
The Cape Nome Conspiracy: The Right Wing At Work?

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Rudyard Kipling wrote "And there's never a law of God or man runs north of fifty-three" in his "Rhyme of the Three Sealers."¹ This line sums up very well the basis for the conspiracy to gain the gold from the placer mines of what became Nome, Alaska, just south of the Arctic Circle. Fortunately, the law won out in the end.² The scheme was later described by Sam Strong, editor of the *Nome Nugget*, as one of "the most amazing conspiracies to obtain gold by legalized robbery that has ever been known in the history of the jurisprudence of this or any other country."³

The Playing Field

The Seward Peninsula juts out like a fist toward Siberia, separated by only fifty miles of the Bering Sea. On its southwestern edge, bordering Norton Sound where it meets the Bering Sea, lies a low, flat plain covered with tundra and west of the tree line. Only a few small willows grow along the stream banks. Three miles inland, the hills rise to a thousand feet in elevation. Looking northeast, the landscape is dominated by a large outcrop named Anvil rock, due to its distinctive shape. From late October or early November until June, the area is icebound. As prospectors flowed into the area, they named their settlement first Anvil City and then Nome. The latter name has been attributed to a mistake by a cartographer, who saw a notation on a map "No Name" and recorded it as "Nome." Terrance Cole felt a more logical explanation was that the name "derived from the Eskimo

phrase *Kn-no-me*, which means I don't know, and was probably the Eskimo answer when asked the name of the area."⁴

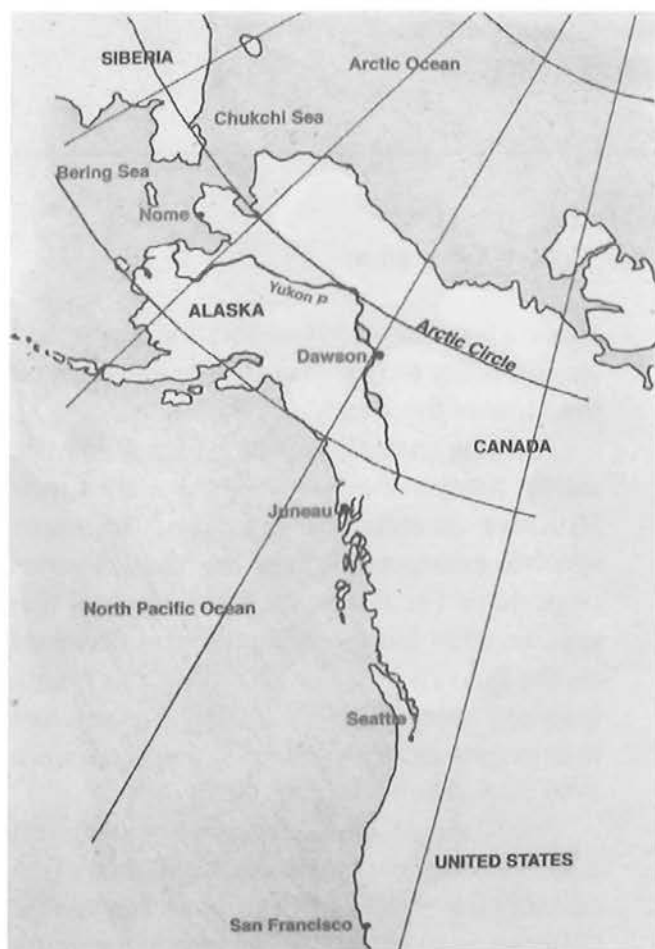
This was an unlikely setting for a gold rush, and for a series of events said to rival the Credit Molibier scandal in nefarious schemes involving congressmen of the United States or perhaps the Enron manipulations of this era. In 1898 the world's attention centered on the gold rush to the Klondike, over eight hundred miles to the east, so it is not strange that events on the Seward Peninsula were little noticed and largely unrecorded.

The Western Union Telegraph Company sent a party to the Seward Peninsula in 1863 to establish a survey line from Golovin Bay to Port Clarence as a portion of a proposed telegraph line to connect the continental U.S. to Russia across the Bering Strait. A member of that party, Daniel B. Libby, later declared that he had found specimens of gold during this period. The



Anvil Rock.

(Courtesy of the Paul Mogensen Collection.)



venture was called off in 1865, when a cable was successfully laid across the Atlantic connecting the United States with Europe.⁵

More than thirty years later, a party consisting of D. B. Libby, H. L. Blake, A. P. Mordant, and L. F. Melsing obtained a grub stake from a San Francisco firm to prospect in Alaska.⁶ They landed at Golovin Bay near the future town of Council, where a reindeer station and Swedish mission, run by Rev. N. O. Hultberg, was located. This station had been established as part of a plan to drive reindeer to the "starving miners" in the Klondike after the animals were brought by sea from Scandinavia. The Blake party found some gold on the Fish and Neukluk rivers. In July of 1898, Blake made a fast trip by land to check out the region to the west, with little or no record of the results. In September,

Blake, N. O. Hultberg, John Bryntesen, and J. L. Hagelin left by boat to visit reported gold findings at Sinrock. According to census taker Sam Dunham, a storm forced the party into the mouth of the Snake River. While waiting out the storm, the party prospected the Snake and apparently found some color, but little of consequence. They journeyed on to Mary's Place and the Kotzebue area, but soon Blake returned to St. Michaels. Blake's trips were important only in that they formed the basis for his later claim that he was the actual discoverer of the Nome gold field and thus entitled to share in its rewards.⁷

John Bryntesen, one of Blake's party, returned to the Golovin Bay area, where he joined up with Jafet Lindeberg and Erik Lindblom. Bryntesen, of Swedish origin, was a fully naturalized citizen, having taken his second papers out in Michigan, where he had been employed as an iron miner, in 1896. Lindblom, another Swede, had taken out his second papers in 1894. Lindeberg, a Norwegian, after hearing about the Yukon gold rush, took a job bringing the reindeer to America in order to get free passage to the Klondike. Dr. Sheldon Jackson, who headed up the reindeer project, had taken Lindeberg to U.S. Commissioner Shepard in St. Michael to apply for his first naturalization papers. Shepard asserted that he could do this, but that he was not really authorized to issue first papers. This circumstance fueled the fire that ignited subsequent events.⁸

The three proceeded to the Nome area and prospected the upper reaches of the Snake River. One of these sites was Anvil Creek, where they located the Discovery claim on 22 September 1898, and panned nearly three ounces of gold from it. Each of the three were listed as co-owners of the Discovery, and they located three other claims in the same area before returning to Golovin Bay for more help and advice. There they added Dr. A. N. Kittleson; G. W. "Gabe" Price, an old California gold miner and friend of

Charles Lane of California; J. T. Tomanses; and Constantine, a native.

After returning to the Snake River, the group organized the Cape Nome Mining District on 15 October 1898. Dr. Kittleson was appointed district recorder and local regulations were established. The original claims had been laid out with a fifteen hundred foot length and an area of twenty acres. Price informed the group that 1,320 feet was the maximum length under U.S. regulations, so the claims were relocated. This was true only of government surveyed land, however. As Alaska had not yet been surveyed, the claims had been legal as originally laid out. Prospectors could also stake claims for others by power of attorney. This feature would produce some disappointed would-be miners later on, after all of the available ground on the creeks had been located. Census taker Dunham later said that one of the attorneys familiar with the problem stated that no more than half a dozen claims were staked under power of attorney for people not living in Alaska who might not do their required assessment work.⁹

The entire group left the area about 3 November when the water froze, preventing rocker box gold recovery. The frozen sea required the group to travel to Golovin by dog and reindeer sled rather than by boat. The group agreed to keep the gold find secret, but Gabe Price was said to have written to a friend in Council about the find and also to Charles Lane in California. Seemingly by the wind, news of the strike went up the Yukon to Circle, Forty Mile, and Dawson, and reached south to the United States. The rush to Nome was on. By May of 1899, 250 men were reported in Nome, mostly from other Alaskan locations. Early summer brought the population closer to one thousand, which swelled to two thousand by the end of the summer.¹⁰ It was soon evident that all of the richest areas had been staked, and the many who had experienced this in Dawson and had come to Nome for better luck were disappointed once again.

The federal mining law of 1872 read that "Proof of Citizenship is not required of the original locators or intermediate owners but only of the applicant for patent."¹¹ While the "three lucky Swedes" (one a Norwegian) qualified on this requirement, disgruntled prospectors preferred to think that they were not citizens, and therefore could not have legally staked a claim, let alone the richest one in the district. These feelings led to claim jumping so rampant that even town lots in Nome were jumped.

The harbor at Nome is very shallow and ships had to anchor a mile or so off shore and use lighters to land people and their belongings. This led to the chaotic dumping of the goods along the shore. Gangs of thieves had a heyday, for the materials dumped in big piles along the beach made easy pickings. Heating fuel was very scarce, for no timber existed in the immediate area except driftwood that had accumulated along the shore through the years. Coal had to be shipped in and was a precious commodity, a prime target for thieves.¹²

The situation became more ugly by the day. Many lawyers were among the arrivals, including O. P. Hubbard, former secretary to the U.S. attorney general, and W. T. Hume from Montana, who provided legal support to jumpers of mining claims. There was no civil government in Nome and the U.S. commissioner resided 120 miles across Norton Sound in St. Michael. Local authority rested in the hands of a small military detachment stationed at Nome.

Resentment against the allegedly illegal location of claims by the Swedes and other Scandinavians built up enough that a miners' meeting was called on 10 July 1899. The purpose of the meeting was to set out regulations for the mining district, in spite of the fact that this had already been done the year before when the district was organized. A resolution was drawn up that stated that only citizens of the United States could stake claims. If adopted, it would give claim jumpers the legal pretext to restake the



The Beach at Nome.

(Courtesy of the Paul Mogenssen Collection.)

rich claims, including those on Anvil Creek. But before a vote could be taken, Lt. Spaulding and the three men in his command moved to the front of the room and ordered the resolution withdrawn. A slow reaction led the lieutenant to order his men to fix bayonets and clear the room. The miners left.¹³

Spaulding, as local military commander, ordered that any future district miners' meeting concerning mining affairs had to be held by the original claim owners. He also said that all disputed claim titles were to be brought before civil authorities. In the absence of same, the military would take charge of the claim, and neither disputing party would be allowed to do any work on it. Two days later, on 12 July, Spaulding amended his order to permit the original owners to work the claim until the dispute was settled by the civil authorities.¹⁴

Conditions in Nome changed dramatically with the realization that the beach sands, which were from fifty to two hundred feet wide, were a source of gold. Although accounts vary, John Hummel, a sick and out-of-work miner from Idaho, is generally given credit for this discov-

ery. He reportedly rocked sixty ounces of gold from the sands in twenty days. Miners quickly occupied miles of beach and recovery began. One company that had staked the beaches with their other holdings charged trespass and had the military arrest the invaders. There were no facilities to hold the large number of arrested men, and the company charging trespass would not pay for food for the prisoners, so they were released. The local military authority announced that a sixty foot wide strip along the rim of the sea was reserved by the government for a road and thus could not be claimed. In general, miners of beach claims were restricted to an area the size of a long-handled shovel swung about the head through 360 degrees.¹⁵

Government officials reported that two thousand men and women were recovering from ten to fifty dollars a day from the sands. They estimated that the average recovery was eighteen dollars per day, and that eventually a million dollars in gold was taken from the beaches.¹⁶ Miner Joseph Grinnell wrote that he could see six hundred miners working from his area alone, and they were making \$60 to \$150 per day.¹⁷

Back in the creeks, miners were finding big nuggets along with large quantities of gold.¹⁸

Meanwhile, Back in the United States Congress...

The reports of gold in Alaska did not fall on deaf ears. O. P. Hubbard traveled from Nome to Great Britain to see if he could reach agreement with an English company interested in buying the jumped claims. While his original plan fell through, when Hubbard returned to New York, he and W. T. Hume were able to meet with Alexander McKenzie at the Everett House, where McKenzie lodged. McKenzie was the U.S. Marshall for North Dakota, sheriff of Burleigh County, and a Republican politician and operative powerful enough to have his state's capital changed from Yankton to Bismark, where he had property waiting to be sold. He was large physically and had a large idea—to get rich—and so was very amenable to acquiring jumped claims peddled by Hubbard, Hume or anyone else.

Hubbard and Hume joined with Robert Chipps, who had jumped the Discovery claim on Anvil Creek that belonged to the original locators. After meetings with Senator Henry Hansbrough of North Dakota and Senator Thomas H. Carter of Montana—both friends of McKenzie—Hume, Hubbard, and Chipps returned to Nome in early June of 1900. The senators returned to Washington, D.C. with McKenzie, who held further meetings at the National and Raleigh hotels to coordinate the actions of his congressional allies, Hansbrough and Carter. McKenzie wanted to gain the rich claims in the Nome area by using the erroneous argument that the “three lucky Swedes” and other claim locators were really aliens, not citizens. Therefore, the jumpers were the rightful claim owners, who would convey their claims to McKenzie, who would mine them.¹⁹

In 1884, Congress had created a civil government for the Territory of Alaska based on the

general laws of the State of Oregon. Section 72 of the Oregon laws stated that an alien could locate claims just like any citizen of the United States. Section 73 stated that title to any lands conveyed could not be questioned because of the citizenship of the person from whom the title was derived. In March 1900, these two sections of the territorial act were copied into pending Senate Bill 3919, a bill providing a civil code for Alaska. This bill had been introduced by Senator Carter. However, McKenzie realized that Section 72, reaffirmed in the new bill, would defeat his purpose. He also understood that, since Nome's original locators had transferred title to some of the richest claims to the Wild Goose Mining Company and to the Pioneer Mining Co., both of California, Section 73 would also be an obstacle.²⁰

Thereupon, McKenzie had Senator Hansbrough introduce an amendment to remove the two sections from the bill, thus invalidating the Anvil Creek and other claims under the guise that the original locators were aliens not entitled to locate claims, much less transfer them. Thanks to the concerted efforts of senators Stewart of Nevada, Teller of Colorado, Spooner of Wisconsin, and Nelson of Minnesota, this amendment was defeated. Senator Carter then introduced another amendment that said that the duty of the courts in any dispute over a claim acquired by location or by purchase was to determine the citizenship of the locator, a right previously reserved only to the federal court. Arguments over this amendment, essentially the same as for the previous one, grew so heated—Senator Henry Teller described claim jumpers as “disreputable scalawags,” for example—that one session was deleted from the Congressional Record and rewritten in more proper language.²¹

Supporters and opponents of Hansbrough's amendment ultimately compromised. His amendment passed, but Carter's was defeated. So the Alaska code passed without Sections 72 and 73, but also without any mechanism to ques-

tion the citizenship of locators except in the federal courts. The governing federal mining law of 1872 permitted aliens to locate an unpatented claim, but if the question of citizenship were raised in federal court, an alien could then apply for citizenship. Gaining citizenship would permit the locator to patent the claim, as the mining law stated that only a citizen could legally patent a mining claim. Much of the debate in the Nome miners' meeting and in the U.S. Senate centered around this issue. While the protracted and heated exchanges went on in the U.S. Senate, and later to some extent in the House, Alexander McKenzie formed the Alaska Gold Mining Company under the laws of Arizona, with a capitalization of fifteen million dollars. McKenzie served as president, with Hubbard as secretary, and Chipps, Clarkson, and Burns as directors.²²

McKenzie received 51 percent of the stock, some of which was to be used to buy the claims of the jumpers, some given (according to subsequent testimony) "where it would do the most good," and the rest put in escrow. Apparently, it did not do the most good for McKenzie in the senate chambers, as the 1872 mining law was not changed in respect to the legality of aliens staking claims. But McKenzie was able to have an old friend, Arthur H. Noyes of Minnesota, appointed federal judge of the newly-created Second District of Alaska, the district in which Nome was located. As later events showed, this was a key part of McKenzie's plan after he lost his battle to change federal mining law.

If claim jumpers could challenge citizenship in the district court, they could create long delays in returning claims to their rightful owners. This would allow McKenzie, as receiver of the properties in question, more time to extract gold from them for his own profit. A receiver was supposed to hold a property in trust for the litigants rather than work it for his own benefit, but McKenzie avoided this complication by packing in his own judge. McKenzie announced that he would be appointed receiver for the conflicted

claims in Nome before his appointment had even been proposed to the court. Once Noyes appointed him and gave him unlimited powers as receiver, all McKenzie and his claim jumpers had to do was delay, delay, delay, until all of the gold was extracted. If this gold could be recovered in the name of the Alaska Gold Mining Company, then its stock would be taken out of escrow and put on the market. The result, the company's officials hoped, would be big returns for those who held the stock, including lawyers who had purchased many of the jumpers' claims and then turned them over to the Alaska Gold Mining Company in exchange for stock. Other beneficiaries included any congressmen with gifts of stock, and, of course, McKenzie with his 51 percent.²³

The Plot Thickens

Immediately after securing Noyes's judgeship, McKenzie and Noyes departed Washington, D.C. for Nome in June 1900. Traveling north on the ship *Senator*, their party also included Joseph K. Wood, United States Attorney for Alaska, and C. L. Vawter, United States Marshall for Alaska, both of whom were nominated for their positions by Senator Carter. On 19 July *Senator* reached Nome and the group landed with the exception of Noyes, who did not go ashore until two days later. McKenzie visited the law offices of Hubbard, Beaman, and Hume. By the time he left, titles to all of the jumpers' claims held by the law firm had been transferred to the Alaska Gold Mining Company, U.S. Attorney Wood had been given a one-quarter interest in the law firm as a silent partner, with McKenzie himself receiving another silent, one-quarter interest. McKenzie silenced the law partners' strenuous objections to these arrangements, informing Hubbard, Hume, and Beason that he, McKenzie, had spent sixty thousand dollars to bring his party to Nome and that he controlled the judge.

McKenzie pointed out that if the law partners did not concur, any business that they tried to transact before the district court would be blocked by Judge Noyes.

Once this relationship was established, McKenzie had papers drawn up appointing himself as the receiver of jumped claims until such time as the cases could be tried. He also was given the right to acquire all private property on the claims and, most importantly, the power to mine the claims as he saw fit. Receivers are often appointed to protect properties in litigation, but nature has kept the gold in placer mines quite secure since their formation. There was no reason for McKenzie to mine these claims, therefore, other than to produce gold for the Alaska Gold Mining Company, depriving the original locators of their rightful earnings. It was this gold that was to be used later to promote sales of the remaining stock of the Alaska Gold Mining Company on the East Coast, thereby en-

riching the original organizers of the company.

On 21 July, Judge Noyes came ashore and, after a short delay, signed the papers appointing McKenzie as receiver for the richest mines in the district. Later court proceedings indicated that the judge did not read the papers prior to signing them, and that people knew in advance that McKenzie would be appointed receiver. By law, Judge Noyes was required to go to St. Michael to register and then to not conduct any legal proceedings for thirty days.²⁴ Noyes did not go to register and appointed the receiver within a day of his arrival in Nome.

Court-appointed Receiver McKenzie proceeded to Anvil Creek and other claims to assume control, which came as a complete surprise to the claim owners, who should have been legally notified. It also developed that Robert Chipps had signed over the Discovery claim he had jumped to McKenzie personally, not to the Alaska Gold Mining Company.²⁵



*Claim No. 7 Above on Anvil Creek.
(Courtesy of the Paul Mogensen Collection.)*

The Other Side of the Coin

Charles Lane of California—an experienced mining man alerted by his employee, Gabe Price—had purchased several of the richest claims for his Wild Goose Mining Company. He also built a railroad from Nome to Anvil Creek, started the Bank of Nome, and purchased a steamship, which he named *Charles Lane*, to travel to and from Nome. His initial reaction to the threat posed by the myriad of claim jumpers was to travel to Washington D.C. to straighten things out. His observation of the senate deliberations on the Alaska civil code led him to hire attorney Samuel Knight and make preparations for legal battles in Nome.

Meanwhile, Brynteson, Lindeberg, and some other Scandinavians formed the Pioneer Mining Company and appointed Lindeberg president. They hired attorney W. E. Metson (who later married Lindeberg's sister) to defend Pioneer's claims. Metson and his group traveled north on the ship *St. Paul*. Metson and Knight worked closely together, although Metson told the press that he had come to Nome for a legal battle with the Wild Goose Mining Company over conflicting claim lines. The *Charles Lane*, with Knight aboard, carried a legal library, a cadre of lawyers, and even a typewriter for completing forms. It was said that the appearance of typewritten motions in response to Judge Noyes's decisions caused McKenzie to send operatives all over Nome listening for the click of typewriter keys, while all along the forms were produced on Lane's well-equipped ship.²⁶

Knight and Metson kept low profiles while in Nome. In fact *Charles Lane's* manifest did not even carry the true names of its passengers. But this did not prevent the attorneys from objecting to all of Judge Noyes's decisions. Knight filed a motion appealing McKenzie's appointment as receiver, which Judge Noyes denied. By then the September storms in the Bering Sea indicated that it was almost time for the sea to freeze

over, ending passage out of Nome except by dog-sled. Time was so short that Knight sent representatives to appeal Noyes's decision before Judge William Morrow of the Ninth Circuit Court of Appeals in San Francisco.

Morrow responded with orders to Noyes and McKenzie to restore both the claims and the gold they had removed to the original owners. When the certified orders arrived in Nome, Noyes refused to even enter them in the record, claiming the appeals court had no right to issue such writs.²⁷ McKenzie, who believed that his strong support in Washington would protect him, kept on mining gold from the claims over which he had been appointed receiver. Judge Morrow countered by sending two United States Marshals to Nome to enforce the writs and to arrest McKenzie. After McKenzie's arrest, he refused to open the bank boxes containing the removed gold, as did the bank's president. The marshals thereupon broke into the boxes and restored the gold to its rightful owners.

The marshals took McKenzie outside on *St. Paul*, the last ship to leave Nome in 1900. Metson was also a passenger on the ship. That fall, Knight had compiled enough evidence through affidavits to begin impeachment proceedings against Judge Noyes in San Francisco. The Judge had been taking little bribes to expedite or throw out cases. When McKenzie learned of the impeachment evidence, he offered a five hundred dollar reward to anyone who would stop Knight. This was not collected, although McKenzie searched high and low for Knight; he even searched vessels leaving Nome to no avail. When *St. Paul* left port, Knight was not on the ship. He had taken a small vessel out about twenty miles to await *St. Paul*. He was able to flag *St. Paul* down in rough seas and climb aboard, thanks in part to Metson's intervention with *St. Paul's* captain, who was very reluctant to stop for the passenger.²⁸

On 11 February 1901, Alexander McKenzie was found guilty of contempt of court and sen-

*Steadman Avenue, Nome, Alaska.
(Courtesy of the Paul Mogenssen
Collection.)*



tenced to a year in the Alameda County jail. The three judges of the Ninth Circuit Court strongly denounced McKenzie's and Noyes's actions in Nome at the sentencing, one of the judges feeling that the sentence was far too short. McKenzie then appealed to the U.S. Supreme Court for a writ of habeas corpus, but was turned down on 25 March. McKenzie's only remaining recourse was an appeal to President McKinley for a pardon on the grounds of McKenzie's deteriorating health, for it was alleged that he might not survive to serve his complete sentence.

His appeal for a presidential pardon was turned down because he had not complied with the terms of the appeals court sentence, which required him to return to its owners the gold that he had shipped to Seattle during his receivership. Once this was done, McKenzie received his presidential pardon, effective 24 May 1901. Pressure from congressmen, and McKenzie's political influence in previous years in Minnesota, North Dakota, Montana, and at Republican national conventions, influenced President McKinley to grant the pardon. Eyewitnesses claimed that after his release, McKenzie sprinted to the train station.²⁹

Navigation to Nome reopened in July, per-

mitting citations for contempt from the Ninth Circuit Court to be served on Judge Noyes, District Attorney Wood, and McKenzie's legal advisors. All except one of McKenzie's legal advisors were eventually found guilty by the Ninth Circuit Court. Noyes was fined one thousand dollars. Sentences for the others ranged from four to twelve months in prison. Noyes and District Attorney Wood were removed from office.³⁰ President McKinley was assassinated on 14 September 1901, probably saving his name from being dragged into the controversy surrounding this sordid affair. It seems incredible that the same congressmen who had attempted to amend the federal mining law to the Nome conspirators' advantage, continued to extol the conspirators' innocence in Congress even after their guilt had been established!

The Aftermath: Contempt of Court or Conspiracy?

After succeeding McKinley, President Theodore Roosevelt appointed Judge James Wickersham temporarily to Alaska's Second Judicial District to clean up the mess left behind in the Nome Court. This Wickersham did in ad-

mirable fashion, and one wonders whether the crimes of McKenzie, et al., would ever have occurred if he had been appointed in Judge Noyes's place.

Waldemar Lillo's 1935 doctoral thesis, "The Alaskan Gold Mining Company and the Cape Nome Conspiracy," raises some interesting issues. For example, "in commenting on the case, the Ninth Circuit Court of Appeals made the point that the real crime committed was the crime of conspiracy, that any sentence rendered upon the charges of contempt would be inadequate as a punishment for what was actually done." Lillo then raised the question that, if this was the Court's conclusion, why were the men involved not prosecuted for conspiracy?³¹

Although he had no sure answer, Lillo suggested that the United States Department of Justice would have had to bring the charge of conspiracy, and that one had only to look at the affiliations of the conspirators themselves to form a conclusion. The United States Attorney for Alaska, Joseph K. Wood, and Special Examiner C. A. P. Frost were both members of the Department of Justice, both affiliated with the conspirators, and both convicted for contempt. Hubbard was a former employee of the Department of Justice, and the attorney general himself wrote an opinion that McKenzie should be pardoned.³²

Lillo also questioned the presidential pardon. He felt that a presidential pardon was only intended for instances where "the ordinary court procedures are not available or have been exhausted." McKenzie had been represented in the United States Supreme Court by able lawyers and, although no attorney appeared to oppose the application for pardon, the Supreme Court had denied the petition for release. Lillo stated that "McKenzie was not convicted because he had committed crimes against persons or property. He was convicted because he inter-

fered with the normal processes of the court and defied its legal writs."³³

Lillo concluded that "the Supreme Court had decided that the man punished by imprisonment because of this interference had no legal grounds upon which to demand his freedom." To Lillo, the pardon was an example of the Executive Branch of the government pardoning "a man that had been convicted and punished for interfering with the legitimate work of the Judicial Department," thereby negating the Constitutional separation of power between the Executive and Judicial branches of government.³⁴

The Ninth Circuit Court of Appeals declared that the actions of the Alaska Gold Mining Company had "no parallel in the jurisprudence of the country." Lillo felt that the court's statement should be paraphrased for a fitting conclusion on the conspiracy: "that the manner in which the promoters of this enterprise escaped the vengeance of the law had no parallel in the crime annals of the country." Perhaps the Cape Nome Conspiracy would have never been exposed to the general public if Rex Beach had not authored a series of articles entitled "The Looting of Alaska" in *Appleton's Magazine* in 1906, followed by his epic novel *The Spoilers*.³⁵ ■

The author is indebted to Waldemar Lillo's thesis as a fundamental source of the history of the conspiracy as taken from Congressional records, but many other authors, including Judge Wickersham, have contributed to the author's understanding. He is also most appreciative of support for the subject from Charles Caldwell Hawley, and for the opportunity to read the chapter on Nome from the forthcoming book, *Miners for the North* by C. C. Hawley, T. K. Bundtzen, and David Stone, which includes biographies of the miners effected by the conspiracy. The chance to read and use parts of an article by Dennis McCown in the *Alaska Bar Rag* of June-July, 2002 is also very much appreciated, as is permission to reproduce photographs from glass plates in the Paul Mogensen Collection.

Notes:

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- 12 Lillo, "Cape Nome Conspiracy," 29-31.
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- 17 Lillo, "Cape Nome Conspiracy," 35-36.
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- 32 Lillo, "Cape Nome Conspiracy," 329.
- 33 Lillo, "Cape Nome Conspiracy," 329.
- 34 Lillo, "Cape Nome Conspiracy," 329.
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