, who was for many years the director of National Parks, succeeding Stephen Mather, who was the great outstanding example of those directors, the first one under the National Park Service that I helped to create through the Sierra Club in the early days. And Newton Drury also took work the same year, I think, that Warren did and Horace Albright. The class of 1912, I think it was, about that time. They were in my class in 1911, because I can remember it.

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Sierra Club in the corty days. And Newton Brury

cetors, the first one under the National Park

Service that I helped to create through the

Gilb: Were your best students the ones who turned out to be most famous afterwards?

No. I wouldn't say that, though -- not invariably. Colby: I haven't followed that very closely. Some of the best students are outstanding, but I don't remember their names. Also a good many judges --Annette Adams was one of my students, who became presiding judge of the District Court of Appeals in Sacramento. And I had the pleasure of arguing a mining case before her not very long ago. a few years ago. I think she's retired now, if I am not mistaken, but she continued in that court for a good many years. Also, another presiding judge is Peters, in the District Court of Appeals in San Francisco, a very able judge. And I also tried a case very early after his graduation -- an oil case down in Bakersfield -before Judge Farmer who is now dead.

In 1937 I resigned from my lectureship at Boalt Hall with a great deal of regret, but I had been on the State Park Commission so long that it interfered with my work. My former wife had to take my place during the nine months that I was up in Nevada trying a case so that I felt that my life was a little too full to continue with that work. And in any event, mining law was

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waning. Water law, on the other hand, was becoming more important and has become more important because of the great Central Valley Project and also the importance of irrigation to the agricultural industry of California. But it was hard to explain just why mining law has faded to a great extent. There are very many fewer cases. Take the extralateral cases, and that has been interesting because there has been an attempt to abolish the extralateral phase of the mining law, of United States federal mining law, many times. I was always opposed to it and Judge Lindley was. I wrote those articles for the California Law Review to show that it would have been a mistake to have repealed that phase of the law. And I still feel very strongly that way. and it particularly is true now because at that time the argument was made that these extralateral cases, there were so many of them and they were so costly to try, that sometimes it took such a vast amount of money to present them to the courts that objection was made. They have practically died out. I know of no extralateral suit pending today. There is one that is threatened that I have been asked to give advice on in Arizona, but that is the only one that I know of. I tried the last four extralateral cases that were tried

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Gilb: I wanted to ask also about your work as, or your hobby as, a collector of Chinese art.

Well, that is interesting. I very early became Colby: interested in Chinese art, and I used to go up in Chinatown and, as a great many others who were fond of Chinese art, walk up and down Grant Avenue and look in the windows and see these beautiful objects of art, which don't exist there today. They are a thing of the past, but in the early days they were there. And I bought some things that were of interest and I still have along those lines, a great green salad bowl, which has the eight immortals engraved on the inside. And then later on, when I became a little more flush as far as money was concerned, because of the important mining cases that I was associated in, I went up into Chinatown, and I was advised of an auction sale that was going to take place as a result of the depression; the entire stock of a company there was going to be sold, regardless of what was obtained for it. I became attracted for some reason to Chinese robes, and I secured

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there a very important Imperial robe that was worn by a member of the Imperial family. I drifted on from that, and I commenced to buy imperial robes and priest robes, also, until lacquired a collection of robes that was outstanding, not only in the United States, but in the world. The curator of the Far Eastern Arts, the Metropolitan Museum in New York, which has one of the outstanding collections of Chinese robes in the world, and textiles, passed on my collection, which I sold, finally. It became a white elephant, a herd of white elephants so far as I was concerned, because women's clubs particularly were anxious to have them shown, and I was just worn out carrying these silk robes which weigh like lead around in suitcases to these various organizations and showing them. I was always glad to do it, of course, but it was a little too much of a problem. The robes were so valuable that they -- I had to keep them in iron cases in San Francisco in my office. So, finally, I got hard hit financially in the depression, along with others, and I sold the collection to the Minneapolis Institute of Arts, in Minneapolis, Minnesota. And the curator of the far eastern art in the Metropolitan was called in to pass on these robes

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APPENDIX

(ADDITIONAL QUESTIONS SUBMITTED TO WILLIAM E. COLBY, NOVEMBER 14, 1953)

- i. What are your sons present vocations? Do they share your interest in the Sierra Club?
- 2. How well do you think your legal education fitted you for practice of the law; looking back on it, in what ways do you think your legal education could have been better?
- 3. What was President Taft's attitude toward the Hetch
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(WILLIAM EDWARD COLBY)
(Attorney at Law)
(Mills Tower, San Francisco)

Person of Harmonia (1975) and the second of the second of

February 17, 1954

Mrs. Corinne L. Gilb

University of California

Bancroft Library

Manuscript Division

Berkeley, California

Dear Mrs. Gilb:

Answering the questions which you listed in your letter of November 14, I am adding the following to my "deep freeze".

My older son, Henry Vrooman Colby, is a practicing attorney here in San Francisco. He graduated from the University of California and then from the Harvard Law School. My former wife and I made it possible for him to take his law course at Harvard because we felt that some contact with the East would be beneficial, and I am quite sure that he has felt the same. He did not enter my office, as he had originally planned, and practice mining law, because by the time he graduated from Harvard Law School I realized that mining law was on the decline, and there is little call nowadays for specialization on the subject as there was when I first started

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to practice in 1898. This son, Henry, is very much interested in the out-of-doors, has a summer and week-end home at Inverness, Marin County, and has spent many of his summers with the Sierra Club on its main annual outings in the Sierra. He used to work under my direction when he was young in the commissary on these outings and became very much attached to the Sierra.

My son Gilbert Winslow Colby graduated from the University of California and from the Harvard Business Administration School. He also felt that it was a great advantage to come in contact with Eastern thought and considers the contacts he made in the East and the education he received at Harvard fitted him exceptionally well for the work that he is now doing as head of the Investment Department of the Wells Fargo Bank & Union Trust Co. here in San Francisco. He also has a place at Inverness, where my former wife and I took both the children for almost every week-end during the year, so that they could enjoy the out-of-doors and boating on Tomales Bay. He is quite interested in the out-of-doors but has not gone into the Sierra very much, though he also used to go with me on the Sierra Club outings and work in the commissary. I attribute this largely to the fact that his wife is not physically able to "rough it" in the mountains as is Henry's wife.

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Answering your third question. President Taft's attitude toward the Hetch Hetchy site was one that was more or less sympathetic to our viewpoint. Muir accompanied Taft into the Yosemite Valley by special request and had quite a chance to talk with the President on the subject, and Muir told me that Taft seemed to be sympathetic to our point of view, though undoubtedly politics had a great deal of influence with him.

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I cannot recall what year I lectured at Stanford. I think it was only one year that I gave this series of lectures on mining law. It must have been prior to 1911 when I began lecturing at the University of California. I received the Honorary Degree of LL.D. from each the University of California in Berkeley and Mills College in Oak—land in 1937.

With reference to your request for a list of articles which I have prepared and which have been published, I find in my files copies of such lists, both conservation and legal, and also of the important cases in which I acted as counsel. I feel quite certain that I must have given you the original of each of these lists. If this is not the case, I will have them copied.

Trusting that the foregoing will add to the work which you have undertaken and of which I am deeply appreciative, I remain -

Faithfully yours,

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IMPORTANT CASES IN WHICH WM. E. COLBY WAS COUNSEL

(As one of leading counsel in cases marked with 'X')

- X Galbraith v. Shasta Iron Co., 143 Cal. 94; 76 Pac. 903.
- X McElligott v. Krogh, 151 Cal. 132; 90 Pac. 823.
- X Harper v. Hill, 159 Cal. 255; 113 Pac. 163.
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- X Emerson v. Kennedy M. Co., 169 Cal. 718.
 - Jim Butler M. Co. v. West End M. Co., 247 U.S. 450; aff'd 39 Nev. 375; 158 Pac. 876.
 - Utah Apex M. Co. v. Utah Consolidated, 277 Fed 41 (8CCA) 285 Fed. 249, 252; cert. denied 258 U.S. 619; 261 U.S. 617.
 - Tom Reed v. United Eastern, 24 Ariz. 269; 209 Pac. 283; cert denied 260 U.S. 744.
- X Sixteen to One M. Co. v. Twenty-one M. Co., 254 Fed. 630; aff'd. 255 Fed. 658; aff'd 265 Fed. 547.
 - Round Mt. v. Round Mt. Schinx M. Co., 129 Pac. 308; 138 Pac. 71.
- X Northport M.C. v. Lone Pine Surprise M.Co. 271 Fed. 105; aff'd 278 Fed. 719.
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- X Empire Co. v. Butler, 62 C.A. (2nd) 49.
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- X Middle Fork G. M. Co. v. Green, 79 Cal. App. (2nd) 350.
- X Cataract Gold M. Co., 43 Land Decisions 248.

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"Some Recent Decision Involving Federal Land Patents."	3:14
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	"Knapsacking Across the Kings-kern Divide"	8:163
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	"John Muir-President of the Sierra Club"	10:2
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- Albright, horace---- usecooked Stephon Asther as sincipals also of Coloris et U.C., 118.
- Barnes, Goneral --- Altorney for Boathern Batilic R.H. Orator. 15.
- Hartlett, Columbus --Brother of Governor Hertlett of Celifornia and father of Louis Derontenay enrelett; errener in law fire Cartlett & Bartlett etc. Louis. Coloy's firet employment with Sartlett and Eartlett in 1098. LO.
 - Jurilett, fouls Demontenay---son of Columbus parelett.
 - Senecia-- irtholace of Colog. 1-2.
- ease of Colonel -- to charge of Yosamite Intional Park (elros 1904). Conflict with John Curtin on Funding oattle is Park. Supreme Court smolds Unitin. So-9.
 - Frwilds, Dr. John-Flead of Fological Department of Institute of Technology in Esadena. Formerly rolesson of Geology at J.C. in Ferceley. Rember of Yosemise Advisory Beard. VS.
 - Blawell, Jeneral -- Helphor of Gilbert Colby on Unico ranch. 4.
- Bonner, Erneut -- Litrict Attorner and Superior Judge of Monoc County. Brudent at Eastings, accommended Onley and Solomons on Colby's three Slerra trie. 28.
- Boaley, William Aradford Leacher at Esstings College when Colby was a student there. Started Noot Coart, IT.
 - Sowens academy in her relegrationing, Thomas Stevart dowens, a Latin scholar. Colby prepared for J.C. there, 10. John taught there, 15-14.
- Hurban, Lajor--load of Britinh Scorts in Boer Lar. U.S. scout in Arache days. Sovernor Toung appointed through to State Fork Commission, 1927. 61.

- California Water and Forest Association -- A public spirited group interested in water and forest resources, organized early in 1900's. Colby a member, representing Sierra Club. 71.
- Cannon, Speaker Joe -- Opposed recession of Yosemite to federal government because he favored economy in federal government. 41-2.
- Carrillo, Leo-Member of State Park Commission, appointed by Governor Olsen. 68-9.
- Chandler, Senator -- State Senator from Fresno. Appointed by Governor Young to State Park Commission, 1927. 60.
- Chinese robes -- Colby's early interest in Chinese art. 119. Colby's robe collection sold during depression. 120-1.
- Church, Judge--Congressman from Fresno. Opposed setting aside headwaters of Kings and Kern rivers for national parks. 53.
- Clark, Galen -- Explorer of Yosemite. 29.
- Colby, Caroline Amelia Smith (1937-1879.)--Mother of
 William Colby. Early life, 7. Teacher, 7. Church
 work, 8. Edited women's column of California Patron,
 8. Geneology, 8. Married December 8, 1866 to Gilbert
 Colby, 7. Children, 8. Death, 9.
- Colby, Gilbert Winslow (1825-1881) -- Father of William Colby. Early life, 2-3. Rancher, 3-4. Surveyor for Sacramento and U.S., 4-5. Lumber mill, 5. Lawyer, 5. Merchant at Colby's Landing, 5. Banker and business man, 5. Ferry owner, 6. State Assemblyman and Senator, 6. State Grange Address, March 30, 1878. 6. Married 1866. 7. Children, 8-9. Death, 9.
- Colby, Gilbert Winslow--Younger son of William Colby.
 Attended U.C. Graduated from Harvard School of
 Business Administration. Now Vice President in
 full charge of investment department of Wells
 Fargo Bank and Union Trust Co. One daughter. 20-22.
 Education, 125.
- Colby, Helen Leach Christenson Fleming-Second wife of William Colby, married 1951. Professional artist. 23.
- Colby, Henry Vrooman--Older son of William Colby. Attended U.C., graduated from Harvard law school. Lawyer with McCutcheon-Olney firm. Since World War II, partner with Joseph McKeon in San Francisco law firm, McKeon & Colby. One son, two daughters. 20-22. Education, 124.

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- Jennon, Speaker Joe-- Jurosed recession of Yosenita to received government because he favored economy in Jenoral jovernment. 41-2.
- Carrillo, Leo-Hember of State Park Commission, septimed
- Unradier, Jenator Beate Benator from Fresno. Appeinted by Governor Young to State Ferk Commission, 1927. 60.
- Oninese robes--Colby's early interest in Chinese art. 111. Colby's robe collection sold during depression. 120-1.
 - Charch, Judge--Congresses from Fresho. Opposed setting saide needesters of kings and Kern rivers for nectons; parts. 55.
 - Clark, Galen -- Explorer of Yosemite. 29.
- Colog, Caroline smalle Smith (1777-1879.)--Houndr of william Colog. Parly Mile, 7. Teacher, 7. Church sork, 3. Multed women's column of California Fabrou, B. densology, A. Married December B, 1868 to Tibert Colog, 7. Children, 8. Weste, 9.

 - Colm, dilect Minslew-Founder and of Hilliam Volon.
 Astended U.C. Preducted from Ervira School of
 Boutson and in retion. Now President in
 full charge of investing a cream of Wells
 Parro Ser and Dion Frust Co. One daughter. 10-22.
 dice ion, 155.
- Coloy, meten Lesen Christenson Theming--Second win's of William Coloy, married 1951. Professional artist. S
- Joidy, Herry Vrooman-Older son of Milliam Joidy. Actended U.J., Fraducted from Harverd law school. Lawyer with McCutchern-Olmey fire. Since world war II, martmer with Joseph Jewon 1: San Francisco law ite. Consecutors. Consecu

- Colby, Rachel Vrooman--First wife of William Colby.

 Daughter of State Senator Henry Vrooman. Attended
 Hastings College, class of 1898. Married, 1902. 18.

 Women's Clubs. 23. Home life, 24. Death, 23.

 Often lectured for Colby at U.C. 114-7.
- Connick, Arthur-Member of State Park Commission,
 President (1953) of Save the Redwoods League.
 Displaced from State Park Commission by Gov. Rolph
 because he had refused Rolph a loan to build wooden
 ships during World War I. 66.
- Conservation -- William Colby's parents' interest in, 26. Colby's first Sierra trip, summer 1894. 27-29.
- Cottrell--Inventor of electrical process for removing noxious fumes from smelter smoke. Used proceeds for a scientific foundation. A student with Colby. 13.
- Curtin, John-State Senator. Attorney from Sonora and represented commercial interests in Yosemite Valley. Ran cattle in Yosemite Valley. One of chief opponents to recession of Yosemite to federal government. 38-9.
- Daugherty, Louisa Mitchell--Great-aunt of William Colby and assisted in his up-bringing. Preacher, newspaper writer, prohibitionist. 9. Interested Colby in legal training. 75.
- Delmas, -- Leading lawyer and orator. 16.
- Drury, Newton--Ex-director of National Parks. Chief of the Division of Parks in the State Park System, (1953). Helped draw up bill to create State Park Commission, 59. Ickes not satisfied with Drury as Director of National Parks, 72. Member, Yosemite Advisory Board, 73. Student of Colby's at U.C. 116.
- Foote, W. W.--Prominent San Francisco criminal lawyer, attorney for Examiner and Hearst interests.

 Commissioner of Yosemite Valley. Partner of J.J.

 Lerman. Foote responsible for Examiner opposition to recession of Yosemite to federal government. 35-6.
- Forest fire laws, California -- One of first forest fire laws drawn up around 1903 by Calif. Water and Forest Assn. for protection of forests and water resources. Colby assisted in preparation. 71.
- Garfield -- Secretary of Interior under Theodore Roosevelt. Garfield decided against grant of Hetch Hetchy to San Francisco but allowed San Francisco to file on Lake Eleanor. 46.

- July, nacrel Product 122 wife of Hiller Joid.

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 Hasting, College, class of 1000. Herriod, 1000. To,

 Vomen's Circ. 28. Home life; 24. Desta, 25.

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 - Conservation -- Milliam Color's parents' interest in, 26.
- Cottrell--inventor of electrical process for resorting postous lumes from smolter ampha. Used proceeds for a student with Colb. 17.
- Ourtin, John-State Senator. Attorney from Conora and represented commercial interests in Yesemite Valley. Ren cattle in Yesemite Valley. One of calef comments to recession of Yesemite to Leades government. Serv.
- Daugherty, Louisa Mitchell--Frant-Bunt of William Colby and hasisted in his up-bringing. Francher, newspaper subter promise. 9. Interested Colby in legal training. 75.
 - Dolmas, -- Leading tawyer and orator. 16.
- Draw, Newton-- ar-director of test and farms. Onice of the Division of tests in the State farm eratum, (1987).

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 - Forest fire laws, Callfornia--One of first forest fire laws drawn up ar und 1905 by Callf. Nater and corest Assn. for protection of forests and water resources. Colog assistes in propertion. 71.
 - Osrfield--Secretar of Interior Under Pacedore Mossevell.

 Ger held decided squinst grant of Betch Tetch to
 en rend so out silowed Sam menelaco to file on
 the Silemon.

- Gearhart, Bud--Congressman from Fresno. Agreed to and worked for setting aside of Kings River headwaters for a national park after Ickes agreed to Pine Flats reservoir. 56.
- Grange, State--Address by Gilbert Colby on Kearnyism, March 30, 1878. Gilbert Colby President of Granger's Bank of San Francisco in 1881. 5.
- Gregory, Mrs.--Secretary of State Park Commission after 1927. Previously with Bay Region Municipal Water District. Wonderful organizer, according to Colby. Relieved of her position in 1936 to make way for a political appointee of Governor Merriam. 62-64.
- Harriman, E. E.-Harriman Expedition to Alaska, 1893, included John Muir and John Burrough. 37.

 Muir enlisted Harriman's support with the California legislature for the recession of Yosemite to the federal government. 37-8. Harriman influential in getting Speaker Cannon to recognize Needham and Yosemite Bill in Congress. 41-2.
- Hastings College of Law--Professors while Colby a student, (class of 1898.) 14. Students. 15-6. Moot Court. 17. Case method, 17. Women students, 18-20.
- Hengstler, Professor Louis T.--Professor of Mathematics at U.C. Taught Jurisprudence at Hastings College when Colby was a student. 14.
- Herrin, William--Chief counsel of the Southern Pacific Railroad in California and handled their political affairs. At Harriman's request, Herrin worked with Colby for the recession of Yosemite to the federal government. 38-40.
- Hetch Hetchy Valley--Problem of grant of valley to San Francisco for water and power use. Included in Yosemite National Park, 45. Valuable dam site, 45. T. Roosevelt and Secretary Garfield against grant, 46. Franklin K. Lane favored grant, 47. Sierra Club opposition to grant. 45-52. Power the crucial issme, 48-9. San Francisco does not carry out agreement for improving the area for camping. 49-50. Mayor Taylor a friend of John Muir. 51-52.
- Howell, John--Operated Antiquarian bookstore in San Francisco. Student with William Colby. 12-3.

AND TRUETO DORONG TO A TO A ...

Ickes, Harold--Secretary of Interior. Friend of Stephen Mather, 54. Worked to get Kings River headwaters set aside as a national park. Traded Pine Flat Reservoir for park with Fresno leaders. 54-56.

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- dregory, ars. -- Secretary of State and Comission after 1927. Previously with Bry Retion Municipal actor District. Wonderful organisor, according to Volta. Action of Mar southion in 1920 to make way for a political amounted of Covernor Amriam. 62-64.
- derricks, F. E. -- Recrised Ligethbled to Aleske, 1997, included John Ruis and John Pirros, T.

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- issuings College of Law--Professors while College a dudont, (class of 1988.) 14. Students. I -o. Moos Court. IV. Case method, 17. Women students, 18-20.
 - Hengetler, Professor Louis T. --Professor of Lagherica at W.C. Thught Jurisprudence at Hastings College and Colby was a student. 14.
 - Jerun, .illiam--Onief connell of the Dolther Estific fullreed in California and manual their political affairs. At estriman's request, ferrin torica and Color for the recention of Your Live to the Colorial everament. 18-10.
- Leton Forcery Letter-Troplem of the very the troplem of the later and town of the later and town of the later and town of the later and la
 - Howell, John -- Operated Antiquarian bookstore in San
 - ickes, Enrold--secretar, of Interior. Maiend of Stephen ather, 51. Horied to get lings fiver modwaters . At alice at a netional park. Traded Pine class as a netional park. Traded Pine class.

- Johnson, Robert Underwood--Editor of Century Magazine.
 Influential in getting Hetch Hetchy Valley
 included in Yosemite National Park. 45.
- Jones, Professor William Carey--Founder of U.C. School of Jurisprudence, later called Boalt Hall Law School. Class in constitutional history. Colby's teacher. 11-12.
- Jordon, David Starr -- In favor of recession of Yosemite Valley to federal government. 40.
- Masch, Charles -- Attorney from Ukiah. Appointed by Governor Olsen to State Park Commission. 69-70.
- Keith, William: Painter of Yosemite Valley and the Sierra. Engravings of his paintings used to illustrate Muir's writings in the S.F. Bulletin. 28.
- Knowland, Joe--of Oakland Tribune. Member of State Park Commission with Colby, later Chairman of State Park Commission under Governor Warren. 68.
- Lane, Franklin K.--Secretary of Interior under Woodrow Wilson. Recommended for position by Benjamine Ide Wheeler. 47. Approved grant of Hetch Hetchy to San Francisco. Had been City Attorney for San Francisco. 46-7.
- LeConte, Dr. Joseph--Eminent U.C. professor of geology and biology and teacher of William Colby. 11-12.
- LeConte, Joseph N.--Son of Joseph LeConte. Met Colby on Sierra Trip. 29.
- Legal Study--at Hastings College. Casebook method, 17-8.

 Text book method, 18. Moot Court, 17. Apprenticeship in lawyers' offices, 16.
- Lerman, J.J.--Attorney and partner of W. W. Foote.

 Succeeded Foote as attorney for Examiner and Hearst interests in San Francisco. Secretary for State Park Commission. Colby claimed Foote and Lerman responsible for Examiner opposition to recession of Yosemite to federal government. 36.
- Lodi Sentinel -- S.F. Examiner and Lodi Sentinel only two California papers to oppose recession of Yosemite to federal government. 44.
- McDuffie, Duncan--Conservationist and member of Save the Redwoods League. Helped draft bill to create the State Park Commission. 59. Asked Governor Young to appoint Colby to State Park Commission. 60. In real estate business. 60. Member of Yosemite Advisory Board. 73.

- Johnson, Actort brushwood--Laiter of Contary agazine.
 Influential in Jecuing Reton actory Value,
 included in Toronite actional Lari. 45.
- conc., Protocoor silliam varey--rounder of U.C. School of Juria ridence, last relicational ristory. Colov's technology. Colov's technology.
- Jordon, Javia Blarr--in favor of ression of Yosenite
 - hasch, Charles-Attorney from Butth. Appointed by October Countries of the State Ferm Countries on 198-10.
- Noith, Allies -- Painter of Yoanstee Valley and the Sterra. Engravings of his paintings used to illustrate unir's writings in the S.P. Dalletin. 28.
 - Mowland, Jos--of Duriand Prigume. Hember of State Sommission with Solo, let re Jeriman of State Lark Counties on the solour serion.
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 - LaCente, Dr. Joseph -- Malnest U.C. professor of Jeology and teacher of William Color. 11-12.
 - Levonte, Joseph M.--Bon of Joseph DeConte. Not Goldy on three Trip. 28.
- Legal Study--et Hastings College. Casebook method, 17-3. Text book method, 18. Moot Court, 17. Apprenticearly in lawyers! offices, 15.
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- Mather, Stephen Diector of National Parks. Friend of John Muir and of Colby. 32. Tried and failed to get Congress to set aside headwaters of the Kings and Kern rivers as national parks. 52-3. Got Kern river headwaters added to Sequoia National Park. 54. Enlisted Ickes to reserve Kings river headwaters. 54. In charge of throwing Senator Cameron off mining claim in Grand Canyon. 105.
- Merriam, Governor Frank F.--Removed Mrs. Gregory, secretary, and Col. Wing, Chief of Division of Parks from State Park Division for political reasons in 1936. 64. Corrupt appointments to State Park Commission, 67.
- Mills, Dr. Cyrus and Susan--In charge of Young Ladies' Seminary in Benecia, at which mother of Colby taught. Later moved school to Oakland as Mills College. 7.
- Monroe, Harriet--Editor of Poetry magazine, Chicago.
 Had visited Hetch Hetchy Valley and made eloquent
 appeal to Congress against granting Hetch Hetchy
 to San Francisco. 48.
- Muir, John--Naturalist. President of Sierra Club, 1892-1914. 30. Articles in S.F. Bulletin on Yosemite. 28. Worked for recession of Yosemite to federal government. 31-44. Friend of Theodore Roosevelt. 32. Friend of E. E. Harriman. 36-8. Friend of Mayor Taylor of San Francisco. 51-2. Influential in getting Hetch Hetchy Valley included in Yosemite National Park. 45. Enlisted T. Roosevelt's aid against grant to San Francisco of Hetch Hetchy. 46. Hetch Hetchy grant a serious blow to Muir. Colby considers it a reason for Muir's illness and death. 50-1. Muir advocated setting aside Kings river watershed for national park in 1880's. 52.
- Muir, Louise Strenzel--Wife of John Muir and former student of Colby's mother at Benecia. 7.
- Needham--Congressman from S. ockton, later a Judge in the East by appointment. Sponsored Yosemite recession bill in Congress. Cannon refused to recognize him until Harriman exerted pressure. 41-2.
- Olmsted, Frederick Law--Landscape architect. Worked on state park survey. 62-3. Member of Yosemite Advisory Board, 73.
- Olney, Warren, Jr. -- Lecturer at Hastings College.
 Judge of Supreme Court of California. 14.
- Olsen, Governor Culbert -- Corrupt appointments to State Park Commission. 67. Appointment of Leo Caritte to State Park Commission. 68-9.

Desire, Stephen - Discour of Mational Parks. Brish of John Built and of Colby. US. Tried and feiled, and to another sea out as of exercice sug of Mings and Kern rivers as nettoned perios. 58-5. act perm river honowaters added to legandia Matlonal Park. 50. Entition lokes to reserve Mings river mondwarers. 5s. In charge of throwing Senetor Cameron off mining claim in Crand Conyon. 136.

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Mille, Dr. Cyrus and Susan -- In charge of Young Ladies' delinery in lenecie, at which mother of College taught, Tares moved school to Outland as Mills College, V.

normore, Harrist .- Editor of Postry magazine, Colongo. Had winited heten Hereny Valley and made eloquent appeal to Congress against granting leter of carrier . 8- . ocela en les co

Moth, John -- Haturelist, President of Slerra Club, 1892-1914. 30. Articles in 3.1. Idlistin on Yosamite. 28. Worked for recession of Yosamite enoboad to breit. . 68-68 . Juescavog ferebel of the concern . 38 . Jevescon Priend of Mayor Taylor of San Stundisco. 51-2. bebuiont yellev ynosek nodek galtdeg af feldaerling in Yourstine to Traff Isrolog of Isrocol ni To obslored inst of themy deniese bis at flevescon Heben Hetchy. 46. Hetchy Betchy grant a serious blow to Mair. Colby considers it a resson too Mair's anistes bedesovbe wird .1-00 .dree bus seemili at often lengths and between nevir again often 188018. 52.

> buir, louise Strengel -- life of John Buir and former andent of Colby's mother at Benecks. 7.

Meedhem -- Congressmen from 5, oction, later a Judge in the Last by appointment. Lyonsored You wite recession bill in Congress. Cannon valued to recognize him until Parriment exerted pressure. 41-2.

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> Olmon, warron, Jr. -- recturer at heating College. .AI .singolikes to james emerges to oregin

olaso, devennor Guinert--Corrupt appointments to our lor the selount . Vo .notesim of area ofest Orritio to Bloke Beek Courtrains. 68-9.

- O'Melveny, Henry--Prominent attorny of Los Angeles.
 Appointed by Governor Young to State Fark
 Commission, 1927. 60.
- Pardee, Governor George C.--Muir able to get Pardee to agree to recession of Yosemite to federal government. 33, 46. Favored grant of Hetch Hetchy to San Francisco. 46.
- Patron, California -- Official publication of the California Grange. Colby's mother editor of the women's column. 8.
- Perkins--U.S. Senator, member of Sierra Club, introduced bill for recession of Yosemite to federal government in the Senate. 42.
- Pettit--Ranch partner of Gilbert Colby. 3.
- Phelan, Mayor--of San Francisco. Phelan especially interested in public power because of his violent opposition to United Railroads, the company which ran San Francisco streetcars. 49.
- Pinchot, Gifford--Favo red grant to Hetch Hetchy to San Francisco. 46.
- Pond, Samuel--Partner of Gilbert Colby in store at Colby's Landing, 1862. Later mayor of San Francisco. 5.
- Pratt, Elinor--Chief clerk of San Francisco U.S.
 Surveyor General's office. Her father was Surveyor
 General. Student at Hastings with Colby; later
 referred clients to him. 19.
- Price, Robert -- Secretary of Sierra Club before Colby. 29.
- Public power--Relation of public power issue to request by San Francisco for Hetch Hetchy. Mayor Phelan wanted public power so City could run streetcars. 48-9.
- Rainey, Ed--Secretary to Mayor James Rolph of San Francisco, Rolph's campaign manager when he ran for governor. Sierra Club member and friend of Colby. 65.
- Raker Act -- Grant of Hetch Hetchy to San Francisco. 50.
- Ringland -- Operated Colby's ferry at Colby's Landing. 6.
- Rolph, Governor James J.--Replaced Arthur Connick on State Park Commission because Connick had once refused Rolph a loan. Manager Ed Rainey prevented further political removals. 65-6.
- Roosevelt, Theodore--Sierra trip with Muir in 1903. 32. Signed bill for recession of Yosemite to federal government. 44.

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 - Jervins -- U.S. Sonttor, sember of Sierra Club, introduced bill for racession of Yosemite to Pederal Jovernment to me Sonate. 42.
 - Petrit -- Hanch partner of dilbert Colby. S.
 - Pholon, Magor-- or everyoo. The established interested in public power because of the violent opposition to united silronds, the company which rem our presented to the otense.
 - Piscoot, Difford Rored grant to Hetchy to San Francisco, 46.
 - Fond, Samuel -- Partner of Milest Colby in store at Colby's Landing, 1862. Later meror of San Francisco. 5.

 - Price, Robert -- Secretary of Slerra Club before Colby. 28.
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- rainer, Ed-Secretary to Mayor Jumes Rolph of San Francisco, Rolem's campaign manager when he man for governor. Sierra Club member and friend of Colby. 65.
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 - Aingland -- Operated Coloy's ferry at Coloy's Landing. 3.
 - holph, dovernor Janes J.--Replaced Arthur Connick on State Park Comission Secause Counick and succ request Holph welsen. Assauser Ed Aniney provested further political resovals. 85-5.
 - Appearant, Theodore -- Sierre trip with Muir in 1905. 52. 52. 54. 54. 54. 54. 54. 54.

- San Francisco, City of-Grant of Hotch Hetchy to City opposed by Sierra Club, 45-52. Power the crucial issue, 48-9. City fails to carry out Raker Act provisions for improving area for camping, 49-50. Effect of Mayor Taylor's reform administration on Congress in obtaining grant for San Francisco. 51.
- San Francisco Examiner -- Reasons for opposition to recession of Yosemite to federal government. 34-6.
- Save the Redwoods League--Purchased redwood areas.

 Drew up and campaigned for bill to set up State Park
 Commission, 58-9. President, Arthur Connick, 65.
- Shortridge, Charlie--State Senator from San Jose and representative of Southern Pacific. Opposed recession of Yosemite to federal government, but voted for recession under pressure. 39-40.
- Sierra Club-Organized 1892. John Muir, President, 1892-1914. Robert Price, Secretary 1894-1900. 20-30. Colby opened first headquarters in Yosemite Valley, Summer 1898. Colby, Secretary 1900-1946 (except for two yeardsduring World War I when Joe LeConte was secretary and Colby was president.) Colby, Honorary Chairman of the Board of Directors after 1946 and Honorary President after death of Joe LeConte, former Honorary President. 57-8. Sierra Club worked for recession of Yosemite Valley to federal government, 31-44. Sierra Club outings into Yosemite and Sierra, begun 1901 by Colby. 57-8. Sierra Club attempts to get Kings and Kern rivers watersheds set aside as national parks. 52-7.
- Slack, Judge Charles -- Dean of Hastings College, 14.
- Smith, Henrietta Louisa -- Aunt of Colby and his legal guardian, 9.
- Solomons, Leon--Friend of Colby and companion on first Sierra trip. Early death, 27-8.
- Southern Pacific Railroad--Interest in recession of Yosemite to federal government through Harriman's friendship for Muir. 37-43. Efforts to control Yosemite and Eastern Railroad, 43.

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Commission, 56-8. Fresident, Arthur Connick, 68.

Shortridge, Untrile--State Sens or from San Jose and representative of Southern Relific. Opposed recession of Youamite to Federal Jovernment, but voted for recession under pressure. 22-40.

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Srith, Henrietta louisa--annt of Colby and his legal

Solomors, Leon--rriend of Golby and companion on first Sierra trip. Sarly deats, 27-8.

Southern Pacific Heilrosd--Interest in recession of Yosewheet through Harrissen's Interest to the South of Interest in 1995 to control Yosewite and Lastera Kalirosd, 45.

- State Park Commission -- Created, 59. Governor Young appointed Colby, 1927, 60. Other members, 60-1.

 Mrs. Gregory, secretary, 61. Olmsted and state park survey, 62-3. Acquisition of state parks, 63-4. Political favoritism under various governors, 65-9. Warren's appointments, 69-70.
- Stiles, Mrs. A.G. -- Friend of Colby's mother. 7
- Taft, William Howard--Seemed sympathetic to Sierra Club op osition to Hetch Hetchy grant after trip with Muir into Yosemite Valley. 126.
- Taylor, Mayor -- of San Francisco. Reform administration following Ruef and Schmitz. Friend of Muir, member of Sierra Club. 51.
- Thomas, Will, -- Noted San Francisco attorney. worked with Colby in drawing up forest fire law for California Water and Forest Association. 71.
- United Railroads of San Francisco--Operated streetcars in San Francisco. Opposed by Mayor Phelan who wanted public power so City could run streetcars. 49.
- University of California, School of Jurisprudence--Founded by Professor William Carey Jones. 11.
- Vrooman, Henry--State Senator, outstanding lawyer, author of Vrooman Road Act, drafter of charter for Stanford University, personal attorney for Stanford University. Father of Rachel Vrooman Colby, first wife of William Colby. 18.
- Warren, Governor Marl--Appointed Joe Knowland, Leo Carrillo, Charles hasch to State Park Commission. 68-71.
- Waste, William--Speaker of California Assembly in 1904.
 Later Chief Justice of Supreme Court of California.
 Agreed to transfer of Yosemite from California to
 federal government after reading Sierra Club
 leaflet written by Colby. 34-5.
- Watson, Jessie--Student at Hastings with Colby, later worked in same office with Colby. Handled estates for women. 19-20.
- Wheeler, Benjamine Ide -- Recommended Franklin K. Lane to Wilson for appointment as Secretary of Interior. 47.
- Whitman, Edmund -- a leading Boston attorney. Had gone on Sierra Club outings. Appeared in Washington in opposition to Hetch Hetchy grant. 47.
- Wilbur, Ray Lyman--President of Stanford University.

 Appointed to State Park Commission by Governor Young,
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Appliced to State Park Commission by Governor Young,
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- Wing, Colonel--Head of the civil engineering department at Stanford University. Chief of the Division of Parks. Relieved of his position in 1936 by Governor Merriam to make way for a political appointee. 64.
- Yosemite and Eastern Railroad -- Southern Pacific Railroad trying to squeeze this railroad out of Yosemite.
 Yosemite and Eastern Railroad enlisted aid of the Chairman of the Committee on Public Lands, a Senator from Dakota, to oppose recession of Yosemite to the federal government. 42-3.
- Yosemite Advisory Board -- Colby appointed to Board, 1940 to present (1953). Other members, Bewalda, Olmsted, Duncan McDuffie. 72-4.
- Yosemite Commission, of California -- Political body in charge of Yosemite. Non-salaried. 31.
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