From Wisconsin to Montana and life in the West, 1863–1889| The reminiscences of Robert Kirkpatrick

Michael McLatchy
The University of Montana

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FROM WISCONSIN TO MONTANA AND LIFE IN THE WEST, 1863-1889:
THE REMINISCENCES OF ROBERT KIRKPATRICK

edited by

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B.S. University of Utah, 1954

Presented in partial fulfillment of the requirements for
the degree of

Master of Arts

MONTANA STATE UNIVERSITY

1961

Approved by:

Chairman, Board of Examiners

Dean, Graduate School

Date
ACKNOWLEDGEMENTS

The editor extends his appreciation to the Kirkpatrick family of Poway, California, who made this thesis project possible by making available to Montana State University the manuscript of Robert Kirkpatrick.

The editor is grateful for the help given him by Mrs. Fred Woodside, Director of the Historical Museum of Dillon, Montana. The editor is especially grateful for the guidance, counsel, and criticism given by Dr. John W. Smurr of Montana State University.

For typing, advice, criticism, and many tedious hours of proofreading, the editor is greatly indebted to his brother, Patrick H. McLatchy. Also the editor is grateful for proofreading by his mother, Mrs. James H. McLatchy.
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FIGURE 1.-- Robert Kirkpatrick at home in New Haven, Conn. in 1916. Photo courtesy of Robert’s son, the late James Douglas Kirkpatrick.
INTRODUCTION

Robert Kirkpatrick, an early pioneer of the Bannack-Dillon area of Montana, wrote his reminiscences in 1889-90 when he was forty-two years old. These reminiscences cover the period of 1863 to 1889—the years which Kirkpatrick spent traveling to and living in Montana.

In 1957 the original manuscript of Robert Kirkpatrick was sent to Montana State University by Robert's son, James Douglas Kirkpatrick. It was turned over to Dr. John W. Smurr who suggested it to the editor as a thesis project.

The editor tampered very little with Kirkpatrick's style feeling that to alter his faulty grammar, spelling, and sentence structure would be to obliterate the genuineness and colorful simplicity that mark this work. But the editor did divide the manuscript into paragraphs and chronologically arranged chapters, and insert occasional punctuation to improve readability. Editorial comments or additions are placed in brackets.

Robert Kirkpatrick's unpretentious, but graphic style leaves the reader with the definite impression that the writer was a modest person who generally avoided exaggeration. His subtle humor and frequent usage of pioneer expressions add a pleasant flavor to the reminiscences.
The editor investigated numerous historical sources of this period in an attempt to check the authenticity and accuracy of the narrative. Besides searching newspaper accounts, published and unpublished materials written by other pioneers and historians, the editor also visited the Dillon-Bannack area for additional information. The editor's research convinced him of Kirkpatrick's reliability. There is a possibility that Robert Kirkpatrick had read Thomas J. Dimsdale's *Vigilantes of Montana* as well as earlier newspaper accounts, but the reminiscences otherwise appear to reflect the original experiences and thinking of Robert Kirkpatrick.

Kirkpatrick's manuscript differs from the usual reminiscences of Montana pioneers. Many of the early accounts of Montana have come from prominent citizens—citizens who succeeded in their chosen fields. Robert was not one of them, having failed at gold mining, timbering, the merchandise business, and perhaps ranching. Many pioneers like Kirkpatrick came to Montana Territory and faced its hardships and difficult frontier life without attaining wealth or fame, hence Kirkpatrick was perhaps more the typical pioneer than Granville Stuart, Samuel Hauser, William Clark, Marcus Daly, Conrad Kohrs, and other leaders in Montana business and politics.
The papers provide us with a fresh picture of territorial Montana described by a man who, at the time of the writing, knew he would not remain in the state.

Although Kirkpatrick provides no revolutionary information, he discusses several occurrences or scenes about which little is known. For example, Kirkpatrick described an incident that occurred in 1863 in which a wagon train navigating the Bozeman Trail, and led by Bozeman and Jacobs, was forcibly turned back by the Cheyenne and Sioux Indians. The best published account of this interesting incident, heretofore, is that of Samuel Word published in the Contributions of the Historical Society of Montana in 1917.¹

Most accounts of early Bannack are patchy and cover only short periods. While Kirkpatrick's description is not elaborate, it gives an interesting picture of that mining town, Montana's first capital, in its earliest days.

There is much small talk in his reminiscences. The editor has let it stand because it helps to give an insight into Robert's personality and into the conditions of his time.

The following biographical sketches, of the Kirkpatrick clan, though brief, serve to fill in some of the gaps left by Robert Kirkpatrick in his reminiscences.\(^2\)

Robert Kirkpatrick's father, James Kirkpatrick, was born October, 1822, in Buck Haven, Fifeshire, Scotland. He came to the United States at the age of seventeen where he earned a living as a mechanical engineer. His work caused him to travel a great deal. When serving as an engineer on a sugar plantation in Cuba, he contracted malaria and died at Bolendron, October 2, 1853. He left behind him a wife and four children who had remained in the United States when he went to Cuba. His wife, Mary Abigail Martin, was born at Corinth, Vermont, September 24, 1816. She died in Dillon, Montana, December 22, 1897. Their marriage produced three boys—Robert, James, and Jacob; and two girls—Cordelia Ann and Clarinda. Robert, the

\(^2\)Before his death February 14, 1959, James Douglas Kirkpatrick, son of the author of these reminiscences, had closely corresponded with the editor and furnished him much material on his father's life and family. He wrote a brief biographical paper on Kirkpatrick senior which helped the editor considerably in writing this historical forward.
author of these papers, was born in Pottsville, Pennsylvania, November 18, 1846, and died in Evanston, Illinois, November 15, 1932, at the age of nearly eighty-six.  

After the death of her husband, Mrs. Mary Abigail Kirkpatrick and her family moved to Wisconsin where she met and married James Monroe Mann.  

The Manns and Kirkpatricks left for Montana on April 3, 1863, by oxen-drawn wagon. The traveled the Oregon Trail. As the manuscript relates, they broke off

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3 James Kirkpatrick was born in South Boston, Massachusetts, March 9, 1848, and died in Dillon, Montana, November 18, 1935. Jacob Kirkpatrick was born in South Boston in 1849 and died about a year and seven months later. Cordelia Ann was born in Brattleboro, Vermont, February 20, 1852, and died in Bannack, Montana, September 27, 1875. Clarinda was also born in Brattleboro, Vermont, on April 26, 1854, and died in Dillon, Montana, January 25, 1900. Dillon Tribune, December 24, 1897, p. 2; ibid., January 26, 1900, p. 5; ibid., November 21, 1935; information from the late James Douglas Kirkpatrick of California.

4 James Monroe Mann was born at Oxford, New Hampshire on February 2, 1825, and died at Dillon, Montana on August 20, 1901. According to the Dillon Tribune, he was a second cousin to Horace Mann, the American educator and statesman. When twelve years old, he moved to Illinois with his parents. Mann had attended Oberlin College, Ohio, for two years and studied two years with a Dr. Sanford. This was a high level of education for those days which no doubt had some influence upon the Kirkpatrick brothers. Mann had been to California during its gold rush days. In 1856, he went to Wisconsin where he met Mrs. Kirkpatrick. Their marriage produced one son, Monroe Mann, who was born at Preston, Wisconsin, February 2, 1859, and died in Butte, Montana, June 23, 1916. Dillon Tribune, August 23, 1901, p. 1; ibid., June 23, 1916, p. 1; Society of Montana Pioneers, edited by James U. Sanders, Secretary, 1899, p. 50.
to take the Bozeman Trail from Wyoming into Montana but were turned back by the Indians. Thus, they had to follow the Oregon Trail to Fort Hall in Idaho and travel northward from there into Montana.

Like many others before them, Robert and his stepfather, James Mann, did not succeed at placer mining and turned to other fields. For a short period of time, Robert traveled to Helena and cut timber for the miners.

In 1868, Robert and James took up homesteads on Rattlesnake Creek about eight miles from present-day Dillon. James Mann and his wife had taken a homestead upstream from their ranches in 1865. Later James and Robert formed a business partnership in which Robert operated both ranches, and James managed a merchandise store in Dillon.

James began as a peddler. He traveled to Salt Lake City, Utah, for supplies and brought them back by wagon. In 1879, he located in a small store at Blacktail Creek about three miles south of a little trading center that soon was to become Dillon. James moved the store into Dillon in 1880, doubtless because of the boom caused by the new railroad which had been extended to Dillon from Utah in the fall of 1880. It was one of the first stores of Dillon

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and was located on Helena Street. The Kirkpatrick Brothers' store prospered at first and, according to early Dillon newspapers, it was one of the better, more successful stores of Dillon. In 1883, they constructed a new brick building which cost about $6,000—a large sum for those days. This store building, located on the corner of Montana and Helena streets opposite what was then the Sebree, Ferris, and White Bank, was an asset to Dillon. Part of the building still remains. It is used now as a service station and garage.

The Kirkpatricks extended a great deal of credit to their customers. According to Robert's son, the late James D. Kirkpatrick, the wholesalers of Chicago from whom the Kirkpatricks ordered their merchandise grew fearful of the Kirkpatricks' inability to pay them and demanded their money. On December 11, 1883, the Selway Brothers of Dillon were assigned all "goods, merchandise and book accounts belonging to or payable to the Kirkpatrick Brothers." The

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6Information given to editor by Mrs. Fred Woodside, Director of Dillon Historical Museum, Dillon, Montana.

7Dillon Tribune, November 3, 1883, p. 4.

8Ibid., July 21, 1883, p. 4.

Dillon Tribune gave the Kirkpatrick Brothers' liabilities at that time as $70,000 and assets at $48,000. In an advertisement in the Helena Weekly Herald, the Kirkpatricks contested these figures and stated that their assets were $80,000 and liabilities about $50,000. They insisted that there was plenty under ordinary management to pay par value on all their indebtedness and have a "good stake left." The Kirkpatricks owed many people. Their largest creditors were Sebree, Ferris and White Bank. The Selway Brothers were their next largest creditors.

By December of 1883, the Kirkpatricks were among the highest tax payers in Beaverhead County. Their total taxes for the year were $702.68, and by 1884 they fell to $122.28.

Up to 1888, the Dillon Tribune contains legal notices of court actions taken against the Kirkpatricks for unpaid debts. Robert's son, the late James D. Kirkpatrick, maintained that when his Uncle James filled out the legal

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10Dillon Tribune, December 15, 1883, p. 4.
13Dillon Tribune, December 8, 1883, and November 22, 1884.
FIGURE 2.—Dillon from the East Bench, 1884. Arrow points to the Kirkpatrick Brothers' first store. Photo courtesy of Beaverhead County Museum.

FIGURE 3.—Kirkpatrick Brothers' second Dillon store, erected in 1883. Photo by editor, 1959.
documents necessary for the receivership of the Kirkpatricks' property, he failed to notice that the document did not direct the receiver to give an account of their merchandise. Consequently, it was said, much of their stock was not applied to their indebtedness.

James had been appointed post-master of Dillon on April 28, 1883. When the Kirkpatrick Brothers moved into their new store, James established the Post Office in it. In March, 1885, James Selway, one of the assignees of the Kirkpatricks' bankruptcy, had James Kirkpatrick arrested on a charge of embezzlement and forgery. A week after his arrest, a new post-master was appointed. Nothing seems to have come of the charge.

In 1885-86 the Kirkpatricks were involved in a hotly contested court case. Lydia C. Dodge, aunt of Robert's wife, brought suit against the sheriff to recover sixty-five head of horses taken by Sheriff Jones on an execution in favor of Henry Elling, a banker of Virginia City and later of Helena, against the Kirkpatrick brothers. James and Robert had mortgaged their ranches to Lydia C. Dodge in order to meet part of their indebtedness.

14Ibid., April 28, 1883, p. 4.
15Ibid., November 17, 1883.
16Dillon Tribune, March 7, 1885.
Sixty-five horses carrying the Kirkpatrick brand went with the ranches. Miss Dodge did not want to have a slit cut into the horses' ears to show that they had changed ownership nor have the Kirkpatrick brand legally altered. She had decided to trust a bill of sale. The sheriff later seized the animals as rightful payment of the Kirkpatricks' indebtedness. The case was tried three times. James, realizing that Lydia might lose her horses, proceeded to slit their ears. Unfortunately for Lydia, a cowboy testified in court that he recently noticed their freshly cut ears. Lydia lost her horses.

The Kirkpatricks and Manns were involved in several cases that turned on a vital problem of the West, then as now—water rights. Robert was involved in a water right case in which the capacity and location of his main water ditch were to be determined. According to his son, Robert lost the case when a man testified that he saw Kirkpatrick drive a binder through the contested ditch. Such testi-

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17"Kirkpatrick Bro.'s, Dillon, Beaverhead County, Montana. Brand—cattle on left hip, horses on left shoulder, 'K', and mark, cattle, two dewlaps, one up and one down; Range—Rattlesnake and Beaverhead Valleys."
Dillon Tribune, April 15, 1882, p. 7.

18Information on this case was found in Dillon Tribune, April 25, 1885, August 21, 1866, October 14, 1887, March 15, 1888, March 30, 1888; also from information furnished by Robert's son, the late James D. Kirkpatrick; Beaverhead County Courthouse, Clerk of Court Office, Territorial Civil Cases, Record No. 563.
mony evidently showed that Robert was not using the water as he claimed. However, the ditch could have been empty in the dry season. The city of Dillon eventually purchased 90 inches of water rights from Carl Innes, of Vigilante fame, who had obtained Robert Kirkpatrick's ranch on the Rattlesnake Creek.19

In 1879, Robert returned to the East and married Katherine Dodge May, a cousin of Louisa May Alcott, author of *Little Women* and *Little Men*.20 James married Alma Coffin February 19, 1881. She had come to Montana by steamboat up the Missouri River. Before her marriage, she was a school teacher in Beaverhead County.21

Robert and his wife were joined in the 1880's by Mrs. Kirkpatrick's mother-in-law, Caroline M. May, and Mrs.

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19 Information from Mr. Evans Innes, Dillon, Montana.

20 Three children came of this marriage—Roger Brown, born February 16, 1881; Violet Louisa, born December 18, 1882; James Douglas, born May 25, 1884. Roger drowned in the Rattlesnake Creek on July 9, 1883. James Douglas died February 14, 1959, at Poway, California. It was this James Douglas who made this manuscript available for editing. Dillon Tribune, December 23, 1882, p. 1; ibid., July 14, 1883, p. 4; ibid., May 31, 1884.

May's sister, Lydia C. Dodge. Mrs. May proved up a home­
stead September 9, 1887. Lydia Dodge also was a school
teacher in Beaverhead County.

Partly due to his business failure, Robert Kirk­
patrick and family suffered hard times in the 1880's.
There was an agriculture depression that began in 1887 and
affected the already hard-pressed Kirkpatricks.

By 1889, economic conditions were so difficult that
Robert and his wife decided to return to the East to live.
They were also interested in giving their children an
exposure to better educational facilities. Robert's wife
and children and Mrs. May departed for the East by train
in October, 1889. Miss Dodge had left sometime before
their departure. Robert stayed behind to wind up their
business and did not join them until the following fall.
It was during this year, on his ranch by himself, that he
wrote his reminiscences of the Montana adventure.

In Massachusetts, Robert found a steady job in the
1890's with a foundry and a hardware concern. His
experience at raising horses in Montana was of value to
him when making a living.

Around 1908, he retired to a small farm purchased
by Lydia C. Dodge who, along with Mrs. May, made her home
with the Kirkpatricks. When Miss Dodge died six years

22 Dillon Tribune, September 23, 1887.
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later, Robert and his wife moved to New Haven, Connecticut, where their daughter and son lived. His last years were spent in Evanston, Illinois at his son’s home. It was there he died on November 15, 1932.

In his writings, Robert Kirkpatrick indicates a dislike and distrust of lawyers and courts, and blames them for his business failure. He felt that he did not always receive justice at the hands of the courts and that lawyers beat him out of what was rightfully his. It is entirely possible that his accusations were true in some of his troubles with the law because, in Montana Territory, two conflicting doctrines of water law competed for supremacy, and there was a general state of confusion in this field of law. But business and bankruptcy laws were not in such a confused state, so that the failure of the Kirkpatrick Brothers’ store could have been caused by poor management, over-optimism as to the available market, or even bad luck. Also the Kirkpatricks at times failed to employ legal counsel, and when they did, they perhaps hired inept attorneys—all of which may have caused them to lose more than necessary under the existing laws.

It was in the field of water rights that Robert may have been justified in his accusations against lawyers. Some of the most shrewd and cautious citizens no doubt lost undeservingly. Robert Kirkpatrick’s narrative depicts a
little of the futility of those who lost under the earlier
water laws of the state, and so a short explanation of the
law of water rights is offered at this point for the
reader's guidance.

The arid Rocky Mountain states early found the
Riparian Doctrine of water rights, as used by the rest of
the states, to be inadequate for themselves. These arid
states developed a new doctrine called the Doctrine of
Prior Appropriation.

The distinguishing feature of the Riparian Doctrine
is equality of rights and reasonable use of the water by
those who own land in the watershed of the water source.
Under the "reasonable use" theory, an alteration of the
Riparian Doctrine, a riparian owner may use water on non-
riparian lands if such use is reasonable.23 Under the
Riparian Doctrine there is no priority of rights among
riparian landowners. The reasonable use by each riparian
landowner is limited by a like reasonable use in every
other riparian landowner.

The distinguishing feature of the Prior Appropriation
Doctrine is that the first user of the water has the first
right to all the water he can beneficially use. There is
no equality of rights to the water among riparian land-

23Chester H. Smith, Survey of the Law of Real
Property (St. Paul, Minn.; West Publishing Co., 1956),
pp. 216, 217.

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owners and no reasonable use of the water limited by the
rights of others. The prior user of the water can remove
the water from the watershed and use it for any beneficial
purpose—either natural or artificial. He can use as
much as he wants as long as it is used beneficially.

Montana at first inherited the Doctrine of Riparian
Rights but almost immediately put the Doctrine of Prior
Appropriation into effect. The result was a dual system
of water laws with the latter doctrine dominating. Prior
Appropriation was not completely accepted in Montana
courts until 1921 when the Supreme Court handed down a
decision in Mettler v. Ames Realty Co. (1921) where the
court clearly abandoned Riparian Rights.24

Under the Doctrine of Prior Appropriation, legal
registration of water claims became vital. Registration
of such claims was not required until 1885. The bitter
disputes that arose had to be settled by private litigation
and court adjudication. As Kirkpatrick implies, not a few
honest men failed to establish legitimate water claims be­
fore the courts.25

24Mettler v. Ames Realty Co., 61 Mont. 152, 201 P.
702 (1921).

25Act of March 12, 1885, General Laws, Session Laws
(14 Session), p. 150; Robert G. Dunbar, "The Search for a
Stable Water Right in Montana," Agricultural History,
XXVIII (October, 1954), pp. 138-149; Merrill G. Burlingame
and K. Ross Toole, A History of Montana (N.Y.: Lewis Histor­
cical Publishing Company, Inc., 1957), I, Chapter XII
written by Robert G. Dunbar. xxii
James Douglas Kirkpatrick, the second son of Robert and owner of these reminiscences, was born in Dillon, Montana, May 25, 1884. He attended Middleboro, Massachusetts, High School and Harvard University where in 1904 after three years of study he was graduated with a B. A. degree, cum laude, with a major in English. He taught a year before traveling to England in the summer of 1905 on a cattle boat. He went from England to Southern France where he studied at the University of Grenoble. Following this experience, he returned to Massachusetts and taught French at the Middlesex School in Concord. From there he went to California for a year of teaching and newspaper reporting. He returned once more to the East, where he taught a year at Washington, D. C. Following this year, he took a job with the Bureau of University Travel of Boston, Massachusetts. This job gave him opportunity to see much of Europe.

In 1909 James married Ethel Bartholomew. They moved to New Haven, Connecticut, where he taught at the Hillhouse High School. James received his Master of Arts in English from Yale in 1912 and worked on a doctoral degree before World War I interrupted him. In 1915, James moved to New York City where he taught at the High School of Commerce. While in New York, he compiled a concise Middle English dictionary. Following this experience in
New York, James returned to the touring business once again, which led him to Chicago, Illinois, in 1925. The depression slowed down this profitable business and caused him to return to teaching. He taught English at Evanston High School in Illinois for the next seventeen years. James had arranged for an exchange teaching position in McKinley High School in Honolulu for the year of 1941-42 and thus happened to be there for the bombing of Pearl Harbor.

He retired from teaching in 1944 at the age of 60 and settled in California, where he spent the remaining years of his life.

In the fall of 1957, James sent his father's manuscript to Montana State University. It was turned over to J. W. Smurr of the history department, who offered it to the editor as a thesis project for the Master of Arts in history.

Mrs. Ethel Kirkpatrick still lives in Poway, California, and has maintained her husband's interest in his father's papers. She has given her assistance to the editor in the same generous fashion as did her capable husband. 26

26 Information from Mr. Kirkpatrick before his death and his wife, Mrs. Ethel B. Kirkpatrick; Poway News (Poway, California), November 26, 1958, pp. 1 and 2.
FROM WISCONSIN TO MONTANA

AND LIFE IN THE WEST,

1863-1889:

Reminiscences of

ROBERT KIRKPATRICK, pioneer

of Bannack and Dillon.
CHAPTER I

Our family consisting of my mother, brother then about nine years of age, eldest sister about five years of age, youngest sister three years of age, aged grandfather and grandmother, aunt and uncle and myself, all went from Brattleboro[,] Vt. and Boston [,] Mass. to Wisconsin in the early fall of 1857. Mother had sold her home in Boston for about $800.00 [,] a place that cost my father about $2000.00, and heavy hearted at the sacrifice departed for the West burdened with small children. I was then about eleven years of age. He[r] hope was to get a farm and work it with the help of the children as they grew older. We arrived in Adams Co[.], Wisconsin in September of that year. The country was sandy and mostly poor soil clothed with scrub oak and pine on the uplands with occasionally burr and white oak. The marshes had groves of tamarrac and the creek bottoms ash, basswood, elm, hickory and some scrub hardwoods. The grass was a kind of poor bunch grass. The marshes grew swale and blue joint and red top grasses. The rock consisted of a few large mound stones 50 to 100 feet high, isolated, sandstone and there was no small stones or gravel in that 1.
part of the country. Sand subsoil. The only fruits that grew wild were huckleberries, blueberries, and cranberries. It was a poor grain country, but good for vegetables and gnats and mosquitos. The watters contained suckers, pickerel and pike.

Mother married there in the first year James Monroe Mann formerly of Illinois and lately from California. They bought 80 acres of Government land and we worked on it and improved it until 1863. The country was sparsely settled and times dull and scarcely any money to be had. It was 40 miles to the nearest railroad.

We got the gold fever and left Wisconsin April 3, 1863 for a trip across the plains by ox team to Bannack City, Beaverhead Co[.], Montana Ter.¹

We had one yoke of steers three years old[,] and two cows [,] one 4 years old [,] the other 6 years old [,] and all our household goods in the wagon excepting the few bulky things we left behind[,] The farm and improvements we left unsold. Our relations had gone back to Vermont excepting grandfather. He staid behind watching us out of sight with a wistful look and sorrowful heart. He was all alone in that wide house one and one-half miles to the nearest neighbor [--] poor old man, poor old man. I see

¹See Appendix A.
him yet, taking a last look at his eldest daughter and family[,] for we never saw him again. He passed away after going to Mass about 10 years later, and also his wife. My step father and mother looked forward with hope and some apprehension to the enormous distance to be traversed before we could arrive at our destination[,] the gold mines of Idaho. This State [Montana] was a part of Idaho then, and our Bannack was called East Bannack to distinguish it from West Bannock in the western part of the then Idaho Territory.

We had a young brother born in Wisconsin. He was a we[e] todler in arms when we left and not very strong. I remember he got weary and his father used to carry him sometimes to pacify him.2 The rest of us children went with joyous hearts and in good health, pleased with the prospect of the journey through the boundless West. My step father had told us as much about his trip across the plains a few years prior to the trip we were making, that we looked forward to camping out and the change with interest. The wagon was so loaded and the team overloaded that my brother[,] father and I had to walk all the time. I do not think I rode half a mile in the whole trip of

2Monroe Mann. See footnote 4, Chapter I.
probably 2000 miles.\(^3\) I got very weary sometimes but kept that to myself. We broke the cows for leaders to the yoke. There were a good many cows worked across the plains by poor people in early days. One of our cows was giving milk. The other calved in Nebraska so we had milk the whole trip. We did not take the calves along with us. The cows were of course favored much as possible. We made the steers pull the load excepting in bad places. We passed a pleasant trip of it down through Wisconsin, stopping with a roof to cover our heads every night all through the States. We passed through many pleasant cities and villages and crossed the line of Wisconsin when we crossed the Mississippi River at Dubuque, Iowa. We had passed over a rich country in southern Wisconsin where there were lots of orchards of fruit trees and fine grain fields. I remember the dewy mornings there with the air laden with the rich perfume of the blossoming orchards. It was enchantment to us. We staid two days in Dubuque and then rolled out on our journey again in good spirits. There we had seen a great many wagons fitting up for crossing the plains and the sight was encouraging. We passed on through a rich country through the Desmoinies Valley and City passing

\(^3\)Two thousand miles is a fairly accurate estimation.
droves of sleek fat Cattle and Hogs going to market. They were being driven[,] railroads were scarce then.

We had some rainy spells and got stuck in the mud sometimes and had to be pulled out sometimes. The mud generally was thick stick clay. We were not able to make many miles a day then.

It had some nice schools and well to do people [---] they were thriving there. At one place it stormed so we had to stay over for three days. The man where we stoped was a hospitable farmer with a wife and several children. He made it merry with his violin and we children had plenty of dancing to enliven the stormy days at his house. The time came to our sorrow for departure and we rolled on again through sticky mire[,] We passed through a small neighborhood of Mormons there[,] and we still kept crawling on westward [,] passing over rivers and through fine woodlands and over large prairies, getting a little poorer all the time. The team held flesh pretty well for such an ardous journey, but their neckes began to get sore where the yoke bore on the top. Our best cow[,] Blossom we called her [,] was so free that the neck got to be a raw sore and a hole in it. The flies pestered her to death pretty near and we had to put turpentine in the wound

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4See Appendix B.
to drive out the vermin that troubled her. We crossed a
creek called Rawhide creek where a train of emigrants from
Illinois bound for California were stope by the Indians
years before and a young man of the party skined alive.
It seems he had boasted he would kill the first Indian he
saw at this creek. He saw a squaw sitting on a log, shot
and killed her. The Indians gathered in force and demanded
the brute and that if the train which was a small one did
not comply with their demand they would kill and scalp
the whole party of whites. They were compelled to give up
the young man and he was turned over to the squaws by the
Indians and they skined him alive and let him go. He
jumped in the air and ran about fifty yards and fell dead
[---] hence the name of this creek. The story of this made
us children quake a little for fear we should come across
hostile Indians on our journey.

In a few days we came to the Missouri River after
passing through the beautiful city of Council Bluffs, not

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5 Rawhide Creek is located in eastern Nebraska. It is a tributary of the Elkhorn River which flows into the North Platte River. Archer Butler Hulbert, The American Transcontinental Trails (Colorado Springs, Colorado: Stewart Commission on Western History, 1926), I, map no. 35, hereafter cited as Hulbert, Transcontinental Trails.
7.

far from where we were to cross the Missouri at Omaha. Council Bluffs took its name from the Indians holding councils there. We staid a few days up the river from Omaha and on the opposite side for needed rest. Caught some fine eating small white and yellow catfish, and then crossed this very muddy river on a ferry boat[,] as we had to in crossing the Mississippi. The Mississippi was of a dirty color but the Missouri was yellow with clay and nearly a mile across I thought. The Mississippi at Dubuque is about a mile across. Omaha was a young and growing town but with no idea of the prosperity and wealth in store for it in the future. There was no railroad anywhere near it at that time or immediate prospect of one. There we camped a day or so and joined our first company of several wayons, part of them loaded with groceries and other freight, and part of them like ourselves [with] emigrants. They were mostly ox teams and

6Council Bluffs is a city of southwestern Iowa located on the east bank of the Missouri River, and opposite Omaha. The site of this city and surrounding area was first recorded by Lewis and Clark in 1804. In 1846, the Mormons settled on a site called Hart's Bluff in this vicinity and built a town they called "Kanesville." After the majority of the Mormons had left in 1852, the name was changed to "Council Bluffs." Encyclopedia Britannica (14th ed.), VI, p. 591.
8.

there were one or two small herds of cattle along, cows and beef cattle[.] There were a number of families along, some bound for Colorado, California[, ] Oregon and Idaho.

Here we left timber behind us excepting Cottonwood and a few ash trees along some of the streams. We crossed prairie country until we came to the Loop Fork River with lots of Cottonwood timber on it and the blossom resembling cotton flying through the air at that time of the year.

The tree I think takes its name from this peculiarity of its blossom. We had to be ferried over this river. The boat was guided by a cable stretched across the river. We camped a day or two for rest and more wagons to join us after crossing.

Here we saw our first body of Indians. They were the Pawnee tribe and friendly to the whites. They were petty

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7 Kirkpatrick means Loup Fork River, called Loup River today. His route must have followed the old Mormon Trail begun in 1847 by Brigham Young. It followed the North bank while the Oregon Trail followed the South bank of the Platte River. Loup River is a northern tributary of the Platte River. Its mouth is approximately 100 miles out of Council Bluffs. Kirkpatrick probably crossed the Loup on the Loup Ferry. Hulbert, Transcontinental Trails, I, map no. 39; Brigham Henry Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints (Salt Lake City: Church Deseret News Press, 1930), III, pp. 167-171, hereafter cited as Roberts, History of Latter-day Saints.

8 See Pawnee Indians, Appendix C.
thieves. The hair of these Indians is most of it shingled, leaving a crest standing along the middle of the top head from back to front, increasing from the back head shingle to about two inches in height over the forehead, giving them a wide awake look. They made good scouts for the government against the hostile Sioux and other hostile tribes. They were brave and good for three times their number of Sioux. They were led by white officers and wore the regulation uniform, except when ready for action. Then they striped to the breech clout so as to have free and easy play for the muscles. A large fat dog of the train got his foot hurt by a wagon wheel running over it. He was given to a Pawnee, who waded the river with him, then tomahawked him and cooked him into a dog soup. These Pawnees often helped to drive the herds of cattle across the Loop Fork as the boat was too small to ferry them over. They had to swim and these Indians helped scare them into the water. It is hard sometimes to make stock take water and swim rivers without a lot of men, and the stock often turn back when almost over[.] Often a few are drowned, especially if the water gets down their ears.

From this place we rolled out through prairie country towards old Fort Kearney on the Platte River.9

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9See Appendix D.
On the south side of the river is the Fort [.] and we passed some small streams before we got to Kearney [.] one of which is Wood River. This is in the rain belt. There were a few cottonwood trees on these streams and some ash. The people were making new farms and most of them had no fences. They raised corn mostly then. The houses were poor affairs [.] log cabins, and some of the people had to save all their corn cobs for fuel [.] having no wood. Some lived in houses underground called dug-outs with dirt floors.

Here I saw the first buffalo. A comrade and I took out our rifles and started for the hills or bluffs which looked about a mile off[.] By the time we got there we found it to be about four or five miles [.]

The air is very deceptive on these plains. We saw what we took to be a wounded Antelope with one leg broken and tried to get a shot [,] but could not get near enough. Afterwards we found these Antelope were a very large kind of Jack Rabits[,] and the front feet strike one in front of the other and almost together giving them a lame appearance. There were lots of prarrie dog holes. In some of them owls and rattlesnakes lived. I shot one rattlesnake

Wood Creek is roughly seventy miles west of the old Loup Fork River Crossing. Hulbert, *Transcontinental Trails*, map no. 44.
in one hole. We finally got on top of the bluffs and soon caught sight of two buffalo[,] one lying down and the other standing. Both of us shot at them and missed. The dust flew short. We both fired again[,] I elevating my rifle to the height of the back[.] I knocked out a bunch of hair and away went the game. The one standing had been head from us[,] and I thought he could not see us any more than an ox [,] but I found afterwards they cannot see you in front [but do] see you from behind or on the side. The reason is the heavy hair in front covers the eyes. We followed these two out of sight and then traveled along the bluffs parallel with the wagon road for several miles. These rolling hills were about five or six miles away from the wagon road covered with buffalo grass, a grass that grows from three to six inches high.\[11\] It has a fine blade and is curly and grows in bunches and tufts[.] It is very nutritious and stock keep fat on it the year round. There were once in a while hollows or small ravines

\[11\]Buffalo grass, or bunch grass, is a short grama-grass which is found in the more arid regions of the Great Plains. It is a very nutritious grass upon which cattle and buffalo thrived throughout the year. In the winter the grass, cured in the drier autumn months, provided excellent feed for range stock and buffalo. It is a short plant which forms a dense sod. This sod was used by pioneers in building sod houses. The *Encyclopedia Americana* (1956 ed.), IV, p. 694.
in these bluffs in which there was a little moisture [\(\text{?}\)] rank[\(\text{?}\)] grass under brush willows and a few cottonwood and
upland ash grew in them[\(\text{?}\)] but we could find no water in
them[\(\text{?}\)] and had no shovel to dig for water with[\(\text{?}\)] so we
got exceedingly thirsty. The sun was shining powerfully
hot[\(\text{?}\)] We kept to the bluffs for perhaps 8 or 9 miles
when my companion and I sat down in the shade of some ash
trees[\(\text{?}\)] and he proposed to shoot a bird that was above
us and drink half the blood if I would drink the rest of
it[\(\text{?}\)] as he was very thirsty. I said no. He tried some
gunpowder and eat ate a pinch. It made him worse than
before. We struck out again and bore off diagonaly for
the wagon road and soon caught sight of a small herd of
buffaloes on the move. They appeared to be about a half
mile away. Our spirits rose at sight of the game. We
walked about two miles and the buffalo seemed as far away
as at first and gaining ground[\(\text{?}\)] so we gave up the chase.
The clearness of the air and the mirage which made a
buffalo look large as an elephant sometimes deceived us so
badly and learned us a lesson in distances[\(\text{.}\)] I found a
person could not judge the distance at first in that
rarified air[\(\text{.}\)] A good instance of this kind of perplexity
and doubt is the story of the Englishman taking a tour in
Colorado for the first time on the plains. Getting up
early in the morning in Denver City he sniffed the cool
morning air and took a look about him. The mountains looked lovely in the transparent air, and turning around said to a fellow traveler, a man familiar with the mountains, ["Let us take a walk before breakfast to those mountains." Allright," said the friend[,] relishing the joke at the Englishman's expense[,] and they started and walked until 10 o'clock. The mountains looked to be farther off then before they started to go to them. Coming to a ditch that could be stepped over the Englishman sat down and began to strip off his clothes[.] The friend asked him what he was about to do. He said judging the distance they had come and the distance they had still to go to reach the mountains he thought he might have to swim that ditch[.]

We soon caught sight of a team of horses and three or four men in the wagon[.] We hurried up and got a ride of three miles or more with them to some houses near the wagon road[,] and drank so much water I was afraid it would hurt us, but we did not suffer any bad consequences from drinking it. We rested a little while and the sun being nearly set[,] we struck out again along the road to overtake the wagons we had left in the morning[.] We were getting very hungry by that time and made slow time[.] We passed a number of houses and finally inquired for a drink at one. They had just churned, and offered us some butter-
milk, which we gladly accepted as food and drink combined, and tramped on as before. The day was about gone by that time. We stopped to talk a little to a settler in front of his door, and told him how we had suffered for drink and food[,] and he gave us a loaf of bread which we relished very much. Neither of us had money with us. We kept on hoping to find the train[.] It seemed like 50 miles we had traveled[,] we were so tired. It was a bright moonlight night and still. We sat down with our backs against a telegraph pole for a short rest. We had sat there a short time when opening my eyes there were two large grey wolves inspecting us a short distance away. Says I[,] "Joe[,] there are two big wolves[.] Let us shoot[.]" We both fired at the weird objects out in the moonlight. The rifles sounded like the crash of cannon in the still moonlight, and when the smoke cleared away there were no wolves in sight. They had vanished like spectres and we could find no sign of them[,] so we trudged on again[,] now thoroughly awake.

We travelled until about 3 or 4 o'clock in the morning before we came up with the train. It was camped in sight of Old Fort Kearney on the opposite side of the Platte River[,] we being on the north side. In the morning a train crossed the River[,] which looked about two miles broad here[.] It is shallow and the wagons made a
roar as though the bottom of the river bed was boulders. It was quick sand.

We began our journey up this long river which we were destined to follow for weeks. In some places there was a scant supply of cottonwood timber on the margin of the river and some willows. In most places there was not any timber. The valley was broad with but little fall and a very good wagon road, "the old road to California."

There were several kinds of grass, the principal kind being tall prairie grass along the bottoms. It grew from one foot to high as a man's hips in height sometimes as far as the eye could see. It is a poor kind of grass. We drove about 12 to 15 miles a day and usually found good camping places, with good places to get down to the river for the stock to drink. At one place the banks were abrupt and some of the cattle went out of sight as they struck the water. They had to go some distance below to get out again.

Some of the people in the train had sheet iron cook stoves which was quite an advantage in windy days and there were a good many windy days in the Platte. These stoves came in handy when we had nothing but small willows the size of one's little finger to burn or but few buffalo chips. Nearly all the way along the Platte we had nothing else to burn and in much of the rest of
the route[.] These buffalo chips of course were thickest at camping places[,] and we usually got a good supply there. If the trains ahead of us had been along too recently they used them all up. But if not, they had time to dry before we got along, or if there had been a shower they were damp, and they would not burn good[,] but smouldered[,] and sometimes a few people of the train were so pigish they would find out from the captain of the train where we would encamp for the night, and hurry ahead and gather most of them [buffalo chips] in meal sacks for the use of themselves[,] and other people had to do without a fire. At one place my brother[,] James[,] with another boy waded across a branch of the Platte to an island where there was a little timber and cut a small dry sapling for fire wood. They were gone about half an hour[.] The Platte rose so much before they started back that the sapling was dragging them downstream and they had to let it go to save themselves and then swim ashore[.] The Platte raises suddenly[,] sometimes from showers[,] and goes down again suddenly.

We had some pleasant evenings in this train[,] as there were violin players and plenty of young people[,] and we had plenty of dancing and music. Some of the young people were good singers.
17.

We had quite a pleasant trip up the Platte. In some places there is circular hollows in the ground called buffalo wallows. Some of them twenty or more feet across and sometimes three feet or more deep. These are where buffaloes have rolled and hoofed [hooked?] the ground up and fought[,] and sometimes Indians or white men have had to use them as a breast work against the enemy. There were buffalo bones strung along the route and once in awhile a carcass of one recently killed. I have seen buffalo bull's heads laying along the route a mile off sometimes looking as large as a cook stove in the distance. The hair is so long[,] dark and shaggy, and the whiskers [s] so heavy and big that the head has a ghoulish appearance. The thick[,] matted hair of the forehead is so full of dirt and sand that, with the thickness of the skull and skin, a common rifle ball will not penetrate it and the horns are large as a man's arm on the bulls and rather short. The buffalo is a scary looking object with his large shaggy fore parts and head hung low. The hind parts are small and the hair short and the tail about 12 inches long. The mountain buffalo are smaller than the plains buffalo and have darker and finer robes. Four of us headed off a small herd of buffalos on the Platte and put four balls in the leader. He kicked furiously and away he went taking the herd with him.
We saw a good many antelope along the Platte, and in some places the prairie dog villages were thick.

We saw no Indians after we left Loop Fork until near Fort Laramie[12] and there were Sioux, Cheyennes and Araphahos.

In some places the wind blew so we could scarcely eat without feeling some grit in the teeth[,] blown in the plate[s] while eating. Our wagon blew over one night. After that we staked the wagons down and tied the wheels to the stakes.

Fort Laramie[13] is on the north fork of the Platte which runs much swifter than the main stream and is clearer. There are plenty of Catfish[,] the white bellied kind[,] and Whitefish and sturgeon. There was an old Frenchman on the side of the river we were on that had a few tools and shod the emigrants' cattle and horses for them. He was a squaw man having one for a wife.

There was a lot of the Sioux Indians around here with large good wakiups or tents made of tanned hides and some of them ornamented with bead and paint [of] all the bright colors. They worked their moccasins off in fancy bead work and they were fine fitting. They were the

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12 See Sioux, Cheyenne, and Arapaho Indians, Appendix C.

13 See Appendix E.
finest looking lot of Indians[...], squaws and all[,] and had
the finest horses I had seen. They were a part of the
same indians who murdered so cruelly and were so blood
thirsty afterwards. Some of them bury their dead in the
tops of cottonwood trees on boughs. They look like great
nests in the distance. When we were there they had a
frame on four posts and something wrapped in blankets on
top. It stood about six feet above the ground. My
eldest sister climed up to see what was there and raised
the blanket[...]. There was a dead and scalped Indian there.
She droped the blanket and herself at the same time. The
Pawnees had killed him sometime before. These Sioux are
deadly afraid of the Pawnees[...]. Seventy-five Pawnees
will run one hundred and fifty of them.

After we left Laramie we came in sight of the
black hills which was an agreeable sight for us after so
much prairie. 14 The blue of the pine reminded us we

14Kirkpatrick is referring to the Black Hills of
Wyoming which are today called the Laramie Mountains.
They are located west of old Fort Laramie. These moun-
tains were probably called the "Black Hills" because the
forests that covered them caused them to look dark from
a distance. They were the first range of mountains in
the Rockies that the emigrants on the Oregon Trail en-
countered. LeRoy R. Hafen and Francis Marion Young,
Fort Laramie and the Pageant of the West, 1834-1890
(Glendale, California: The Arthur H. Clark Company, 1938),
p. 17, hereafter cited as Hafen and Young, Fort Laramie;
Grace Raymond Hebard and E. A. Brininstool, The Bozeman
Trail (Cleveland: The Arthur H. Clark Company, 1922), I,
p. 105, hereafter cited as Hebard and Brininstool,
Bozeman Trail.
would soon have plenty of wood to burn. We were alone as the rest of the train had gone on. We travelled several days before we reached the hills. Our team was poor and weary and foot sore, as were a good many teams in the train. The cows now went along at snail's pace with the chain slack all day excepting where we had to make them pull in crossing miry places or up hills. The poor things' eyes were sunken and ghostly and the steers, Tom and Charley, were but little better. So we had let them rest as long as possible at Larrimie and the train go on, thinking we could overtake them perhaps. We crossed some little streams in the hills some of them wooded with cottonwood and ash, and passed through scrub pine and fur trees. It was slow toiling up the steep hills for the poor cattle, and we were two or three days in them away from the Platte. The first night we camped on a spring in a nice little spot. Soon after dark we heard a fearful racket. I thought the hostile Indians were upon us, but Father said they were cayotes, small wolves. Three or four will sound like several dozen. Before we got down on the Platte again we saw immense numbers of the army grasshoppers. They were cleaning all the grass before them and the hills had a barren.
The third day an Indian was going to Laramie with his family dragging the lodge poles of his lodge as they do with the small ends tied part on one side of the horse and the rest on the other side[,] with the other ends dragging on the ground, and the luggage strapped on the horse[,] and on these and the papooses and squaws on top of all. The buck tried to take my canteen off with him and I had to jerk it away from him. He wanted to get whiskey in it at Laramie. He said we were ka wayno "no good"[, ]buffalo wagon heap scare buffalo and antelope, meaning the wagons of emigrants traveling over the country so much were scaring off his game. He went off grumbling and I expect the next year murdered more than one poor defenseless woman.

We soon came in sight of the Platte again and wound round through the hills down to it [--] a beautiful

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15 Mrs. Carrington, wife of Colonel Carrington, in relating her experiences at Fort Phil Kearney, which was near this area, tells of the grasshoppers invading the site of the fort when it was under construction in 1866. When Stuart and his Yellowstone Expedition party were in Southern Montana on the Yellowstone River in this same year, they encountered many grasshoppers and crickets. Stuart relates under his May 1st entry, "The ground is literally covered with young crickets. Between them and the grasshoppers I am afraid the grass will soon be used up." Mrs. Margaret Irvin Carrington, AB-SA-RA-KA, Home of the Crows (Philadelphia: J. B. Lippincott & Co., 1888), p. 107; James Stuart, "The Yellowstone Expedition of 1863," Contributions, Historical Society of Montana, I, p. 154, hereafter cited as Stuart, Contributions, I.
green oasis with pretty green cottonwood groves[,] plenty of green sward[,] the river bending around it[,] and a nice gravely beach with the river shimmering as it coursed along[.]. We turned out the team and mother started the cooking department while some of us went fishing and caught a lot of silvery white fish. Mother used to let the milk of Topz and Blossom stand over night and skim it in the morning and churn by beating it or whipping it in a bowl with a spoon. So we soon had fish fried in butter, and the cattle were enjoying the succulent grass of the bottom. We staid here about 24 hours and then resumed our march westward[,] sometimes along the river[,] sometimes over hills[,] but on the river at times every day after this, and fish[ed] occasionally. We overtook the train on the 4th of July.

We had stopped on a beautiful bottom a day or two before for a little stranger to come into the world[.]. We staid here two or three days and celebrated[.]. By that time the lady and bairn were able to move on[.].
CHAPTER II

We travelled on several miles and came to Deer Creek a telegraph station above Laramie. Here we again waited for a small train expected from Laramie as we were about to accompany a train that was augmenting its strength preparatory to making a cut off through wild country to Virginia City[,] Montana[,] as it would save a great distance in travel. Virginia [City] was then a rich placer mining camp struck that season. We would have to cross several rivers and ford them all.

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1Kirkpatrick probably crossed the Platte River on a ferry at this point. The Overland telegraph was completed October 24, 1861, and Deer Creek Station became one of its stations in Wyoming. Hebard and Brininstool have in their The Bozeman Trail: "DEER CREEK STATION, one hundred and two miles from Fort Laramie, and thirty miles east of Platte Bridge. This fort and military station was on the largest tributary of the North Platte since leaving Fort Laramie. This was an important emigrant camping place, where a ferry was in operation. (station where now is the town of Glenrock)." Hebard and Brininstool, Bozeman Trail, I, p. 81; Charles G. Coutant, History of Wyoming (Laramie, Wyoming: Chaplin Spafford & Mathison, Printers, 1899), p. 373, hereafter cited Coutant, History of Wyoming; Hulbert, Transcontinental Trails, II, map no. 15; Samuel Word, "Diary of Colonel Samuel Word. Trip Across the Plains--Starting at St. Joe, Missouri, May 7, 1863, and Arriving at Virginia City, Montana, October 3, 1863," Contributions, Historical Society of Montana, VIII, 1917, p. 56, cited hereafter Word's Diary, Contributions, VIII.
24.

as it was a wild country full of game and rich in fine grasses but no road for the wagons to follow. In lieu of that we had three guides familiar with the route to be taken, one a tall fine formed man[,] John Bozeman,[,] a Georgian by birth who had recently came through from Virginia City[,] Montana with another of our guides[,] John Jacobs[,] who was a squaw man 2 and had a little girl half breed of his with him. The other guide was a Spaniard that lived with the indians on the Platte by the name of Raphael.3 As soon as the rest of the train

2A white man who has married an Indian.

3Samuel Word, who became a prominent citizen in the Territorial days of Montana, was a member of this same wagon train which Kirkpatrick accompanied. He kept a diary of his experiences on the Oregon and Bozeman Trails which were published in Contributions, Montana State Historical Society. Word wrote that this third guide’s name was Rafeil and his particular duty was to guide the train to the Big Horn where Bozeman and Jacobs were to take over. James M. Hamilton in his history on Montana wrote that this third guide was Richards, pronounced Reeshaw, who was a French half-breed (half Indian and half French) who was familiar with the trail beyond the Yellowstone. Word’s Diary, Contributions, VIII, p. 59; James M. Hamilton, From Wilderness to Statehood, A History of Montana, 1805-1900 (Portland, Oregon: Binfords & Mort, 1957), p. 157, cited hereafter Hamilton, History of Montana; Other references to this episode are: Merrill C. Burlingame, "John M. Bozeman, Montana Trailmaker," Mississippi Valley Historical Review, XXVII, No. 4, March, 1941, hereafter cited Burlingame, "Bozeman, Trailmaker"; James Kirkpatrick, "A Reminiscence of John Bozeman," edited by Paul C. Phillips, Frontier, A Magazine of the Northwest, IX, No. 4, May, 1929, hereafter cited J. Kirkpatrick, "A Reminiscence of John Bozeman"; Hebard and Brininstool, Bozeman Trail, I, pp. 201-235.
joined us a captain was appointed by the name of Brady,[.] he having the largest outfit of wagons in the train about 8 teams of two and three wagons to the team. There were ninety people all told[,] a great many families among them with children.[5] A good deal of our old train had gone on for their destinations in California and Oregon. We had three hundred shots all told including six shooters[,] shot guns[,] and squirell rifles and a good many good breech loading rifles among us. I had a muzle loading rifle. Lots of these wagons were loaded with groceries.

We moved on over ridges making a dusty road over the soft surface. We had good bunch grass for the stock but very bad water called alkali water. There was so much alkali in it it sickened a good many head of stock especially over-worked and physicked them badly[,] finally bleeding badly. Fat chunks of bacon was the relief. We travelled about six miles that night and camped with a spring near and with grass bottom. The next day we travelled over hills and up this alkali hollow or ravine and so on[,] it being hard work for the teams to pull their loads over the

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[5]Word gives July 6 as the date of departure from Deer Creek. Also under July 6 in his diary he noted that there were 46 wagons and 89 men. Word's Diary, Contributions, VIII, p. 59.
now road. We kept on this kind of travel for several days until we reached Powder river near where the Government posts were built afterwards, Fort Phil Kearney and Fort C[.] F[.] Smith, and where there were such bloody battles with the Indians afterwards.  

One old grey horse gave out and his owners turned him loose to die. My sisters led the poor old horse along for several miles until he could go no farther. Then they had to leave him.

We came off of the bluffs down on to Powder River[,] a small river at that time of the year, shallow with clear rock bottom and water a little hard clothed with plenty of cottonwood timber. We crossed it and bore along the

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6Fort Phil Kearney was located on the Little Piney River, a fork of Clear Creek (often called Clear Fork earlier) which was a fork of the Powder River in Wyoming. It was built in the summer of 1866. Fort C. F. Smith was built in the late summer of 1866 on the Big Horn River near the Mouth of Soap Creek in Montana on the Bozeman Trail. These forts were constructed to protect and assist emigrants traveling to Montana by the Bozeman Trail and were responsible for making the Trail popular. The very intrusion of the emigrants into Montana incited the anger of the Indians, and the construction of these forts made them violent. Wagon trains like those of Kirkpatrick caused the Indian Wars of the 1860's which grew serious in 1863—the very year Kirkpatrick and his train were forced to turn back. The Bozeman Trail cut through the area east of the Big Horn called the Powder River country which was one of the favorite hunting grounds for the Crows, Sioux, and Northern Cheyennes. The Sioux and Cheyennes had early entered this area and were in the process of pushing out the Crows. Hebard and Brininstool, Bozeman Trail, I, pp. 263, 272, 273; II, pp. 136-146.
eastern base of the Big Horn mountains with good water from this [place] on[,] from clear little mountain streams flowing through the Big Horn Range. We camped a day or two here for the men to prospect a certain spot where they had heard gold had been found in paying quantities but they were disappointed[.] But Those that had sick and worked down teams were glad of the rest for their weak teams.

Here we got into good game country, Bear[,] Antelope, Whitetail Deer, and Buffalo.7 The hunters killed some of these every day, and we caught whitefish every day. The fresh meat of the fat game was excellent. We had been eating mostly bacon before.

We kept on across rolling hills and through gulches and along ridges. In one place we went up a gulch with a coal vein cropping out on each side eight or ten inches thick.8 The action of the water had cut through it in forming the gulch. We crossed a little stream called crazy womans fork[,] then on across the South Lodge Pole

7 This area was the old hunting grounds of the Crow Indians. Hebard and Brininstool, Bozeman Trail, I, p.264.
8 When the U. S. Army was constructing Fort Phil Kearney, it secured coal, which it used for fuel in its forges, two miles south of the selected site. Hebard and Brininstool, Bozeman Trail, I, p. 276.
Creek[,] full of good fish[,] then on to Clear Creek, 9
not far from the northern end of the Big Horn mountains[,] and camped on a nice meadow with gently undulating hills to our right and the north[,] covered with bunch grass, and turned out for the day. Some tended to their stock to see that they got on to the best grass to be had[,] and then we were all cooking[,] resting and laying about.

When we started on this Bozeman Cut off 10 every time the train stoped, we corralled in Indian guard style. The last wagon of the train stoped in the selected spot and the train circles so as to form an oblong or oval with each wagon close as it could be driven to the one next to it, with the tongues all inside the corral thus formed and log chains to connect the spaces. We had been in camp about 20 minutes when some one yelled buffalo and we sprang to our feet and looked to the hills off to the north of

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9 Word does not mention Clear Creek in his diary. After crossing Crazy Woman's Fork, Word relates the train camped on a Dry Fork, a branch of a Lodge Pole Creek. Their next encampment was six or seven miles farther on the north prong of this Lodge Pole Creek. According to Word, this was the farthest north the train traveled. Word's Diary, Contributions, VIII, pp. 65, 66.

10 The route into Montana which Jacobs and Bozeman made popular has been known by many names: the Montana Road, the Jacobs-Bozeman Cut-off, the Bozeman Road, the Powder River Road to Montana, the Big Horn Road, the Virginia City Road, the Bonanza Trail, the Yellowstone Road, the Reno Road, and the Carrington Road. Although the three government forts (Reno, Phil Kearney, and C. F. Smith), which were constructed on the route in 1866,
camp. The mountaineers yelled Indians, and sure enough they came over the rolling hills swiftly and well scattered with flying colors in the shape of lances bedecked with little streamers of different colored cloth up and down the handle which was about the size of a rake handle five feet long and the blade of the lance about one and a half inches broad, six inches long, and an eighth of an inch thick in the center tapering to a sharp edge on both sides. The men of the train ran to secure their stock, those who had them, and the others got their weapons ready for battle as the body of Indians looked like a war party and came on with a dash. One man told my brother he would kill him if he did not help him get in his two mules. He was so excited and scared. The Indians got in


Kirkpatrick claims the train had reached Clear Creek, but Samuel Word relates in his diary that the train was encamped on the north prong of Lodge Pole Creek when they were halted by the Indians. Word's date for their encounter with the Indians is Monday, July 20th. Word's Diary, Contributions, VIII, p. 66.
in time to help drive in the stock and could have got away with most of it if so disposed, but they came to have a talk and order us back and off their hunting grounds. So the cooks of the train got a big banquet ready and spread it out on table cloths on the grass while most of the Indians squat[ted] down on the ground near while it was preparing. A few prowled around among the wagons inspecting. There were two squaws dressed as buck indians and two boys of about sixteen. Just before the banquet was ready an Indian who had stood sullenly to one side, leaped on his horse and made a charge for the spread and came very near running across the table but two chiefs and a white man with leveled rifles stopped him. The chiefs leaped across the table and caught his horse on either side by the bridle and berated him with their tongues. The white man would have shot him if he had run over the spread. They ate a hearty meal and said they would send a man in the next day to get our answer whether we would return or go on. They said they did not want to molest us as long as we kept out of their country but that if we went on

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12 James Kirkpatrick says the white man was Bozeman. That seems dubious since Word and Robert Kirkpatrick do not mention it was he. No doubt there were other men in the train who were as brave as Bozeman and knew as much about the Indians as he did. James Kirkpatrick, "A Reminiscence of John Bozeman," p. 6.
they would raise all the tribes ahead and kill the whole of us. So we told them we would consider the matter and let them know when they sent in their man the next day. Just before they took their departure an Indian wanted to look through a telescope a man had in his hand and the man handed it to him foolishly. He took a look through it and said, "me go see um," jumped on his horse which was standing beside him and away he went before anyone thought what he was about. The owner said if he had been near he would have shot him down but it was too late then as he was out of range. One Indian wanted to swap me a fine horse he was on for my muzzle loader but I declined. Then he wanted to swap two horses for my youngest sister, not 10 years old then, saying she was wyno squaw "good squaw". They succeeded in stealing three bridles and nine ox bows which they straighten out and make arrows of. Some of them wore head gear of raw hide cut like a crown and painted. Some wore heavy plush caps. Some wore handkerchiefs of different colors about their hair and all sorts of head gear. Most of them were bare-headed. They were armed with all sorts of guns some good breech loaders, some good muzzle loaders, shot guns cut off to 16 inches long, six shooters pistols, horse pistols, and a lot had old fusees not worth picking up. A great many had bows and arrows and spears. There were
some old men in the crowd. There were about one hundred and fifty of them altogether. This visit accounted for the signal fires we had seen on the mountains which were to warn the Indians and signal them to gather and have a talk. So we did not move from there that day.

The next day while I was below camp some distance fishing I heard some guns go off and starting for camp found the men about all gone[.] I found they had run a black bear into a patch of brush half a mile above camp so I got my rifle and joined a negro and a white man who were on their way to the scene of sport. We had proceeded but a short distance when the air was split with the shrieks of a man and we knew he must be in the clutches of the bear. We hurried in the direction of the sound and it happened to be on our side of the brush, so we struck a path and followed it into the patch until we came to a cross trail. Before this time the shrieks had ceased. Looking down the cross trail the other white man says ["there is the bear[!]["] He [bear] was standing over the man and nosing his head around. The man with me fired at him and he [bear] ran and left the man. It seems the man had come suddenly upon the bear and being either too

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13 Word relates there were over one hundred and fifty Cheyennes and Sioux; mostly Cheyenne. Word's Diary, Contributions, VIII, p. 66.
frightened to shoot or not having time he threw himself on the ground and pretended death which would probably have fooled the bear but the bear got astride the man and began to poke his head about and smell of him to see if he was alive or not. This was too much for the man's nerves and he, expecting the bear was about to kill him shrieked in mortal fear. Then the bear tried to crush his head between his jaws but the teeth glanced on the skull and we arrived on the scene in time to save the man's life. The wounded man went to camp with enough bear for that day.

We went around the patch to where most of the men were and found the old mountaineers and old hunters high up on a bank watching the greenhorns go into the brush after a bear. We did not have to wait long before we heard more shots in the bushes as there were a number of men in there hunting the bear, and in a short time the mountaineers told the men not to shoot in there at random as some were doing[,] as there was more danger of hitting a man than of hitting the bear. Presently someone says sure enough they have hit a man and a man appeared supported between two others with a handkerchief binding his jaw over the top of his head and he said as he came out of the patch boys I am gone up. His name was Mathews and was an old man. But it was the bear that hit him. He in company with a man by the name of Bowman were looking for
the bear and came suddenly upon him as he laid in the tall grass watching as bears do often. One of his fore legs had been broken. As he reared up on his hind legs to strike the men they both fired at close quarters and Bowman threw up his gun to ward off the blow. The bear hit the gun knocking it off to one side and a piece of skin off the inside of Bowman's hand, and the broken leg came down on Mathews' the claws striking him just inside of the lower lip tearing the whole underlip from the corner of the mouth clear around under the chin nearly to the other corner and there it hung. The bear then left them. Mathews was taken to camp and his lip sewed on again with a common thread and needle by a man by the name of Streitz from Omaha with our train. There was not a doctor in our train. I saw this man Mathews over a year afterwards in Helena, Montana with his beard grown out and there did not appear to be any scars from the effects of his encounter with the bear.

But to resume I went around the brush after this peering in around the edge for the bear, there being no one on that side of the patch. Then I looked carefully in the edge of the big patch without entering and then turned my attention to a smaller patch close by the large one. I heard a twig break in there and stepped back a little. A lot of the men came around to where I was about
this time and began examining the large patch. I told them of hearing the twig breaking in the little patch but they did not pay much attention to what I said and the bear hearing us started for the large patch out of the little one and right where I had heard the noise. There was a rush for dear life of all parties trying to get away. The bear made a great racket as he came down upon the bushes [at] every jump until he got outside and in sight of the men. Then he turned and jumped for the large patch but unfortunately for him the best shots were in the rear and turned and shot him as he was jumping into the bushes and he fell and died with six bullets in him. The hunters thought he would weigh six hundred pounds. He was dressed and carried to camp and we all had a taste of bear meat and excitement enough for one day. The bear meat was rather strong with the flavor of wild meat. The two men that were hurt were presented with a bear[']s claw each as a souvenir of the scrape.

The next day a vote of the people of the train was taken to go forward or return. To return was very discouraging[;] to go forward was hazardous in the extreme as we would have battles with these hostile Indians and they were likely to have the best of it[. ] The country was full of Indians determined [that] we or any other party should not invade their hunting grounds. During the arriv-
all of these Indians one of our men was so cowardly that he crawled into his wagon and hid until he found there was no danger. Not so with the rest of the train. Some of the women were brave. I remember one woman who had two children shoved them into the wagon out of sight and got her husband’s gun out. He was in the rush after his team. The rifle was a muzzle loader and she loaded it over again not knowing it was already loaded, and was ready to help protect her family. The rifle might have burst in firing, so it was about as dangerous behind it as in front. She had grit.

The day after the bear fight we kept our camp and despatched two men on horseback on our back track to Deer Creek post to get aid from the government if possible.\[14\] If not we were to make a cut off to the Platte striking it at Horse Creek or Willow Springs near the two bridges of the Platte,\[15\] and in that case we had to have a new guide

\[14\] George W. Irwin claimed he was one of these two men sent back to seek aid from the U. S. Government. Irwin ultimately became a prominent citizen in Butte, Montana. George W. Irwin, “Overland to Montana,” Butte Miner (Holiday edition), January 1, 1888, p. 21.

\[15\] Horse Creek and Willow Springs are tributaries of the North Platte River. The two bridges were located above the two creeks at Platte Bridge Station (the old Mormon Ferry) and at a point seven miles below Platte Bridge Station. Coutant, History of Wyoming, pp. 365-368.
as the ones we had then were not familiar with the route we were to take. In the vote all the train were in favor of the back track[,] excepting five families [--] ours in the number. The back track meant the old route up the Platte and a detour of several hundred miles to reach our destination. It was sickening to contemplate to these poor families whose teams and themselves[,] especially the women and children[,] were weary of the long march.

Bozeman said it was madness to proceed with so few and would sacrifice them all if attempted. So we awaited mournfully the return of the despatch bearers. We had not much faith in the government[']s granting our request. The despatch bearers were to be back the following night, news or no news. They telegraphed to Washington for troops to guard us through to Virginia City[,] Montana[,] which at that time was a rich placer mining camp and about 65 miles east of Bannack City, Beaverhead Co. on Alder Gulch which flows into the stream now called Ruby River[,] Madison Co. They waited as long as they dared and then left for camp on the Clear Water. There had to be too much red tape gone through with in Washington and they left without an answer, and hired an old Frenchman as guide to pilot us back by way of the two Buttes. This Frenchman[']s sobrequet was boyong (Bouyer) soup eater in English, as
He was so fond of soup\textsuperscript{16} and we also found he was fond of whiskey, and he was drunk nearly all the time we were making the trip to the Platte on whiskey furnished him by the train, and he was paid five dollars a day besides his board, by assessment of the emigrants.

We started back the day after their return. They had gone both ways in the night to avoid observation by the Indians. We recrossed the Powder River higher up than before close to the Big Horn mountains. There were lots of signs of bears on the River where they had pulled down the chokecherry bushes to eat the fruit which was plentiful.

Bozeman kept on for Virginia City with ten men on horseback that wanted to go with him in that way.\textsuperscript{17} They started in the night also, and were to keep to the mountains as much as possible. This took them much longer than it would to have kept on down and across valleys. It was to avoid the Indians and they suffered a good deal

\textsuperscript{16}This person may have been Word's friend, Bovier. Word's Diary, Contributions, VIII, pp. 56, 69, 70.

\textsuperscript{17}Word briefly mentions under his July 31st entry that ten men departed for Bannack on horseback over the Bozeman Trail. One of these ten men who accompanied Bozeman was George W. Irwin who became a prominent citizen of Butte. Word's Diary, Contributions, VIII, p. 71; George W. Irwin, "Overland to Montana," Butte Miner (Holiday edition), January 1, 1888, p. 21; The Montana Daily Record (Helena), January 12, 1905, p. 5.
for water and game as most of the game was in the valleys. They had to eat some wolves and a crow before getting through and went without food long stretches at a time. Bozeman was mounted on a small black mule and being a large man the mule gave out before he had completed his trip and he had to leave him. They got through without seeing Indians. One night they killed a grizzly bear in the mountains and the large wolves devoured him close to camp with a great racket during the feast.

There is a large wolf there in Wyoming a dirty white in color that I took for a dog of the train hearing him howl, but coming in sight it proved to be a wolf and so bold it paid but little attention to me, and there is a large grey wolf too, black and white in color called mountain wolves in montana[,] and lots of coyotes.

We saw human skulls on Powder River that were said to be Indian skulls in the hills. Not far from there we found a few logs in a knoll filled with bullets. The guides said there had been a fight there.19

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18Burlingame says the crow was an eagle. Burlingame, "Bozeman, Trailmaker," p. 7.

19Word mentions this Indian battle ground under his August 2nd entry. They were either on the south fork or main branch of the Powder River. Word's Diary, Contributions, VIII, p. 72.
Our team laged behind part of the time on account of weakness and a man by the name of Groves and wife[.,] both english[,] the first night lost a cow that started back towards Powder River to find her young calf just born the day before. The cow was one of Groves[']s team animals and he did not want to give her up so he camped and we did too to keep him company and he struck back on foot to hunt her up. It was a risky thing to do as the Indians might have killed him. He never found cow or calf and returned late at night. It was a bright moonlight night and we had to stand guard to watch for Indians. Some large Wolves were very bold that night and came about the wagons. The next morning we struck out again expecting we had lost the train for good but found them in a camp about four miles from ours awaiting us. On this trip we had very bad water most of the time, being mostly alkali, and we often had to dig in the bottom of old water courses for it. It sickened and weakened the cattle, giving them a bloody flux which was hard to stop.

In a few days we arrived at the Platte and camped to recruit the strength of our teams. The water was good and there was good feed. There was lots of wild currants, black, yellow and red varieties. The black was the sweetest and best. There were lots of currants over the route we had come over and the bears eat them and rose haws.
We found the [a] bear killed on Clearwater with his stomach full of chokecherries and currants.

We staid several days at Willow creek and then moved on until we came to a government post near the three crossings of the sweet water creek. We had seen an occasional trooper patrolling the road between government posts. At sweet water the troops told us that after the despatch bearers left Deer Creek for the train camp on Clearwater a despatch came from headquarters at Washington to send troops with rations to last them through to Montana and accompany us. The soldiers along the different posts were anxious for the trip and its excitement and a probable chance of brushes with the Indians and as only so many could go[,] a great many offered their officers $20.00 and $30.00 apiece for a chance to go with the expedition. Two companies of cavalry were sent and quarter masters supplies to accompany them[,] and they struck out on our trail to Clear creek but we had got far on our way back to the Platte before they started and never heard of it until we got to sweet water. It was too late then to mend matters. They probably returned when they came across our return trail on Powder River.

The next year a road was put through to Virginia City on the same route we started on and Bozeman guided one of the first trains and Jacobs another, and the
Government Posts[.] Phil Kearney and C[,] F[,] Smith[.]
were established on Powder River and vicinity, and this
cut off to montana was well traveled. There were upwards
of five hundred graves of people along it killed by these
hostile Sioux[,] Cheyennes and Arraphahoes, and it is said
as many Indians were killed. There was a heavy masacre
of soldiers at Fort Phil Kearney by these Indians. They
killed the whole of one relief comand there being only
about 25 soldiers at the time left in the fort. They
sallied out with a howitzer and the Indians fled as they
fired at them. Every last man of the relief comand were
dead. One train passed over this route unmolested in con­
sequence of haveing a large boiler with a lot of flues in
it. The Indians took it for a huge cannon and gave it a
wide berth.

We droped behind the train at the three crossings
of the sweet water, and camped with Groves for a number of
days to recruit the team. There was a man camped there
with a drove of stock he had been buying of emigrants one
at a time as they got sick[,] tired out[,] or too foot

20See footnote 6, this Chapter.

Kirkpatrick is referring to the Fetterman
Massacre or Fetterman Battle. Seventy-nine soldiers and
two civilians were killed. At its most critical moment,
the fort had one hundred and nineteen men in it. Two
other commands outside the fort were immediately called in
for the defense of the fort. Hebard and Brininstool,
sore to travel and he had been recruiting them up in strength and flesh. His name was Dean. He was a good hunter. He had a woman with him and two hired men. Here our poor cow[,] Blossom[,] that had served us so faithfully perished. She was very poor in flesh so much so that she looked ghastly about the eyes. There was a kind of poison there called alkali sprit. She eat [ate] and laid down and died. We mourned her as a friend dead. We were left with the yoke of steers to haul the wagon and a single cow to drive. This man Dean was about to start for Denver[,] Colorado[,] and we made up our minds to accompany him as our team was so weak the distance to montana so great and our food nearly given out. Without means to buy more with we felt compelled to change our destination. We staid here several days resting and the weather was fine.
CHAPTER III

When Dean started for Denver[,] we accompanied him. The road we took was called the plunice Cut off to fort Halleck on the Platte. We moved about 7 miles and camped early on a small stream close to a canyon on a lovely spot. The air was fine and clear in the later part of August.

I took my rifle and climbed to the top of the adjacent mountain in search of game. I saw signs of mountain sheep but found no sheep. I sat and studied the beauties all round awhile. The camp looked lovely. With its white wagon covers and tents and the stock feeding about[,] it was a quiet lovely little scene of pastoral beauty. I could see the Government post at the three crossings of the sweet water and for miles around. [I] kept looking for some sign of life about. After awhile I saw two objects that I took for stock moving in the direction of our camp and as I had nothing better to do watched them approach to make out what they were. They looked to be about five miles

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1 Fort Halleck was founded during the summer of 1862 and abandoned in 1866. It was located at the foot of Elk Mountain in the Medicine Bow Range. Coutant, History of Wyoming, pp. 386-388; Hebard and Brininstool, Bozeman Trail, I, pp. 93, 94; Hulbert, Transcontinental Trails, II, map no. 39.
off. After watching them for sometime I made them out to be two bears [with] the rolling awkward gait[,], the head held low[,], and the large legs which as soon as I could perceive the form looked each out of all proportion to the body, and the peculiar slouching gait told what they were. I became highly interested when I discovered what they were in their movements. They had left one stream and were approaching the one we were on in the direction of our camp. I wondered if they would go close to it. After awhile they got closer to camp and kept on in plain view of the camp and stock and the cow bells ringing loudly. I could hear them plainly from where I stood and I was over a half a mile off and above them. The bears got very close before they perceived anything as they are sometimes very stupid until they get woke up. I never thought of my being anything but a spectator and expected to have a good laugh at the bears when they caught sight of camp. I was sitting behind a little tree about five inches through and 10 feet high with a grove off to one side and the mountain side steep. The bears finally got very close and caught sight of the camp. I think they probably heard the bell as they stopped short[,] they threw up their heads[,] gave one alarmed look[,] then turned and bolted for the very place where I was sitting. I cut loose for the grove to one side to have a tree handy in case it was needed and looked back to
see how close the bears were but they had dissapeared up some little gully probably and I went to camp and saw no more of those bears but found their tracks the next day at the mountain where they crossed.

The next morning we broke camp to go through the canyon and camp again on the other side of the mountain in the canyon. A buck antelope crossed the road in front of us[,] got scared and ran up the steep side of the hill. Dean shot at him in a hurry with his little Smith and Wesson silver mounted rifle. He shot so quick that he only cut the skin under the neck of the antelope but it served to half paralyze the buck and before he could gather for a run the dog had him and threw him down so we got him and had some good meat.

We went on and camped on the opposite side of the mountain from where we started on a small stream bordered with willows. In fact all these streams had but little else in the shape of timber excepting Alders, and that is the case with all these smaller mountain streams. Some of the larger ones are fringed in places with Cottonwood and Quaking asp[,] a species of Poplar tree and never gets to be of much size.

The women folks done a lot of baking and washing here as we camped for two days. The next morning Dean was out early and lassoed a yearling steer and some of us got
hold of the rope to help him hold the steer. The steer bawled lustily. I hapened to look up the trail in the direction we were to move on and saw a bear coming towards us with his head low as is the custom generally when they are not alarmed. He was about half a mile off and did not see us or hear the calf. I spoke to Dean and we both dropped the rope and ran for our rifles which were in the wagons a short distance off. The bear caught sight of us while running and got alarmed and changed his course to pass the camp for the mountain and turned himself loose in a good run. We tried to head him off much as possible so as to get near enough for a shot as he passed but he got by and Dean shot at him when he was going up the mountain and fired 7 shots[.]. One of his shots struck the bear at a distance of three hundred yards up the mountain as the bear was crossing a large rock breaking his hind leg as we could see by his draging it after him. About this time Dean got a cartridge shell stuck fast in his rifle and it bothered him to get it out and we hurried panting up the steep mountain out of breath. When we got to the top the bear was no where to be seen but by watching close I finally got sight of him[, now in a walk on three legs[, at the foot of the mountain and proceeding for the stream close by the place where we had our camp the day before and where I had seen the two bears. I went down the moun-
tain on a jaunt, over rocks and anything to intercept the bear before he should pass and left Dean in a fever of excitement trying frantically to get out the exasperating core with his pocket knife. I got out of the gully. I ran down a little before the bear got along and had to run for him in open ground. He was about 300 yards off as I emerged from the gully ambling along slowly[,] dragging his left hind leg after him and so intent on his own reflection that he paid no attention to me. I ran up to within a hundred yards cocking my rifle as I ran. Stooping down on one knee I took good aim for his heart and pulled the trigger. The cap did not go off so I put in a little priming in the tube and a new cap on which these aggravating muzzle loaders sometimes require. Dean passed me soon after my gun missed fire on a run with his rifle ready coming to the rush [sic]. There was a little hill [and] the bear went on one side of it and Dean on the other and came out close together on the other side. Dean fired and shot the bear through but did not kill him. The blood flew all over the ground as he ran, and Dean reloaded his gun and waited until I came up not caring to go alone into the brush. We both followed the blood signs into the more open brush and found where the bear had laid down and tried to stop up the wound. It was very bloody where he had laid. Dean thought it best I should go to camp and get the dog
and two saddle horses while he waited. When I got there with the dog we tried to get him to follow up the scent but all he would do was to smell about and roll in the blood. So we lost the bear. This bear was a cinnamon bear and might weigh four hundred pounds.

We left this camp after a short stay. We saw a doe elk large as a small mule at which I could not get a shot, and went on a few miles and camped again. This whole region was alive with game, elk, White tail deer, black-tail deer, bear, Antelope, mountain lions, mountain sheep, wolves, beaver, fish, and all the valuable fur bearing animals of the Rockies. I went out after camping[,...] hunting and shot a buck Antelope breaking his hind leg and the bullet going clear through his bread basket which sickened him. I laid low and he lay down close by. I reloaded and shot him again through the fleshy part of the other hind leg and into the body. I had no more ammunition with me. When the bullets struck him I heard the sound plainly, sounding like striking a carpet with a ram rod. The antelope would have been glad to have laid down again but I went for him and he started off in a crippled run a little faster than I could go. It was after sundown when I first shot him and I was anxious to get him before it got dark for fear he would get away from me. He ran nearly in the direction of camp over prickly pear ground.
This cactus had spikes as long as a needle and the raw hide soles of my Sioux moccasins had worn into holes on the bottom. It began to get dusk and running into ground with some big sage bushes over it I got into several prickly pear beds and filled the soles of my feet full of spikes. I stooped for a moment to pick some out so I could stand it. Looking up to follow my game again he was no where in sight. I skurried about some and ran across a little gully about three feet deep and ran down this and soon routed him. He started on a run and I picked up a buffalo skin bone and caught up with him and threw it at him striking him on the back of the head and knocking him down. He got up and started off again and as the bone had broken in two I followed until he laid down. Then I caught him by the horn and he tore around for some time until he got worn out. Then I straped his hind leg to his horns so he could not get away and started for camp to get a horse and my hunting knife. I returned by moonlight with the horse and father. The antelope had strugled so far away from the place where I had left him that I was afraid he had got away. I found him after awhile and we took him to camp. This was my first game killed, although I had hunted a great deal along the route. My gun was not a good shooter. I was proud of my success.
The next day I went out in the same direction for another antelope hunt. There was a spring in this section of open prairie, and water was a long way off in any other direction. So the antelope had regularly beaten trails to the spring. The train was to come along through this same route so I hunted on ahead. I caught sight of an antelope coming down one of these trails and I laid low behind a sage bush and waited for it. It came on the trail I was on until it forked and took off to one side of where I lay. When the antelope got opposite me I whistled to make him stop and then fired shooting it clear through sickening it so that it laid down. I raised up with the intention of reloading and looking in the direction this antelope came perceived the horns and upper part of the head of a buck antelope coming down the trail. So I laid low to see what he would do. He came on to within 10 feet of me before he saw me and then stood still looking me in the eye. I never moved a muscle and after staring awhile and snorting he went over to where the wounded one was lying and smelt of it. The antelope when alarmed sometimes snort. The sound is half whistle and half sneeze. He knew something was wrong and snorted again. I could not stand it any longer so poured in a big charge of powder and a loose ball on top and ran it home. As I lay, I put in a cap and turned loose on him shooting him through about like the other. He humped up his back and
looked sick. Just then the wagons came in sight and I raised up and loaded my gun and the buck ran. I went for the first one and it started off weak to cross the road. I shot at its head while running and missed it and fired again soon as I could and missed its head again. By this time the [train members] saw it and ran and caught it. I dressed it and we put it in the wagon and went on.

We passed over rolling hills and prairie well clothed with fine bunch grasses until we struck a small dry creek bed. On this old road there was plenty of willow birch[,] Alder and Buffalo berry bushes, rose currant and goose berry bushes. The creek bed was dry for a considerable portion of its length with a great many Beaver dams along its course. We traveled a long way up this narrow bottom and camped late in the afternoon near its head where we found a spring. While we were preparing the camp two small grizzly bears passed in sight of camp. Dean got his gun and I mine and we started after them with the dog along. This dog was a cur of the kind with shaggy hair that twists every way on the face and over the eyes generally denoting grit and he weighed about 80 pounds and was of a dark grey color. We proceeded silently as possible to where the bears went into the creek but Dean followed down the bed with the dog on their track while I went across the creek where we both thought they were most
likely to break out when they were started. I followed down fast as possible so as to be about opposite Dean when they were started so as to be in range of the game if possible when started. It was not long before the dog barked and I heard Dean's gun crack. I got ready and waited a few moments listening to the dog and concluded they were running on the other side of the brush and halled to Dean to know which way they were going. He said they were going up the hill on the other side. I ran across the creek bed and up the hill on the other side and got up just in time to see the bear sitting on his haunches and the dog grab him by the ear and pull him over. The bear was dying so there was no fight in him. He looked like a two year old grizzly might. The meat was out of sight. Dean soon came up [and] dressed the bear. We got a horse and after a good deal of persuasion and blindfolding the horse and taking him to the opposite side of the bear from which the wind came from[,...] we succeeded in loading it on the horse and had bear steak for supper. This was good meat being young and fat. It was rather springy under the teeth as I have seen game before[,...] but [it was] tender. We tried some of it first on a poodle dog one of the women had. We had heard that a dog would not eat it when cooked as they detected by the scent. This dog had not seen the bear. We cooked beef in the same pan and gave the dog a little which it ate and then a little bear meat. It would not touch the bear meat.
Just before sundown Dean and I went out to look for the mate to this bear as he said it would be likely to come back to investigate. We hunted along the creek until nearly sunset[,] then moved off into the hills and caught sight of a bear coming towards the creek after sunset. He saw us before we saw him and stood up on his hind legs to look at us. He was nearly out of rifle range so Dean would not shoot at him. He was up a long slope from us so I fired at him for fun and sighted for the top of his head. We watched for a few moments and could see by the dust rising that the ball had struck close to his feet. He went and did not stand on ceremony.

The next day we moved on over a low divide and camped for noon on a sage brush flat where the sage brush was large and there was a small stream of water. Here Dean crawled up close to a huge buffalo that was lying down and killed it the first shot which was surprising as his rifle carried such a small ball and charge of powder. He also shot an antelope 500 yards off and broke its hind leg and the dog caught it. It was odd to see the length of time it took a bullet to traverse the distance if long. In shooting at this antelope after the puff of smoke it was several moments before the bullet struck him. He squat and bounded as the bullet struck him and he watched us until struck. They run the finest of any game in the west. It is a firm
springy bounce with the head erect and they skim over the
ground gracefully and swiftly with the buck bringing up the
rear if there is a number of them together. Often while
feeding a buck is left on guard who mounts some knoll or
rock and gives the alarm by their peculiar snorting sneeze
if danger is at hand.

We camped here overnight and the women folks baked
bread. One of the women had hers eaten up by a cow. She
got angry and accused another woman of stealing some of her
soap and there was a war of words. The woman was English
that lost the bread and she struck the other woman in the
face with her fist and followed her up to strike again. The
second woman backing from her hit her heel against a wagon
tongue and fell over backwards clutching the English woman
with one hand in her hair and the other hold of an ear
ring. The ear ring tore out and so did the hand full of
hair, leaving a bald spot and she was called baldy after
that and got no sympathy as she was the aggressor and the
other woman only on the defense.

We moved on after this until we came to the emigrant
road leading to the Platt.\(^2\) Here we changed our minds about

\(^2\)At this point, Kirkpatrick does not make clear
whether he is east or west of the Platte River. The
"emigrant road leading to the Platte" is the Overland Mail,
Express and Emigrant Cut-off which ran from Nebraska into
Colorado and cut across southern Wyoming to Fort Bridger.
The Oregon Crusade, Across Land and Sea to Oregon, edited
going to Denver and again turned to the west as our teams had gained heart somewhat. This road took us across the Rocky Mountain pass called Bridgers Pass after old Jim Bridger. For days on this route it was sickening much like the first part of the old cut off with its alkali water and much poorer grass. We traveled a long way on the old Bitter Creek road so called on account of its bitter and alkali water. Our stock ran down in flash here.

There was nothing worthy of incident until we got within a few miles of Fort Bridger a government Post on

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3See footnote 2, this Chapter. Bridger Pass is the pass between the headwaters of the streams making Sage and Muddy Creeks and twenty miles southwest of Rawlins, Wyoming. The pass is in the Medicine Bow Mountains. Hebard and Brininstool, Bozeman Trail, I, footnote 31 on page 93; Hulbert, Transcontinental Trails, II, map no. 40.

4Hebard and Brininstool’s description of Bitter Creek road: “From her the stage route was directly west to Bridger’s Pass and Bridger’s Pass Station to Bitter Creek Station, where the grass was poor and the water bitter and the alkali unbearable; to Green River, and then along the route adopted by the Union Pacific Railroad to old Fort Bridger, where the Oregon Trail and the Overland Route united:...” Hebard and Brininstool, Bozeman Trail, I, pp. 93-94; Hulbert, Transcontinental Trails, II, map no. 41.
Ham[s] Fork. We camped overnight a few miles from the fort. During that day we had been troubled for water in the desert we had been traveling through and camped where there was grass but no water. A mexican guide for Government troops happened along and took dinner with us and showed us some rain water among the rocks not far off[,] and it being in shadow was fair drinking water. We were almost out of food of any kind and no means to get more, and told the Mexican so. He said he had flour and would give us 200 # if we would go to his wagon a little off the road before we got to the Fort. We did and this poor man gave us 200 # of flour. When we got to the Fort we found that Uncle Sam furnished emigrants rations to last them through to their destination when they were without provisions and means so we camped here three or four days close to the Fort and the Quartermaster furnished us with plenty of good beef, tea, coffee, sugar, flour, beans, rice, etc.6

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5See Appendix F.

6Kirkpatrick arrived in Bannack two or three days ahead of N. H. Webster. Webster came to Bannack in a wagon train over the same route from Fort Bridger as did Kirkpatrick. His journal contains his experiences when traveling to Montana and for nineteen days after reaching Bannack. If Webster's train and Kirkpatrick's train maintained three days between each other when traveling from Fort Bridger, Kirkpatrick could have been at Fort Bridger around the 20th of September since Webster arrived there early the 24th of September. N. H. Webster, "Journal of N. H. Webster," Contributions, III, 1900, pp. 300-330, hereafter cited as Webster, Contributions, III.
There were a lot of Snake or (Shoshonee) Indians here camped. There was one old squaw so old she was dwarfed. Her hair nearly white and walked in a stooping postur with a cane. She took particular delight in being about with the children of the Post, and crooned and talked the Indian tongue to them. They could not understand a word she said but she kept along with them in their play. One of the Indians caught a cub bear and sold it to a soldier who chained it to a post. Another soldier fed it lumps of sugar and teased it by putting out the toe of his boot and poking the bear's nose about. The bear bit right through the boot and into the foot.

We saw here one of the wounded men that was in the Bear River fight. He was a Lieutenant of General Conor, and had a bullet in the back part of his head that had entered the eye putting it out and passing round on the inside of the skull and lodging in the back part of the

7See Snake Indians, Appendix C.

8This battle (or massacre) occurred January 29, 1863, near the present town of Franklin, Idaho. The Indians were Bannocks and Shoshones. The total dead for the Indians is commonly given at 224. It is not known how many Indians were present for the battle and how many escaped. Colonel P. E. Conor was the U. S. Army commander. He had one company of infantry and four companies of cavalry who had marched northward from Fort Douglas in Salt Lake City, Utah. Fred B. Rogers, Soldiers of the Overland (San Francisco: The Grabborn Press: 1938), pp. 71-74.
skull without killing the man. All the Indians but 11 out of three or four hundred were killed in this fight. The Indians had murdered and tortured to death so many emigrants that General Conor attacked them in their fortified camp on Bear River and there was no more defenceless women and children butchered by the Snake Indians. The Indians met the soldiers waving a white woman's scalp and insulting them, dared them to come on. They did not want a second invitation but went in with a rush and the country settled up after that, and those Indians have been peaceable ever since unless it might be a few renegades that joined the Nez Perces in their march through Montana and Idaho long after. At least the few Montanaians killed when the Nez Perces passed through Montana was laid to renegade Snake Indians mostly.

Here [Fort Bridger] we joined company with some emigrants mostly from Colorado bound for the lively mines of Virginia City[,] Montana. The first night we camped at Fort Bridger we put a kettle full of beef boiling over the camp fire and went to bed before it was done. My brother James and I slept beside the wagon tongue on the ground. Mother[,] Father[,] the girls and my little brother slept in the wagon. I usually kept my rifle hung up inside the wagon on the side of the wagon bows. After we had gone to sleep Mother called to me to see if the beef was all
right as she heard the cover of the kettle rattle. I got up to look. There was still a lot of coals around the kettle. The cover was off and the meat gone. I knew it must be an Indian dog that stole the meat as it was nearly boiling hot. The bone of the meat was uppermost and the dog must have seized that in carrying it off. These dogs are part wolf and look in the face much like a wolf with long upright sharp pointed ears. They are of different colors. I got my rifle and laid it across the wagon tongue pointed in the direction of the kettle and covered myself up in bed looking over the tongue and awaiting further developments. In about fifteen minutes I saw a wolf's head come up out of a sharp little gully close at hand and reconnoiter then advance to the kettle and smell it. I fired into his breast and he went down with a sigh and the crack of the rifle woke the stillness of the night with a terrible racket. I laid down in bed and my brother and I early next morning took the dog which would weigh about eighty pounds and threw him into a big cluster of willows. That day a company of men with pack horses camped with us[,] and at night the Indian dogs stole all the bread and some bacon they had from under the head of their beds. A small Indian dog came after dark prowling about among the wagons. I borrowed a revolver and shot him but the bullet entered I judged by the way he chewed
the place at the short ribs as he set up a terrible howling
spun around and bit at his short ribs while I was doing my
best to get the hammer of the pistol back to put him out of
his misery. A piece of cap stuck fast in the working parts
of the revolver and I could not get it to work in time as
the dog quit howling and made a bee line for the Indian
camp half a mile off. These dogs have most of them a
sneaking wolfish look.

The next day we took up our march over the Landers
Cut off to Soda Springs on Bear River. Some Indians over­
took us and went along a short distance with us and then
struck out on a hunt. We had a rough hilly road most of
the way to Soda Springs part of the way along Bear

9Kirkpatrick's route must have been over the old
Oregon Trail to Soda Springs which would have brought
his train to the Bear River below Bear Lake and along
this River northward to Soda Springs. Lander's Road
left the Oregon Trail at South Pass in Wyoming and ran
westward through central Wyoming crossing Blackfoot
Creek just south of Gray's Lake and just north of Soda
Springs in Idaho and from there to the Snake River. In
all probability Kirkpatrick's train struck Lander's Cut­
off after leaving Soda Springs as did many of the wagon
trains traveling the Oregon Trail during this period.
Map, American Pioneer Trade Association, Old Oregon
Trail, 1948; W. Turrentine Jackson, Wagons Roads West
(Berkeley and Los Angeles: University of California
Press, 1952), map on p. 194, and pp. 207–209, hereafter
cited as Jackson, Wagons Roads West.
The Wild geese were beginning to migrate south and a few were killed by the train men. We saw a few graves of people said to have been killed by hostile Indians. Some spots on Bear River were broad[,] level[,] and covered with fine blue joint hay nearly ripe. The soil was dark and rich but the altitude was too high for successful farming, too much frost in summer. We came to Soda Springs noted for its medicinal waters and the Steamboat Spring. Lots of these springs are cones where the water has bubbled up and formed a deposit. Some have a beer smell and the water will rise bread when fresh. Here was a Government Post with a company of soldiers[,] and the town was composed of Morisites an offshoot from the Mormon Church. They were driven to Soda Springs by the Mormons and had a battle enroute. They lost several lives [---] men[,] women and children [---] and most of

10Webster mentions this hilly stretch and refers to them as the Thomas Fork Mountains. Webster, Contributions, III, p. 316; also see Hulbert, Transcontinental Trails, III, maps no. 8 and no. 9.

11"These Springs were considered by many of the emigrants the most attractive natural phenomena of the entire trip, one of them Steamboat Spring, which at that time spouted at regular intervals, being especially enjoyed." Jennie Broughton Brown, Fort Hall, On the Oregon Trail (Caldwell, Idaho: The Caxton Printers, Ltd., 1932), pp. 219, 220. The site of Steamboat Springs is now inundated by the waters of a dam. For early descriptions of Soda Springs and Steamboat Springs see The March of the Mounted Riflemen, edited by Raymond W. Settle (Glendale, California: The Arthur H. Clark Company, 1940),
their property. Some of the women were mangled frightfully by a canon which the mormons used against them.12

The night we camped there the Officers of the Post gave a public ball and invited the Morisites and our train people to attend. I went along others to look on. The Officers and soldiers were gentlemen and showed themselves such by introducing one to another and seeing that all got a chance to dance that wished to and kindly keeping back themselves to give all a chance, and making everybody at home. Quite different from dances I often saw afterwards where a certain class of young men rush up to the ladies seated, and tramp and elbow their way for choice of partners regardless of the feelings of others in the matter [--] regular rowdies.

The next day a party from town with a wagon went fishing to a stream called Little Blackfoot13 on our route where we learned salmon trout were so plentiful

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pp. 156-160; and John C. Fremont, Memoirs of My Life (Chicago and New York: Belford, Clarke & Company, 1887), I, pp. 207-211.

12See Appendix G.

13The emigrant road struck a tributary of the Snake River, Blackfoot Creek, a few miles north of Soda Springs. After a few miles along this Creek, the Lander's Cut-off (or Road) joined with the road from Soda Springs. From there the road led to Ross' Fork and along that stream to the Snake River. James Stuart mentioned catching chubs in Blackfoot Creek and trout in Bear River when he and his party were returning to Bannack from their Yellowstone Ex-
that they often loaded a wagon in a day. Bear River had plenty of nice brook trout the largest weighing about 2 pounds. These Salmon Trout weigh often five and six pounds. The flesh is a delicate pink color, not as dark as the salmon proper. We bought a few fish hooks and got to Little Blackfoot that night in time to catch a lot of these fine fish. They bit the hook best after sundown during twilight.

An Indian kept along with us for several days who had a white pony. He camped with us nights eating with the train men and catching fish along for those he ate with. He was a young fellow and decked himself off with green and red paint and green ribbons. He made fish lines out of the silvery hair of his ponies tail and sold them to some of the men.

Our poor steers were perceptibly weakening every day. They were not four years old yet and stood the trip well for so young cattle. Their eyes began to look sunken and ghastly. We felt [sorry] for the poor wretches but could not stop to recruit their strength.

After we left Soda Springs [and] until we began to ascend the mountains to the north of Snake River[,] we en-

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pedition of 1863, Jackson, Wagons Roads West, map on p. 194; Stuart, Contributions, I, pp. 197 and 199.
countered heavy roads, the sand for long stretches being deep. This was awful on poor worn out teams drawing heavy loads and told quickly on our overworked steers. At Snake River we laid over a day to ferry and swim the stock over. They all got over without accident. Often stock and men have been drowned crossing this swift mountain stream. There are lots of fine trout in the river. One of our steers gave out as it is called in the west, that is, they could go no farther until rested, exhausted. We let him rest a short time and all the children kept out of the wagon as it was about all the steers could do to haul the wagon with the light load now in it. We got along until night and managed to overtake the train by driving late.

This route had but few habitations on it. The next day we started out with fo10m feelings as should our steer give out entirely we were in a bad fix as we could move neither forward or backward and we were still in long sandy stretches aproaching the high mountains, and it


15See Samuel Word's account of this sandy stretch. Word's Diary, Contributions, VIII, pp. 90-92 (September 20th to September 29th). The mountains Kirkpatrick mentions are probably the Beaverhead Mountains between Montana and Idaho.
would be exhausting labor for the poor cattle climbing them. We managed to wigle along that day, and the next day we began ascending the mountains where we had to stop often to give the team a rest. We had hitched our one poor little cow in to take the weak steer's place and rest him once in awhile over the sandy places but she too was poor and small, and up the mountains she was too light to do much good so we used the steers there. We were toiling up the range assisting with a shoulder to the wheel once in awhile with frequent stops to give the steers breath.

Late in the afternoon when we had a long climb before us to get on top of the mountain we were agreeably surprised to meet a man and yoke of fat strong oxen sent back from where the train had camped for the night to help us up. We took off the steers and the oxen made light work with our wagon and the children up the mountain.

The next day a man who had some stock in the train let us use one of his cows to mate ours and as his was broke it was a godsent to us and the steers. Mother and the children were enabled to ride. Mother was weary as she had walked a good part of the trip across the plains, and longed for the end of our journey which was still over one hundred miles distant, and in October then.
One night our beds were covered with four inches of soft snow fallen during the night but we did not know it as our heads were covered up under the bed clothes and the snow made the covering still warmer. In the morning someone up first shouted and we opened the bed clothes supposing it was late in the morning, when in poured a lot of snow into the steaming bed. We were not slow in closing the bed again and we waited until we heard a fire crackling, then we threw down the covering and dressed quickly. In fact we had but little to do but pull on boots and hat and coat, and went to the fire.

We traveled over the main range of mountains called the Pleasant Valley Divide then across Pleasant Valley and down the range on the northern side. After striking the Snake River we came to the main road from Utah to Northern Idaho which is Montana now, Idaho being then a very large Territory extending from Utah on the south to the British possessions on the north, and from Oregon on the west to Dakota on the east.

Along this road we saw travelers occasionally both ways, trains and packers and the stage coach. Northern Idaho was then infested with robbers or Road Agents as they were termed in sarcasm. We met a small party of men going south to Salt Lake City in Utah to winter. One of them was
Dr. Steele well known in Colorado and Idaho. The party had plenty of gold dust with them. They had got it in the new mines of Virginia City sixty miles northeast of Bannack City, our destination, and had been keeping a good look out for the Road Agents. Their going south spoke of winter soon at hand and mining in the placers stopped from freezing, as the gold has to be washed out. The gold brought from the mines and the accounts of rich gold mines hurried us forward.

16 This undoubtedly was Dr. William Steele who was elected as first president of the Alder Gulch Mining District. He was one of the first to go there from Bannack. Besides owning a good placer mine and being in partnership with his brothers in the freighting business, Steele practiced medicine. In December, 1864, he went to Last Chance (Helena) and invested in mining ground at Grizzley Gulch near Last Chance Gulch. In 1866, he bought a ranch on the Prickley Pear Creek near Helena and operated a freight train out of Fort Benton. In 1869, he was elected sheriff of Lewis and Clark County. In 1873, he turned his entire attention to his medical practice in Helena. Leeson, History of Montana, p. 1254; The Helena Independent, May 16, 1909, page 1, column 7.
CHAPTER IV

As we passed down the head waters of Red Rock River we found men finishing up haying for the overland stage line.¹ The hay was pretty ripe then. There were stage stations every 10 to 15 miles apart[,] depending on water, as they wanted them 10 miles apart for relays of fresh horses. We moved down Red Rock until we arrived at Horse Prarie Creek and turned up that. It was the old road leading to the Bitter Root Valley the oldest settled portion of the country then.² The road leading to Virginia

¹At this time, these stage stations probably belonged to the A. J. Oliver and Conover Company which seems to have operated the first stage coach line between Salt Lake City and Virginia City in the fall and winter of 1863-1864 via Bannack. In 1864, Ben Holladay took over the Salt Lake-Virginia City mail route by methods of keener competition with his Overland Mail and Express Company. J. V. Frederick, Ben Holladay, The Stagecoach King (Glendale, California: The Arthur H. Clark Company, 1940), p. 145; LeRoy R. Hafen, The Overland Mail, 1849-1869 (Cleveland: The Arthur H. Clark Company, 1926), pp. 279, 281; Merrill G. Burlingame and K. Ross Toole, A History of Montana (New York: Lewis Historical Publishing Company, Inc., 1957), II, p. 64, hereafter cited as Burlingame and Toole, A History of Montana.

²The Bitterroot Valley is the location of St. Mary's Mission, founded September 24, 1841, by Father de Smet. In 1850, John Owen came to the Bitterroot Valley from Fort Hall in Idaho and purchased the buildings at St. Mary's Mission. It was near this mission and the present town of Stevensville that Owen constructed his well-known trading post and fort. Burlingame and Toole, A History of Montana, I, pp. 100, 101; II, p. 229.
City branched off soon after we passed Pleasant Valley. Red Rock took its name from a red bluff that is close to the stream. The valley has a few good hay Ranches on it. It is bordered with willows[,] alders and some Cottonwood trees. Horse Prarrie has considerable breadth of bottom land covered with numerous branches of the stream and is a fine valley for hay and grazing. Lots of wild clover and wild timothy growing there.

We traveled up this stream and camped on the north side of it eleven miles from Bannock on the eve of October 15, 1863 and the next day we were to be in Bannock. There was one ranch near where we camped, Martin Barrett [']s[,] used as a kind of Hotel and for the care of stock sent there to pasture. It was a double log cabin with dirt floor and poles for roof with dirt on them and one window and small at that.

On the morning of the 16 [Oct. 16, 1863] we woke up and found two inches of snow on the ground and the air crisp. We with the others of the train started for Bannock over sagebrush hills, and came in sight of the town half a mile away as we looked down from the hills.

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Barrett came to Montana in the spring of 1863. In partnership with Joseph Shineberger, he located the first permanent ranch on Horse Prairie. Barrett was one of the most successful cattlemen in this part of the state. Leeson, History of Montana, pp. 489, 983; Dimsdale, Vigilantes, Noyes ed., pp. 213, 243, 244.
FIGURE 4.—Bannack, 1884. Photo courtesy of Beaverhead County Museum.
FIGURE 4.--
Brim et al., 1876. Photo by H. I. Brim. We were glad to be able to find a gathering place to the south of the town mentioned above. This picture shows the town from the south.

FIGURE 5.--
Breechmore Creek immediately below Banneck. Photo by editor, 1950.
We were glad to be so near our journey's end but the sight of the town made Mother's heart sink. Piles of dirt and gravel all about where mining had been done, a cluster of single storied log houses with square board fronts on some of them where business was done all without paint. The hills were grey and yellow with an occasional red brown or yellow spot on the mountain near town where prospecting had been done for gold or silver leads. Just two streets through the town, and willows all brown and no other timber on the bottoms was anything but cheerful. Still to get under cover of a roof and rest for ourselves and team would be a relief as we thought winter was at hand. The snow had left that came during the previous night. We found the main street alive with whiskey and gambling saloons, and plenty of people about. We went through town and down the gulch for half a mile or more with houses

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4 Webser's description of Bannack: "Thursday, October 22: Have been over in town. It is located on the east bank of Grasshopper Creek. It looks to me as if it was all saloons, and in fact most of the places are; only two clothing stores; no dry goods stores; in fact I don't think there is any need of any as I do not see any women on the street. There is only one street. I do not think there is but one butcher or meat shop; fact is there isn't much of anything here; three grocery stores. You can get whiskey anytime you want it. It is a desolate place indeed. I have been looking around but do not find anything satisfactory. Was offered $250 per month by a Mr. Durand to tend bar for him in a billiard hall, board and washing free, but do not want to sell whisky, only as the last resort to keep from starving. There may be money in it, but I don't like the business and the associations connected with it." Webster, Contributions, III, pp. 324, 325.
scattered along and signs of mining everywhere, until we arrived at a town called Marysville in honor of the first woman that lived there. It had one street through it with a good deal of mining about both quartz and placer and bar mining. Here we rented a small log cabin 12 by 14 feet inside with dirt floor and roof. In fact all the houses then in both Bannock and Marysville had dirt roofs and most of them dirt floors beaten hard by continued tramping on them. There was a rude bedstead with a beef hide stretched over it and a fireplace with chimney, and one window which consisted of a pane of glass set into the door. We turned our stock out to feed and made this cabin comfortable as possible and moved in our household goods which were few, stowing some under the bed and others in boxes which we sat on. I believe there were one or two chairs with high backs covered with beef hide. These hides were stretched on green and dried there, making them tight. The winter did not come on as soon as we expected not for several weeks. The grass was good rich

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5Marysville was approximately one mile below Bannack. Bannack was constructed at the mouth of the canyon through which the Grasshopper Creek flows. Marysville was down stream in the Canyon. At first Marysville was called Centerville but eventually came to be called Marysville after Mary Jane Widams, who was the first woman there as Kirkpatrick states. Oren Sassman, "Metal Mining in Historic Beaverhead," (Unpublished Master's thesis, Montana State University, Missoula, Montana, 1941), p. 68, hereafter cited as Sassman, "Metal Mining in Historic Beaverhead."
bunch grass abounding everywhere and the cattle soon picked up strength and heart. So we were able to haul some wood which was close by being all down hill with the load. We got a good price for what we hauled and the cabin was warm and a palace for comfort to what we had been used to on the road. The fire evenings and the wind broken off us was cheery. Food was very high [---] flour 15 to 20 dollars per hundred and not the best at that and other groceries in proportion. The furniture was nearly all homemade by carpenters or anybody. Father got a little carpenter work to do.

My little brother\textsuperscript{6} was soon taken sick with mountain fever\textsuperscript{7} and lost flesh until he was little more than a skeleton for a long time. We got some gray powders for him and he soon got well again.

We kept the stock there as long as it would do and then took them 25 miles to the north of Bannock on to the Beaver Head River on to a Ranch owned by a Mr. Stone.\textsuperscript{8}

\textsuperscript{6}Robert probably means his half-brother, Monroe Mann.

\textsuperscript{7}The term mountain-fever was applied formerly to a fever accompanied by debility, diarrhea, etc., which occurred quite frequently (and now occasionally) in the mountains, especially those in the western part of the United States. It is now generally conceded that this form of fever is essentially typhoid, modified by the effects of extreme altitude." Encyclopedia Americana (1956 ed.), XVIX, 530.

\textsuperscript{8}Webster refers to a Stone's ranch in his journal: "There is a station here at Beaver Creek, or Beaverhead River as it is called, kept by a Mr. Stone; it is called
They would have to hunt their own living all winter, but stock in those days needed no better chance than to be turned loose, even if in poor flesh[,] to come out fat in the spring and ours did.

Father and I worked on houses and odd jobs to pick up money. The young folks had dreams of turning over stones and finding gold nuggets and finding nuggets in the streams among the gravel when we left home in Wisconsin. Father had been to California in the early days of gold mining in that State where gold was found from the grass roots down as the saying is and often the digings were shallow and rich. Indians in that State finding it on the surface of rocks in crevices where the mountain streams had washed off the surface soil and left the coarse gold in plain sight. They picked it out with knives and traded it to the whites for trinkets. The digings there were often from two to six feet deep and gold all the way down through soil and gravel. Father had made as high as sixty dollars in a night with a common rocker run by hand like rocking a child[!]s cradle of the old fashioned sort with the rockers crosswise of the cradle.\(^9\) He made this amount out of old tailings as the

\(^9\)For a picture of a gold rocker, or cradle, see Sassman, "Metal Mining in Historic Beaverhead," p. 88.
dirt and gravel is called that has been washed for gold once. These tailings happened to be clay in hard lumps and did not dissolve in water, and after lying exposed to the air for a length of time, air slacked [them] so as to crumble and the coarse gold easily washed out. He often worked by candle light partly to utilize the water as it is often scarce in the placer mines.

The mines where the gold dust is found in the soil and gravel and on the bed rock are called placer mines, and where it is found in quartz rock or other mineral body it is termed lead or lode mining. The common term in montana is lead mining and the bed rock is the rock at the bottom of all placer mines where generally the greater part of the gold is found. This rock is of formation according to locality, slate, granite, and other kinds of rock - [ ] generally only one kind of rock in one section. The Gold being heavier than the other substances it is found with, is worked to the bottom by its own gravitation and the action of water. The pay dirt as the strata of gravel or dirt is termed in which the gold may be lying in some mines, may be in different layers above the bed rock. For instance, there may be a pit sunk to bed rock 10--12--or 20 feet [deep]. If along the course of a stream, a water wheel of sufficient power, [then] generally an overshot or bucket wheel, is put in place to be run by a flume and the wheel pumping [pumps] the water out of the pit with a canvas
belt run over a drum on the shaft of the water wheel, and slats [are] nailed on to the belt and the belt bringing the water up through a set of closed boxes to fit the belt in size[.] The belt and boxing is lengthened to suit the depth as the pit is sunk. If the pit is 15 feet to bed rock there may be 10 or 12 feet of the upper part, that is waste dirt and gravel, with perhaps a little very fine gold in some of the gravel called colors, but too little and diffused to much through the dirt to pay for handling. This dirt is stripped off generally by man power with a long handled shovel and a pick. Then [comes] the pay dirt which is generally gravel and sand mixed with a small proportion of a sand called black sand which is as black as gun powder, next in weight to the gold[,] and a few small stones called iron rock from the size of shot to large as a Robin[']s egg. These too [also] are heavy and stay with the black sand and gold dust. The pay dirt is shoveled into boxes called sluice boxes 12 or 14 inches wide and the sides 8 to 10 inches high, open at the top[.] These boxes are 12 feet long and connect one with another for from 6 boxes upwards to any length desired to carry off the dirt and water. In

10This is a Chinese Pump. For a picture of such a pump see Sassman, "Metal Mining in Historic Beaverhead," p. 103.
the bottom of these boxes are riffles. Some make them of 1 \( \frac{1}{2} \) inch plank with holes bored all over them and some make them of cross slats nailed into or between two long slats for support. These rifles are made the size of the bottom of the sluice boxes and are generally left a little loose so as not to swell in the boxes so tight as to be hard to get out, but have to lay close on the bottom so the gold and sand will not wash under them and waste. They have three or four of these [riffles] for as many boxes. The pay dirt and gravel is thrown into the upper box with a stream of water running through the boxes and over these rifles. The rifles create riffles in the water which works the gold down in these spaces and is held there until night when they are taken up and the lighter sand washed off by letting a small quantity of water through the boxes without the rifles being in. Then what is left [---] black sand[,] iron rock[,] and gold[,] ...[and] in some mines[,] a few small Rubies [---] is collected in a gold pan made flaring one piece of heavy sheet iron without seams (a pressed pan). A little three cornered piece of sheet steel called a scraper is used to gather it in to the pan. Great care is necessary to keep all oily substances out of the pan[,] as if the pan were greasy, all the gold would slide out in washing. The miners often burn out the pan with fire to make sure there is no grease on the surface of the pan.
After the rich part is in the pan which may be from four to six quarts of gravel[,] sand[,] and gold[,] it is taken to the stream where the miner sits on his heels and slops the water in and out of the pan and letting the water slop off the loose surface sand and every time he takes in more water he vibrates the contents of the pan and shakes it up well stirring often with the hand and picking out the rocks on top[.]. All the time he shakes it [he] works the gold dust towards the bottom of the pan. The coarser gold soon getting there and the finer and lighter dust he has to be careful not to wash off with the heavy sand. It is an operation taking often an hour or more until the man gets tired and stiff sitting on his own heels. At last there is left the yellow gold with some black sand and very small Iron rocks. He then takes the pan home[,] puts it on the stove and dries all the moisture out of it, [and] pours the contents into a brass or tin receptacle made for the purpose called a blower. It[the blower] is generally about seven to ten inches long[,] five to seven inches broad at one end and narrowing to from three to four inches at the open end. It is an inch high with a flat bottom. The gold is shaken in this and blown gently with the mouth to work the black sand away from the gold. When it [the sand] is separated it is blown out of the small end of the blower as you would blow sand out of a kitchen dust pan. Where there is very fine gold dust a small quantity escapes with
the black sand but it is so light it is unapreciable. Often it is hard to make the fine gold dust clean enough to pass as it is termed in Montana[,] that is so it would be accepted by the stores and Banks. Then a magnet was called into use which picked up the black sand and little iron rocks by rubbing it about in the blower. The gold did not stick or adhere to the magnet. Then the dust is weighed on a small set of gold scales similar to some drugists' scales to show how much money the miner has. Nearly every miner had gold scales.

The gold of the placers of Montana in its pure state, that is just as it came out of the ground in a natural state[,] was worth $18.00 an ounce in early days. Where there was a quantity of fine gold that the action of the water washed away[,] quick silver was used. It was dropped in the rifle holes here and there to collect the gold it stuck to it and whitened it [sic.]. The miners put this on the stove in the gold pan and burnt it until the quick silver was mostly burnt up[.] [This] left the gold amalgamated and off color. This kind of gold generally sold for [$]14.00 to [$]16.00 to the ounce.

The placer mines are of two kinds, gulch and bar. The gulch mines[ are] those along the creek bottoms[.] The bar mines [are] the upland ground. The bar was generally dry mines sometimes washed off into the gulch by hose and
hydraulic process; oftener by drifting or tuneling with shovel[,] pick and wheelbarrow. Where the wheelbarrow was used the dirt had to be rich to pay, yielding from 10 cents to 25 cents to the pan of pay dirt and the streak twelve inches or more thick. For the piping or hose work three cents or less to the pan of pay dirt would pay to work as so much more dirt could be moved in a day. Often one to fifteen dollars to the pan was got in a few choice spots, and I have seen the best dirt on the bed rock in the gulch below Bannock City yellow with gold as it was shoveled up. It was in a kind of blue clayey gravel and went from fifteen dollars to seventy-five dollars to the pan. There were only two or three claims like this owned by profligates that drank and gambled their gold off soon after it was taken out.

A man was allowed one claim by miner's law and a discoverer of a mine was allowed a claim for discovery and the one besides. A claim was 150 feet up and down the gulch and from hill to hill. The bars on either side were separate for more claims. Lots of the claims were not worth powder to blow them up, others paid to work and a few had fortunes in them. Wages for miners were five dollars.

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11 For a picture of hydraulic mining see Sassman, "Metal Mining in Historic Beaverhead," p. 92.

12 See Appendix H.
a day of 10 hours and the gulch mines were often wet work entailing rheumatism on some men. The life of a miner in most cases was comprised in hard work all day, cooking his own meals which generally consisted of beef, fried or boiled, potatoes and other vegetables. Baking Powder bread or sour dough and soda, with mutton or beef-fed Pork if he chose, and dried fruits. Most of the food was of good quality excepting the Pork which was fed from garbage about the slaughter house and tasted beefy.

After supper the miner hurried away to some gambling hell to smoke, fill himself with blue ruin and gamble off his gold, and there were other vile ways that their gold went. The miner had an exciting life and his days were cut short. Literature, art and the finer qualities that go to make up a higher life did not stand much show in a mining camp. There was one thing in the miner's favor—he always responded to the call on his gold purse for charitable or public purposes and he was liberal in the amount he gave. Whether poor or rich his gold dust was kept in a buckskin bag or purse about six inches long and two or three broad with a welt in the seam and sewed very tightly to keep the fine dust from working out. A buckskin string was sewed on near the top; this was wrapped around the neck of the sack several times and drawn tight to keep the gold in. The blower was used to pour the gold
out into and poor it in to the sack with.

Whiskey and other drinks were 25 cents a glass[,] cigars 25 cents a piece and abominable at that. The whiskey was often made [with] two barrels of water and a few plugs of tobacco with a quantity of camphor and a little strick-nine to give it tang to a barrel of pure whiskey, making three barrels of red eye. When the ["forty rod"] got near the botom of the barrel it was so dangerous that a man sometimes droped dead from the effects of a few glasses, having too much tang near the bottom of the barrel. It had various significant names, Valley tan, Mountain Dew, Bug Juice, Terantula Juice, tangle foot, Jersey Lightning, and others. A man went to the happy hunting grounds cross lots when he got to drinking in the mines. The whiskey in early days would paralyze any stomach. These old sots were called ["whiskey bloats"] and ["whiskey bums"].

The placer mines occupied most of the attention of miners in early days, and quartz mining came on later. Millions of dollars were taken out of the placers in Bannack and vicinity.\(^\text{13}\) One ounce or two were the largest nuggets

\(^{13}\)Burlingame relates that Bannack has been said to have produced over $5,000,000 in her first year of production. Sassman, relying upon Raymond’s Statistics of Mines and Mining (Washington: Government Printing Officer, 1870), gives $3,000,000 as the amount of gold mined in Bannack area from 1862 to 1876. Bannack’s total production from 1862 to 1930 was estimated at $12,000,000. Sassman has done considerable research on gold estimates
found, and the children of our family did not find gold by turning over stones.

Tobacco had run up to $18.00 a pound the season we got to Bannock on account of scarcity. After we got there butter was 75 cents to $1.00 a pound[,] and eggs $1.00 a dozen, cuts sold for $5.00 a piece, beef steers from $60.00 to $80.00 a head, hogs $40.00 a piece, sugar $30.00 a hundred pounds. There was not a single article sold for less than two bits (25 cents)[;] fifty cents was called four bits, and seventy-five cents six bits[,]
twelve and a half cents was called a bit, and a dime a short bit. Some of the gold scales were made to cheat with or rather the weights were. Things were so expensive that we had all we could do to get along and run in debt besides. Calico was 25 to 40 cents a yard[,] freight from Salt Lake City[,] 400 miles to the south[,] was brought by ox and mule trains at 15 to 20 cents a pound. Flour that cost $2.50 in Utah cost $20.00 in Bannock.

CHAPTER V

The town [Bannack] was the headquarters for the band of road agents. I knew their officers well. They were gambling most of the time about town[.] We woke up one cold morning in January 1864, to the realization that Henry Plumer, Ned Ray, and Buck Stinson were all dead and had been hung the night before after dark by lantern light. All were hung on one gallows that had been erected by Plumer himself to hang a murderer on the previous August.¹ The gallows was two posts set in the ground about 12 feet high and 8 or 10 feet apart with a cross pole over the top. The timber was round and about 8 inches in diameter. It had been so poorly set in the ground that it leaned over towards the gulch, and the prisoners were drawn up and simply died by strangulation. Ned Ray was about six feet tall and wore a fur trimmed coat. He was found in a saloon. Some double barrelled shotguns loaded with buck shot were brought to bear on him and he weakened. His hands and arms were tied behind him. Buck Stinson was arrested about the

same time and bound. He gave no trouble. He was a solid square built man of fine carriage and I used to think what a handsome figure he made as he rode on a fine dark chestnut horse of his with a cape of his overcoat thrown back over his shoulders and his military bearing. Plummer, the chief of this band of cutthroats, lived on yank flat, a bottom of low lying land on the west side of the stream opposite the upper end of town. This Creek is named Grasshopper. Plummer was known to be a tough, but few suspected him as a road Agent. He was at that time Sheriff of Beaverhead Co. and had run off the previous sheriff. He was a noted desperado before he came to Bannock and had killed men before and men in Bannock by shooting them when unarmed. He had been married but a short time to a fine lady of good family whose family lived in New York State where she was on a visit at the time of the execution by the Vigilance Committee. A party was dispatched across the creek to Plummer's place of residence with his


3 See Langford, Vigilantes, pp. 112-119; Dimsdale, Vigilantes, Noyes ed., pp. 32-37.
sister in law. A friend of Plummer knocked at the door and asked the sister in law for Henry stating he had a purse of gold he wished to leave in his keeping for safety. This was a blind to throw Plummer off his guard. Plummer was just disrobing to retire and he heard and recognized the voice and immediately stepped to the door and opened it. A double barreled shot gun locked him in the face and he gave up. He was taken over to the rest of the band and all escorted to the gallows with the thermometer registering 30 degrees below zero. Ned Ray and Buck Stinson cursed[,] raved[,] and swore at their executioners. Plummer begged[,] howled[,] and prayed and tried every subterfuge to gain time[;] said he was to wicked to die, and to do anything with him even to cutting off his arms and legs but spare his life. Ned ray was pulled off the ground first and got his legs around the lower side of the gallows post and his fingers between the rope and his neck and prolonged his misery until someone jerked his hand out. Plummer wanted to have them give him as good a fall as possible and they held him up and dropped him. He died the quickest. I went up to town early in the morning and saw Buck Stinson and Plummer as they lay on a bench in a carpenter shop with their arms still tied behind them. The rope was off

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4See Appendix I.
their necks but the strand marks and knot mark was sunk into their necks and they were frozen stiff and stark. A coffin was made of boards taken from an old wagon box and all three placed in one coffin and buried near the gallows. Ned Ray was living before his death with a woman without being married to her. She took the body for awhile and cursed and raved at the Vigilantes using all the vituperative she could command. Every good citizen felt the justice of the hanging, but a hush was in the town that day. The coach had been robed several miles out of Bannock several times by this band, and at different times men had been murdered for their money in cold blood[ ] The country was controled by anarchism and the Lawless [Lawful] men were scared to move away from home for fear of being murdered. Those who knew some of the robbers or suspected who they were dared not speak of it.

A man on the Stinking Water Valley, now known as the Ruby Valley, (a confluence of the Beaver Head River near its junction with the Big Hole River) was held up as it is called by these road agents and robed. He had only six bits in his purse. They took that and told him to get and that if they ever caught him again with so small a sum they would shoot him. He left without saying good-bye. They killed a man known as curly above Bannock while

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he was herding stock and hid the body and shoved the clothes down a badger hole. This was suppose to be one of their first murders. They met the Governor’s nephew, Henry Tilden, a boy coming into Bannock from Horse Prairie and held him up. They did not find much money so they let him go and told him to keep his mouth shut, as he had recognized some of them, Plummer among them. This boy reported the affair to his relatives and was the means to help bring about the deaths of some of them afterwards. He with his relatives the Governor Edgerton being among them, kept their mouths shut until the proper time came to open them. Young Tilden had ridden his horse so hard and fast after the scare, the horse being already tired that he fell with his rider as he was crossing Yankey Flat and stuned the boy. When he came to he hurried to his uncle’s house close by and related what had occurred.

Before this the outlaws used to get drunk, flourish six shooters around the streets and saloons, and paint the town red generally. One or more would get drunk and for bravado, pull his revolver fire it off into the ceiling and swing it about cocked. The saloons were generally

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6"Curly" could have been George Evans who was killed in this affair February, 1863. Dimsdale, *Vigilantes*, Noyes ed., p. 25.

7This story on Tilden can also be found in Dimsdale, *Vigilantes*, Noyes ed., pp. 43, 44; and Langford, *Vigilantes*, pp. 216, 217.
pretty well packed and there would be a rush for the door until the room was empty to the delight of the roughs. They would shoot all the glass out of the windows, and smash windows and glasses generally sometimes. They hardly ever tried to injure the barkeeper as he often was but a grade above them and a friend of theirs, and they got all the liquor they wanted whether they had money or not. And the barkeeper always kept a loaded six shooter and hatchet behind the bar ready for instant use. The road agents generally paid afterwards for damage done in the saloon and it was so common an affair that it was looked upon as a joke by a good many, generally the roughs. In fact the robbers terrorized the community.

Joe Pizanthia[,] a Mexican[,] was an exception to the treatment of the rest of the gang of road agents. He would get drunk and try the same game as the others, smashing windows and tumblers, but he generally got the worse of it. I remember one night in Darrant[']s

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Saloon, one of the largest in town[,] he was drunk as usual[,] and he smashed a window with his revolver butt all to pieces[. ] He was starting in for a general frolic when Darrant took the six shooter, a heavy self acting revolver, away from him, knocked him down with it, and beat his head up frightfully nearly killing him. It would have killed an ordinary white man but this little greaser was tough. He would weigh perhaps 125 pounds and was about 5 feet 2 inches in height. A man by the name of Kuster, kept a bakery and saloon, and he used to shoot and smash glass for fun and was banished in 1864 by the Vigilantes.

Plummer had taken a mortal dislike and hatred to a man who he suspected knew a good deal of his doings and he went in to a saloon where the man was one day and began shooting him without provocation or warning. The man dropped on his knees and kept begging for his life while Plummer fired all the bullets in his revolver into him. The poor wretch died then and there. No action was taken

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10Dimsdale, Langford, and Leeson spell the name "Kistar." Dimsdale, Vigilantes, Noyes ed., p. 22; Leeson, History of Montana, p. 266; Langford, Vigilantes, pp. 144, 146, 245.

11This man was Jack Cleveland. Dimsdale, Vigilantes, Noyes ed., pp. 25, 26; Langford, Vigilantes, pp. 98, 99.
against Plummer for this cowardly and dastardly act. He was generally spoken of as a perfect gentleman in reference to his manners generally, and when not under the influence of liquor. He belied the appellation sadly the day of his taking off. He was accounted the best shot with six shooters, as he seldom failed to hit the mark he shot at, and at his execution he proved himself an arrant coward and poltroon. He appeared to stand about five feet ten inches, and weight about 160 pounds[,] well formed with blond moustache and goatee[.] [He] was well dressed and had the general bearing of a gentleman, but was a demon at heart.

The law in vogue when we came there [to Bannack] was what is known as miner[']s law in early days of mining communities. The miners made laws unto themselves. A meeting would be appointed at a certain hall or residence at a given time and the people gathered there. They went through the regular parliamentary rules for such gatherings and nominated men for public officers to take the place of regularly appointed officers of law. This kind of meeting was called a miner[']s meeting, and the laws they established were voted upon by the masses. Men were convicted and hung through this kind of machinery. Things were carried resolutely forward and although sympathy had more to do with some of their decisions than in the
regular courts, they were firm and steadfast.  

In the early days before Plummer was sheriff, and his lieutenants Deputy Sheriffs, as well of Bannack and Virginia City, there was a man by the name of Hank Crawford who was sheriff elected by a regular miner’s meeting. He knew a great deal of Plummer and his band’s doings and moreover was an uncompromisingly upright man of approved courage. Plummer hated and feared his influence against himself and comrades. He threatened to kill him on sight on account of some trouble between them, and paraded the street of Bannack with a gun in his hands. Crawford had heard of his threats through some friends and determined to shoot him. He got a rifle and posted himself beside a log cabin to be ready for Plummer when he came by. One or more women

12 Trials conducted during these miner’s meetings were referred to as Miner’s Courts, not to be confused with “trials” held by the Vigilance Committee which was a private, secret organization. The trial of Forbes, Stinson, and Lyons at Virginia City with Dr. Steele presiding as judge was a miner’s court. The trial of George Ives was also a miner’s court. Langford, Vigilantes, pp. 163-170; Dimsdale, Vigilantes, Noyes ed., pp. 78-87; Charles H. Shinn, Mining Camps: A Study in American Frontier Governments (New York: Alfred A. Knopf, 1948), Chapter X; Merrill G. Burlingame, The Montana Frontier (Helena, Montana: State Publishing Co., 1942), pp. 96, 97, hereafter cited as Burlingame, The Montana Frontier. For a departure from the conventional attitude toward early Montana justice and the Vigilante movement, see J. W. Smurr, “Afterthoughts on the Vigilantes,” and John W. Caughey, “Their Majesties The Mob,” Pacific Historical Review, XXVI, August, 1957, pp. 217-34.
friends of Crawford were either afraid he would miss Plummer or did not want him to kill a man and bothered his aim by pulling at his sleeve. This disturbed his aim so that when he fired at Plummer instead of killing him on the spot he only wounded him by hitting him in the wrist. The bullet ranged up the arm and lodged in the arm near the elbow. Plummer dropped his gun but immediately picked it up with the other hand and swore and called Crawford a vile name. He was taken in charge by his friends. Crawford soon afterwards left Bannock as his life would have been forfeited if he had stayed.¹³

Plummer got elected in his place which was just what he had been planning for so he could carry on the road agent business to perfection. He would rush up to the stage office while I was there as I had seen him do and enquire in an excited manner about the robbery of A. J. Oliver's Stage Coach,¹⁴ and make sham preparations to search for the robbers when it was done by his own band or by his own directions.

¹³See Langford, Vigilantes, Chapter XVII, and Dimsdale, Vigilantes, Noyes ed., Chapter VII, p. 32.

¹⁴Ben Holladay's Overland Mail and Stage Company received a government contract for hauling mail out of Bannack beginning July 1, 1864. O. J. Oliver and Company continued in business, especially in Montana, even after this competition commenced. J. V. Frederick, Ben Holladay, The Stagcoach King (Glendale, California: The Arthur H. Clark Company, 1940), p. 146.
During the first season at the mines in Bannock the ad agents got drunk and rode about town to where there was an Indian encampment of the Bannock tribe of Indians and shot through their wakilups and killed and wounded some Indians. A few Indians were in town among them the head chief and his son of the tribe. Old Snag as the Chief was called was visiting a daughter of his in the town married and living with a white man. The Chief[,] a fine old man and liked by all[,] had just come out on the road when he was met by one of the road agents who had his revolver in his hand. He presented it at the Chief[,]s breast. The Indian saw he was about to be killed and threw open his blanket bearing his breast and the robber shot him down inhumanly.\[15\] The son and other Indians ran for the mountain on the opposite side of the creek from the town and the robbers firing at them as they ran wounding one Indian, but they escaped. All this was done wantonly for the mere love of murder and blood shed as these Indians were friendly and have been ever since. After the band was hung the Indians were told of it and came back whenever they pleased as they were safe with the people.

There was a general hanging when the Vigilantes got to work [as] fast as they could find any of the band anywhere in the Territory[..] Some were followed into other Territories and hung there. Men of the Committee were appointed whenever a robber started to leave and he was unerringly tracked down and brought to justice. I never heard [an] authentic account of a single innocent person being hung by the Vigilance Committee of Montana. Most of the band were hung, a few of the least dangerous of the band and a few others that did not belong but were known to be dangerous in the community were given 24 hours to leave the country in, and they did not stand long on the manner of their going.

After the hanging of Plummer and his two lieutenants, Buck Stinson and Ned Ray, another of the band, by name John Wagner, cognomen Dutch John, he was a large man and was captured by one of the Vigilantes as he was trying to leave the country who brought him back to Bannock and guarded him there until some of the Vigilantes came from Virginia City.\footnote{The man who captured Dutch John was Neil Howie. Langford, \textit{Vigilantes}, Chapter XXXIV. Dimsdale, \textit{Vigilantes}, Noyes ed., Chapter XVII.} They hanged him in a large room of a new hotel just going...
up to a beam overhead. It was a singer of a night for cold, and he was frozen stiff before morning. He begged for his life and told them to cut off his legs and arms rather than to take his life.

Joe Pizanthia, the Greaser, as mexicians are called in the territories, was stoping in the house of Ned Ray, and after Ned's death he was on the lookout for his own safety. He had been one of a party who had tried to rob a train on Snake River, and had got off with a buckshot in his breast. The new Sherif Copley and his Deputy Smith Ball, were ordered to arrest him on the morning after the death of Plummer. They proceeded with a regular writ to arrest him in Ray's cabin. While Copley was reading the writ the Greaser drew his six shooter which was a self acting one and shot Copley in the stomach and shot again and hit Smith Ball in the leg which made him a cripple for life. They both got out of the cabin and the Mexican shot once through the door. Copley was taken to his home and

17William A. Clark wrote that this building at the time of the hanging was being built to be used as a hotel by Judge Burchett, who became the father-in-law of James A. Murray. Tom Stout, Montana, Its Story and Biography (Chicago and New York: The American History Society, 1921), I, p. 326, hereafter cited as Stout, Montana.
died in a few hours. This stired up the people as Copley was an esteemed citizen. The word went like wild fire down the gulch for everyone to turn out as the road agents were barricaded in a house and were standing off the people, and had killed the Sherif. It was a singer of a morning, but the miners boys and all turned out with a rush dropping all kinds of work. Father my brother and I runing with the rest. Some had guns and pistols, most had no arms. The boon of the howitzer hurried us along. When we arrived on the scene there were five or six hundred people colected. The house stood below the level of the town but several feet above the creek flat. Under this raise was our one brass howitzer a 12 pounder and the last shell had been fired before we got there. As the shells had given out there had been some firing with guns and revolvers but to no purpose. There was a great crowd in a semicircle in front of the cabin which was of logs and about 14 feet square and 8 feet high. The door was partly open but we could see nothing. There was a cessation of hostilities for somtime. One young fellow an Italian named John Vrezzi, had ventured up to the cabin with a gun
and the Mexican had fired one shot at him but missed him. This was in the earlier part of the skirmish. After a while Durrant ventured partly under cover of the cabins nearby, with his six shooter in his hand ready, to one corner farthest from the door and stopped a few moments to listen. Hearing nothing he went to the door put his pistol inside and stepped in. We expected to hear him shoot. He stayed in there a few moments then stepped to the door and said The Greaser was dead. There was a rush made and he was dragged out and away from the cabin, while several pistol shots were fired into him by the fools in the crowd. The Mexican had died bravely. He had torn down a partition of boards inside the cabin and had piled them up in front of the bed as a breast-work and had laid behind that under the bed while the shells were fired through the cabin. One or two fell without exploding inside the cabin, two or three exploded inside the cabin, and some went clear through without exploding. The explosion of one had thrown a splinter of board into his breast and he had used his last shot which he had reserved to blow his own brains out. The powder burn was still on his hat crown and the brains oozing out of the hole made by the bullet. Someone yelled hang him, hang him. There was a clothes line post a short-distance away with the line still on it. This was cut and put around his neck and he was drawn up so his feet were off the ground. He had on a red and white plaid overshirt
of wool. The stripes were half an inch broad, and a pair of pants and boots. There was one heavy gold ring and one black cornelian ring on his fingers and he was of boyish size. After he was hung someone yelled get out of the way, and several charges of buckshot were fired into the body by some more braves. Then someone stepped up to the body and opened the shirt front and in his breast was the hole made by the buckshot fired into him on Snake River. It had not healed up. Every time a bullet struck the body the shirt would pop out a little where it struck. A gambler robbed the hand of its rings. The cabin was torn down and piled up in a few minutes and set on fire. Someone yelled burn him and he was cut down and thrown onto the fire and burned up. The next day the ashes were paneled out and a few dollars in gold dust found which he had in his pocket. This aftermath was barbarous and was done by the few after most of the people had left. This ended for the winter in Bannock the death of road agents.

The following summer I was working in a pit in the gulch near New Jerusalem as a little hamlet was called there and in the same pit was a man named Rowley.19

He was heavy and thick set with curly hair, dressed unusually rough and dirty. I had several conversations with him and did not suspect him to be a rough. Some of the Vigilantes came down one night and took him up to Bannock and hung him. He was the last of the road agents hung in Bannock. He had left when the others were hung and returned afterwards and used to gamble and get drunk in Bannock shortly before he met his fate. He had a fine education and was an exceptionally fine penman.

This ended the chapter of horrors in Beaverhead County. Thereafter a child or woman was safe anywhere even if loaded down with gold dust. People breathed freely and there was peace in the land. No horses or cattle were stolen, and the whole country was a model of safety for years. The Vigilance Committee always purifies a new country and purges it of the very worst class of ruffians so quick that it strikes terror into that class of land pirates, and what are not hung leave on short notice for safer places. It has been that way on all the great transcontinental railroad and large mining camps in the west.

We had excitement enough for that winter but not enough to keep us warm. The thermometer falling at times to 45 degrees below zero, and sometimes a slight breeze with it. This was in December and January. We tried to keep indoors all we could in such weather as that. I had
to go across the flat one morning when the Thermometer stood at 45 degrees below zero, about forty rods from the house, and went on a run. I felt a sharp twinge in my nostrils like cutting my nose with a razor. In fact when the Thermometer is so low I have to put my hand over my nose often as the steam from my breath would freeze my nose in a short time, and the warning comes in a sharp sting on the skin of the nose. I used often to freeze my nose and ears so the skin would peel off and the ears swell thick as one[']s finger.

The air being so dry and light here the cold can be borne better at 40 degrees than 20 below zero on the Atlantic seaboard. It goes as low as between 60 degrees and 70 degrees below zero high up in the mines in Butte city, Silver Bow Co.[,] and as low as 55 degrees below zero on the valley in exceptionally cold winters. Most winters it is considered very cold at 25 and 30 degrees below. If the air is still as it generally is when it is so extremely low, it is hard to tell by sensation as the difference between 40 and 55 is not noticed.

I have known a fat horse to be ridden hard and heated until all a lather of sweat then tied up to the hitching post [in] front of a hotel while the owner warmed himself by the fire for half an hour and the horse froze to death. This occurred on the road to Helena on the
Boulder Valley in 1865. A great amount Horses and Cattle that go into the winter poor especially mares suckling colts and cows suckling calves perish from the cold and insufficient nourishment. Especially is this the case in March and April just as the young grass gets up so they can get a little. It physics and weakens [them] and they perish by hundreds. In the cold weather of winter cattle will go for miles[,] 8--10 and 12 miles from water to get the best feed and go without water for days getting snow with their feed. When they can stand it no longer without water they strike out for water often in single file of whole bands and drink until they nearly burst and can hardly breathes. If they are poor their blood is to thin to furnish heat enough to warm this large quantity of water and they chill to death, especially if they lie down on the damp frozen bottoms.

There is one great blessing in this country in the shape of warm springs which never freeze in the coldest weather. Most of these are fenced in now by the ranchmen who own them.

But to go back, we got through that winter safely without suffering from hunger and managed to keep the house warm. Mother helped enormously taking in washing at 25 cents a piece for heavy shirts and 50 cents a piece for starched shirts, or ball'd [sic.] faced shirts as they were called by the miners. We were unable to make a living, Father and I, without Mother[!]s help in this way that
winter, and we let no job of work slip by that we were able to do.

Pies were six bits a piece and shorted with beef tallow as was the cookies at the bakeries. They tasted abominably when they were cold. I can almost feel that cold tallow in my mouth now. This was done on account of scarcity of lard. Tea was from a dollar and a half a pound to three dollars according to grade, sugar $30.00 a hundred, coffee $1.40 per pound, potatoes 15¢ per pound and everything in proportion.

Some mining on the bars and in a few leads that had been discovered was done that winter. Then leads were all gold leads as no silver leads had been discovered at that time. The leads worked the most were the Dakotah, the Wadams, the Springfield, the Bannock, the St. Paul, the Madamoneselle and others of less note. The Dakotah was the richest. Gold could be often seen with the naked eye in its natural state in the Quartz of this fine old lead. In the summer of 1863 a lot of money had been made out of this lead by running the pulverized ore or dirt as it was called through sluice boxes and collecting it with quick silver. Gold Quartz mills were brought in and the ore

20 For the mining history of Bannack, see Sassman, "Metal Mining in Historic Beaverhead," Chapter III.
crushed by stamps run by steam power. The pulverized quartz was then washed over copper plates and amalgamated by quick silver on the plates. A great deal of the blasting on this lead was done by common rifle powder when the blasting powder was used up which was costly. It came in ½, 1 pound cans for sporting. The wages paid was five and a .... dollars per day of 10 hours and the expense was enormous. The ore seemed to be in what is called pockets, no regularity of breadth. It would open out wide and hold that way then close almost up again. Then perhaps after sinking the shaft a long distance below, following a narrow vein it would open out again, or cap out as it was called. The cap rock sometimes was so thick that they never got through it and lost all the money they had and become poor. It takes very large capital to work most quartz mines successfully. Most capitalists that have tried the mines here have signally failed. Most of them from the bad management of inexperienced managers who injured or ruined their companies and gave the mines a black eye as it is expressively termed. There have been a few practical miners and

21 In the winter of 1862, William S. Arnold began constructing Montana's first stamp mill. The work was completed by J. F. Allen the following spring. The first steam-operated mill was put into operation at Bannack in the fall of 1864. Sassman, "Metal Mining in Historic Beaverhead," pp. 99-101.
improvements in machinery in later days[,] who have succeeded beyond what could have been expected and only lacked capital sufficient to thoroughly complete their success.

Excitement ran high over lead mines, and people were prospecting everywhere and an enormous amount of what was called wild cat property [was] put on the eastern markets. Leads were sold for large sums, which when the owner came to hunt up his property proved often to be perhaps a hole sunk in the ground from 4 to 10 feet and showing quartz that probably had but little gold or silver in it and perhaps a vein as thick as a man's hand which might run out altogether in a short distance down. These were known as prospects [---] places where float rock had been found and indications of a lead. There were thousands of them everywhere over the mountains, [and] not one in a thousand was worth a second thought. Often quartz from some good lead was foisted on a credulous public for ore taken out of these leads as they were called. Laws were passed in our Territory after awhile to check this kind of work by compelling a man to put a certain amount of work in each lead owned by him and it amounts to so much that he can only afford to do it on leads that he prizes.22 It is called representing the lead and can be done by proxy or

22See Appendix H.
hired help. It must be done every year. If it overruns the time by law, it is then jumpable as it is called, and anybody can take it up by going through proper course of law. Large fortunes were recklessly squandered in all the mines of the Territory which kept capital out of the Territory for years on the principle of a burnt child dreads the fire. The bad transportation we had for years kept out much capital and emmigration.

Muggit hill opposite where we lived in Marysville was rich in gold deposits. It was named for the nuggets of pure gold found on its edge, some weighing an ounce. This kind of work could be done in winter by drifting or tunneling. All the waste dirt was wheeled out and dumped over the hill, and the pay dirt piled up by it self. There was a warm spell for a few days after we came to Marysville and some sluicing was done of pay dirt got out of these drifts. The gold was coarse and beautiful. We expected to see it bright and shining as it is with the alloy of the jewellers and burnished, but it was only yellow gold, but the richest looking of any gold in the mines. The poorest gulch gold is pale and light colored. Some has a small quantity of quartz with gold mixed through it. There are often beautiful specimens of this white quartz with gold all through it and some are made into watch charms and other ornaments, breast pins, shawl pins, finger rings.
The jewelers here made lots of jewelry of the native gold without alloy. It is not so bright as that with alloy, and so soft it wears fast.

Lots of poor men used rockers in warm spells in the winter to wash out a little dirt for necessary expenses. This rocker is made like an old fashioned baby cradle with the rockers crosswise of the cradle. The head of the cradle is where the dirt and gravel is put in, and there is a piece of sheet iron nailed across the cradle[, ] the breadth of the cradle[, ] [and] the iron is long as it is broad, and perforated with small holes for the finer part to go through. This as it falls strikes in a canvass apron with a cleat nailed across the lower end and the apron is so inclined towards the lower end of the cradle. The sheet iron part is a shallow flat hopper three or four inches deep and made to take off and throw out the contents which are gravel and hard lumps of clay[,] sticks and other rubbish that either is not fine enough to go through the perforations or will not dissolve in the water. In some cases nuggets are large enough to not fall through, so when the miner throws out the gravel he keeps an eye open for them on the pile of tailings made by the deposit from the hopper. The rocker is set near water and the miner dips it up with any kind of a can that will hold what he can conviently lift with his right hand. A stick
is generally inserted in an old 5 pound lard bucket[,] the stick being about 12 inches long and used as a handle for this long handled dipper. There is a stick nailed to the side of the head of the rocker which he grasps with the left hand keeping the rocker rocking while he pours the water[.] As he dips it up onto the dirt in the hopper containing generally a shovelful or two of dirt[,] the water[,] with the shaking[,] washes all the fine stuff down through on to the canvas apron and continues working it down along the apron and over the end onto the ground. The rocking works the gold underneath the dirt down to the lower end where the cleat stops it from going over as the lighter dirt does. This process is kept up until the black sand and iron rock accumulate so as to have to be removed into the gold pan by the hand scraper for final cleaning. This rocking can be done at any time in the winter on warm days when the ice can be broken so as to get water and the pay dirt is not frozen. It will not of course work with water freezing, and it will not pay unless the dirt is rich in gold.

Before we left Wisconsin we saw an account of a man being able with a rocker to rock out [§] 15.00 a day on Grasshopper Creek in Idaho. This account was what

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23 For a picture of a gold rocker, see Sassman, "Metal Mining in Historic Beaverhead," p. 98.
started us for the new gold mines and we found it more than verified. Millions of dollars have been taken out of the Grasshopper diggings. Jimmie[']s Bar, White[']s Bar[,] nugget Hill[,] and other very rich bars contained more than was taken out of the creek bottoms. White, or Paddy White, as he was called discovered the diggings in July[,] 1862, and it was not long after before a big stampede for the new mines was made. When new digings were discovered anywhere that were reported rich, there would be a wild rush called a stampede for the new digings and it was often a stampede in earnest as much so as the stampede at Bull Run or a stock stampede from fright. Men would ride anything they could get hold of and go on foot if no mount could be had. Very poor horses sold for high prices, [$]75.00 often for a pony that they could not get [$]15.00 for afterwards. Sometimes some of these stampedes struck it rich. Most of them returned without anything. The early days were full of these stampedes and men would return broke and sell horse and saddle for what it would bring at auction, for a little something to eat was necessary and

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24 This was John White who with his party first discovered gold on Grasshopper Creek supposedly July 28, 1862. White was murdered in the winter of 1863-64, by a man called Kelley. For the story of White's gold discovery, see Appendix A. For the story of White's murder, see Langford, Vigilantes, Chapter XLII.
they often thought something to drink was necessary too. They generally drank more than they eat [ate.]

Most men and boys smoked tobacco in pipes. Since that time [many smoke] cigarette tobacco rolled in a little wisp of paper, and this gets to be such a habit with mormans[,] Greasers and cow boys that they seem to be smoking nearly all the time they are not eating and sleeping. Lots of property is burnt up this way, as the end of the cigarette unsmoked and still on fire is thrown down anywhere to make way for a fresh one. It is supposed some of the prairie and timber fires that have caused so much devastation to the ranges and timber have been caused by this carelessness. Some ranch men will not hire a cigarette smoker [because] not only from the danger to their property from fire[,] but these men and boys addicted to this wretched habit waste so much of their time making and smoking them.

Prospecting or searching for mines has to be done mostly before the ground freezes or snow gets deep. There have been a few stampedes for new diggings in the winter time and some of them in Montana. Especially in one stampede to Sun River in early days a number were frozen to death as they were unprepared for the severe
weather that followed.25

CHAPTER VI

In the spring of 1864 Father bought a one fourth interest in a placer mine on the flat near Marysville, the balance being owned by two men by name Gregs and Burnett. We worked in this mine a good part of the season, and it did not pay, in fact it ran us in debt. The mine was deserted or sold for a song. Gregs went to California. Burnett went down to the Beaverhead Valley with a few cows he had and took up a ranch and bought a few more cows cheap and went to dairying 25 miles east of Bannock, he being among the first to take up ranches. They made good butter and sold it at $1.60 a pound, and what beef they had at good prices, and they put in a garden. He bought good dairy cows for $25.00 a head, cows that sold the following summer for $75.00 to $80.00 a head.

We built a log house of our own at the upper end of the town of Marysville and bought another yoke of oxen and hauled wood at $8.00 a cord and logs, and any kind

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1 Leeson mentions a John Burnett as one of the settlers of Bannack in 1862-63. Also he mentions a John J. Burnett who lived in Glendale after 1877. Leeson, History of Montana, pp. 467, 482.

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of teaming we could get to do. The first winter we had to pay as high as 3 cents a pound for hay to feed our teams on. Father sold our little cow for beef soon as she got fat enough for $40.00 in gold.

Greenbacks or Lincoln scabs and shin plasters as the rebel part of the community were pleased to call them were worth but from 75¢ to 85¢ on the dollar in gold. A few stores took them as pay for goods at par. This was very discouraging to people that had brought all they were worth in greenbacks with them to have to take three fourths of their real value for them. We were not of this number, I am sorry [sic.] to state.

Rebels hooted against the Stars and Stripes to their hearts content and drank to the health of Jeff Davis and his confederacy and burnt greenbacks as lights for their cigars. There were a horde of Price's army in this country then. I am glad to state now the country is changed from a rabid secessh democracy to Republican principles and gaining ground every election. It is this this year 1889 [- -] Republican [- -] with the exception of [the] Governor. There has been lately and still continues to be a rapid influx from the northern and eastern states predominating. There is where our Republican majorities have come from mainly although the Republican Party has gained large additions from the Democracy [sic.] itself,
especially the last election before the present state election and the state election [sic]. The Irish left in bodies and joined the Republican ranks. Most of the Democrats that turned Republican did so on account of the free trade plank in the Democratic platform. I am speaking of Montana politics. Vast sums of money were used this year 1889 to influence the election in their favor by the Democratic Party in Montana. Both sides were in for making a State of Montana.²

But I have anticipated. We fell behind slowly [as] expenses were so high [as] we entered on the winter of 1864-65 without money and still in debt. We done considerable teaming during the winter and in January Father and I joined some others in cutting cord wood ten miles above Bannack for Rifer [Riper?] and McGoin [McGoin?] at [$]1.75 per cord. The snow was three and four feet deep in the west mountains where we were cutting. We could not any of us make much money but it was better than doing nothing.

One day I attempted to fell a tree 12 inches through and sixty feet high in the direction of the wood

²In the election of 1889 for the first state offices, all the Republican candidates were elected except the gubernatorial candidate. In the Legislature both parties in both houses were equally divided. Ellis L. Waldrum, Montana Politics Since 1864 (Missoula, Montana: Montana State University Press, 1958), pp. 53-61.
we had been cutting, which was one fourth of a mile from camp. The snow was about three feet deep and I tramped down the snow around the tree before cutting the tree down. Right back of me was a large tree top. I cut until the tree was about to fall and then pushed it in the direction I expected it to fall. It started nearly right and then swung part way round on the stump and fell catching me between the tree top behind me and the butt of the tree that was falling. It was too late to get out of the way in the deep snow, so I half turned and threw up my right leg which the tree caught this leg over it and crushed the other leg against the big tree top and in rebounding [it] threw me up in to the air. It nearly crushed the bone just above the knee joint [when] moving the tree top to one side [but] which saved my leg from being broken. There were some men a short distance off at work, but I thought I would attend to my own troubles and crawled and hobled along to camp. We had a cook named John Cheney who put a piece of fat bacon on the bruise and bound it on. We had no medicine in camp. He said it was good to draw out inflammation. Fat bacon was used by a good many of our early settlers for a panacea for most of the ills of man and the brute creatures. I had no faith in it and it done me no good. I staid in the cabin a week or more until the team came back for us and my leg kept swelled all
the time although most of the time it was not very painful after the first pains had subsided.

The first night we got to the timber the horses were nearly played out [from] drawing the camp outfit through such deep snow in a heavy wagon. The snow got deeper as we approached the timber and we camped at its edge in two feet of snow [,] dug a hole in the snow[,] built a fire out of gummy pine which was plentiful close by and had a merry time. There was no wind. The cook made a good supper out of bacon[,] Baking powder bread, syrup, hot coffee and tea. The next day we built cabins [---] one large one and two or three small ones. The large one in which Father and I staid with some of the rest, had a hole in the middle of the roof for the fire to be built under and the smoke was supposed to go out that way, but it often took its own way and went [out] anywhere through the chinks of the cabin. The roof had fine boughs for covering over poles split and laid on. The cracks between the logs were chinked with split pieces driven in without plastering over them so it took big fires often to keep any degree of comfort[,] and bedding enough to be uncomfortable in weight to keep from freezing. Some of the nights were so cold a person would be roasting with the side next to the fire and freezing the other side. Other nights it was nice and comfortable[,] and an Ideal winter camp with stories going the rounds and
the party was gathered from different points most of them, some from California and Oregon, some from Missouri and other southern States[,] others from northern States and foreign countries. A few toughs mixed in with the main part [of] well disposed men.

We had mainly fried bacon, boiled beans fried in a great quantity of fat, "our cook was from Oregon and originally from Missouri" hot Preston and Merrill's yeast powder bread baked in a Dutch oven[—] a cast iron skillet with legs, and a cover over it with a rim round it to keep the coals on. This kind of oven was used generally in the west until stoves got cheap as the first kitchen stoves cost from [$]100.00 to [$]200.00 a piece, stove pipe was [$]1.00 a joint, and only a few utensils [came] with the stove. These stoves had none of the modern improvements. The Charter Oak was about the best we had in those days in the mountains. These Dutch ovens had coals of fire placed under them and on top. Those on top sometimes had to be renewed before the baking was done. A man that understood it could do good cooking in these ovens both of meat and bread. We had to pay 75¢ for a can of yeast powder that would not hold a gill. It was less than a quarter of a pound in weight and it took three or four cans to fifty pounds of flour. Bread cost a good deal in those days.
In crossing the plains some had these ovens some had camp stoves made of sheet iron, used now a great deal by shepherders and other campers, and we had an old yanki bake oven[,] or reflector[,] as it was sometimes called, set facing a blaze or heat, and the reflector cast the heat up from below and down from above and baked the bread in that way. A great deal of baking is done around the camp fire in frying pans stood with the handle up with the inside of the pan towards the fire and the handle braced with a stick.

Men have been known to go out prospecting in summer with a sack of self rising flour[,] a little salt and a tin cup. The cup was the only utensil they had. Their Coffee was already browned, which was put in a piece of buckskin[,] the buckskin doubled over it and a stone used to pound it as it was held on another stone. The bread was made by mixing water with the flour in a hole dug in the flour while in the sack and stirred with the hand until ready. Then [it was] drawn into strips[,] twisted snake fashion around a smooth stick and held over the fire until cooked[.] If game was killed it was cooked by holding over the fire and broiling on a stick[.] The Coffee was boiled in the tin cup and drank in the same cup off of the grounds. This was primitive. Most people preferred to cook with more utensils and a better bill of fare.
Still this showed what could be done by an excited stamper in a pinch. The ways of providence are inscrutable.

Doby Jimmy[^3] the discoverer of Jimmy's bar below Bannack, concealed and took to Deer Lodge Valley in a sack of flour for other parties a large quantity of gold dust. This was in road agent days.

Men in early days had nicknames according to the fancy of the party naming them. This little Englishman [Doby Jimmy] was called Doby on account of his making this kind of sun dried brick more in fashion with the Greaser and mormon than in Montana. That is the "adober" was.

There has been men[,] and a great many too[,] in these mountains who went by a nickname or their Christian or given name as long as they were in a locality, and sometimes it was for years[,] and no one knew them by any other name. Sometimes it has occurred from the surname being hard to pronounce. Men are not introduced much among rough hard working men in the mountains.

Good morning or how do you do is generally spoken, with a bow accompaniment as you meet a stranger on the road, if [he is] white[,] if an Indian "how" as that is the way he accosts a person; and howdy do[,] John for a Chinaman[,] .

[^3]James Griffeths was called "Dobe Jim" because he used to make adobe brick. Jimmie's Bar was named after him. Dimsdale, Vigilantes, Noyes ed., p. 233.
or Mary for a China woman. The women of China, here, are almost without exception demi mode, and all called Mary, and the Chinamen all John. A good deal of the same jargon is used in talking to them that is used in talking to Indians.

The China cooks here, all men, get from $40.00 to $50.00 and sometimes $60.00 a month for cooking as it is hard to get good steady cooks of other nationalities. White women's wages are $20.00 and $25.00 a month with board and lodging. The Chinamen get their board but lodge themselves in their own little dens of shanties copped together like a lot of small hen houses, and when a fire starts it often originates in their dens and generally burns the pigtails out.

The China men used to buy the old digings when white men could make them pay no longer for a few hundred dollars. Some rich China man done the buying and had a lot of poor Chinamen under him to work the digings, and made money out of them. Some of these China men never work and feel above it. They gamble or speculate, or have little notion and tea stores, or are bosses of gangs of China men. They are steady and industrious but a damage to the country where there is many of them. Most of the money they get is taken out of the country and they buy of their own stores.

See Appendix J.
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and China goods when possible, and they are in sympathy with no one but their own people. They congregate by themselves and their manners and customs are brought with them from China and adhered to almost without exception. They take the place of white women in the Hotel[, ] Restaurant and household, as white women who will work at that kind of work are scarce. Very few white people care to eat after their cooking when it is known how they cook. There are rare exceptions among them who are good cooks and cook right. Some of them spurt gravies over cakes and puddings from the mouth and spurt the water over clothes in ironing from the mouth. I do not know anyone in Montana that likes them. They are endured as a necessary evil.
CHAPTER VII

We got through the winter of 1864-65, and in the early spring, April, hearing of the mines discovered in the fall of 1864, turning out rich and that men made as high as $15.00 a day with one horse dragging out timber for the mines, we started about the seventh of April with two yoke of oxen and wagon for Last Chance Gulch, where Helena now is. Father and I went with a Mr. Carroll for passenger.1 The rest of the family staid in our home in Marysville. We had a stormy cold time part of the way, but had good bunch grass and the oxen were in good condition. We found the road alive with people on their way to the new diggings.

Meals in those days were [$]1.00 at any hotel[,] beds [$]1.00[,] 75¢ for hay overnight for a horse and oats 50¢ a feed. It took nearly all of a five dollar bill to stay over night at a poor tavern. On the road

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1 This Carroll could have been the same mentioned by Dimsdale and Langford in connection with the shooting of the Snake Indian Chief "Old Snag." According to Dimsdale, Old Snag had come to visit a daughter of his who had married a white man and was living with him in Bannack. Leeson lists a Joe Carroll at Bannack called "Whiskey Joe." Leeson, History of Montana, p. 467; Langford, Vigilantes, pp. 138-139; Dimsdale, Vigilantes, Noyes ed., p. 41.
to the new mines sleeping room on a dirt floor cost 25¢ and you furnish your own blankets. We had to go about 160 miles to get to the mines and camp out all the way. The coach was loaded down and drawn by six horses, and the way they drove down the Prickly Pear and Boulder Divides was a caution. They turned over sometimes but no one was killed.

We got into Helena and began to look about, but about the first thing an old thief[,] Pete Daily by name, claimed one of our oxen. We did not pay much attention to him. He said he was going to have the ox. The town was very busy with people going to and fro, putting up houses fast, rushing [to] the mines, men prospecting in every direction in hopes of striking it as rich in other places. All was bustle and hurry, and a host of claims being opened. Last Chance was the name of the main stream. Above Helena there were several forks, Grizzly Gulch, which was very rich in gold[,] Orofino Gulch with but little and Dry Gulch which was rich. The water supply came down Grizzly Gulch and on down through Last Chance, augmented by springs in different places along its course. The people of Helena had to go[,] for a long time, a quarter of a mile above town and carry their drinking water in buckets to town[,] restaurants[,] Hotels, and all, as the mining along the gulches made the water muddy.
Father and I soon got a job hauling the pay dirt with our team from Dry Gulch, as there was no water there for washing the dirt. We hauled there several days then moved up to Spring Town in Grizzly Gulch and built a brush house out of pine boughs beside the spring opposite the town. There timber was yellow pine, white pine, red fur, and norway pine in the mountains, and Cottonwood and Quaking Asp in the Valleys. We went to work hauling drifting timber. It was on Uncle Sam’s land and all we had to do was to cut and haul it. This timber had to be 8 inches through at the tip end, and was cut into 8 and 9 foot caps, cross pieces to go overhead and posts perhaps 6 feet to support it. Then spiling was used to drive along the sides and overhead. This was split staves straight, five or six inches broad and two inches thick, to keep the dirt from caving into the drift. A perpendicular shaft was sunk to bed rock about six feet across and timbered. Then a track for the car to run on that carried the large wooden tub with the dirt in it. A windlass was used to hoist to the surface and generally two men to do the hoisting. The dirt, if pay dirt, was dumped over beside the sluice boxes close at hand, and the waste dirt dumped by itself. The windlass men got six dollars a piece a day, the common drifters $7.00 a piece, the man at the end of the tail race
[§]7.00. This was a very arduous task as the wet dirt and sand was heavy and had to be thrown often 10 to 15 feet high and it took a man of iron nerve to stand it as it would not do to let the dirt collect and back up on the end sluice box. The man that forked the sluice boxes got [§]5.00 a day. This was the least laborious part of the work, and was done by a man or boy standing on the sluice box just below where the dirt was thrown in, and holding a fork with long handle, resembling in tines a stable fork, [but] with more tines. This was held so the water washed the rocks and coarse gravel down the box against it and the rocks were thrown to one side. Otherwise they would clog the sluices and dam them up running the water and dirt over the side. Generally two men paid [§]6.00 a piece shoveled the dirt in and put it in just fast enough for the water to wash good. The head drifter got from [§]8.00 to [§]9.00 a day and on the mine I worked on there were seven men besides the foreman all the time at work. Every day sluicing was done a small teacup full of gold was taken out. It was coarse and first quality, [§]18.00 per ounce.

Flour when [we] went there was 55¢ per pound for the best winter wheat St. Louis [sic.]. Steak off the block [was] 25¢ per pound, and all groceries in proportion. Sunday was generally spent in town. It was used as a general holiday by the miners. All town business was the liveliest
on Sunday and at that time it was so all over the territory. Blacksmith shops hammering away with might and main, carpenters hammering, hurdy gurdy houses running in full blast until nearly daylight Monday morning with their wide doors on the ground floor wide open all day and night, with string band and clarionet that could be heard the whole length of town, running two sets 8 girls all the time, and 50¢ a dance and treat your partner and yourself which cost 50¢ more and you got poisoned to boot, and the barkeeper took good care that the gold dust balanced well on his side of the scales.

The auction stands was where the greatest racket was made. It often drowned all the lesser rackets. This was the day for excellence for selling horses[,] saddles and other goods[,] and large crowds gathered about the stand to hear the Travis brothers or Charley Curtis crack and play practical jokes as they sold horses. A drunken man would be laid out with his feet towards the center of the street and his head near the curb stone, mud laid up around sides and feet[,] a board at the head with the date of his death[,, age[,] etc. his old hat over his face and arms across his breast and the fellow to drunk to know what was going on.

Travis said one Sunday he would give any man ten dollars that would ride without saddle or bridle an ox he was trying to sell. A tall young Missourian said he could
ride him, so the stag was taken out of the yoke and the Missourian got on his back with spurs on his heels. The stag kicked, ran, bellowed and tore around generally clearing the streets in the vicinity in a hurry. He tired out in 15 minutes but he gave the Missourian such a game that he did not want to ride another steer for a long time. The gait of an ox is anything but smooth when he is mad or scared, and the back is rough. The $10.00 was paid over without delay and the crowd had as much fun as at a good circus.

The town was alive with drunken men, gamblers and low caste women.

Board was from $15.00 to $22.00 a week. There was a flour famine that season all over the Territory.²

A train drawn by oxen had got caught late on the Pleasant Valley Divide, and the oxen all perished, being snowed under. This wagon train had 500 sacks of Utah flour on board, and it was buried under 15 feet of snow before spring. Flour went up in Helena to $115.00 a hundred pounds, rice 75¢ a pound, beans 75¢ a pound, potatoes 60¢ a pound, pies "little thin crusted things" $1.00 a piece, fruit "dried" 35¢ a pound. These were all exhausted soon. There were some flour riots in Virginia City, the miners offering $100.00 a sack for a few sacks owned by different parties. The parties holding it for $125.00[.] It was taken away from the owners and distributed among the people. There was no such riot in Helena. A baker by the name of Ploorman paid $100.00 for a hundred pounds of flour[,] made it into 500 pies sold at $1.00 a piece. The boarding houses furnished a biscuit a piece to each boarder per meal as long as they could get flour at any price. The coach crossed the divide on runners and charged $100.00 for passage from Salt Lake City to Helena. When flour was so high, a lot of the paper and letter mail was stacked up along the road and flour hauled on the coach.

Dorothy M. Johnson, "Flour Famine in Alder Gulch, 1864," Montana, Magazine of Western History, Vol. VII, Winter, 1958, p. 18, however, Miss Johnson has no bibliography.
instead, but it was a limited amount. In Utah flour was $2.50 at that time, and soon as that train on the Divide could be dug out of the snow, flour fell to $15.00 a hundred. Before that time a man had brought in a pack train load of potatoes and sold them in Helena at 75¢ per pound. A little flour was brought in that way, but there was little of it available. The people had to live on beef and game cooked in all ways to vary the dishes much as possible. It produced a diarrhea which although not dangerous was weakening and a man could not do so much work. There were a few people who usually laid in flour for several months use and had flour enough for themselves.

A man by the name of Thomas Pitt in Bannock had a few sacks of flour. He was offered $100.00 a sack for it but refused the offer and divided it up among women and children with 40 pounds to the family at 45¢ a pound as long as it held out.

If we could have had steady work all the time we were in Helena we could have laid up money but it took most of what we earned to support ourselves and for the family in Bannock. Some new mines were discovered around Helena but none of them as rich as Last Chance. Green Horn Gulch and Nelson Gulch were close by. A few large nuggets were taken out of those mines. I saw one in Helena large as a large Oyster with the shell on, and something of the shape.
It was on exhibition in a drug store and was worth $2,000.00. You take hold of a tea kettle that you expect to find full of water, and if empty it will fly up like a feather in weight. Taking hold of this nugget[,] one not used to the weight of gold would try to see how heavy it was, and [would find] it stuck to the counter it was so heavy. The most of it was bright with a few indentations that were dirty colored.

The mountain scenery around Helena is picturesque, and there were long stretches of fine grazing ground. The town lays on rolling hills with the business part parallel with the stream, the country opening out to the north and northeast in a beautiful stretch of mountain stream and valley. The Prickly Pear Creek, Ten Mile Creek, Seven Mile Creek, and Silver Creek uniting as they approach from different directions and flowing on to join the upper Missouri River, 15 miles to the nearest point from Helena. Beautiful ranges of mountains in every direction laid out like a panorama. In summer the broad stretches of grassy bottoms with their fringes of willow and alder with occasional lines and small groves of cottonwood, and the mountain chains in the foreground looking deep blue in the distance where the pine timber lies. Closer showing dark green patches where the pine and fir trees are, and pea green where little clusters of quaking asp groves are on sways [?] and in gulches on the mountain sides where there
are damp places and springs. In the fall the pine timber looks much the same except the whiteness of the snow as winter approaches gives the mountains a more beautiful contrast, the pines in their deep blue contrasting well with the snow. The quaking asp groves give the mountain the appearance of maple in its beautiful shading in the fall, the last of summer and fall. Sometimes all summer over Montana the sky is almost cloudless and the air as clear as a bell, and light and dry. The nights cool, and bed covering necessary all summer. The grass turns yellow like bright straw in the fall and remains that color all winter. The stock fat[ten] on it and the sweet sage all winter. Sweet sage is a small shrub looking similar to tansy and grows from two to six inches high on rich ground generally, and the stock like it after the frost has struck it in the fall. It grows on dry stretches and the ground has a barren appearance to those unacquainted with this plant.

While we were in Helena a man came in from Salt Lake City one day and seeing a man sitting in a chair tipped back against the front of a saloon asleep that he had a grudge against[,] went up to him and shot him dead without warning, shooting him in the forehead. He was arrested instantly.

3John Keene was the murderer. The man he shot was Harry Slater. Dimsdale, Vigilantes, Noyes ed., Chapter
and tried the next day and convicted and hung by a miner's meeting. He was put in to a cart and hauled over to Dry Gulch to the memorable tree called hangman's tree and given a few minutes to say his prayers and speak in. The last words he said were, gentlemen my honor called for it, gentlemen my honor called for it. The cart was driven from under him and he died in a few minutes. Others were hanged on this same tree, but it did not take many to keep the Road Agent business in check.

Three card Monte was the most swindling game of cards playing while I was in Helena, and that caught lots of fools. Sunday was a great day for horse to race and foot races and gambling. It was kept up for a great many years.

CHAPTER VIII

Father left Helena in the latter part of July for Bannack with the team and I staid until the 5th of September of that summer of '65. The wages were cut down some in the fall in Helena, a dollar on a day's wages. I bought a pony and saddle and left for Bannock September 5th with my blankets tied on behind my horse, a fifty foot rawhide lariat to the pommel of the saddle, and a Navy revolver strapped to my belt. I crossed the Prickly Pear Divide two days later. I hobled my pony at noon of the second day while she eat grass close by and I lunched. She was not contented and struck out a little faster than I liked. I tried to catch her and she could run faster than I could with both fore feet hobled. I had to follow her nearly two miles and caught her while she was drinking. After that I tied her to a picket pin. I shot four or five sage hens while after the pony. They

7Kirkpatrick probably is referring to Boulder Divide which he mentions on the next page. There are two Prickley Pear Creeks near Helena. One is northwest of the Valley which is referred to as the Little Prickley Pear Creek. The other is southeast of the Helena Valley which is referred to as the Prickley Pearl Creek. Kirkpatrick on his way to Bannack out of Helena followed the Prickley Pear Creek to the Boulder Divide.
are as large as a small turkey[,] dark grey colored[,] with black padlock on breast and have a long tail. There is also a hen much like a common grouse called a fool hen. They will fly up in a tree and let one throw rocks and clubs for an hour at them, or fire several shots before they fly. In crowing they make a sound much like striking a piece of timber a blow with an ax, and just one note at a time. The pine hen has a long tail which it spreads out in flying and flies much as a partridge does and up in to trees. It is brown in color and the flesh is white. It makes the same sound as the fool hen.

I camped at the Mountain Ranch "a hotel" the second night out from Helena. It is at the foot of the Boulder Divide, a long low cabin. It was warm during the night and snowed four inches deep, soft[,] damp snow that bent the willows to the ground. A hen hawk flew by the door in the morning in pursuit of a chicken hawk and caught it and eat [ate] it up.

I moved on down Pipe Stone and White tail deer creek. They flow into the Jefferson River, one of the three forks of the Missouri River. The country along the road was thinly settled, with but six small towns between Helena and

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2Kirkpatrick crossed this divide on the second day out of Helena and camped at Mountain Ranch the second night. Therefore, Mountain Ranch must have been on the west side of Boulder Divide in the Boulder Valley.
Bannock. I had already passed through four of these, Montana City, Jefferson City, Beaver town, and Boulder. Some of these towns have grown a good deal since. A City in early days in the west often consisted of but few houses. Sometimes a hotel, blacksmith shop and a dog kennel would be called a city, it being in prospective. Most of the Cities in the country then were mere hamlets and I do not think there was a regularly incorporated City in Montana or rather Eastern Idaho as Montana was then called. Now there are many incorporated Cities and some of them pretty places.

I met some old friends on White Tail deer Creek. They had a ranch there and were from the same place in Wisconsin we were from, coming out later. They used up their means coming out, as we did ours[,] getting but little for their Hotel[,] farm and stock, and Father[']s farm he still owns in Wisconsin. All the buildings and fencing the work of years that was left on the farm being burned after we left by a neighbor[']s boy setting fire in the chips around the yard. The friends I speak of went to Virginia City and were smart people. The husband had consumption and was not able to do much. There were two children, a girl 12 years old and a boy 10 years old. The mother tried dancing in a hurdy gurdy house, not knowing just what it was. The rough man soon convinced her and she left the room in tears and

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3See Appendix K.
kept clear of such places after, and took in washing until they got better work. They finally went back to Wisconsin on account of the husband's health. I staid a day and night with them on white tail deer Creek and then moved on up the Jefferson when I came to it.

The weather was mild and pleasant, the snow had all melted away, and the air was like summer. The grass was all ripe and the willows brown. The cottonwoods were shedding their leaves and turning brown. I went through Silver Star and Iron Rod, two little burgs on the Jefferson River, and instead of crossing the River above Iron Rod, I camped out that night on the bottoms of the Jefferson, cooked my supper over the camp fire and rolled up in my blankets and went to sleep with the pony picketed close by. I tied her to something strong and the lariat was so strong I felt pretty sure of having her head anyway in the morning. I woke up at daylight, ate my breakfast, saddled the pony, done up the lariat, rolled up the blankets and just finished as I heard the mare snort. I had taken the precaution to keep the bridle over my arm while getting

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4Discovery of rich gold lodes in this area led to the birth of these two little villages. The Iron Rod Lode and the Green Campbell were two of the outstanding lodes. The villages were located on the Jefferson River about three miles apart and about forty miles from Virginia City. In 1872, Iron Rod had a population around one hundred and Silver Star around two hundred and fifty. Leeson, History of Montana, p. 787.
ready to start. I looked at the mare to see what alarmed her and noticed she was looking sharply in front of her, and I raised up to see what it was. I knew something was near. Just as I raised up a large Cinnamon Bear stood up on his hind legs and looked at us about 10 rods off. He had been coming on through Rye grass six feet high. I slapped my hand on the horn of the saddle and was in the saddle in a jiffy and started in a trot up the bottom. To the left was the River to the right steep rough hills behind a narrow bottom with swamp in place, ahead a narrow bottom and path. I turned and drew my six shooter, as the mare kept on, expecting the bear would follow but he ran for the bushes. I got off and tied the mare and went back and got my blankets, and kept on up the bottom.

I scared up a white tailed deer. Often the first thing you see of them is the tail thrown straight up in the air and the under part is white. The white tail gives them their name. The black tailed deer are a little smaller deer with smaller tail and the tip end is black and they frequent the mountains and pine timber more than the white tailed deer.

The other game of Montana besides what I have spoken of are, Black Bear, grizzlies, Mountain Lyons "a kind of panther", Mountain Wolves, Coyotes, Wolverines, Porcupines, Badgers, Wild Cats, Bobcats "a kind of lynx", Lynx, Moose,
Elk, Mountain Sheep, Mountain Goats, Beaver, Pine Martins, Fishers, Jack Rabits, Mink, Otter, Cotton tail Rabits, Timber Rabits, Geese, Ducks, Grouse, Whitefish, Graylings, and Brook Trout. The song birds are Meadow Lark, Bob o Link, Black Bird, Lark, Mocking bird, a kind of brown thrush which is the sweetest singer we have, and the Lark next. The scavengers are the Eagles of two or three varieties [--] the bald being one and black another variety, the Raven, the Crow, magpie, Hawks of several varieties, Turkey Buzzard. Then there are a number of little birds, water and land varieties, besides the whistling Curlew. In the mountains there is the Moose Bird, a dove colored bird with some delicate markings, the Jay Bird, woodpeckers of four or five varieties, and two kind of Snow Birds, brown bordering on red, and another kind white and gray, and there are a few Swans, Peligans, and Sand-hill Cranes, besides[,] the large Horned Owl, the large White Owl, a large Gray Owl, a small Gray Owl, and a little Burrowing Owl that lives in Badger holes. This little owl never hoots but flies a little ways when disturbed[,] lights with a few bows after he lights, and a pit, pit, after he lights. I have seen four or five little ones at the mouth of these holes, and the group stands there until the old one flies away, then they all disappear down the hole, and Cayotes [are] the same way as soon as a person is seen. The old one runs and
the little ones scoot for the hole. Cayotes make an awfull racket, one sounding like a dozen sometimes. Their only danger is catching hens, sheep and lambs. They are cowardly as a fox. They are such a pest to sheep and hens that the State gives a liberal reward for killing them. They act as scavengers.

I got to Bannock and home without further incident, and found Father had taken up a ranch on Rattlesnake Creek 16 miles from Bannock in a northeasterly direction, and three miles below the old Road Agent rendezvous at Jack Oliver's Stage Station. He had cut and put up some hay and some was still unstacked standing in the field in the cock and had got snowed on. He was living in a tent on the ground, and had staked out the four corners of the claim, one fourth section of land, square across the Creek bottom and begining on the upper side of the lower line of our only near neighbor, a french man, who also claimed 160 acres. The old Oliver Stage Station had been burned down before we came on to the valley. Half a mile below the old Station lived another neighbor named Stewart and his wife. The frenchman was unmarried and had a man living with him. Four and one half miles up the creek from Father's ranch a man by the name of James

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5James Mann started his ranch in 1865. Dillon Tribune, August 23, 1903, p. 1.
Stearns\textsuperscript{6} had a ranch, and 2\frac{1}{2} miles above his ranch was the town of Argenta, first called Montana City. Here were the first silver leads discovered in the Territory. They are galena ores. The Creek itself is about 25 or thirty miles from head to mouth passing through several small lakes on its branches. The valley from the mouth up to Argenta has an average width of about 2 miles from foot hill to foot hill with less than one tenth of it farming land. There are some broad expanses of nice bottoms and some of the most fertile soil in Montana.

Argenta mines have large quantities of ore of low grade, with plenty of Iron ore close by to use as a flux in smelting the ores. The smelting is brisk at times and no smelting being done for long stretches at a time. The reason has been chiefly on account of small capital as it needs large capital to work these low grade ores to advantage, and there has been in some of the smelters, that have done the poorest [from] lack of brains and experience[,] worked on to cheap a scale. Now that more improved appliances are being used the success is more marked. The old style of having the fire back of clay, stone, or brick did not work

\footnotesize{\textsuperscript{6}"On December 30th, 1864, Thomas W. Chapman & Company and J. B. Stearns, 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." Dimsdale, \textit{Vigilantes}, Noyes ed., p. 214.}
well as the back of the furnace was forever burning out often in three or four days. Now the water jacket used in these smelters with a continual flow of water from the stream prevents [this burning out] for a long time and saves an enormous amount of labor expense and time. The town has about 200 inhabitants when in full blast.7

Most legal forms were gone through with in the recorder[!]s office from recording a quartz lode to recording a piece of land and held good until the United States Survey. Water rights[,] land rights[,] quartz rights[,] placer rights[,] mortgages and all such business came before the Recorder[].8 He was allowed a big fee and they generally made a great deal of money. Some of them salting some new discovery of digings to get up a stampede and record the claims to fill their own pockets with the proceeds of the recording. Salting a mine is to put gold in the dirt secretly and then pan it out before [in front

7The smelters at Argenta were also the first in the State of Montana. Argenta was chartered January 6, 1865, as "The Town of Montana" but under the act approving the charter its name was changed to "Argenta." There is still some mining activity there. The remains of some of the old smelters can yet be seen. Sasser, "Metal Mining in Historic Beaverhead," Chapter IV; Leeson, History of Montana, p. 488; for a history of mining in this area see Donald J. Scott, "The Hope Mining Company of Phillipsburg," (Unpublished Master's thesis, Montana State University, Missoula, Montana, 1960).

8See Appendix J.
of some person as the natural product of the pan of pay dirt. Sometimes a man that chewed tobacco would take some gold dust in his mouth and spit it into the pan of dirt and muddy water while paning it out. Only soft heads were caught in this way. Quartz leads are salted almost before a man's eyes and a big sale made often. Quartz experts are not fooled much in this way, and it takes shrewdness to get along successfully in this world as there are more than one way of picking a man's pocket.

A man in early days had to be in possession of his ranch and someone on it part of the time each year or he was liable to lose it from the cupidity of some one who would move on, or jump it as it is called and hold or try to hold it. There were a good many deaths caused by this jumping business in early days mostly in the mines and sometimes on the ranches, and endless lawsuits. When the Government surveyed the land it threw most people's land out of shape. Sometimes a man's buildings would be on some one else's land and the rest of his improvements on his own. Sometimes his best land and most of his improvements were on some bodies claim. This allowed cupidity to step in and grab. Often this brought the six shooter into play and someone got hurt, especially if the case was so compound that injustice would be done in regular course of law. The Government allowed the preference to the one of two claimants that had conformed to the law governing the taking up of land in good faith by the settler, and it stood the first settler.
in hand to look after his rights as soon as possible after
government survey, or someone else would do it for them-
selves. There was a good deal of ignorance in regard to
this or these laws by a great many parties[,] partly
through the ambiguousness of the working of the letter of
the law, and it made and is still making endless contests,
breaking lots of poor men up in business and enriching law-
yers, as it sometimes seems the laws are made for lawyers
to fleece people on, as "ignorance of the law excuses no
one" is a term often used, and it comes out of some poor
person[']s pocket. Lawyers take up more of the time of
business in the courts here, and they quible [more] about
points of law than the cases do themselves, and manage to
lay over most of the cases from term to term at heavy ex-
pense to the county, and damaging justice. We have had
some very fine judges, and a very few good lawyers. I
have known one judge to delay the regular District Court for
days at a time not only in one place but in a number of
places for being drunk most of the time. He was finally get
put out of Office. He was a heavy expense to the counties,
with Grand and trial jurors witnesses[,], prisoners[,], and
all the other paraphernalia of Court waiting for him to get
over his drunk long enough to come and attend to his busi-
ness. Now that we have a State instead of Territorial Laws,
we will be able to meet [sic.] out justice to such men in
better and quicker shape.
Father and I worked around Bannock and lived there... [with] the rest of the family most of the time until late in the winter of 65-66. Then my eldest sister was married in Marysville. After that I was on the ranch often. We had put a sawed log house with a fireplace in one end on the ranch. I killed some deer and Antelope near the ranch. The grass was often in long stretches 10 and 12 inches high over the hills and bench land. Sometimes 500 Antelope could be seen in a band at one time on the valley. They are sometimes very foolish and will keep the course they start on when scared if they have to pass within 50 yards of a person. Generally a buck leads the band and one brings up the rear.

I came out of Marysville one cold evening before sundown with 10 head of cattle, work oxen, and riding a pony and leading another. [I was] bringing them to the ranch to herd[,] or watch rather, to see they did not stray and were on good grass and near open water. For this we used to get [+]1.00 a month a head, and [+]2.00 a month a head for horses. I wore a large pair of knee gum boots, and had to get off and lead the horses to keep from freezing.

Robert Kirkpatrick's oldest sister was Cordelia Ann Kirkpatrick. She married Henry Pond, a Merchant of Bannack. They had two children—Mary and Marcia. She died at Bannack September 27, 1875. Information from the late James Douglas Kirkpatrick of Poway, California.
ing, and drive the oxen as they scattered so that I could not keep them together. In wading through some deep drifts I got some snow down my boot legs and it got under my heels. My feet being cold I did not know there was snow under my feet, and the air got frightfully cold after dark. It went down to 55 degrees below zero in Marysville that night, as I afterwards learned, and it must have been nearly the same on the valley. The air was perfectly still and three breaths at a time was all I could draw without putting my hand to my nose. Often I felt a sharp sting through my nose and thought it frozen. When I got on to the valley I was about five miles from home and knew my feet were freezing. I let the oxen take care of themselves and let my pony with the other one tied to the pomell of the saddle. These Indian ponys are very slow walkers and you cannot lead them out of a very slow walk. I could not walk fast enough to keep from freezing to death and had to jump up and down to try and keep my blood in circulation. As I was getting numb, and the lethargy of death was slowly but surely stealing over me, I got very sleepy and did not feel cold. [I was] three miles from home and could hardly drag one leg after the other. My inclination was to lie down for a few moments rest and [with] a sensation of great fatigue[,] but I knew very well what was the matter with me and if I allowed myself to lie
down it would be my last long rest[,] so I kept stamping and moving on, as it seemed to me about a mile an hour although it was much faster than that. I had no definite idea of the lapse of time but it seemed as though I never would get there, and that it would be morning before I could. The moon shone with a steely brightness and was dazzling on the sparkling snow, which was about 4 inches deep and covered with miriads of frost gems. I was afraid if I took the saddle off and turned the ponies loose I could not find them on foot afterwards or catch them. At a later time [I realized] I should have turned them loose, or rather, never have left Marysville on such a cold night, but as Bill Nye has it I was young then and had no experience. But now over forty winters have blown over my head and blown it bear and I am putting arnica on my experience. At last about two or three o'[/]clock in the morning this dreary spell, the most monotonous and weary I ever passed, and I have been enough sometimes, I came to the creek at the Frenchman[']s ranch who lived in a small log cabin 12 feet square plastered outside and inside tightly with mud so close that it kept the air out with a fireplace in one corner. The bed within six feet of the fire. They had a hay rack on a wagon in front of the cabin. I tossed the bridle over one of the pegs and knocked at the door. It was opened by one of them and
showed a large cheerful fire burning. It was so cold that they were taking turn about in keeping the fire going all night. I spoke to the one that opened the door, or rather tried to, but I could hardly articulate, and that only in a hoarse whisper. Every little hair over my face[,] and there seemed to be thousands of them[,] was a separate spire of frost. My eyes were frozen together excepting a little space through the lashes of the left eye that I kept the ice off of enough to get along with, as in pulling the ice off the eye lashes it was apt to take the lashes along with the ice. My moustache was frozen fast in the comforter that was wrapt about my head and ears, and I was such a mass of frost that I might have passed for a Santa Claus. The frenchman did not recognize me, but hurried me into the house in a scared way. The other jumped off the bed instantly and got some ice cold water from the creek[,] put it into a tub, got my gum boots off, and felt of my feet and pronounced them badly frozen. They would sound like frozen potatoes about the heels when I hit them together, and had but little feeling in them until I had them in the water for awhile. Then as the frost began to come out, I had the toothache in the feet pretty badly. I had the water changed often to keep the temperature about my feet as cold as possible to draw the frost out slowly to try and save my feet.
These Frenchmen were Canadian French and knew what to do in such an emergency. I stayed there the rest of the night and they got me some supper. In the morning I wrapped some cotton batting soaked in turpentine about my heels and toes as these were the parts frozen. I went down to the house half a mile below and found the ponies which the men had turned loose there eating from the stack.

My sister's poor little dog was frozen to death in his kennel and when she came down she buried him with martial honors, her and my younger brother piling stones over his grave and firing a toy cannon over his grave.

I stayed about the house for some time alone and took care of my feet. The skin peeled off my nose and the end of my fingers around the heels, balls of my feet and toes but soon got well. The weather in these cold spells last from two days to several days, generally three or four days at a time of the severe weather holding out from one week to two of lesser cold. After the spell was over I was able to go in to town.

With mild weather coming on my folks moved over to the ranch. By that time the snow on the valley had mostly melted off. We moved over a steep mountain and the team was loaded so heavy that most of us walked. Mother went on ahead of us all on the pony, and the children the little boy and girl strolled on ahead of the team.
Father[,] the brother next to me, and myself ploded on with the oxen, and got in to the ranch before dark. Mother had supper cooked and things were beginning to look cheerful. We talked away awhile, and unloaded some necessary things from the wagon. None of us missed the little tots for nearly half an hour, Mother not knowing they had not come with the wagon. The rest of us so busy we had entirely overlooked them. Mother was the first one to think of her wee bairns and inquired where they were. A search soon revealed the melancholy fact that they had not been about. It was then dark. We got the lantern and found there was only a piece of a candle for it so I jumped on the pony as soon as I could saddle and started up to Stewart[']s 2½ miles above to see if they were there or had been seen and to get another candle. I left the ranch at home in a state of alarm as the children were lost[.] All we were afraid of was mountain wolves if one happened along from the mountains, or a possible chance of Coyotes being in numbers and might attack them, but we did not think these little cowards would be apt to tackle them. Stewart had only a piece of candle.

I started towards Bannock on the road that led to Stewart[']s, and the other older road was but a short distance above it that led to the old Road Agent crossing of the creek. It was pretty dark and I would ride hard for a quarter of a mile swinging high my lantern and dreading
152.
the time when the candle would burn out as it began to get short long before I got where I thought they were most likely to be. I would hallow every time I stopped but got no answer until I got nearly across the valley a mile from the creek. Just as I was yelling the last time in despair of finding them on the plain before taking to the hills and gulches on the road, I thought I heard a voice, so far off it was a mere squeak. I listened and shouted again and swung aloft the lantern and listened breathlessly for a few moments. I heard it again and made out the direction this time but it was so weak that I was not sure it was a child's voice. I put spurs to my horse for a quarter of a mile, stopped and shouted and held up the lantern. This time I got an answer clear and distinct. It was the little girl and she said, I am coming to the fire, I am coming to the fire. My heart gave a bound of joy. My candle burned out just then. If those little things had laid out all night it would have nearly killed them. I sent up a silent blessing for their discovery, and almost ran my sister down in spurring the horse along to make sure whether the little ones were to gather. She was startled to see a horseman coming so fast and ran to one side. She had the cat in her arms. I saw she was alone and my heart smote me. I cried out where is your little brother, and before she could answer, I heard him calling
to her I am coming with the dog. I ran on and soon met him hurrying forward as fast as his little legs would carry him, leading his little dog and carrying a tin cup in the other hand, they had brought along to drink out of when they arrived at the first water. I had forgotten about their taking their pets along with them. They had taken the Oliver road and went to the crossing of the creek[,] and no one lived there, they had started back in hopes to meet us. Darkness came on and being very tired, they had huddled down together beside a small sage bush, huddled with the puppy and cat and were trying to make the best of it. I thought of the babes in the wood, and was glad this was prairie instead of wood. I had brought along a quilt to wrap about them if found, and took the little boy up in front of me and the little girl behind and wrapped the comforter about them. They were both shaking with the cold, but the warmth of my body and the horse's, and the motion of the horse soon warmed them, and the night was still, providentially.

They had taken the lantern light for a camp fire, and as I called[,] she supposed I was calling from beside the fire. I had not gone far when I heard the dinner horn blowing. Father was out too, and blowing that. I called to him and we soon met, and proceeded to the ranch where Rachel gathered her children. Some hot drink was given
them and supper was ready and hot. The little ones suffered no evil consequences on account of their adventure. We were all tired and enjoyed sleep that night.

We had then two yokes of oxen, a wagon and a little provisions, and the house and about 10 tons of hay. We owed about $75.00 in Bannock. We got through the winter all right, the weather being fine most of the time after that. Father took one or two loads of hay to Virginia City about 60 or 65 miles from the ranch and got $45.00 a ton for it. We got a little money for taking care of stock for others that winter, and I killed some Antelope and other game so we had meat.
CHAPTER IX

In the spring [1866] I took the pony and made a trip to Mill Creek, 45 miles away, and bought 100 pounds of wheat (for $12.00) our first seed. We had an old plow made by a blacksmith and broke up some ground and sowed the wheat. We got some potatoes from a man named Selway on the river 9 miles off and planted them and got some garden seeds from Bannock and planted them. Some men in Bannock bought six head of cows of a herd going through the country from Utah paying from $65.00 to $90.00 a piece for them. They were all dairy cows, and the men let us have them to take care of giving us half the butter.

1 Mill Creek was located in Madison County on Mill Creek itself. It was settled in 1865. This area was a rich agricultural district as well as a mining area. The town Sheridan also grew up on Mill Creek approximately eighteen miles northwest of Virginia City. Sheridan had the first flour mill in Madison County. It was operating in 1867. Also at Sheridan were saw mills, quartz mills, and smelting furnaces. Leeson, History of Montana, pp. 792, 793; Judge Henry N. Blake, "Historical Address: Historical Sketch of Madison County, Montana Territory," Contributions, Historical Society of Montana, II, 1896, p. 87.

2 Kirkpatrick might have obtained his potatoes from Tom Selway who had land on the Beaverhead River. The Selways were some of the first and most successful ranchers and farmers in this area. Dimsdale, Vigilantes, Noyes ed., p. 214; Leeson, History of Montana, pp. 469, 470, 999.

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we could make. In a short time [they] sold them to us on time.

When the crop was nearly grown, the grasshoppers came in immense clouds and were about to eat everything up. We burnt green hay and green bushes to make a smoke to keep them from lighting if possible. They eat most of the grain up and damaged the hay, peas and potatoes some, and eat all the onions and a few tobacco plants Father was trying. The grasshoppers eat entire grain crops of most of the people in the territory. When they flew high it looked like a snow storm towards the sun. If the weather was cloudy and threatened rain they would descend in clouds and load each stock of grain until it bent half way to the ground. After they had once settled on a piece of grain it was impossible to rout them. Before they left a piece of grain they lopped off the heads of a great deal that would otherwise have filled out. Potatoes they did not bother much unless there was nothing else to eat. They did not like peas very well. They broke a good many farmers up in business cleaning out every crop they had for several years.

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3 Al Noyes relates that the grasshoppers were plentiful in 1865. Leeson lists 1864 as one of the worse years in Montana for grasshoppers. Leeson also labels 1855, 1864, 1873, 1874, 1875, and 1876 as grasshopper years in Montana. Dimsdale, Vigilantes, Noyes ed., p. 214; Leeson, History of Montana, p. 32.
We got the first new potatoes by digging one or two out of each hill. We took them to Bannock and got 25 cents a pound for them, 25 cents a quart for green peas in the pod, and 75 cents a pound for butter. The potatoes in the fall were 10 cents a pound, butter kept at 75 cents.

We were breaking up some ground in the fall with both yoke of oxen as the Bannock butcher happened along. He offered us $180.00 for the yoke of cattle we crossed the plains with. They had grown larger and were very fat and handsome. They were old friends and we did not want to sell them, but before Thanksgiving Day finding it would be difficult to meet the payment on the cows, we concluded to take that amount if the butcher would still take them at that. It was a heavy price for beef, even in those days, but butchers liked on the holidays to deck their shops out with the finest beef to be had. This man paid us the amount he first offered us which about cleared what we owed on the cows.

The first potatoes raised in the county were raised 9 miles from our ranch, and the year before we raised any.  

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Kirkpatrick most likely means Henry Hayman and Frank Jacobs who had land next to the Selways on the Beaverhead River near Dillon. Their first crop was either in 1864 or 1863. Noyes relates that Hayman realized $1,500 from a crop in 1864, but fails to identify the crop. Dimsdale, Vigilantes, Noyes ed., p. 214; Leeson, History of Montana, p. 469.
The man took some in to Virginia City and sold them when they were new for 75 cents a pound, and there was a rush for them at that. The people asking if they were washed, as they did not like to give that price for dirt.

I used to go into Bannock once a week to look for horses and cattle to take out to herd at the ranch. We charged [\$]2.00 a head a month, and [\$]1.00 for taking into town.

Doctors' bills were enormous. Where the doctor went to the valley once or twice it was from [\$]25.00 to [\$]75.00. Some took desperate chances on death rather than pay that much. Men's wages on the ranch were from [\$]40.00 to [\$]50.00 a month and board. Our first crop of oats, what the grasshoppers left us, sold for 5 cents a pound, and wheat sold for the same. I heard men say they had better buy drugs for their horses it cost so much. There were no threshing machines in the country, and the grain, if there was much of it, was threshed out by throwing a lot of bundles on the ground in a corral and driving a band of horses about over it for a while, then turning it and the same operation gone over again until threshed clean. The wilder the horses the better, as they moved faster. After one floor was threshed the straw was thrown outside the corral and more bundles thrown down and so on until the day was done. The horses were then taken out. The chaff with the grain in it was piled up outside and covered with can-


vass or wagon sheets to keep stock off, and dampness off, and the wind from scattering it. The first windy day a man took a box, filled it with chaff and held it over a clean spot or canvass and poured it out slowly for the gale to blow the chaff away. We had no fanning mills, and we had to winnow the grain in this way. That way of threshing had its disadvantages as we found in buying and feeding the oats there generally was plenty of gravel amongst the grain. Horses would often leave their oats on account of dirt and gravel in it.

Eggs were 75 cents and $1.00 a dozen and rose at the holidays to $1.25 and $1.50 per dozen. Lumber was $40.00 to $50.00 a thousand feet.

It cost from $5.00 to $10.00 for a ball ticket including supper. The same kind of a ball now would be from $2.50 to $3.00, including supper. A string band of first and second violins and bass violin cost from forty to $60.00 a night, and the musicians often got so drunk they could hardly keep their seats, an lots of the men half drunk in the ball room. The floor manager sometimes had to put men out of the hall for being drunk. Ladies were so scarce that there were about 5 men to one woman. The women were about danced to death and no wall flowers in the hall. Little girls six and seven years of age danced regularly, and 10 year old girls considered themselves young women in society. It was amusing to see a six foot gentleman reach-
ing down to take the hands of a seven year old girl for promenade all, but the little girls were hard to out do, and they lasted from 8 o'clock until sunrise when the ball kept up that long as it often did. All that tired them was the idea of the ball coming to an end.

There were not many old maids in the country, and bashful men stood a poor show with the girls. Every man was an old bach if he lived by himself, no matter what his age might be.

Taxes[,] I think[,] were about 24 mills on the dollar in '66.

The winter of 66-67 we passed in going to bannock once a week for stock to ranch and [we] got quite a large herd of horses and cattle. It was a hard winter on stock. The snow fell 20 inches deep at one time[,] the deepest fall we ever experienced on the valley. It settled gradually but held on for two weeks, and all that saved the stock was the bunch grass being plentiful and high. It got bare on the ridges where the wind blew and the stock went there to get feed. Lots of cattle perished as the sun melted the snow a good deal one day and froze that might following[,] making a thick crust on the snow which cut the cattle['s] noses and the sheep['s] as they nose the snow out of the way. A horse paws away the snow from the grass, and it takes a pretty deep snow to starve a western horse, providing there is plenty of grass beneath
the snow. In all the lower valleys of Montana it is the exception when the snow falls more than five inches deep. The ground is bare most all winter, with occasional snow storms, and the snow that falls lays but a few days until it is either blown into gullies or melted by the sun. There is but little sleighriding in the valleys, and some winters none at all. The snow falls very dry and a sleigh goes right through it into dirt, like so much flour, unless it is about 8 to 10 inches deep, and a sled runs hard on such dry snow. Some winters the snow falls but about 24 inches deep in the mountains and that shrinks down to 12 inches in a short time[,] so it is difficult to get sleighing for timber hauling in such a winter. That was exceptional, and after such a winter there is a fearful drouth for want of water to irrigate with, and that makes lawsuits for water rights and hard times on account of loss of crops.

The prior appropriation [appropriator] of a water right holds his right, if he used the water continuously after appropriating the water right, but cannot hold any more than his ditches (main ditches) held at the time of appropriating such right, and not that, if it conflicts with a prior right. And he can hold only enough for what land he owns. The law allows 3/4 of an inch cubic measure, under three inch pressure, to an acre, and no waste of water is allowed. If a person violates the law with regard
to another's prior right, if [the latter has been] acquired legally, [he] is subject to fine and imprisonment for contempt of Court. The law suits have been many and there will be no end to them about water rights. Land is worth but little in Montana without irrigating water, as there is not rain fall enough to grow crops. Sometimes it rains enough to start grain in the spring if got early enough. Some seasons it [rain] will not start any kind of a crop without irrigating.....unless it may be potatoes put in with the plow. Irrigation to bring up small grain bakes the top of the ground so that lots of the grain never gets through the crust. I have seen half the grain sowed in the spring sprout in the fall after a fall shower, there not being enough rain during the season to sprout it. Oats go from 25 bushels to 80 bushels to the acre, and wheat from 20 bushels to 60 bushels to the acre depending on the soil and the person who irrigates it. There is a great deal in the particular way certain soils are irrigated. The way mostly in vogue in Montana is flooding the surface. Some do not let it soak deep enough[,] others go to the other extreme and soak it too much and too long. Then if the water is brought long distances in ditches it has a chance to warm by the direct rays of the sun. The water in the streams is so cold all summer long that it is not healthy or comfortable to bath in........
Oats weigh from 35 to 50 pounds to the bushel and wheat from 60 to 70 pounds to the bushel, and potatoes from 250 to 500 bushels to the acre. Where there is not much rain or snow there is clear skies, and that is the case in Montana, the air being clear enough during some parts of the year to distinguish horses from cattle five miles or more with the unaided eye, especially those with eyes educated in the west to this kind of work. The eye can be trained in clear mountain air to be accurate at immense distances, but it does not do to keep the eye roving in search of anything over fields of glistening snow with the sun shining hot in a clear sky as it is pretty apt to bring on snow blindness, which make the eye weak, often the rest of life and sometimes partially blind. The first sensation when a person is getting snow blind is heat in the eyes, not uncomfortable at first, but the next day the fun begins. The eyes, if both are affected, weep all the time with inflammation of the eye ball, and a sensation as of burning sand running over the eye ball. The pain is excruciating and the weeping profuse. People who take care of their eyes when stock hunting and snow glistening put on colored goggles or black the skin under the eye with charcoal as Indians do sometimes. If a person is not without a chance to prepare for it, the eyes can be protected by looking ahead as little as possible and keeping the eyes as nearly shut as possible and be able to see at all. I have seen an Indian so snow blind he al-
most had to feel his way along. Persons badly snow blind have to lay over some where until the inflamation subsides. White, or white faced horses with a very black eye often get weak eyes this way, and the water runs out of them and gives them a sore look.
CHAPTER X

In the summer of '67 we had great quantities of water, and it rained a good deal that season. The hay crop was heavy and all the cultivated crops, and the range was covered with plenty of rich bunch grass.

That spring early we concluded to buy a saddle horse to help herd on and have it large enough to work in harness if need be. We calculated to buy a mate for it later. We bought a large mare for $80.00 unbroken, dun in color and the man we purchased her of said she was 6 years old. She was nearer 15 we concluded afterwards. He caught her with a fifty foot lariat choked her until she fell and then tied the fore feet together and put a leather blind over her eyes until a halter could be put on her and a rope fifty feet long tied to that. Then she was turned loose and she improved the time in another fracas, but she finally got wore out, and was hitched to a heavy log over night. In the morning we drove her home, 10 miles away, by letting her run in front the length of the rope which I took a turn of around the horn of the saddle and snubed her when she got to going too fast. After getting her home we put a saddle on her and she reared up and fell over backwards and cracked the saddle. Getting up
again a man got on her and she went off on a run.

The next day I got on her and she bucked me off, after going a short distance all right. The day following I rode her again and after riding her a mile she bucked me off again and kicked me as I fell. I went home and we got another horse and drove her in with.

My brother thought he would try riding her, as he declared I would spoil the horse by letting her buck me off. He got on her and went off for half a mile on a run. Then the mare went to bucking with him, and bucked three or four jumps and quit just as she got him on top of the horn of the saddle. He said if she had made one more jump he would have been a goner. After that I rode her whenever she was ridden and she never got me off again. She was always treacherous and would jump just as I tried to get off of her. One time I would have been dragged to death if my brother had not clung to the bit as my foot got fast in the stirrup and I was unable to extricate myself until she had made two jumps. He held her while I got off and she made a lunge ahead just as I was half way out of the saddle, and he hung to her. He did not care about riding her himself. She got sick and died in less than a year after we bought her, and I considered it good ridance to bad rubbish. This was my first experience in bucking and I got shaken up in good shape. Men can talk as much as they please about being thrown 10 feet high off a bucking horse. I have
been thrown as far as a strong mean horse could throw me and I have been thrown 10 feet out in front of the horse, but never more than 6 feet above the ground. A man will get pretty well jared up in a fall like that. I never got any bones broken by being bucked off or having a horse fell with me in a full run and then rolled over me. Horses have rolled over me three different times without hurting me. A man to stick a bucking horse good has got to clinch the horse's body with his legs tightly every time the horse goes into the air with him and loosen the grip as the horse comes down, and bear the weight in the stirrup and so on until the horse is worn out, or out of breath. When I first tried to stay with them I kept my feet away from the horse and stuck to the horn and hand hole of the cantle of the saddle until the horse broke my hold by the force of his bucking. If a man is to be a good rider he must not catch hold of the horn or any part of the saddle with his hands, but depend on his legs and balance. A strong mean horse will make it interesting for a man staying on his back, and no man has any business there without plenty of sand in his gizzard. Many men are killed by bucking horses. Good riders have been bucked so long on one horse as to die afterwards from the effects. Often men are bucked until the blood flew from nose and ears. I got so I could stick a bucking horse but have not been bucked much for over 10 years now. There are men that like that kind of work and I
am willing they should[. ] I prefer a back seat. It is the hardest work that a man can do to ride 10 or 15 buckers a day and it will make an old man out of a young one in a very short time.

A good many of the broncho breakers ride with large heavy steel spurs, and stick these under a horse[!]s ribs and hang with them. It makes but little difference with the horse as he will buck all he can anyway, and the bigger the spur the better. They [the spurs] must be dull so as not to cut the horse. The small sharp rowels are the worst on a horse as they prick and cut him and bleed him. The best saddles and the easiest on a horse are the heavy ones as they are made in the best shape and weigh from 15 to 50 pounds. The very heaviest are made of live oak which is very heavy wood. The saddles preferred in the stock regions of the far west are covered entirely with red leather as the old style of part rawhide exposed to the sun and rain cracks[. ] The cost here is from [$$] 35.00 to [$$] 75.00. The plain saddles are liked the best, as the figured and stamped saddles crack and wear out sooner than plain ones and look the worst as soon as they show wear.

Curb bits of different patterns are used by the cowboys, a common snaffle bit is used in breaking horses as the curb is liable to throw a green horse over backwards, and a wild horse cares but little how much his mouth is
hurt by any bit\(_2\) he is so scared and excited. Some riders on this account ride without bit or bridle simply using the hackamore\(_2\) a kind of halter to let down over a horse\(_7\)'s nose to stop his wind if they want. There is a rope about 15 feet long\(_2\) light and stout\(_2\) attached to the hackamore which the rider holds coiled in his left hand, and a short heavy braided rawhide whip with thongs at the end and a loop of leather\(_2\) at the butt to go around the wrist of the right hand. This whip is better than spurs if a horse is head strong so that the hackamore is of but little service in guiding. The quirt\(_2\) as this kind of whip is called\(_2\) is often used on either side of the head to guide a stubborn horse away from danger. Horses are generally broken here as soon as they can be learned to lead, and sometimes a saddle is put on a wild horse and turn him loose as soon as a rider gets in the saddle. But this style of rough breaking is going out of fashion now as it takes a long time to get a horse gentle and most of the buyers now demand gentle stock that will stand while you get on and off, not kick at you every time you put your foot in the stirrup or lunge ahead every time you try to get in the saddle. It takes a quick man to get in the saddle on some of them, and he is not safe after he gets there.

Good saddle horses\(_2\) well broken\(_2\) young and gentle\(_2\) sell for from \$80.00 to \$90.00 a piece while you can get a fair one for \$40.00 and a scrub or indian
pony from $15.00 to $30.00 gentle and broke, if not broke down.

All squaws in this country ride astride the horse on a saddle that answers for pack or riding, and sometimes three grown Indians on one pony. The Indian pony here is very scuby and small, lots of them broken while yearlings, and no good blood ever infused in them.

In Montana are very fine horses now[, mostly of the draft breeds, with a fair showing of race stock. Beaverhead Co. is noted for its good draft and saddle horses[, a great many sprung from the native mares and fine imported sires. Horses are very low for the class of stock. There has been a great deal of improved breeding of all kinds of stock in Montana. Cattle and sheep are low in price, and hogs fair in price. There are but few diseases among live stock in Montana, cholera has never been known among hogs or poultry here. Epidemic diseases scarcely ever show among live stock here, and do not carry off much stock. In the spring horses are affected sometimes with throat troubles called distemper, which is a bad cold and sore throat like human beings have[, and shows by a dry cough, runing at the nose, and sometimes swelling of the tonsils of the throat. They seldom need any attention. Glanders is comparatively unknown. One season the pink eye affected a great many horses throughout the territory, and the black
leg killed a good many cattle one year and another year the epizootic sickened a great many horses as it did throughout the States. Outside of these we have been free from disease of live stock.

There is a poison growing in some localities here, high up in the big hills and mountains which kills a great many cattle in the Spring from the time the grass starts until the first of June. It grows along damp spots where snow drifts have laid and after rains in Spring it is dangerous. If the cattle are kept off of such places for two months in Spring there is no danger....[After eating this poison they bloat, but bleeding will save them if they are discovered soon after the poison takes effect.] If it is too late to bleed [and the blood] is black and won't flow ....a knife will save them sometimes by sticking it in at a certain place back of the short ribs high up on only one side of the animal where the insides grow to the back. This is done to let the poison gas out and relieves the animal at once. Sheep are affected the same way, but the herders keep them off of this kind of ground in Spring. People here generally believe the poison to be Lark Spur. I have seen 20 skeletons in one place, but not all died in one season, and wet Springs are worse than dry seasons for this poison.

Stock are not salted here by most people, but lick the dirt where alkali comes to the surface and it does in
place of salt. These places are generally brown where the
stock lick, and where the alkali is the strongest it is as
white as snow and in some localities half an inch deep,
especially in Utah Territory. Nothing grows where it is
too strong in the soil, but a certain percentage in good
soils makes our richest grain lands. Irrigation and working
the soils gradually works it out of the soil. If sheep are
left where they can drink alkali water when they have been
left too long without it, they drink too much and a lot of
them die.

The first sheep brought into Montana sold at 8 to 10
dollars per head for good sheep and were brought from
California and Oregon.¹ Hogs that would weigh 250 pounds
were worth from $40.00 to $50.00 a piece. It did not
pay to keep hogs unless there was a dairy to supply skim
milk, as the high price of grain and vegetables fed to
pigs made them unprofitable. Most of the butchers kept a
few hogs and the hogs had to eat the blood and offal of the
slaughter house. The pork resembled beef in flavor and but
few liked pork fed from the slaughter houses.

¹The first sheep in Montana probably were brought by
Catholic missionaries possibly as early as 1847 and definitely
in 1867. In November, 1869, John F. Bishop and Richard Reyn-
olds, perhaps in connection with John Selway, brought a herd
to the Beaverhead Valley from the Dalles in Oregon. In 1871,
a large herd was brought into the Beaverhead Valley from
California by Philip H. Poindexter and William C. Orr.
Dimsdale, Vigilantes, Noyes ed., p. 238; Leeson, History
of Montana, p. 999; Edward Norris Wentworth, America's Sheep
173.

The Bannock Indians gather the shin bones about slaughter houses whenever they are camped near, and it matters not if the bones are a month old - They boil them and get out the marrow. The squaws have to attend to this kind of work. The tribe is ragged, dirty and degraded and are inveterate beggars. They are always "heap hungry", "biscuit, me hungry". The squaws waddle along with a worse gait than an old sailor saying first on one hip, then on the other, and toeing in. The fire wood is carried to the wakup in a large bundle on the back, with a strap about the foreheads to help support the load. All the labor is done by the squaws. I have known them to eat an ox that had drowned and been dead so long the meat was blue and putrid and they had to cut it out from under the ice. Part of the meat they cut into strips and dried for future use. Game was plentiful at the time, but the lo family was too lazy to hunt it. One buck shot his squaw because she refused to dig for old potatoes in a field that had been dug over once. She was nursing an infant at the time. The whites heard of what he had done and went to see about it. The Indian made her sit up and hold the papoose so the wound would not show. Another Indian shot through his own wakup and hit his squaw in the mouth. A white

woman fed her on soup but she finally died. Nothing is done with a buck for killing his squaw any more than if he killed his horse, and if he gets jealous of her he can split her head open with an axe, and the rest of the tribe thinks it is all right. They generally have one squaw but sometimes have two, and generally purchase them of their father for a pony or two. Some of the tribes in the northern part of the territory used to offer to trade a squaw for a horse to white men living near them, and some of the first settlers in the territory, before the mines were discovered, married squaws and many of them are still in the territory and have families of half-breed children. Granville Stewart, formerly of Deer Lodge Valley[,] is the most noted instance of this kind. He is a smart[,] well educated[,] intellectual man, writes interesting articles for the press, both local and eastern, and has been a member of the Legislature of Montana and is a wealthy stockman, and well known throughout the Territory, and well liked. He has children by the squaw he is married to.  

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2Granville Stuart married a Snake (Shoshone) Indian by the name of Aubony, or Ellen, on May 2, 1862. They had nine children and adopted two sons of James Stuart. Aubony died in 1887 at Maiden, Montana. James Stuart married a Snake Indian whom he and John Powell had ransomed from a Flathead Indian named Narcisses. Forty Years on the Frontier as Seen in the Journals and Reminiscences of Granville Stuart, edited by Paul C. Phillips (Glendale, California: The Arthur H. Clark Company, 1957), pp. 197, 198, 206.
One day in winter 9 miles east of my ranch I happened to see some of their mourning rites. An Indian of the Bannock tribe had accidently shot himself and died a hundred miles to the east of Bannock and the part of the tribe camped 9 miles from my ranch heard of the death. All the squaws old and young relatives of the dead Indian were mourning when I saw them. They were walking about camp bare footed and the legs bare to the knee, and had pricked with a needle from the knee to the foot and the legs and feet were covered with blood that had turned black and dried on. In places where they stood the impress of the shape of the foot was left in blood. At short intervals they would lift up their faces and cry, sorrowing for the one that was not. This particular place the dead Indian had camped in before, and two of his best horses were shot and left there as one of the mourning rites. They beat their tom toms for a long time.

The neighbor living close by their camp was a married man and his wife was terribly afraid of Indians. One day a buck stepped into the open door before she saw him. The husband was at work close by and had a savage dog with him. The dog saw the Indian as he was entering the house and made a rush for him, as he was poison on Indians. The man saw the dog run but had not seen the Indian, but ran for the house to see what was the matter. The Indian saw the dog and caught the woman by the
shoulders and kept her between him and the dog until the
husband got there and caught the dog. Then the Indian
skipped out in a hurry.

The winter of 67-8 passed much as the previous one
did. My brother and I had taken each of us a quarter
section of land adjoining father’s ranch and had built
a log house on it and fenced in about 30 acres of ground,
built a stable and corral, and still continued to herd
horses and cattle. We bought two yoke of oxen and a wagon
which we paid for in money got for the care of stock. We
had raised a few acres of grain, and made some butter from
6 cows we had taken to make butter from on shares for the
season of 68. The grasshoppers continued to wage war on
the farmers, although they done less damage on the whole
than the summer of 66. They laid enormous quantities of
eggs every season and where they hatched out the ground was
alive with them. And then cleaned out all the grain and a
great deal of the grass and generally before they got big
enough to fly away the crop was past recovery, but they did
not spread over the whole country. They were very thick in
some localities and none in others. Those that raised
crops got good prices for them.
CHAPTER XI

The season of 68 and winter of 68-9 were uneventful. In the spring of 69 my brother and I moved to Bannock to herd the town horses at \$1.50 a head per month and 50¢ for delivery in town. There was a good deal of placer mines discovered that year in Montana and Idaho\(^1\) and so many [people] moving back and to[.], that we had 150 head of horses to herd and a good deal of delivery to do[.]

There was a good deal of racing of horses that summer in Bannock which was nearly always on Sunday. There was church often on Sunday but the blacksmiths forge rang all day and saloons and stores open all day. It [Sunday] was considered a day of recreation[,] or work and business. The ministers were mostly Methodist with once in a while a Catholic.\(^2\) There was occasionally a revival meeting with a few converts.

\(^1\)In October, 1869, gold was discovered at Cedar Creek in Missoula County near present-day Superior. News of this discovery caused some 3,000 people to meander over to that little gulch. It was a short-lived boom. Burlingame, The Montana Frontier, p. 93; Shirley J. Coon, "The Economic Development of Missoula, Montana," (unpublished Ph.D. Thesis, University of Chicago, 1926), pp. 61-63.

\(^2\)The Methodists and Presbyterians were among the first of the Protestant Churches in Montana. Burlingame and Toole, A History of Montana, II, Chapter XXIX.
My brother and I took turn about. One would stay in town two weeks while the other was on the herd. In the fall the horses scattered a good deal and I have been without a mouthful to eat from supper the night before until 3 o'clock in the afternoon having no appetite before daylight in summer for breakfast and being very hungry when I did get in[,] I overeat and nearly ruined my stomach [by] bringing on dispepsia which lasted me until the following year.

We often tired out 11 horses under the saddle in a single day. It was a terror on the saddle stock. We had some mean bucking stock in the outfit that bucked us off sometimes. I got thrown 10 miles from home about dark one day and the mare went home to the band. I walked until midnight and got to where a man lived and staid there over night. The next morning my brother went out to get the band and found the horse with the saddle on and my not getting in the night before[,] he concluded I was either killed or crippled and went to town and gave the alarm. Several men went out to look me up but I got to the ranch and got another horse and drove in my bucking stock.

This particular mare was very treacherous and bucked me off twice once before. She was a terror to buck and I used to take her into a mud hole as I got on so she would get tired of it soon as possible. She never could buck me off after the time I mentioned and when
she did[,] it was done by taking me unawares. I got many
a shaking up that summer but generally staid in the saddle.
I got many a fall by old stove up horses or a horse getting
his feet in some hiden badger hole which were thick, but
escaped uninjured[.] It was nearly always while under a
full run [that] a man generally was thrown out in front
several feet while the horse often rolled over in a cloud
of dust and sometimes broke one or both stirups. I saw my
brother thrown and slide along on his face by a horse
falling with him. He filled his eyes and mouth with dirt
and his teeth were bloody when he got up. My horse stumbled
and fell[,] her feet going up into the air and the pommel
of the saddle going into the ground. We never got a horse[']s
leg broke in this way, but I have known of their falling in
a badger hole and breaking the horse[']s neck and injuring
the rider[']s back. On some of the ranges here the badger
holes are so thick it is almost impossible to keep out of
them.

We made a little money in the Bannock herd which we
saved excepting what we had laid out in buying saddle
stock and equipments. The summer of 70 we tried farming
again but the grasshoppers came again and we were afraid
they would never leave the country. In the late fall my
brother went down into Utah 550 miles with a saddle
horse and one pack horse and bought a little drove of
yearlings[,] mostly steers[,] and one good yoke of oxen,
which he started for home with. When I thought he had got within 40 or fifty miles of home[,] I started out to meet him expecting to meet him in one or two days' time. The ground had some snow on it[,] being in November. I only had my saddle horse with my blankets rolled up and tied on behind the saddle, a pair of Cantanas with some food in, enough to last me four days[,] at the horn of the saddle and a long picket rope to picket my horse with. I had so much on the horse I made slow progress going but 27 miles the first day, and stoping at a ranch on Horse Prarrie where I fed my horse hay. The weather was fair with cold nights. The next day I struck off on an old road to Snake River in Idaho. There were no ranches or any living person on this road. The distance to the old emigrant road where the stage ran was about 70 miles and this route was called the Medicine lodge Road.\(^3\) After I left Horse Prarrie my route laid along the little Medicine lodge creek which I travelled up and had to cross it a great many times[,] and break through ice most of the time which was hard on my horses legs. Towards night of the

\(^3\)The Medicine Lodge Pass is the next pass south and west of what is today called the Monida pass. Medicine Lodge Creek is located in Idaho west of the valley through which Beaver Creek flows today and what then was called Pleasant Valley. At that time, the Pleasant Valley Route was the most commonly used route to Bannack and Virginia City. Today the Union Pacific Railroad and U. S. highway number 91 both use the Monida Pass.
second day, I expected to meet him surely that day. [With] the water froze on to my horses legs[,] I travelled across a high valley called Sheep Creek basin late in the afternoon and while I was leading my horse across some ice[,] the synch of the saddle got loose[,] and the saddle worked back onto the loins and the synch tickled her flank[.]

The first thing I was aware of she shot by me bucking with all her might. I hung to the bridle and kept jerking her fearing all the time the lines of the bridle would break or the saddle turn under her belly and she get away from me. But I finally got her stopped in time to get the saddle off. It was on the point of turning. My food and matches were in the Cantanas and I should have been in a bad fix in that lonely place without fire or food. The first thing I did after I got the saddle safe was to put some matches in my pocket and some lunch in my pocket too, for fear of accident. I then synched the saddle on so tight it got loose no more and tied the blankets on tighter, got in the saddle and staid there until I stopped for the night. I rode until the horse was tired and it was so late I had difficulty in keeping the dim road. The snow here was 8 inches deep as it was on the big Medicine Lodge Divide. I stopped and camped on a little flat with the grass knee high and unsaddled and tied the mare to a bunch of willows[,] made up my bed on the snow, took off my boots and wrapped my feet in my leather legings, there being no wood for
fire, and rolled up in my blanket and tried to sleep. But it was so cold I nearly froze and did not sleep all night. The horse's legs were so uncomfortable from the accumulation of ice she kept stamping all night. In the morning I got up soon as it was light enough to see and saddled up. I found where I had laid. It was ice underneath instead of ground and I had melted the snow off of it before morning.

I crossed the mountain and down onto the Big Medicine Lodge Creek. It was warmer there, and the head of the Creek was warm springs and no ice on the stream. The ground was bare but there had been a fire over the country which had burned up nearly all the feed. The stream was clear with schools of large beautiful trout in it. I longed for a hook and line, or spear, to get some to eat. The valley was narrow and sometimes none. The mountains were bare of timber excepting along the tops, and the sides were steep, and a good deal of sage brush over the face of the country. I was sorely disappointed in not meeting my brother as it was a lonesome place, and scarcely a living thing to be seen all day long. My food was getting low and I did not know how far it was to the stage road and I needed better grass for my horse. I was out of snow and ice. From the divide I could see in the distance away to the South east[,] perhaps 150 or two hundred miles[,] the
Tetons on the head waters of Snake River.\(^4\) They looked beautiful as the sun glistened on their peaks, in rising. They were sugar loaf straped[,] lofty[,] covered with snow. I looked long and admired their picturesque beauty.

Before sundown I became aware of my proximity to someone by hearing a bell. I hurried forward and found a wagon train. They had just turned out their mules on good bunch grass and their bell [mare] was what I heard. Freighters often have a mare along, and if she has a colt so much the better. A white mare the mules like best. The mare is generally hobled and the mules are so attached to her[,] they stay with her. I turned my mare with the herd since the night herder said he would keep her with the herd. They were hospitable. I had a good warm supper and breakfast with them and slept with one of them in a wagon.

They said they had not seen a bunch of cattle being driven along. Everyone I met that day said the same. I began to think perhaps he had passed up the stage road before I struck it but I kept on and crossed Snake River at Eagle Rock Bridge and they said the drove had not crossed the bridge so I felt easier. This was the same section of country we had come over in 63 and the roads were heavy

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\(^4\)These Mountains now are contained in the Teton National Park in Wyoming. They are also easily seen, weather permitting, as one crosses Monida Pass on the Idaho-Montana border.
with sand. After I crossed the bridge [ , ] there were two roads [ -- ] the stage road and a road branching off from it crossing the Indian Reservation at Ross Fork where the Snake indians were. I was in doubt which to take but meeting a man that had seen a small drove of cattle that day a few miles out [ , ] I took the Ross Fork Road and met my brother about 10 o [ ! ] clock in the forenoon.

We camped at Eagle Rock for noon. He had a shepherd dog along he had been training along the road, and had him so he would go after any particular steer he pointed out, and he would not let one drop behind, but tackle it on his own account. One yearling got so tender footed it had to be shod with boots made of boot legs to get him along. The dog seemed to have a particular spite against that steer [ , ] as he kept dropping back so much [ and ] the dog was tender footed himself.

We went over the same route I had come over as it was the most direct and less snow than on the Pleasant Valley divide. We got home without further incident. My brother had a small mare along which he packed with the bedding and food and drove loose with the cattle. The horses were hobled when turned out to feed.

Bacon or ham is the only meat that can be taken along on such a trip and the fat tried fried out in frying answers for butter and gravy. Bread is baked in the frying pan leaned up against a brace after it has been partly
baked by setting the pan on coals. Sometimes the bread is cooked in the fat like crulers. The food for such trips is generally bread, potatoes, rice, bacon, butter, sugar, Coffee, tea, crackers and sometimes a little game and fish are got for fresh meat, a can of syrup is often taken along, and[,] of course[,] salt and matches. The bedding is blankets[,] quilts and buffalo robes or canvass to go next the ground. The camping out is generally done without a tent by packers unless starting out in winter. We had no tent but the canopy of the sky above us, and [we] covered up our heads out of the way of frost[,] wind and storm. A small axe is carried with leather scabard to keep the edge from cutting, and we camped with reference to shelter from wind with good feed and plenty of wood[,] when possible[,] and on dry ground. Winter camping out soon makes a young man old and hurries an old one along in these northern latitudes.
CHAPTER XII

The next summer 71 we farmed again what time we could get, and hauled fencing from the mountains. That summer a bushwhacking neighbor jumped 40 acres out of my 160 acre claim and tried to prove up on it at the U S Land Office at Helena. This was soon after the survey and a few days after I had filed on my land. I filed soon as possible after the government survey was made. So this man made me a contest to do me out of my land. He already had a homestead taken up in due form and had no right to take up a preemption claim until after the expiration of the term of five years but the Land Officers were swindlers and helped him along to defeat me. He had to take it thru forties long above his homestead and stair shaped to get into mine. I lost a good deal of time for three years over this lawsuit and several trips to Helena a 160 mile trip, and that with horse team, and several hundred dollars in cash. It consumed the cattle we brought from Utah, and then I finally lost my land by the fraud of the Land Officers and the connivance of my lawyer who this man said he had

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1To bushwack a person meant to lie in wait and murder him as he passed innocently by. Kirkpatrick probably meant claim-jumper but was too angry to use this milder term.
bought for $300.00. Every thing was in my favor if justice had been rendered and every thing against him. It cost him over $1,000.00 in cash, but he got to stealing cattle and butchering them and perjuring himself so much that he was indicted for it by the Grand Jury, and fled before the sheriff could arrest him. He never dared to come back to Montana. He had been in the butcher business in Argenta, and butchered all the cattle he could steal taking desperate chances of being caught at it. The cattle stolen were butchered at his ranch and the beef hauled up in a wagon to Argenta. He was arrested and got beaten on a big suit in Bannock for butchering cattle. He had made a bargain with a stockman to butcher his beeves to the number of 25 and get them himself off of the range. He had butchered a great number without giving an account of the number and the man sued him. The butcher claimed he had butchered but 3 head, and it was proved in court he had butchered and sold without butchering several head. He had butchered for 3 months about 2 steers a week. He had to pay $1,100.00 for cattle, the interest for a year on that sum, all the costs of court, and his lawyers fees which were enormous.

He had a brother in the same business and he swore they were not in partnership. They were tried for perjury but the main witnesses kept out of the way until after court was over so they got off on that ground. Then they
were arrested for perjury and indicted before the Grand Jury. The one that was the eldest and worst [s]kip out of the country. The other stood trial and being young and through the influence of his friends that used money in his behalf he got clear with heavy costs. They had done us a great deal of mischief killing stock, tearing our fields open and turning in a hundred head of cattle at a time, and driving stock on to ground we were flooding with water to raise hay on. This was done in the night time so that we suffered great damage.

We had to arm ourselves for defence against this bushwhacking. The one that ran off was going to pound father with his fists one morning and my younger brother got his shot gun and was just going to shoot him when Father caught the gun and the man ran off. The one that stayed here attempted to take a band of horses away from the brother next me in age and then tried to horse whip him. My brother drew a revolver and stoped him as he had the whip raised to strike and he slunk off and let the band alone. The villain that skiped the country cam' up behind me on a run one day and I draw my rifle on him and he left. They were to cowardly to use fire arms, but wanted to use their fists, being pugilists. After their criminal suits we were not pestered by their bushwhacking any more.
189.

At this time thousands of cattle covered the hills and valleys and large bands of horses as there was any amount of feed. Beef cattle brought good prices and prosperity was general with plenty of money in the country. There was some drawbacks. The main ones were lack of railroad facilities for transportation of ores and quick transit of passengers and mail. The mail at first was on a pony to Salt Lake City[,] Utah where the connection was made with the great overland route. It took about two weeks to make the trip and cost a dollar a letter. Then came jerky or light four horse coaches which took several days for the trip at 25 cents a letter. Passengers had to pay $150.00 from Bannock to Salt Lake City. The Overland Stage Line of Ben Holiday bought out this line and put on good coaches and fine teams with stage stations 10 miles apart. Then we had faster mails but still it took time. We had semi weekly mails and finally try weekly mails and down to daily mails from Salt Lake City. It took forever and the year after[,] as the saying was[,] to get a letter from the eastern States here. The Missouri River was only navigable part of the summer season and only a few small steamers made the trip. The main share of freight was hauled by ox and horse teams.

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2See footnote 1, Chapter V.
The system of trade of the country was mostly on very long credit with enormous profits. Merchants had to wait all winter for a greater share of their pay as people did not get in town much then. Lots of people when they got in to debt so heavy that the outlook was bad for paying would skip the country as it was called and never pay. The honest ones and those who had money to pay had to pay for this rascality by big prices for what they got. The credit system has been very pernicious in the country, "that is the long credit system" as it encourages a great many people to buy more than there is good prospect of paying and consequently the country was full of beats and rascals.

There finally got so many cattle and sheep that the grass suffered. They cleaned it out so fast and the large cattle owners of Southern Montana sold their cattle and the sheep increased until they had to be sold and driven out to other parts as they are very destructive to bunch grass eating the ranges clean and cutting it out with their sharp hoofs. So many step in the same tracks and tramp the country into dust.

When the big transcontinental railways were talked of in earnest there was general rejoicing and at their completion we considered ourselves blessed as we could get more than a dozen letters a year then and goods so much
There was talk of building a branch line of railroad into Montana. Montanians thought it would be so expensive and the snow get so deep in the divide that it would be many long years before a road could be built, but finally the Mormons concluded to have a road and built a narrow gauge slowly up through their settlements. The road was poor and narrow gauge with slabs, poles and other rubbish for ties. The cars tumbled over with heavy winds sometimes. The engine fell off the track on level ground in Logan and the Mormons gathered and got it back with levers. This engine the first was called little Jack. They used to get stuck with three cars on a slight grade and a man offered to bet $500.00 he could hold back the train with 12 yoke of oxen. They did not take the wager. The engineer of the Union Pacific RR used to laugh at the little engine getting stuck.

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3The Utah and Northern Railroad first reached the Montana border from Idaho in March, 1880. It then reached Silver Bow, a small settlement approximately seven miles west of Butte, on December 21, 1881. This line was extended to Garrison in 1883 in order to connect it with the newly constructed Northern Pacific Railroad. The Utah and Northern Railroad was made standard gauge in 1888 and was incorporated into the Oregon Short Line, a subsidiary of the Union Pacific Railroad, in 1889. In 1897, it became the Oregon Short Line Railroad Company. Dillon, Montana, on the Utah and Northern Line was named after that company's president, Sidney Dillon. Burlingame and Toole, A History of Montana, II, pp. 71, 72; Hamilton, A History of Montana, pp. 373-376.
[This] Mormon RR was very slow as the passenger train would stop anywhere along its route if a man motioned to them to stop and take in a few pounds of butter or dozen eggs. They finally sold out to the U P and the Company tried for a long time to get a large subsidy out of Montana for putting the road up here. It was talked of long and earnestly and finally brought to a vote of the people and beaten. The subsidy asked for was very heavy. A smaller one would have carried the day by a vote of the people. The Company finally started in to build the road and called it the Utah and Northern and it was kept narrow gauge with light rails and was built into Montana in 1880 amidst the general rejoicing of the people. It had severe battles with the snow on the mountains and was delayed for days sometimes and had to have large forces of men to dig through in windy weather, and [it used] double headers in all bad places and it made about 15 miles an hour. The freight rights were enormous being from Salt Lake or Ogden to Montana twice as much [as] freight as on the whole length of the Central Pacific RR from San Francisco to Ogden over twice the distance. Then the Northern Pacific RR was looked forward to, to reduce this heavy burden laid on the people. The [U. P.] passenger rate was 10¢ a mile, [but] after the Northern Pacific was completed the fare was reduced to 5¢ per mile and freight rates in proportion.
It was a pleasant sight to see our quiet valleys stired by the rush of trains every day. The whistle of the locomotive heard for 10 miles and the roar of the engine blower heard as far. The Rattlesnake Creek Valley lays nearly at right angles with the Beaverhead Valley, with a fall of about 10 feet to the mile. The Beaverhead Valley is open prarrie with the exception of a narrow fringe of timber, and the trains of cars pass swiftly down the valley with the white smoke floating along the train like a ladies vail, and the engineers like to whistle as they pass through the canyons to hear the reverberations echo from rock to rock. The drivers of ox trains used to like when in these canyons to swing their fifteen foot lashes around their heads two or three times and then let it fly off sharply and straighten out with a violent jerk. They had popper of buckskin attached 10 inches long and an inch wide. They sounded like a shotgun going off, and before the thing quit echoing it sounded like a half a dozen shotguns fired.

My eldest sister lived in Bannock until her death which occurred September 27/75,\(^4\) caused by scarlet fever and Typhoid fever setting in before she recovered from the scarlet fever. She was sick about two weeks. The water of the town was bad, and the house set into the

\(^4\)Cordelia Ann Pond.
earth on the back part making it unhealthy to live in. She suffered a great deal through her sickness, and left two little girls at her death. The whole town turned out to accompany her to her last long resting place. My youngest sister had then been married about five years and had several boys.\textsuperscript{5} My eldest sister was not fifteen when she married, the youngest sister not sixteen[.] The eldest died at 24 years of age.

\textsuperscript{5}The youngest sister of Robert Kirkpatrick was Clarinda Kirkpatrick. She married Joseph Keppler of Bannack and had four sons by him. Only one lived to adult age, Eugene Robert Keppler. She divorced Keppler and married a Millard Kirkpatrick who was no relation. By Millard Kirkpatrick she had one daughter, Marian. Clarinda Kirkpatrick died at Dillon, Montana, January 25, 1900, and was buried in the Poindexter Cemetery near Dillon. In 1919, her body was moved to Mountain View Cemetery, east of Dillon, where she was re-buried in lot 91, together with James Monroe Mann, her mother, Mary Abigail Mann, and her half brother, Monroe Mann. This information was given to the editor by Robert Kirkpatrick's son, the late James Douglas Kirkpatrick.
CHAPTER XIII

In the winter of 77-8 my youngest sister lost three out of her four boys all of them having diphtheria and herself at the same time. The eldest was 8 years, the youngest was 2 yrs., and the next to the youngest was 5 years of age when they died, and the next to the eldest was the one that was swelled up the worst and he got well to the surprise of all. The three bright beautiful little boys, sound and well a week before their death, were dead and buried in four days from the time the eldest one died. They had a poor doctor who pluged the nostrils of the eldest boy, a timid, tender hearted little fellow but he died bravely. The only complaint he made was the plugs in the nose. As the disease ate off the veins of the throat, the blood ran through the nostrils and the poor doctor knew no better than to try to stop it with the plugs. The consequence was the head became chocked with the blood and the poor little fellow suffered most from that source. Sister found he was dying and kneeled beside him weeping. He says Mama don't cry for me.

In the summer of 77 the Territory of Montana was startled out of a year's growth by the knowledge that Chiefs Joseph and Looking Glass with their band of Nez
Perces were coming into Montana with the probable intention of passing through to the British Possessions. They were supposed they would get all the other tribes to join them along the route possible and kill and pillage as they went. They were followed by General 0 0 Howard in command of the Pacific Coast troops under orders of General McDowell, Commander of Pacific Division. These troops had battles before the arrival of the Nez Perces in Montana with these indians, and the Nez Perces killed and tortured a great many people in Idaho and Oregon, soldiers and settlers. They killed and wounded settlers on the Bitter Root Valley first in Montana. When they got to the Big Hole River, they followed it up a few miles and camped by [it]. The next morning before daylight they were overtaken by fresh troops from fort Shaw and other posts in Eastern Montana and a number of volunteers, General John Gibson commanding. The indians were attacked at daybreak and a severe battle kept up for a large part of the day. The indians were charged in the village and driven with heavy slaughter from the village, but charged back and drove the whites onto a hill where they dug rifle pits and held the ground until cavalry from Howard's command was hurried forward and the indians left before they came up. There were a

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1See Appendix C, Nez Perce Indians and War of 1877.
great many indians killed besides many white men.

Beaverhead County built stockades and fortified as much as possible. After the battle of the Big Hole the ranch men mostly left everything and went into the towns and stockades for mutual protection. The indians crossed the mountains from the Big Hole onto Horse Prairie Creek and the mail carrier from Salmon River[,] Idaho[,] passed through them. They asked him for tobacco and he gave them what he had and they asked him whether he had heard of the battle or not and he lied and said no. They did not molest him and as soon as he got out of sight he hurried for Bannock and gave the alarm.

They arrived on Horseprairie on Sunday,2 and a number of the ranchmen that were still there were finishing stacking their hay with the intention of going into Bannock in the afternoon and had sent too scouts over the trail the Indians might come over,3 and depended on them to notify them of the aproach of the hostiles. The scouts


3Kirkpatrick must mean the Winters-Montague party which consisted of Daniel J. Winters and his partner, W. L. Montague, Milton Norris, M. S. Herr, William Farnsworth, William Flynn and William Smith. The women and children had been sent to Bannack for protection. Anonymous, Progressive Men of the State of Montana
entered the canyon on the trail without seeing indian signs, and came to where the trail forked going round a mountain. The scouts took the shortest path and went through to where the trail joined the main trail and found the indians had taken the other and were behind them. They did not dare to retrace their steps as the indians were between them and their friends, so they took a round about way to Bannock. The indians came to Hamilton's Dairy ranch and he escaped on horse back and got into Bannock, and his two men ran into the willows and hid. The indians circled around them whooping and scaring them badly but did not dare to attack them in the bushes, as an indian is an awful coward about attacking an enemy in the brush. They went on a little farther and ran across a man named Barnes hid in a ditch where he was at work before they came. They shot him dead and left him in the ditch. At the next place too ranch men, Alleck Cooper and Andy Myers had their band of horses in the corral and just saddled their horses in taking the band to Bannock. Andy went into the corral on his horse which was a high strung one to turn out the band while Alleck was to turn them down the road. The indians appeared within 150 yards and Andy's horse got scared and would

not move where he wanted him to until it was too late. The Indians stood still and the leader said Come[,] come here, we will not hurt you. Alleck says I think they are Bannocks and they won't harm us. I will go to them. Andy says you are foolish. I will not and don't you. Alleck said he would go but would take his own gun which was a double barreled shotgun loaded with buckshot, and handed Andy the rifle which was a sharp old reliable with a cartridge belt full. He said he would do it so that in case of treachery Andy would have his own gun and be prepared well. Andy put spurs to his horse and ran for the willows close by while Alleck went to the Indians. Andy[,] as soon as he got in the willows[,] pulled off his saddle and scared away his horse and then hid himself. As soon as Alleck reached the Indians they took his gun away[,] made him get off his horse and led him a short distance over the ridge and then shot him with his own gun and killed him. Some of them hung around where Andy was concealed the rest of the day and all that night he could them howling like wolves, hooting like owls, and baying like hounds. He kept hid and the next day he came cut and found a man named Wagner, and he [Andy] got him to stand on

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4McWhorter has it that Meyers was killed and Cooper escaped into the brush. Leeson mentions that it was Cooper who was killed. McWhorter, Hear Me, My Chiefs!, p. 408; Leeson, History of Montana, p. 489.
a piece of elevated ground and watch so the Indians could not surprise him while he found the body of his partner and buried it. It was well he did so as an Indian slipped off on seeing Wagner ready as he had been in ambush to shoot Andy near the body.

A Chinaman came along and the three went to Bannock 20 miles on foot. After killing Alleck the main body went down to the next ranch. There were in the house Flynn and another man, and outside coming in with a part of a load of hay was big Smith, Winters and Mike Herr. When they arrived close to the ranch they saw two lines of indians awaiting them, and their road lay between these indians to the stack in the corral. They aproached until near a point of willows then swerved the team suddenly and ran the horses into a swamp and they mired down. The men ran on over the horses heads and into the brush, the indians fired at them as they ran. Smith was hit in the back and said I am hit. They all crawled into the bushes and hid but Smith seeing a horse with a saddle on close by crawled along to catch it and it being a decoy of the indians[...] they ran up to Smith and began to beat and cut him. Mike Her heard him saying kill me if you are going to[...] don't torture me and they shot him. Then they

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5McWhorter mentions this raid and states that it was the Montague-Winters ranch. McWhorter, Hear Me, My Chiefs!, pp. 407, 408.
killed Flynn and Montague in the house but were not able to get a sight of Herr and Winters who were hid in some rose bushes close beside the trail. Finally the indians rushed along the trail single file looking to the left as their horses ran at some thick willows all looking that way while Winters and Herr laid within four feet of the trail looking up at them as they passed and expecting discovery as each indian passed but the indians kept their eyes fastened on the brush on the opposite side. That night [they] kept up the hideous sounds they had enacted about Andy Myers. They left in the morning.  

A party kept on down to the next ranch belonging to Pierce brothers. John and Tom Pierce with their hired man were getting ready for the trip to town. Tom had saddled his horse and was holding both the horses while John finished saddling his. It was dark at the time and John said to the man go and drive the horses here as he saw what he supposed to be his band close by. The man started in a gallop and ran round the band and yelled to start them. There was a crash of rifles and his horse fell

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6The incident is mentioned in the life story of Daniel Winters in the Progressive Men of Montana. According to this account, a William Farnsworth was killed about the same time as William Smith was killed, and it was Milton Norris who escaped in the brush with Winters. Progressive Men of Montana, p. 1609.

7In Progressive Men of Montana, p. 366, there is mention of the Nez Perce passing Tom Pierce's ranch.
pitching the man over his head and [the horse] then got up and ran off. The man got up and ran off too. The band were Indians lying along their horses' sides out of sight in the dark and the crash of the guns scared the horse so he stumbled and fell pitching the Irishman off over his head and saving his life, as he was only slightly wounded in the arm. The saddle horse of John and Tom got away and they both ran into the corral and began firing at the Indians who skipped out. These men hid in the willows.

The Indians went several miles below this ranch and seeing no more men went into a cabin[,] emptied flour on the floor and mixed a keg of syrup with it[,] bent a gun barrel crooked, and went back to Pierce[']s and smashed in the windows[,] smashed lamps and furniture inside and left. They stole a lot of horses on this trip and turned out a lot of worn out horses of their own. There were some things unprecedented in this raid. They never set fire to anything, did not scalp or mutilate any of their victims and covered up the bodies with quilts or robes. At the Winter[']s ranch one or two very bloody robes with bullet holes through them were found and it was supposed Montague and Flynn had killed or badly wounded some Indians.

Monday night a young fellow who had hired to work for Winters rode up from Red Rock arriving after dark at the Winter's ranch. He put his horse in the stable as he was used to the place and went into the house finding the
door open. He felt a little nervous and groped about in the dark for matches and got his hand in blood. He realized what it was and ran out[,] jumped on his horse and put him through to Bannock. It was several days before a party could be got together in Bannock to go out and investigate on Horse Prarrie, and not then until Mrs Winters jumped on a horse taking two six shooters with her and saying she would go alone and find her husband dead or alive. Then 30 men mounted and went with her and brought in the bodies.

Another woman struck out horseback carrying a six shooter with her to let her boy, who was herding stock 20 miles beyond Horse Prarrie[,] know the hostile Indians were around. She found the boy and returned safely with him without encountering Indians.8

The Indians passed up Horse Prarrie through Jeff Davis Gulch, a mining camp occupied by Chinamen, who hearing of the hostiles, gathered their food and fled into the woods, leaving only one Chinaman and he was sick in the town. The Indians helped themselves to some food, but did not molest the sick Chinaman, as they despise Chinamen and know there is no danger from them. They never kill Chinamen unless out of mere wantonness as they did a company of 20 in Idaho

8This woman might have been Mary Jane Wadams after whom Marysville was named. Sassman, "Metal Mining in Historic Beaverhead," p. 70, footnote 46.
killing the whole party for amusement, as the Chinamen did not resist and were butchered like so many sheep. When the chinamen of Bannock found out the hostile indians might attack Bannock[,] they gathered up what they could carry on shovel handles and poles and struck out down the gulch and hid in drifts of the old mines. Someone said John they won't hurt Chinamen. They said, me no sabe indian (don't understand Indian).

The Nez Perces crossed the divide into Idaho at the head of Horse Prairie and went down the Lemhi, and their families went on ahead while the warriors fortified for one day and then followed. They went down Birch Creek heading for Henry's lake and met a party of freighters bound for Salmon City[,] Idaho[,] loaded with groceries and whiskey. These men were James Hayden, Albert Green, Daniel Cumbo [Cambo?], Albert Lyens[,] two more white men and a Chinaman. The indians made the men camp, and the Chinaman had to cook for them while they drank all the whiskey they wanted. Hayden was a man of grit and seized his needle gun to shoot some indians with when he made up his mind they would be killed after the indians got drunk. The Indians finally got his gun away from him after a fight and beat him to death with it. It was supposed he killed indians before he was over powered. The indians killed all the rest excepting Lyens and the Chinaman. Lyens worked down the creek a short distance while they were drinking and then
ran for it and got into the brush and escaped. He had nothing with him but a small revolver to shoot game with. He was out a week without a thing to eat. At the end of that time he arrived at a cabin and got something to eat. He was partially out of his head. After the Chinaman had cooked the meal some Indians sat down on him while they eat. They did not attempt to kill him. 9

In the meantime General Howard and his army arrived in Bannock 10 to get their horses shod, lay in supplies of provisions, and buy a few horses and hire teams to transport the provisions and haul some of his foot sore infantry. He paid [$$]10.00 a day for any kind of a span of horses and wagon and [$$]15.00 a day for two spans of horses and wagon. They took a shorter route than the Indians and overtook them at Dry Creek. 11 With a company of volunteers from Virginia City [ , ] Howard camped for the night and intrenched as usual but the volunteers did not intrench. 12

9 For a slightly different account see McWhorter, Hear Me, My Chiefs!, pp. 409, 410. He states that there were two Chinese. This may have been Shoup's train.


11 Dry Creek in Pleasant Valley, Idaho.

12 August 17, 1877, fifty-five Montana volunteers, under Captain James E. Calloway, joined Howard at Junction
indians attacked in the night killing a bugler of Howards, stealing 220 horses. Over fifty head were retaken[,] 20 of these animals belonged to the Virginia Volunteers, and a lot of the team horses belonging to Bannock were stolen. Howard paid for the Bannock horses lost.\footnote{According to Howard and McWhorter, the Indians ran off mostly mules. Howard, \textit{Nez Perce Joseph}, Chapter XXXIII; McWhorter, \textit{Hear Me, My Chiefs!}, pp. 415, 426.}

When the firing began the volunteers and civilians ran for Howard[!]s breast works. One big fellow wearing a white shirt heard a bullet strike a wagon tire close beside him and yelled Don[!]t shoot me boys. He was afraid he might get hit by his friends shooting in the dark.

The Virginia volunteers left Virginia City after dark in high glee being full of whiskey, and took a short road to intercept Howard. They had one howitzer with four horses attached. Before morning the men got sleepy from the effects of the whiskey and being up over night and the man on the wheel horse fell off scaring the horses. The wheel ran over the man and that tumbled the man off the gun, and the wheel struck his head nearly killing him and he had to be sent back to Virginia. The team ran away with the gun in the dark and were not found untill next day. The tongue was broken out of the gun carriage and the gun

\footnote{According to Howard and McWhorter, the Indians ran off mostly mules. Howard, \textit{Nez Perce Joseph}, Chapter XXXIII; McWhorter, \textit{Hear Me, My Chiefs!}, pp. 415, 426.}
rendered useless so it had to be sent back. The Volunteers returned from Dry Creek and the Bannock teamsters returned to Bannock.

The Indians only made from 8 to 12 miles a day and Howard the same. The Indians keeping from 8 to 10 miles ahead of Howard and he not caring to lessen the distance.

The Indians captured two parties of pleasure seekers in the Geyser Basin. One party was from Helena[,] the other from Radersburg. The Helena party escaped. The Radersburg party had two ladies in the party[,] Mrs Cowen and Miss Carpenter, Frank Carpenter, her brother, and George Cowen, husband of Mrs Cowen. Mrs Cowen, being a sister of Miss Carpenter. An Indian was seen by Mrs Cowen in the act of shooting her husband, and she rushed between them and threw her arms around her husband[!]s neck to save him but the Indian shot him over her shoulder in the forehead with a revolver and he fell. The Indian threw a heavy rock on his head to crush it and finish his work, and then they took the women and the brother along with them, leaving the husband for dead. He was only stunned and after several hours came to after night. He had bled so much and the crushing of the head had rendered him weak so he had to crawl on hands and knees. He over took or rather met Howard[!]s scouts who took him up and went into camp with him. The pistol ball had flattened on the skull of
his forehead, and his life being spared was miraculous. An Indian got down on one knee and shot at one of the men trying to escape by running away. The man said the Indian operated that Winchester like a red demon running a coffee mill, emptying the rifle without hitting the man.

One Indian wanted Mrs. Cowen for his squaw, and a vote of the Indians was taken to decide whether to kill the prisoners or not. It was a close rub, as the majority for letting them go consisted of one. So they took all their horses away giving the two ladies miserable worn out ponies and the brother had to foot it. One of the chiefs escorted the little party two or three miles from camp and told them he could not be responsible for their lives if

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14 The Radersburg party was camped at the lower Geyser Basin in the Old Faithful area of Yellowstone Park. The harrowing experience of George Cowan is truly amazing. Mrs. Cowan's account of this incident can be found in Mrs. George F. Cowan, "Reminiscences of Pioneer Life," Contributions, Historical Society of Montana, IV, 1903, hereafter cited as Cowan, Contributions, IV. The party consisted of the following persons: George F. Cowan and wife, Frank and Ida Carpenter, brother and sister of Mrs. Cowen, Charles Mann, William Dingee, Albert Oldham, A. J. Arnold, and a Mr. Meyers, Hiran Martin Chittenden, Yellowstone National Park (8th edition; Stanford University, California: Stanford University Press, 1940), p. 125, hereafter cited as Chittenden, Yellowstone National Park.
recaptured by the bad Indians of his party. They left as fast as the old plugs would carry them, and put the river between them and the Indians fast as possible.

The Helena party were all men and had two men killed and two wounded. The others escaped through the aid of a

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15. This chief might have been Poker Joe. Poker Joe seems to have had several names - Kiniknik Squalsac (Small or Little Tobacco), Wahwookya Wasaaw (Lean Elk), Rototo; and in the history he has gone down as Poker Joe. He was a Bitterroot Valley half-breed (Nez Perce and white) who joined the Idaho-Washington band when they passed through Montana. After the Battle of the Big Hole, he was selected leader and guide of the Nez Perce since he was a good warrior and was familiar with the country over which they had to travel. The interesting Nez Perce leader was accidentally killed by his own people at the tragic Battle of the Bear Paw. McWhorter, Hear Me, My Chief's, pp. 359, 360, 406, 482; Cowan, Contributions, IV, p. 176.

16. The Helena party consisted of Joseph Roberts, Andrew J. Weikert, Frederic Pfister, Charles Kenck, Richard Deitrich, Leonard Duncan, Ben Stone, Jack Steward and Leslie Wilkie. They first encountered the Nez Perce in the Hayden Valley not far from Mud Volcano. They retreated and camped about a mile and a half above the Upper Falls of the Yellowstone River. It was at this camp where the party was attacked. Kenck was killed and Steward and Weikert were wounded. Two of them fled to Virginia City and the rest fled to Mammoth Hot Springs. While at Mammoth Hot Springs, a small party of Nez Perce on a horse raid surprise-attacked Deitrich and Stone. Deitrich was killed. Andrew J. Weikert, "Journal of the Tour Through the Yellowstone National Park in August and September, 1877," Contributions, Historical Society of Montana, III, 1900; Chittenden, Yellowstone National Park, Chapter XVII.
Nez Perce named Charley.\textsuperscript{17}

General Miles and General Sturgis were heading these indians off in front with two armies and converging from two different directions. The indians eluded them, crossed the Missouri River and were close to the British line when they were overtaken by General Miles and a battle ensued in a heavy snow storm. The indians surrendered excepting one band of warriors who slipped through the lines during the storm and escaped into the British possessions.\textsuperscript{18}

\textsuperscript{17} According to Chittenden, Charley the Nez Perce spoke English and was connected with the Radersburg party. He probably was not interested in saving them. In fact, Chittenden claims it was Charley who shot Cowan in the head with a pistol. Chittenden, Yellowstone National Park, Chapter XVI.

\textsuperscript{18} Colonel Sturgis with six troops of the 7th Cavalry from the Tongue River cantonments made an abortive attempt to intercept the Nez Perce as they came out of Yellowstone Park. Colonel Miles from Fort Keogh on the Tongue River was ordered to intercept Joseph. With a force about 600 strong and a fast northward march, Miles encountered the unsuspecting Nez Perce near the Bear Paw Mountains in Northern Montana September 30, 1877, and forced the surrender of the majority of them on October 5, 1877. White Bird with an undetermined number of his band, and perhaps members of other bands, escaped to Canada. Francis Haines, The Nez Perces, Tribesmen of the Columbia Plateau (University of Oklahoma Press: Norman, 1955), Chapters 30 and 31; McWhorter, Hear Me, My Chiefs!, Chapters XXIV, XXV, XXVI; Captain Henry Homesyn, "The Capture of Chief Joseph and the Nez Perce Indians," Contributions, Historical Society of Montana, II, 1896.
Montanians went back to their homes and ranches again with a feeling of peace and security. These Indians had treated white women captured in Idaho with the most fiendlish and barbarous cruelty. Lots of them died from the effects. They said in Montana they only wanted to pass through the country and did not want to fight the Montana people but would kill all the Lewiston soldiers they could find. Lewiston was in their country and after their fight with Montanians on the Big Hole they did not want any more of it. Two more such fights would have wiped them off the face of the earth.

Again in 79 the Diptheria raged in Montana carrying off a number of children. Since then there has been but little of it. There has been Scarlet fever some winters confined mostly to small children and its ravages are not so bad as in older States east of the Missouri River. There used to be frequent cases of mountain fever, a kind of lung fever which proved fatal sometimes. Horses were subject to it as well as humans. Pneumonia carries off a few every winter. Small pox is seldom known in the country and its ravages are slight.

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19 See footnote 7, Chapter V.
CHAPTER XIV

I went east in 79 in September and staid until May, and was married on the 12th of that month, and came out to Montana then. My brother was married on the 1st of Feb. 1881.¹

Now in the State there are four main lines of railroad and a great many branches.

I was married on the 12th of May in the city of Lynn, Mass at the house of my fiance's relatives. The spring was lovely[,] the air mild and beautiful with the dreamy old Ocean breathing its ozone over the land, bracing and fill-

¹Robert married Miss Katharine Dodge May, a cousin of Louisa May Alcott, the authoress. They had two boys, Roger B. and James Douglas, and one girl, Viola Louisa. (James Douglas died in California, February 14, 1959.) James Kirkpatrick (Robert's brother) married Alma Coffin who was born in Indiana but moved to Minnesota when very young. She was an educated woman having attended a state normal college at Mankato, Minnesota, and Northwestern University at Evanston, Illinois. She came to Montana in 1878 to teach school in Beaverhead County. The James Kirkpatrick's had no children of their own but adapted a son, Wylie. "Manuscript of Alma Kirkpatrick" in Montana State Historical Library; Robert George Raymer, Montana, The Land and The People (Chicago and N.Y.: Lewis Publishing Co., 1930), II, pp. 333-334; Leeson, History of Montana, p. 992; Information sent to editor by late James Douglas Kirkpatrick.

212.
ing the spirit with buoyancy. The cherry and apple trees vied with each other in profusion of blossom scenting the air with nature's lovely fragrance and color. The horse chestnut shade trees were heavy with leaves and beauty, and the lawn[s] covered with a soft carpet of green sprinkled with dandelion. All these were refreshing to me after my long absence from Boston of 23 years, from 10 years of age to 33, and the bigger part of that time spent in Montana without fruit trees and shade trees as scarce as hen[']s teeth. The green sward consisting of narrow strips of bottom lands of wild grass[,] and the willow tree to hang your harp on, "Jews harp".

The main part of valley[,] foot hill and mountain covered with bunch grass, showing more gray and brown than green in spring and summer, early in the summer turning yellow and ripe, the color of bright straw and remaining so until the following April. The bunch grasses grow in separate clusters and do not mat with roots or sward, each bunch being a law [?] unto itself gathering moisture to hold for lengthy periods of drought between snow storms and rain storms, the latter scarce and far between. The soded grasses on Montana hills would perish in summer for want of moisture while each bunch of grass, of the bunch grass species of the Rocky Mountains, holds moisture for
214. Itself[^] 2 Too much moisture after the grass is ripe soaks and bleaches out its goodness. The hills when yellow in winter and fall make fat stock and there is large sections of sweet sage ground which is equally good in the fall and winter with the bunch grass. Where this shrub grows most luxuriantly the ground has a desert appearance, as it looks ashy in appearance and grows on rich clayey soil. It is scruby in growth often only 4 inches in height, and stock eat it but little until after the frost strikes it. Most of the tame varieties of grass do well in Montana when properly irrigated.

My wife and I started for Montana the day we were married[^] going to Boston and taking the Boston and Albany to Worcester and thence to New York by the car and sound line. We staid through the day we arrived in New York and visited Brooklyn, and in the evening we took the Pennsylvania Central road out of Jersey City with tickets for Dillon, Montana. We were unable to procure tickets for berths in the sleeper in Jersey City, as the agent was unable to change a fifty dollar bill in the 10 minutes of time left me before train time. So we had to sit up all night until we arrived in Pittsburg, and got berths on our change of cars on the Fort Wayne and Chicago, which was the finest sleeping car I have ever seen, being furnished with more

[^]: See footnote 11, Chapter II.
springs under the car. The motion of the car admitting easy writing while the train was in motion.

I learned better than to carry fifty dollar bills in my pocket in the future in the east to change on short notice as I did on my arrival in New York hungry. I went into a lunch room and got some crulers and a cup of coffee and handed the proprietor a [§]10.00 gold piece to take his pay out of. He looked at me with suspicion and asked me if I did not have small change. I told him the piece was the smallest I had. He hesitated and locked me over again. I began to think I must be either a thief or had a counterfeit coin. He looked as though he did not dare leave his lunch counter alone with me long enough to run out to change the piece and find out whether it was counterfeit or not. I felt disgusted enough to kick down his old hash house and was on the point of telling him how contemptible he was when a little boot black happened along and before I knew what the man was about he had put my ten dollar piece in the boy[']s dirty hand and he went off on a run to change it at one of the stores while the man stood guard over his detestable grub shop. I made up my mind I had fallen among thieves and the sun had set for the last time on that [§]10.00 piece in my possession, when Smutty came back and said he could not get it changed. I felt a little relieved on two grounds[---]one was to see that urchin with my money again and the other was there was another suspect
in the business, as they were probably afraid of this boy as he was too rich with that much money in New York. The next move on the board was for Mr Lunch Counter to tell the urchin to stay in his warehouse until he came back. I looked at the boy and he at me. His phiz said[,] I'll watch you[,] you are a confidence sharp and I know you by those western clothes you have got on. Mr. Lunch was soon back with his hand full of change. He had got at the bank just before closing time. He looked relieved[,] I looked relieved and so did the boot black. I had change enough to get my next meal without being scared out of a years growth in offering one of Uncle Sams gold pieces to pay for it. If I had been supplied with a few coppers which could not be passed in the west I would have passed myself at that one cent counter.

I found afterwards that people considered it best to not carry over five dollars in the pocket in cash at one time and have a bank account. My fifty dollar bill experience showed me the difference between east and west.

When I offered the bill again at the Ft. Wayne & Chicago Palace car office[,] it was with misgivings. I done it as early after the train stoped to change cars as possible for fear of being taken for a confidence man and loosing the berth. The agent made no bones over it but handed me out my change and tickets with the expression on his countenance of make room for the next. I passed out
of his horizons satisfied that he took me for just what I was.

We had a very pleasant journey passing through the beautiful State of Ohio with its green fields and slopes with sleek fat stock under the orchard[-]looking groves of trees, there being no underbrush. At Chicago we changed from our beautiful palace car onto the C B & Q line for Council Bluffs, Iowa, and the palace car on this line was not as fine or the motion as graceful as the one we had just left, but it was good. We had to wait several hours in the C B & Q depot for the train and put our hand luggage in the check room for safe keeping paying therefore and taking checks. When we were about to leave I presented the checks and got the luggage all but a fine parasol that turned up missing and all the English I was master of failed to get the article or its value so I had to swallow my disgust[,] complain to the depot policeman and carry off the brass check as a souvenir to Montana.

Iowa was not as beautiful along our line as Ohio that part we passed through in the day time. We got to Council Bluffs and the season was more backward there than in Ohio. We waited for our train for an hour or more and then crossed over the Missouri River into Omaha, Nebraska, and waited there several hours.

My wife's brother had been with us so far, bound for
my home in Montana, and found in Omaha a mistake about his ticket which would oblige him to go by emigrant train or on freight time to Ogden, Utah, unless he succeeded in straightening out the trouble about his ticket. He telegraphed to Boston where he had got his ticket and had to wait until the next day before he could go on the express as our train left before the ticket business was settled to his satisfaction and he joined us at Salt Lake City, Utah, where we had stopped for a two days visit among friends there before taking the Utah and Northern narrow gauge road for Montana.

But to go back, along the Union Pacific Road up the Platte Valley it was tame and uninteresting. The country still had on its garb of brown and the trees were leafless. When we got into Wyoming, the country was dreary and monotonous in the extreme, gray and brown with occasional Volcanic colors on the buttes and hills. Most of the little streams had poor stunted willows and the grass had not started to grow. All there was along here through this desert to relieve the tedium was the blood and thunder novels the news boy thrust upon you. A good deal of the country was rolling hills and we had to pass through a great many long snow sheds which added to the dreary prospect, and the scattered and solitary ranches with often only a log cabin and corral

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3See footnote 1, this Chapter.
for improvements, made the wastes look still more dreary. After we passed into Utah the scenery got a little better. The cottonwood trees were leafing out[] the grass starting and patches of Lucerne or Alfalfa were up six or eight inches high and in some places about Salt Lake City and below, it was 12 inches high, but the season was backward there.

We visited the Tabernacle which is so constructed as to render sound directly opposite where it is produced very distinct. A whisper or the finger nail scratched along the clothes is heard the whole length of this large building distinctly. We found the Cities of Salt Lake and Ogden and surrounding country very interesting and beautiful. The railroad between Ogden and Salt Lake City was standard gauge, and a two hours ride between the places. When we got back to Ogden, the narrow gauge looked very small and insignificant beside the Union Pacific road, and the cars looked like play things compared with the large U P cars. We had a monotonous ride to my home in Montana as the spring was the most backward I had ever seen in the west.

We arrived on the 24th of May at my home. The last night was occupied in the trip by coach from the Terminus of the railroad on Red Rock to Beaverhead Canyon on the Beaverhead River. Five miles from my home the balance of the distance was accomplished by a covered spring wagon. The day was raw and chilly and every thing looked gloomy
in the extreme, but little if any ploughing had been done. In some seasons ploughing begins in February and March, but generally in April. It was a gloomy place to bring a lady into just from the center of civilization and spring blossoming everywhere. It was heartsickening as the country in early spring and winter has a bleak and barren look to strangers.
FIGURE 7.--From a painting of Robert Kirkpatrick's Rattlesnake Creek homestead ranch home by Lydia C. Dodge, ins. Robert Kirkpatrick's aunt, in the 1860's. Painting furnished by the late James Douglas Kirkpatrick. Photo by the editor.

FIGURE 8.--Robert Kirkpatrick's Rattlesnake Creek homestead ranch home still in use in 1959. Photo by editor.
CHAPTER XV

We fitted up the house which was of logs, and prepared for spring and summer work in gathering in the brood mares from the range soon as the grass started so they could be kept in the pasture. There were about 80 mares and they ranged over several valleys including a territory of 40 miles in extent and it took over two months to gather them with almost incessant riding by one man. We ploughed as early as possible putting in Oats and Wheat as early as they could be got into the ground as the seasons are short for grain.

We had rain enough that season to help the irrigation a great deal, and plenty for the range. People keep right on irrigating through rains unless the rains are very heavy or very cold, as ordinary showers in Montana simply aid the work of irrigation in keeping the surface wet and preventing the soil from baking as it does sometimes in the hot sun while irrigating. . . . . . Ordinary rains do not wet the ground deep enough to be of sufficient moisture. Most people in Montana flood the surface of the grain fields until a man with gum boots on sinks half way to the knee making the field a perfect mudhole. Then the water is damed off into ditches, as long as the quantity of water 222.
in use will cover the ground sufficiently[,] and as fast as
one set of lands are thoroughly irrigated, the water is
damed off into lower ditches below, always beginning with
the upper land first so what waste water there may be runs
on to the next land below.

Water is measured under what is called pressure.
In Montana a box is set in the head of the ditch to be
measured, the box having sides and bottom stayed over the
ends on top with cleats. An aperture of six inches high
is made by nailing a cleat the breadth of the box at the
lower end an inch thick, and above it a three inch cleat
is nailed across the box exactly 6 inches above the lower
cleat. A slot is cut in the side of the box for a board
to act as gate, and along the top of the three inch cleat[,] which is an inch thick[,] is marked off in fractions the
breadth of the box. The water must pass under the three
inch cleat regulated by the sliding of the gate until it
is level with the top of the cleat. Then the water
passing under the cleat is reckoned in cubic inches.
The breadth of the stream passing under the three inch
pressure multiplied by the 6 inch height gives the cubic
inches of water used.\(^1\) This is the regulation water law

\(^1\)See Appendix L for a comparison of Kirkpatrick's
description of water measurement with the Montana statute.
of Montana and 3/4 of an inch to the acre is all a man is allowed by this measure, and then he is not allowed to waste the water, but must send all waste water back into the stream by a waste ditch below his farm. From 150 to 300 inches is what a good irrigator needs to flood the land quickly and in good shape. Irrigating by flooding with a small head of water irrigates parts of the land too much and other parts too little as the water needs to be flooded over the ground as quickly as possible without washing away the soil and be kept running on the same ground long enough to thoroughly soak it and then taken off. If the ground is soaked long in cold weather and it stays cold[,] it sets the crop back. The streams of Montana are so cold that water taken from them in ditches is much the best if taken two miles or more to give the sun a chance to heat up the water. The streams coming from the snow and mountains and being bordered thickly with willow[,] alder and cottonwood keeps the water shaded and the water seems cold as ice water in summer. A person cannot stand it to bathe but a few minutes at a time in streams near the mountains.

Cold seasons set the crop back late into the fall and endangered with frost. Grains and vegetables are

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sold by the pound and only grain is reckoned by the "bushel" at the threshing machine or in sowing the seed, or in estimating the yield per acre. The grain is often sacked in two bushel burlap sacks called centrals here. The entire crop being sacked and stood on end on straw, or when sowed as threshed is piled up on straw, and often left out in the field surrounded by a fence to protect it from the stock all winter and sometimes a year. Where it is left a year it is generally piled on a platform of poles to keep it from sprouting next to the ground. Steam power is used in the threshing generally with 12 or 15 horse power engines mostly drawn by horses from one ranch to the next place. Traction engines are just coming into use. The threshing is done for 2½ cents a bushel, and in most places it takes 20 men and from one to two days to thresh the grain which sells from 75 cents at the lowest to [$$]1.40 at the highest per 100# in sacks sewed and delivered in town. The sacks cost 9 cents a piece[,] the thread 35 cents a pound[,] the best spring eyed needles [$$]1.25 a piece. These needles are indispensable where a man sews the sacks as fast or nearly so as the threshing machine turns out the grain. The thread is cut in to lengths of one thread each for one sewing[,] doubled with the loop end up and tied to the [sewer's] waist[.] The spring eye of the needle is readily snapped into each
separate thread at its center or loop and eight or ten quick passes of a stitch each made in the bag after giving the bag a preliminary cuff or two to throw the edges together to be sewed, and two quick movements at the beginning and end serve to make the ears and fasten. The men get $2.00 a day and board with the exception of the sack sewer who gets $3.00 a day. The feeders and engineer get $3.00 a day a piece but are paid by the owner of the machine. All the rest are paid by the ranchman who furnishes the board of all hands. The Oats generally weigh to the two bushel sack from 90# to 100#, and the same sacks of wheat from 110# to 130#.

Butte city is the main market for southern Montana. Wild hay sells from $8.00 to $10.00 per ton loose, and what is termed upland hay or blue joint sells from $12.00 to $15.00 per ton loose. Timothy sells from $15.00 to $20.00 loose, baling adds $3.50 per ton. Prices of hay depend something on the severity of the winter and the range being poor or good. Potatoes sell for from 50 cents to $1.25 per 100#, depending on the amount of the crop. Improved farm machinery is in general use. The roads are nearly always good and hard and seldom in the winter a sled can be used excepting in the timber regions.
There are so many warm springs in some places flowing into the rivers that in such places the water does not freeze over in winter. There are some springs hot enough to cook an egg. Most of these springs are mineral and cure rheumatism by bathing in them, taking care of course to regulate the temperature so as not to cook a person.3

There has been many law suits over contested water rights along the streams and springs to settle what each party has a right to,4 and the party or parties instituting the suit generally summon into the case all parties above them on the stream and its tributaries to settle all claims to the water. If a party summoned fails to answer, his case goes by default and he is debared from any claim of water as against those in the contest, no matter what his priority of right might be if shown in its proper light in court. A decision is rendered by the Court according to the evidence in each particular case, and any party thereafter infringing on another's right to

3Hot springs are located at Jackson in the Big Hole Basin, Silver Star and Boulder, Montana.

4Since the Montana courts have been the only arbiters or authorities in settling water disputes, there have been many water rights cases in her courts. Robert G. Dunbar, "The Search for a Stable Water Right in Montana," Agricultural History, XXVIII (October, 1954), pp. 138-149; John W. Hakola, "The Development of a Policy Towards Irrigation in Montana to 1908," (Unpublished M.A. Thesis, Department of History, Montana State University, 1950), pp. 34-44.
water can be arrested for contempt of court, and is liable for all the costs of court in his case, and a heavy fine and imprisonment besides if the Judge sees fit to impose it. A party needing water can go to the first party above him using water at the time whose right is of a later date and order him to turn down the water into the stream sufficient to supply the first party, "if he has a need for that much" even if it takes all the second party has in use. The second party will have to go to the first party above him with a \text{[later]} water right... who is using the water and order it down and so on to the end of the chapter. If any party so ordered fails to comply with the demand[\text{[} he is liable for contempt of Court and the damages the first party sustains by the loss of water on his crop[\text{,} loss of time, and all other losses sustained on account of the failure of the second party to comply with the demand for the water. These laws are stringent in order to properly protect ranchmen in their water rights and prevent as much as possible endless litigation.

All streams and springs that are tributary to the particular stream in contest are considered as the stream in question[,] and priority of right is acquired by priority of use of a certain amount of water or by purchase of a party who has a valid prior right[.] A party anywhere on a stream with a valid right to water can sell a part or all of his right to any body else, but he looses
his right to use any more water out of the stream unless the stream has more water in it than is used or he purchases of some other party.

The streams have but little water in them during the summer following a light snow fall in the mountains, and this makes it hard on the ranchmen as no crop grows without irrigation and the range without snow water can starve lots of stock to death, and makes poor beef. More preparation has to be made now for wintering stock in fields and having more hay to carry sheep and cattle through the worst months. The Ranges of Southern Montana are kept eaten off by large bands of sheep so that the range is very poor in comparison with the good feed of years gone by on the same range and now to get good feed the only show is in the higher valleys where the snow falls so deep in them that the range in them is good only in spring, summer and fall and hay had to be fed in them in winter. The snow falls from 12 inches in some light winters to four feet deep in hard winters. Such winters makes plenty of water in the lower valleys the following spring and good range.

Stealing cattle is carried on on a big scale all over Southern Montana, and wherever there is a range for stock it is infested with thieves from the man who only dares to brand mavericks with his brand, to men who steal well known brands of horses and cattle. The first man
hunts up stock that do not appear to have brands on by as careful inspection as he is able to give them. It is generally done after the animals have shed their winter coat so as to take as little chance as possible of missing a dim brand and is generally done by riding through the stock scattered over the different ranges, selecting the mavericks as those without brands are called, driving them to his corral and if he has any doubt no brand on the animal he lassoes it and throws it down ties its legs and examines it for brands. If he still doubts he sometimes pulls out or clips off the hair over any spot on the animal he thinks may conceal a brand by the hair being rough or long. If he is satisfied the animal is a maverick he puts on his own brand and mark. The bolder thieves lassoe stock of any kind they dare to and if they are branded, take a hot iron and blotch it up by running the iron over the former brand. If the brand has parts resembling their own, they will disfigure the original with their own and claim it as their own property. This class in the spring if they have cows or a dairy dairy of their own steal calves off of cows on the range and put them with their own cows and claim them for twin calves, and in the fall and winter steal lots of un-branded calves off of their mothers and wean them by keeping them in their fields and then putting on their brands. They go out on the range and drive in fat cattle
and butcher them, often cutting out the brand or concealing
the hide, and sell to the butchers or others by the quarter.
Sometimes stock is driven off their range to long distances
or in out of the way places and the calves weaned off of
the cows when they are old enough[s] and the steers butchered
when they have been away long enough to be given up by the
owner. Some of these thieves have large herds acquired in
this way. Some of the thieves keep selling and squander
the proceeds in riot. There are a host of ranchmen owning
large herds that brand all the stock they find unbranded
and a good many of them are unscrupulous in whose stock
they get hold of in doing it. There are all classes and
all grades of these thieves so that an honest stock owner
has a poor chance to get along and succeed in the business
as the thieves or rustlers[s] as they are called[s] are
always stealing more or less of his stock and what makes it
worse is that it is the young stock mostly that is taken.
There have been a great many trials in the courts over such
cases, almost invariably clearing the thieves, as the trials
are by a Jury of twelve honest men as jurys are termed.
These honest men are partly made up of rustlers, saloon
keepers or others in direct sympathy with this class of
offenders. The jurries in the chalenging process loose
most of their best element and a new venire is summoned
out of the saloons often and men known to be in sympathy
with the criminals. So the trial is simply a farce on the
face of it.

In a few instances a criminal has so few friends and so little money to use in the right channels to buy himself off that he has to go to the pen as it is called by some here. I do not know of but three men going to the penitentiary from Beaverhead Co. since 1863 for stealing stock, excepting a few wandering horse thieves stealing horses to ride out of the country. These later [latter] are nearly always convicted when caught as they are poor and without friends. The county has a lot of these unpunished thieves that are far worse than those sent to the penitentiary.

In 1888 there were some heavy trials of several of these thieves with two convictions, for butchering well known brands in broad day light [after] driving the beef cattle through the main street of the town with plain brands and marks seen by several citizens and this done several times in succession. One of the parties was sentenced for five years and the other for seven years in the penitentiary, and others in with them and just as bad got clear, on account of having more influence and money. Some of the hides were sold to another butcher in the hide buying business. A whole load [was] hauled down to a river and dumped in, and the parties were seen doing it. Rascals get bolder as they are able to elude detection or punishment until they get foolish as these parties did. It created so much stir among ranch men and the cattle being
stolen from some of the largest herds in Beaver Head Co. and costing the thieves so much to get clear, that there has been a damper on such work since.

The eastern part of the State a few years back[,] as a territory then, and Wyoming Territory was infested with gangs of stock thieves and rustlers and the large herd owners combined[,] furnished their men with the best fire arms and instructed them to shoot and hang all these lawless characters they could find[,] and they made short work of them, shooting most of them and hanging a few. These cow boys are often a rough set and it just suited them fine to have the excitement incident on capturing and destroying the worst class of offenders and purging their country of the bold vilians. These cow boys were employed by well known and responsible and respected citizens[,] and no complaints have ever been made as to the justice meted out to the rustlers, with the exception of a very few of men of that class themselves. It purged those places of thieves and made them safer for life and property of honest men than a whole decade of trials by court. It had the same effect as the work of the Vigilantes on the road Agents in early days[.] 5

I have not heard of a single party killed for spite

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5See Appendix M.
or personal animosity, as these acts were controlled by bodies of responsible men, that only take hold of such work in self defense and where the common law is powerless to cope with rascals. The entire west would be overrun with desperadoes but for the wholesome taking off of the cut throats at times when they get beyond the reach of the common law and turn the whole country into anarchy.

Thanks to the constant influx of the best elements of other States[.], the state of society is very good now and rapidly improving, and what was a few years back a strong democratic territory is now a Republican State and is gaining republican citizens constantly and rapidly[.]

A great many democrats turned republican two years back on the Cleveland issue of free trade, notably so, a great many Irish, noted as staunch Democrats before. The old saw thrown in the Democrats teeth here of all Democrats not being horse thieves, but all horse thieves being Democrats hit hard. The State Constitution shows what the people are made of now, and the laws are carried out by the Judges with honor as far as they have control in their actions. The decision of the Judge is where it is left with him, far preferable to jury trial in Montana and probably in most places in the far west.
CHAPTER XVI

The Ranches are of all sizes, from 160 acres, the farm of the poorest, to several thousand acres belonging to those who own cattle and horses and sheep by the hundreds and thousands. These large ranches are vitally necessary to large stock owners for the cultivation of hay[,] grain and vegetables for use of the stock, for pasture for summer for part of the stock and where there is good feed for the severe weather and snow for the poorest stock that have to be attended to near home. The way these large ranches are secured is, a man has a right to 160 acres under the Homestead act, 160 acres under the preemption act, 160 acres under the Timber Culture Act, 640 acres under the Desert Land Act, and his wife if he is married 640 acres under the Desert Land Act. Then he hires men to take care of his stock and to farm. He gets these men to take up land for him under one or more of their rights in their own name[. ] When they prove up on the land, he pays all expenses and generally $200.00 for the loss to them of their right, besides paying them their regular wages. He is changing men more or less every year and so gets all the land required, and generally buys out a number of ranches taken up by [other] parties for their own benefit.1

1See Appendix N.
It was the custom a few years back to fence from mountain to mountain where the distance was only 10 or 15 miles across and have the line run across near their lower line and fence in enormous pastures above that line in places and keep most of the range above the lower line for their stock. The lower line kept their stock from straying below and saved a great deal of herding and expense, but complaint was brought against these acts of fencing in the public domain before the department at Washington and these parties with large tracts of Government land fences in were notified to remove their fences and open the land, which they were obliged to do to save prosecution. There are still small tracts of government land enclosed by parties with land owned by them and held by sustenance. It [such tracts] is generally less than a quarter section, and in some places, odd tracts of mountain grazing land is closed with lands owned by private parties, and as long as it does not materially interfere with the needs of others, it is not complained of.2

2Besides the objection of the U. S. Government to fencing the open range, the cattlemen had a bitter experience in the terrible winter of 1886-87. That year was an extremely cold one with much snow. Many thousands of cattle perished for lack of food and protection. Barb wire fence was instrumental in that disastrous winter. Prior to that winter, cattle were permitted to drift with the storms in order to seek ranges cleared of snow by the wind and to seek shelter. Many thousands of them drifted into and piled up against the barb wire fences and starved or froze to death. Joseph Kinsey Howard,
There are several kinds of fence in general use. The kind mostly used is what is termed Jack fence. It is made by boring $2\frac{1}{2}$ inch holes through a post 7 feet long and from 6 to 12 inches in diameter of red pine or cottonwood, "the latter is not much used as it is scarcer and rots quick". The number of poles is generally 5, often 4, and sometimes only two and 3 to the pannel. Then the opposite way of the post is bored with two holes and mortised out for the jack leg as it is called, the leg being about 5 inches in diameter and 5$\frac{1}{2}$ to 6 feet long. The mortise for the leg is put in at the proper degree of incline to give the fence the amount of slant required for this kind of fence. The fence leans towards the field it encloses and sets on top of the ground. The jack leg being inside of the field. Some of these fences are mortised out between holes and the poles flattened. Others are made with round points. There are a great many combinations of this style of fence. A great many have two poles and 1 barbed wire, some three poles and two barbed wires. This last style is used a great deal with heavy poles and Jacks and makes a fine fence where one of the wires is put on the jack leg 6 inches below where it comes out of the main post, as it braces the fence better and prevents stock from rubbing

Montana, High, Wide, and Handsome (New Haven, Yale University Press, 1948), Chapter XI.
the fence down. The rails are all round poles from 2½ inches in diameter to 7 inches at the butt ends of some, 4 inches is about the average, and 16 to 18 feet in length. The poles are lodge pole pine and red fur, mostly pine, and the fencing has to be hauled from 3 miles to about the closest of the higher ranches to 30 miles to some of the lowest ranches. Nearly all the ranches are fenced in these days or the range stock would eat them all off.

There are some ranches fenced with two or three strans of barbed wire put onto posts set in the ground and the law requires one pole above the top strand to be seen by stock, as a number get torn by the wire. The barbed wire of the best kind costs 6 to 7 cents per pound. Good poles cost from 12 to 15 cents a piece laid down on the ground, post 30 cents, legs 10 cents, and the fence put up in good shape on the land costs from $1.00 to $2.00 per rod, where it is let out by contract.

Ranches in Montana as in California and other western places are of but little value without a water right. They are worth much more than they used to be before railroads were built in to the country. The best parts of the valleys being taken up and fenced reduces the range and opportunities of stock getting at the water along the streams a great deal. The hill and mountain and foothill range belongs to everybody and there are springs all through the hills and mountains where stock can get water winter and
and summer[. • ] A man’s range for his herd is only limited by the endurance of his saddle horses and number of them. Hospitality is general among ranchmen, and it costs him nothing when hunting over the different valleys for his stock for horse feed or his own keep, and he returns the compliment. Often a ranch will look like a hotel of a evening by the number of ranchmen to be entertained and it is rare when any charge is made. Ranch men are acquainted with one another for 75 miles and exhibit neighborly feeling. This is a style peculiar to all the far west as hotels are scarce and far between, and seldom on the range where the stock is hunted. Often neighbors join together in scouring the range for the stock belonging to the outfit.

In summer it is the custom for several to take a mess wagon and one of their number drive it and cook from one place to another. A few extra saddle horses are led along with the wagon and picket-ropes[•] bedding and grub is taken along with the mess wagon, and the stock are branded at different corrals along the route.³ In winter they stay at ranches where night overtakes them and are made welcome.

The large herds are being sold off one after another as the valleys get fences up and the watering places, and stock owned in smaller lots and kept near home or in fields.

³Such affairs are commonly called "roundups."
and more attention is paid to the finer breeds. Horses are still owned in large numbers by different ranchmen. They will range where the snow gets too deep for cattle and sheep, as they are enabled to paw the snow away from the grass.

Winter often does not set in until about Christmas and often opens so the dry ground thaws out in Feb. and March, and grass starts in the latter part of March and the beginning of April. If the snow falls to amount to anything it is soon swept off the hills and valleys into the gullies and hollows by the wind.

The last 10 years most of the cattle and sheep have to be fed more or less in the fields where the grass has been allowed to grow during the summer so that a little hay carries the stock through the winter as most of their feed is picked up in the fields. Some of the ranchmen who have plenty of hay feed their beef steers all winter in their fields. Great numbers of horses sheep and cattle are shipped out to eastern market by rail in summer and fall.

There are what are called Chinook winds sweeping over Montana from the Pacific in some spells in winter which sweeps the snow away rapidly. These winds are warm and come suddenly and unexpectedly, and are of great benefit in modifying the winter weather, and a boon to the stock and stock interests of Montana. The worst cold spell and blizzards come about Christmas and New Years. Some winters
the Thermometer registers as low as 20 and 25 degrees below zero for three or four days in succession. Just before New Years or past after some winters it goes down to 40 and 50 degrees below zero and same length of time [sic]. The air when the spell is the coldest is generally still and the difference between 25 below and 50 is hardly perceptible.

Up in some of the mining towns it has been known to go down to 60 or 70 below zero. These are the times that people talk of prosecuting any one for writing any more poems on beautiful snow. Once in 1865 and 6 the Thermometer registered 55 below zero on the vally. There is some cold windy weather in feb, but the thermometer does not get down very low.

The railroad trains usually get blockaded soon after severe storms on the mountain divides sometimes so as to delay the mail five or six days at a time. Sometimes it takes a large force of men to work through the trains. On the Utah and Northern branch of the Union Pacific Railroad the passengers get snow bound and have to return to Dillon until the trains can force their way through. Such blockades seldom occur on the Utah and Northern in a winter considering the altitude of the range. Now the service of this line is excellent and time good and the fares of all the lines in Montana are being reduced from year to year, and the excursion rates to long distances
going into operation the 15th of every month are low when distance and expense of service are taken into consideration.

The extension of railroads, building branches and new roads taking new routes to the Pacific in and through Montana is increasing rapidly so that Montana will be a network of railroads soon. There are five different lines of railroad in Montana, and several more enroute for Montana besides several new branches building and more projected and surveyed.

The country is rapidly settling up especially the towns, and by a good class of citizens, come to stay. The main Cities have the advantages of the highest degree of civilization of the east, street cars, steam motor and horse, electric lights and gas, and the hotels have fine accommodations and food of the best[.] well served and the other advantages of civilization attendant on energy and wealth.

The epidemic diseases are so few and the country is so seldom disturbed by them that they are scarcely worth mentioning. There have been very few visitations of small pox that did not spread. [There has been] one general spread of diphtheria and a touch of it since[.] Scarlet fever [has come] two or three times with but few deaths by it[.] There has been a few cases since the territory was formed of measles with very few deaths[.]
Once in a great while there is a case of typhoid fever. There is more lung fever in severe weather in winter. It is called mountain fever here generally and attacks horses as well as human beings, and pneumonia carries off a strong man once in a while. It appears to attack the robust the most, and is the most dangerous disease for adults in these mountains. There are but few cases of it and they are generally brought on by carelessness or exposure in bad weather. The measles are seldom fatal here unless the party takes a back seat by exposure and taking cold and such cases are generally among men. Diphtheria and scarlet fever are the most dangerous epidemics on children. 1878 was a bad year for children as the diphtheria swept over Montana carrying off a great many children but no adults. 1889 was a bad year for children, carrying off a good many with scarlet fever but only a small proportion of those who had it. Hydrophobia and sunstroke are unknown in Montana, as also is Cholera or any of its kindred diseases. People have colds here often in the winter and different forms of sore throat. Diseases that go with fast life in mining towns are the most prevalent form of diseases in Montana, but are almost always confined to the towns.

Sound is heard long distances. Often the pant of the blower on the locomotive can be heard 8 miles across hills[,] and the roar of a moving train over steel rails can be heard 12 or fifteen miles on certain days and the
Locomotive whistle can be heard 15 miles.

Single pine trees can be seen on the clearest days on the mountains 15 miles or more away and that from the inside of a house through a window glass with the unaided eye, where the mountains are white with snow which acts as a fine background for the deep blue of pine in the distance, and mountains can be seen at enormous distances in our clearest air. The air is so light in the highest valleys and ranges that consumptive people and those with very weak lungs sometimes bleed at the lungs[.] and it is difficult to climb steep mountains the air is so rarified. A person expands the nostrils and chest to the utmost and the mouth open, and there is sometimes an alarming sensation of suffocation for want of air that one does not experience where the air is denser. One needs to take plenty of time in ascending steep declivities and they will be troubled less with the light air.

Vegetables, beans[,] potatoes and etc. take a very long time to thoroughly cook in the higher altitudes, sometimes taking nearly half a day to cook beans soft, water evaporating rapidly high up.

The snow often falls heavily in the mountains with little or none in the lower valleys, and often the snow falls in certain localities to considerable depth and none at all in other adjoining[]. The way the valley lays to the sun makes a great difference with the length of time
the snow lays on the ground, and the warmth of the valley for raising crops in. Sometimes corn[,] fruit[,] cucumbers[,] tomatoes and such tender plants can be raised close to the mountains on the west declivity while three or four miles below on a river bottom with a rapid descent from the mountain potatoes are hard to raise on account of frost and damper ground. Up under the mountain it seems colder, but the sun does not affect the air until much later in the day, so the frost does not have so much effect. Apples and some other fruits are succeeding in some of the more northern valleys. The Valley of the Bitter Root is one and a few specimens of apples have been raised in Beaverhead Co.

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APPENDIXES A-N
Grasshopper Creek and Bannack

In late July or in early August, 1862 gold was discovered on Grasshopper Creek by John White, William Eads, John McGavin and party. Their discovery was made downstream from the mouth of Grasshopper Canyon. Years before, Lewis and Clark had named the small stream "Willard Creek" after Alexander Willard, a member of their crew.

The mining community, Bannack, sprang up at the mouth of Grasshopper Canyon alongside of the rich placer mines discovered by G. W. Stapleton. Its site and what remains of the town were made a State Monument in 1954.

The Grasshopper Discoveries were located in Dakota Territory. They became part of the Idaho Territory on March 3, 1863, when Idaho Territory was created out of portions of Washington, Dakota and Nebraska Territories. A Bannack City in Idaho also was founded in 1862. To distinguish between the two, Grasshopper Creek’s Bannack in Dakota Territory was referred to as "East Bannack," and the Boise Basin Bannack of Idaho Territory was referred to as "West Bannack." In the spring of 1864, West Bannack changed its name to Idaho City. On May 25, 1864, Montana Territory was created, and East Bannack became its first capital.

Bannack was the main center of mining in Montana until 1865 when Virginia City took over that role. And, in 1865, because of Virginia City’s greater lure, the territorial capital was moved from Bannack to Virginia City. Bannack declined rapidly in importance as a mining center, but there has been some mining activity in that town ever since the original discovery.

APPENDIX B

Mormon Settlements

When the Latter Day Saints were driven from Missouri in 1839, Joseph Smith began to purchase land in eastern Iowa and Illinois on which to settle his followers. It is possible that a few Mormons also fled at this time to western Iowa and settled. In 1846, following the murder of Joseph Smith, the Mormons were driven from their beautiful city, Nauvoo, Illinois. Led by Brigham Young, they fled across Iowa to the Missouri River where they established a temporary settlement called "Winter Quarters" near Omaha, Nebraska. They built roads and bridges across Iowa to facilitate the passage of those who were to follow. Some of them never reached Winter Quarters but dropped out along the way and settled in Iowa.

Brigham Young's system for moving such large bodies of his people across this territory was to establish camps along the route. At these camps, crops were planted by migrating Mormons for those following to reap. Two of the most permanent camps were Garden Grove and Mt. Pisgah which served the Mormon emigrants for years afterwards. Since Kirkpatrick passed through the area of the Mormon route to Winter Quarters, it is not unlikely that he would have passed through a Mormon settlement.

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AMERICAN INDIANS

Pawnee Indians

The Pawnee Indians were a confederacy belonging to the Caddoan family. By 1863, the Pawnee Indians lived on a small reservation on the Loup River. They were friendly to the whites. In 1833, the United States negotiated a treaty with the Pawnee in which these Indians ceded to the United States all lands claimed south of the Platte River. Friction between the Pawnee and incoming white settlers who moving into their lands led to the Treaty of Table Creek in 1857. By this treaty the Pawnee gave up claim to all their lands lying north of the Platte River and were assigned to a small reservation on the Loup River. The reservation lay on both sides of the river thirty miles long and fifteen miles wide. It was here that the Pawnee lived when Kirkpatrick encountered them in 1863. The tribe began to migrate to Indian Territory (Oklahoma) in 1874. In 1876, their reservation on the Loup River was exchanged for lands in the Indian Territory. In 1892, they took their lands in severalty and became citizens of the United States.

The Pawnee were more of an agricultural people than the other tribes of the northern plains. They lived in villages that consisted of dome-shaped houses constructed from sod, dirt, and poles. Their houses often held twelve to twenty families. After planting their crops in the spring, many went hunting for buffalo until harvest time. They also made hunting trips to buffalo country in the winter.

The Pawnee men shaved their heads leaving a narrow strip from the forehead to the scalp-lock.

The Pawnee gained an unusual position in American history when they served as a famous fighting and scouting unit for the U. S. Army in defending the Union Pacific railroad from Indian raids. Grinnell wrote this of the Pawnee:

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"In...1864, hostile Indians were troublesome in the plains country especially in the valley of the Platte river...(and) General S. R. Curtis...conceived the idea of engaging Pawnee scouts to work with the troops...when Major North and his Pawnee scouts were stationed along the line of the railroad then building, they gave the hostiles a sharp check. The Pawnees, well armed and well mounted, were always ready to attack and follow raiding parties...The defense of the railroad by the Pawnees thus presented to the hostile Indians an aspect very different from that offered by white troops."

The Arapaho Indians

The Arapaho are an important Plains tribe of the Algonquian family who had been closely associated with the Cheyenne. The great overland Oregon Trail permanently divided the buffalo into the northern and southern herds. The Southern Arapaho, who now have a reservation with the Cheyenne in Oklahoma, followed the southern buffalo herds along the Arkansas River. The Northern Arapaho, who now reside on the Wind River Reservation in Wyoming, remained with the herds north of the Platte. Kirkpatrick encountered the Northern Arapaho.

Cheyenne Indians

The Cheyenne are an important Plains tribe of the great Algonquian family. The Siouxan family pushed them westward into the great plains area where they became roving buffalo hunters.

Gold was discovered at Pike's Peak in Colorado, and the subsequent rush and settlement in the Denver area were within previous treaty limits of the Cheyenne and their allies, the Arapaho. The Fort Wise Treaty of February, 1861, tried to place the Cheyenne on a reservation on the Arkansas River in Colorado. This failed because of the refusal of the Northern Cheyenne to abandon their northern hunting grounds. Kirkpatrick came through this northern hunting grounds just before the outbreak of hostilities that were to last throughout the sixties and seventies, hostilities in which the Sioux, Cheyenne, and Arapaho took the most active part.
The Nez Perce Indians and the War of 1877

"Nez Perce" is the French name used to designate the main tribe of the Shahaptian family. When Lewis and Clark discovered them, they inhabited an area covering western Idaho, northeastern Oregon, and southeastern Washington on the lower Snake River and its tributaries.

Due to the influx of gold miners into Nez Perce territory, the Nez Perce Indians in Idaho and Washington were assigned to the Fort Lapwai reservation in Idaho in 1877. Before this was accomplished, war broke out between the United States troops under General O. O. Howard, and the Nez Perce mainly of Wallowa Valley, Chief Joseph's tribe. Both groups were guilty, but the whites seem to have been more guilty of miscalculation and improper treatment of the Indians. Several battles were fought. Many of the Nez Perce decided to flee eastward toward Montana. Chief Joseph has gained undue fame as a military leader of this group of Nez Perce.

The Nez Perce crossed into Montana over the Bitterroot Mountains through Lolo Pass causing great alarm in that territory. They traveled up the Bitterroot Valley and crossed the Continental Divide perhaps over Gibbon's Pass, and then followed Lost Trail Creek down to the Big Hole Basin. Colonel Gibbons, commander of U. S. troops at Fort Shaw, Montana, had been ordered by General Howard to head them off. He did so, surprising the Indians encamped in the Big Hole Basin. But the Indians almost turned the battle into another "massacre" instead of a "battle." Many, on both sides, were killed and wounded, including Nez Perce men, women, and children.

After this Battle of the Big Hole, the Nez Perce fled down the Big Hole Valley past Bannack into Horse Prairie Valley on August 15, 1877. They raided the valley killing some ranchers and capturing approximately 200-250 horses. Then they crossed over into Idaho again and headed east for Yellowstone Park. Departing Yellowstone from its eastern side and eluding U. S. troops from the Tongue River in Montana, they fled northward. Near the Bear Paw Mountains General Miles caught the Nez Perce and forced their surrender. Some escaped to Canada. The remainder, including Chief Joseph, were sent to the Indian Territory (Oklahoma) where many died from disease. Ten years later the remaining few were returned to the Fort Colville reservation in Washington.

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Sioux Indians

"Sioux" is the word by which the white man knew a great stock of Indians who referred to themselves as the "Dakotas." The Siouan, or Dakotan, stock is one of the largest in North America. It was comprised of many tribes. Hodge divides the Siouan family as follows: 1. Dakota-Assiniboine group 2. Dhegiha group 3. Chiwere group 4. Winnebago 5. Mandan 6. Hidatsa group (Crow Indians are in this group) 7. Biloxi group 8. Eastern division. In 1862 Siouan tribes united in order to war upon the white race. These Sioux continued to give the United States Government trouble up to the ghost-dance outbreaks in 1890-91.

The Dakotas were mainly responsible for the trouble over the Bozeman Trail.

Snake Indians

"Snake" is a name generally applied to north bands (especially of Oregon) of the Shoshoni Indians, the most northerly division of the Shoshonean family. The Shoshonean family, another of North America's large Indian families, occupied much of the Rocky Mountain region covering parts of Oregon, Idaho, southwestern Montana, western and central Wyoming, Utah, Colorado, New Mexico, Texas, Nevada, and California.

The Bannock Indians were a branch of the Shoshonean family who occupied southeastern Idaho and ranged in western Wyoming. They were very troublesome to the early emigrants.

The Shoshoni, or Snake, stronghold is considered to have been the Snake River region of Idaho. Many bands of Shoshoni lived in the barren areas of Idaho and Nevada. These barren areas caused the Indians to live a lower type of life than the Plains Indians whose environment was richer and more plentiful.

The more northerly and easterly Shoshoni were horse and buffalo Indians who seemed to have been more admired by the whites. They were also more friendly with the whites.

Today the main reservation for the Bannock and Shoshoni is at Fort Hall, Idaho.
APPENDIX D

Fort Kearney

The reader should not confuse this fort with Fort Phil Kearney, Wyoming, which was constructed in 1866, or with Old Fort Kearney, which was abandoned in May, 1847, and had been located at the site of the present city of Nebraska City. The site of the fort in question was seven miles outside the modern city of Kearney, Nebraska, but on the opposite, or southern, bank of the Platte River.

Congress passed an act in May of 1846 providing for the establishment of military posts along the Oregon route to protect the emigrants headed to the Western areas. Thus, Fort Kearney was formally established in May, 1848. It later became a station on the Overland Mail Route. The fort was abandoned in 1871 since it had been made obsolete by the development of railroad traffic.

APPENDIX E

Fort Laramie

Fort Laramie is one of the most famous of the old forts of the West. It evidently took its name from Jacques Laramie, or La Ramee, La Ramie, del la Rame, who had been one of the first trappers in the region. The first fort in this area was constructed in 1834 by William L. Sublette and Robert Campbell, partners in a fur trade project. It was first named Fort William. After the American Fur Company entered a business agreement with Fitzpatrick, Milton Sublette and Jim Bridger, who had supposedly bought the fort from Campbell and W. Sublette in the spring of 1835, the fort was called Fort John. The name "Laramie" appears to have been gradually applied to it, as Fort John and Fort William were not generally accepted. It was not known as Fort Laramie until after the American Fur Company had erected a new adobe building on another nearby site in 1841. The original fort was on the left bank of the Laramie River about one mile above its junction with North Platte River. The site of the Fort Laramie that Kirkpatrick had seen was about another mile up the river from there. In 1849, the American Fur Company sold the fort to the U. S. government who retained it until 1890 when it was sold to private parties—John Hunton being the main purchaser. In the 1840's it was a main stop on the California and Oregon Trails.

APPENDIX P

Fort Bridger

Fort Bridger was first built by Jim Bridger in 1842/43. He located it on Black's Fork of the Green River. Ham's Fork is located above Fort Bridger and is a tributary of Black's Fork. The fort was located on the Oregon Trail proper, the Overland Stage Route (or Emigrant Cut-off), and on the Mormon Trail. Bridger conducted a flourishing trading business with the emigrants using these trails. He also traded with the Indians. In 1853, the Mormons acquired the fort and Bridger's property.

The U. S. Army took over the fort in 1857. It became an important stage station for the Overland Stage as well as a military post. The Army abandoned it November 6, 1890.

APPENDIX G

Soda Springs and the Morrisites

Joseph Morris, a Mormon who had fallen out with the Church and its leaders, was joined by many Mormons who believed him to be a true prophet. The battle to which Kirkpatrick refers was the attack in June, 1862, upon a settlement of Morrisites on the Weber River near Ogden, Utah, by a Mormon citizen posse, perhaps three hundred to four hundred strong. Cannons were used in the one-sided battle in which six Morrisites were killed and some wounded—women and children were among the casualties.

In the Spring of 1863, General Connor and U. S. Troops from Fort Douglas near Salt Lake City, Utah, escorted to Soda Springs many of those faithful Morrisites. The troops also helped settle the Morrisites there. General Connor established Camp Connor adjacent to Soda Springs to protect the Morrisites and emigrants who were still using the Oregon Trail.

Soda Springs was located on the Oregon Trail in Idaho on the north bank of the Bear River near its great bend.

Again comparing the dates of Kirkpatrick's train with that of Webster's train, Kirkpatrick was probably at Soda Springs around the first of October, 1863.

It was not until 1866 that Congress passed mining laws. Territorial and local mining district laws were allowed to more-or-less stand in force.

J. W. Smurr, history professor of Montana State University, asserts that the failure of Congress to pass good mining laws left local lawyers with much to do because mining-district regulations were often lost or partly obliterated, and no one could be sure exactly what the law was. Kirkpatrick's account appears to confirm this.

The early miners at Bannack and Virginia City (Alder Gulch) formed their own mining laws. In new fields of discovery, due to the absence of authority, miners organized mining districts which were substitutes for systems of government. They often fixed the boundaries for the district and adopted a code of laws and regulations for its government. The miners conducted their own courts of law. Sometimes they used juries, and sometimes the entire body of miners voted in place of juries. The president of the district often acted as the judge. They were particularly concerned with such problems and technicalities as the recording, type, size and number of claims permitted per person. Other matters such as water rights, claim jumping and the right to vote confronted these early miners when forming temporary mining governments.

On December 26, 1864, the Territorial Legislature passed a code of mining laws that superseded such independent mining laws as those of Bannack and Virginia City. Representing the lead was not required in this mining act. The Territorial Legislature passed a code of mining laws relating to the discovery and possession of placer mines. A placer claim had to be represented by at least two days of labor in a week except when the claim could not be practically worked. Two-thirds of the claim holders of the district decided when claims could not be practically worked.

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The U.S. Congress passed a law in 1866 recognizing the mining laws of the territories and the local mining districts. In the matter of maintaining possession of a claim, the law required that a lode or quartz mine claimant had to spend not less than $1,000 worth of labor and improvement each year upon each claim. Also the law provided a procedure by which a claimant could establish his claim and obtain a patent for it.

Another law, approved in 1872, again recognized territorial and mining district laws which did not conflict with any Federal law. The yearly $1,000 labor and improvement requirement was lowered to $100 a year. Until a patent was obtained on claims, each claim prior to the 1872 act was given a requirement of $10 work of labor and improvement a year per 100 feet in length along the vein. This 1872 law also provided a procedure for filing upon claims whose claimants did not properly fulfill legal requirements for possession (Kirkpatrick refers to such claims as "jumpable"). The same law was repeated in essence in 1873/74.

1Thomas J. Dimsdale, The Vigilantes of Montana, edited by Al Noyes (Helena, Montana: State Publishing Co., 1915), pp. 222-225; Oren Sassman, "Metal Mining in Historic Beaverhead" (Unpublished Master's thesis, Montana State University, Missoula, Montana, 1941), pp. 72-80; General Laws and Memorial and Resolutions of the Territory of Montana, Passed at the Fourth Session of the Legislative Assembly, 1867, Approved December 11, 1867, (Virginia City, Montana Territory: D. W. Tilton & Company, Public Printers), p. 81; 14 Statutes at Large 251 (1866); 17 Statutes at Large 92 (1872); 18 Statutes at Large 427 (1873/74).
Plummer's sister-in-law

Plummer's sister-in-law was Mrs. Vail. Plummer had met his wife near Fort Benton on the Sun River Ranch when she was living there with her sister and brother-in-law, J. A. Vail. After Mrs. Plummer (whose maiden name was Electra Bryon) went to Bannack, the Vails moved there.

Helen Sanders in her History of Montana asserts that the Vigilantes arrested Plummer at his sister's home. Dimsdale asserts (as does Langford who probably relied upon Dimsdale) that Plummer was arrested at his own cabin. Francis M. Thompson, an early merchant at Bannack and prominent citizen of the early Montana Territorial days, was well acquainted with the Vail family and Plummer. Concerning the arrest of Plummer, Thompson wrote:

"In the dusk fifty or seventy-five armed men were dimly seen to be crossing to Yankee Flats. Seemingly without command, the men divided into two parties after crossing the bridge, and one squad silently surrounded the Vail cabin. A well known citizen rapped on the door, and when Mrs. Vail opened, he asked if Mr. Plummer was in."

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APPENDIX J

Chinese

There were perhaps eight-hundred Chinese in Montana in 1869. Early Montanans seem to have considered them a detriment to the state, as some of the early laws of the Territory were discriminatory against the Chinese.

In 1872 placer mines in Horse Prairie Mining District (Jeff Davis Gulch) which had been worked over for the second time by the Yearian brothers were leased to Chinese. There were two companies of them—one controlled by Boise Sam and the other by Hong Wau Tau. They continued to mine in this area until about 1882.

APPENDIX K

Montana City, Jefferson City, Beavertown, and Boulder

Montana City was a town a few miles east of Helena on the Prickley Pear Creek. It sprang up near or at the vicinity where Hurlbut and a Negro discovered gold in July, 1862.

Jefferson City was settled in 1864 by miners who discovered the Gregory lode there when enroute from Alder Gulch (Virginia City) to Helena. It was located on the Prickley Pear Creek and exists today.

A stampede took place from Gold Creek to the Boulder diggings July 20, 1862. This caused the origin of Boulder. Gold was discovered there by John W. Powell and party who had been in the Deer Lodge Valley before the Grasshopper discoveries. Boulder is the county seat of Jefferson County today. There still is considerable mining in this area.

Beavertown was located at the foot of Boulder Divide. It was granted a charter by the legislature, January 20, 1865. Beavertown later might have become Beaver Creek Station in this area.

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APPENDIX I

Section 14 - The measurement of water appropriated under this act shall be conducted in the following manner: A box or flume shall be constructed with a headgate placed so as to leave an opening of six inches between the bottom of the box or flume and lower edge of the headgate, with a slide to enter at one side of and of sufficient width to close the opening left by the headgate, by means of which the dimensions of the opening are to be adjusted. The box or flume shall be placed level, and so arranged that the stream in passing through the aperture is not obstructed by back-water, or an eddy below the gate; but before entering the opening to be measured the stream shall be brought to an eddy, and shall stand three inches on the headgate, and above the top of the opening. The number of square inches contained in the opening shall be the measure of inches of water.

1 Act of March 12, 1885, General Laws, Session Laws (14 Sess.), p. 133.
APPENDIX M

Vigilantes of the Badlands

By the 1880's the cattle industry was big business in Montana. Granville Stuart went into the cattle business in 1879. His cattle operations were in the eastern end of the Judith Basin near the Judith Mountains. The cattlemen in this area in the 1880's were plagued with thefts of horses and cattle by Indians and whites. By 1883-84 cattle rustling had annually amounted to three to five percent of stock valued at $35,000,000. In the summer of 1884, the cattlemen organized under the leadership of Stuart and went on a clean-up campaign for horse and cattle thieves, a campaign that was reminiscent of the 1860's Vigilante movement. Many rustlers were hanged, shot and driven out of the Territory. These hangings and shootings were never received as warmly as the 1860's Vigilance movement. In fact, the cattlemen received some criticism for taking the law into their own hands. Stuart's band of fourteen Vigilante cowboys became known in the Territory as "Stuart's Stranglers."

APPENDIX N

Federal Land Laws

Under the Territorial government there were several ways in which to obtain land under the Federal Land Laws. The Preemption Law of 1841, which was afterwards modified and extended, permitted the person settling upon land of the public domain before its official survey to have first claim to the land at the minimum price—$1.25 per acre. The settler was allowed the maximum of 160 acres but was required to file his claim within three months after the survey of such lands was completed. Twenty-five cents per acre was usually paid at the time of the filing. Eighteen months were allowed for the payment of the remaining one dollar per acre. The settler in reality had twenty-one months in which to raise the required $1.25 per acre. In 1854, the more undesirable land was placed on a graduated price scale with the price dropping in proportion to the number of years the land lay without being claimed. Federal reserved lands that were alternate sections with railroad lands sold for $2.50 an acre when made eligible for preemption.

In 1862 the Homestead Act was passed by the U. S. Congress. The law permitted a person to acquire 160 acres free of charge (filing fees, however, were charged but seldom ran more than $25.00) provided the homesteader lived upon the land for a certain period of time each year for five years. He had to cultivate part of his claim, and show certain improvements.

The Timber Culture Act was passed in 1873 and amended in 1874 and 1878. Under this law a person could acquire forty acres of land for every two and one-half acres that he planted in trees and cared for for eight years, or eighty acres for five acres of trees or 160 acres for ten acres of trees. This act was not utilized much in Montana since tree planting was expensive and trees difficult to raise in many sections.

However, the Desert Land Act of 1877 was used to a great extent in Montana. Under the provisions of this act, a settler could file on 640 acres of land that re-
quired irrigation. The initial cost to the settler was twenty-five cents per acre at the time of filing and, if he furnished proof that within a three-year period he had provided for irrigation and cultivated a certain amount of the land, he was granted full title to the land upon the payment of an additional one dollar per acre. There was no provision preventing married couples from filing on separate 640-acre claims.

The original Preemption Act can be found in U. S., Statutes at Large, V, pp. 453-458; Some of the more important amendments to this act can be found in U. S., Statutes at Large, V, pp. 619-621, IX, pp. 51-52, X, pp. 244, 574, 576, XII, p. 410; The original Homestead Act can be found in U. S., Statutes at Large, XII, pp. 392-393; The Timber Culture Act can be found in U. S., Statutes at Large, XVII, pp. 605-606; Amendments to the Timber Culture Act are in U. S., Statutes at Large, XVIII, pp. 21-22, XX, pp. 113-115; The Desert Land Law is in U. S., Statutes at Large, XIX, p. 377; Also see Merrill G. Burlingame, The Montana Frontier (Helena, Montana, State Publishing Co., 1942), pp. 347-351, and Joseph Kinsey Howard, Montana, High, Wide and Handsome (New Haven, Yale University Press, 1948), pp. 110, 170-171, 252.