

History of Southern Montana

Alva J. (Al) Noyes

Table of Contents

<u>History of Southern Montana</u>	1
<u>Alva J. (Al) Noyes</u>	2
<u>INTRODUCTORY</u>	3
<u>Chapter I. Early History</u>	4
<u>CHAPTER II. The First Charter</u>	6
<u>CHAPTER III. Lumber</u>	8
<u>CHAPTER IV. The Lost City</u>	10
<u>CHAPTER V. First Probate Judge</u>	12
<u>CHAPTER VI. Jeff. Davis Gulch</u>	13
<u>CHAPTER VII</u>	15
<u>CHAPTER VIII. Ranching</u>	16
<u>CHAPTER IX</u>	18
<u>CHAPTER X. Mining Laws</u>	22
<u>CHAPTER XI. Notes From Old Court Records</u>	25
<u>CHAPTER XII. Incidents in the Life of Augustus F. Graeter</u>	27
<u>CHAPTER XIII. W. B. Carter Story</u>	28
<u>CHAPTER XIV. Incidents in the Life of John F. Bishop</u>	30
<u>CHAPTER XV. John C. Innes, an 1862 Man</u>	31
<u>CHAPTER VI. Story of James Kirkpatrick</u>	33
<u>CHAPTER VII. Incidents of Beaverhead County</u>	35
<u>CHAPTER XVIII. The Grey Horse</u>	38
<u>CHAPTER XIX. First Meeting of County Commissioners in Montana</u>	39
<u>CHAPTER XX. ALDER GULCH</u>	43
<u>CHAPTER XXI. Alder Gulch</u>	45
<u>CHAPTER XXII. Ranching</u>	48
<u>CHAPTER XXIII</u>	49
<u>CHAPTER XXIV. Charles Beehrer</u>	52
<u>CHAPTER XXV. Incidents in Beehrer's Life — Flour Riot</u>	57
<u>CHAPTER XXVI. George Lovell</u>	60
<u>CHAPTER XXVII. Incidents</u>	61
<u>CHAPTER XXVIII. Jeff Durley to J. X. Beidler</u>	65
<u>CHAPTER XXIX. The Men of Bannack and Virginia</u>	66

History of Southern Montana

Alva J. (Al) Noyes

This page copyright © 2003 Blackmask Online.
<http://www.blackmask.com>

- INTRODUCTORY
- Chapter I. Early History.
- CHAPTER II. The First Charter.
- CHAPTER III. Lumber.
- CHAPTER IV. The Lost City
- CHAPTER V. First Probate Judge.
- CHAPTER VI. Jeff. Davis Gulch.
- CHAPTER VII
- CHAPTER VIII. Ranching.
- CHAPTER IX
- CHAPTER X. Mining Laws
- CHAPTER XI. Notes From Old Court Records.
- CHAPTER XII. Incidents in the Life of Augustus F. Graeter.
- CHAPTER XIII. W. B. Carter Story.
- CHAPTER XIV. Incidents in the Life of John F. Bishop.
- CHAPTER XV. John C. Innes, an 1862 Man.
- CHAPTER VI. Story of James Kirkpatrick.
- CHAPTER VII. Incidents of Beaverhead County.
- CHAPTER XVIII. The Grey Horse.
- CHAPTER XIX. First Meeting of County Commissioners in Montana.
- CHAPTER XX. ALDER GULCH
- CHAPTER XXI. Alder Gulch.
- CHAPTER XXII. Ranching.
- CHAPTER XXIII
- CHAPTER XXIV. Charles Beehrer.
- CHAPTER XXV. Incidents in Beehrer's Life — Flour Riot.
- CHAPTER XXVI. George Lovell.
- CHAPTER XXVII. Incidents.
- CHAPTER XXVIII. Jeff Durley to J. X. Beidler.
- CHAPTER XXIX. The Men of Bannack and Virginia.

INTRODUCTORY

To the people of Southern Montana, the cradle of our State, to the men and women who bore all of the early hardships, who never flinched when a duty was to be performed; who drove the Red man from his hunting grounds, and the robbers from their roosts, I dedicate this short history of those early days. I want to thank Mr. Charles Beehrer, for throwing light on men and things never before published; Judge H. M. Lott, John F. Bishop, A. F. Graeter, John C. Innes, James Kirkpatrick and W. B. Carter for early day stories; F. L. Graves, Jr., for pictures; George R. Metlen for kindly help; Jay Baker and Charlie Conger for records; Mrs. Walter Scott of Armstead for information; Ed Hart of Virginia City, for valuable material which he alone could furnish; and particularly Miss Myrl Erwin for assisting in gathering information and preparing my manuscript for the printer; last, but not least, the many boys of Beaverhead who have made it possible by their words of encouragement and financial assistance, especially T. J. Murray, Harry Gilbert and Gov. B. F. White for the money with which to carry the work to a successful termination. Friendship is better than a bank because it purchases many moments of contentment unknown to him with gold alone. AL NOYES.

Chapter I. Early History.

I would not attempt to write the history of Montana. History is simply his-story, and from personal experience, I know that he is a composite character that hears with many ears, and sees with imperfect vision, the multitude of things that have taken place during the fleeting years of his existence.

Several people have given to the world a story of Montana. Some of these so-called historians have never breathed one breath of the pure air of our mountains and plains, nor gazed with rapture on the wonderful mountain peaks, that lift their heads toward the sun, bidding it wreath them with hues so glorious that they become wonderful pictures — pictures that no painter in his right mind, would try to produce with any accuracy. They have never gazed on the beautiful lakes that lie embedded in mountain gorge nor listened to the song of the ruling stream, as it rushes gladly to join the river that is soon to mingle with the “Father of Waters,” on its way to the great salt sea. Much has been said of such a nature, that it is contradicted by those who claim to know the facts. Much of it is true, and no fault can be found, other than that there was not enough detail to satisfy the minds of those who were more exacting.

In my work, I shall try to give as many facts of actual things as have come to my knowledge, either by an examination of old records, or from personal talks with some of the men who helped to make the history of Southern Montana. I want to place before the people many things never before published; I want to give men credit for having helped in various ways, in the up-building of the State so many of us have learned to love, and into whose care we desire to entrust all that is left of us, when we cease to enjoy its many blessings.

That I will leave out much that some of you will want to know, goes without saying, because we only choose those things that appeal to us, personally, as being apt to be of worth to others. Another thing, we cannot make this work too long, because our main object is to republish the book of Thomas Dimsdale, the first man to write the story of the thrilling days of 1863 and 1864.

MONTANA.

The name is of Latin origin, meaning mountainous. The La Verendrye were probably the first white men to see the Rocky Mountains in 1748, and no other known whites came until the Lewis & Clark expeditions in 1805.

I am not attempting to write the story of the first settlement of the state, as that can be found in the several works already before the public.

After the Mormons had settled Utah, and people had begun to cross the plains for the mines in California, some daring whites had settled in the Bitter Root, and near where Missoula is now. That the first man to take a wagon through Southern Montana was Emmanuel Martin, a Mexican, who, according to Judge Frank H. Woody, did so in the early fifties, there can be no doubt.

There is no story of anyone to tell us who came to look on this section between 1806 and 1850. Trappers may have hunted on the extreme head waters of the Missouri, and have left no sign.

The lone sentinel that has stood guard over this gateway to a new commonwealth, that saw the first white men as they pushed and hauled their boats up the Jefferson and Beaverhead; that saw them when they disappeared over the main range into Idaho, and gazed on the fragment that returned via the Big Hole, after having seen the glories of the Pacific, holds her secret as did the Sphinx of old.

The same sentinel saw the trapper, if he came at all; saw Martin as he struggled with his wagon over a new roadway; she saw Captain Mullan in 1858, as he wended his way on horseback down the lonely banks of the Grasshopper, until he, too, disappeared over the mountain pass at Monida. She saw that other party that found the first gold on the Big Hole, in 1862 and watched in breathless awe, John White dig the first pan of dirt that was to change conditions, and furnish men to scratch her hide and dig for wealth in her own vitals. Yes, only a sentinel knowing, but not divulging, stands old Baldy, queen of a Montana range.

That gold was found in Gold Creek is no part of this tale. What we desire to learn is who were the men that found gold in Old Beaverhead, the cradle of our state. In “The Story of Ajax,” I saw, in my imagination, the protectors as they wended their way up Dehlonaga, and came to the headwaters of the Ruby. As Granville Stuart was considered an authority, I gave his version (with that of Lou Smith, also). As to the parties who were fortunate enough to find the first gold in paying quantities, Granville said Jack Slack and party. This has left the

History of Southern Montana

wrong impression on the pages of early Montana history, and I am only too glad to be the one to rectify it.

About the 9th day of July, 1862, M. H. Lott, Hiram Conley and the Woods Brothers, followed up the North Fork of the Salmon river, to the head of the main divide between Idaho and Montana and on the 10th, they found gold on Ruby, or Pioneer Creek. Some of them stayed to open the ground, while the remainder left for Old Fort Lemhi to get their teams, which had been left there while they event out on their prospecting trip. Judge Lott was one of them that returned for the teams.

You must remember that there were no roads in those days over the nearest trail that would take them back through the Grasshopper, into the Big Hole prairie, where they would have a possible chance of getting their wagons to the mines. The only way to keep their wagons from upsetting was to place both hind wheels on the same side of the wagon. This was done, and they succeeded in getting up the hill. They arrived safely at the new find, and at once put up a saw pit, and Lott and Dave Dunkleburg proceeded to make the first lumber of Beaverhead County. On the 16th, they had sluice boxes set and were washing out gold. Lott believes these to have been the first sluice boxes. Granville Stuart claims that his party began in May, two months before. Judge Lott says he will not quarrel over this matter, because he wishes the honor to fall where due.

Lott and Dunkleburg continued to saw for the trade, and sold at 30c per foot, and made \$30.00 each per day, in this very, very trying occupation — making lumber with a whip saw. Judge said that Dave took the under side.

The miners were taking out from \$25.00 to \$75.00 per day, per company of eight men. Only a short time after this discovery, others came and took up claims near them. Unfortunately, for the first men, they did not find the richest ground. There was at no time many men in Pioneer Basin. (See Judge Lott's story). It was no secret that Lott's party had found pay dirt. John White, the man who bound White's bar on Grasshopper, was hunting for Lott when he, on July 28th, panned the first dirt that was actually to change the conditions, and allow white men to take the place once only occupied by the Indians. As White's story has been told by Dimsdale and Langford, I shall not comment on it, or try to throw any light on it. I shall, however, give a copy of the laws that were adopted by the miners' meeting, for their guidance, to show that their desire was to live with some assurance of peaceable settlements of troubles that might arise.

The news that diggings had been discovered on the Grasshopper, soon was wafted by the four winds of heaven, in every direction, and men, who had Florence in view, turned from that trail and came to cast their lots with the others in this new Eldorado. Stapleton had come and found a bar that was to be known by his name.

Dr. Glick had left Colorado to mingle with the adventurous spirits of this section, and men, who were to fill big spaces in state and nation, had gathered, before a year had gone by at Bannack.

No matter that Benetsee and the Stuarts had found gold in Deer Lodge Valley, the richer pay on Willard's Creek weaned them from their first love, and forced them, too, to take their abode in what was to become Montana's first capital. There were many adventurous persons in that crowd that were to lay a foundation for stories that, though true, would have better never been written.

That men will gather where gold is found, we know full well, and as men are the makers of history, they must be made of peculiar stuff. It would have added little to the literature of this state, if all of these men had been good. The element that came to the gold mines in those days, that had no regard for the rights of others, has made the first settlement of Montana one of deep interest to the historian. I do not care to dwell long on them, as their lives have been well covered by Dimsdale and Lanford. My idea is to record some of the acts of men who came here — really for gold — but to live to build up a commonwealth, of which we are not ashamed. Soon after the gold excitement, we find that men must turn their attentions to other matters. Matters that had connection with, and would help to further the gold hunter, to make a success. Mines cannot be conducted to any great extent, with the gold pan, or even the rocker. Ditches, for ground sluicing, must be dug, and we find that it does not take long for these men to organize into companies in order to fetch the water to the claim.

CHAPTER II. The First Charter.

Harry Phleger got busy mighty early in the game, as we find that, "We, the undersigned, miners of the district Northwest on Grasshopper Creek, do hereby grant unto Harry Phleger, of the same place the full and exclusive privilege of running a ditch from a point commencing two miles above the upper end of the canyon, and running on the south side of Grasshopper Creek down to the south side of Grasshopper Creek, down to the east or lower line of district, for the purpose of supplying the miners of said district with cwater for mining purposes.

The said Phleger may also carry water from said ditch across the Grasshopper Creek at any point he may think proper, for the purpose of supplying miners who may desire water. Provided that the said Phleger shall use reasonable dispatch and bring in water and complete said ditch, as soon as practicable.

This grant or charter to take effect from the 30th day of August, 1862, at which time said ditch was marked out, and staked by said Phleger.

Recorded September 23rd, 1862.

J. HURST, Recorder.

Per A. STANLEY.

When you take into consideration that gold had only been discovered July 28th, the above instrument shows that people had gathered in Bannack to such an extent that they had had time to organize into a little government, which was a true Democracy. The laws that governed those people at that particular time, were founded on common sense, and free from technicality. No lawyer was allowed to participate in the settlement of a dispute. Phleger, for some reason, sold on September 28th, one-tenth interest in above ditch, to Joseph Clark for \$100.00; to George Copley, October 9th, two-tenths; and to McLean and Stapleton, one-tenth, November 30th, 1862. This was no doubt done in order to get these men to help push the work. We find no record as to when this ditch was finished. We do know however, that it was not the first as, according to Augustus F. Graeter,* A. F. Graeter, A. J. Smith and George Copley took out the first mining ditch at Bannack. This ditch was taken out of Sage Brush Creek, and came to Yankee Flat, the water having been turned from Buffalo Creek into Sage Creek. This ditch was brought in for ground that these men had on the bar south of the flat. When the water was turned in, it came to a point on the hill near Bannack in good shape, but from there on the ditch was found to be up grade, and the water got sore — at any rate, it refused to run up hill. W. C. Rheim drew what was probably the first cartoon in Montana — a large pump, with George Copley as the motive power, trying .to force water up hill. It was really no laughing matter, a mistake of this kind, as everything was high in those days, and though a man was doing his work, the expenses were of some magnitude. The names of the miners that left an impress on the pages of that early history should not be forgotten. That John White discovered the gold on Grasshopper, there is no doubt, but the first man to pan out one dollar was Charlie Reville, No. 33, above disc.

Note: Graeter is mistaken in this matter. James H. Morley had his ditch built first. [Ed.]

He used the lid of a camp kettle for his pan. William Still was also a character in this party. "Still" was a nickname given him because he was so quiet. This name hung to him so well that deeds were made out to him in that way. E. D. Leavitt, 35, above august 30th, 1862. On the old records, of White's District, we find the following: John White has recorded one discovery claim, known as the first discovery on Grasshopper Creek. Said claim is situated at a point known as Cedar Tree Point, August 30th, 1862. Discovered July 28.

R. T. HARRIS, Recorder.

The first deed in Southern Montana was made on August 30th, 1862, when H. C. Lynch sold to John White, the discoverer of the gulch, Claim No. 44 above discovery for \$10.00 — the very day when it was recorded. Different locations were known by the name of lucky finder. Jimmie's Bar was discovered by James Griffiths, or Adobe Jim, because he used to make adobe brick. It was one of the best known on the Creek, and some of the men known to later Montana, and especially Beaverhead County, had claims there.

William L. Farlin, who later was to put Butte on the map, had No. 12 below discovery, October 23rd, 1862. John C. Innes, still identified with Bannack, also had a claim. Judge M. H. Lott was on this bar.

Areighi's Bar was discovered by John Areighi, William Roe and Jim Harby, september 16th, 1862.

Geary discovered his claim early in August. A. F. Graeter took 19 below, September 1st, 1862. Barney

History of Southern Montana

Hughes recorded No. 6, below on Geary's Bar, October 14, 1862, and George Orr had No. 2 above.

I find that one of the first purchases by a woman, of a mining claim, was when A. J. Smith and A. Stanley sold No. 17, below discovery on Geary's Bar, to Annette Stanley, for \$20.00.

Wash. Stapleton discovered the bar that was to bear his name, August 23rd, 1862. This bar was on the south side of Grasshopper, just across the creek from the present town of Bannack.

Con Kohrs had 45 above, October 24th, 1862

N. P. Langford 39 above, October 27th, 1862

R. C. Knox, 22 above, October 25th, 1862

Ase Stanley, 61 above, October 24th, 1862

Henry Zollor, 62 above, November 1st, 1862

These men were to make history for Montana. Kohrs was to become identified as a big stock grower, who was to own the famous Johnnie Grant ranch, near what afterwards was to become Deer Lodge, whose blooded cattle and horses were to be known all over the state, and he was also to become instrumental, with his half brother, John Bielenberg, in erecting, 1914, a beautiful building for the Y. M. C. A. in Helena. Langford was to record in the "Vigilante Days and Ways," some of the most thrilling episodes of a time, that was the wildest and most peculiar in the up-building of the west. Judge Knox was to become a Probate Judge in Butte years after. Ase Stanley was to become a merchant, and Henry Zollor was to be the first Treasurer of Beaverhead County, and probably the first in the state. Yes, those men. of Bannack were making history. Everyday they were making interesting reading.

CHAPTER III. Lumber.

The first lumber to be cut was in Lumber Gulch, that heads up near Blue Wing (so named for a quartz mine afterwards discovered), and comes into the Grasshopper between Bannack and Marysville. This was cut by a man named Cris — a Dane or Swede. It seems a peculiar thing that on the 18th day of November, 1862, the Pioneer Milling and Mining Company located Godfrey's Canyon, and R. C. Knox, the Point of Rocks, on Grasshopper, calling it Split Bock Mill Site. It also seems that William Sturgis had located the Point of Rocks three days before Knox, and we also find that Sturgis did not build the mill, but that John Carrico and John Scudder did, as there is a mortgage on record when Sturgis gave a mortgage deed to Carrico and Scudder, and describes it as a certain mill that he had purchased from said Carrico and Scudder. There can be no doubt but what Langford, Godfrey and Con Bray — the Pioneer Milling Company — got their mill up first, as lumber was hauled from Bannack to Virginia the next year. Sturgis' mill was in use on the creek after the Godfrey mill was dismantled. It consisted of an upright saw, that was not very rapid in its travels — going up one day and probably returning the next. Book B. Bannack Dist., page 75.

First Timber Reserved by William Sturgis.

The owners of the Rock Point Mill, claim for the use of said mill the timber which is on the following described tract of land: Commencing at a stake on the north side of a small gulch, or ravine, running a south course across said gulch to a stake near the divide, or top of first slope, thence westerly, about two miles to stake, thence north one mile to a stake, thence east to place of beginning; said gulch comes out of the West mountain about one mile north of the Pioneer Gulch. The owners of the Rock Point Mill, also claim the exclusive right to a road, which they are making up said gulch. October 10, 1868.

WILLIAM STURGIS.

There is no man alive, today, who can tell who built the first house on Grasshopper. John C. Innes and Augustus F. Graeter, men that were there early in '62 cannot tell. It was several miles below the town of Bannack, where White found gold, and below a canyon that was impassable for wagons. When Bannack was located, owing to the rich bar found by Wash. Stapleton, there was a bar on the north side of the creek, that was the result of the material washed out of what was after to become Hang Man's Gulch. On the south side of the stream was a considerable flat, where most of the people camped, called later, Yankee Flat. That was to become the place where the town was to begin, but which, owing to the rich bars that were later to be found on that side, to become abandoned, as the tailings covered it.

The Salt Lake road came down the hill that was just west of this flat and continued to be the main thoroughfare for years, until it, too, was to be washed down by Smith and Graeter, with their big ditch from Horse Prairie.

People were too busy trying to make money to think of building houses, because, as Mr. John Innes said, "I came to Bannack on September 8th, 1862, with Woodmansee Brothers' train, ten teams loaded with supplies. There was no house in Bannack. Neil Howie was with our party."

As soon as it began to turn cold, all got busy, and just who was fortunate enough to get under a roof first, no one can tell, In building their houses, they would take any land not before preempted, and described it from some natural object, or from some claim already taken. As for example, "Conrad Kohrs claimed for building purposes 50 feet front, 150 deep, on the south side of Main Street, opposite to Crawford's (this was Hank), lot, Bannack City, October 22nd, 1862.

Henry Plummer bought, May 23rd, 1863, of Aug. V. Allen, lot No. 10, on Second Cross Street, in Bannack City, consideration \$25.00.

In this way Bannack began to grow, until October 6th, 1862, when a Townsite Company was formed by William Clancey, Henry Phleger, C. W. Howard, Ivan B. Moore, G. W. Stapleton, J. Russell, Samuel McLean, Joseph Hurst, William Gibson, E. B. Leavitt, J. W. Geary, N. W. Burns, W. H. Bell, F. R. Madison, W. C. Rheem, A. Hellman, George Gibson, Asel Stanley and A. J. Thomas, described as follows, to-wit:

Commencing at a stake situated about one-half mile up Grasshopper Creek, and on the south bank from the flag staff, being at the south end of Happy Valley; thence running three-quarter miles southerly to a stake; thence

History of Southern Montana

westerly at right angles one and one-half miles to a stake; thence northerly at right angles one and one-half miles to a stake; thence at right angles easterly one and one-half miles to a stake; thence southerly at right angles three-quarters of a mile, to the commencement point, containing 1,240 acres, be the same more or less lying and being on both sides of Grasshopper Creek. No claim to said land, or the water running through said tract, save for town purposes.

October 6th, 1862.

NORTHWESTERN MINING DIST.

JOSEPH HURST, Bec.

Per G. W. STAPLETON.

R. P. Eaton recorded a lot October 19th, 1862. James Stuart claimed his lot west of G. W. Stanley, October 21st, 1862. It appears that from October 19th, to October 22nd, was the busy time for locating building lots. Size of lots were 50x150. L. L. Blake chose his the 17th, and Bill Goodrich and G. W. Gallaway also on that date. While the first town lot that was described by a plat was taken by Cornelius Bray, December 1st, 1862, as follows: Lot No. 14, Block 7, in West Bannack, northwest corner of Washington and Second Streets. N. P. Langford also took a lot the same day. Then we find that Jim Bozeman sold his lot and house logs on October 24th, 1862, to Woody and Stuart.

CHAPTER IV. The Lost City

Be it known that we, J. T. Connor, Sidney Edgerton, h. C. Miller, and George Chrisman, our associates and successors, have this day and by these presents claimed and taken possession of and claim the following tract of land, for a townsite, to be known under the name of Empire City, to-wit: Commencing on the east fork, a distance of one mile, including eighty rods on each side of fork, all in Beaverhead County, and we hereby give notice and declare our intentions to improve the said tract and to pre-empt the same by virtue of the laws of the United States, in such cases provided, wherever said land shall be subject thereto.

Done at Empire City, Beaverhead County, Montana Territory, July 14th, A. D. 1864.

Witness our hands,

J. T. CONNER,
SIDNEY EDGERTON,
L. C. MILLER.
GEORGE CHRISMAN.

No one can tell where this city (?) was. Probably the parties, owing to the peculiar manner of the description, lost it soon after, and were never able to locate it. Too bad.

The town of Montana, now Argenta, was pre-empted by Henry Lovewell, once a partner of Senator W. A. Clark, James Doty, Samuel McLean, Edwin R. Purple, Gov. Z. M. Polinger, Sidney Edgerton, George W. Stapleton, A. K. Eaton, William H. Miller, William Beeker, Samuel W. Bachelder, G. Marvis, George Brown, Walter C. Hopkins, R. S. Peabody, Joseph A. Brown, Alex Mayhew, Tom Pitt, David. H. Hopkins, John P. Barttelson, Cyrus P. Gilbert, Col. Jarrow, Darius Hunkins, Frederick Butterfield, James Turfs, Nathaniel L. Davis, James Coburn, and William Babbet.

People flocked to Argenta on account of the rich ore that had been found. It seems to be impossible to find the name of the party that discovered the first claim. We know that it must have been prior to June 30th, 1864, as on that date, C. I. Ream, J. A. Brown, A. J. Oliver, B. F. McKay and Dr. E. D. Leavitt claimed 1,000 feet, as a water claim for milling and mining purposes. A very little placer mining had been done, even before that.

The Marquis lode was the first that I can find on record, though no doubt, some other must have been located (I am told that it was the Legal Tender).

William Becker claimed the Discovery on the Marquis, with the following as co-claimants:

William Reeker, George Brown, William H. Miller, Prof. A. K. Eaton, J. Kennedy k J. G. Gill, W. F. Sanders, R. Armitage, L. C. Miller, Miss L. A. Darling, William Chumasero, G. E. Upson, F. M. Thompson, G. Morris, E. Marley, G. D. French, Harry Neil & Co., A. C. McMilland, Bartholomew, Elgin Moore, L. A. Gridley, S. Edgerton, T. C. Evarts.

Located July 21st, 1864.

Now, you must not become impressed with the fact that they found ore at Montana City, before they found it in any other place in the Territory. Our old friend, Orrin D. Farlin, commonly called "Quartz Farlin," a brother of William L. Farlin, of Butte fame, was a fiend for lode discoveries. On the 15th of October, 1862, the "Kammas" Lode was discovered by Orrin D. Farlin, which gives him the honor of having found and recorded the first claim containing ore, in the state. Nothing has been heard of the "Kammas" to lead one to suppose that Farlin was fortunate in its discovery. Next we find that the French Lode was located on November 2nd, by Ludin and Pequgnot. The Minnesota on the 9th, and the Dakota, November 12, 1862.

We notice that P. Breakfast, a person who surely had one meal with him each day, located No. 8 easterly, from discovery on the French.

The Dakota was to make history. It was on this lead that Frank Allen was to build the first quartz mill in Montana. It was discovered by Charles Benson, H. Porter, E. Porter and C. W. Place. Probably the first Sheriff's deed on record in Montana, was the sale of a certain piece of property, described as follows: The undivided one-quarter interest in and to claim No. 9, west, on the Dakota Lode, Idaho Territory, on August 3rd, 1863, by Henry Plummer, Sheriff, to Moses Burring and J. D. Ritchie, to satisfy a judgment of Moses Burris, Plaintiff, against John Ault. Execution issued out of the Miners' Court, Bannack District. We also find that Power of

History of Southern Montana

Attorney was given by H. Plummer, to George Chrisman, to settle with parties who owed him \$3,500.00, on half interest in No. 7 Dakota lode, on December 27th, 1863, recorded January 2nd, 1864 — eight days before Plummer was hung. If Henry had been wise, he would have left Montana. As to this particular matter, I can find no final accounting with the Probate Court of Beaverhead, by Chrisman.

CHAPTER V. First Probate Judge.

The First Probate Judge of Beaverhead was the Hon. John C. Taylor.

First matter of business: Notice of application of George C. Chrisman, to be appointed administrator of the estate of George Carhart.

AMOS W. HALL, Clerk.

May 16th, 1864, sufficient notice has been given of application for letters of administration, on the estate of George Carhart, deceased, to be granted by county to George Chrisman.

Smith Ball: Sworn and testified that George Carhart came to his death by a pistol shot, about the 20th day of May, 1863. George Chrisman, sworn as administrator of estate of George Carhart, and says that he owned No. 7, west from Discovery on Dakota Lode, the value of said claim to be about \$6,000.00, also a ranch, but does not know the value of it. Claims of about \$2,000.00 to \$2,500.00 against estate, and without will. Andy Lutzi said that Carhart verbally gave some part of it (No. 7) to Henry Plummer, but does not know how much. The bond required was only \$100.00.

Note: May 17th is the exact date.[Ed.]

The St. Paul was another lode. This was of importance, because of the names of the men who recorded claims. It was discovered and recorded January 30th, 1864, by John Marry and G. W. Biddle, with such men as Gov. Edgerton, Wilbur F. Sanders, Amos W. Hall, Armitage, David Morgan, E. D. Leavitt, Louis McMurtey, F. M. Thompson, John Creighton, Mary Burt, Phil Lovell, George W. Dart, 46 claims in all having been recorded. At this writing, it belongs to A. F. Graeter, et al.

CHAPTER VI. Jeff. Davis Gulch.

In looking over the old records, we find that the miners were compelled to resort to almost any book they could find, no matter for what purpose may have been its former use. The oldest of these was the one used by the miners of Jeff. Davis Gulch. It was the property of A. Graham, who, in 1856, was running the Graham House in Grand Gulf — as we find March 27th, 1856: William Olcott, Hors. pd. 15 cents.

P. Bellamy, s., pd. 70 cents.

Wm. Knight, dead head.

There came a day in Jeff Davis Gulch — to be exact, Sunday, July 4th, 1863, when the miners of Prospect District wished to hold a meeting, and make laws for its government. You can imagine that the following took place. Some one said: “How can we record the laws we are about to make?” “Why, I have an old account book, that I had years ago, when I had a little hotel in Grand Gulf. It is no good to me.” So, in that way, Graham's old Hotel hedger is today to be found in the vault in Old Beaverhead Court House, with the stuff that was of most vital interest, to the men who for years were to mine of the headwaters of Horse Prairie Creek. This man Graham was elected President of that meeting, and as such, signed the first 18 sections that were to help govern the district. On the 18th day of July, a meeting was called at the request of certain parties (names not recorded), for the purpose of having a portion of the District set off from this district, to be known as Jeff Davis Gulch, and its drainage.

The first quartz claim recorded in Horse Prairie, was by H. Monfortin. They held a miners' meeting, and framed laws to cover such claims. They considered it real estate, and not subject to forfeiture. No person was required to perform any work on a pre-emption claim, to enable him to hold it as real estate.

COL. VITAL JERROT, President.

We find the following very interesting entry: This is to certify that W. A. Clark has this day pre-empted claim No. 30, above discovery, on Solomon's Bar, Colorado Gulch, Prospect District, August 7th, 1863.

Gus Graeter says: “I remember well seeing W. A. Clark, a little red-headed fellow, with his pack on his back, the day he left Bannack for Jeff Davis Gulch. He was wearing a soldiers' overcoat, with one of the tails gone, that was said to have been caused by getting too close to a camp fire, sometime when he was cold.”

This must have been about August 5th, 1863, W. A. was always a busy person, as we find that he had claimed the privilege of taking water out of the second gulch south of Jeff Davis, for mining purposes — 17th of May, 1864. He also claimed by preemption, 100 feet down Colorado Gulch, below and adjoining Dutch Fred, May 20th, 1864. A little later, he ordered the recorder to declare this claim vacant.

In a little book at Dillon we find that W. A. Clark was elected Recorder of Jeff Davis Gulch, and that on the 8th day of June, 1864, he made the following entry, to-wit:

“Know all men by these presents, that W. A. Clark has this day pre-empted and recorded claim No. 9, above discovery, Jeff Davis Gulch, Idaho District.

W. A. CLARK.

We also find a peculiar trade recorded in the same little book. W. Harvey to W. R. Perkins.

Know all men by these presents, that I, W. Harvey, for and in consideration of one sorrel mule, have this day sold all my right, title and interest in claim No. 10, above Discovery, Jeff Davis Gulch, Idaho District, to W. B. Perkins. July 7th, 1864.

Attest: W. HARVEY.

W. A. CLARK.

At this particular point, it is just as well to record what took place in Bannack, December 2nd, 1862.

Buffalo Currency.

“I, Joe Bowers, for and in consideration of the sum of seventy-five dollars, paid to me in hand, consisting of the following described property to-wit: One three-year-old pony, one pair of buffalo pantaloons, two buffalo coats, amounting in all to the sum above named, have bargained, sold, and delivered to Ed Hibbard and Frank Parish, No. 86 above Stapleton Discovery.” (Parish was hung January 14th, with Boone Helm and others.) To return again to Clark, we find that he helped to build the ditch out of “the gulch south of Jeff Davis,” and he and

History of Southern Montana

Henry Lovewell sold their interest in Colorado Gulch, including Denver Ditch, February 1st, 1865, to W. R. Vandruff.

I do not believe that young W. A. Clark, the little red-headed man, working in the ground sluice in 1863 and 1864, in Jeff Davis Gulch, going home at noon and night to cook his frugal meals, ever dreamed that he was to become the man whose money was to go toward the proving of Butte as a mining camp; whose ability to scrap was to down Marcus Daly, locate the capital at Helena — who was to become a U.S. Senator — the biggest miner in the world, and the one to build the most expensive, private home in America. What a contrast! the cabin in Jeff Davis Gulch and the palace in New York City!

Other men were connected with the mines in Jeff Davis that have left an imprint on the pages of our stories. Judge M. H. Lott, claim No. 1, on Dorsett's Bar, July 8th, 1863.

W. B. Dance, also recorded on that day; William Roe, on July 10th, in Jack's Bar. Mart Barrett and Joe Shineberger bought of Henry Lovewell, all of his interest in Colorado Gulch, and Denver Ditch Co., May 10th, 1864.

We find that Ray Woodworth, afterwards to raise the first crop in Madison Valley, pre-empted 27 above discovery in Solomon's Bar, July 11th, 1863. Also, Gus Craeter pre-empted No. 45, on Solomon's Bar, July 9th, 1863, and William Skelly, of Glen Gary, Fergus County, Montana, was one of the early miners.

Probably the oldest deed, in its original form, in Beaverhead County, is one given on June 11th, 1864, at Jeff Davis Gulch, when Freeman sold eight-ninth' of his claim on Dorsett's Bar, to I. Baldwin, et al., for which he received one horse and one mule, at a value of \$300.00. The parties that owned the animals were to get the first money out of the ground. Said Freeman is to receive \$100.00 out of every \$1,000.00. The above named persons obtain from claims until he shall be paid the remaining \$600.00. Freeman assigned his interest June 30th, 1864, to Vital Jerrot. As said Jerrot was the recorder, he left the little deed in the pages of Graham's old book.

David Metlen sold his interest to Harrison Brown, in the Denver Ditch Company, on Solomon's Bar, March 7th, 1866. Both of these men are yet living on Horse Prairie.

Solomon's Bar was named for Solomon Robinson, as the given name was as apt to be used as anything else, in those early days.

We have taken a side trip to Jeff Davis Gulch to record some of the things that bear directly on subsequent history, as in it, was described to some extent, W. A. Clark.

CHAPTER VII

In one of the oldest books of record, of Central District, Grasshopper digging, on a fly leaf, I find the following:

“Maxwell Crosbie is my name,
Scotland is my nation;
And those two lines will tell my name,
When I am quite forgotten.”

(On looking closely, we find, in pencil, almost too dim to decipher, that the book was the property of Maxwell, and Miss Vera Baker has kindly written with her typewriter that fact.)

We find another matter that is peculiar. On the 4th day of April, 1863, a deed was given by David Thompson, et al., to James D. Doty, all in Idaho Territory. On the Fifth day of April, 1863, a deed was given by John Ault, to Jack Allport, all in Dakota Territory. There must have been some misunderstanding as to what particular portion of the United States they were in.

Coal was thought to have been found near Bannack, and a company was formed, and 640 acres was taken up, on which some prospecting was done, in 1865. It is now called oil shale. There was also a coal excitement in Old Pioneer Basin, on Ruby Creek, in the Big Hole, as several claims were located July 1st, 1865, by Dr. E. D. Leavitt, et al. Coal has, so far, not been an asset in Beaverhead County.

I find that T. M. Ault sold to J. H. Morley claim No. 10, below Stapleton's discovery, Northwestern Mining District, September 18th, 1862. In connection with the above, I find the following:

Know all men by these presents, that the undersigned, having formed themselves into an association, or company, to be hereafter known and designated as the Dakota Water Ditch Company, do from the date of this instrument of writing, claim for their own and special use and benefit (for the purpose of sale to miners), all the water of a certain stream now known as Horse Prairie Creek (with all or any of the tributaries of said Horse Prairie Creek, with all natural water running from springs on the ravines that their ditch may cross, wherein water may be found from rains, melting snows, or other natural causes), that may be found above their dam or above their line of ditch from said dam, to the terminus of said ditch. The said ditch to be brought into mining camp, now known as Northwestern District, and continued on down a stream known as the Grasshopper Creek, as far as aforesaid Dakota Water Ditch Company shall deem it necessary for the use and benefit of the miners generally. The aforesaid ditch to be brought in as soon as possible.

Bannack City, 19th Dec., 1862, Da. Ter. Signed W. GRAHAM.

JAMES H. MORLEY.

H. M. MANDEVILLE.

T. R. PETCHER.

J. F. MORLEY.

This is probably the first claim to take water from one water shed to another in Montana. Those people did not do much more than make the survey.

This man, James H. Morley, has left a most interesting diary, a copy of which, well type written, was sent to the Historical Society by his wife. He was probably the first Civil Engineer, or surveyor in Southern Montana, unless Walter W. De Lacey can claim the honor. He surveyed the ditch from Painter Creek, afterwards known as the Smith and Graeter Ditch, to Bannack.

It was Morley that went with the party in the winter of 1863, and surveyed Gallatin City, on the Gallatin River, which they dreamed was to become the head of navigation on the Missouri. Though it was a little place, at one time, few could find the site at this day.

CHAPTER VIII. Ranching.

Mining was not the only thing to which these people turned their attention, as we find that Joe Wild took, for ranching purposes, land on the Grasshopper, a short distance above town, on the west side of the Creek, early in August, 1862.

A. J. and G. W. Stanly claimed land, "Commencing at the mouth of a small brook about two miles above Stapleton's Bar, on the north side of Grasshopper Creek, 40 rods on each side of said Brook following the meanderings of said brook, in a northerly direction to a stake. Dated September 1st, 1862." On September 5th, they located the water of the brook.

All of the valley of the Grasshopper was taken up, 1865, to a place 9 or 10 miles north.

Horse Prairie.

Louis Dupuis took land on Horse Prairie, April 2nd, 1862, as follows:

"Know all men by these presents, that I, Louis Dupuis, claim for ranching purposes, 160 acres of land, situated on Horse Prairie Creek, commencing on said creek and running north 160 rods, thence east 160 rods, thence south 160 rods, thence west 160 rods to place of beginning."

As Horse Prairie Creek is 80 or more miles long, one can see that the description is not very definite. Many other places were taken up on Horse Prairie, shortly after this.

We find that Fortien had taken up a place near the crossing on the 14th of July, 1863, and that Martin Barrett and Joe Shineberger had on the 17th of that month selected land immediately west of Fortien. This ranch became well known as the Horse Prairie ranch, and was the one where the gray horse was kept.

Martin Barrett lived on this ranch until 1911, or 48 years. He built a fine two-story brick house, the finest in its day, in the county. He accumulated a fortune, and sold to John Peterson, a young Swede, that came to the Big Hole less than twenty years before, broke. Shineberger moved to Red Rock, and also left a fortune at his death. Barrett and Shineberger must be considered the first bona fide settlers on ranch lands in Southern Montana.

Fortien's ranch was sold at Sheriff's sale, by Henry Plummer, November 15th, 1863, for \$367.00, to John Teters.

Bird in Hand. Ranch.

S. R. Mecklin located on a branch of Horse Prairie, called Dry Creek, August 25th, 1864. He probably thought that ranching would be safer than mining. He was right, but he did not stay long enough to find out.

On Beaverhead.

"F(rank) Ruff has this day recorded 160 acres of land for farming and ranching purposes, on the stream known as the Beaverhead, below the mouth of the Grasshopper Creek. Said ranch is the first located, and is No. 1, running down, November 8th, 1862."

Joseph Wild, got wild, and took up the next claim. It is a strange thing that Ruff and Wild were to be the first persons to go into a wild, rough section of the country, and locate the first ranches. Why they left them I do not know, as there is no record to tell how they disposed of their places.

James Gamble claims for ranching purposes 160 acres of land, situated at the forks of Rattlesnake and Beaverhead on the west side of the Rattlesnake, Bannack District, April 27th, 1863. This man came to Bannack on April 20th, 1863, with Hugh O'neil's train. John Y. Bishop was also in the same train.

Richard T. Harris claimed 160 acres of land, near Picket, taking in both sides of the creek, on Beaverhead, a little above the mouth of Rattlesnake, September 3rd, 1864. On December 30th, 1864, Thomas W. Chapman I Company and J. R. Stems, took land on the Rattlesnake, located one mile below the Point of Rocks, on said Creek, commencing at a stake opposite a low gap in the bluffs on the north side.

William Fox took up land on the Beaverhead, March 6th, 1865. No one could tell from the description where that land is now.

Tom Selway took up land as follows: "Said land is on both sides of the Beaverhead river, and bounded on the north by bluffs and included the mouth of Blacktail Deer Creek." September 5, 1865. Prior to that time, Henry Burfiend had taken up a claim, afterwards to become the property of Philip Thorpe. He did not appear to place the same on record. Henry Burfiend came to Montana from California, and mined in Alder Gulch. In the fall of

History of Southern Montana

1864 he located a piece of land about four miles north of Dillon, and began farming the next year. He thinks he broke the first, piece of land with a plow. The plow was made by a blacksmith in Virginia City, but was not very good because it would not scour.

Tom Selway broke some land the same year Burfiend broke his land. Henry Hayman — called Little Henry — had spaded up a, piece on the adjoining land near the river, and had sold his crop for \$1,500. This was in 1864. In 1865, he bought a yoke of oxen of W. B. Carter, plowed and put in more land, but the grasshoppers ate him out, he became disgusted, and packed up and went to Oregon. Mr. Burfiend had a partner, named Frank Jacobs. Then seed was very high. They paid 25 cents per pound for seed oats and bought of Mr. Henneberry, one sack of seed potatoes, for which they gave \$55.00. They had two loads of potatoes, which they sold in Bannack for 15 cents per pound. The grasshoppers ate the grain. W. G. Carter said that he believes that Burfiend was probably correct. In the winter of 1864, Carter camped close to where Dillon is now. The cattle were put between Blacktail and the river. The next morning, he said, "I had to go after them through snow knee deep. They had taken the back trail. I followed them up the river for some distance, through the brush. All at once, I came to a small park, and at a short distance, I saw a cabin. It struck me that it might be the home of some of the road agents, but soon a woman came to the door and threw out some dish water. I am sorry that I did not investigate and find out who she was. That was before any ranches had been taken up. I would have found out, but was afraid to go to the cabin."

It is too bad that we could not have become possessed of this knowledge — the name of the first woman to live on the Beaverhead. This was at a point between the home of Craig Cornell and the P. H. Poindexter ranch — but over in the thick willows, near the river.

James Kirkpatrick settled on land, on Rattlesnake, September 30th, 1865, and was quite extensively connected with the stock interests for years. He has resided in Montana for over fifty years.

X. Renois and Amede Bessett located land on the Beaverhead, December 1st, 1865, near the mouth of Rattlesnake. David Jones, on Rattlesnake, December 6th, 1865.

William Roe took a claim adjoining Bessett's December 15, 1865. James Ashbaugh, sometime prior to January 2nd, 1866, as I. W. Isle had a claim next to him on that date.

On January 6th, 1866, William Sturgis located the land afterward to become the home of Phil Lovell. On the 8th day of January, 1866, Craig Cornell located as follows:

Beginning at a stake on Blacktail Deer Creek, about three-quarters of a mile from its junction with the Beaverhead; thence running south one-half mile, etc., etc. Craig Cornell, the man who has lived almost 50 years on the same piece of land, or longer than any other man in Southern Montana, or probably in the state.

G. W. Emrick took the land just below the mouth of the Beaverhead Canyon, January 10th, 1866.

John Carrico, one of the prominent miners and discoverers of the mines in Bannack, located two miles below the Canyon, January 11, 1866, and John Carhart took the land next to him on the north, the same day.

On October 16th, 1864, O. D. Farlin located land on Birch Creek, about one and one-half miles below the canyon. Land had been located on the Big Hole the same year, on the bottom below Brown's bridge.

Land on the Stinking Water.

The first piece of land we find any record of was taken August 13th, 1863, by Boup, how, Ely R Company, a certain tract of land of 640 acres, situated and described as follows, to-wit:

Commencing at a point where the Stinking Water empties into the Jefferson, thence one mile down said Jefferson; thence one mile south, and running parallel with the said Stinking Water Creek; thence westward to said creek; thence down said stream to place of beginning.

This land is now in Madison County, though the record was made at Bannack. There is also a little mistake on the part of the locators. They had taken the Beaverhead for the Stinking Water, as the latter stream runs into the Beaverhead, and not into the Jefferson.

Quite a number of those early locators continued to call the Beaverhead country — home. They could not have found a fairer land than it, nor one that would yield to their efforts any greater returns.

CHAPTER IX

Judge M. H. Lott,

I had been mining in California Gulch, Colorado, and became acquainted with a physician who had lived with the Crow Indians. He gave me a description of the country, as to fur trading, etc., near Benton, Missoula, Ft. Owen and the Deer Lodge. Also told of the rich mines that had been discovered at Florence on the Salmon river. He proposed to escort a company to that place. The mines were very poor where we were at work, so we decided to go to Washington in the spring.

In May, 1862, I went to Denver and met some persons who were going to Florence as soon as a company could be formed sufficient for protection. Fourteen of us, including in that number one woman and a girl about ten years of age purchased a good outfit and started. Our wagon beds were made water-tight so they could be used to ferry over swollen streams. The first stream was the North Platte, very high and rapid.

The ferry was owned by a Mr. Baker. I interviewed him in regard to his price for taking us over. He was very considerate (?). He only asked us \$10 a wagon! I told him we were miners and had but little money, and that was more than we could afford to pay. We would build a raft and ferry ourselves over. We began to cut down trees, pretending to build a raft. He came to us and told us he was about out of provisions and if we would let him have some he would ferry us over, we to swim our stock, for \$7.50 the whole outfit.

About ten o'clock one morning we came across a mountaineer camped with his Indian family, who told us of a massacre of stock tenders and stage drivers, and the burning of stations and coaches, and killing of horses the day before. We told him our objective point was Florence and he seemed familiar with the country, saying it was wild and dangerous, and our company too small to travel with safety, but if we would wait for a few days he would act as our escort and protect us from the Indians. We had a consultation and concluded he wanted our protection more than we needed his, as squaw men were no pets of the Indians. We went on our way and reached Green River station about dark and found things as represented by the squaw man; dead men, station and coaches burned and dead horses. We camped, arranged our wagons for best protection if attacked. We did not build any fire. We did not dare bury the dead.

None of us slept that night. No words can describe our feelings. In the morning we started on and passed other stations with scenes too horrible to describe.

My recollection is we had three nights and two days of the suspense, and about nine o'clock in the morning of the third day we saw horses grazing on a bench in the distance and felt that our fate was sealed, as it must be Indians, waiting for us. No use in stopping. We must go on. We soon saw tents, which we supposed were teepees, but as we came nearer we saw they were in regular position and discovered men in uniform. On reaching camp we found they were soldiers from Salt Lake, who had arrived the night before.

We had been under such a strain for so long that some of our company dropped to the ground and were asleep in an instant. I went to the commander and asked if he would let some of the soldiers look after our camp, to which he consented. We had to put some of our men to bed. All went to bed without eating. None of us awoke until four o'clock the next afternoon. This was near Ft. Bridger. From there we went to Salt Lake, where we supplied ourselves with provisions.

We were advised to go via Ft. Lemhi and Missoula, as being the most direct route. No maps were known, so people had but a poor idea as to places or how to get to them.

Arriving at Snake River we found a good many waiting for the putting across of a rope for a ferry by Meeks. Some had been there ten days, expecting to cross each day, believing that to be the nearest road to Florence. Some had gone down the river. Some by the old road to Deer Lodge and Missoula.

We arrived in the forenoon, and saw them waste the whole day in trying to put the rope across. The Woods Brothers of our train thought they saw the mistake of the other fellow, and said they could put it over. I hunted up Meeks and told him that we had men that could do the job. He replied that he had a man that could do it. We waited two days, when Meeks came to us and wanted to see the men of our party who could do the work. I told him I was the mouthpiece of the party, and whatever arrangements I made would be carried out; that if we

History of Southern Montana

undertook the job we must have complete control. He did not take kindly to that so tried again without success. He then came and wanted to know our terms. I introduced him to the Woods boys and he asked them their terms. They told him that whatever Lott said would be agreeable to them. So I told him all I would ask was that we were to be ferried over first. We were anxious to go because we were afraid all the good claims would be gone. Our first attempt put the rope across. The next day we were on our way to Lemhi, on a branch of the Salmon River, which was an abandoned settlement of the Mormons, they having been called in by Brigham Young. The fort was built of adobe and was about three hundred feet square, with walls eight or ten feet high. Inside were a number of houses and a rude grist mill on the outside.

We found quite a quantity of wheat that had been buried in the ground. We found several people here who had passed us on the road from Snake River as they had horses and mules and we had only oxen. This place seemed to be the end of the wagon road and the only way to proceed was to pack over an Indian trail. Some turned back to Snake River and some started back to take the old road to Deer Lodge and Missoula. Some cut up new wagons to make pack saddles.

We did not know what to do. We went down the Salmon River and up the north fork, getting some indication of quartz, and some small prospects.

We got an idea that the east side of the mountains would be the best place, so six of us packed ourselves with grub, picks, pans and shovels, and walked up a very steep Indian trail and on to the eastern slope. About one mile from the main range we found a small stream, a tributary of the Big Hole river, with a few paying claims, about six feet to bed rock at discovery, and called it Pioneer, supposing it to be the first discovery of gold, in paying quantities, found in the country.

Leaving one of our party to dig a train ditch the rest of us went to Lemhi for our wagons. From Lemhi there was a very large Indian trail crossing the main mountain range east to Horse Prairie. Knowing that the Indians took the lowest passes, I thought we had better follow their trail. The boys had an idea it would be too rough. I told them that "where there was a will there was a way," so we started. We put both hind wheels on one side of the wagon, and in that way kept from upsetting. At last we were on the Horse Prairie side. We passed within three miles of where the Jno. White party found the rich diggings on Grasshopper Creek, July 28th. Crossing over a low range from the Grasshopper to Big Hole, we found the remains of an old wagon, showing that we were not the first people to take wagons into that section. We reached our claims, as near as I can recollect, about noon, July 12, 1862.

I brought a whip saw with me and that afternoon Mr. Dunkleburg and myself erected a sawmill and put a log on the carriage ready for work the next morning. Dave worked in the pit. By hard work and long hours we sawed 200 feet per day. After we sawed what we needed we sold some for \$80 per hundred feet, making \$60 per day.

On July 16th we were sluicing out gold. A Mr. Miller and family and Joseph Smith, who came from Colorado, with our party, went back from Fort Lemhi and over the old road to Deer Lodge and over the Mullan road to Missoula and settled there. Smith went up to the Bitter Root. Of the rest of our party, that mined in Pioneer Gulch, there were Charles and Hiram Wood, James McCabe, George McCormick, Fred Miller and Dave Dunkleberg. H. Conley, James Kennedy and myself were partners in discovery claim. When sluicing we took out from \$25 to \$75 per day. We had to strip the ground and could not sluice every day. We worked the claim out, taking out several hundred dollars.

I remember an amusing incident. Mr. Farlin, and partners, Mormons, who came on with us from "Lemhi" were out of tobacco. When they got to taking out gold they were overheard making out a list of supplies. First was tobacco, and each alternate item was tobacco, and the last item was "some more tobacco."

Our sawmill was near the Indian trail. They used to stop and watch us. Some of them could speak a little English. One Indian said: "Indian heap big fool."

The latter part of August a Bitter Root ranchman packed over some potatoes and sold to us for thirty cents per pound. He seemed to think we were the only miners in the country.

That winter I spent in Bannack. I told Fairweather and Edgar what the doctor had told me of gold in the Stink Water, and that may have been the reason for going on to the Yellowstone and of the discovery of Alder.

Sam Harper and Judge Lott went to Utah for provisions and got back to Bannack day before Xmas, 1862. They had been advised that a train would leave on Sunday morning for Salt Lake and that they could join by having two men to a team. The Judge said: "We got up before day; yoked our cattle and pulled for Bannack,

History of Southern Montana

which we made some time before the next morning, over 50 miles; a remarkable day's journey for an ox team. While passing through the Big Hole prairie we saw Indians signal fire or smoke, in various places, and hardly knew what to do. We continued on, however, and arrived within two miles of Bannack when, finding good feed we turned our oxen out, and having hidden our stuff in the brush started to go into Bannack. All at once we ran into a band of about a dozen Indians, who began to form a circle around us. They had their bows and arrows. I made a friendly talk and as they came near pushed them away asking them if they were Bannacks, or of what tribe. They at last allowed us to go." They had stolen 200 head of horses out at a corral and were anxious to get away with them or might have done Lott and his partner some harm.

The Judge tells the following incident:

In the spring of 1863 a young man had killed his partner, who was much older than he. The young fellow was tried for murder, and sentenced to death. Judge heard the young fellow crying and went down to comfort him. He asked him what he could do. The young fellow answered that he was a Catholic, and needed a priest. The Judge didn't know of any one who filled that position and thinking any Irishman might do, went and got Jerry Sullivan, a jeweler. Jerry was a sympathetic fellow and he went to render what comfort he could to the poor fellow who was soon to meet his Maker. He said: "Young man, you have committed a most fearful crime. You killed your partner, an old man for whom all had respect. You have been tried by your peers and found guilty, and sentenced to be hung. Don't cry; be brave. Get down on your knees and ask God to forgive your sins, and I'll be damned if I don't believe the old fellow will do it."

After Lott's party left Pioneer they went to Bannack, where Judge got a claim on Jimmie's Bar, for which he paid \$2,800, getting the money from the Woods Brothers, who were to go in partnership with him. They took out over \$13,000.

The Judge tells that Walter W. Debacey and another party found a quartz claim on the north fork of Salmon; went to Oregon and sold it to a party for a good price "unsight and unseen."

Judge left Bannack in July, 1863 with about \$4,000. He had a splendid horse, the fastest in the country. He thought himself safe when he got near the spring in Spring Gulch, but the horse appeared uneasy; he turned his head and saw some men coming down a side gulch toward him as fast as their horses could come. The Judge did not wait for company, but putting spurs to his horse raced ahead of them to Rattlesnake ranch as he recognized Buck Stinson and Steve Marshland.

In Bannack the first meeting for law and order was held in January, 1863, so Judge says. A few had banded together for mutual protection. Hiram Conley, Lott's partner, had been elected captain. It seems that Asel Stanley's wife had a claim which had been jumped by some of the toughs. Stanley came to Conley for help, but he said they had not banded to make a general fight against bad citizens.

The Lotts went to Nevada City, just below Virginia and started a store. At the time De Vault was killed by Geo. Ives, Old Man Burchy, Elk Morse, Wm. Clark and 25 of them left their store to arrest the persons that had done the deed. They did not know who it was when they started, but they brought back Ives and others.

When the murderers were brought to Nevada, Judge Lott stopped the party as they were about to go on to Virginia. There was a dry goods box in front of the store. The Judge got upon this and addressed the crowd, which consisted of about 1,000 men, and told them that there must be some motive if they intended to take them to Virginia. He made a motion that the men be tried at Nevada. He told them they could use the room in back of their store for the jail. Motion was carried and the prisoners were put in there for safe keeping. Probably 100 men stood guard, Jim Williams as captain. It was in this room that John Lott wrote the oath when it was signed by 24 men. (I think that there is some mistake as to the time in the judge's mind, as this oath is dated December 23rd, 1868, and Ives was hanged December 21st, so the men must have not signed the oath until about the time the Vigilance Committee was formed). John Lott was secretary and treasurer of that Committee.

Judge Lott said that he never threatened Slade bodily harm. That Slade, when drunk, would ride into other places, and that generally all doors were closed whenever he came to town in that condition.

A man came to Lott one day and told him that Slade was in town drunk, and that he had better close his store. The Judge said: "I am running this place and probably Slade will not come in." He even opened both doors but Slade was too wise to come. It is quite probable that Slade knew M. H. Lott, and knew that he would not stand any joking of the kind he liked to play. Slade had freighted for the Lotts and was well acquainted and had much respect for them, though they never carried guns.

History of Southern Montana

In March, 1864, Judge Lott, Meeks, and others took up two miles square at Twin Bridges, where Meeks built the first cabin. They believed they would always have all the range they would need.

The Lott brothers built three bridges, one on the Big Hole, one on the Beaverhead, where the town of Twin Bridges is, and one at the Point of Rocks.

They gave the land to the State for the Orphans' Home.

The Judge is living and is well at the age of 87, this year of our Lord, 1915. He has found that the range is eaten out and that all the land is taken. He is no longer "Monarch of all he surveys."

Note: George Lovell says the word is De Vault not Tbal as given by Dimsdale and Langford.

CHAPTER X. Mining Laws

At a miners' meeting of the miners of Bannack District, held on the 19th day of October A. D., 1862, for the purpose of forming and passing laws for the government of the District, the following laws and regulations were reported by the Committee, and adopted and ratified by the people.

Claims.

Sec. 1. Claims on Grasshopper Creek shall be fifty feet on the creek, and extending across the stream from base to base, of the mountains, including all old beds of the creek or stream.

Sec. 2. Gulch claims shall be 100 feet in length, on the gulch, and extending on over one foot on each side.

Sec. 3. Lode claims shall only be had on well defined Quartz Iodes, and shall be 100 feet on the lode, and 25 feet on each side, including all spurs and branches.

Sec. 4. Each miner may hold, by pre-emption, one claim on the creek, one Gulch claim, one lode claim, and one patch or hill claim, and working one shall be considered as working all.

Sec. 5. All claims shall be staked with the name of the owner with the length and breadth of the same, and the date of staking, and when in company with others, shall have also the names of the company with whom he is working.

Sec. 6. Claims shall be worked or represented at least each five days, excluding Sunday, hut working claims held in company shall be considered as representing all claims of the individual members of the company, if property is staked and worked.

Sec. 7. All claims shall be recorded by the individual holders of the same, with their own names, provided not heretofore re-corded by individual members, within the next six days, from and after the passage of this section, and all taken hereafter, within six days after staking, or shall be forfeited, and no claim shall be recorded or held by a company name.

Sec. 8. When no claims exist on the Creek, any person or persons wishing to turn the stream, or flume it to work the bed of the same, may claim one hundred and fifty feet, each, of said unclaimed ground, and hold the same, provided work be commenced within ten days, from staking, and prosecuted faithfully to completion, but said work shall be continuous, but not one day in ten.

Sec. 9. All persons residing and working their home, within the limits of this District, which shall extend from the line of the lower district, to the head of the Grasshopper Creek, and its branches, and three miles on each side of said creek, and be known as Bannack District, shall hold their claims without working the same, from the 15th day of November, next, to the first day of May, following, and all laws for forfeiting claims held as above shall be suspended for and during that time.

Sec. 10. Purchased claims shall be held in the same way, as pre-emption claims, but no individual shall be allowed to bold more than one claim by purchase, besides his pre-emption, except in Lode Claims, and any person having heretofore purchased more than that number, shall be allowed ten days from this date to sell and dispose of the same.

Sec. 11. Any person making a new discovery of diggings of any kind, or lode claims, shall be entitled to hold one extra claim, as a discovery claim, without working the same.

Sec. 12. Building lots may be taken 50 feet in front, and 150 feet deep, and by recording the same, each individual may hold one lot and no more, as real estate, and may sell, trade or barter, the same, or build upon it at his option.

Sec. 18. The fees of the recorder shall be fifty cents, for each pre-emption recorded, and for all deeds, bills of sale, or mortgages recorded, one dollar for each one hundred words to be recorded, and no deed, bill of sale, or mortgage, shall be held good against third party, unless recorded.

Sec. 14. Any person owning a dry claim, may pre-empt any unpre-empted ground on the creek, for a water claim, for the purpose of washing his dirt, whether by cradle or sluice, and may hold same as a water claim, by recording and improving the same, within the ordinary time for other claims.

Sec. 15. When any person has gone for provisions, intending to return, two months from this date, shall be allowed to return, before forfeiture of their claims.

History of Southern Montana

Sec. 16. In all trials before the miners, which may be presided over by the President of the District, the losing party shall pay the President the sum of Five Dollars for his services.

Sec. 17. The President may, at any time he may think proper, appoint a Sheriff to act in any case pending, or being commenced.

At a meeting of the miners of Bannack District, held on the 26th day of April, 1863, passed the following Laws:

Sec. 1. The President of the District shall have power to hold a trial, whenever it may be necessary to settle disputes, either about claims or any other disputed business matters, and may summon a jury to try such dispute. The decision of such jury to be final, and may appoint a Sheriff to carry out the decision of such trial, who shall have power to take any property to pay the judgment of the President.

Sec. 2. Each miner shall have the right to hold one claim, and no more, on each Quartz Lode, and they shall be held for one year, as real estate, to give time for machinery to arrive here.

Sec. 3. All trials shall be, as, near as possible, in accordance with the common law of the land.

At a meeting of the miners of Bannack District, held May 23rd, 1863, the following Laws were reported by the Committee and adopted by the people.

Art. 1. The officers of the District shall be President, Miners' Judge, Sheriff and Coroner.

Art. 2. It shall be the duty of the President to preside at all business meetings of the District, and to act as Judge, with power to call a jury, in cases regarding mining claims, the parties litigant mutually agreeing thereto.

Art. 3. It shall be the duty of the Judge to preside over all trials of cases in the District, except in mining cases, where parties litigant agree to refer to the President, and when called upon, to issue such process to bring parties into Court, as is common and right in such cases, also to keep a docket and make an entry therein of all suits brought, with the judgment or verdict rendered, also to have a jury of not less than four nor more than eight impaneled, when requested so to do, by either plaintiff or defendant, and receive for his services the sum of \$5.00 for presiding at each and every suit, together with 25 cents for all oaths administered, and the issuing of each and every writ in the case.

Art. 4. It shall be the duty of the Sheriff to serve all writs and executions, and carry out the awards of the Court, and do all other acts appertaining to his office, and shall receive for his services, for attendance in Court, during trial, \$2.50; serving warrants, \$1.00; serving summons, 50 cents, and 25 cents each for summoning witness and jurors, and 25 cents mileage.

Art. 5. It shall be the duty of the Coroner, in all cases of violent or accidental death, to summon a jury of six persons over which he shall preside, in examining into the causes and circumstances attending the death of the person over whom the inquest is held, and when called on, the Sheriff shall act as the officer of the inquest to summon jurors, and witnesses, and shall receive for the service the usual fee — while the coroner shall receive for his services on each and every inquest, the sum of \$8.00.

Art. 6. In each and every suit, witnesses shall receive Two Dollars, and jurors Three Dollars, except in cases where the trial shall last for more than one day, when additional fees will be allowed.

Art. 7. In all criminal cases, the punishment to be inflicted shall explicitly set forth in writing the verdict of the jury.

Art. 8. All civil suits shall be commenced by complaint set ting forth in plain, simple language, the cause of action and remedy sought.

Art. 9. All attachments may issue when the complainant shall make oath before the Judge, that he has reasons to believe that the defendant intends to leave the district, or turn over his property with intent to defraud, and may be served on any property in defendant's hands, or to garnishee debts in hands of others, and shall hold good till five days after final judgment.

Art. 10. In all suits and cases, not herein provided for, the Common Law shall be adopted.

The idea of an eight hour law came to the people in Montana, early in its history. At a miner's meeting, White

History of Southern Montana

District, April 28th, 1864, "Non-residents of District shall represent each and every claim, every seventh day — said day's work shall be eight hours' labor."

CHAPTER XI. Notes From Old Court Records.

Second, Judicial District, Beaverhead County, L. E. Williston, Judge; Wm. C. Goodrich, Sheriff; S. F. Dunlap, Clerk.

Resident Attorneys practicing at Bannack: Phelps C. Mead, John M. Galloway, G. W. Stapleton, B. R. Peabody, admitted September term, 1867.

First Grand Jury: N. E. Wood, B. S. Worth, Thomas Watson, Con Bray, S. W. Bachelder, A., J. Nay, W. R. Witten, Herman Clark, H. F. Wood, John S. Milligan, J. A. Brown, E. W. Weston.

Probably first Notary Public was W. C. Rheem, appointed by Gov. Edgerton, May 17th, 1864.

The first man to declare his wish to become a citizen of the U. S. was John Griffiths, a native of Wales, 1st of September, 1866.

Even in the Courts, they were apt to use an old account book for keeping records, as an old account book of Leesburg, Idaho, was brought to Bannack, and used as an account book to be used later in which to record probate matters. This book shows that the price of sugar was 60c per pound.

1 keg of nails, cost \$35.00.

1 keg 10 gals. sherry, \$100.00 greenbacks.

1 lb. of apples, 50 cents.

1 box sardines, \$1.00.

We also find that one of the first men to contest the election of another, was George Bachelder, against Thos. H. Gordon, for the office of Sheriff. Following are the returns:

Election held September 2nd, 1867.

For Bachelder For Gordon

In Bannack 205 170

Horse Prairie 25 30

Montana (Argenta) 29 27

Beaverhead 19 27

French Gulch 10 39

Totals 288 293

Whole matter hinged on French Gulch, which Bachelder held was not in Beaverhead County. Case dismissed 23rd of September, 1867.

(Twine was scarce in those days, as I found these papers tied with a buckskin string.)

Sue's Letter.

In looking over Court proceedings of early days, we find the love letter of "Sue" to her lover, Wm. Farnsworth, who was killed at Horse Prairie in 1877, just in front of John C. Brenner's house, then owned by Winters and Montague. Montague was killed the day before. The lady was a beautiful letter writer. Her impassioned appeal to her lover was in the following words:

"Oh Will, my dearest one, how I long to see you this spring as never before. I am impatient for your dear comforting letters. I don't believe we made a mistake three years ago. (I did not, if you did), for every day I am more certain that I am yours and you are mine, for life, and it seems to me for eternity. There isn't ;, day or an hour but I find myself thinking of you. Every thought and every joy I want to share with you. I don't value luxuries as I used to, and think them indispensable to happiness. I think I could be so patient, and so saving, and think it the greatest pleasure in the world. If our wishes were all gratified, how soon ice would become used to it, and they would cease to be luxuries. Lucky for you I'm kept within bounds, lest I might set up my authority to get out of that, or come unbidden to your humble home.

"Don't get too mercenary for nay sake. What's good enough for you is good enough for me."

What a trust she had in this man, and no doubt he was worthy of her love and affection. He could not take the treasure that was his for the asking. Think of the deep love of the woman who would willingly surrender a magnificent body and soul to his keeping, to make his life so much more worth living. He must struggle for gold

History of Southern Montana

till death robbed them each from the other, and left a pale woman to moan, and ask "Why?" I do not know where "Sue," is, but if she should read this, I hope that she will pardon the liberty I have taken in giving this little story to the public.

God made woman for man's chief comfort, and for his good. She (God bless her), is willing to go with her lover, out into the by-ways, wherever his lot will take him, and help him in his struggles. When he gets an idea that he must have enough wealth to make each day a day of careless freedom from want and responsibility, he is simply wasting the days of most supreme happiness — the days of youth — for a foolish idea.

CHAPTER XII. Incidents in the Life of Augustus F. Graeter.

Mr. Graeter has resided longer in Beaverhead County than any other person.

It is not easy to get a connected story from a person after he has become eighty years of age. In my note book, I find the following: Augustus Graeter told me a few things the morning of the 28th of May, 1914. "I remember seeing W. A. Clark, with a pack on his back, when he was starting for Horse Prairie. He had, on a soldier's overcoat and one tail of it had been burned off, by getting too near a camp fire."

"When I got to Bannack I had just two \$1.00 gold pieces, and it did not take long to spend them. Mail came in via Walla Walla, and cost \$1.00 for a letter, and that is where my money went."

Question: "How did you get your money to start your first store?"

"Well, I guess I must have made it in the mines, as the ground was mighty rich, and the bedrock not deep. We would pack the dirt down on our backs to the creek and wash it out. We did not take any dirt that we could not see gold in. At last we whip sawed some lumber, and made some sluice boxes which we put up in the creek, placed our dirt in them and stood in the creek and dipped up the water, and washed the stuff in that way."

He laid the first foundation on the claim on which Denver was built.

Quite a number of us were sitting in Paul's Furniture Store in Dillon one day, Robt. Wing, W. B. Carter, Mart Barrett and the writer, when Gus became reminiscent. "I remember," he said, "that two of us cut wood in Wisconsin one winter, and sold it for 37 1/2 cents per cord."

Bob Wing said: "What did you eat?" "Oh, we never suffered for that matter; never did go hungry in my life," was the reply. "yes, I did get out of grub once. We went to Fort Lemhi, on our way to Florence, cached our stuff and intended to go to Bitter Root for the winter; got a Blackfoot guide, who took us through the Big Hole, and over into Deer Lodge Valley, on Warm Springs Creek, near enough to see the mound at the springs. He took us up the creek, into the timber, right in the wrong direction. I guess he knew the way, but was probably afraid of the Flatheads. We turned about and went to Lemhi, but before we got there we were out of provisions and we were compelled to fill up on sarvice berries. We went south, bought some more grub, and did think of going to Fort Colville, in Washington. We started for that place, and one night we camped in a small grove up the Grasshopper, and when we woke up in the morning we found ourselves surrounded by Flathead Indians, who had stolen our horses, and had driven them over to the Butte, near Painter Creek. when they found out that we were white men, they said, 'Good morning,' and told us they thought we were Bannack Indians, or they would not have taken the horses. Some of the boys went with them to their camp and they gave us some nice meat.

"Well, when we got to Birch Creek, some fellows came along and told us that gold had been found on Grasshopper. We went back, and I have been in Montana ever since.

"Say, you talk about cutting hay with a scythe. The softest snap I ever had was cutting hay in Wisconsin, and selling it for roughness to the farmers who needed it for their stock. I do not remember how much we did get for it. I really do not believe that I have ever been any happier than the winter I cut wood in Wisconsin."

Gus Graeter was always an industrious man, and did much toward the upbuilding of Southern Montana. He mined, built ditches, was a merchant, county officer, a successful stockman, built an electric lighting plant for Dillon, and is a banker — always an early riser. He tells of being ten miles on his road to the timber, when the sun comes up.

Chris Snyder says that when Gus was on the ranch, he would get up before daylight, go into the hen house and cuss the roosters because they did not crow early enough to wake the hired men. A Horse Prairie ranchman said: "I remember that a neighbor saw a fellow going along the road with his blankets on his back. On inquiry as to where he was going, he said: "To work for Gus Graeter." "H—I, throw your blankets away, or trade them for a lantern; they never sleep on that place."

Mr. Graeter is now over 82 years of age, and busy.

CHAPTER XIII. W. B. Carter Story.

We got to Bannack just about the time that the people were going, or when some had gone to Alder. We arrived in Alder, July 4th, 1863, and got a job working on night shift. I was broke. No, I had six large copper cents. I sold them to a jeweler for seventy-five cents each. (I presume that this was the first transaction in copper in Montana.)

I worked there that season and then went to Salt Lake City, bought an ox outfit, loaded up with provisions, and brought them back to Virginia City, where I sold the outfit to a good advantage. In January a party of 25 men and one woman left Virginia for Salt Lake with a mule outfit. The train with our blankets in one of the wagons went on ahead of us. As soon as my partner and I got settled up we started for camp. One of us had a gun, the other a revolver, and we traveled about 150 feet apart so no one could surprise us. The next morning Club-Foot Mathews found his mules missing, but we pulled out and came to the place right where my ranch house now stands, about five miles north of Dillon, and camped for the night. Mathews found his mules and started to overtake us, when, just on the other side of the Point of Rocks, he saw some fellows coming towards him on horse back. Not liking the looks of things he threw his gold sacks into the snow, marking the place well, then he pulled into the station, where he stayed all night, being afraid to go on. He hired a man to keep on the left side of the river and overtake us, and get one of us to send a team back and help him get his dust. The party he sent got to our camp about midnight. The next morning one of the boys went back to help him, while the balance moved to a place since owned by Jim Selway, where we waited until they could overtake us.

Shortly after they had joined us, we saw three men coming to our camp on horseback. One of those men was Buck Stinson, and the other was Red — or Ned Ray — do not know for sure; the third man was one well-known to all of us (House), and only came to our camp, as Stinson a deputy of Plummer's did not care to come, as his mission was to arrest "Club-Foot" for debt. "Club-Foot" said that it was a just debt, and that he would like to get greenbacks enough from us to give to Buck, so he would know he was all right. We soon got the money and gave it to him. Alex Toponce wanted us to take Buck and hang him at once, but of course, we could not agree to that. "Club-Foot" started out with the two deputies, on foot, as he was afraid they might kill him and take his mule. They pulled off over the hill, toward Rattlesnake crossing, and only a short time after leaving us they saw the men coming from toward Virginia City. Stinson and his friend pulled out and left "Club-Foot" alone. He continued on into Bannack and found Buck, who turned the money over to him. He settled his accounts and overtook us down on the Snake River. Buck was hung on the 10th, just a few days after he was at our camp.

We certainly had a fearful trip, and how we ever made it I do not know. When we got to, or near, the Robber's Roost, in the Port Neuf Canyon, we were compelled to leave our wagons on account of the deep snow. It was actually so deep that the mules could not find feed, and they had eaten all the top of the wagonbeds off. We had to go through the Malad Valley. The snow was so badly crusted the mules could not break a trail; it was up to the men. Alex Toponce and I, being the most able, took the lead, bracing one another. We did some mighty hard work. It was surely rough on those poor mules. They could only get what we could furnish them, and that was willows or any shrub that we could cut and take to them. We managed to save all of them.

We were certainly up against it ourselves, for food. We had only put in a supply to last us, if we were fortunate in getting down in a reasonable time, but three days before we got to the settlement we were completely out of all except a little parched coffee, which we ate.

When we got to Rear River the mules made a break for the willows, down a steep hill, and we could not stop them. My partner and myself made up our minds not to go down that steep hill, but would try and get to a settlement. I had been over the road two or three times that season when the snow was off, so we made a start. All the gulches were so full of snow that we could only pass them by going around. Near the banks of the river the snow was not deep, so we kept as near that as possible. At last I made up my mind to cross the river and strike out for a high mountain, the outlines of which were visible in the moonlight. we crossed the river, but actually did not know where. As I was evading along, all at once I struck my shins against some hard substance. I got down, felt of the place, and found that some one had gone along there with a sled, when the snow was soft, and the track had frozen solid. We certainly felt much relieved I said: "We are all right now, and will make it." Sometime before

History of Southern Montana

morning we came to a cabin. I went up and knocked, and when the owner asked who was there, I, with my mouth close to the crack, replied that we were starving, and had traveled for two days without sitting down. He informed us he would soon dress, and he did, and let us in.

In one corner was a curtained bed, which indicated the man was married. The curtains began to move, and we knew that the lady was getting up. In the meantime, the man had a fire going and we had dropped down completely exhausted. Say, I never ate such a good meal in my life! Potatoes! As large as your two fists. Fresh pork! And fine light biscuits! Nothing ever seen to equal them! We explained the condition of the party, and asked the man to take them some provisions. We had to sleep in an out-house (a corn crib), and when we awoke, about ten the next day, we asked the lady where the man was, and she told us that he had gone with relief for our party. I have gone through many things, but that winter trip was the most fearful of all.

Mr. Carter is, at this writing, July, 1915, living in Dillon. He is one of the successful ranchers, and never goes hungry. Toponce had an experience in those early days, even worse than the one above, as he lost his complete outfit in trying to haul freight from Fort Union to Helena.

CHAPTER XIV. Incidents in the Life of John F. Bishop.

Hugh O'Neil's train was at Ft. Bridger when John F. Bishop and John Swing overtook it. (Swing was drowned in 1864, in the Snake River. Reported to have had \$4,000 gold and a large revolver on him, so he never came to the surface.)

The train consisted of about 130 men, women and children. We arrived at Blackfoot, and found the stream too high to ford. We took a wagon cover, put it around a wagon box, and ferried our stuff across. When we got to the Snake we could ford, as it had not commenced to rise. Al. E. Graeter, John Cowan, one of the men to discover Last Chance, and Robert hereford were along. Hereford had been in Montana before, so he knew the trail. We crossed the Medicine Lodge Divide, and though it was April there was no snow. We arrived in Bannack, April 20th, 1863.

Swing had 125 pairs of boots which he had bought in Denver and sold in Bannack for \$13.00 per pair. Mr. Bishop mined some in Bannack, and later was in Beven's Gulch. He tells the following rather peculiar story of one of the first miners' trials in Beven's Gulch. It seems that a man had come from Oregon with a large band of horses, and he accused a young man that was with him, of having robbed him. The Sheriff was McCarty, for whom McCarty Mountain was named. In arresting the young man, he did not treat him too kindly. The young fellow was afraid of the justice that he might receive at Virginia, and hearing that a man named Dan Dixon was up the Gulch, he went up to see him and to get him to intercede for him. Bishop and Dixon had listened to the young man's story and came to the conclusion to go down to Bagdad, the town of the gulch, and see fair play. When they got down there, they found that quite a number of the miners were full, so they got on the jury. They listened to the testimony, and rendered a verdict, that the defendant should knock the stuffing out of the plaintiff, and that they, the jury, would stand by and see that no one interfered while the sentence was being carried out, which they proceeded to do. This happened some time in August, 1863.

Mr. Bishop soon bought an outfit, and began to freight from Utah. He also went to Cow Island, on the Missouri, below Benton for a load. While he was loading at that place, the Indians came in considerable numbers, and were very insulting, but the whites were compelled to allow them to do as they pleased. It was on this trip that the following happened:

A man and his wife had shipped a horse and buggy on the boat, and thought they would not experience much trouble from the Indians, between that point and Fort Benton. They started out gaily enough and were gone but a little awhile, when the boys saw something coming back as fast as possible, which, on inspection, proved to be our friend. He was shouting Indians! Indians! as loud as he could. The train immediately corralled, and waited for the attack. They waited for some time and one of the fellows said he would go and investigate. He ascended a hill on the road and found that there was a prairie dog town, and that the little fellows, sitting on their mounds, looked in that peculiar atmosphere, almost as large as men on horses. It was the effect of a mirage.

Later on, Mr. Bishop settled on the Beaverhead and began the raising of stock. He was probably the first Justice of the Peace in Beaverhead Valley, and helped throw the diamond hitch that bound more than one couple together for life. "Uncle John" has many a little story of the early days of Montana. I am indebted to him, as well as others, for the incidents recorded in this story. He is hale and hearty, at an advanced age, and bids fair to enjoy many more years in our Treasure State.

CHAPTER XV. John C. Innes, an 1862 Man.

I came to Bannack, September 8th, 1862, with Woodmansee Brothers' train — ten teams. These were loaded smith flour, supplies, vegetables, etc. There were no houses in Bannack. Neil Howie was one of our party. We crossed at Meek's Ferry, on the Snake.

I do not remember who it was that built the first cabin in Bannack, as none were built until it began to get cold. Then everyone commenced to build. It would certainly be hard to say who was the first. The man who panned out the first gold on White Bar, Charlie Reville (as near as I can spell it). He got one dollar, using the lid of a camp kettle for a gold pan. William Still was also of this party. His name was not Still, but only a nickname.

We met Bill Hickman on the Snake River Valley, going back with horses, which he claimed to have recovered from some one who had stolen them. I was with Charlie Brown when he arrested Williams, the driver of the stage that was held up at Port Neuf, near Denver, 1865, late in the fall, November or December.

The first lumber was cut in Lumber Gulch — a gulch that comes into the Grasshopper, between Bannack and Marysville. This was cut by a man named Cris. I got my claim, on Jimmie's Bar — Jim was named Griffeths, or Adobe Jim. He came to the country with Jim darby, Smith Ball and Billy Simpson. Phil, the Cannibal, he was General Harney's scout, was there also. He got his name, as he told me, in the following way: He killed a man in Philadelphia, and left for the west, where he became a squaw man. He and an Indian were sent to a post on the Yellowstone. They run out of provisions. Phil got to the fort, and made his report. After he was through, they asked him what had become of his companion. "Part of him is hanging on my saddle," he said. He had lived 11 days on rosebuds. He was killed by the fall of a cabin in Virginia City. He seemed a harmless old fellow and would never refuse a drink.

At Green River, in August, 1862, a party of soldiers were crossing, swimming their horses behind the ferry boat. I recall that Jim Bridger came up to me, as tickled as a small boy, because his pony was making such nice progress in his attempts to swim over. Jim was a little dried up man.

Plummer had no sister in Bannack. He may have been arrested at his sister-in-law's. His wife was east when he was hung and never came back.

I was the guard over John Wagner the time he was at Sayer's corral, as Howie had sent for me. I also took him to get his meals.

In the middle of the night, two men came to the corral and wanted to come in, and I got up and let them in. They had come from Alder. They soon explained what they wanted. They took Howie, and went out and organized the Bannack Vigilantes. They left me in charge of John. I did not get to see John hung, as I was too busy at something else.

When we were going west in 1861, at a post made at Rocky Point, Wyoming, we found a party of hostile Indians, at the station. The driver said that he had never seen any there before. The party was large enough to take us, had they wished. I had the only rifle in the crowd. There was some talk as to what we should do — stay or get the mules and run. We had not been able to get the Indians to speak to us, so we concluded to go on; but some of the boys got out and walked on one side, as they did not wish to be caught in the coach. I got up with the driver, who said, "There is no use in trying to run, unless we are compelled to." Then I will hit this old mule with this buffalo robe, we will sure do something. We were not molested. When I came to Montana, I was told that I had saved the coach.

In the summer of 1864, a party kept a ranch on Grasshopper. A French Canadian with a squaw. A white man, by the name of Roup, and a young cowboy, they made up their minds to go over to the Bitter Root, and steal horses. They accomplished the end, and were returning to the Grasshopper, and were back near the Point of Rocks, but up near the timber, when the Indians from Bitter Root came in pursuit. The horses were running as fast as possible. There was one Indian who was a splendid shot with bow and arrow. Roup had stayed behind to use his revolver on the Indians, when he was shot off his horse by an arrow. He crawled back into the timber. The Indians came to town, and reported what they had done, and a young man by the name of Richardson, and myself, went to find Roup. We found him as described, with the addition of a wound in the eye, which looked as though he had been shot with an arrow, and that it had been pulled out of the wound, also bringing the eye with it. Roup

History of Southern Montana

had been almost stripped — had on a pair of pants with the pockets turned inside out. We reported that we had found him, and a couple of his friends went up and buried him where he fell.

Johnnie Grant was probably the biggest stockman of Montana in those days. I remember that we depended on that bunch of cattle for our food supply, if need be. Granville Stuart kept a butcher shop in those early days in Bannack.

Sanders' Quotation — From King Lear.

“Give us a King, let his name be Harry.” The cause of that remark was as follows: When Plummer, Ray and Stinson were hanged, Ray made the most trouble, and Little Harry King was behind him with a gun. He poked Ray in the back, and said: “You know what is behind you, and if you don't go ahead, you'll get it.”

After the hanging of these men, they had a big public meeting and nearly all of the miners up and down the gulch joined. It was at the meeting that Sanders quoted the above. Harry King was a very active member of the Vigilantes. Mr. Innes joined them at this meeting, and was placed at the head of a company to try and round up some of the highwaymen. His command went to Horse Prairie, but did not succeed in grabbing anyone.

CHAPTER VI. Story of James Kirkpatrick.

The winter of 1863–4 was a memorable one for the embryo State of Montana. The vanguard of would-be prospectors from Gold Creek, in what is since Deer Lodge County, pushing on to Grasshopper Valley, had found already established and swarming with pioneer mining life, the “City” of Bannack. All mining camps in those crude days were dubbed either “Gulches” or “Cities.” (Bannock was the original spelling of the name after the tribe which at that time, hovered about, and, to avoid confusion, it was called “East Bannock,” in contradiction from “West Bannock” in Idaho, since changed to Lewiston.)

Bannack City, whose prolific placers had already begun to show signs of depletion, had still much of the alluring “dust” within its sands, still eagerly sought by rugged men in primitive ways.

An army of gold seekers had surged past the town, over the mountains to the east, swarmed down the Beaverhead and up the Ruby River to Alder Gulch and Virginia City. Here met and merged another stream of humanity, from the overland route farther north.

Bannack had been and was still rich — Virginia was richer. Money was very plentiful, gold abundant, and some of the lucky miners were already departing for far away homes, with quantities of the precious “dust.”

The crack of the “Bull-whacker's” whip, almost hourly, heralded the arrival of incoming wagon trains of gold seekers, or the departure of freighters seeking supplies from Salt Lake. Pack trains came from Oregon, steamers from the lower reaches of the Missouri, and the Mississippi; daily stages arrived with monthold mail from Omaha, and carried daily passengers between the two “cities.” Their treasure boxes were seldom lacking or empty. The passengers were usually well supplied with “dust,” much was being sent out of the country by wagon train, and “dust” was both a commodity and a currency. No condition could have been more favorable to lawlessness. The country knew no law except that of the Miners' meeting — vague, unsatisfactory, fickle, suited only for transient purposes. Revolvers, in the hands of outlaws, fast gathering from other haunts, had to be reckoned with all too often. The bad element soon became organized, murder and robbery was frequent, no man's life or money was secure. Everyone felt that something must be done, that the conditions necessitated prompt and secret action.

But how to begin? Who could be trusted? Brave, honest and noble men were plentiful, but few knew their neighbors. Almost everyone knew numbers of the roughs, but to speak of them aloud meant certain death, even a whisper within the walls of Bannack's huts might reach an outlaw's ear.

The situation became daily more intense; shocking crimes hourly increased in frequency. Among the law abiding were men who knew no fear; cautious, discreet souls; men of iron will.

A union league was silently, suddenly formed among the men of Grasshopper Creek, ostensibly sympathizers with the Union cause in our Civil War, then raging in the far-off “States.” This suspicious circumstance at once attracted the attention of resident road agents, some of whom made haste to join the league. Something imminent seemed in the air, something was about to happen. Rumors, of vague origin, and no sponsors, circulated. To try to leave town, even by night, was unsafe, by day it usually meant robbery, perhaps murder. The robbers had become very strong; word flew that Bannack was about to be sacked. Ned Ray, Buck Stinson and Henry Plummer were among the most prominent men on the Bannack single street. The former, tall, sandy, lean, with mustache and goatee, well groomed, buckskin dressed, soft felt hat; he might be taken for a freighter or a prospector on a rest, in town.

I have learned that he did not ride the road, but was a spy and informer. I heard him remark one day, shortly before his death, as he sat at a card table in Percy and Hacker's saloon, with about \$1,000 in \$20.00 gold pieces, stacked before him, “I have today been around and paid all my debts, and have this much left.” Little did I then suspect where he had obtained that coin. Gambling seemed his only occupation; he lived in a small cabin, with his “woman,” just off the street under the low “bar” upon which Bannack was built.

Buck Stinson was below medium height, well built, not bad looking, medium complexion, a gambler, and Plummer's lieutenant — a sort of Deputy Sheriff. He was sometimes out on horseback, and on one occasion I saw him gallop demonstratively into town on a powerful horse with his roll of blankets flopping behind the saddle — a usual thing at that time among horsemen — and rein up at the express office to learn if the Virginia City stage had that day been robbed as usual. It had. I forget whether he had helped or not. The following day, sitting in

History of Southern Montana

Percy and Hacker's saloon, where, as a boy of sixteen, I spotted ten-pins for hire, I heard two shots in quick succession, outside on the sidewalk. Boy like, I ran out to see. Stinson's beautiful Mastiff dog, a favorite about the street, and a pet of his "wife," lay gasping in death. He had paid the penalty at the hands of a bad-tempered master for not coming back, at call, from following another man. Stinson put up his revolver, stepped inside, and sat dejectedly down.

Not having seen all of this, I innocently asked. "Who shot Carlo?" A meaning look from Percy caused me to be silent. Directly Buck said, "If I ever get drunk again, I hope some son-of-a-gun will kill me." Thus will remorse sometimes reach the hardest heart. He had wantonly destroyed a faithful dog, and attracted to himself most undesirable attention. He also, with his "wife" occupied a small log hut, under the hill near Ned Ray's domicile, the same in which the "Greaser," Joe Pizanthia, was killed, shortly after the road agent trio had met their fate.

Henry Plummer, genteel, self-possessed, and of medium height and complexion, was in and out of town, going sometimes to Virginia, and was often on the streets of Bannack; he was Sheriff, through peculiar circumstances, of both towns, elected ostensibly by popular vote at Miners' meetings.

Out of the Union League, secretly, in some mysterious manner, evolved the Bannack branch of the Vigilance Committee. Most of these courageous men are long since dead, but their acts of summary justice, inspired by that necessity which knows no law, are upheld by all fair-minded men.

Monday morning, January 11th, broke clear, bright and cold, on the little hamlet of Marysville, one mile down the creek from Bannack. The cold was intense. Not a breath stirred the crisp air. Before sunrise, word came to Marysville, and flew down the Grasshopper, for miles to all the miners, that the main trio of road agents had been hung on the previous night. Hundreds of determined looking men, heavily armed, thronged for hours, the one road to Bannack a living stream. It was an exciting sight. Dressed in my heaviest wraps and mitts, stopping in at several miners' cabins to warm, I ran all the way to town. The street was filled with armed men; all was orderly and quiet, many were drinking in the numerous saloons, that lined the only street.

An air of satisfaction and relief prevailed. In the lower part of a two-story log house, not yet completed, lay on the floor, frozen solid, the bodies of the three terrors of the town. Ride by side, with each a deep groove in the neck showing the marks of rope strand spirals; clad in their Sunday clothes, newly shaved, they laid, with the awful ropes lying near, a gruesome ending, to lives of crime.

Suddenly the gang had learned that their days were numbered, that a Vigilance Committee was expected over the mountains, from Virginia, to hang them. Murderers were sent out along the road to way-lay the Committee, but they slipped into town at night, by an unfrequented road. Each robber had his horse saddled and equipped on Yankee Flat, just across the Creek ready for instant flight; none dared to start; each awaited the turn of events. The Virginia men joined those of Bannack; three squads went silently in the night to as many doors; three pairs of eyes looked down the double barrels of so many shotguns. Quickly three well dressed men dangled from a gallows in Hangman's Gulch, three hundred yards from Main Street, a gallows erected by Plummer for another murderer.

Time and necessity precluded any elaborate preparations for the execution, and Ned Ray, being next one of the posts of the gallows, wound his legs about it, and thereby prolonged his misery. The other two passed away less painfully. During the trip to the gallows, a crowd gathered, but no attempt at rescue or interference developed. A brother of Plummer's wife, a highly respected young man, who clerked in the store of a Mr. Thompson, tried to intercede for his relative, but to no avail. He was told in no uncertain terms to return to town.

Of those who took part in that gruesome drama, many were at that time well known about Bannack, respected and respectable business men.

Also, some whose names appear in the works of Professor Dimsdale and N. P. Langford, are remembered by the writer, reputable citizens of the time and place.

JAMES KIRKPATRICK.

CHAPTER VII. Incidents of Beaverhead County.

John F. Bishop and Dick Reynolds brought in the first stock sheep — landed in Bannack, November 7th, 1869. They were driven from The Dalles, Oregon — 800 miles. Col. Charles Broadwater bought their wool for 19 cents. No good shearers in the country those days.

First County School Superintendent: J. D. Douglas was appointed School Superintendent, September 80th, 1867. Assessor: John B. Miller appointed March 15th, 1865; allowed \$12.00 per day for services.

Sheriff: E. Smith Ball was first Sheriff, and C. M. Kingsbury second, after the organization.

County Attorney: E. T. Phelps, first Prosecuting Attorney, as per acct. paid by county commissioners, March 16th, 1866.

In the winter of 1862 and 1863, Neil Howie and Jack Carroll found quartz in Argenta, but they did not go back.

A Promissory Note.

On January 19th, 1864, Cyrus Skinner and Company gave the following note to George Chrisman & Co., to-wit:

On or before the first day of April, A. D. 1864, we jointly and severally promise to pay to George Chrisman, or order, Three Hundred Thirty-seven and 63/100 Dollars, in good, clean gulch gold, at current rates, without discount or defalcation, with interest at the rate of 10 per cent per month, for value received.

SKINNER & LUTZI.

This carried as security the building just west of the Goodrich House. (See illustration.)

One of the first trials for ownership was recorded as follows: Called meeting Saturday, October 20th, 1862, wherein Joseph Clark was plaintiff and Porter was the defendant. Trial for right of ownership to claim No. 6, above discovery, occupied by Areighi and Harby. Division being called for, plaintiff received 40; defendant 25. Case decided for plaintiff.

John Crits, the man who came west with the father of the author, claimed Lot No. 3, West Side of First Cross street in Bannack, November 25th, 1862. John was killed in Virginia City the next year by a cave in his mine.

Miners' Meetings.

Report of Committee on Arbitration. Independent District, March 19, 1863.

We, the committee, agree to decide that the disputed ground between C. M. Davis and Tood, McCable & Co., be equally divided, and that the lines be measured and run from Discovery on the front and back ends of claims, down to the claims to make them parallel with discovery.

J. B. SPENCER. D. K. BUTLER. JOHN FERGUSON.

Recorded March 20th, 1863.

M. H. LOTT, Recorder.

At a meeting held on Jimmie's Bar, Independent District, March 12th, 1863, we find the following:

Sec. 21. "Resolved that no lawyer, counsellor or attorney, shall be allowed to practice, plead or act in the capacity of an attorney before the court in investigating a dispute in this district."

Toll Bridge.

Know all men by these presents, that we, Lewis D. Irvin, Fred Burr and James Minesinger have claimed, staked and pre-empted, for the purpose of building a bridge across the Big Hole River, at the present crossing of said river, to Deer Lodge Valley, from Grasshopper Creek. The said bridge will be completed in good time for travel. Taken October 18th, 1862. (Afterward Brown's bridge.)

On January 28th, 1863, Henry Eagan, Barney Hughes, George Orr, R. McLeod, Lewis Simmons and William Sweeney, sold their claims to Butz and Peabody, for each claim — \$250.00. Most of these men were of the Fairweather party. I do not know why McLeod did not go with them. The sale was made to give them funds for out-fitting for the Yellowstone trip.

Settling a Partnership Quarrel.

Whereas, Gilbert Durand and Joseph Verger Suprenant, both of Bannack City, have been formerly partners, and a difference has arisen about the settlement of affairs, and the disposal of partnership property — they and

History of Southern Montana

each of them hereby agree that the entire matter shall be referred to three referees. E. R. Purple, chosen by Gilbert Durand; P. C. Wood chosen by J. V. Suprenant, and a third to be chosen by the other two. All the business matters of said firm to be submitted to said referees, for final settlement, and also the disposal of Company property, to be decided fully by them. And we bind ourselves, each for himself, to abide by and carry out the decision of said referees, fully in all matters, both as regards partnership and present business, so as to make and conclude a full and entire settlement of all matters between them in any and every way. Signed this 2nd day of April, 1863.

JOSEPH VESSER RUPRENANT,

GILBERT DURAND. His (X) Mark.

Witness: H. P. A. SMITH.

Under the agreement, we have chosen C. M. Davis as third referee in matter within mentioned.

E. R. PURPLE

P. C. WOOD.

Recorded April 4, 1863.

Findings Were as Follows.

The undersigned arbitrators, in the matter of difference between Gilbert Durand and J. V. Suprenant, find and award as follows, to-wit:

That the said co-partnership property, now on hand, amounts to \$1,871.38. That the net receipts of the co-partnership, since its existence, is \$744.45. The value of outstanding credits, \$50.00. That J. V. Suprenant's indebtedness to Gilbert Durand is \$1,141.55, and we hereby award to Gilbert Durand, the entire property of the co-partnership, of whatever name and description, together with the whole outstanding credits of the co-partnership, and we find that J. V. Suprenant is indebted to Gilbert Durand in the sum of Thirty-three 66/100 Dollars, for which amount we judgment against said J. V. Suprenant and in favor of said Gilbert Durand.

E. R. PURPLE.

P. C. WOOD.

C. M. DAVIS.

April 4, 1863.

Martin Barrett relates the following, to-wit: That fellow Durand was called a tough citizen, but he treated me mighty well. I bought a wagon from him, for which I was to pay \$125.00. I gave him my sack, and he weighed out what I supposed was \$125.00. When I got home, I weighed. my dust, and found it \$150.00 short. I returned to Bannack, and called Durand's attention to it, and he gave me back \$150.00.

Mrs. Martin Barrett and Mrs. Philip H. Poindexter planted the first dandelions in Montana, the spring of 1868.

Mrs. Barrett tells that her first wash day on the ranch was a surprise to her. The boys, Joe and Mart, had not taken very kindly to the wash tub, so had accumulated a great heap of soiled material, which they had thrown under the bunk. Her surprise was the finding of \$1,200.00 that had been placed there for safe keeping.

First White Child Born.

The first white child born in Bannack was born in December, 1862, to the wife of B. B. Burchett. His father, being a southern sympathizer, named him Jefferson Davis; but as the fortunes of war were against Jeff he changed the boy's name two and one-half years later to Thomas Jefferson.

This was from Edwin R. Purple to Col. Sanders. He had sent, in 1875, a list of the people in Bannack prior to January 1, 1862.

Women in Bannack,

Arnold, Mrs. W. S.; Ball, Mrs. Smith; Biddle, Mrs. Dr.; Burchett, Mrs. B. B.; Burchett, Miss Mary; Bennett, widow and young daughter; Buckner, Mrs. Hank; Burchett, Miss Sallie; Brown, widow; Caldwell, Mrs. Thos.; Castner, Mrs. J. M.; Carroll, Mrs.; Caven, Mrs. J. B.; Dalton, Mrs.; Dalton, Miss; Donnelly, Miss Mary; Dalton, Miss Matilda; Davenport, Mrs. L. W.; Durgan, Widow Catherine; Hewins, Widow; Harby, Mrs. James; Kuster, Mrs. G.; Le Graw, Mrs. Frank (the Countess); Meredith, Mrs.; Peabody, Mrs. Susan; Roy, Mrs. Frank; Short, Mrs.; Tilley, Mrs.; Tyler, Mrs. H. T.; Waddams, Mrs. Wilson; Waddams, Miss Sarah; Zoller, Mrs. Henry; Zoller, Miss Emma.

At the Big Hole Bridge.

Burr, Fred; Coulan, James; Erwin, Louis D.; Minesinger, Jas. M.

The Big Hole, or Brown's Bridge, was built in the winter of 1862-3.

History of Southern Montana

Scholars of First School in Bannack — 1863.

Emma Zoller, Emma Cutler, Susan Burchett, Mary Teeters, Charles Van Camp, J. Edward Watson, Wright Prescott Edgerton, Matilda French, Wm. Jones, Henry French, Delia Cutler, George Burchett, Geo. Teeters, Jennie Bennett, Euphemia Van Camp, James U. Sanders, Mollie Dye, Margaret French, Pauline Edgerton, George French.

On October 19th, 1862, J. H. Morley, Mandeville Pitcher, Jule Morley got into their cabin. This is the first one we can find in the history of Bannack.

W. H. Bell was the first person to die in Bannack, November 2nd, 1862. Typhoid fever. Buried by the Masons. (See Langford.)

November 21st placer mines were discovered at Argenta. No good.

Morley speaks of cutting hay on the Grasshopper for his oxen, on December 9, 1862.

On December 20th Mandeville and Morley run a level for the Painter Creek ditch and found plenty fall. This was afterwards built by Smith & Graeter.

On Sunday, December 21st, a miners' meeting, called to pass the odious code of civil laws gotten up for benefit of a few pettyfoggers, but they were rejected by a two-thirds majority to adjourn until spring.

On December 22 about 20 men met in Morley's cabin to organize a town association to operate at Three Forks. Morley was elected chairman. Started for Three Forks, December 28th, 1862.

January 6th surveyed a townsite one mile below mouth of Gallatin River.

January 14th, 1863, Plummer shot Jack Cleveland.

CHAPTER XVIII. The Grey Horse.

I came to Montana in 1863, and, with Joseph Shineberger, located land at the crossing of Horse Prairie.

Sometime in the early part of January, 1864, I happened to be in Bannack and on the street noticed a dark, swarthy featured man, about 40 years old, riding a buckskin horse. I was riding an excellent grey gelding, famed for his speed and endurance. The party rode up and desired to make a trade. I could not consider anything of the kind, as good saddle horses were the only means for joy riders those days, and as mine was a good one I could see no reason for a swap. To give you an idea how good he was, I will say that I rode him from Virginia to Bannack, 75 miles, in six hours.

I was taking horses in and out of Bannack, as we were running a horse herd, almost every day. Coming in the next day I met Tom Pitt, who told me that he had bought a buckskin horse and that the fellow had taken his saddle on his back and started toward Horse Prairie, probably for Grey John. I found that it was an easy matter to track the fellow, as there was four inches of snow. I was mighty glad, when I got home, to find that Dave Melten, who stayed with me that winter, had put the horse in the stable. There was no door, only a log chain stretched across to keep stock in, as lumber was \$100 per thousand. The next morning it was cold! Forty below zero! when we started toward the willows to find the horse thief. We found his camp, saddle and blankets, but no man. We sent a hired man on top of a hill close by to watch. Shortly after the party came to the foot of the hill and wanted the man to come down and talk to him. Nothing doing. So the fellow came to camp, where we were waiting, and said he had lost his horse, said he could have killed us if he had wanted to, but only wanted a horse so he could get out of the country.

I told him I had tracked him from Bannack and would give him one hour to leave the creek. If I had known who he was I do not believe I would have been so brave.

I had a sore-back mule, not much good, which I traded for everything he had, saddle, bridle, blankets, etc., and a forty-five Colt's revolver. He did not want to part with the gun, at that time, but I was boss. He owed me \$25 on the trade and said he would be back in a few days and pay me. Not long after this Neil Howie came to my ranch with this fellow and stayed all night. (To be exact it was on January 8th.) Neil told me the man was Dutch John, and that he had overtaken him on the Snake River and would take him to Bannack. John told me to come to Bannack and he would pay me. For some reason I did not go in until the 12th and found out that I was too late to get my money. In a partly built frame house I found John still hanging to a joist with his feet about two feet from the floor, and in the same room was Buck Stinson and Henry Plummer. John had been shot in one shoulder some time before that and the curious would take hold of him and swing him around to see the bullet hole.

I kept the grey horse for some time and rode him with much pleasure, but in some way he got the mountain fever and became thin. I tried to sell him to the boys on the ranch for \$10. No one wanted him. One spring he got fat and I made up my mind to get rid of him. Wes Travis was a noted horseman, in those days, and had a large stable in Helena. I led John over there, behind a wagon and put up with Wes. He had heard of the horse and told me that he would give as much as any one else. He told me, however, to go and see a certain party and find out what he would give. I found the man and he said \$150. I went back to Wes and told him and he said: "No use, Mart. I wouldn't give you anything for him. He's had the mountain fever and will never be any good." It seems that D. B. Mason, of our county, happened to be in Travis' stable when I rode the horse out and he put Wes wise. Well, I couldn't sell him and so I started back for Horse Prairie. Stayed all night at Boulder, and when I went to the stable next morning found the old fellow dead. That was the end of Grey John, one of the most beautiful pieces of horse flesh I ever saw, and one that has become famous in Montana history.

CHAPTER XIX. First Meeting of County Commissioners in Montana.

Records of Board of County Commissioners of Beaverhead County, Idaho Territory.

April 4th. The Commissioners appointed J. M. Galloway, Justice of Peace in and for the County of Beaverhead by authority vested in said Commissioners to fill vacancy.

AMOS W. HALL, Clerk.

First meeting of County Commissioners for Beaverhead County held at Bannack City, Monday, April 4th, 1864.

Said Committee composed of the following named: George Chrisman, A. J. Smith and Elijah Moore.

Geo. Chrisman was elected chairman of said committee of Board of County Commissioners.

Matters of renting building for the purpose of Justice and Probate Court and various County offices; and a building was rented of Andy Lutzi at a rent of \$125.00 per month, payable in the orders of the County of Beaverhead.

The following list of fees was adopted by the Board.

Sheriff's Fees:

For serving any writ or notice not including of Subpoenas,
for the first person served \$2.00

For each additional person 1.00

For each copy of such writ or notice when required for each
one hundred words 3.00

Each commitment to prison 2.00

Attending before a Judge or Court when required. not at a
regular term of Court of his county for each day beside 6.00

Mileage one way per mile .75

Copy of any paper required by law for each 100 words .80

Serving and returning Subpoena for each person .50

Calling a Jury in each case .50

Summoning a grand or petit jury for each panel, including
mileage to be paid out of the County Treasury 10.00

Selling land or other property on execution or order of sale,
percentage on one hundred dollars or less 5%

Over \$1,000, or less than \$3,000 3%

Over \$3,000, and less than \$10,000 2%

Over \$10,000, and less than \$15,000 1%

Executing a deed for land with costs of stamps and acknowledgment 2.00

For making inventory of property attached or levied upon,
per day 10.00

For each returned not served .25

For making arrest 2.00

Recorder's Fees.

For recording pre-emption mining claims 1.00

For recording deed per folio .30

After the first folio and for the first folio 2.00

A meeting of the County Commissioners of Beaverhead County was held April 20th, 1864, George Chrisman, in the Chair. The matter of a bridge across Grasshopper Creek, near the residence of Judge Edgerton, in the town of Bannack, was considered, and action taken toward issuing sealed proposals for bids for the construction of the same. Specifications for the bridge as follows:

Four stringers that will square nine inches, with a framed and braced vent under the middle. The west end to

History of Southern Montana

be cribbed up, two feet above the present bank. The east end to rest upon a sill, properly and firmly embedded in the bank. The bridge to be covered with poles, hewed square four inches thick, with pole on each end of the top of bridge that will square six inches. Each pole used in covering the bridge to be firmly pinned at each end. Also, the poles on each end of the bridge to be firmly secured. Said bridge to be 12 feet wide in the clear. The timber to be used in construction of the vent under the middle of the bridge to be of a size that will square ten inches. The road to be properly leveled at the east end, and properly graded and filled up at the west end of the bridge, by the party contracting to build the same.

It is ordered by the County Commissioners of Beaverhead county, by the power vested in them, by act of the Legislature of this Territory, that the road running from the upper extremity of the Town of Bannack, to the lower or eastern portion known as Marysville, be declared a county road, and protected as such for the public benefit.

A resolution was passed by this board to purchase the jail built by the city council of Bannack City, for the sum of \$500 in scrip, of the County of Beaverhead, for the use of said county, and the scrip ordered to be issued for same.

May 19th, at this date, the building rented of Andy Lutzi, was given up by the Commissioners of Beaverhead County, on the ground that the rent was too high.

April 26, Articles of Agreement entered into between C. O. Trask and the County Commissioners of Beaverhead County, as follows: Said Trask agrees to grade a road commencing at the hill near Estes Feed Stable, running up and near the creek to the top of the bank above the upper bridge; said road to be seven feet wide, solid ground, and the upper bank grade to be 40%. Also to leave road from the first bank on the south, and west side of upper bridge, with side logs, and to make a good road in the bank from the upper bridge to the dug road, the whole to be done in good order subject to inspection by the Board of County Commissioners for which we, the Commissioners, agree to give him twelve hundred dollars in county scrip; work to be completed on or before the 20th day of May, 1864.

May 15th. The above road was examined by the Board of County Commissioners, and county scrip ordered issued to C. O. Trask, for building solid road. Amount of scrip issued May 1st, 1864, (\$1,200.00) Twelve Hundred Dollars.

AMOS W. HALL, Clerk.

A special meeting of the Board of County Commissioners according to notice, was held at this date. George Chrisman in the chair.

The usual bond was presented to the Board of County Commissioners, from J. M. Galloway, acting Justice of the Peace, and approved.

Action was taken by the Board with reference to the amount of bonds received of Henry Zoller, Treasurer of Beaverhead County, and said amount was fixed at the sum of Four Thousand Dollars.

These were the first meetings of County Commissioners in Montana. They simply are recorded to give the curious facts, from a historic standpoint. If they are of interest to one person, I will feel satisfied.

One fact in history is worth much more than pages of stuff that is a matter of hearsay.

Governor Edgerton.

First Governor of Montana.

Born in Cazenovia, N. Y., August, 1818.

He was a frail child and for some time his life was despaired of and his grave clothes were made ready. His father died when Le was six years old, leaving his mother with six children to care for.

In those days there were few occupations open to women. She worked night and day over her loom and with her needle to keep her flock together. At last she came to the end of human endurance and her boys, one by one, were forced to leave home. At length it was Sidney's turn, and the eight-year-old boy set forth to match his strength against the world. He started out manfully enough, but his heart failed him before he had gone far and he turned to look back to his home. There in the doorway stood his mother watching him, with a brave smile on her lips. With an answering smile the little fellow faced about and went on his way reassured.

There followed years of hardship. He attended district school, where he worked for board and tuition. Later, at the academy at Lima, N. Y., where his cousin, Prof. Seager, was instructor. Books were not plenty. He read the Bible, Pilgrim's Progress and Pope's Iliad.

In 1844 he went to Alkron, Ohio, where he entered the law office of Rufus P. Spalding, as a law student,

History of Southern Montana

although all the money he had was three dollars.

That winter he taught the academy at Tallmadge, Ohio, following spring he went to Cincinnati, where he studied at the law school for a year. He began the practice of law at Akron, in 1846. He married Mary Wright in 1849. May 31st, 1864.

He was elected Prosecuting Attorney on the Free Soil ticket in 1852, and in 1856 was one of the members of the convention which formed the Republican party. The same year he was nominated for Probate Judge but declined the nomination. He was elected as representative to Congress in 1858.

He tried to get to Harper's Ferry to see John Brown at the request of Brown's brother and son, in order to arrange some business matters, but was stopped by the soldiers.

In 1863 was appointed Chief Justice of Idaho, and was expected to go to Lewiston, the capital.

Left Akron on June 1st, 1863, accompanied by his family, his nephew, Ex-Senator Wilbur Y. Sanders, and family, and two or three gentlemen who wished to seek their fortunes in the West.

Outfitted at Omaha. Unyoked their oxen on September 17, 1863, on Yankee Flat, Bannack.

An Incident.

Shortly after arriving in Bannack the Judge strolled down Main street to see the town. Coming to a building where Miners' court was in progress he went in.

The Judge, seeing Edgerton was a stranger, invited him to sit by him. The trial of the case proceeded, but not for long, when it was interrupted by the suggestion of someone present that it was time liquid refreshments should be served. The Judge and everyone present approving of the suggestion, an old darkey was dispatched to a neighboring saloon for whiskey. On his return the court took a recess and a drink, several of them in fact.

At a meeting of the citizens of Virginia and Bannack, some months later, Judge Edgerton was selected to go to Washington to secure a division of the Territory. He took a lot of gold with him as an exhibit.

Was appointed Governor of the new territory in 1864.

Went East in 1865 in the interests of Montana. Left Bannack in September and made the trip back to the States with a mule team.

Took up his residence again at Akron where he died on the 19th day of July, 1900.

Judge W. Y. Pemberton says that Sidney Edgerton was a very bitter partisan, and scored his opponent while on the stump, but that he was an exceedingly honorable gentleman and one who would fight for the right, as he saw it, and was generous enough to give due credit to those who did not believe as he did.

First Idaho Legislature.

First Idaho Legislature convened December 7th, 1863.

Council from what is now Montana — A. J. Edwards, Wm. Rheem, Horace Joseph Tuffs and H. C. Miller. Rode Horseback; came back via San Francisco.

Election October 31st, 1863; \$4.00 per diem during attendance at sessions thereof. Greenbacks were 50 cents on the \$1.00. Meals \$1.00 to \$1.25 in gold. Many brought their blankets and slept where they could.

First Legislature.

The first Legislative Assembly of Montana convened at noon, Monday, December 12th, 1864.

Council called to order by Judge L. P. Williston.

House called to order by the Governor, who informed the members that it was necessary that they take the oath of allegiance to the United States. The iron-clad oath went down with the council, with but little delay or grumbling. In the House, however, the case was different. Mayhew, McCormack and Bell, each had his say. An estray from the council, slightly spiritously obstructed, got into the wrong pew; had suggestions to make, was called to order by McCormack; retorted by accusing McCormack of being ambitious of the Speaker's chair and finally subsided.

The Governor was not only imperturbable, he hinted to the gentlemen in a mild way the anarchy that would follow if the Assembly should fail to take the necessary preliminary step to organization. This did not move them. Then there was the most distant insinuation that the law allowed no one to be paid who did not swear allegiance to the government that paid them. This touched the Madison County delegation in a tender place, and with such wry faces as a patient makes who takes distasteful purgatives, and such contortions as one would make after over-eating turkey-buzzards, they swallowed the "iron-clad" without mental reservation or evasion.

This done, temporary organization followed without difficulty, Judge Anson S. Potter, being elected

History of Southern Montana

temporary president of the Council, and Mr. Geo. Detwiler temporary speaker of the House.

Rogers of the House dictated an oath which he said he could take and not turn his stomach, even if it did trouble his digestion. This "iron-clad oath" was not only in the way of Rogers, but Pemberton did not think it would agree with his stomach, and, like the sensible man he usually is, refused to compromise his friends by accepting one of the chief clerkships. Rogers resigned.

President of the Council was R. Lawrence. Speaker, George Detwiler.

Governor White.

It is said that he was the direct descendant of P. White, the first child born in Massachusetts after the landing of the Pilgrims.

He was born in New Bedford, Bristol County, Massachusetts, December 3rd, 1838.

Attended Pearce Academy of Middleburg.

As a boy he was independent.

I have been told that he made up his mind to leave home at the age of sixteen without the consent of his parents. That he could see, some place in the future, the rosy side of a cloud, then, of his mind, dark; that he could make, without assistance from his father, a success, must have been the idea that led him to take advantage of the first ship that could lead him into new pastures and into strange lands.

So the old ship Kathay took on board the boy who was ambitious for adventures. He went to Sidney, Australia, for his first experience, and the second trip took him to San Francisco in 1856.

Too much excitement in that place for a boy like White, so he quit salt water and went to fruit farming. He studied law while caring for the fruit.

He left California in 1866, and went to Malad, Idaho, where he was admitted to the bar in 1868.

Was elected on the Anti-Mormon ticket, clerk and recorder of Oneida county. One of his first ventures was the manufacture of salt secured from Salt Springs located in the mountains 100 miles north. The salt found sale in the mines in Montana at a good price for years, or until the railroad was constructed. The Governor followed the railroad to Montana, and was one of the incorporators of Dillon townsite.

He became the first mayor. In the early days of Dillon, Sebree, Ferris and White were factors. They started the bank since known as the First National. The charge of the institution was placed with White, and he has no doubt conducted it in a peculiar manner. He studied men and conditions and loaned men money according to his own idea as to their ability to pay. No mortgage was taken, and no man was on your note. The old gentleman was very inquisitive as to your intentions and found out from every source possible the manner in which you conducted your business. If you played a little poker, drank a little too much whiskey at times, he knew it, but if you were playing fair with him he said nothing about it to you, though he might say something about it to your neighbor, from whom, probably, he had become acquainted with those very shortcomings.

I do not consider that the Governor was a public spirited man. He was too careful for that. He acted as a safety valve to keep darned fools from blowing up the boiler.

He could accumulate money which he loaned to men who would build up. Few men of Beaverhead county who have amounted to anything can say that they were not helped in some way by B. F. White. He was level-headed, careful, not too courageous when it came to loaning money. Many, many men owe this man much for the help he has extended them. Big Hole Basin was assisted materially by him.

Sentiment is foreign to his nature. To mix sentiment with business is the folly of the fool, because money is needed to conduct the affairs of men, not to close the wounds of broken hearts, dry the tears of widows, or feed the hungry orphan. Not too good nor too bad — just a man.

The time came when B. F. White was appointed to fill the position of Territorial Governor by President Harrison. This was just before statehood. As he was the last Governor of the territory, he may be considered the first Governor of the state, because he was such half a day before Governor Toole took his seat. This may be technical, but I guess it is the truth.

Married, February 14, 1879, to Elizabeth Davis, who was born in England, to whom four children were born: Carrie, Emrys, Ralph and Greta.

CHAPTER XX. ALDER GULCH

Bill Fairweather.

Wm. Fairweather was a peculiar person. He was born in New Brunswick and started west at an early age.

Not enough is known of the early life of this truly remarkable man. He was not acquainted with fear. The rattlesnake was, to him, harmless, as in the story of Henry Edgar we find the following: "It was jointly through Bill Fairweather and Lewis Simmons that we were saved (from the Indians). I don't know how it was, but a rattlesnake would not bite Bill. When he saw one he would grab it up and carry it for days. They never seemed to resent anything he would do to them, and he never killed one. As we were going toward this Indian village he picked up a rattlesnake and just at the outskirts he picked up another. When the Indians saw him come in with a rattlesnake on each arm they were awed. He put the snakes in his shirt bosom and Simmons told the Indians that he was the great Medicine Man of the whites.

They took us into their medicine lodge, where there was a big bush in the center. They marched us around that bush several times and finally Bill said that if they marched him around again he would pull up the sacred medicine bush. They marched us around again and Bill pulled up the bush and walloper the Medicine Man on the head with it. We then formed three to three, back to back. We had refused all along to give up our guns and revolvers. The old chief drove the Indians back with a whip. They had a council which lasted from noon until midnight. In the morning we got our sentence. If we attempted to go on they would kill us. If we would give up our horses and go back we would not be harmed."

As I have mentioned in my "Story of Ajax" the Indians did not take Fairweather's horses. There can be but one way to account for this. Bill must be crazy! And a crazy man would be under the care of the "Great Spirit." Who, but a crazy man, would carry a live rattlesnake or pull up the sacred bush and strike the Medicine man? Yes, Bill was Crazy (?), but he made it work.

That Alder was discovered at all was due to the act of this leader, because a leader he was, of a pronounced nature.

As per Marshall's interview we notice the following:

Thursday evening, April 28, 1875.

At Douglas' Store saw W. Fairweather and obtained from him full account of the discovery of gold in Alder Gulch. A party, Fairweather, T. Cover, H. Edgar, B. Hughes, Sweeney, Rodgers, an old mountaineer (who fraternized with and remained among the Indians in the Yellowstone) started from Deer Lodge, intending to prospect some tributary of the Yellowstone. They crossed the main range by the Deer Lodge Pass, crossed the Big Hole and Beaverhead Rivers, traveled up the Pahsimmeri, struck across the Tobacco Root range at the head of Granite Creek, a tributary of Alder, passing within four or five miles of the richest and most extensive placer mines ever worked in Montana. Went down the Madison, turned east and crossing the Gallatin and the range lying between it and the Yellowstone, went down the latter stream two days' journey when they encountered a large party of Indians who stopped them and for two days detained them while making medicine over them to decide their fate, the old warriors being of the opinion that they should be turned back, and forbidden to attempt again to pass through that region in quest of the precious metals, while the younger warriors were for instantly killing them with all the horrors of fiendish tortures before, and scalping after death, which always distinguished the actions of the real savage Indians of history, though unknown to the Indian of poetry and romance, the noble savage of Longfellow and Cooper. The medicine proved favorable to the views of the older men and the party were turned back and, fearful of pursuit by the younger warriors, traveled with little rest until they came out of the mountains onto the Madison Valley, opposite the mouth of Wigwam Gulch, and recrossing the river and deeming themselves safe from pursuit rested a day on Wigwam and prospecting a little discovered a little gold, but not enough to pay. They then traveled up Wigwam some distance and crossing by the Lakes, discovered the gravel range on the head of Butcher and camping there for the night prospected a little but only found a few colors. The next morning they started to return to Bannack and coming into Alder Gulch near the Toll Gate opposite Fairweather Bar, Fairweather told the others, when on the hill, that, "If there wasn't gold there he wouldn't prospect another place till they got back to Bannack." When they reached the flat, just above the Toll Gate,

History of Southern Montana

Fairweather alighted and began to unsaddle. As they had only come five miles the others asked what he meant by stopping there. He replied that he was going to prospect and finally they called a halt and turned out their animals. As they made it a practice never to let them get out of their sight, when they had fed down the stream as far as Rogers' Bar, Fairweather started down to drive them back. As he returned up the creek he was all the time looking to see if he could find any place where the rimrock was visible and getting near the camp saw it sticking out for some two hundred feet on the bar opposite and since known as the Fairweather Bar, and taking a pick, pan and shovel he and Edgar started over to prospect the Bar, while the others got dinner ready. F. shoveled up a pan of the loose gravel which had crumbled down from the bank and Edgar took it down to the creek to wash it, and while he was gone F. picked the bare rimrock which is there a loose trap and taking up a piece saw it all sprinkled over with gold, and about the same time Edgar, who had washed the panful down enough to see the gold, shouted that he had got a big prospect, he thought \$5 or \$6. They washed three pans and returning to camp weighed it and found it to be forty–five cents. They had all claimed to be dead broke before this, but no sooner was it certain that they had discovered paying diggings than all the party, except Edgar and Fairweather, began to pull out purses which had before been carefully hidden, and declare that they had enough to buy grub when they should reach Bannack. They stayed five days and F. panned out \$160.

Interview between F. and Prof. Wm. J. Marshall:

When he found gold he did not value it. He used to ride up the main street of Virginia City and scatter gold dust right and left in the street to see the children and Chinamen scramble for it. What he didn't throw away he drank up and did not have money enough left to bury himself.

From 1868 to 1872 he prospected on the Peace River and in Alaska. Never contented — always a wanderer. He died at the age of 39, in 1875, and was buried in Virginia on the hill overlooking the stream that gave millions to the world.

Edgar said: “Bill was a fearless man, and an honest man, true to his friends and to his word. He never had but one fault, he would drink too much whiskey.

Bill died at Pete Daly's place, the Robbers' Roost. There is an iron fence around his grave with a gold plate bearing the following inscription, to–wit:

Wm. H. Fairweather, Captain of party who discovered Alder Gulch, May 1863.

Born at Woodstock Parish, Carlton County, New Brunswick, June 14th, 1836.

Died, 1875, at Daly's Ranch, Madison County, Montana, August 25th.

CHAPTER XXI. Alder Gulch.

As will be remembered, the stampeders, who were following the discoveries of Alder, went into a meeting on the Beaverhead River, in order to satisfy the boys that their claims, which had been located May 28th, would be guaranteed to them. That meeting must be considered the first one of the miners of Alder Gulch. It was the particular thing that was to help establish law and order in the gulch, to those who were willing to be governed by common sense, and was the only thing that could be done in order to get the information they so much wished — the destination of Hughes party. (This meeting was recorded in a book, once used at Clear Creek, Colorado.) So we find that the second meeting came on the 7th day of June, 1863, as follows, to-wit: “At a Miners' meeting held at the foregoing gold mines on Sunday, June 7th, 1863, Mr. Conley (one of the men that discovered gold in Big Hole), was elected President, and Dr. W. L. Steele, Secretary, and the following resolutions were passed:

- 1st. The center of the stream to be the line.
- 2nd. All former laws conflicting with the above resolution, be hereby declared null and void.
- 3rd. All claims must be represented today, except discovery claims.
- 4th. After today claims, represented today, hold good until 1st of July.
- 5th. A committee of five to be appointed to draft laws for our protection.
- 6th. That the President appoint the Committee.

The President appointed:

SAMUEL LIVINGSTON.

WM. L. STEELE.

JUDGE BISSELL.

COL. WOOD.

DR. SICK.

W. L. STEELE, Secretary.

“Vernon, June 12th, 1863.

The adjourned meeting from the 7th of June, met pursuant to adjournment. The committee of laws reported, and their report was accepted. The laws and resolutions reported were adopted by sections.

G. W. Emerick and Judge Bissell were elected Judges of Election, and Dr. Cox and J(ack) D. Alport were elected Tellers. Laws reported by the committee with amendments, as adopted by the meeting.

Your committee would beg leave to respectfully report the following laws for the consideration of the meeting.

1st. The name of the District shall be Fairweather.

2nd. The bounds of the District shall be all that portion of country tributary to this creek, to its junction with a creek, coming in from the east, some two or three miles below Rodgers' Bar.

3rd. The officers of this District shall be a President, Recorder, Judge and Sheriff.

4th. The President shall preside at all meetings of the miners of this District, and shall call a meeting of the citizens of this District, on the written application of any five claim holders, giving notice by posting written notices one day before said meeting, in at least three conspicuous places. The President shall also preside as Judge at all trials on appeal, from decision given before the Judge, and shall act as Judge, in absence of Judge.

5th. The Recorder shall keep a correct record of the proceedings of all meetings, and shall record all claims and deeds presented to him for that purpose.

6th. The Judge shall have power to try all cases brought before him, and shall be governed by the laws of the District, and the common laws of the land.

7th. The Sheriff shall have the same powers as the same office has in the States.

8th. We hereby re-affirm the proceedings of the two previous meetings, and the doings of those two meetings shall be part and parcel of these laws.

9th. Every person may hold, by pre-emption and purchase, two creek, bar hill and lode claims, and no more,

History of Southern Montana

but no person can pre-empt more than one of each kind, except they be purchased by an administrator — then any person can hold more than that number.

10th. A person working any claim in the District, it shall be considered as representing his whole interest in District, if said claims are recorded.

11th. Bona fide partners working a claim, represents the interests of the entire company.

12th. Discoveries of lode claims shall be entitled to one claim as discoverer.

13th. Lode claims shall be 100 feet along the lode, and 25 feet each side.

14th. Sufficient water shall at all times be left in the creek for the purpose of mining said creek.

15th. Any person shall have the right to carry water across the claim of other persons, for mining purposes.

16th. No person or company shall be entitled to more than one sluice head of 10 inches of water, unless it does not conflict with with the interests of any other person.

17th. On and after the first day of July, 1863, every person or company, shall represent his or their interests by three full days' work, in each week, except Lode claims, which may be held as real estate for one year.

18th. In all cases of trial before the President, or Judge, either party may call a jury to be summoned by the Sheriff. The party calling for jury, to deposit fees for same.

19th. Priority of right shall always govern the decisions of the Court.

20th. For presiding at any trial, the Judge or President shall receive \$5.00, and the ordering fees for all papers.

21st. Recorders' fees shall be 50c for pre-emption, and one dollar for all transfers, bills of sale, etc.

22nd. Sheriff's fees, same as Bannack City fee bill.

23rd. No slaughter house to be allowed within 80 rods of the creek.

Art. 3rd. is amended thus: That all officers shall hold their office for six months, or until their successors are elected and installed.”

Whether there were any more laws or not, I do not know, as some curio hunter has cut out the next page.

Dr. Steele was elected President. Henry Eagan, Recorder, and James Fergus, Deputy, and all records are in the hands of Fergus.

The gulch was to become filled with people, from every mining section, and probably, no place has ever had such a teeming, thriving crowd, as gathered there in two years. Towns were laid out, up and down the gulch, for ten miles — Junction, Adobe Town, Nevada, Central, Verona, Summit, and there may have been more — at least one. The first one to be recorded, but of which I can find no old-timer who can remember, was laid out as following description:

“Fairweather District: Idaho Territory, June 15, 1863.

This is to certify that we, J. C. Lyon, B. S. Peabody, John Bigler, J. M. Galbraith, C. P. Hall, B. H. Hamilton, P. C. Wood and Samuel McLean, claim 160 acres of land for Townsite, to be called and known by the name of Placerville. Said quarter section is located on the bar, or bars back of the mining claims, owned by Steel and Company, and J. M. Wood's claim. The center of which quarter section commences at a ravine or gulch, that crosses the road between Wood's and Steele's claims; running from there one-half mile up the creek, east, or near it, and one-half mile down the creek, or west, and from said stake, onequarter of a mile southwest, and three-quarters of a mile north, making a square of one hundred and sixty acres.

To have and to hold for a townsite, and be known by the name of Placerville, to have and to hold the same, June 15th, 1863.”

Recorded June 17th, 1863.

And the Verona Townsite Company claims 320 acres of land, for town purposes, bounded and described as follows:

Beginning at a stake at the mouth of Spring Creek, at its confluence with Alder Creek, and running thence up the center of Alder Creek, one-quarter of a mile; thence at right angles to a straight line, up the creek, in a northeasterly direction, one-half mile; thence at right angles in a northwesterly direction, one mile; thence at right angles in a southwesterly direction one-half mile to the creek; thence up the creek to the place of beginning.

F. R. MADISON.

R. H. SAPP.

T. W. COVER, et al.

History of Southern Montana

Recorded June 17th.”

They gave no date in this notice of the time of pre-emption, but it was prior to Placerville, which was recorded first.

Mines.

On March 5th, 1864, Henry Edgar sold for \$7,000.00 his interest in mines and ditches, to Cover, Hughes and Fairweather, and on the same day, he sold to Cover his interest in butcher shop, corrals and eleven head of cattle, for \$1,000.00.

T. W. Cover, H. Edgar, Wm. Fairweather and Barney Hughes, claim 400 feet on Fairweather Bar, and 400 feet on Louis Bar, as discovery, and pre-emption claims. These claims are held by us, by right of original discovery. They were further guaranteed to us at a public meeting held on the way from Bannack, and our right to them finally sanctioned by law.

Taken May 28th, 1863.

Recorded June 17th.

William Sweeney, one of the original six, claimed the discovery claim on Sweeney Bar, and No. 8 below on Covey's Bar, May 28th, 1863, and Henry Rodgers claimed two claims on Rodgers' Bar, on May 28th, 1863.

While many different places bore local names from their discoverers, probably no bar became more famous than “Bummer Dan's.” This bar was very rich and has the appearance of having been more extensively worked than any other. How much money was taken from this bar, I do not know. My information certainly gives one a chance to use his imagination. One of the old timers said \$800,000. The other \$5,000,000. Dan McFadden, for whom the bar was named, was well known as Bummer Dan. He no doubt sponged so many meals that the name was well applied. He figures, as the reader will remember, in at least one hold up, near Spring Gulch, where the stage was robbed. History does not give much account of his character, who could have become much more than a bummer, had he saved his money.

The first quartz claim was the Dumphy, by Liga Dumphy, February 1st, 1864. Our old friend, William Sturgis, we find, has become busy, and claimed for water privileges, one-quarter of a mile below and three-quarters of a mile above the fork of Granite Creek (a stream that run into Alder about two and one-half miles below Verona), when he made improvements June 12th, 1863.

CHAPTER XXII. Ranching.

And then C. Griswold and W. A. Clark came and claimed 320 acres of land for ranching purposes, and described as follows:

“Commencing at crossing of Granite Creek, thence up said creek one-half mile from said crossing, and down one-quarter mile, and running up Alder Creek at right angles, with Granite Creek, far enough to include 320 acres, June 10th, 1863.”

The Stinkingwater District.

Began at the Big Hole, and ran up the Stinkingwater as far as the Canyon on Alder.

March 19th, 1864, Branstetter and Robert Dempsey took ranches. They were located on Stinkingwater (Ruby) near the mouth of Mill Creek. From that time on, many more places were taken. Of course, these men, as well as others, have squatted on land in that vicinity; as Mr. Chas. Beehrer says that Mr. Redfern had located in 1863, on Bevins Gulch, and had raised potatoes that year, and sold in Alder Gulch, for \$1.00 per pound Redfern later planted fruit trees, and was one of the first to raise fruit in Southern Montana.

As early as 1857, Andri Trudeau, a Frenchman, had come to the valley as a trapper. Trudeau is living on a ranch about ten miles above Alder, at this time. (The rifle that he used is the old-fashioned muzzle loader, and it cost him \$175.00. It is now in the show window of J. E. Chambers, in Virginia City. There has not been any other gun that has been kept in the County of Madison for so many years. Chambers also has two six shooters that were said to have been the property of Jack Gallagher and Club-Foot George Lane. One of these is cut off short, and belonged to: Jack.) But even before Andri, there had been other trappers, as James Gammel told, that he had camped where Virginia City is, on the 12th of January, 1852, or eleven years before William Fairweather and party found the first gold. Gammel was evidently not a prospector, or he might have found the treasure.

We also know that Jack Slade had taken up a piece of land; in fact, two, one on the Madison, which he called “Ravenwood,” and one in a gulch, seven miles from Virginia, where he was living at the time he was hung, on which he built a stone building, which is now in existence. My idea is, that Slade must have only used his place for raising or caring for stock.

We are told that Ray Woodworth was the first man to farm in the Madison Valley. John F. Bishop said that he met Ray in Salt Lake, May 1st, 1864, and that Ray got up to the ranch early enough to raise vegetables, for which he received \$4,000.00 that fall in Virginia City. Woodworth also raised the first grain in the county, or in Southern Montana, as near as I can find out.

CHAPTER XXIII

The first meeting of County Commissioners of Madison County was April 22nd, 1864. Present, James Fergus and Frederick Root. Samuel Stanley, absent.

The first business was the appointment of Clerk. R. M. Hagaman was appointed, and sworn in.

There being a vacancy in the Sheriff's Office, Robert C. Knox was appointed to fill that position.

The board proceeded to divide the county into precincts. It was ordered that all that portion of Alder Creek, and tributaries, above the upper line of Highland District, shall be known as Precinct No. 1. And they proceeded to form several more, as they were needed, in those days, for the convenience of the thousands of men who wished to vote. (Speaking of voting in those early days, Mr. Senate, of Sheridan, told me of the following occurrence. A Colonel Nelson, whom Mr. Senate thought was the late Colonel Nelson, of Kansas City, had made himself so objectionable to some of the southerners, that they said he should not vote. The Colonel was open to conviction and placed himself in line to cast his vote. He found that there was a double line, that extended for some distance from the voting place into the street. In order to vote, the Colonel must go through this line. As soon as he got nicely started, they began to kick him, and continued their sport until he was kicked through the line, and past the ballot box, without taking time to vote.)

The first Justice of the Peace appointed was Clitus Barber. First Constable was Neil Howie, who became first Deputy sheriff, and later on Sheriff. T. C. Jones was the first Probate Judge.

Clitus Barber did not qualify. The people of precinct No. 1 petitioned the Commissioners for the appointment of Justice of the Peace, and Constable. W. A. Shroyer was appointed Justice of the Peace, and Dave McCranor, constable. The first bill presented for payment was board for Culberson and M. Gary, confined in County Jail, for \$84.24. Allowed.

First Court House.

The Commissioners signed articles of agreement with W. F. Sanders for the rent of said. Sanders' house, on Idaho street, for one year, to be used as a Court House, and to be paid quarterly, in advance, at the rate of \$1,200.00 per year. Said agreement filed with Clerk, and said payments to be made in orders on the County Treasurer.

June 7th, 1864.

We find a letter from W. C. Rheem, of June 7th, 1864, District Attorney of Third Judicial District, that Dr. Smith had been appointed County Clerk, and qualified, but that his continued absence had caused a vacancy, which had been filled as above stated, by the appointment of Hagaman. This letter had been written to the Commissioners, as advice, because it appears that Smith had come back, and desired to oust Hagaman.

On June 19th, 1864, N. J. Bean, the first assessor of Madison County, resigned on account of ill health. He had been appointed by the Governor, and from that, we must assume that all of the Territorial officers were appointed in that way. J. J. Hull was appointed to fill Bean's place.

Sealed proposals for building county jail [Note: James H. Morley's diary says July 16, 1864, a collector came up the Gulch to "stick" us for \$4.00 for money for a \$5,000 jail.] were opened June 21st, 1864. Following are the bids and bidders:

M. D. Leadbater \$4,475.00

R. C. Knox \$4,767.00

R. M. McKinney R J. W. Wilson \$8,500.00

Z. M. Dumphy \$4,674.00

Griffeth R Thompson \$5,800.00

Mr. headbater failing to appear and. give surety, for building of the jail, the contract was awarded to E. M. Dumphy, for the sum of \$4,674.00, to be paid out of the first moneys that came into the County Treasury, not otherwise appropriated.

N. J. Davis was Treasurer of Madison County, in those days.

On August 18th, the jail was accepted as far as completed. They, on that date, agreed to allow Dumphy \$5,000.00 in all, the extra money for a few extra things, and did pay him \$8,500.00, and had paid him before

History of Southern Montana

\$1,000.00.

J. L. Corbett was appointed first County Surveyor, and in 1865, Jesse Armitage was the County Assessor.

We find that May 7th, 1866, B. Cantrell became a County charge, and was allowed \$20.00 per week for his support.

The first matter for probate was the petition of Maria V. Slade, on April 14th, 1864, for the probating of the will of J. A. Slade. Mrs. Slade did not appear, having left the Territory, taking the will with her and probably \$7,000.00 or \$8,000.00 in valuables.

The second matter was the estate of John White, the discoverer of Grasshopper, April 29th, 1864.

Henry Coppock, being duly sworn, deposes and said: I know John White, by sight. I went with Mr. Temple to White Tail Deer Creek, to bring his body to Virginia City, for burial. We found the body, he had died from effect of wounds. We brought his body from where we found it, to my camping place, and kept it there about four days. I saw his body searched for papers, and other things. No will was found on his person, and no property of any value, or money.

John Temple, sworn and says: I was well acquainted with John White in his lifetime. I saw him at Virginia City, about the first of February, last. After I heard of his death, I went with Coppock to bring in his body for burial — found the body and recognized it. While at Virginia City, he boarded, and was out prospecting, at the time of his death. I don't think he left a will. If he had, I should have known it. I understand he was a married man, but don't know them (presumably the family).

John M. Fletcher sworn and says: I was well acquainted with John White for the last four years. He had a wife and child living in Illinois. The child is about five years old. He had, at the time of his death, two horses. He had a one-third interest in a mining claim, in Bannack. I should say his interest was worth \$100.00. I heard him say he also had a quartz lode in Bannack. He had no relatives in this country, or part of the country. The horses are worth \$75.00 each. He owned lode claims in Colorado, in Park county. Don't know what they are worth. Know of no other property.

This rung the curtain down on the last act of John White, the man to put the Montana miners before the people, in such a light that they became known to so many, that other hardy fellows cast their lots with the early prospectors, and helped to form the Treasure State. We can't predict what White might have become, had he not been murdered on White Tail.

It is evident that Mrs. Slade came back to Montana, as we find the following:

This is to certify that the undersigned, Chief Justice of the Territory of Montana, did, on the evening of the 22nd of March, 1865, at Virginia City, in said Territory, unite in marriage, James H. Kiskaddan and Maria V. Slade, with their mutual consent, in presence of Annie Stanley and Oliver Sweet.

H. S. HOSMER.

This man James Kiskaddan was somewhat of a dreamer, as the following matter shows E. P. Lewis, James Kiskaddan and Wm. Chumasero, on the 24th day of December, 1864, incorporated the Missouri River Portage Co. Object was to build a wagon road and eventually, a railroad, “commencing at a stake now standing near the mouth of Highwood Creek, below the Great Missouri Falls, and running around said falls, to another stake, just above said falls. The distance from stake to stake being about 12 miles. To charge such tolls upon said road as may be agreed upon, by above named corporation, etc., etc. Capital stock shall be \$500,000.00, 5,000 shares, of the value of \$100.00 each. Time of existence of said company shall be fifty years. Principal place of business, shall be Virginia City, Madison County, Montana.”

These men felt that there was a possibility of navigating the upper water of the Missouri, anyway, as far as Three Forks, as a city had been laid out by such men as Gov. Hauser the year before, on the Gallatin. They did not take into consideration, that the capital would be taken from Virginia, and that Last Chance Gulch would be found before another year should pass. They could not know that the navigation of the Missouri was only an idea that had entered the minds of Lewis and Clark, for lack of knowledge of conditions that would arise at a future time — when they themselves had been asleep for years.

Lewis Kiskaddan and Chumasero, played their parts, and lived in “Day dreams” of a greater state of Montana, which they would help establish. Chumasero did live to see the falsity of his expectations, and did help to build up Montana, not in poor old Virginia, but in the new camp, on Last Chance Gulch, Kiskaddan returned soon after his marriage, to Salt Lake, and probably used some of his ability there. I can find no trace of Lewis.

History of Southern Montana

[Note: There are people in Montana who will tell you that Maud Adams, the great actress, is the daughter of James Kiskaddan. If she is, she is not the daughter of Mrs. Slade. My information as to Mrs. Slade's ultimate end leads me to believe that she must have become divorced from Kiskaddan and ended her life in Chicago, in quest of pleasure of a forbidden nature.]

CHAPTER XXIV. Charles Beehrer.

“I was born in Stuttgart, Germany, on the 4th day of December, 1836, and came to America, where I landed in New York City in the spring of 1855. I went at once to Ann Arbor, Michigan, where I remained but a short time, as I got the gold fever, and went to Colorado, where I worked in the mines for two seasons, in Galena Gulch, in the southern part of the Territory. In the fall of 1862, I made arrangements with some of the young men to go to Idaho. There was no Montana in those days; so I bought a pair of mules, but the Indians got so bad that they burned the stage stations and made it such a serious matter that I told my partner, whose name was Myers, that I was willing to go if he would leave his wife in a safe place. She would not listen to such an arrangement, so I sold my mules and made up my mind to stay a little longer in Colorado. We had intended to go to Idaho and make beer, as I had learned two trades, brewing and coopering.

That summer I met two Texas men, and they wanted me to go down to Arizona with them. They claimed that the Indians had stolen 800,000 sheep and large herds of cattle, which we could get, if we could only secure men enough who were willing to take a chance. If we could only get this stuff into Colorado, we would sell and divide the money. Of course, you know this would look pretty good to any young person who was willing to take a chance, because taking this stuff away from Indians could not be considered wrong. I did not really tell them that I would go, but that I might see them in Denver. All I had was a good revolver and rifle. I had neither horse nor money. They told me I did not need money.

One of these Texas men had a brother who lived down on the Platte river, twenty miles below Denver. So when I got there, this man, who was an honest fellow, said to his brother, “You had better not take this boy in your gang,” and he turned to me and said, “You had better not go. You don't know what kind of men they are.” He told me they were highway robbers. I replied that I did not believe it, and that I would go and see the camp. So I went over to the camp about seven or eight miles, and I walked down and counted the horses. There were 48 men in camp besides myself and two were out some place, and there were only 46 saddle horses. So I said, “Boys, I can't go with you.” And they wanted to know why, and I said, “There are only 46 horses and there are fifty of us altogether.” They replied that that was all right; that they could pick up horses enough at the first ranch they came to, and that I should go. I told them no. Then they threatened to kill me, and told me I had to go. I repeated that I would not go, and that if I had done anything for which they thought I should be killed, to go ahead, as I would not go with them. I went to these men from Texas and had a long talk. They told me if I would make a solemn promise not to tell, they would let me go. I remember that there were men in that bunch that I saw afterwards, in Montana. Dr. Glick was one of them, and also John Wagner and Jack Gallagher. I came back by the ranch of the man who had told me not to go, and he was surprised to see me. He asked me what was the matter, and I told him they did not have horses enough, so I decided not to go. He remarked that I was a most fortunate young fellow to escape alive from that bunch.

I saw Dr. Glick, John Wagner, Jack Gallagher, John Heffner and Wilfert, among others, again in Montana. It was on account of finding such men as Wagner and Gallagher in the outfit that caused me to take but little stock in them, and was one reason why I did not go.

Shortly after I left there, they captured a government train that was loaded with supplies for Fort Collins. An assistant wagon boss brought the news to Denver, and Capt. Weis went out with a Company of cavalry, and brought them to Denver and put the whole gang in jail, but they had some friends who let them out, and they scattered — many of them coming to Montana.

Fifty years ago they did not make much beer in the summer time, so a friend of mine, who had a butcher shop, gave me a job.

Although I never did like the saloon business, I made up my mind to buy a place close to where I could get a high-class lot of trade, such as the officers, etc. The first night I opened my place, I noticed that quite a lot of hobos, such as you find in all mining camps, came in. I call them all up probably ten or fifteen of them, and said: “Boys, I want to make a few remarks to you; come up and take another drink with me, and promise never to come in my saloon again; if you do, you will put me to the trouble of leading you out.” And I did have to lead a few out. I had a nice place, as far as saloons go. I stayed there until spring, then I sold out and came to Montana, and never

History of Southern Montana

went into the saloon business again.

I landed at Yankee Flat, near Bannack, the 17th day of May, 1963, and soon after Alder Gulch was discovered, I went to that place and opened a brewery. I was the first man to brew beer, with hops, in Montana. Of course, there was a man by the name of Manheim that had made some beer out of wheat, with Utah sorghum and the tops of spruce pine. And Tom Smith had used oats, sorghum and sage brush; but I used hops. I had thirty-five pounds with me when I came, and bought sixteen pounds of wild hops from a fellow from Bitter Root, and gave him \$8.00 per pound for it.

I was called "Charlie the Brewer." I had beer ready for the 4th of July, and as I had agreed to deliver some to a party in Virginia City, I looked for my mules and could not see them, and as I needed money pretty bad, I put 22 gallons on my back, and carried it all the way to Virginia City — two miles — never setting it down; 196 pounds, and I got my money, \$88.00, in gold for it I probably became identified with the Vigilantes, on account of Capt. James Williams, who overtook, me at the foot of the Big Bear River Hill, about forty miles east of Soda Springs. He came from Fort Bridger. He had been in the regular army, where he was a sergeant. He became captain of the Vigilantes.

Mr. Beehrer says that he remembers well the trial of George Ives, but thinks that Historians are wrong as to the date — Decem- ber 21st — as he said it was December 24th, as he wrote a letter to his father on that date.

He said that he never saw a person who was as fearless as Col. Sanders was at that trial. That he stood there and defied the toughs to do their worst, and in language that was not soothing, either in choice of words or manner of expression. After Sanders had made his remarkable speech, "that they hang George Ives by the neck until he was dead," Judge Bryam, who was a neighbor, got upon a butcher wagon, and made a, speech, and proposed all those in favor of Ives being hung say, "Aye," and those who were opposed say "No."

"You see, it seemed to me so foolish, I told the boys to run the wagon down the street." The Judge was an old man, and could not get out until they stopped; he came back and said, "Charley, why did you have the boys run the wagon down the street?" and I said, "Why didn't you make a sensible speech?" Then I told him to say, "All those in favor of turning Ives loose, walk across the street, and those in favor of hanging, stay here." And he said, "What is that for!" and I told him it was done so we could tell what the results were. We could tell then who the good men were, and who were the bad ones. The result was that there were about twenty to one in favor of the good men.

Before Ives was hung, we were all talking about it, as we are doing now. Col. Sanders was present, so was Maj. Baggs. I said, "It is getting late, and it is time now to do our duty." So we led Ives up to this place of execution, and Robert Hereford was the man to place the rope around Ives' neck.

There had been about twenty-five men from different places in the gulch, that had formed a committee in the Lott Brothers' store, and had taken an oath to do their duty. This was before the arrest of Ives for killing Tbolt, and it was their men that made the arrest. [Note: Beehrer and Judge Lott are both mistaken in this. That oath was signed on December 23rd when they got ready to go to Deer Lodge.] So it was no trouble for Col. Sanders to get enough men together to form a Vigilante committee, after Ives was hung. They called a meeting, and called for volunteers. Williams kept a horse ranch about ten miles from Nevada. We started that evening for his place, and between eleven and twelve o'clock, there came a most awful snow storm, so we were compelled to camp out. The next day we got things together, and started on the trip to Deer Lodge, twenty-eight of us, besides Long John, who was taken along to identify the highwaymen — he had turned state's evidence. The majority of the men that were along went by their given names, and no one could tell who they were. There was Joe Dido, Elk Morse, from Summit, Charles Brown (Dutch Charley), Louis Hooker and Luther Seboldt, who was a highly educated German gentleman. I did know a good many of them by their given names. Nobody knew me, except by my given name.

Our first camp was made at the crossing of the Big Hole, about where the Pennington Bridge is now, about eight miles from Twin Bridges, and then, on account of the snow being so deep on the McCarty Mountain, we went up the river and made our second camp about one mile below where Melrose is now, and next morning we were informed by Long John that the road agents had a camp up near where Glendale afterwards was built. They had a horse camp there. So we all separated and went in different directions to find the road agents' camp. I went toward Glendale, and from a big hill I saw a man going across the bench from McCarty Springs, over to Camp Creek. (He had learned in Virginia that we had started out.) I left the mountain and came down to camp as quick

History of Southern Montana

as I could, and found Capt. Williams, and I said, "Jim, I am afraid we are too late." I then asked him if he saw a fellow about a mile above, going on a good lope. I told him I thought the fellow was a messenger, going to warn the fellows.

Question: bow long did it take you to make that trip!

Answer: It was awful cold weather, and as I told you this morning, all we had to eat was fat bacon and flap-jacks. When we got down to Warm Springs, in the Deer Lodge Valley, we made camp, and an Indian came up with two jack rabbits and a deer. Williams turned to me and said: "Charley, we are awful meat hungry, and you are the only one who has any money." Of course, I could not speak Indian, but I could make signs, and I told him to open his hand, and I gave him some gold. Of course, the Indian wanted more, but I knew how to trade with Indians, and told him to take that for his game, or put the gold back in my hand. He smiled at me, and made signs a few moments, and finally told me to take them. As we had not had any fresh meat for five or six days, we took the skin right off, and went to cooking. Rome of the boys were so hungry that they did not cook their meat enough. Charlie Brown, Hooker, Seboldt and myself. fried ours perfectly done. All the other were taken sick.

When we arrived at Deer Lodge, the boys were feeling too bad to camp out. Two Greasers kept a hotel. I told Jim that I did not know whether I had money enough to take us to the hotel, but that I would go and see. The Greasers spoke fairly good English, and I went and told them that we had 29 men and 82 horses and mules, and I thought very likely we would stay two days, and asked them how much they would charge to keep us. That is, to sleep in the house. Of course, we had our own beds. We wanted them to keep our horses and mules, and feed them on hay, but that we would attend to them ourselves. They told us they would take \$180.00 for two days. I thought, that the men being Greasers, they would take better care of us if they were paid in advance, and I did pay in advance on that account. Then I went over to Dance and Stuarts, and asked what they would take for nine buffalo robes, as they were mighty good to sleep on. Dance told me he would take \$2.25 apiece for them. I bought them, and asked if he had anything better. "Oh, yes, if you can stand the price." He then told me he had six bales. He opened all of them and I selected three more and paid him \$27.00 for them, or \$9.00 each.

Deer Lodge at that time probably did not have more than 100 people. It was a trading post, and practically everyone was a Canadian. It was John Grant's ranch then. John Grant afterwards sold to Con Kohrs. I was well acquainted with "Johnnie" Grant.

We found when we got to Deer Lodge that most of the highwaymen had gone. We got Tex — I never knew his name — a man by the name of Irwin, and Frank Parish.

As we had paid for our accommodations for two days, we were compelled to stay. I remember a peculiar incident of that time. We had gone into a saloon to play a game of euchre, to pass away the time. While we were sitting there, a big fine looking man came in and stood by the bar. I did not pay any more attention to him, and while playing my hand, he disappeared. I heard the sound as if some one was doing something with a revolver. I handed my hand to another of the boys, and looking over the bar, I saw that man down on his knees. He had a revolver in his hand, which he was loading, and two more were on the floor beside him. He met my gaze with a very savage one, but neither of us said a word. I told the Captain about him, and said that I believed that man was a bad one, and ought to be hung.

In 1870, I was in San Francisco, and got on a street car, and the only person there was this man of Deer Lodge, splendidly dressed. We exchanged looks, and again made no remarks. I told "Sport" Sullivan, a man whom I had known in St. Louis, about it, and he said that man was a captain of all the burglars in New York, Chicago and Frisco, and I would be just as apt to meet him one place as another. In 1877, when I was coming back from Europe, I met that same man in New York, and he knew me.

Bill Palmer, Louis Hooker and myself started back to Virginia City with Tex, Irwin and Frank Parish. Soon after we arrived there, Williams came back and ordered those men turned loose — all of these men were set free, and Tex had sense enough to leave the Country. As to Parish, Charlie Brown and I captured him a little way below Virginia City, and he was hung with Boone Helm, Club-Foot George, and the others, which was about five days after we got back. Williams did not fetch anyone in; he hung them wherever he found them.

There were two men who were the most active in helping to rid this country of the tough element. X. Beidler has had his praise, but Charley Brown (Dutch Charley), never received at the hands of the writer, or historians, his dues.

Charley Brown, that was not his real name, was a highly educated German gentleman — in fact was a

History of Southern Montana

nobleman. He was at one time a page at the Bavarian Court, and was one of the four boys that rode the horses when the Queen took a ride. She had eight Shetland ponies, and four boys rode them, and cared for them. None, but those of noble birth, could become a courtier.

He was about six feet one inch, and weighed 220 pounds, and was a nice looking man when young. He was the man who put the rope around Slade's neck. He was also the man who led the ball with Mrs. Slade, about three weeks after, at Adelphia Hall, at Nevada. This was after Mrs. Slade had said that she would cut the heart out of the man who had placed the rope around her husband's neck. (Some Richard III in this Act.)

The day that Slade was hung I happened to be in Virginia, and Captain Williams was talking with Slade, and took him into Pfouts & Russell's store, and tried to get him to be decent. After they had made up their minds to hang him, Captain Williams asked me when I was going down — meaning, of course, to Nevada. I told him I would go in a few minutes. He told me to go, and he would stay there, and for me to bring all the boys I could. Of course, I knew everybody. I had to go down to Junction anyway, on account of business. I asked Capt. Williams when he wanted me to come up. I told him I was sure the boys would not leave their work until noon. He said, "You bring them up as soon as you can, after dinner." Of course, everyone had a rifle or shotgun. If Slade had only acted a little decent, we would have turned him loose, but when the Sheriff came up, and went to him with a summons, he took it and tore it up, and said he would kill every Vigilante in the Gulch. When we had the gallows up, I looked for Mrs. Slade to come, as some one had gone for her. We were down in the gulch, and on the hills around us were what we called the minute men — men who sympathized with the highwaymen. If Mrs. Slade should come, she could have had those men against us, and many would be killed. All at once I saw her coming down a steep hill just as fast as her horse could run. I stood by the gallows and said to the Captain, "Captain, do you see her comings? Then I pointed to Mrs. Slade, and told them not to waste any more time. Charley Brown got up then and put the rope around his neck. I never saw a man beg so in all my life. He told us to cut his arms off above the elbows, his legs above the knees, and made all kinds of promises that could be imagined. He could not help but see me there, and because we had always been good friends, he said: "Charlie, can't you do something for me?" I said: "Slade, I am sorry to say I cannot." Mrs. Slade was coming from their ranch home, which was a stone building about four miles from Virginia City, on the road to Madison Valley.

I recall one little incident that happened the same day the five men were hanged. I was in Nick Kessler's saloon, in Virginia City, and a lot of these men, in fact, nearly all of them, were standing at the bar, cursing the Vigilantes, and Kessler told me he wanted to speak to me, and called me to one side. Before he could say anything, something was said by some of those fellows that made me mad, and I turned and told them that we had hanged five that day, and when it became necessary to hang any more, if they did not have any timber, I would furnish the timber and rope also. One of them replied: "Yes, Charlie, we know you, and you would be glad to hang the last one of us." Kessler told me that he would not have said what I did for all the gold in the mountains, because his life would not be worth anything after that. That they would get him sure.

I will tell you why I had an advantage over most of the old timers. My business brought me in contact with all of those men, so I was associated more with them than the others, and can remember them better. Then, of course, when we formed the committee, the miners could not leave their work. They could do a little, but they had no money, and they felt it was necessary for them to work. I was of a different disposition, and was willing to take a chance. I want you to understand me right. I never was a bully, but I wished to see justice done, and they could not scare me. Nobody could scare Charley Brown, either. He had a little cabin just below the brewery, and he came up and asked me if I was going to the ball. I told him that I would probably go down and look on a little while. Charley never did care for good clothes; so when he told me that he was going to lead the ball with Mrs. Slade, I said: "How dare you? You are not dressed fit to go to a ball." He said: "I will be the best dressed man in that ball room." I asked him how he made that out, and he said: "I will go down and make Lewis go to bed, and I will take his clothes." Lewis was a man about Charley's size, who had just bought the store of the Lott Brothers. He was probably the best dressed man in Nevada. Charley went down and persuaded him to go to bed, and in that way Charley became the best dressed man at the ball, and actually led the grand march with Mrs. Slade.

Charley was one of the healthiest men, and one of the toughest men I ever saw. Nothing could tire him. He was in the habit of taking a bath every night before he went to bed, in cold water. I had tried to get him to come up and live with me, because I was afraid that some of the band would kill him. These minute men, as we called them, came down one night, and I noticed they stopped — and I looked out, it was moonlight — and saw them in

History of Southern Montana

front of Charley's cabin. He was taking a bath when the minute men knocked at the door. He said: "Come in." and four or five rushed in, and found him standing ready for his bath, with a gun in each hand. And he said: "Gentlemen, what can I do for you?" That outfit was down to get him, but Charley Brown never allowed anyone to take him by surprise.

Charley Brown died in Alaska, where he was sent by the United States government, as an expert veterinarian, to examine into the cause of disease among the reindeer. He has a son, and one or two daughters living in Miles City.

Soon After the Port Neuf Canyon Robbery.

Charlie Brown came into my room in my brewery, which was afterward the Kessler, and told me he wanted "Dime," a fine thoroughbred mare. I believe she was as nice a mare as ever came to Montana. He took the mare and rode to Blackfoot. I did not see him for a little while, until I had returned to Nevada,—when he came in and said: "Hello, Charlie." I said: "Where's Dime!" "Oh, she is all right," he said. I had four guns hanging on the wall, and he picked out the best one, and said: "I want this gun, and your best revolver." I asked him if some other would not do as well, and he said, "No, this is what I want. Is it loaded?" I said: "Yes." "Well, give me \$50.00 also." "Is that all you want!" I asked indignantly. His reply was yes. I asked him what he was going to do, and he said that he was going to Denver after Williams, the man that drove the coach in the Port Neuf robbery. This man Williams had driven my team from Denver to Virginia, and had come to me and told me that he was going on the road. Brown did not return to Montana for several months. When he came back, he reported that he had caught Williams and hung him to a cottonwood, about five miles from Denver.

Charlie Brown was a most peculiar man. He would not work at anything hard. He was a splendid horseman, and drove the band wagon for Dan Rice's Circus when he was east. There were 48 horses hitched to this wagon, and Charlie was in his glory on the box.

CHAPTER XXV. Incidents in Beehrer's Life — Flour Riot.

“The leader was a Bavarian baker, with a red shirt and carrying a red flag. I had 1,000 sacks of barley. This barley was put up in flour sacks. I had 260 of Utah flour that I held at \$25.00 per sack, but had sold 250 to Denny and Rockfellow, at \$27.50, and 20 sacks of St. Louis flour at \$28.00 per sack, and had probably 8 or 9 sacks, a day or two before the riot broke out, but had told my friends to come and get some — so the day of the riot I only had one sack. They came and examined my barley sacks, and at last went away satisfied. A few days after the riot, I was successful in obtaining four loaves of bread of the bakers in Nevada for \$16.00. The reason for this was, that I had gone to Frank Tenny and Louis Koch, the bakers, and told them that there was to be a flour riot, and that they had better take their extra supply and put it in a dry well, out behind their place, and cover it over with cord wood, as they had a large supply of that on hand. They took my advice, and hid their flour. Bakers were allowed ten sacks. I told them that I would sell their surplus to the boarding houses down the gulch, but not for more than \$70.00 per sack, and as flour was selling for from \$100 to \$150 per hundred, I did not consider I was robbing anyone. I used to buy all the whiskey barrels, so people did not mistrust me when I took a barrel any place, so I would put a sack of flour in a barrel and make my delivery in that way. In that way I disposed of between 50 and 60 sacks for them. My work kept me pretty busy, and every night except Saturday, I would go to bed, between 9:00 and 9:30. On Saturday bills were paid, and I felt that as 14 saloon men and four hurdy houses were patrons of mine, I must spend some of my money with them. I would go the rounds of the saloons, and probably treat the boys, and of a night would buy probably 50 dance tickets, at \$1.00 each. Then I would give them to the boys. I never danced once in any of those houses. I was in Little Doe's place one night, and had treated the boys and was ready to leave, when a blacksmith called “Dump” (I never knew any other name for him) said: “Charlie, set them up again.” “I would but I am afraid I would get a little too much.” “Will you set them up, if I will?” he asked. “I guess you seem to think you are the only man with money. I will show you that I have some, too.” And he took a big gold sack and scattered gold all over the floor. You must remember, we had dirt floors in most of the saloons. I had three friends who were poor, and as Little Doc was a pretty generous fellow, I said: “Doc, can't you let my friends come down and make the clean-up, and you give them half they gets” He said, “Sure,” and those fellows took a hoe and a gold pan and cleaned up between \$900 and \$1,000.00. When I saw “Dump” do that, I said: “Dump, you will either die in the gutter, or on a manure pile.” And he did die on a manure pile, back of Bill Owsley's livery stable in Butte, not many years after.

Women in those houses did not drink anything but light drinks, as it was no part of their business to become intoxicated.

There was a fellow in camp — a neighbor of mine, who was very poor. He had a wife and two children. I had given him wood, also something to eat. Had later let him take a team with which to haul wood. He came to my place one evening and said that he was in trouble, and wanted me to help him; said that the dance house was trying to take his wife away. I went up to the hall with him and he said: “Jane, I don't want you to leave me.” She replied that he could not make a living for her, and the children, and that she could, by dancing, support herself and them. Seeing that she no longer cared for her husband a fellow who was called a lawyer, got up and made a speech, and divorced them, right out on the street. A Mormon girl came up, and put her arm around his neck, and said, “Don't cry; I am ready to marry you right now.”

An Incident With Skinner.

“Cyrus Skinner was running a saloon in Virginia City, and requested credit from me, as he said he was a poor man, who had a wife to support. There came a time when he owed me about \$400.00, so one day I went into his place of business, and he said: 'Charlie, you are just in time. I have got plenty of money today.' We weighed out the dust into my sack, when four or five gamblers that were playing cards behind me began to shoot at one another. Cyrus got all the gold in my sack, and you bet I did not take time to tie it. I put it in my pocket and left the house. Wishing to pay some bills a few days after, I went into John Creighton's store, and turned out the dust. (This Creighton was the man who built the first telegraph line into Montana from Salt Lake.) John said: 'Charlie, where did you get this bogus dust?' I told him that that was good, clean dust; that I had been paid by Cyrus Skinner. He soon put some acid on it, and showed me my mistake. We soon learned that a Canadian — I will not

History of Southern Montana

tell his name — had been circulating this stuff. He was banished, but came back, and was a good citizen afterwards.”

Two Men Hang a Man.

This is a remarkable story. It needs no embellishment from the pen of any man to make it of peculiar interest.

“If I remember, it was sometime in March, 1864, that Charlie Brown came to me and said that he wanted me to make one of a party of eight, that was to go to Deer Lodge, Hell Gate, etc., for highwaymen. I do not remember all the names, but Charlie Brown, Louis Hooker, J. X. Beidler, and a young man about twenty, named Ike, was along. This young fellow, though a boy, was one of the bravest men I ever saw. When we arrived at the mouth of Rock Creek, near Hell Gate, Charley Brown said: 'It will not do for us all to go together; Charlie the Brewer, and I, will go up Rock Creek to the cabin, we have been told may be the rendezvous of the robbers. If we find too many of them, we will come back and overtake you.' We left the party, as they were to go straight down the river. (I never suffered so much in my life with the cold. He showed me his hands; all the fingers, over fifty years afterwards, showed signs of the fearful cold of that night, as they had no gloves.)

“It was about five miles up Rock Creek to the cabin. We had to pass through deep snow, but it was soft and we did not make any noise. We soon saw that there was a light in the cabin. Charley said to me, 'We will advance; if you see me fall on my knees, you do the same.' I said: 'I will have to thaw out my hands before I can do anything.' So I began to rub them with snow, and soon had the frost out. We soon got to the cabin, and looking in the window, we saw that there was probably but one man in it. Charley told me to open the door, and that he would rush in and cover the fellow. He always carried two elk skin strings, with which to tie a man if need be. We found that there was only one man, and he was in bed asleep. Charley soon had him covered and tied. The fellow said, 'I have been expecting you fellows for some time, and have not been able to sleep, and I just did go to sleep when you came.' I asked Charley in German what we should do, and he said, we will hang him. I was sent out doors to see if one of the roof logs was sticking out far enough for our purpose. I found one that was, and we led the fellow out and hung him. As the cabin was nice and comfortable, we barricaded the door and piled into bed and slept for several hours, with the fellow hanging on one end of the house.

We left, and started to overtake the rest of the party, but found that they had done their work and were coming back.”

(Mr. Beehrer did not know the name of the man. I can find no account of it in history, but I do know Mr. B. well enough to believe his story.— The Author.)

How the Young Man Got Free.

Mr. Beehrer said: "We did not always hang men.”

“It was generally supposed that the Vigilantes would hang any wrong doer. Captain Williams called me to come down to Adelpia Hall one afternoon, as there was a matter to be taken into consideration. It seems that a young boy, not yet twenty-one, had had a brother killed on the plains, by a party whom he had followed to Virginia City, with the expectation that he would be brought to judgment. Ballanger (the same man who afterwards took up the Warm Springs in Deer Lodge Valley), was keeping a hotel. The beds in those days were bunks, built in tiers, one above another, three high. This young man was placed in one, and directly above him there was a miner sleeping, who had his buckskin sack so placed that the young fellow saw it, cut the string, and extracted the gold dust — something over \$200.00. This money seemed to change his disposition. Forgetting the quest of his brother's murderers — he poured his money over the gambling table. In doing this, he exposed a nugget that was part of the dust. This nugget has been seen by two or three people, so they could identify it. This led to the young fellow's arrest. When I arrived at the hall, they explained the matter to me, and asked my opinion, as to whether he should be hung or banished. My reply was: 'Never banish a person. If he is not good enough to live with us, we had better hang him, never turn him loose on anyone else.' I also told him that I did not believe that we should hang him; that we should take into consideration his youth, and try to do something for him, to find him a job and have him report to someone each night and morning, until he had secured enough money to pay the man whom he had robbed, then turn him loose. I said, 'Let him report to Judge Lott.' The Judge objected to this. Someone wanted to know who would give him a job. I told him that I would see to that. So I took the boy into a room by himself and explained the matter to him — that he was to get a job, report twice each day to me, and all extra money would be given to Judge Lott until he had paid his debt — then he would be turned free. So I tool— him down and put him to work with John Wagner.

History of Southern Montana

I want to say that he paid his debt, and the last day he made his report to me, he cried with gratitude. John Wagner and Everson had a claim on German Flat. This John Wagner was a very fine man. It was to him that I wrote the letter that 'Dutch' John got, in robbing the mail, and that caused me to be called onto the carpet by Col. Sanders, for an interview with the Vigilance Committee, to explain why John had the letter, if I knew.”

CHAPTER XXVI. George Lovell.

George Lovell, who claimed to have been the Captain of the Miners' Guard at the trial of George Ives, says that Wm. Clark (not the Senator) was God's avenger in beginning to bring the road agents to trial, as De Vault was his friend and he was bound to see that justice was done. Lovell says that Hon. Chas. Bagg opened the first day, but was not much of a lawyer. He took the testimony of Long John for the people the first thing. He further says: "On the following morning there appeared on the scene a young man by the name of Wilbur F. Sanders, who volunteered his services for the prosecution." The counsel for the defendant soon found that they had a man to deal with who understood law. The evening that Sanders arrived in Virginia from Bannack the friends of the murderers immediately sought him out and tried to engage him for the defense, offering him any amount he might suggest. He declined and said he would act for the people. They threatened him bodily harm, and he replied: "You have not got money enough to buy me, nor guns enough to intimidate me."

Lovell says: "We also found, to the great surprise of many honorable men, that Henry Plummer, who was the Sheriff of Beaverhead County, was also Chief and Captain of this band of robbers."

The news struck consternation to the souls of all. We then saw that we had indeed a work to do. Plummer was well liked. He was a man of fine personal appearance, and possessing education and address sufficient to give him a welcome in the best society. He had been selected by a large majority to that high responsible office.

He was at the time the chief executive officer of what is now the Territory of Montana.

Thus you see it was no idle play for us to determine on his arrest and execution, but there were men found equal to the occasion. Among them was found one to stand prominently by the course of justice, survive or fall. That man was W. F. Sanders, slim and slight in form, but inspired by a courage and determination to do his duty, that the severe storm of one of Montana's most terrible days did not daunt; he mounted his horse and rode seventy miles to again assist in bringing the great and popular chief to justice.

Fourth of July, 1864.

The people of Virginia had decided to celebrate and had raised enough money with which to buy a flag pole. On the morning of the Fourth the pole was ready and the ropes were run through the pulley blocks and ready to be manned. The framer of the pole was there and ready to give the word of command. If I am not mistaken it was Col. Knox, late Probate Judge of Silver Bow County. The grounds were filled with men with threatening looks and dark and scowling appearance. They had assembled there to prevent the pole from going up. The Union men who had assembled seemed to dread the muttered threats of those rebels. It seemed doubtful whether we would succeed or not. There was seen a slight form to spring upon a box and tell the boys to grab the ropes and raise the pole, that the glorious old flag might again proudly wave over us. He said to the men: "There is nothing to fear from these scowling wretches; as for me, I have ceased to fear men who have run fifteen hundred miles to get out of danger!"

He had spoken but a few moments in this strong, energetic manner when crowds rushed to the ropes and everyone seemed willing to take a hand. They were fired by the enthusiasm which was so largely possessed by the speaker. They seemed like men electrified into new life. Those threatening men slowly filed away. There was no further interference with the raising of the flag. That speaker was Wilbur F. Sanders. Without his efforts the flag would not have been raised that day. He on that occasion, as on many others, carried his life in his hand, and braved the element of derision and dissension as he had against the strong organized band of robbers. He was on the side of justice, liberty and truth.

CHAPTER XXVII. Incidents.

First newspaper was the Post, published on the 27th day of August, 1864, by John Buchanan at Virginia City. After the publication of the second number Daniel W. Tilton and Benjamin R. Dittes bought it and continued its publication until the winter of 1867–68, when Mr. Dittes purchased Mr. Tilton's interest and moved it to Helena.

The Vigilantes of Montana was published as a serial in the Montana Post, the first chapter appearing August 26th, 1865. Conclusion March 14th, 1866.

Telegraph line between Virginia City and Salt Lake completed November 2, 1866, by Edward Creighton and John A., his brother. First telegram sent by Gov. Green Clay Smith to President Johnson.

The number of letters advertised at the Virginia City post office on August 23, 1865, was 676.

Capital removed from Bannack to Virginia City, February 1, 1865.

First municipal election in Virginia City, February 6, 1865. First stampede that took place in Montana was July 20th, from Gold Creek to Boulder.

Last Chance.

Last Chance was discovered by Jno. Cowan and party, July 21, 1864.

Montana City.

Montana City or Prickly Pear was discovered Wednesday, August 18, by Hurlbut.

Dimsdale began to teach school, one of the first in the Territory, August 22, 1864.

First publication Montana Post, Friday, August 21, 1864.

Woodmansee's Train, September 8th, [1862] from Salt Lake to Bannack, the first one to Bannack.

Fisk's first expedition, reached Gold Creek September 26, 1862. His first and second reached Benton on September 6th, 1862, and September 6th, 1863.

First election took place October 31, 1863, Madison, Beaverhead, Jefferson and Gallatin Counties. All in Idaho.

First church in Territory dedicated at Virginia City on Saturday, November 6, 1864.

Masonic Hall, October 8, 1867. Helena people claim that Masonic Hall was completed November 11, 1866.

First theater in Territory opened Friday, December 10, 1864.

Elk Morse shot by Wm. Herron December 4, 1867, on the Gallatin.

First term of U. S. District Court in Territory December 5, 1864.

First Territorial Legislature convened in Bannack, December 12, 1864.

In 1869 there were but 38 post offices in Montana. Most of them only received mail tri-weekly.

The number of placer mines in 1869 was 120 and the total length was 452 8/4 miles.

From Montana Post. (First Issue August 27th, 1864.)

We find the following Official Directory:

Governor — Hon. Sidney Edgerton, Bannack.

Secretary — H. P. Forsey.

Chief Justice — H. B. Hosmer.

Associate Justice — Ami Giddings.

Associate Justice — H. B. Williston.

Attorney General — E. B. Nealy, Virginia City.

Marshal — C. J. Buck.

Surveyor General — M. Boyd.

County Officers, Madison County.

County Commissioners — Jas. Ferguson, Samuel W. Stanley, Fred PE. Root.

Probate Judge — Thos. C. Jones.

Sheriff — Robt. C. Knox.

Treasurer — N. J. Davis.

Recorder — R. M. Hagaman.

City Council, Virginia City.

History of Southern Montana

E. K. Woodbury, Ram Schwab, James Gibson, N. Ford Marshall, Jerry Nolan.
First Mayor of Virginia City, Paris Pfouts.

Montana Financial Relations.

Receipts from U. S. Internal Revenue Office for four years ending November 1st, 1868 \$409,968.34
Receipts for postal service, 1867 306.12 Total Receipts \$410,269.46
Expenses of Territory for four years at \$35,498.50 \$142,000.00 Balance in favor of Territory \$268,275.46
Bonded debt \$58,850.00
Warrants, regular and Outstanding \$32,712.82
Total Territorial Indebtedness \$91,562.32
A Trip to the States.

By J. Allen Hosmer, only a young boy. This was written, typeset and printed by him.

It is a little book, 82 pages of reading matter, and twelve pages of distances on the Missouri River. The book is 4x5 inches and is the second book printed in Montana; copyright 1866; printed 1867. Young Hosmer was, in 1896, an attorney in San Francisco, a son of Judge H. L. Hosmer, Chief Justice of Montana when this book was printed. (The book was presented to the Historical Society by James H. Mills.) He was also the man who prosecuted Durant for the murder of Blanch Lamont in San Francisco.

Actually the First Meeting of Alder Gulch on the Road From Bannack.

The Agreement Between the Citizens and the Discoverers of Alder.

Whereas, certain parties, respectively, named Henry Edgar, Wm. Fairweather, Harry Rodger, T. W. Cover, Wm. Sweeney and Barney Hughes have for several months been engaged in prospecting for their own benefit and for the benefit of the public in general, and,

Whereas, said parties after the completion of much time and money have discovered what they consider fair gold diggings and on the strength of this discovery have respectively taken for themselves two claims each, one by pre-emption and one by discovery; therefore, be it resolved,

1st. That we do cheerfully recognize the right of the parties above named to hold for themselves two claims as before set forth.

2nd. That in addition to the recognition of the right in the first resolution expressed we bind ourselves to support the parties above named in holding their claims purchased by their arduous exertions as prospectors and public benefactors.

H. P. A. SMITH.

WM. L. FOSTER.

J. M. WOOD.

JOHN CALLANAN.

Vigilante Oath.

We, the undersigned, uniting ourselves in a party for the purpose of arresting thieves and murderers and recovering stolen property, do pledge ourselves upon our sacred honor, each to all others, and solemnly swear that we will reveal no secrets, violate no laws of right and not desert each other or our standards of justice, so help me God, as witness our hand and seals this 23rd day of December, A. D. 1863.

James Williams, Joseph Hinkley, J. S. Daddow, C. F. Keves, Charles Brown (Dutch Charlie), E(ik) Morse, J. H. Balch, W. C. Maxwell, Nelson Kellock, S. J. Ross, Chas. Beehrer, Thomas Baume, Wm. H. Brown, Sr., Jno. Brown, Jr., Enoch Hodson, Hans J. Holst, Hoofen,* Alex Gillon, Jr., Wm. Clark, John Triff, A. D. Smith, W. Palmer, L. Seebold, M. S. Warder.

*[Note: Can't make out this name as it is so poorly written.]

(John Lott was supposed to have been the man who drew up the oath. He never signed it.)

These must have been the men who went to Deer Lodge.

Organization of First Court.

In December, 1864, nineteen men met in the dining room of the Planters House in Virginia City and organized a court there. Nineteen men admitted to the bar. Judge Pemberton is the last survivor of this Court. H. P. A. Smith was the first lawyer to come to Montana. He died with consumption. Senator Sanders wrote of him that he was generous to a fault, and never turned a person away empty-handed. He was none too particular as to how he received his money.

History of Southern Montana

First Court organized was by Judge Hosmer, Monday, December 5, 1864.

The Court ordered that the attorneys who are to practice in this Court shall take the oath of allegiance, required by law and prepared by the clerk, and the following attorneys did so, viz:

W. F. Sanders, G. B. Bissell, R. R. Parrott, R. I. Robertson, J. G. Spratt, Chas. S. Bagg, L. W. Barton, A. F. Mayhew, E. B. Nealley, W. M. Stafford, Thos. Thoroughman, John C. Turb, Wm. Chumasero, H. Burns, J. A. Johnston, W. Y. Pemberton, J. Cook, Edward Sheffield, Alex Davis, Wm. I. McMath, W. J. McCormick, G. W. Stapleton, Sam Word.

Signed by Hez. L. Hosmer, Judge First Judicial District of Montana.

These attorneys were all admitted on motion of Col. Sanders.

ROAD AGENTS.

List by Prof, Garver of State Normal School.

George Ives, died December 21, 1863, Nevada City, Madison County.

Erastus (Red) Yager, died January 4, 1864, Stinkingwater Valley, Madison County.

G. W. Brown, died January 4, 1864, Stinkingwater Valley, Madison County.

Henry Plummer, died, January 10, 1864, Bannack, Beaverhead County.

Ned Ray, died January 10, 1864, Bannack, Beaverhead County.

Buck Stinson, died January 10, 1864, Bannack, Beaverhead County.

John Wagner (or Wagoner) (Dutch John), died January 11, 1864, Bannack, Beaverhead County.

Joe Pizanthia, died January 11, 1864, Bannack, Beaverhead County.

Geo. Lane (Club-Foot George), died January 14, 1864, Virginia City, Madison County.

Frank Parish, died January 14, 1864, Virginia City, Madison County.

Haze Lyons, died January 14, 1864, Virginia City, Madison County.

Jack Gallagher, died January 14, 1864, Virginia City, Madison County.

Boone Helm, died January 14, 1864, Virginia City, Madison County.

Steve Marshland, died January 16, 1864, Clarke's Big Hole ranch, Beaverhead County.

William Bunton, died January 19, 1864, Deer Lodge Valley, Powell County.

Cyrus Skinner, died January 25, 1864, Hell Gate, Missoula County.

Alexander Carter, died January 25, 1864, Hell Gate, Missoula County.

John Cooper, died January 25, 1864, Hell Gate, Missoula County.

Robert Zachary, died January 25, 1864, Hell Gate, Missoula County.

George Shears, died January 24, 1864, Frenchtown, Missoula County.

Wm. Graves (Whiskey Bill), died January 26, 1864, Fort Owens, Ravalli County.

William Hunter, died February 8, 1864, Gallatin Valley, Gallatin County.

J. A. Slade, died 1864, Virginia City, Madison County.

James Brady, died early summer, 1864, Nevada, Madison County.

Jem Kelly, died July, 1864, Portneuf, Idaho.

John Dolan, died September 17, 1864, Nevada, Madison County.

*R. C. Rawley (Reighly), died at Bannack, Madison County.

* [Note: Hanged on the Plummer scaffold in Hangman's Gulch at Bannack, photograph was taken of his body on the scaffold — the only one of the kind taken.]

John Keene (Rob Black), died 1865, Helena, Lewis and Clark County.

Jake Silvie (Jacob Seachriest), died 1865, Diamond City, Broadwater County.

John Morgan, died 1865, near Virginia City, Madison County.

John Jackson (John Jones), died 1865, near Virginia City, Madison County.

James Daniel, died 1865, Helena, Lewis and Clark County.

A Bull Fight.

From James H. Morley's diary we get the following:

September 25th, 1864, "A Bull Fight" in corral back of Virginia Hotel, with a large crowd in attendance. No fight in the bulls, being old stags who have hauled goods over the plains, but the betters-up got their \$2.00 a head

from a large crowd of fools.

This continues to be a great country.

CHAPTER XXVIII. Jeff Durley to J. X. Beidler.

Office of the
CIRCUIT CLERK AND RECORDER
Putnam County
Hennepin, Ill., December 15th, 1889.

Jno. X. Beidler, Esq., Helena, Montana.

Dear Old Friend: — I had not known positively where to find you until lately I read an interview with you by a correspondent of the Chicago Tribune, and located you at Helena. Dear X it brings up old and pleasant recollections to know that you are still in the land of the living, do you recollect the first time we ever met at or near Twin Lakes, when you had your Burros packed for Washington Gulch, a Small party of us Struck there on our way to that Gulch, and you must remember Jones his wife and children, that when we left the Gulch we Camped at Some Haystaks two miles out and we had forgotten Something and two of the Boys went back to the Gulch for it and Zones gave them the last two dollars to buy a bottle of Whiskey and that you and I and Jones and his wife Slept in a pole Cabin without anything to stop the cracks, and that we had arranged for the boys to fill the bottle with water and place it near his head and that waked me up just before daylight to See Jones take his drink and we Kept a Sharp lookout under the buffalos we were under when Jones raised up and looked. Cautiously around. and then reached for his bottle uncorked it and turned up to take a square drink of whiskey and how he Spluttered. as though he was poisoned.

And you must have a vivid recollection. of the trials and tribulations we had digging through Snowbanks and hunting grass under the Snow for the animals, and I know you have not forgotten, the time we went into Camp and Cleared away 4 feet of Snow to build our fire and thaw out a place for us to sleep and that we had to put up poles to keep the jacks out of the fire, and that the old Georgian that was with us had mixed his last batch of flour to bake by the nice coals we would have in the morning, and that during the night the jacks discovered the old man's dough broke the poles down we had erected. and grabbed the dough and when we waked up and old jinney had her teeth fastened in the dough and that old man was hanging on to the other and yelling at the top of his voice "Here's to you" it was a ground Hog Case, I would give ten dollars for a true picture of that Scene, you have not forgotten how we divided the last bread we had with the animals the morning we Started across the Range and how we had to unpack and dig the animals out of the Snow when they steppecl off the trail, and how we went into Camp at 8 o'clock that evening, without anything to eat for ourselves or animals, and that a relief party Struck us that night at midnight with flour bacon and hay for the animals and how we staid up the balance of the night and fried dough and bacon and filled up and that two days afterward we arrived at the promised Land being Twin Lakes Colorado where we lived on Mountain Sheep and Speckled Trout It still holds good your old saying that we have lived and loved together, I am still living at Hennepin and the raging Illinois River that runs almost a mile an hour, I am not rich but have plenty to eat and wear for Self and family. Since we last met I have had many ups and downs raised two Companys and Served one and a half years in the army and if I say it myself I never had a man in my Companies but what would go miles to do me a favor. Oh, how I would like to see you and have a good old-fashioned talk with you if you should conclude to come East don't fail to Come and see me. Is Dr. Glick still at Helena. The Dr. was kind to me when I got hurt near Bannack on Grasshopper Creek. Remember me to him. If you know of a good mine that is out an owner let me know and I will run out and look at it. I have been Clerk of the Circuit Court for the past 13 years and have 8 years of the last term I was elected for to serve yet. Now X do not fail to write me when you receive this Hoping you are a good Republican and that you will send 2 good Republican Senators from the State of Montana I remain as ever your friend and may God bless you.

JEFF DURLEY.

CHAPTER XXIX. The Men of Bannack and Virginia.

The first prospectors did not expect to found a state. They had no thought of casting their lots in a place so far removed from all that would make life endurable. Their idea was that only a little effort was required to rob nature of her treasures. If they could find the rich deposits of Virgin gold they would soon have plenty, and could return and take up their burdens where they had laid them down.

A man would be a fool to contemplate an existence in a place so far removed from all that could make life pleasant. But there was an attraction that held them like a lode stone, and they began to like the Siren, that had wound her arms about them, until each embrace was considered the kindly pressure of truest affection. The ozone that filled their lungs carried with it an intoxicant. The rippling streams sang them to sleep, as sweetly and pleasantly as though they had been rocked at a mother's knee, and were lulled to repose by the sweetest music that man has ever known. And their visions were filled with the kaleidoscopic views of endless mountain peaks, that held out an invitation couched in no uncertain language, for them to explore their fastnesses, and find the Treasure that nature had locked so closely, in crevice bound in granite.

The rich soil that would yield so abundantly, without much coaxing; the native grasses that were to furnish pasture — winter and summer — for untold thousands of stock; rivers that would produce the ransom of kings, and cause the wheels of many factories to turn, were themselves so alluring that they became more attractive to thousands than the homes of their childhood days. So, many stayed. They found that the early idea of a home in the states could not wean them from their new love. And the men and women that walked the streets of Bannack and Virginia, have built a commonwealth of which we are mighty proud. The gambler and highwaymen had their day, and were kings by the right of their perfidious daring. These very men caused imperishable names to go down in the story of our state till its grandest peaks shall have disintegrated and formed farms for millions not yet born. They walked the streets of Bannack, and the echo of their falling footsteps can yet be heard by those who will listen attentively to the story of their deeds. Governors trod those streets; men who were to tread the halls in our national capital, and others who were to have monuments dedicated to their memories by their later admirers, were at home in the little log cabins, that sat beside the Grasshopper, or on the grass-covered hills of Virginia. And women, too, were there. They had dared for love, the traverse of the dreary plains, and had, for love, fearlessly encountered the mountain storm. Those women! Do you know what those women were? They were heroines! They were good women — they were the mothers of men who have since helped to make this no small part of a country we all should love.

Let us see who some of the men and women were. Sidney Edgerton, our first Governor; Samuel Hauser, also a Governor; Wilbur F. Sanders, the first U. S. Senator; W. A. Clark, the great- est of mining men, and also a Senator; Samuel McLean, who was to first represent us as a delegate in Congress; Green Clay Smith, another Governor, and General Francis Meagher, to whom a loving people erected the first statue in the grounds of our capital, and, in fact, the first in Montana.

Judge Byam, Lott Brothers, Judge Pemberton, J. X. Beidler, A. K. McClure, Wash. Stapleton, W. W. De Lacey, Billy Clagget, Con Kohrs, A. M. Esler, O. D. Farlin, W. h. Farlin, William Roe, Martin Barrett, Joe Shineberger, Smith Ball, Capt. Jim Williams, Charlie Brown, Charlie Beehrer, N. P. Langford, Prof. Dimsdale, the Stuart Brothers, Jim Bozeman, the discoverers of Alder and Last Chance; Dr. Leavitt, Dr. Glick, Dr. Steele, Dr. Sick, Judge Hosmer, Cavanaugh, A. F. Graeter, John F. Bishop, Jas. Fersler, John C. Innes (who still has a place in Bannack), James Fergus, Jesse Armitage; we can't go on, because it would be a list too long to record. With many of those men we find their wives and children. Such names as Mrs. W. F. Sanders, Miss Lucia L. Darling (who taught the first school in Bannack), Mrs. Annette Stanley, Mrs. A. J. Smith, Mrs. G. D. French, Mrs. Wadams, Mrs. Armitage, Mrs. Fergus; only a few of those brave women who bore so much toward making our abodes so pleasant. Not many of them now walk the streets of these almost deserted cities.

Bannack, the cradle of our state, is a quaint little place, that lives only in the history she has made. The daring gamblers — the highwaymen — no longer roam the streets, and turn the nights into day. No more is there a busy crowd, ready to stampede to new gold fields, because those newer fields kept them from coming back. What other town in all the world could claim such citizens?

History of Southern Montana

Virginia! How great was Virginia! She sat a queen beside a golden stream, whose gathered, glittering sands, have helped to string the tuneful wires that bridge oceans, and changed long days to moments. Her gathered wealth built many a palace, and caused the lines of polished steel to wend their way across a continent. Great spires point heavenward, and floating palaces sweep swiftly on the deep — because of you, Virginia!

And when the book-worm sits in shady bowers, his pleasure came through you. But you, too, live in your past. The thousands that roamed your streets are gone. The crumbling shacks that once were happy homes, will not reveal the names of those who once dwelt there. No more the music stirs the busy feet in Hurdy Hall. No more the gun-shot wounds the daring chief. No more shall voices, of the makers of your destiny, reverberate among your templed hills. For many sleep the sleep you, too, must take — the sleep of death. But down the stream of Alder from Summit, to its mouth, piles and piles of earth-denuded stones will bear witness to your greatness, and will be your monument for ages yet to come.