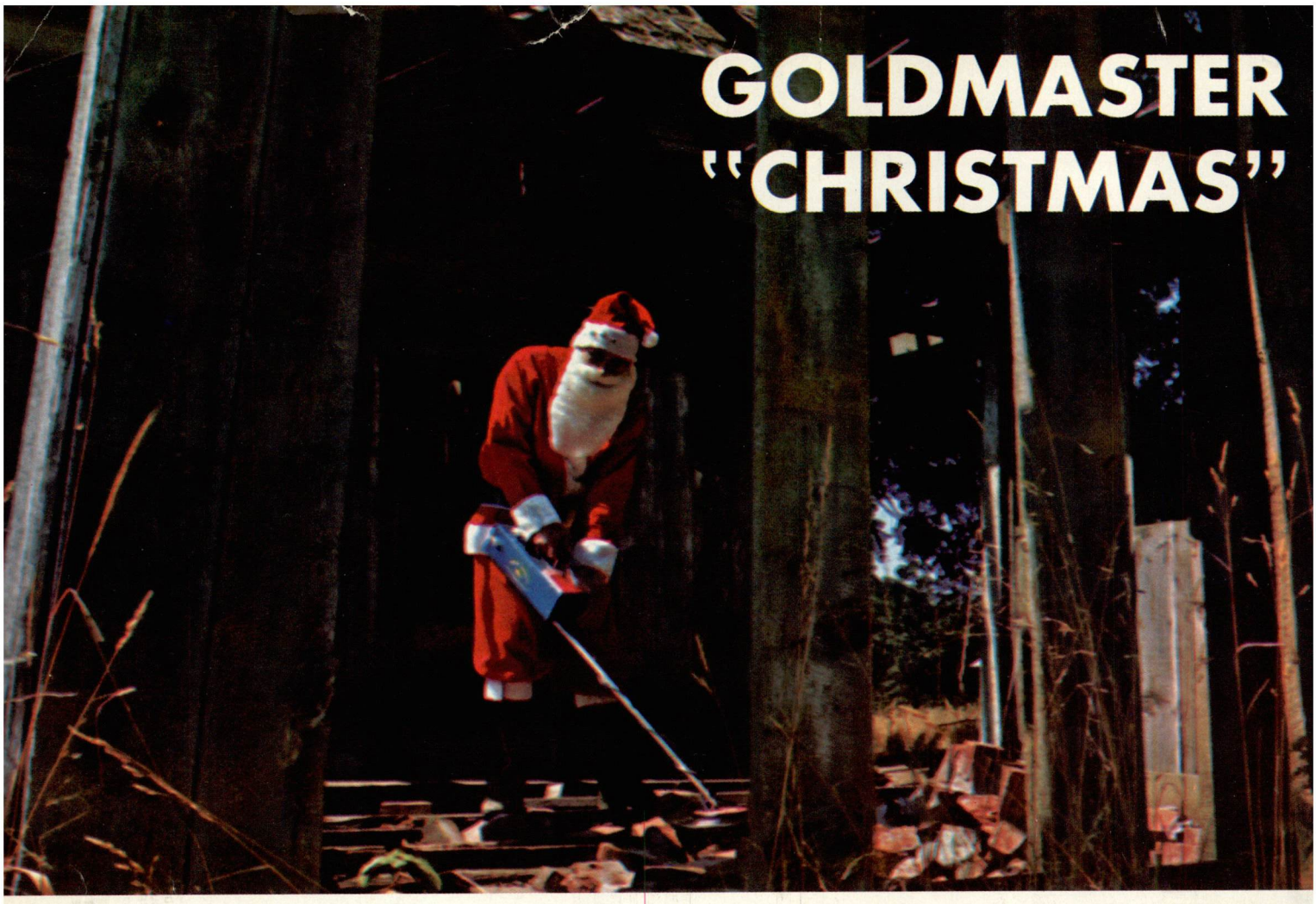

TRUE WEST
December, 1970
TW K
50¢
WHEN SIRINGO WAS MARKED FOR DEATH
THE VIRGINIAN
WEALTH OF THE SANTA CLARA
TREASURE ISSUE
MORE PAGES!
FAIRWEATHER'S LUCK
Top Man of the Fearless Thirteen—
BURT MOSSMAN
TRUE WEST
Frontier Times
OLD WEST
PUBLISHED IN THE WEST!
Upon the desert's burning floor
The merciless sun beat hot
But the pitiful reeling figure
Seemed to feel it not—
THE WEST
HORROR
LOST TRES AMIGOS DIGGINGS



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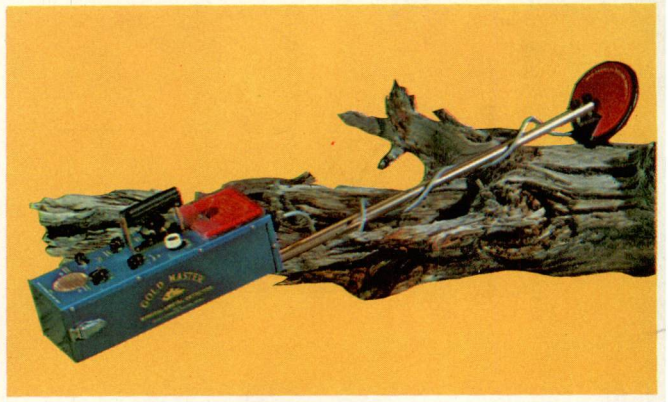
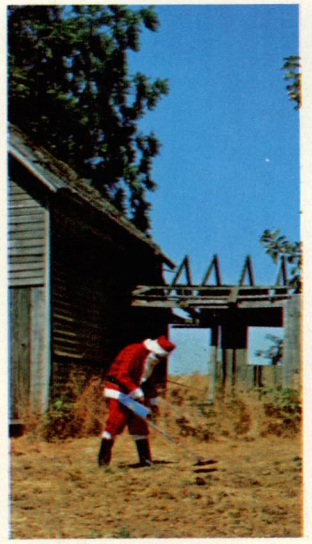
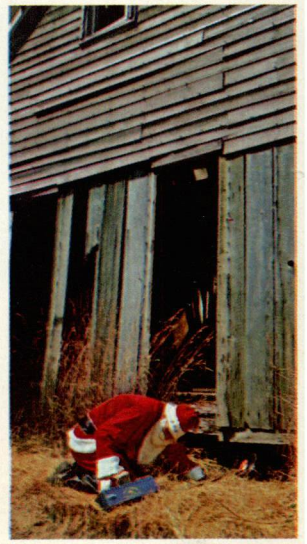






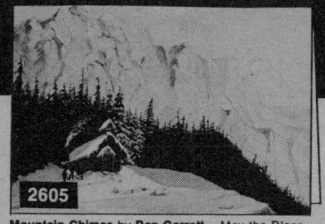
Western Christmas Cards

BY THE WEST'S BEST KNOWN ARTISTS—*IN BEAUTIFUL FULL COLOR!*

A Cowboy's Christmas Prayer by **Paul Salisbury** — May the Peace and Good Will of Christmas always be with you. **Verse by S. Omar Barker.**

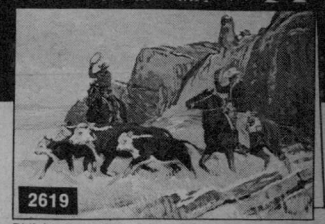
Christmas Shopping by **Robert R. Lorenz** — Season's Greetings and Best Wishes for a Happy New Year.

The Lord is my Shepherd by **Quita Pownall** — Wishing You all the Joys and Blessings of Christmas. The 23rd Psalm Quoted.



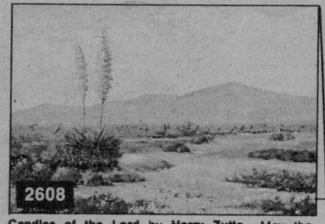
Mountain Chimes by **Dan Garrett** — May the Blessings and Peace of Christmas be Yours and Happiness fill each Day of the New Year. Quote from Luke 2:14.

Greetings from Our Outfit to Yours by **Paul Salisbury** — With Best Wishes at Christmas and Happiness through All the Coming Year.

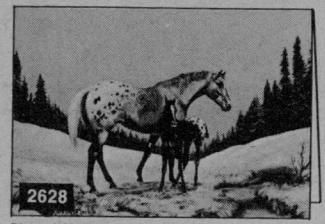


Ridin' Herd by **Robert Lougheed** — May the Peace and Happiness of the Christmas Season abide with You through all the Coming Year. **Verse by S. Omar Barker.**

Holiday Spirit by **Betty Marble** — With very Best Wishes for a Happy Holiday Season and the New Year.



Candles of the Lord by **Harry Zutto** — May the Blessings of Christmas be with You Today and always. Legend of the Yucca Blossom inside.



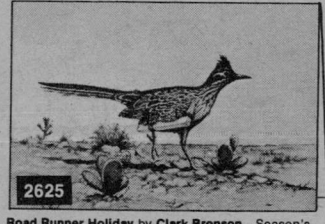
Blessed Christmas by **Betty Marble** — May the Joy and Peace of Christmas always be with You.

Reflections by **Harry Zutto** — May the Blessings of Christmas Abide with You throughout the New Year.

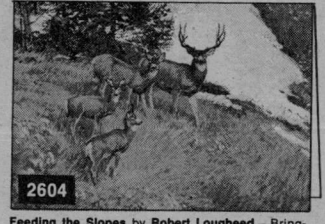
Star of the Forest by **Clark Bronson** — Christmas Greetings and Best Wishes for All the Year.

Born Free by **Gregory Perillo** — Coming your Way to wish You a Merry Christmas and a Happy New Year!

Christmas Bells by **Ted Long** — May the Spirit of Peace and Good Will be Yours during the Holiday Season and throughout the Coming Year. Quote from Psalm 118:24 "This is the Day the Lord hath made..."



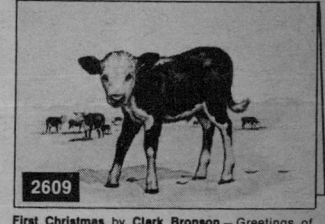
Road Runner Holiday by **Clark Bronson** — Season's Greetings and Best Wishes for a new Year full of Happiness.



Feeding the Slopes by **Robert Lougheed** — Bringing You every Good Wish for Happiness this Christmas and in the Coming Year. **Verse by S. Omar Barker.**

Season's Greetings by **Dave Paulley** — With a Warm and Friendly Wish for a New Year full of Happiness.

Neighbors Welcome by **Fred Harman** — With All Good Wishes for Christmas and the Coming Year.



First Christmas by **Clark Bronson** — Greetings of the Season and Best Wishes for the New Year.

OUR 26TH SUCCESSFUL YEAR! And we believe you'll be equally pleased with our 1970 selection. First printing reproductions of original paintings by the artists you know best—Bronson, Harman, Long, Lorenz, Lougheed, Perillo, Salisbury and others. Printed in true full color on richly textured deluxe weight stock single folded to 4¾" x 6¾". Matching envelopes with extras included. Order cards plain, with your name **or** brand, or **both** custom printed in red to **exactly** match greeting. Your selection carefully processed and shipped in sturdy carton within 24 hours right up 'til Christmas. FREE CATALOG of unique western stationery, framing prints, note paper and gift tags with every order.

HOW TO ORDER: Write quantity of each card you want in box appearing in coupon. No need to send entire page. Order all one kind or assorted at no extra charge. Use separate sheet if needed. Circle **total** quantity and cost on price list. Enclose check or money order with coupon and mail to **The Lazy BL Ranch, Box 3232, Cheyenne, Wyoming 82001.**

Free Offer

HOLIDAY NOTES — A generous supply of our delightful Holiday Notes for your personal message enclosures FREE with every order of 50 or more cards.

Card No.	Quantity

Total Quantity	15	25	50	75	100	150	200	300	500
Without Name	$3.50	4.50	8.75	13.00	16.50	24.75	32.00	48.00	77.50
With Name **or** Brand	4.35	6.00	10.50	14.25	19.50	28.50	36.00	54.00	82.50
With Name **and** Brand	6.35	8.00	12.50	16.50	21.50	30.50	38.00	56.00	84.50

NAMES TO BE PRINTED ON CARDS. SEND SKETCH IF BRAND WANTED

SEND CARDS TO:

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TW

MONEY BACK GUARANTEE • WE PAY THE POSTAGE • IN FULL COLOR

A JOE SMALL PUBLICATION

November-December, 19
Volume 18, No. 2
Whole No. 102

True West

All True—All Fact—Stories of The Real Wes

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JOE AUSTELL SMALL, Publisher
ROBERT SMALL, General Mgr.

Mary Sanders, Editorial Asst.
Bill Seymour, Design/Production
Marilyn White, Circulation Mgr.
Joe Small, Advertising M

"The files of TRUE WEST and FRONTIER TIMES are going to be of gr historical value and should be preserved in all the libraries of the country." Walter Prescott Webb, former President, American Historical Association.

In This Issue—

Cover: Gary Von Ilg

UP SHE GOES!

IT WILL look kind of strange, out there on the cover—that 50¢, I mean—since it has been *nine years* since we have had to raise the price on TRUE WEST or FRONTIER TIMES—other than on special editions. Well, everything has gone up like a shuck in a tornado during the past nine years—including women's hemlines. One thing for sure—hemlines *can't* go up much higher or there just won't be anything left to wonder about. I can't help but think what if a mini-skirted girl had walked down the street (in about 1880) beside one of those maxi-maxi-magnums in say Dodge City, for instance!

You know, I am old-fashioned I suppose. I kind of like to see things without so much confounded change. Sure, it is nice to see what the moon looks like but, when I was a kid, it was nearly as exciting to visit some kinfolks in the next county. Heckfire, that was plumb on the other side of the world! The first time I crossed my own state line, I thought I was in a foreign country.

One thing we are doing—holding subscriptions down to old rates as long as we can. Take advantage of this—**IT MAY BE THE LAST TIME IN THE HISTORY OF OUR PUBLICATIONS THAT YOU CAN SUBSCRIBE, RENEW OR SEND A GIFT SUBSCRIPTION TO TRUE WEST OR FRONTIER TIMES AT OLD RATES.** On a two year subscription at old rates (which you are offered on page 41) there is a difference of $5.00 in it and single copy prices (buying on newsstands for two years). In short, $7.00 for two years of TRUE WEST and FRONTIER TIMES by subscription (at old rates) and $12.00 at single copy rates from now on—both magazines. It's good for you—and it's good for us. We save this much by not having to send out renewal notices, change plates, extra "girl hours," etc.

OF COURSE, if things go down (what a wonderful sound!) you can bet the walking heels on your best pair of boots that we will come down too! I'll never forget those prices during the Depression. Is there anybody reading this who is old enough to remember the Depression? We've got something like that now only they call it "tight money." We called it a "money panic." But back to the prices—you would see an item marked $9.95, Xed through and the new price of $8.95, or sometimes even $7.95 would be under it. It was fascinating to look at all the ads in those days. I kept waiting and wondering when those Xes would

(Continued on page 80)

TRUE WEST is published bi-monthly by WESTERN PUBLICATIONS, INC., P.O. 3338, 1012 Edgecliff Terrace, Ausin, Texas 78704. 50¢ per copy, $5.00 for 12 issues the United States and Possessions, Canada and Mexico. $6.00 for 12 issues in all o countries. Second-class postage paid at Austin, Texas.

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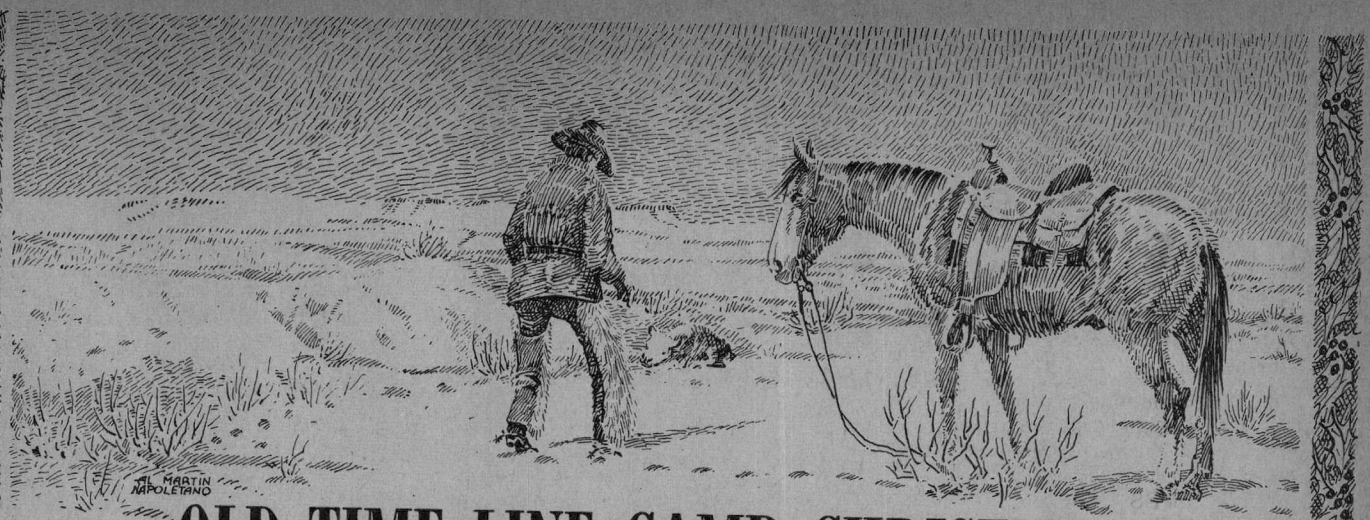
Unsolicited manuscripts and photographs will be treated with care, but their sa while in our hands is not guaranteed. Enclose stamped envelope with all sub sions. Please inquire before sending in original art.



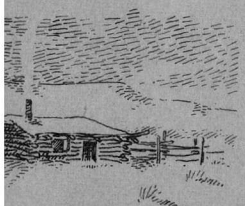
OLD-TIME LINE CAMP CHRISTMAS

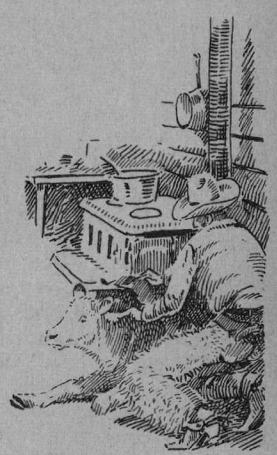
By S. OMAR BARKER

'Twas the week before Christmas 'way out on the range,
In the days before fences had made the big change.
A stone hut, a dugout, a cabin or such
Was the line-rider's home—which he didn't mind much,
Except with ol' Christmas about to come due,
A feller might get purty lonesome and blue,
A-thinkin' of homefolks some place far away
A-gettin' together to spend Christmas day,
And him all alone far from music and laughter,
With only some horses and cows to look after.

No pick-up them days he could climb in and go
To town for a date or a party or show;
No phone he could use for a long distance call;
No T.V., no radio—nothin' at all
To help him share Christmas with friends or with kin.
So that was the fix this young cowboy was in,
When out on the flat on one cold, frosty morn,
He found a new calf in the snow, winter-born.

To save it from freezin' he heisted the scamp
And carried it in, on his saddle, to camp.
On sacks near the stove he fixed it a bed.
He gave it a rubdown from tail-end to head.
He fed it canned milk and the juice of boiled beans;
Just to keep it a-livin' by most any means
Until he could pen up its wild mother cow,
In hopes she would claim it. She did, and that's how
On a bright Christmas mornin' in frost-sharpened weather,
This cowboy brought mother and baby together!





It wasn't a Christmas that you could call gay,
But somehow it helped sorter brighten the day
For a lonesome young cowhand—it gave him a laugh
To wish Merry Christmas to an ol' cow and calf!

Courtesy The Horse Lover's Magazine

Illustrated by Al Martin Napoletano

NEW FOR 1970

Christmas cards of the West

T 200

"Here's hoping your trail is a long one, etc." — Merry Christmas...Good friends, etc. — **C. M. Russell**

T 101

Greetings — Merry Christmas to Your Outfit from Ours — **Long**

T 102

Home for Christmas — May you and yours be blessed this Christmas Day, etc. — **Shope**

T 203

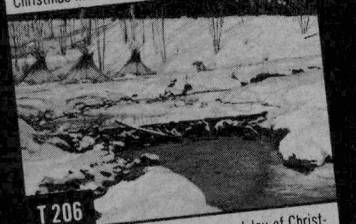
Yucca Candles — May the Peace and Happiness of Christmas, etc. — **Vannerson**

T 204

Equine Angels — May the warmth and love at Christmas time, etc. — **Touraine**

T 205

A Memory of Christmas — May you have a Merry Christmas in the old-fashioned way, etc. — **Stahley**



T 206

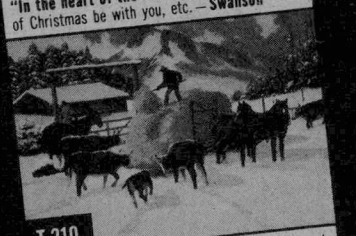
Winter Camp — May the Peace and Joy of Christmas be with you, etc. — **Fellows**

T 208

Sleighbells and Snowflakes — From the two of us at Christmas, etc. — **Kerswill**

T 109

"In the heart of the wilderness" — May the Joy of Christmas be with you, etc. — **Swanson**



T 210

Christmas Chores — Christmas Greetings and

T 211

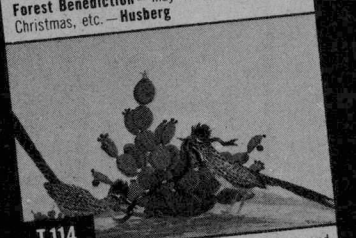
"The wonder of Christmas fills the world" — Merry Christmas — **Lenox**

T 212

Flight of the Honkers — May there come to you at this holiday time, etc. — **West**

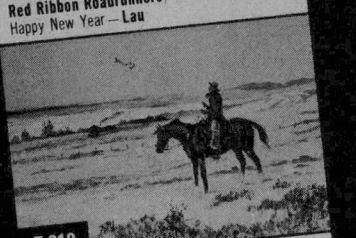
T 213

Forest Benediction — May the Peace and Joy of Christmas, etc. — **Husberg**



T 114

Red Ribbon Roadrunners — Merry Christmas and Happy New Year — **Lau**

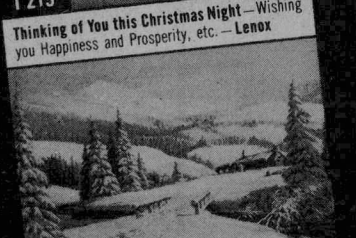


T 218

A Cowboy Prayer — With Best Wishes for Christmas and all the New Year — **Powell**

T 219

Thinking of You this Christmas Night — Wishing you Happiness and Prosperity, etc. — **Lenox**



T 220

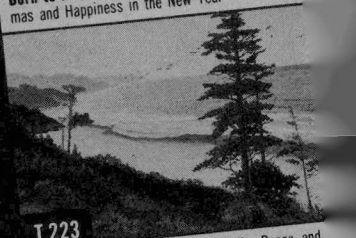
A Good Day for Visiting — May the Spirit of Christmas Abide With You, etc. — **Thomas**

T 221

A Frontier Christmas Eve — To wish you Merry Christmas and a glad New Year to boot, etc. — **Ryan**

T 222

Born to Run Free — Wishing you a Blessed Christmas and Happiness in the New Year — **Steffen**



T 223

"Whisper of a Pine Tree, etc." — Peace and Good Will at Christmas, etc. — **Lau**

T 224

Headed for Trout Creek Pass — Merry Christmas and Happy New Year — **Fogg**

T 225

"What can I give Him, etc." — May Peace be your Gift at Christmas, etc. — **Warren**

T 126

Legend of the Plain Madonna — May the P... ...of Christmas be with you, etc — **Tourain**

T 228

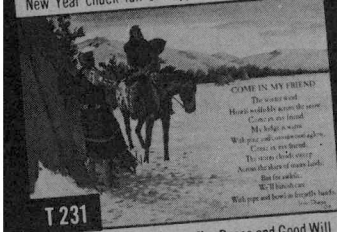
Hello there, folks, etc. — Merry Chris... Happy New Year — **Marks**

T 129

"A Destiny of brothers, etc." — Peace and Good Will at Christmas, etc. — **Snidow**

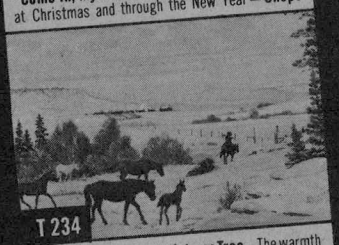
T 230

Surprise on the Trail — Merry Christmas and a New Year chuck full of Happiness — **Thomas**



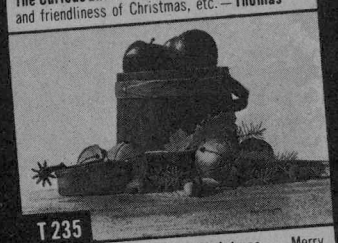
T 231

"Come in, my friend, etc." — Peace and Good Will at Christmas and through the New Year — **Shope**



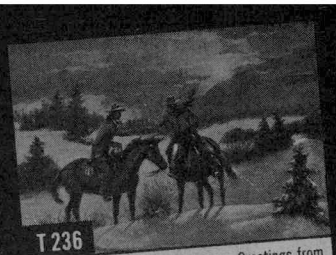
T 234

The Curious and the Christmas Tree — The warmth and friendliness of Christmas, etc. — **Thomas**



T 235

Memories of a Frontier Christmas — Merry Christmas and Happy New Year — **Swanson**



T 236

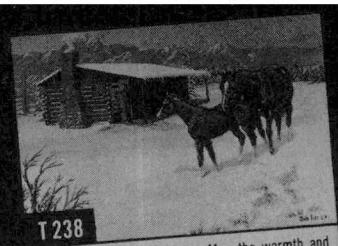
When Friends Meet — Christmas Greetings from our outfit to yours, etc. — **Lenox**

T 237

Benediction for the Shepherd's Flock — May the Peace and Joy of Christmas, etc. — **Thomas**

FINE ART CARDS BY FAMOUS WESTERN ARTISTS

Bright colorful scenes fold to make a rich card 5 x 7. We can print your name, or ranch brand or BOTH in red to match the greeting. Also, your return address on the deluxe white envelopes — extras included. You will be proud to send these beautiful cards and you'll like our "stampede service" on orders right up 'til Christmas.



T 238

Christmas Eve Surprise — May the warmth and love of Christmas, etc. — **Lee**

T 239

Caroling Neighbors — Thoughts of treasured friends make Christmas . . . etc. — **FitzSimmons**

T 242

The Lighted Pathway — May the glory of Christmas shine upon your pathway, etc. — **McLean**

T 243

"Within an old log church, etc." — May you have the Spirit of Christmas, etc. — **Gomez**

T 245

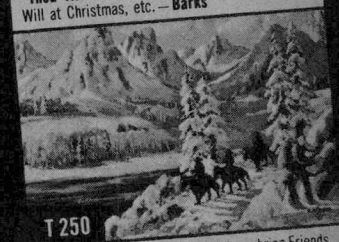
A Good Day for Visiting — Thoughts of treasured friends make Christmas, etc. — **Hopkinson**

T 246

"The wonder of Christmas" — The glory of Christmas remains to brighten all hearts, etc. — **Touraine**

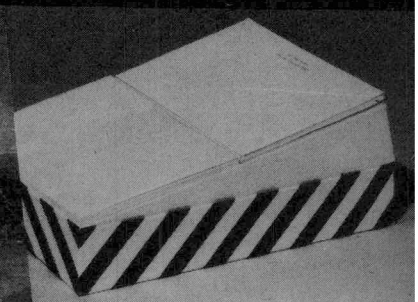
T 248

"Thou fill'st the solitude." — Peace and Good Will at Christmas, etc. — **Barks**



T 250

The Peaceful Path — May Christmas bring Friends to your Fireside, etc. — **Gomez**



T 147

"Blessed are they that have not seen" — May the Peace and Joy of Christmas, etc. — **EchoHawk**

LEANIN' TREE RANCH

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MONEY BACK GUARANTEE AND POSTAGE FREE

TOTAL QUANTITY	12	25	50	75	100	150	200	300	500
WITHOUT NAME	$2.25	$4.25	$ 8.50	$12.50	$16.00	$23.50	$31.00	$46.00	$74.00
WITH NAME **OR** BRAND	$3.25	5.50	10.00	14.50	18.00	26.00	34.00	50.00	80.00
WITH NAME **AND** BRAND	$4.50	6.75	11.25	15.75	19.25	27.25	35.25	51.25	81.25
RETURN ADDRESS ON ENVELOPES	$1.25	1.50	2.00	2.25	2.50	3.00	3.50	4.50	6.50

FILL IN QUANTITY DESIRED OF EACH CARD IN BOX BESIDE THAT NUMBER								
	T 200	T 205	T 211	T 219	T 224	T 230	T 237	T 245
	T 101	T 206	T 212	T 220	T 225	T 231	T 238	T 246
	T 102	T 208	T 213	T 221	T 126	T 234	T 239	T 147
	T 203	T 109	T 114	T 222	T 228	T 235	T 242	T 248
	T 204	T 210	T 218	T 223	T 129	T 236	T 243	T 250

NAMES TO BE PRINTED ON CHRISTMAS CARDS _____

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See Page 51

WESTERN BOOK ROUNDUP

By The Old Bookaroos

ATTENTION

We do not handle the books reviewed below. If interested in purchasing, please check your local bookstore, or address your order to the individual publisher in care of this office and we will be glad to forward. Be sure to make your check payable to the publisher of the book, not to us.

TERRIFIC!

American Negro Folk Lore (Quadrangle Books, Inc., $12.50) by Dr. J. Mason Brewer is a rich collection of authentic Negro folklore items. The late J. Frank Dobie called Brewer "undoubtedly the best storyteller of the Negro folk tale writing anywhere today." The book is in ten parts including tales, religion, songs, personal experiences, superstitions, proverbs, rhymes, riddles, names, and childrens' rhymes and pastimes. Through generations of suffering, the black Americans drew on their African heritage, personal experiences, imagination, and wit to develop a folklore culture. Through song and story their arts and customs were passed to their children and children's children. The author included materials from the Negro revolution of the '60s. Dr. Brewer has written seven other books and was the first Negro to be elected an officer in the American Folklore Society. *American Negro Folk Lore* is a prime item for any American family library both for better understanding and sheer enjoyment.

TREMENDOUS!

World Cattle, Vol. I and II (University of Oklahoma Press, $25.00) by John E. Rouse is the most comprehensive coverage of the subject yet published. Rouse, a rancher and businessman from Saratoga, Wyoming, spent a large portion of six years visiting eighty-five countries to study cattle, husbandry, uses, and problems. All information was gathered firsthand except from Red China. The author drew from Ralph Phillips' *The Livestock of China* for coverage of the eighty-sixth country. Rouse's wife, Roma, accompanied him, serving as photographer, typist and critic. Rouse's notes on the cattle industry in each country, along with descriptions and photographs, provides insight into the broad use of cattle for power and fuel as well as for milk and meat. Marketing, management, diseases, abattoirs, and the outlook for cattle in each country are discussed. Rouse postulates that as human population increases, the practice of feedlot feeding may become too expensive. The feed grain required to produce five pounds of beef would feed a family in Southeast Asia for one week. *World Cattle* is an indispensible reference for students, stockmen, or Western buffs interested in the livestock industry. It includes a selected bibliography and index.

IN THE DAYS OF THE DONS

Historic Ranchos of San Diego (Unio Tribune Publishing Co., $7.95) was com missioned by James S. Copley, writte by Cecil C. Moyer, and edited by Richar F. Pourade. It is a handsome book abou the large ranchos of San Diego in th "Days of the Don." San Diego *rancho* granted under Mexican rule, lasted we into the nineteenth century, and some ar still intact as working cattle outfits (Th Warner Ranch) or military propertie (Camp Pendleton—Rancho Santa Mar garita y las Flores). Thirty *ranchos* ar covered in some detail. Photos and re productions of paintings illustrate pe ple, places and periods of time. Brand maps and an index add to the book' value. It is an attractive and informativ record of the most romantic period i California history.

MONTANA BOYHOOD

Thrashin' Time; Memories of a Montan Boyhood (American West Publishing Co $5.95) by Milton Shatraw is the story a frontier family in Montana. For thirt years, beginning in 1887, the author father ranched in Western Montana. H returned to New York in 1918 but aft six years returned to Montana. The Sh traws found Montana ravaged by drou and became convinced the land was pe manently ruined. In 1967 the author ar his son revisited the locations of h Montana boyhood to find the land r stored and flourishing. The book is bui around humorous and touching inciden most ranch families have experienced

INDIANS OF THE SOUTHWEST

Mohave People (Naylor, $6.95) by Fu som Charles Scrivner is a series articles which trace the Mohave fro pre-historical time until the death Chief Isataba in 1878. The Mohaves we large in stature and were referred to some early writers as giants. Scrivn describes the social structure of the tri choosing mates, and funerals—the mo important event of all. Early experienc with Spaniards, early "Ameripean" e plorers, Mormons, and other tribes illu trate the nature of this people. T Oatman episode—the adoption and trea ment of captive white girls—brings o the warmer side of the Mohave. One int esting question is, "How did these peo develop such stature and stamina in su a harsh environment with a very limit food supply?" Scrivner's work is w

(Continued on page 76)

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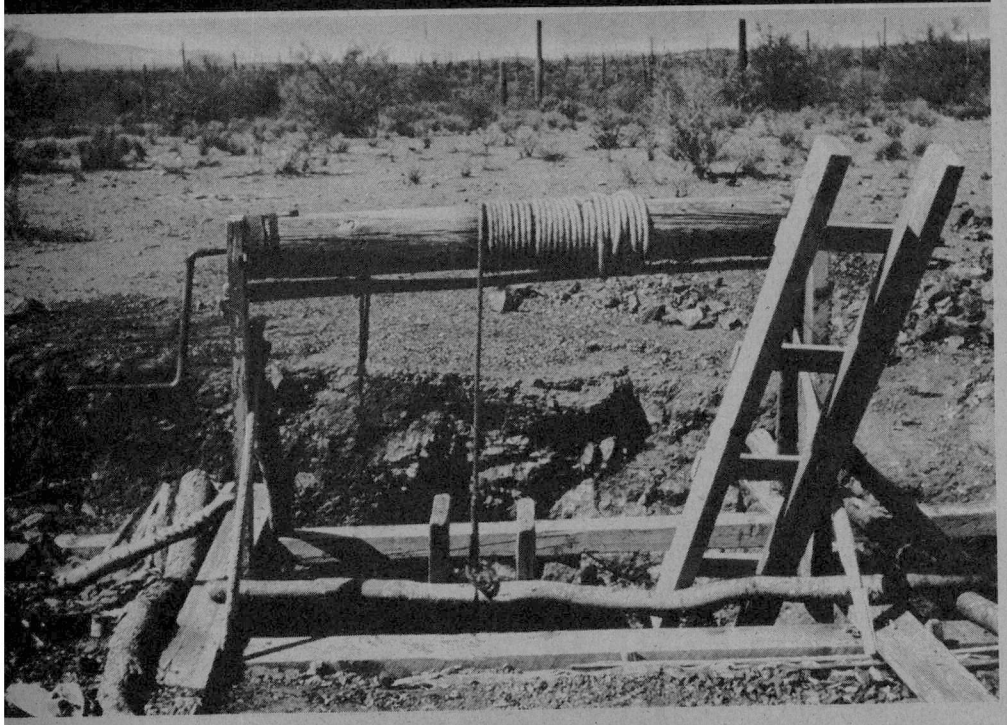
LOST TRES AMIGOS DIGGINGS

By DEN GALBRAITH

Photos Courtesy Author

This is the author's favorite trail to gold—he's looked for it, he believes in it, and there's no "curse" to plague the lucky finder!



At left, an old abandoned windlass di covered during John Devine's search f the Tres Amigos diggings. At top, vulture gave Devine a feeling that something wo about to happen.

IN THE COURSE of a few hours Joh Devine made three decisions whic would alter his way of life from then o out. "Mistakes, maybe," John said a lon time later in his crisp, succinct manne "but I regret nothing."

Strangely enough, Devine didn't belie the tale of "gold lying on the surface Baja California" when he first heard yet he wanted to believe. That year, 193 Devine ran a camp for a geological fie party in the New Mexico portion of t Guadalupe Mountains. He had gone dow with Dr. Ben H. Parker, Sr., who lat got John and me together.

"Treasures there, too," John said. "I time to look."

On weekends John went to El Paso f supplies, stocked up on "Water-an Filled Frazer," and crammed in a bit diversion. He stayed at the old McC Hotel whose clientele consisted principa ly of permanent guests, a colorful co lection of old-timers, mining men, ra road engineers, schoolteachers, lea brokers, ranchers, sheepherders, and wh have you.

One evening John struck up a convers tion with a gaunt, cadaverous, slight

stooped character named Frank Thatcher, known to his friends as Doc. Thatcher wasn't a permanent resident—he just didn't have the necessary funds to get himself out of hock, and he had been wracked up for two months, fighting pneumonia. When he learned that Devine knew something about mining, Doc invited him up to his room.

Devine went, his first mistake.

FOR OPENERS, Doc showed John several pieces of "bug-hole" quartz, shot through with vugs, seams, wires, and hairlines of dull-yellowish gold. To a practical, hard-rock miner, a chunk of gold-bearing rock is better than a waybill. A waybill, and the tale that goes with it, can be fabricated, but gold "comes from somewhere."

"Good gold," John said. "Didn't need a hand lens. All specimen quality; and vein material, not placer."

After rummaging through an untidy stack of notes and old newspaper clippings, Doc produced a settlement sheet, made out to himself, for a bulk sample of gold ore delivered to an assayer at San Diego, California. John glanced at the sheet, making some mental notes, but years later he couldn't "regurgitate" the exact figures.

The sample amounted to either (1) 700 pounds gold ore, $900, or (2) 900 pounds gold ore, $700.

"And remember," John said, "all the best specimens had been picked out before the sample went to the assayer."

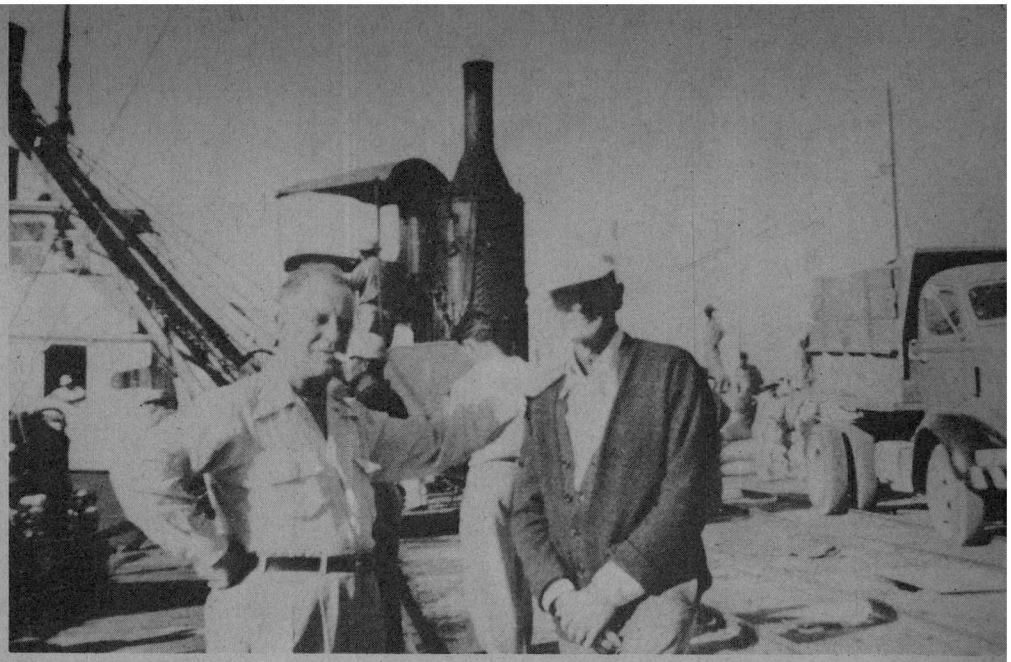
Either way, Devine figured the grade of ore was excellent, provided there remained more of similar grade and sufficient tonnage. John had a hunch that Doc was a con artist, but all the residents of the McCoy considered him a fine fellow except, maybe, the manager who worried about his money.

And even with a lung-wracking cough, Doc Thatcher palavered for three solid hours about the Tres Amigos Diggings, putting out the "true facts" with the enthusiam of a thirsty mule that has bolted the trail at the smell of water.

DOC THATCHER had an elusive past. Born in Scotland, he had learned there, among other things, how to make booze. Along the way, he had worked for a couple of distilleries and as a chemist for several companies, finally landing in El Paso where he found employment with the city.

At inventory time several cases of drugs turned up missing, but city officials couldn't prove anything. "Doc could fast-talk himself out of any situation," an old-timer at the McCoy told Devine. Whenever Doc had a stack of chips he lived in grand style. Apparently his wife wasn't included in any of his spending sprees, for she packed her bags and moved to California.

Free of responsibilities, Doc searched for a more lucrative profession and a more adventuresome life. For awhile he tried to supply peyote to the Indians, but there wasn't enough money in that racket. He had to abandon a smuggling game in San Diego when authorities became suspicious. To get out of circulation while the heat was on, he went to

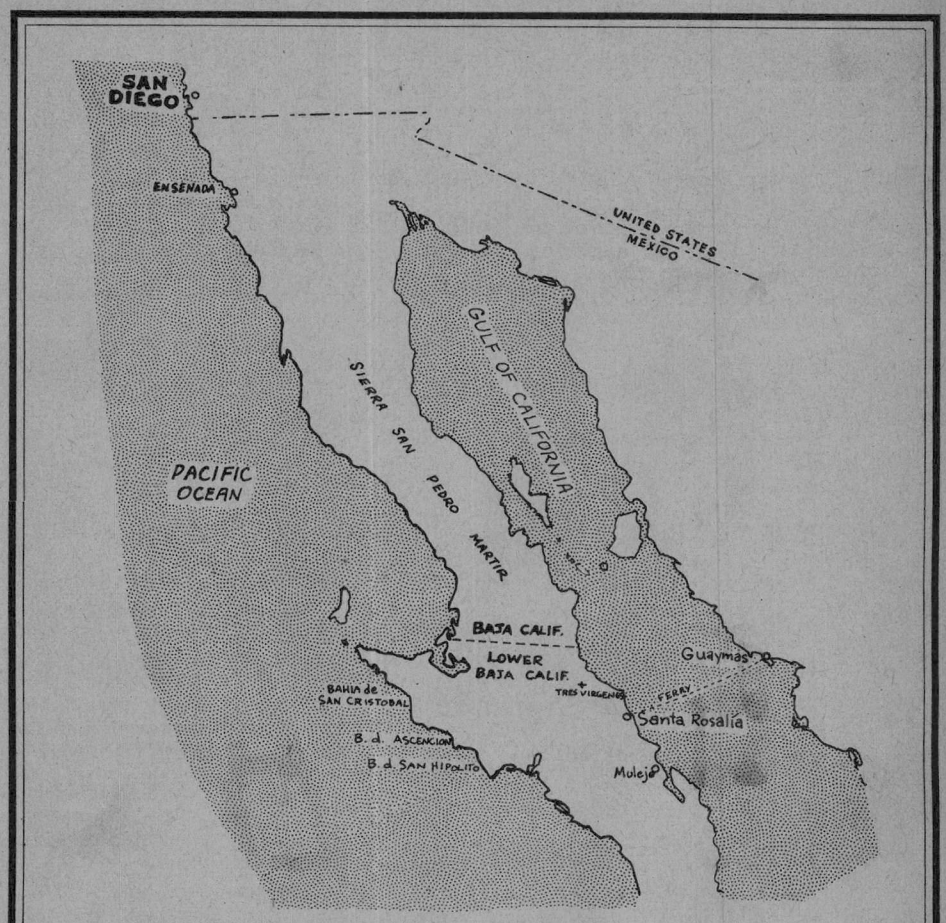


Doc MacKinnon (left) and John Devine near the dock area of Santa Rosalia. MacKinnon thought he had found the Tres Amigos diggings once, but it turned out to be one of the many other old abandoned mining sites in the area.

Tecate, just below the border in Lower California.

In Tecate he decided to build a distillery, since prohibition was in force. First he needed some partners. He found one in William Barnes, whom he described as "a bloody good-looking devil, half-Mexican and half-Portuguese, with maybe some Scotch thrown in for good measure." Doc needed Barnes because he was a Mexican citizen and adventurous, game for anything.

A combination of good guy and bad hombre, Barnes could be amiable, yet was



Map shows the distance covered by Doc Thatcher, William Barnes, and the Indian, in search for gold.

John Devine took this shot on an early trip with Pedro Gratianne. He thinks that this location is a short way north of the probable turnoff point taken by the three gold-hungry men.

inclined to be mean. Whenever possible he remained drunk. Much of his life had been spent in the hoosegow, both in the States and Mexico. His offenses included piracy, looting, gambling, smuggling, running rum (anything for a fast buck), and a deadly efficiency with a switchblade knife whenever he had to extricate himself from a back-to-the-wall situation. Ladies on both sides of the border contributed to his downfall. Not that he cared. They liked his savage ways, his savage looks.

Barnes "knew all there was to know about boats" and running boats. Just prior to teaming up with Thatcher, he had jumped bail in the States, where he had been caught running and pedaling illegal liquor.

When Doc explained the set-up, Barnes grinned and extended a hand.

"You make the hooch, Doc, and I'll peddle it."

AN INDOLENT, glum-faced, renegade Indian, who had served time with Barnes and who had jumped bail with him, came in as the other partner. Barnes laughingly referred to the new partnership as the "Tres Amigos." Doc remained leery about "that mean-as-hell, boogery Indian" for awhile, but he learned that "when he was your friend he was *muy amigo*." John could never dredge up the name Doc called the Indian, but he insisted that it translated into English as Ruble Guble.

"About the only English that blackhearted Indian knew was hello, goodbye, and son-of-bitch," Doc said. "When he said the latter, it was a long conversation for him. Funny thing! He used that phrase in two ways—when he liked you, or just before he went for his knife."

For a year or so, the liquor business profited. Then the Cardenas government curtailed the making of liquor from grain. For awhile the Three Friends operated on black market grain, then that supply was cut off.

Doc went to visit some cronies in Juarez. His friends promised to supply him with grain if he would move his distillery to the outskirts of their town. But when Thatcher and his partners had the distillery moved, reassembled, and in running order, his erstwhile buddies confiscated it, with no reimbursement for time and effort or paying them anything for their equipment.

The Three Friends were out of business.

"We bloody well took care of one fat, greasy fellow," Doc said. "He had a fancy nightclub until we remodeled it for him. We got out of town just ahead of the cops."

Then Doc recalled the legend that the Indian had told Barnes.

BACK in the old days, Ruble Guble had said, his forefathers used to migrate from coast to coast, across the middle of Baja California. His father's father had more than once showed him nuggets o gold, some the size of quail eggs, whic had been picked up along the way.

Those semi-yearly migrations did no always start and end at the same locales yet the tribe always took essentially th same route. If they were on the wes coast, the tribe would start the overlan trek from around San Cristobal Bay o Asuncion, going east, or slightly nort of east. They crossed the mountains abou half way between San Ignacio and E Arco (one map calls these mountain Sierra de Santa Clara but John assume they were an extension of the Sierra Sa Pedro Martir), and ended up on the eas coast between San Carlos and Santa An Bays. They did not proceed along straight line.

Somewhere in the mountains the trib picked up gold, mostly pieces of quart with gold flecks shot through them. Rubl Guble had searched for the area but th "new Indian" couldn't find it.

Doc had always been dubious of th legend but Barnes believed it implicitly

"He had some pieces of gold, he tol me how he came by them, and he ha no reason to lie about it," Barnes tol Doc.

Doc and his partners "knew no mor about mining than a bale of hay," bu now that they weren't gainfully employe they felt an urge to look at some nev country.

"All right, boys, we'll leave in tw weeks," Doc said. "They've taken ou

distillery, those lousy, thieving crooks, so we'll make a run for their bloody gold."

GOLD fires the imagination quicker than a menu inspires the town bum. Barnes and Ruble Guble needed no encouragement. They worked over Doc's aging Buick until it ran like a jeweled movement. Thatcher collected all the books and maps he could find, and Barnes contributed a map and report by J. E. Harding, a geologist who had made a reconnaissance over much of Lower California. The maps had little detail in the broad void between San Ignacio and El Arco, except for hunting information overprinted in red: DOVE - PIGEON - QUAIL - DEER - LION - FOX - COYOTE.

One map showed a dry wash, Arroyo la Tinaja, emptying into the west coast at Bahia de San Hipolito, its source in the mountains northeast of Los Angeles Corral. At this point in the mountains there appeared to be a natural pass. A pass, Doc thought. Sure! Why not? Wouldn't Indians crossing the mountains choose a pass?

"That's it," Doc said to Barnes. "That's where we head for. It's the logical place to cross the mountains."

Loading down the Buick with extra water and gas cans, shovels, picks, and foodstuffs, the Tres Amigos drove south to Guaymas, where they waited until they could get boat transportation across the Bay of California to Santa Rosalia. Doc spent several hectic days, trying to keep the two ex-cons from tearing up any *cantinas*, but they finally crossed the bay. Due to Barnes' advice, they tackled their project just the reverse of most prospectors—they filed on the property prior to searching for it. This was not so much from optimism as from common sense. Since they had decided their property would lie in the District of the South, filings had to be made at Mulegé. Filing on the property first would save them a long, hard drive back to Mulegé, as they expected to return via Ensenada and San Diego. Barnes made the filing since he was a Mexican citizen, a partial filing only, calling it Tres Amigos.

Then they drove north, flying through Santa Rosalia without stopping because those Frenchmen keep their eyes on everyone in that country and know what's going on." One of those sticky-hot days, the water boiled out of the radiator frequently during the steep ascent of Cuesta del Infiernillo and the sharp, hairpin curves of Las Tres Virgenes. The Three Friends went past the Three Virgins and stopped at San Ignacio for an early lunch and refilled their water cans.

Devine couldn't remember the exact mileage on Doc's waybill, but he believed the Three Friends left the main road about 31.5 or 34.5 miles from San Ignacio. The turn-off point would be approximately three miles south of Rancho Los Angeles. Going east from that point, there was no road. There were no landmarks, either, only hard-baked desert with tall yucca, giant cordon, and thorned brush. Barnes wanted to wait until the following day so they could initiate the search early morning, but Doc wouldn't buy that. Then Barnes suggested that they check to find out if horses were available at the ranch ahead, but Doc didn't want to publicize their whereabouts.

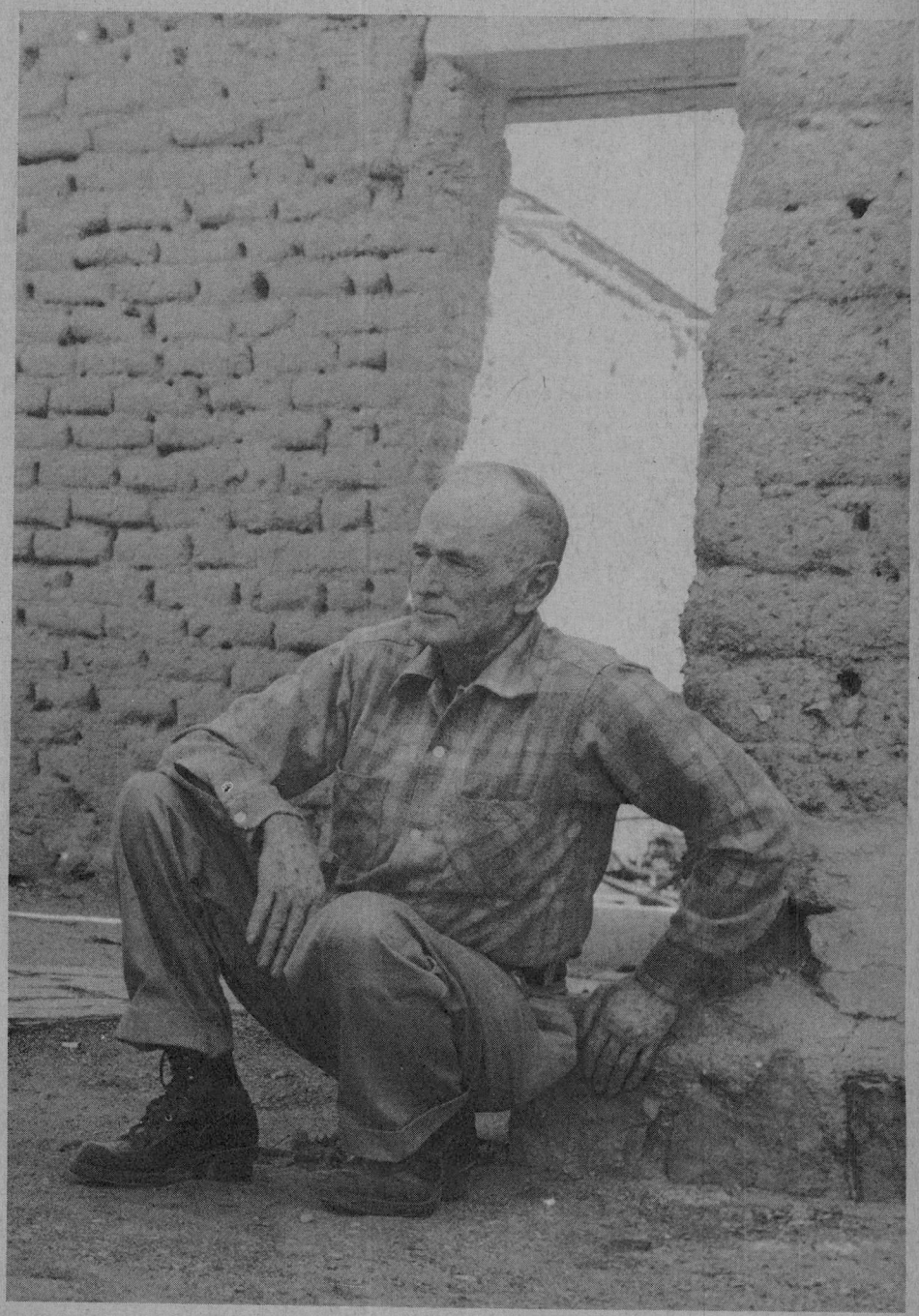
"We had a fast one pulled on us once," Doc said, "and I'm not about to give them another chance."

THE INDIAN refilled the radiator while Doc glassed the mountains to the northeast, trying to spot what might be a low pass and a possible approach. Cruising along the main road, Doc found a dry wash which appeared to be heading in the right direction. They headed across country.

Going east along the sandy wash, they encountered vast thickets of cactus and desert plants. Tall yucca broke the monotony. Twice the old Buick bogged down in deep sand and they had to dig the car out. The sun shone straight down, a great yellow disc, stifling hot, and they could hardly breathe. And, of course, the car's overheating didn't help any. Nothing stirred, not even a breath of air. Like a vacuum, Doc said, pressing against you. A lizard wouldn't have ventured out into that agonizing heat. They put the top and windshield down, then spent their time dodging and ducking the willowy, thorn-studded shafts of cactus. Often they stopped to cool the radiator and add water.

Doc had to meander back and forth across the draw to avoid the larger plants and rocky ledges. He couldn't drive too fast, yet if he slowed too much the deep sand stopped them. All at once the sandy

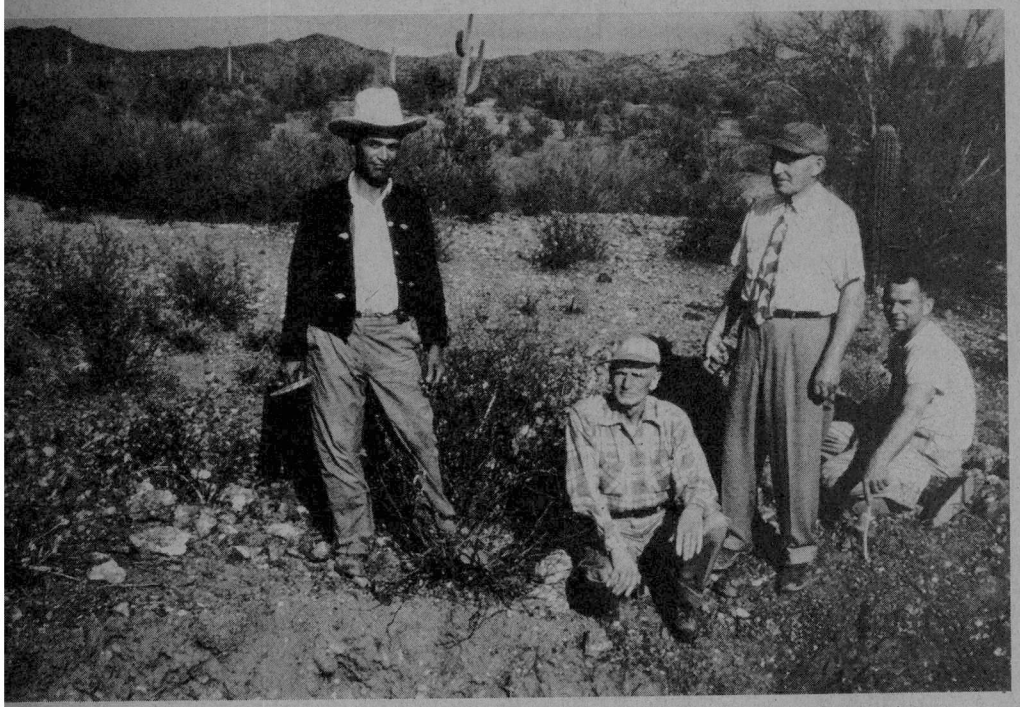
John Devine, wearing his "4,000 mile shirt," sits beside a rundown adobe structure in Lower California. John, who lived for many years in Kokomo, Colorado, has spent many winters in Baja and Sonora.



draw disappeared, and it grew rocky and rough, where rains and winds had scoured the top soil away, except that it surely hadn't rained in twenty years.

A flat tire did nothing to ease their agony. Doc and Barnes gave vent to their rage with wild cursing, but the Indian remained quiet, except for an occasional "son-of-bitch" when bounced badly. Once Ruble Guble delivered a lengthy spiel on how fortunate his ancestors had been, not having an automobile when they crossed that sorry, forlorn, hot, miserable stretch of utterly useless, evil-looking, God-forsaken land. Even a goatherd would be lonely in that country, he said.

It took over three hours to go 12.5 miles, when an ugly ravine halted them.



In Sonora, a gambucino (left) shows a copper prospect to John Devine, L. S. Cutting, and Dick Galbraith.

A burro would have balked at that point and there was no way to go around. Doc never told John whether the mileage on his waybill was the actual speedometer reading or an estimated distance, for they had crisscrossed the dry wash many times before they finally stopped.

Doc turned the Buick around and cut the engine, listening for a moment as the radiator steamed. The two ex-cons were for going back. It sort of boogered them to be so far away from the dark, cool *cantinas*. Doc said NO! His temper had soared with the temperature. Besides, it looked as if there might be a pass ahead, but the mountains shimmered and floated in the heat. When the Buick cooled a bit, the Indian refilled the radiator and got out the canteen to carry with them. Barnes grabbed the shovels and some sacks, and Doc stuck three cans of tomato juice in his bag.

"Let's go, boys," Doc said.

THE THREE PARTNERS headed for the ravine, the sun shining on their backs. They went down into the ravine, zig-zagging and fighting through thick thorned brush up the other side, stopping often for a blow. There was no shade, or if there was it didn't help any. They went in and out of two shallow gorges, and scrambled their way in and out of a third. Doc described the country as malpais, only worse. The brush and cactus tore their clothes and scratched their faces and arms. Gorges, ravines, and arroyos seemed to spawn in front of them. The hiking was all up and down, and they finished off the water.

"Where in the hell's the pass?" Barnes snarled.

Everytime they staggered out of some tortuous ravine or topped a rocky ridge, the horizon ahead seemed different, yet always devoid of any distinctive features. Doc kept looking for pointed peaks or notches on the skyline, anything to guide on. The sun grew hotter, if possible, and the gold hunters wandered aimlessly, heads down.

A fear of getting lost seized Barnes and he demanded that they begin marking their route. Ruble Guble tore strips off his shirttail, impaling them on thorns. After what seemed an eternity, the three would-be prospectors flopped to their knees in a shallow arroyo.

"To hell with the gold." Barnes muttered hoarsely. "I can't breathe." He stretched out, face down in the sand.

The silence was vast and awesome; it hurt the ears. Doc tried to keep his wits about him, but he was too thirsty to think rationally.

"Boys, we've got to dig for water," Doc said.

A few minutes later the Indian grabbed a shovel, even though he realized it was useless. His partners watched listlessly as his spade crunched into the soil. Ruble Guble had only turned up two or three shovelfuls when Barnes suddenly lurched over, grabbing at the dirt and gravel.

"Gold!" he cried feverishly, and again "Gold!"

Doc thought that Barnes had become heat-struck. Ruble Guble quit digging and the three gold hunters pawed excitedly at the gravel.

"Hells bells, boys!" Doc shouted. "It's all over! The whole bloody arroyo is full of gold!"

"Son-of-bitch!" the Indian commented.

Even though semi-delirious, Doc Thatcher had the presence of mind to test it. Sure enough, it was gold. Thin seamlets and flecks of dull-yellow gold in dirty, iron-stained, vuggy quartz. The yellow metal ranged in size from wax match heads to pie-melon seeds. Some of the quartz had yellow wormholes. And not just a chunk or two. The ground was covered and each shovelful revealed more gold.

Then Doc nudged Barnes and pointed to the glistening pockets in the ledge above them, bright in the slanting sun, undoubtedly the origin of the product of the arroyo. Taking turns with the shovel they filled three canvas sacks with about fifty pounds apiece. Then the Indian opened the three cans of tomatoes. Ravenously, they slurped them down and the hot tomatoes made them deathly sick.

"Lordy, those tomatoes were a mistake," Doc told John. "They made us violently ill. It was worse than poisoned rotgut Dago-red wine. Worse even than the whiskey I used to make. I felt like someone had tied my guts in knots. Must have been a funny sight, the three of us rolling around in that bloody arroyo moaning and groaning and doubled up and grabbing at our stomachs like a bunch of drunks at a Zulu prayer meeting."

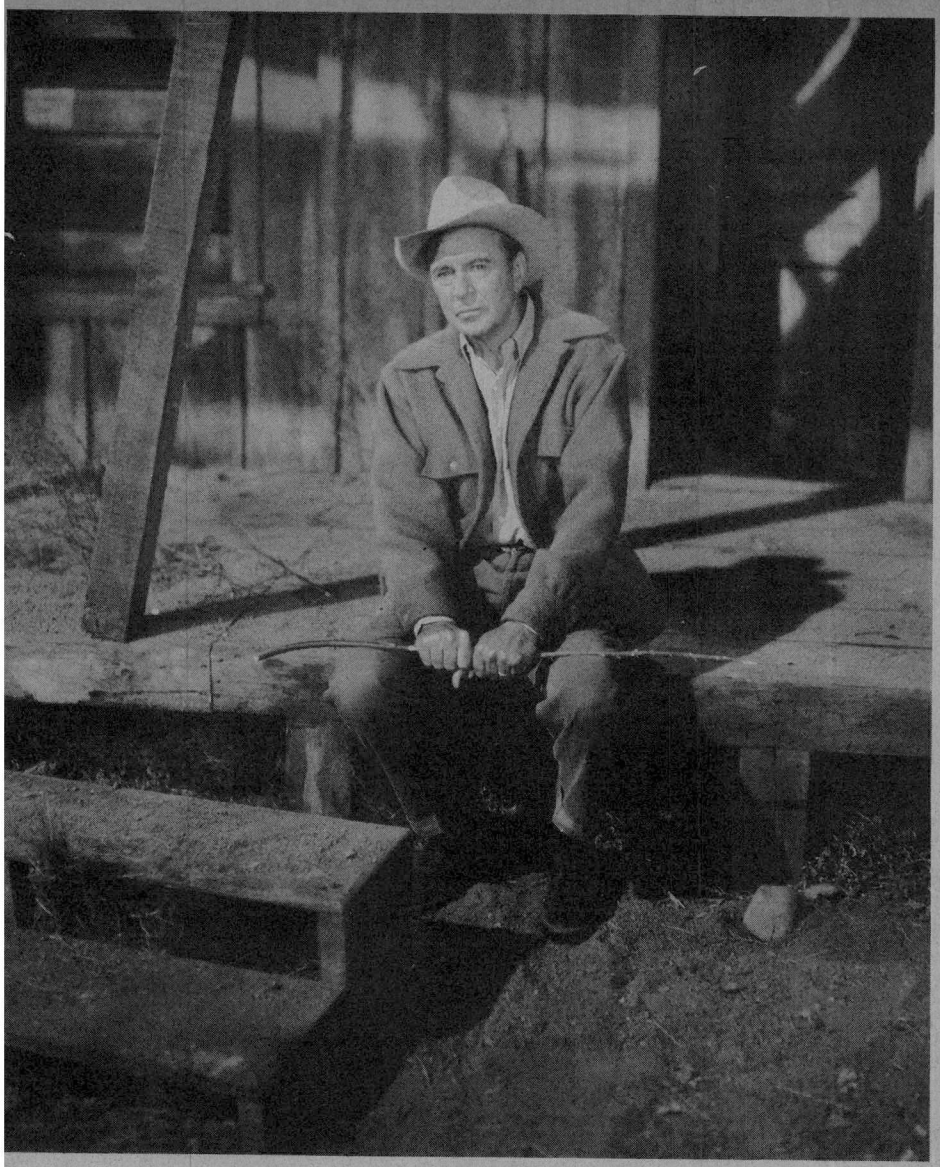
AN HOUR passed before any of them felt up to traveling. By then the sun had dropped low. The pass hadn't cooled off any but the awful glare was gone. Ground doves flew low in their whistled flight toward waterholes.

Finding the gold had eased their tiredness, and Thatcher recalled that the Three Friends staggered toward the car singing a song which had set crowds howling in the *cantinas*. They corkscrewed in and out of ravines in drunken manner, and when they reached the car they all had a drink of water.

Greed quickly replaced their fear. While Ruble Guble prepared supper Thatcher and Barnes returned to the arroyo for another load, carrying a flashlight to help them on their return. Doc instructed the Indian to keep a second fire going and, after an hour, to blow the horn on the old Buick every fifteen minutes. The mountains were bathed in an orange-red mist and "candle trees" phosphoresced eerily in the dying sun light. Ocatillo slapped their faces and lechuguilla stabbed their shins. It was tough hiking but both men were in good spirits. Even the return trip after dark didn't faze them.

Now the desert had the appearance of a graveyard full of tall, black ghosts. The sky hung low, and the night air turned as cold as it had been hot during

(Continued on page 50)



Gary Cooper on the set of "The Real West" shortly before his death in 1961.
Courtesy NBC-TV & Project XX

THE WEST OF GARY COOPER

By FREDIE STEVE HARRIS
Photos Courtesy Author

Dialogue from the great star's farewell appearance

GARY COOPER'S only television performance, and his last performance before the cameras, was his narration of Project XX's "The Real West," in 1961. A few weeks after completing work on the program, Cooper died of cancer. Shortly before his death, Cooper told Project XX producer-director Donald B. Hyatt that his part in this special program had given him more satisfaction than anything else he had done in thirty-five years of film work.

Project XX, the documentary film unit of NBC Television, was created in the early fifties to "trace and illuminate the cultural heritage of modern man." Project XX programs through the years have included "Nightmare in Red," "The Jazz Age," "Meet Mr. Lincoln," "Circus," "Mark Twain's America," "He is Risen," and many others. "The Real West" was born out of research done for "Meet Mr. Lincoln" and "Mark Twain's America," research which turned up a treasure of little known and unknown photographs of the American West.

Hyatt's skilled team began to assemble the historic old photographs into a program, using Project XX's famous and much-imitated still-pictures-in-action technique. But they needed a storyteller—a real Westerner to do the narration.

"I knew that Cooper was sometimes upset and angry over the distortions of the Old West which had been shown to the world on television and in the movies," Hyatt said, some years ago. "He believed that youngsters growing up today have no real concept of the great westward movement from 1850 to 1890. They grow up thinking that one man will always ride into town to fight their battles while the rest of the community sits on its hands. Television and film actors are put into cowboy costumes, but the format is big-city gangsterism. The fact is, Cooper had said, the pioneers of the West had guts, many of them had brains too, and the gunmen were parasites. He had said that the only Western he would ever do again would be one which had something of historic value, but he doubted that anyone would want to make that kind of picture."

JERRY WALD mentioned to Cooper that Project XX had a documentary Western in the works, and needed a storyteller. Cooper called Hyatt, who was trying to figure out the proper way to approach Cooper. "You don't just pick up the phone and ring him."

Cooper went to the startled Hyatt's office that afternoon. Hyatt was not prepared; he had no script, not even an outline. All he had was a stack of photographs of the West—2,000 of them! "It was my idea to flip through them quickly to try to impress him with the mass of material. Before we knew it, though, we were both down on the floor with hundreds of pictures spread from wall to wall, going over each one in detail.

"During that three-hour session we never once discussed whether or not he'd do the show. Cooper knew this was the reality he was looking for. We had reached an understanding through the excitement of the photography."

"The Real West" was shown in March

(Continued on page 71)

ROUGH

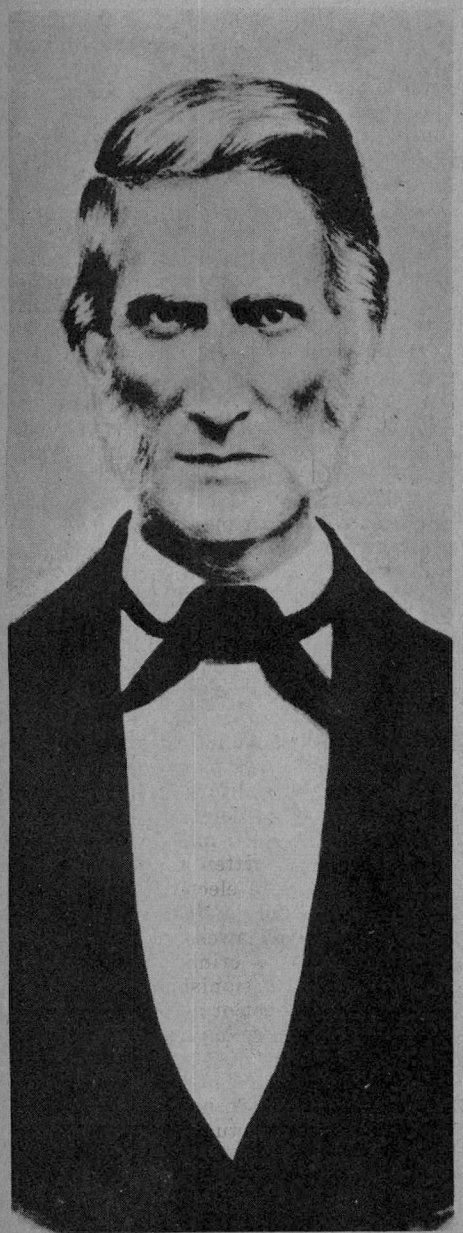
By WILLIAM B. SECREST

Photos Courtesy Author

THE SCENE was a courtroom in old Los Angeles and as the day wore on, the two opposing attorneys seemed determined to see which one could outshout the other. Frantically the judge pounded his gavel, adding to the din, but his shouts merely added to the confusion. One of the cursing counselors hurled a book at the other and immediately dodged a returning missle.

Judge William G. Dryden, an early Los Angeles jurist and the principal in many colorful courtroom dramas.

Courtesy Huntington Library



When they had run out of available projectiles, the two legal talents pulled their six-shooters. The judge, frustrated beyond endurance, threw down his gavel and stomping to his office, turned at the door and offered his parting legal advice, "Shoot away, damn you, and to hell with all of you!"

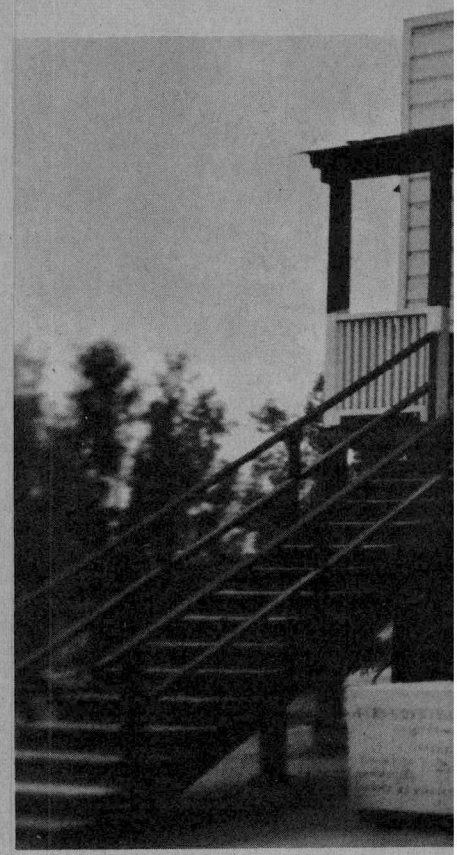
This somewhat unconventional court proceeding was by no means a rare occurrence and to a certain extent it pointed up the extreme self-reliance and independent nature of the early Californians. The harsh life, isolation and absence of supervision from higher authorities all contributed to the crude legal state of affairs. Trials were often a farce and court decisions ranged from travesties of justice to overly severe decisions. In fact, for a time, larceny was a capital offense in California. On July 13, 1852, George Tanner was executed in Yuba County for stealing $400 worth of groceries!

Prior to the coming of the Americans, the *alcalde* was the most powerful local official under Spanish and Mexican rule. He was mayor, head of the town council and, generally speaking, the supreme being of the village. He was also the local judge and the only recourse from his decisions was the governor himself.

In 1848, when the United States acquired California, the *alcalde* system was kept in force until a constitutional convention could be held and a new government inaugurated. When gold was discovered, also that year, and Americans began the great gold rush, the need for organization was quickly apparent. Any time a group of miners gathered along a mountain stream, the need for some kind of authority asserted itself as soon as the first claim disputes arose.

Usually the man chosen to be *alcalde* was the most influential man in camp, a man whose opinion would carry weight in a difficulty. In a small camp, the *alcalde* and constable might be the only officials. Only after the constitutional convention of 1850 were laws drawn up and authority defined as to the prosecution of the laws.

What passed for justice in an *alcalde's* court was frequently as startling as it was unconventional. A correspondent's letter to the New Orleans *Daily Picayune*, for August 5, 1849, recorded an incident which was verified by other contemporary sources. A man had killed another in one of the California mining camps and was hauled before the local *alcalde* for trial. The jury brought in a verdict "that the person committing the act was justifiable, as he had been attacked, but that he was always ready to quarrel and fight, and dangerous to the peace and good order of the camp, and therefore he must leave the country in thirty days; failing to do which, he would be shot down by the first person laying eyes on him."



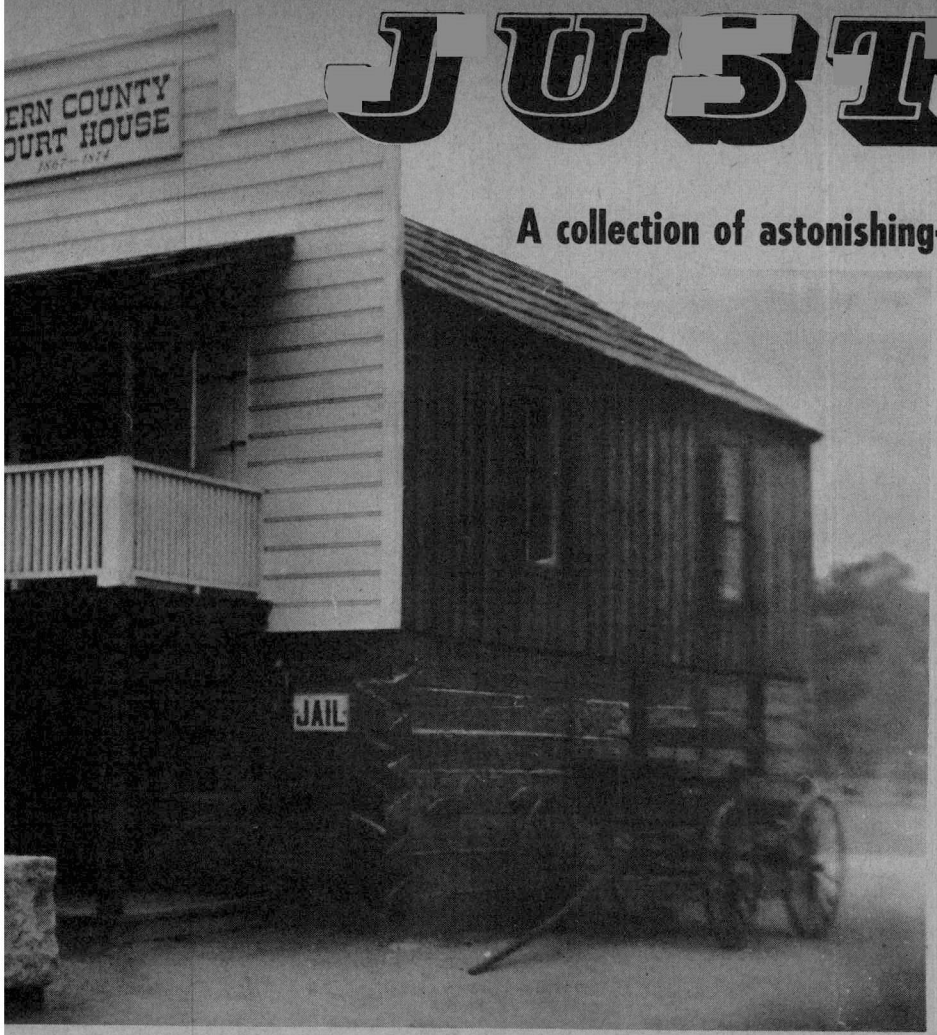
AN ENGLISHMAN, Frank Marryat, recorded another typical case in an *alcalde's* court. Two Spaniards, who had acquired a large quantity of dust as a result of their labors, quarreled over the possession of a mule. In taking their case to the local *alcalde*, each man was required to pay three ounces of dust for the expenses of court before the case could be tried. After paying the sheriff an additional two ounces as his fee for rounding up a jury, the two Spaniards made their respective statements, which were very contradictory. The jury's verdict was that costs should be borne by both men and as there was no evidence to show to whom the mule really belonged, they were to draw straws to see who kept the animal.

The bill of costs amounted to twenty ounces and the liquor bill to three ounces more. The Spaniards then retired to draw their straws, but discovered that one of their countrymen had already decided the case by stealing the disputed mule!

At Sutter's Fort a character named Philosopher Pickett shot and killed a man in self-defense. Pickett was something of a badman and rather than try

JUSTICE

A collection of astonishing—and often funny—incidents involving the rope, the gavel, and the gun



Courtesy Kern County Museum

Early California justice was meted out in crude structures such as this restored Kern County courthouse in Bakersfield's unique Pioneer Village.

his case, Bates, the *alcalde*, promptly resigned. When another *alcalde* was appointed, he too declined the honor and there was still no one to try the case. Finally, the leading merchant at the fort, one Sam Brannan, called a citizens meeting where he was elected the new *alcalde*.

After a succession of appointed citizens declined the post of prosecuting attorney, Brannan accepted that post also. A jury was finally empanelled and Pickett was brought into court. He was requested to lay his pistols on the table next to a pitcher of water and a jug of brandy. Pickett was his own counsel and during the course of the proceedings the spectators, judge, jury and defendant helped themselves to the brandy. When Brannan got down from the judge's bench to make his opening speech for the prosecution, Pickett objected; "Hold on, Brannan, you are the judge," he said.

"I know it," replied the brassy storekeeper, "and I'm the prosecuting attorney, too!"

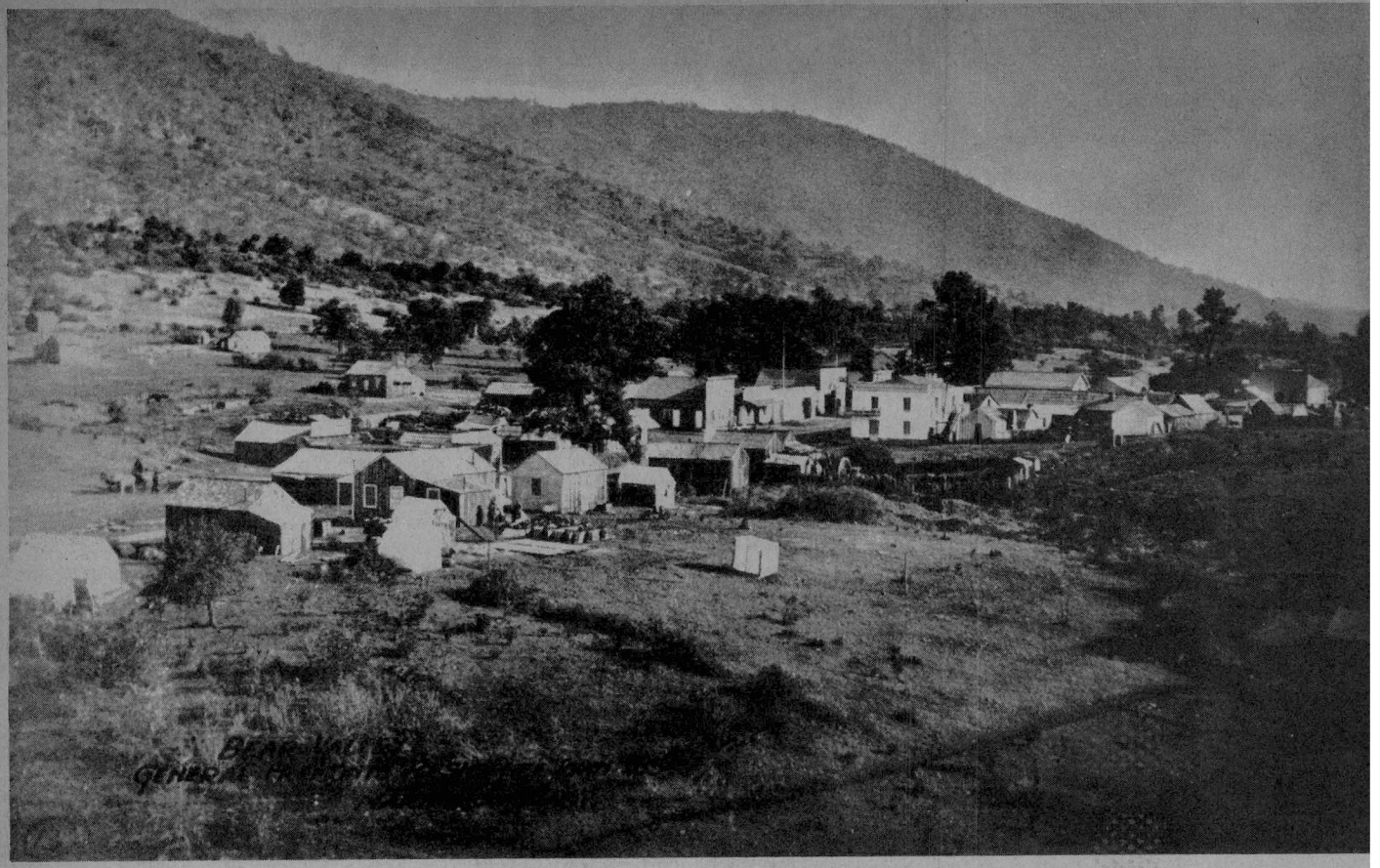
When Brannan, the prosecutor, finished addressing Brannan, the judge, Pickett made a speech in his own behalf. He was well lubricated with brandy by now and his defense was an able one. The jury couldn't agree on a verdict, but at a new trial the philosopher was acquitted. That a man could act as both judge and prosecuting attorney illustrates the legal haze within which some of the American *alcaldes* acted. But these were hectic times and to the pioneers any type of law was better than no law at all. After 1850, justices of the peace assumed the legal duties of the *alcaldes*, and that office was replaced by mayors and other civic officials.

Scene in an early California alcalde's court. From an old engraving in the book *Scenes de la Vie Californienne* by F. Gerstacker.

Courtesy California State Library

EVEN after a system of courts had been inaugurated, the legal situation was unstable and unusual, to say the least. There was plenty of legal talent available in California, but frontier conditions were to deter the application of justice for a good many years. Laws were so loosely written that totally unqualified men were elected or appointed to judgeships, and justices of the peace sometimes wielded awesome powers. Although the latter's criminal jurisdiction included cases of punishment up to a year's imprisonment or a $500 fine, for a time they could try mining disputes of any valuation.

A justice of the peace was indeed a man of prodigious influence, but unfortunately his intellectual capacity didn't always measure up to the stature of his office. At a mining camp near Mud Springs one day in 1858, a local justice of the peace was summoned into court



Bear Valley, California as it looked in the 1850s. Justice was practical and swift in these rough frontier communities.

as a witness in a dispute between a Negro and a Chinaman. When the justice was called to testify, he insisted on swearing himself in as a witness, which he proceeded to do in the following manner; "I solemnly swear myself, before myself, in the presence of God Almighty, that I will tell the truth in the case now in hearing, wherein the Negro am on one side and the Chinaman on the other, and if I don't tell the truth, I hope I shall never see my wife and children again. Amen."

A Bodie, California, justice of the peace listened with furrowed brow to the prolonged arguments of two opposing attorneys. After the lawyers had finished, the justice leaned back in his chair and slowly shook his head.

"You'll have to settle things between yourselves," he mumbled, "I can't make head or tails of it. Court's adjourned."

The classic J. P. of the mining country was Justice Richard Barry who succeeded the last *alcalde* of Sonora. Barry was a stout, red-faced man who ruled with an iron hand and carried his court docket on bits and scraps of paper in his hat and pockets. As ludicrous as many of Barry's decisions seem, they reflect a practicality which seemed in perfect keeping with a wild and chaotic era. Barry's court records tell a story which no writer could ever hope to improve.

July 9, 1851 Rich'd C. Barry, J.P.

. . . This is a sute for mule steeling, in which Jesus Ramirez is indited for steeling one black mare mule, branded O with a 5 in it, from Sheriff Work. George swares the mule in question is hisn, and I believe so, too; on hearing the caze, I found Jesus Ramirez gilty of, felonously and against the law made and provided and the dignity of the people of Sonora, steelin' the aforesaide mare mule, sentenced to pay the cost of court $10, and fined him $100 more as a terrour to all evil dooers. Jesus Ramirez not having any munny to pay with, I rooled that George Work should pay the costs of coort as well as the fine, and in default of payment that the said one mare mule be sold by the constable, John Luney, or other officers of the court, to meet the expenses of the costs of coort, as also the payment of the fine aforesaid.

R. C. Barry, J. P.

AND just in case you don't think Justice Barry could or would make his decisions stick, the following item was recorded the next month.

Sonora, Aug. 21, 1851.
John Luney, Constable.
N. B. Barber, the lawyer for George Work, insolently told me there were no law for me too rool so. I told him I didn't care a damn for his book law, that I was the law myself. He continued to jaw back. I told him to shet up, but he wouldnt; I fined him $50, and committed him to goal [jail] 5 days for contempt of court in bringing my roolings and discussions into disreputableness and as a warning to unrooly persons not to contradict this court.

That such rulings were not infrequen is evidenced by this document from Bar ry's files, labeled Case 101.

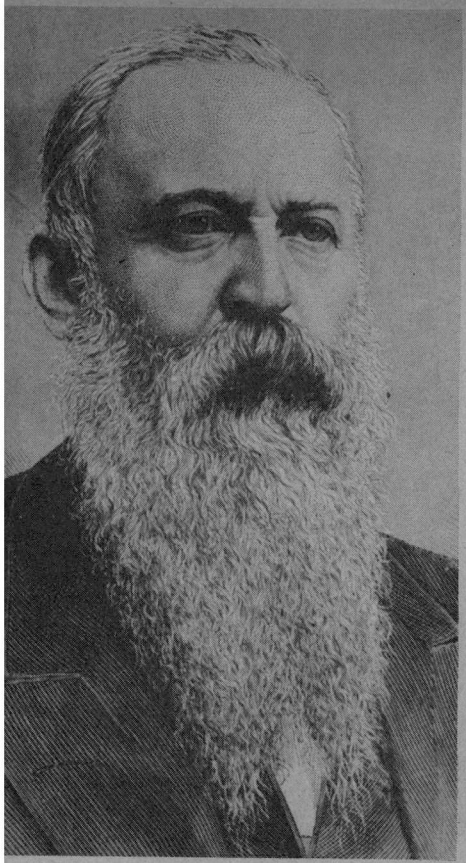
In a caze where one James Knowlto brings sute again joss Sanchis for fe onously, and surreptiously, taking, stea ing, and robbing the said James Know ton, late of San Francisco. One buckski purs or sack of gold-dust of the value o $4,000.

After heering the evidence projuced i the case, I demand of Jose Sanchi whether he was going to plead guilt or not. Jose answered me thus, you fin out. For which insolent, and abominabl contempt of court I find him 3 ounce and adjudged him guilty. I sentenced hi to restore the goold dust to the cour and, to receive well lade on 40 lashes o his bare back, and to pay the Costs of th Court.

Cost of Court 5 ounces which Jose n having I rooled that James Knowlto should pay. Deducted the amount and r turned the balance to owner Jam Knowlton.

Another illustration of Barry's uncon ventional proceedings was recorded a Case 606.

This was a sute between two gamboleer [gamblers]. E. Krohe the gamboleer wh sooed Sam Heed the gamboleer to recove 3,000 dolers won at ceards. After muc swarin one way and another the lawyer H. P. Barber and Leander Quint, argooe the caze, which after a long time the



Courtesy California State Library

William M. Stewart, an early Nevada County lawyer who once had to outdraw a badman on the witness stand!

thing to say he never shood have justice here. I ordered him to hold his tung and shet up when he went out of coort he began to grumble again; i ordered John Luney the canstable to arrest him and bring him into coort before me, which he done, and I then fined him $25 for contempt of court.

A SUMMARY and practical brand of justice was dispensed by Uncle Zeke Dougherty of Nevada City. Zeke was elected justice of the peace in 1852 and was described by a contemporary as "an Irishman between seventy and eighty years old. He looked more like a skeleton than a human being and had a squealing voice which would mount to the sky in a high key when he spoke in earnest; but he had a sense of justice as strong as any man I ever knew."

Zeke's trial of a pair of young horse thieves was a famous incident in its day and is authenticated by many sources. William Stewart, at that time a young, local attorney and later a state senator, wrote that he knew the boys were guilty, so the case wasn't the miscarriage of justice that it could have been.

The two young men had been caught with some stolen horses and other plunder and in due time were hauled up before Uncle Zeke. It was early morning when court convened and the guilt of the two thieves had been pretty well established by noon. C. Wilson Hill, the defending lawyer, at that time presented a list of ten or twelve witnesses whom he wished to have called by the court.

"And what are you going to prove by them witnesses?" asked the aged justice.

"If Your Honor pleases," replied Hill "these gentlemen are from Providence, Rhode Island, and they all knew the accused at home and can testify to their good character."

"Good character be damned!" roared Uncle Zeke. "Ain't they been proved to be thieves? Sheriff, take the prisoners to jail. The court is adjourned."

The historian Bancroft in his volume, *California Interpocula*, gives a slight variation in the episode. He only makes note of one horse thief and has Zeke replying to the request for character witnesses as follows:

"What in hell is the use of trying to prove his good character when he is already proved to be a thief?"

"Your Honor," replied defense counsel, "notwithstanding the one-sided evidence, the theft is not proved; moreover it is a presumption of law that a man is innocent until he is proven guilty."

"Yes, my friend," concluded Uncle Zeke, "and there is another presumption of law, and that is that a justice of the peace is not bottomed with cast-iron. You may go on with your speech if you like, but I am going for my bitters [liquor] right now."

Justices of the peace sometimes got a dose of their own medicine as is attested by an item in the Sacramento *Daily Union* for March 1, 1858. Under the heading of "An Inquest on William Goat," the article told how a "Justice of the Peace at Angels [Camp] was called upon recently by some parties to hold an inquest. Providing himself with a venire and a copy of the statutes, he made his way over rocks and through bushes until he came to the individual who it seemed had fallen into a mining shaft. Upon reaching the spot he found an old acquaintance familiarly known about the diggings as one Billy Goat. The justice talked seriously of arresting the parties for contempt."

IN the rough boom camps of early California there were understandably occasions when the dignity of the court was not respected. After a stabbing affray in a San Francisco saloon, the survivor was hauled before a local magistrate who hinted strongly that the prisoner was due for a stretch in the calaboose.

"This is a bailable case," bellowed the prisoner, "and you can't put me in thar."

"This is not a bailable case," replied the magistrate.

"I know it's a bailable case!" interrupted the prisoner. "I am something of a lawyer even if I am dressed in buckskin. You can't put me in the calaboose, sir."

"Stop, sir, stop," said the magistrate, "you will have to go to prison if . . ."

Again the prisoner interrupted, "I go to prison? No, sir, and you can't put me thar."

"Yes, sir, we'll see," said the judge, his face reddening visibly.

The prisoner lost all restraint at this point. "Yes, sir, I'll hear you and you are no gentleman! You can't put me in that prison; you are a villain. Don't you dare to put me in that prison. I never was in prison yet, and if you put me thar and want to live you had better leave this place!"

The magistrate was shaken by the vehemence of the prisoner and was mumbling about turning him loose when other officers of the court insisted that he be thrown into jail.

Under similar circumstances, other early lawmen were made of sterner stuff. The Grass Valley *Daily Union* for May 27, 1891, recalled an incident in the career of a German cobbler who was elected justice of the peace in the gold rush days. The article related that the cobbler's "reputation as an honest toiler was well established, but his legal knowledge and sense of humor were so far of unknown quantities." One of the cobbler's first cases was the trial of a local tough citizen for a breach of the peace. The justice quietly heard the evidence and then pronounced a sentence of three months in jail. The prisoner was enraged at his sentence and after a spirited denunciation of the court, ended his tirade by promising to call on the cobbler the minute his sentence was up and prepare him for a first class funeral.

The old German patiently waited until the prisoner finished and then solemnly addressed him in the following manner:

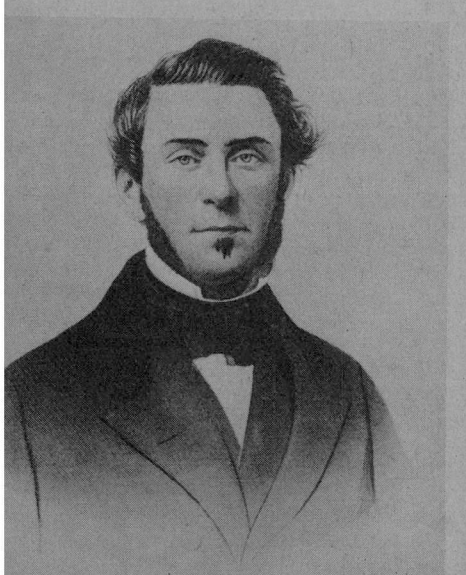
"Vell you kills me today three months ago, vill you? Let me see; this is August first. Three months vill be November first. Thanksgiving will be twenty-fifth. I vill miss my Thanksgiving dinner. Christmas is next. I vill miss Christmas too. Six months from August first vill be

(Continued on page 56)

got through with. I discided that Barber was right, whereupon Quint said please your honor I never can get justice in your coort; putting out his finger and thumb, i told him the likes of him in my country often lost their fingers stealing corn or chickens, and that if i had any-

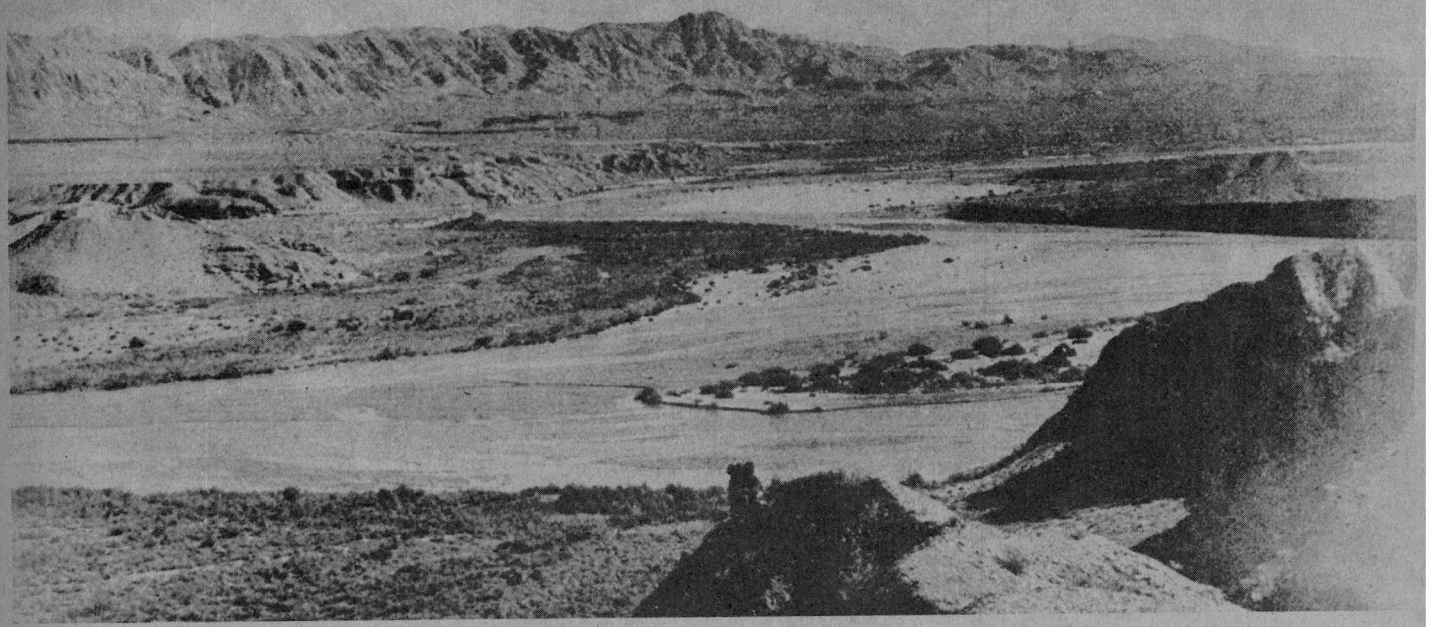
As the alcalde at Sutter's Fort, Sam Brannan once served simultaneously as judge and prosecuting attorney!

Courtesy Society of California Pioneers



The serene Rio Virgin which Lowe crossed to follow on to the Santa Clara.

On an unmapped route along a mountain stream a settler's wagon wheel plowed into a ledge of silver and lead. First discovered by pure accident, why couldn't it be located again the same way?



WEALTH of the SANTA CLARA

By MAURICE KILDARE

Photos Courtesy Author

JOHNNY LOWE always referred to himself as the "old prospector." He followed the gleam of gold all his life, starting when a small boy tagging along after his father in California's Mother Lode. It was all he knew. In his time he hunted for gold and other valuable minerals in every western state—the premiere prospector of them all.

Johnny began hunting for the lost silver and lead ledge on the Santa Clara River in the extreme southwestern corner of Utah as early as 1885. On leaving the area he would prospect elsewhere, but in a year or two, infrequently after an absence of five, he always returned. The lost ledge seemed to fascinate Johnny and certainly it provided an intriguing challenge.

For his searches he always based somewhere near Wolf Hole Mountain south of the Utah border in Arizona. Like many old-time prospectors it was his engrained conviction that settlers in the area would never permit an outsider to make a rich discovery and get away with it. He held this belief even during the 1930s when making his last searches along the river near St. George.

"If they even suspicion you're close to finding something, they'll rub you out," he would declare most solemnly. While this wasn't true, the slender, wiry, whiskered, blue-eyed Johnny insisted that it was without equivocation.

The legend of lost silver and lead near St. George is a very old one. There exists some evidence that it was known to the Spaniards who came down the shortened Spanish Trail from New Mexico en route to California. The trail crossed the river there, near the junction of the Santa Clara and the Rio Virgin. Both streams were named after American settlers arrived.

On returning to New Mexico from California trading trips the Spaniards certainly obtained, somewhere in the region, lead containing a high percentage of silver. Bullets moulded from this metal were harder than those of pure lead.

The first record of an American discovery of the silver and lead occurred in 1852. California-bound immigrants were then passing through Utah and down the Spanish Trail, crossing the Santa Clara near St. George which was established nine years later.

One Jim Hounton traveled west with an 1852 wagontrain. While driving one of

Courtesy Mrs. S. I. Richardson Collection

Johnny Lowe and part of his burro string prospecting in Navajo Mountain country.

the wagons along the riverbank it rammed into an exposed ledge, knocking off loose rock and covering soil.

Thinking that the left front wheel might have been damaged he halted, dismounting to examine it. But the wheel was all right, so he looked at the obstruction—an exposed ledge of what appeared to be soft, shiny lead. A number of specimens were tossed into the wagon under the driver's seat. Later in California the ore was assayed and proved to run 60% silver and 40% lead.

TEN YEARS LATER, being foot loose and free, Hounton returned to Utah. The area was then settling up, and St. George was being established. Knowing what he was after, Hounton brought along four big mules to pack it out on. But he was greatly perturbed on discovering that a wagon road north to Pine Valley passed almost within sight of where he had uncovered the ledge.

Traffic was only occasional, however, so he went to work getting out the silver-lead ore. After the surface was cleaned he followed the ledge into the ground, starting a slanting shaft. Soon having more ore than the mules could carry, he piled the extra chunks of mineral back into the mine.

Several loads of lumber had come down from the saw mill in Pine Valley, and each time a hauler passed by, Hounton ducked from view. His camp and stock were located downriver in some timber to ward off discovery of his presence. Hounton harbored the belief that if he were found working a mine he would be killed.

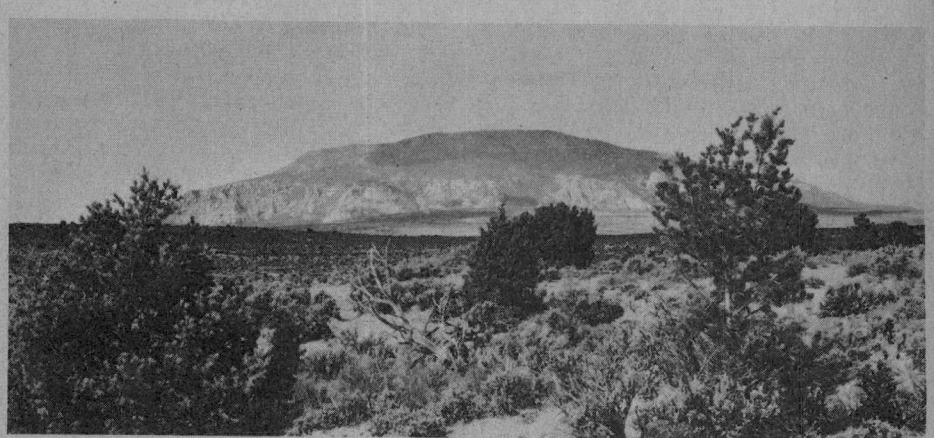
One day he brought up the mules and filled the pannier with rich ore. As he finished, the rumbling of an approaching wagon could be heard. Hastily mounting his saddled horse Hounton started the mules off north through the timber.

Robert Lloyd was driving an empty wagon to Pine Valley for a load of lumber to be used in building houses. He spotted Hounton (not knowing who he was) in a tolerable hurry to get out of the area. Curious about the stranger's haste, Lloyd took up Hounton's back trail which led him to the mine—this time not completely covered up. Lloyd found the pile of ore inside and took away about fifty pounds. He drove on to Pine Valley and returned south four weeks later.

In St. George he showed the curious dull colored ore and heard it pronounced lead. "Worth nothing these days," he was told by several men. "There's too much of the stuff elsewhere in Utah and Nevada, so you can't sell it."

Lloyd gave the matter no further thought until the fantastic Silver Reef mines in sandstone were discovered in the 1870s. From these mines millions were taken. Furthermore, Lloyd heard miners refer to what he had as hornblende, and the color was the same. Envisioning himself as a rich man he hurried to the spot on the Santa Clara where he thought the mine was. To his astonish-

Navajo Mountain on the Arizona-Utah border.



The Indians discovered Lowe on the Santa Clara but were not concerned.

ment he could find no trace whatever of the silver-lead.

Lloyd soon learned that there had been successive floods down the Santa Clara. In the low flat area the stream had changed courses many times and had deposited mud, sand and debris indiscriminately. All his extensive hunting proved futile.

News of the fabulous Silver Reef mines in southern Utah spread world-wide. Their fantastic values attracted men from several nations.

Over in Nevada, W. K. Weems had considerable hope that he might strike it rich himself. He had been in Salt Lake City when Hounton went through there after disposing of his silver-lead ore somewhere en route north, and had become well acquainted with him.

Hounton had informed him that in case he ever wanted to hunt for something good to try for his mine on the Santa Clara. Asked why he didn't stay there and work it himself, Hounton's reply was that he had to go home to Illinois —and anyway—the settlers would surely kill him if he stayed around.

Now, in 1880, Weems felt confident he would have no trouble with anyone in the district and went there to look around. Hounton had given him explicit directions.

For ten days no one bothered Weems or even came around. Then one night while he sat eating flapjacks and beans, four black-hatted men walked into the camp with rifles and a shotgun trained on him. The spokesman said, "You are trespassing on private property. Pack up your plunder and get out."

"There ain't no farms near me and I'm only looking around," Weems protested. "The farms and fenced land are farther north from here and down around the Indian reservation."

"Load and leave right now. If you show your face in these parts again you'll be shot without warning!"

Weems departed and never went back. His account of meeting Hounton and what happened to him on the Santa Clara were related to Johnny Lowe at Battle Mountain, Nevada.

The Wolf Hole Mountain country in which Lowe always hid his main camp.

SEVERAL YEARS passed before Johnny considered looking for the silver-lead. In the Arizona Strip, a rugged wilderness and desert region north of the Grand Canyon reaching to the Utah border, he made camp near Wolf Hole Mountain.

He always had from five to ten big jacks in his string, able to pack heavy loads. This time he had eight. Leaving six of them in a pocket, he packed one with grub and tools, and riding the second jack with a rifle across the saddle Johnny struck out north in the night time.

Crossing the Rio Virgin the next day, he went around St. George and up the Santa Clara. He hid his dry camp—and when Johnny hid, he was a very difficult man to find.

After considerable maneuvering he located what he believed was the site of the old Spanish Trail crossing. Both sides of the watercourse were worked from there. The few farms in the area, especially around the old settlement of Santa Clara (even then becoming a ghost site), were carefully avoided.

At the end of two boring weeks Johnny concluded to pull back to Wolf Hole Mountain. On the way south he entered St. George, the seat of Washington County. A few minutes' study of the assessor's map revealed that the area he wanted to search was neither privately owned land nor on the Shivwits (Piute) Indian Reservation. Actually some of it was, but it lay out in the rough for stock grazing.

On reaching camp below the state border Johnny changed his mind, deciding to try southern Arizona. He prospected there and later in New Mexico, but during the summer of 1890 he returned to the Santa Clara to try his luck once more.

It was his theory that if flood waters had reached the Hounton discovery and had been swift enough, likely some of the smaller pieces of the silver-lead had been carried downstream. They would be in one of the old stream beds or in parts of the present channel. The small irrigation dams had prevented any great flood in more recent years.

The Santa Clara was hardly more than a trickling brook when he reached it. He moseyed around searching gravel beds between St. George and the Indian reservation. This put him right over what he believed had been the old Spanish Trail and the immigrant road to California. Johnny surmised that the immigrant road route had been changed any number of times. The Mountain Meadows massacre in 1857 had occurred more than twenty miles north of his first searching.

Circling around the Shivwits reservation Johnny started anew from the line on the Santa Clara. Two days upstream he was unexpectedly visited by several Indians. A lowly burro wanderer was of their status so they greeted him with friendly smiles.

"You look for gold?" one asked. "No gold here. Only lead. No good, lead. Losta silver 'way up there." The Indian pointed

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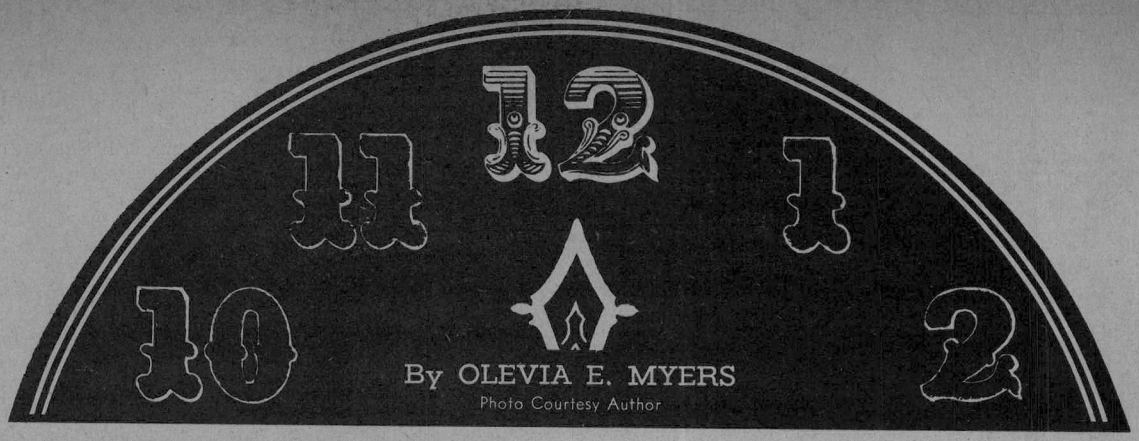


By OLEVIA E. MYERS

Photo Courtesy Author

HORROR at MIDNIGHT

The little cabin became a butcher shop in the space of a few minutes. And who was dealing out death? Two neighbors—two friends!

UNCLE JEFF was twenty-one when he drifted from Grandpa's homestead, right smack dab where the city of Siloam Springs, Arkansas now stands, over into the Indian Territory to work at clearing some bottomland on the Canadian River. It was the fall of 1880. He was working for a man named Davis and was getting $2 per acre for the clearing.

Davis had a neighbor, a Doctor Tenant. Half a mile away lived another neighbor, Ellis McVay, who lived right on the line between the Creek and Choctaw Nations.

In early December, bitter cold, with hard frozen snow on the ground that early morning, Doc Tenant came knocking on the Davis door asking for help for the McVays. Uncle Jeff told the story like this:

"Mrs. McVay and Bill Burnett, a young feller who had hired on at the McVay place just a few days before the killing, were at Doc's house and Doc thought Burnett was dying. A crowd gathered first at Doc's house and then at the home of the McVays. They cared for the blood-soaked, bullet-riddled body of Ellis McVay, and knocked together a rough box for a coffin out of a couple of barn

(Continued on page 62)

"Uncle Jeff," standing, while Tom White, his brother-in-law sits in chair on the porch of old White's General Store, long a landmark in Pryor, Indian Territory and early-day Oklahoma.

TOP MAN of the

Courtesy Western History Collections, University of Oklahoma Library

Above, Holbrook, Arizona in the late 1800s. Burt Mossman arrived here in the winter of 1898 to begin his job as manager of the vast Hash Knife outfit. At left, Augustin Chacon, a bloodthirsty Indian-Mexican renegade who reputedly killed at least 24 Americans in his notorious career. He was captured by Burt Mossman and turned over to the Arizona authorities.

From **Cowboys and Cattlemen,** by Lela & Rufus Waltrip; David McKay Company, Publishers; 1967.

ONE OF THE MOST efficient lawmen of the Old West was Burton C. Mossman, Captain of the first Arizona Rangers. Dangerously and daringly Burt lived and rode. And his greatest victory came when he tricked and captured Augustin Chacon, a renegade Indian-Mexican cattle thief on the Arizona-Mexican border.

It is claimed that Chacon murdered at least twenty-four Americans during his notorious career, and terrorized hundreds. Single-handedly Burt delivered Chacon alive into the hands of the Arizona officers. "Any man can kill another," Burt Mossman said, "but only a good officer can take an outlaw alive."

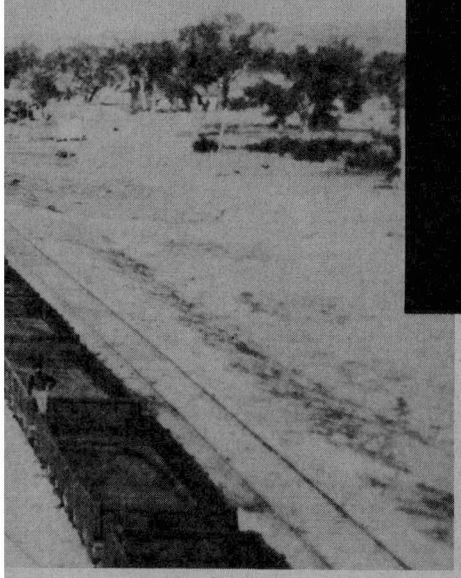
It was a bitter morning in January 1898 when Burt Mossman stepped off the train at Holbrook, Arizona. Cold, hard sleet came tumbling from the slate-colored sky. Soon the dry, packed earth with its scars and cracks was covered with snow-like ice. Burt stood on the platform and looked around at the town, then lifted his gaze toward the Mogollon Mountains in the background.

Burt Mossman had just been hired as manager of the vast Hash Knife outfit owned by the Aztec Land and Cattle Company of New York and Boston. The General Livestock Agent, whose headquarters was in Albuquerque, had wasted no time in closing the deal with him. Burt was familiar with the country for he had come up from cowboy ramrod to small manager; he had followed every cow trail from Mormon Lake to east of Holbrook, and from the little Colorado River south to the Mogollon Rim. He knew that most of the Bloody Basin country was rough, hard work. Cattle got lost in deep canyons or roamed into the mountains where they would stay for five years before coming out as wild as deer. Burt knew it took a lot of men—tough men—to work that kind of terrain. He also knew that many of the range men matched the mountains. One such man—a young man—was now walking toward him. Charlie had ridden in from the Hash Knife headquarters leading an extra horse to meet the new boss.

"Where can we get breakfast?" Burt asked after pleasant greetings.

The cowboy gestured toward the Chinaman Restaurant down the street from the Bucket of Blood Saloon, and explained

TEARLESS THIRTEEN



Burt Mossman had a sound philosophy: To be tougher than the toughs, but to give them a choice of living or dying...

By
LELA & RUFUS WALTRIP
Photos Courtesy Author

Burton C. Mossman, cattleman and dedicated lawman.

Courtesy Arizona Pioneers' Historical Society

that there had been no killing in there for six months. "But one more killing would make it seventeen," he added.

CHARLIE described how things were faring at the ranch. Pretty bad, he told the new superintendent. The great Hash Knife was losing out fast to a band of cattle rustlers who were, themselves, hired hands on the range. Owners of the Hash Knife in plush offices in New York or Boston had no way of knowing what went on in the Bloody Basin of Arizona.

Burt got the picture at once. Here the great lost art of cattle rustling was at its peak. "Where law ends, there tyranny begins," William Pitt had said, and in the Bloody Basin of Arizona, tyranny reigned supreme. It was rumored that at that very moment, rustlers had a bunch of Hash Knife steers penned up at Snowflake about thirty miles away. Charlie gave Burt the details as they sipped a last cup of coffee, waiting for some drunks to clear out of the Chinaman.

The sleet had stopped falling and it was growing lighter when the two swung into their saddles and rode off, not to the ranch headquarters but toward the town of Snowflake. Burt shivered as he jogged along, and it was not entirely because of the weather. The country got rougher, and the riders kept to the little-known

cow trails to keep down any suspicion of their intentions.

Finally the trail curved around a ridge, and the two men glimpsed a campfire a few hundred yards ahead. Almost simultaneously three men at the camp caught sight of the approaching riders, and picked up their rifles. Riding up beside the fire, Burt swung out of his saddle, his pony between him and the three strangers. While on the off side of his horse, he shoved his pistol up the left sleeve of his great coat, pushing his fingers into his sleeves Oriental fashion. Then he walked around the head of his horse to the fire to warm himself.

Burt began with a few words of greeting and comments on the cold weather to which the sullen trio made no reply. Suddenly Burt whipped out his right hand, and shoved his pistol into the middle of the man on his left. "Drop your guns," he ordered.

Rifles dropped to the ground. When the men were tied up Burt stepped to the wagon, raised the tarp and saw the quarters of three steers. In a clump of trees nearby were three hides with the Hash Knife brand.

Back in Holbrook the rustlers were turned over to Sheriff Wattron who already knew all about Burt Mossman, his new job, and the reputation he had made in other sectors of the Bloody Basin. It was another day before the new Hash Knife superintendent rode out to the ranch headquarters. And when he did go, he wore a deputy sheriff's badge.

WHEN BURT arrived in Winslow the following day, not by horseback but by train, a group of loafers around the depot raised their eyebrows and began wisecracking about the new boss of the Hash Knife. Burt knew he wasn't so much to look at. He was a little short of five feet eight inches, and weighed 165 pounds. He didn't have the appearance of a tough fighting man.

A burly six-foot loafer at the Winslow depot snickered as he whispered an insult about the squat, thick-chested boss. A second loafer sneered, and the first one doubled over in laughter. The idea of this little man, Mossman, trying to run the great Hash Knife was a real joke. But it was not a joke for long.

Burt slipped out of his coat and in two seconds had the big man by the nose. He gave it such a vicious twist the fellow squealed in pain, but made no effort at fighting back. Burt Mossman had now won two rounds, and the grapevine was already humming, carrying the word over the country.

Within ten days Burt fired fifty-two Hash Knife men who were working with the rustlers. He kept thirty-two honest men for winter duty on the range. Joe Bergman, a close friend, was selected as his foreman.

When roundup time came in the spring Joe proved himself a reliable and capable cowhand. Two wagons with large crews went to work gathering and branding calves. It was not uncommon for each wagon crew to report 400 calves branded a day. The final count that year for the two crews came to 16,000. This was the largest number of calves branded in the great Hash Knife's history.

Along with turning over an excellent calf crop, Burt was responsible for eleven men being in jail for cattle and horse stealing. When court opened for the trial of these thieves, to the surprise of the whole community the juries found them guilty in rapid-fire order. It was learned that Burt had contacted some of the Mormon churchmen, and that they had assisted in getting honest jurymen. The rustlers were sentenced from two to four years in the penitentiary, and not a man went to prison who didn't vow he would "get" Mossman when he got out.

WINTER WAS COMING on and no one could guess that the snow would be over two feet deep on the level with drifts twenty feet high, a condition which was to last for months. After the first such blizzard, Burt's report to the company was that 2,000 head of cattle might be lost, frozen or starved. Later he raised that number to 5,000 as the snow continued.

Fifty-mile winds galloped over the mountains and through the canyons shrieking like the screams of a wild mustang with a lion on its back. As Burt rode the range with his men the penetrating cold seeped through his thick sheepskin coat and through his own skin; a biting cold with strong jaws and knife-pointed teeth. It scraped his bones and chewed at his very bowels. When spring finally came and the snow was melted away, a loss of 10,000 head of cattle had to be reported.

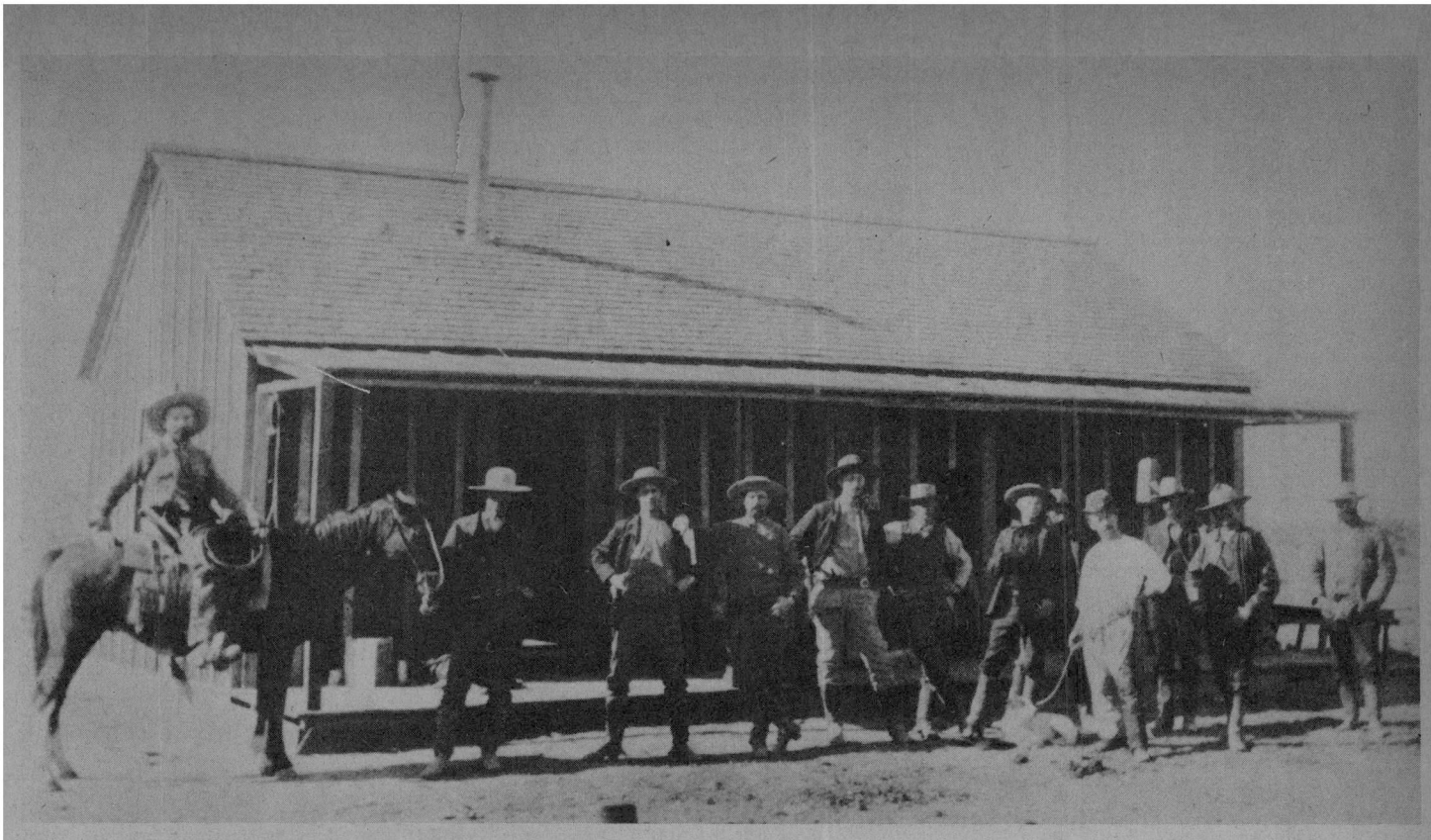
Burt Mossman did not give up but leased grass in Kansas and bunched his remaining 33,000 head into age and sex and shipped them to new pastures. Only cows and young calves were left on the Arizona range. That fall he sold the fat stock at a good profit and another outstanding report was made to the officials of the Hash Knife. But rustlers were aware of this gain and they struck hard in the spring of that year. With his faithful deputy sheriff, Burt corralled another gang of thieves to be shipped to prison.

Every suspect rancher, sheepman, and cattle rustler, Texan, Mexican, renegade Indian chief, and badman in that area lined up solidly against Burt Mossman. Not only were losses from rustling heavy but the Spanish-American War brought cattle prices down. The land had been overstocked from the beginning, and the severe winter followed by a drouth, came in for the kill. The Hash Knife outfit was liquidated, and went out of business just as the twentieth century was ushered in. Burt Mossman was without a job. But not for long.

He joined a company partnership with

F. J. Wattron, sheriff of Holbrook back in 1898.

Courtesy Arizona Pioneers' Historical Society



Courtesy Arizona Pioneers' Historical Society

The original Hash Knife outfit in 1886. Mossman was hired to manage the spread owned by the Aztec Land and Cattle Company of New York and Boston.

Ed Tovrea called the Tovrea and Mossman Company for the purpose of butchering beeves for local markets in southern Arizona. But just as he had begun to relax from the strenuous work of the Hash Knife superintendency, several propositions were offered him. Over the country there had come a new and frightening rash of thieving, murdering, cattle rustling, stagecoach and train robbing.

Burt Mossman would have to risk his life time and time again before he could ride free and easy on the trail to complete victory—law and order on the range.

IT WAS IN 1902 that Mossman aided Governor Murphy of Arizona in organizing the Arizona Rangers, a body of highly mobile law enforcement officers. These Rangers were something of a cross between the Texas Rangers and the Mexican *Rurales*. The men were recruited from tough but trustworthy cowboys, and trained in a similar manner to Roosevelt's Rough Riders. Besides Burt as captain, twelve Rangers were selected and sworn in, assignments were made and they were ready to act. "The Thirteen" became a near legend.

Many were the daring encounters of Mossman and his men, but in a short time two of the Rangers had been killed, one of them a close friend of the captain. Burt doubled his efforts. The men and their equipment were given free transportation on special trains, which made it possible for them to strike quickly, unexpectedly, and be gone. Burt made contact with the leader of the Mexican *Rurales* south of the border, and they worked out a plan whereby each would capture any outlaw from the other's country. Each officer could freely cross the border when in pursuit of a lawbreaker.

Once when Mossman returned to Phoenix to report to Governor Murphy, he also gave the Governor a silver dollar which the dying Ranger, Tefio, had asked to be given to Mrs. Tefio. This dollar and a month's pay were all in the world the dead Ranger had left. Mossman and Murphy appeared before the legislature where they asked for and obtained a pension for the widow.

It was Burt Mossman's sad duty to take the dollar to the sorrowing woman. Burt felt that this was a more difficult task than facing an armed man in capture.

To the Rangers left, Mossman said: "Remember Thomas Jefferson's saying, 'The execution of the law is more important than the making of them.' Take no chances with these buzzards—I'm not going to ask why or how you had to kill a man. All I want is to make sure that you boys don't get killed yourselves."

Six men had robbed a train and reportedly the thieves were headed south to a hideout in an old adobe house. One morning at daybreak a charge of dynamite was set at each corner of the house and the explosion aroused the outlaws from a quiet slumber. Augustin Chacon got away and the villagers helped the Rangers bury the other five. Mossman would not forget the mass murder committed at Morenci. Death and grief continued to litter the murderer's trail. Chacon struck again and again.

Records show that The Thirteen brought back their men nine times out of ten—dead or alive. "No North West Mounted Police or Texas Rangers ever did more for civilization than this hard riding, straight shooting, fearless 'thirteen' of Arizona," said an old-timer. But Chacon was still at large.

ON JULY 2, 1902 Mossman was appointed Deputy United States Marshal. Now he could complete some of the work he had started earlier. The capture of Augustin Chacon, renegade Indian-Mexican cattle thief and murderer, was an unfinished job of prime importance. Mossman sought Chacon relentlessly, searching beyond the borders. There was no rock or ridge, trail or tree but death might lurk behind it for Mossman, for the searcher stands on more dangerous ground than the one sought.

Records show that even Augustin Chacon considered Mossman a tough man with plenty of grit and good sense, and for a long time the bandit stayed clear of the law.

When Mossman got word of Chacon's hideout in Mexico just across the border Burt Mossman went there immediately with Billy Stiles, another Ranger. Billy himself had not always been on the side of the law. He had many dealings with Chacon. "It takes fire to fight fire" is an old rule of the range. "A man who has been an outlaw can more easily locate the hideout of an outlaw," is another.

Cap Mossman, as a part of his plan, assumed the role of a fugitive from the States. He changed his personality from seriousness to daredeviltry and excitement. He knew the outlaw would be suspicious from the first, and would be

(Continued on page 72)

Courtesy Historical Society of Montana, Helena

By R. C. HENRY
Photos Courtesy Author

BILL FAIRWEATHER was a stubborn man with a violent temper.

As an example he was member of a small party of white men who, riding over a hill, suddenly confronted a large number of Crow Indians. The tribesmen had evidently anticipated their coming and had placed themselves in loose ambush. The whites were not particularly disconcerted at first, for though the Crows were notorious horse thieves, they seldom took paleface scalps.

But the Crow movement now was threatening; the band closed in on the little party. To resist would be suicide. A painted chief motioned the whites to drop their guns and dismount. Rifles slapped into the alkali and the men left their horses. All except Bill Fairweather.

At top, Virginia City, Montana in the early 1860s. At left, Bill Fairweather, a man with a mind of his own.

FAIRWEATHER

He struck

With a series of expletives he challenged the Crows to take his gun or dismount him. The red men stirred ominously. Then a chief rode up and extended his hand, in evident delight at seeing an old friend.

The whites breathed easier. This was Red Bear, a notable sub-leader of the Crows and a long-time acquaintance of Fairweather. But after the brief greeting during which Fairweather clung to Red Bear's hand as long as he could, the chief withdrew and the Crows again became threatening.

When a couple of braves ranged alongside with the evident intention of pulling him from his mount, to save his dignity and maintain the prestige he had gained as a friend of Red Bear, Fairweather slipped from the saddle. Only when they moved to take his gun did he leap back and threaten them, and thereafter the Indians made no further effort.

Camp was pitched and the Crows went about their routine duties. They paid little attention to the white men, who squatted together in a tepee to which they had been motioned and smoked and dozed and cursed. At sunset food was provided by no less than Red Bear himself.

He left the white men sunk in gloom. A council was gathering to decide whether to permit the whites to go free or take their scalps. This was a band which had recently had trouble with white men and was in a vicious mood. Red Bear pointed out that though he was Fairweather's friend, he had only one vote in a council where most of the chiefs were unfriendly.

After dark the debate over the fate of the white men began. The captives had no chance to make a break for it; only Fairweather had a weapon, and a score of sentries were posted around the tepee.

At midnight the conference broke up and the whites braced themselves, but no molestation took place and their hopes lifted. Shortly after dawn the council again convened, this time in the open around a mountain mahogany bush before which moved a medicine man, distinguished by his beads and feathers.

The whites were presently forced out to march around the "medicine bush" many times, after which they were permitted to squat and sweat in the increasing heat of the sun. Hours passed. The medicine man pranced at intervals around the bush, crying incantations. The chiefs argued in low voices. The sun-glow caused Bill Fairweather to wipe his face frequently and his temper began to overcome his prudence. At last he broke.

Above, "Robber's Roost" in southwest Montana, where Fairweather died at the age of 39 on August 25, 1875. Below, the grave of Bill Fairweather overlooks the gulch that he discovered.

With a yell of rage he leaped to the sacred bush and jerked it loose. The medicine man screamed with horror. Whereupon Fairweather swung the bush on him and beat him over the head a couple of times before enraged tribesmen wrestled him to his back.

But the head chief was less vengeful. He ordered the arms of the white men bound, Fairweather at last lost his rifle, and the chiefs and whites moved into the council lodge. Death for the white men was in the air.

Then Red Bear stood up and began to talk. He talked and talked, permitting not even his superiors to interrupt. He argued for the white men. His harangue began around noon, went into evening, continued while a couple of the younger warriors came in to build a fire. By the flickering, smoky light Red Bear carried on. He was still talking when sheer weariness overtook the whites and they fell asleep, although the chiefs appeared to be listening intently.

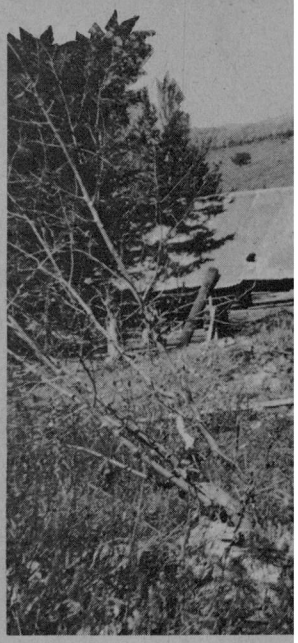
At midnight Red Bear eventually concluded what may have been the longest speech ever given on the frontier. He

(Continued on page 53)

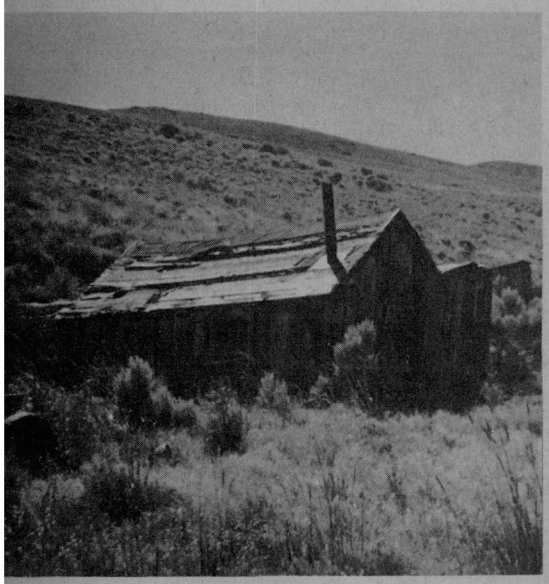
S LUCK

it rich in Alder Gulch!

SPLIT-LEVEL SPLENDOR OF THE



This solid rock cabin (above) at Park Valley, Utah was built to last. Below, a miner's home at the ghost town of Delano, Nevada.

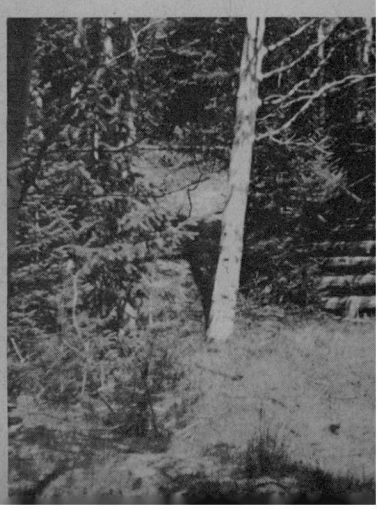


THOSE WHO TRAVEL the backtrails of the West, the prospectors, rockhounds, and ghost-towners, knew well the deserted cabins built by the miners of yesteryear. They photograph them, prowl through them, and probe their dusty corners with metal detectors, but few realize those old cabins are a link with the past which will soon be gone. They stand abandoned and lonely in nameless canyons, at forgotten mines, or lean drunkenly together in silent and deserted mining camps.

The day when miners built cabins ended about the same time the one-blanket burro prospector disappeared. The prospector had no need for a cabin for he slept under the stars wherever his wanderings took him. It was the miner who followed after him who built the cabins, and he built them to last, for like all miners he believed his mine would last. Since the day when the auto replaced the burro few cabins have been built, or needed.

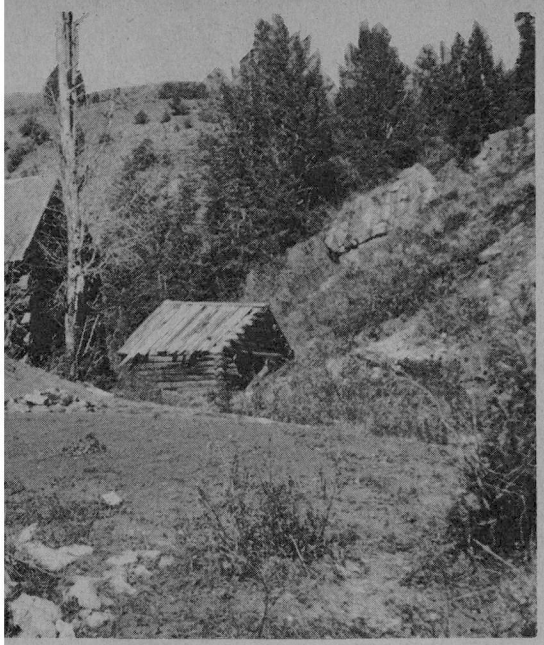
Those old cabins, most of them built before the turn of the century, were made of logs if timber was nearby, but often a board shack papered with pages from some pioneer newspaper was made to do. Sometimes, most often in the desert, they would be built of adobe or stone. The rains of a century have taken their toll of the adobe cabins while the countless storms of winters past have claimed most of the wooden ones. Only those of log and stone remain and they sag wearily with the weight of years. Soon even they will vanish, and like the miners' dreams, be gone forever.

Below, this was home to some hard working miner in Utah's forgotten camp, Miner's Basin. Below, right, a log-cabin home of a miner who lived at Kimberley, Utah.

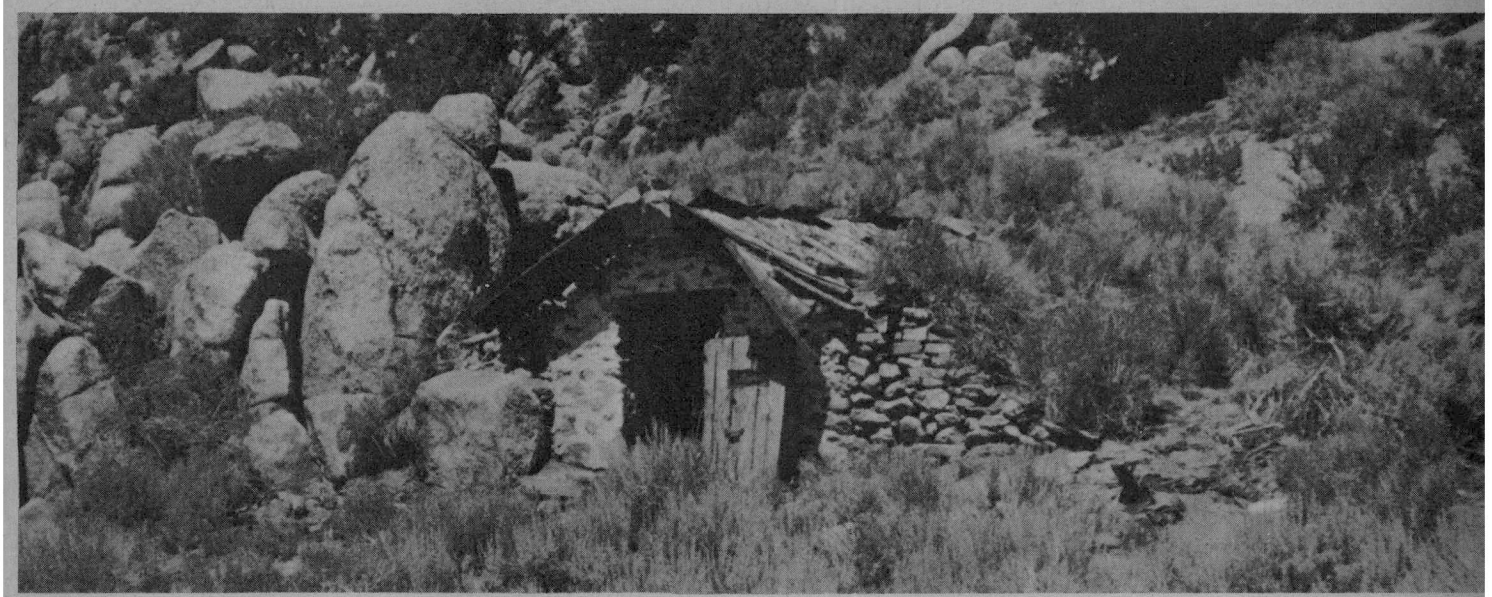


BACHELOR MINERS

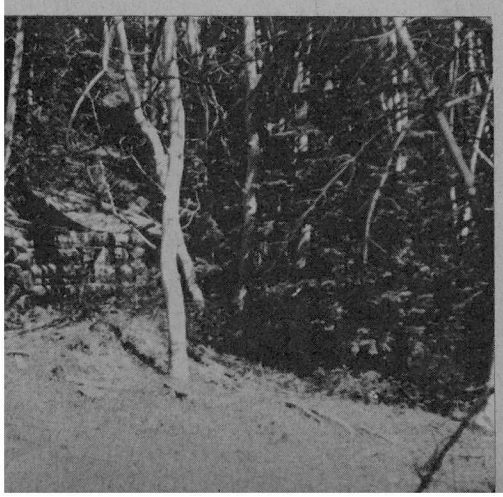
By GEORGE A. THOMPSON
Photos Courtesy Author

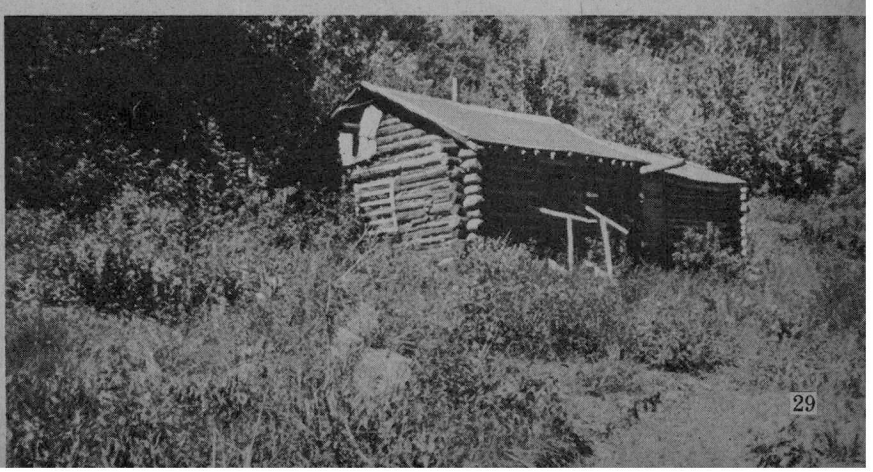


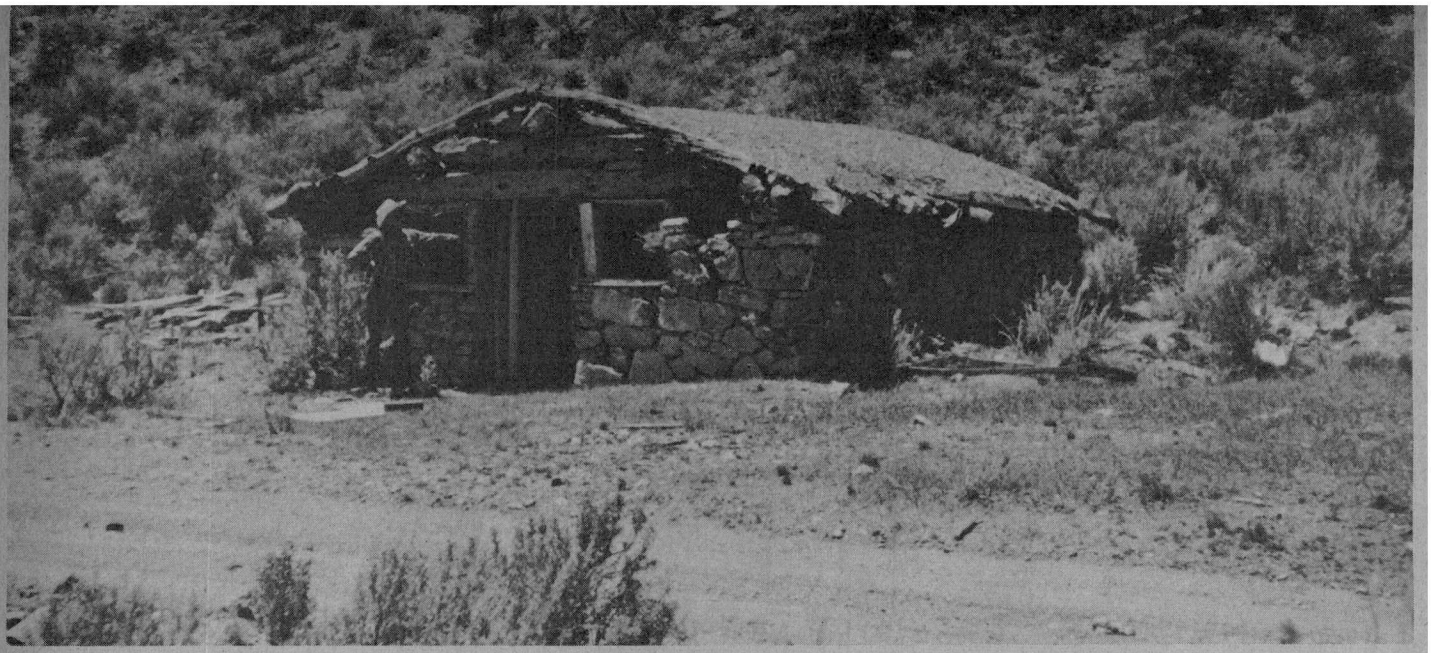
Above, at Moon Springs, Utah this old-timer is still solid and square after half a century. Below, a dugout home on Main Street in Masonic, California. At left, miners' cabins along what was once Main Street in LaPlatta, Utah.



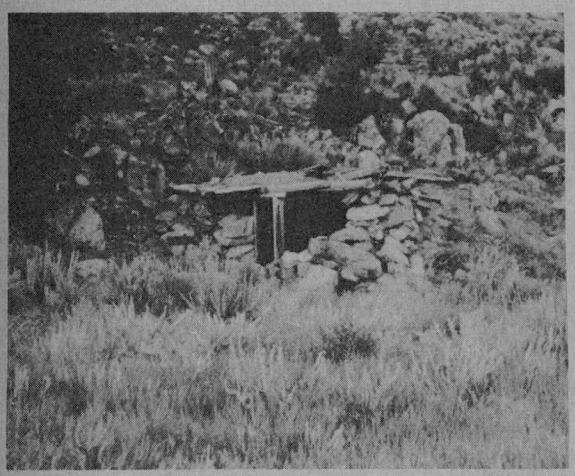
Below, yesterday's diggings in Farmington Canyon, Utah.



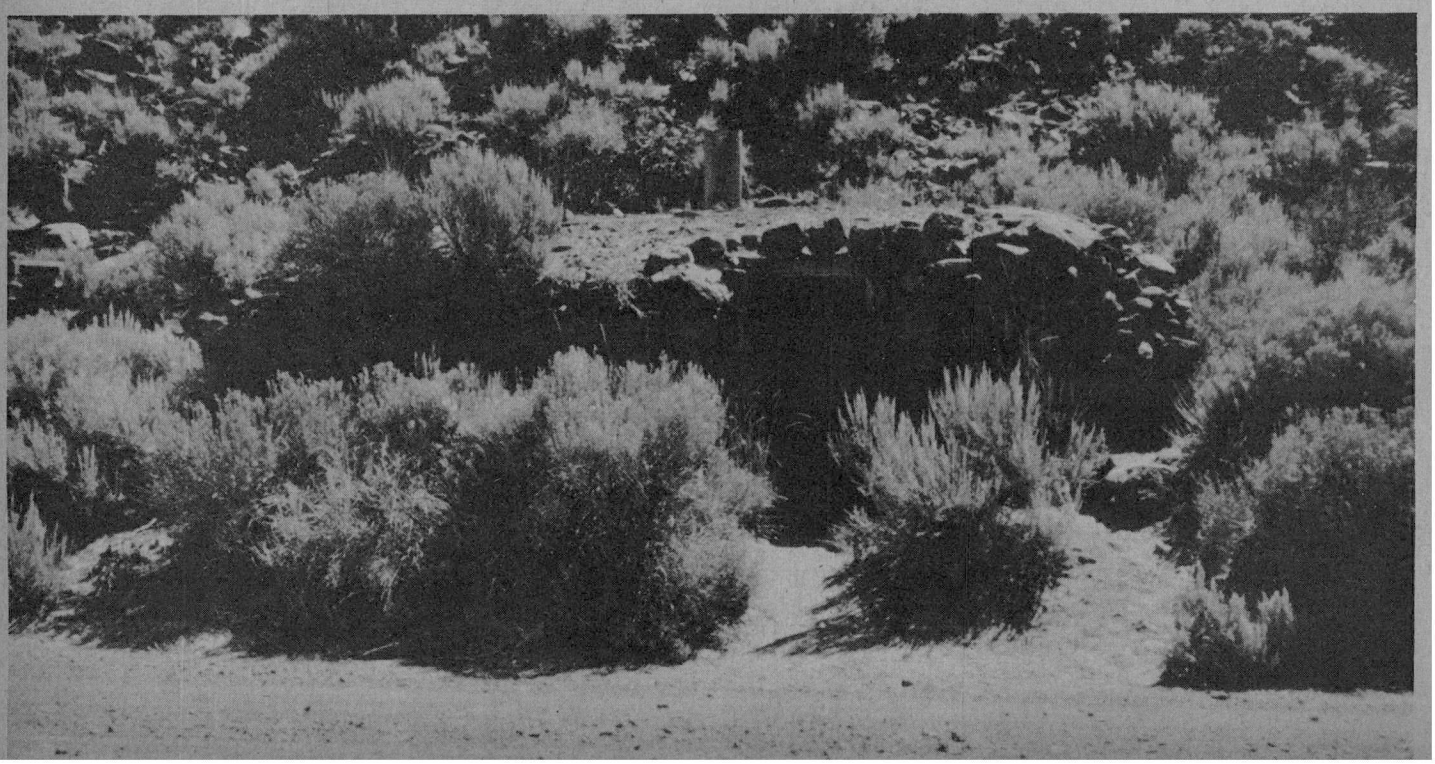




Above, George A. Thompson (author) stands before a long abandoned cabin in Shermantown.



Above left, another of the dugout type cabin located at Bullionville, Utah. Above, a first-class home of the 1860s in Boston, Utah. The Great Salt Lake desert can be seen in the distance. Below, a "gopher hole" dugout home in Masonic, California.

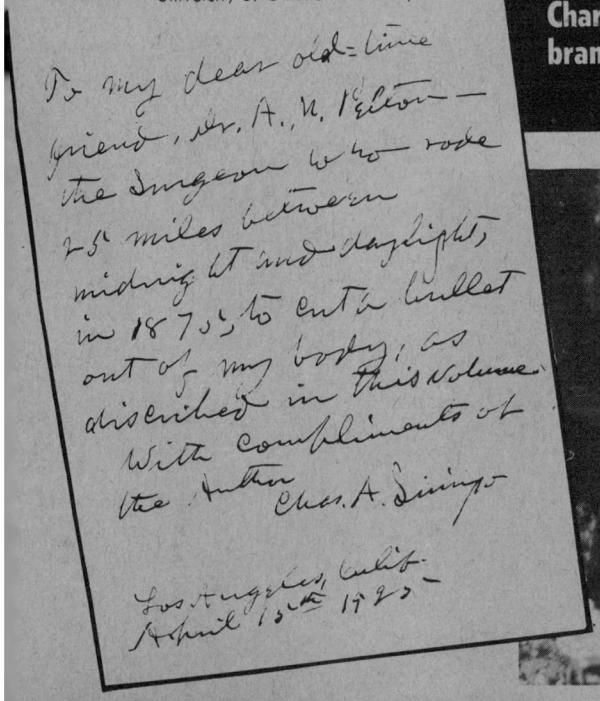


When SIRINGO Was Marked for DEATH

By STONY NAGEL

Photos Courtesy Author

Courtesy Western History Collections, University of Oklahoma Library



HUNDREDS of thousands of cattle roamed free across the grassy plains of middle and northern Texas during the long and bloody years of the Civil War. As their number increased, forage dwindled and the animals began to wander farther and farther south. Northers and sleet storms were unusually severe the winter of 1864-65 and the cattle pushed toward Tres Palacios Bay on the Gulf. When they reached the edge of the water, worn out, starved and half-frozen, they could go no farther. Milling and pushing together, the weaker fell to the ground and were crushed underfoot. Still on they came until they were standing on the bloated bodies of those that had gone down, lying stacked like cordwood.

Left, Charles A. Siringo.

Below, left, a personal message to Dr. A. M. Pelton (shown on right), a long-time friend of Charlie Siringo.

Charlie got too handy with a branding iron, and the word went out to get him!

Five years later they were still making this death march toward the Gulf when Charles A. Siringo returned to Matagorda County, Texas where he had been born fifteen years earlier. As young as he was, Siringo had already had some experience as a cowboy. He went to work herding cattle for several different outfits before signing on with Horace Yeaman down on Cash's Creek. Within a few days he had managed to talk Yeaman's son, Horace Jr., also sixteen, into going in partnership with him to skin the dead cattle piling up again around Tres Palacios Bay. From November through March the boys worked among the carcasses from sun-up until long after midnight, often in weather so cold their hands froze.

Some of the mavericks were still alive. Yeaman wouldn't be bothered with them so Siringo herded them off to one side, and when he had time to pause he would brand his strays, then often sit up for the rest of the night trying to keep his mavericks alive. It paid off that spring with the accumulation of a small herd of his own which he turned loose to feed on the open range. By summer George Hamilton was the first of many who would find Siringo's branded cattle among their own and have to pay off at two dollars per head. After four years of still paying off, Hamilton found it cheaper to buy Siringo's brand outright.

Next, Siringo remembered seeing one certain brand on the sides of many of the dead steers and so he hied over to the Matagorda County courthouse, and found the brand had never been recorded. He promptly had the T5 brand recorded in his own name. A short time later an old mossy-horn showed up in the slaughter pens of the W. B. Grimes Hide & Tallow Factory and Grimes was mightly chagrined to find himself paying out ten dollars to a youth who wasn't as old as the steer he claimed.

Nevertheless, admiring the boy's drive, Grimes hired Siringo to guard his cattle pens. Later he placed him in charge of the horse roundup, and for a time Siringo stayed put. Then, in the fall of '74 Siringo decided there was more excitement and money to be made in hunting and branding mavericks. It was hard work and the hours were long and often weeks would pass when Siringo never had the chance to remove his boots, but he was succeeding. If he had retained his cattle he could have easily become a wealthy cattleman, for many an empire was founded on this method, but Siringo had no interest in settling down and running his own spread.

FOR A LONG TIME he sold his mavericks to T. C. Jones, a rancher who was fast becoming wealthy from the cattle he was buying from Siringo. But after a while Jones started quibbling so much about the money he was paying to the youth, Siringo refused to do busi-

(Continued on page 68)

Courtesy Fanny Wister (Stokes)

THE VIRGINIAN

Owen Wister, a piano player from Harvard, created the most enduring character in Western fiction...

By THELMA KIMMEL
Photos Courtesy Author

WHEN Owen Wister from Harvard sat down to play on a honkytonk piano, the supposedly delicate dude did much more than "tickle the ivories" in a western saloon. He was steeping himself in the cowboy and Indian country and formulating what would become a solid gold cowboy: The Virginian.

Many writers have tried to copy or improve on Wister's hero but none has yet been able to do so, though Zane Grey capitalized on Wister's theme, and the way was paved for such worthy writers as Haycox, Guthrie, and Dorothy Johnson. *The Virginian*, published in 1902, was an overnight success for the author whose stories up to that date had not met with over-enthusiasm. The book was translated into several languages and was adapted for a play with the author composing a song for it called dramatically "Ten Thousand Cattle." Dustin Farnum had the lead part in the stage drama as he later did in the first moving picture (silent, of course). Gary Cooper was ultimately to ride his lucky horse to instant stardom with his portrayal of the colorful Virginian.

After whom was the Virginian patterned? Arguments still go back and forth. It took the piano-playing author a number of years to come up with this charismatic personality whose words—"When you call me that, smile," have echoed around the world.

In the turbulent 1880s three Harvard friends sat down in their favorite rendezvous, the Duck Brand Saloon, to discuss their future in the warm glow of spirits. They had much in common, these young aristocrats. They were well above average in intelligence; they liked good liquor; they enjoyed seeing themselves in print; they were irritated by their sedate surroundings and obsessed with a desire to hunt big game out West. All three were to realize their desire in the year 1885. Teddy Roosevelt went as far as the Dakotas where he bought a ranch and played the hunter and cowboy until he could lead a group of Rough Riders up a Cuban hill and himself into political power and the Presidency of the United States. Guy Waring married a widow eleven years older than himself, acquired

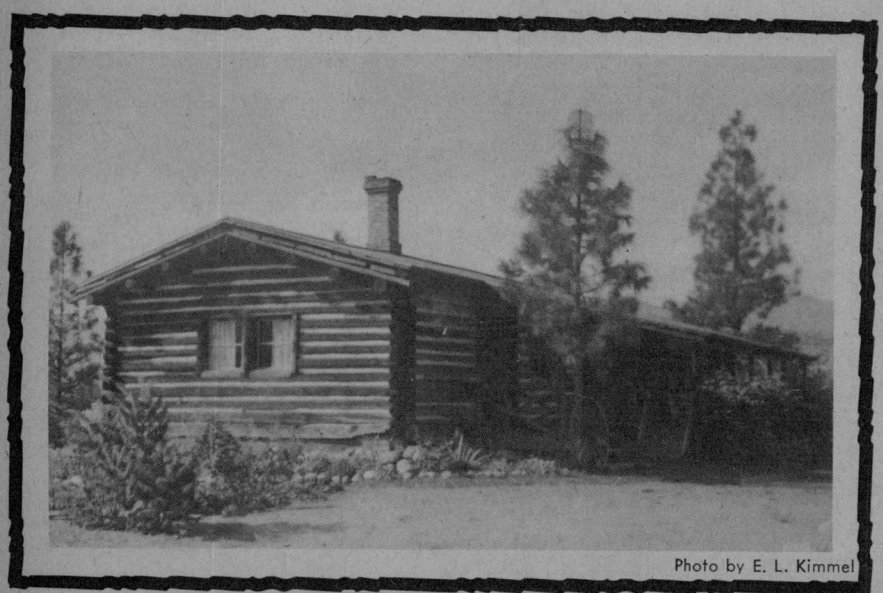
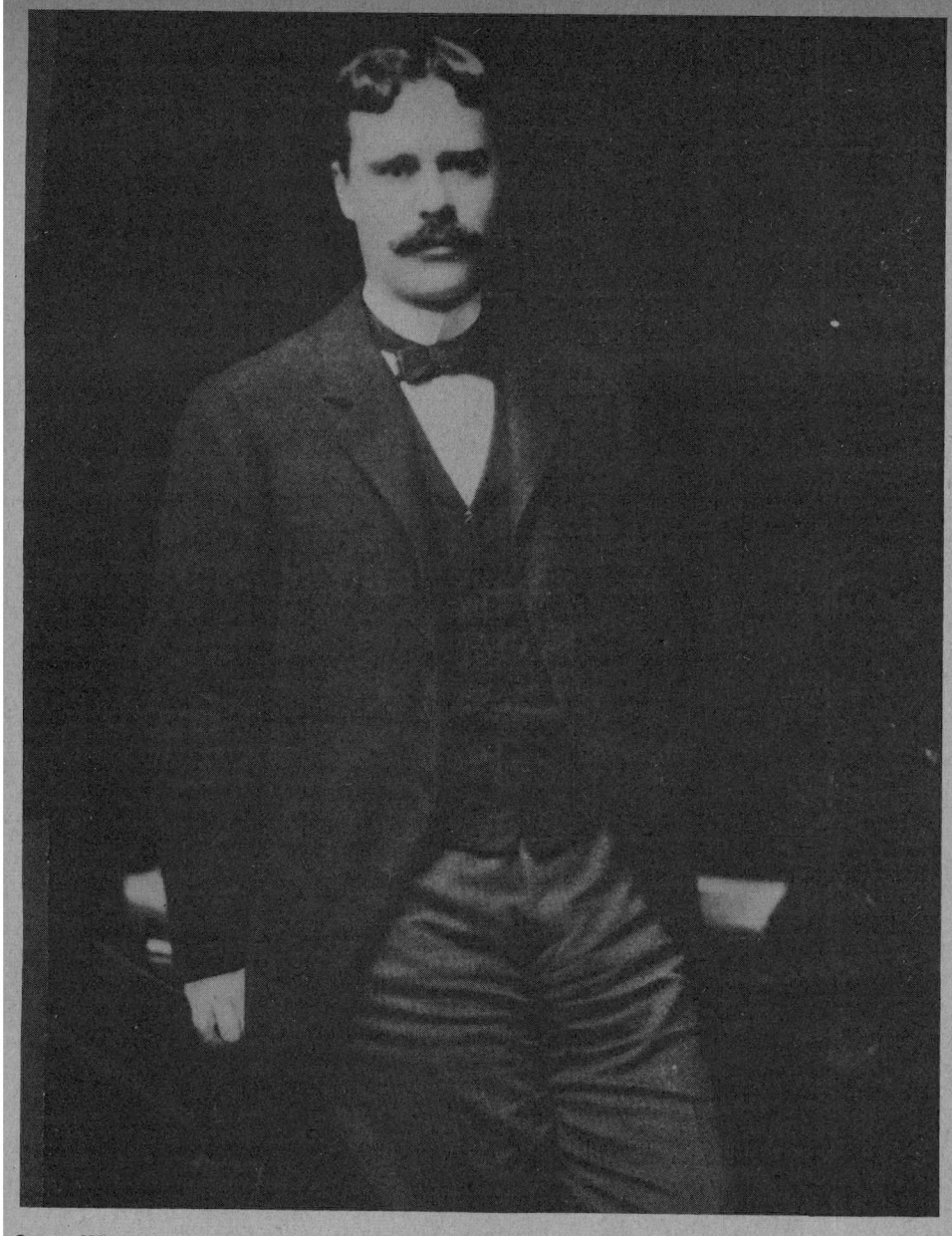


Photo by E. L. Kimmel

Top left, a rare shot of Wister on horseback.

At left, Guy Waring's "Castle on the Methow," at Winthrop, Washington, the cabin where Owen Wister and his bride spent their honeymoon. It is now the Shafer Museum.



Owen Wister at the time of the publishing of *The Virginian*. The photo was taken by his daughter Fanny Wister (Stokes).

three step-children, and went west to seek a much needed fortune. Certainly Owen Wister, grandson of the famous actress Fanny Kemble, with a musical talent which had carried him to Europe and won the admiration of Franz von Liszt seemed the least likely to desert the East. But an ambitious and practical father who pressed him into the study of law and a nervous breakdown—or a good pretense of such—sent Owen to a Wyoming ranch for recovery.

He became completely addicted to life beyond the Mississippi, and he began to record incidents which found their way into print. And though he continued to play the piano, the young aristocrat opted to be an Old West Kipling instead of a New World Liszt.

GUY WARING'S first venture into the wilds of Washington Territory—flooded as it was with miners and boisterous living—proved too much for his family and in 1888 they returned to the East. But the wilderness country was in Waring's blood, and three years later he talked his family into returning. His wife's oldest son had remained in the area.

Filling a covered wagon with trade goods and living necessities and fortified by loans from sympathetic friends, the Warings left the train stop at Sprague and headed again into the isolated frontier of what had now become Washington State. Just forty miles southwest of his former abode—about which he wrote later in a book *My Pioneer Past*, Waring set up his squatter's tent and started a town in an unclaimed meadow near where the Chewack River rushed down to meet the Methow. A little farther down, the Methow was joined by the Twisp to speed on to the Columbia. It was a hunter's and fisherman's paradise. Here in the −36° weather and almost shoulder high snow, Waring visualized a metropolis with bordering hill slopes covered with orchards.

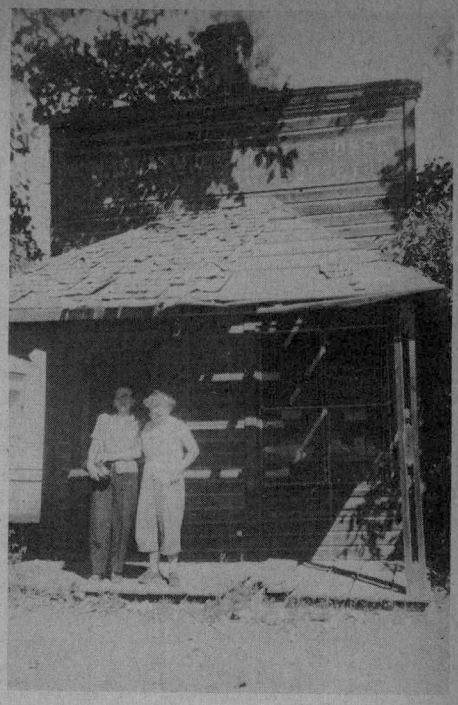


Photo by E. L. Kimmel

An old store in Winthrop.

Waring's first store burned to the ground in freezing weather but he rebuilt it, and also a saloon on which was put his former cattle mark—the Duck Brand—named in memory of his Harvard rendezvous. Waring visualized his college friends coming to drink with him and to hunt the wild game overrunning the virgin forest and mountains.

Waring built his "Castle," a fine log house high above the trading post and the confluence of the rivers. In the new home went 350 volumes of classics and his wife's Mason Hamlin organ. Here in the midst of high mountains and magnificent dreams Waring was king of all he surveyed. What if one had to carry water up from the river and live on a diet of wild meat and fish? He could read Shakespeare by lamplight and listen to strains of Beethoven on the organ.

Now with a feeling of pride Guy could write to his dear friends Teddy and Owen, graciously inviting them to hunt the wild mountain goats which leaped so agilely over the razor-edged cliffs which framed his monarchy. Or maybe they would prefer the elk and deer, or the bears and cougars.

Teddy Roosevelt promised to come but became more and more involved in his career. Owen Wister—less worldly occupied—accepted the invitation immediately and took a train to Spokane Falls and from there, a branch train to Coulee City. The year was 1892. Compared to Wyoming this was like the end of the world, with great splits in the earth, dust and sagebrush, and a box town which might blow away any minute from the violent sweep of winds across the desert.

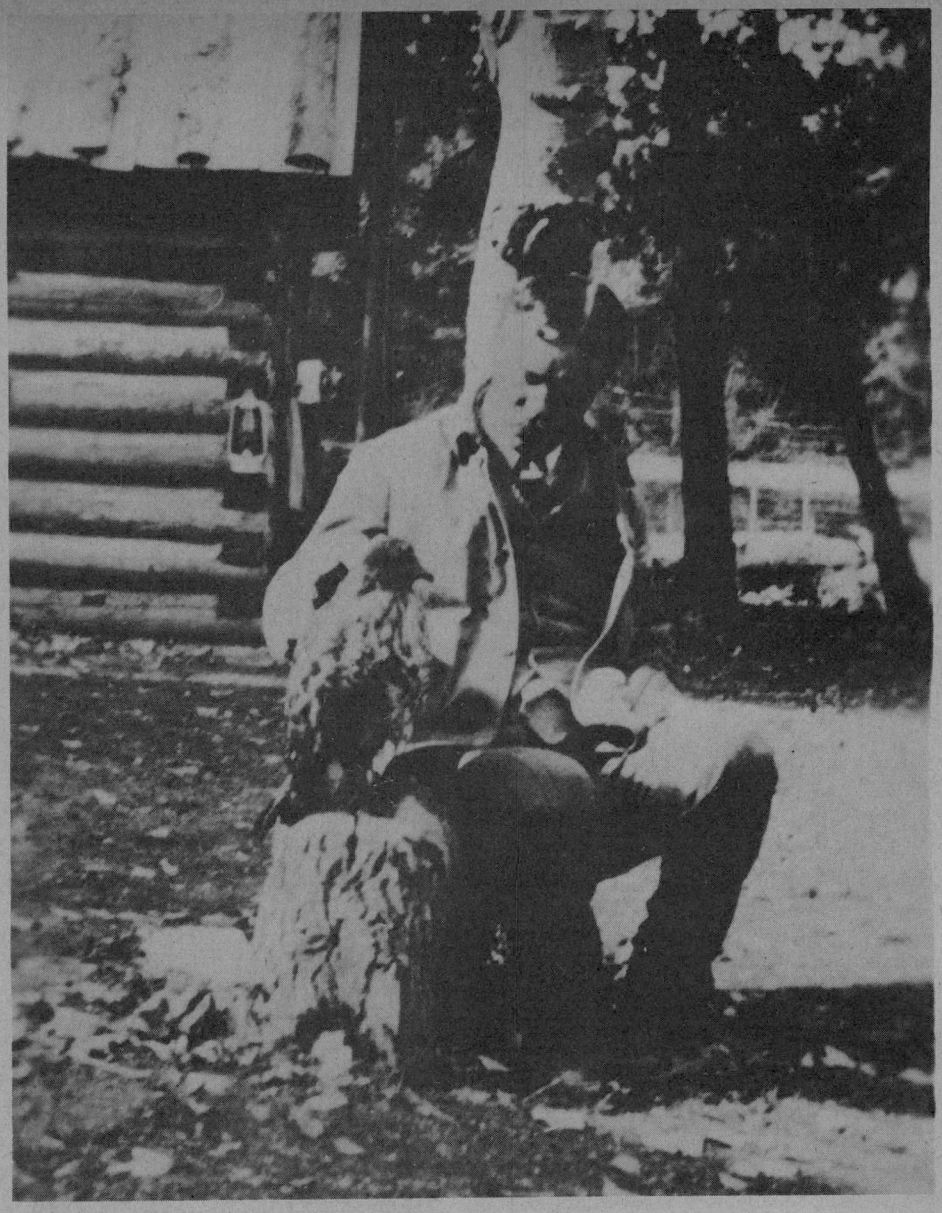
Housed in a room "the size of a spittoon" in the "Grand Hotel" Wister washed in a common trough and could not sleep for the onslaught of cockroaches. He carried his bed downstairs to

a table where he got through the night in small comfort. The train and the stage were not scheduled for meeting—what else would keep the town alive—and while he waited, Wister had nothing to do but watch the endless card games which went on, or walk in the dust of the empty street.

Traveling salesmen, going to the mines with samples of their wares, cowboys, cattlemen and occasional bandits stopped at Coulee City. Drinking and gambling were its principal pastimes. The only prostitute in town was a disreputable looking woman whose monopoly of the profession brought her little remuneration. Attempts at raising wheat had been made in some areas about but as Wister described it the land, too, "had gone into galloping consumption."

The stage came on Monday (the train had arrived on Saturday) to take the traveler to Bridgeport and then on to the Columbia crossing where a trolley-type raft carried it across the expanse of water. The wires propelling the contraption had been known to break, sending the passengers to a watery grave, but Wister's crossing was a successful if frightening one. The stage was soon rocking on to Ruby, a lingering mining town built by an earlier boom. The thick forests were a rewarding change to the dust-weary traveler and Wister hoped fervently that the road home would never lead him back to Coulee City.

At Ruby, Waring's wagon awaited him for the remainder of the trip to Winthrop where he would bask in the company of his friend's hospitality, hunt the wild mountain goats, drink heartily in the Duck Brand saloon and meet Milton Storey, the magnetically handsome and dashing New Yorker who could well capture any writer's imagination. But no amount of money—and it has been said that Wister offered much—could unlock the mystery which surrounded Waring's unusual bartender. Later Waring bought out Milton Storey's squatter's claim to plant his orchards.



Owen Wister at Jackson Hole Ranch in 1912. He nursed this mouse hawk back to health after it had been shot and left for dead on a woodpile.

STOREY carried a gun in each boot and was a crack shot with either hand —a fact which assured peace in the saloon. He could ride a bad horse on an English saddle with a skill which made saddle-heavy local buckaroos downright envious.

Writing of Milton Storey in later years, Guy Waring's step-daughter said that he never sat with his back to a window, and that he was supposed to be the only white man ever to escape from a certain Mexican prison. She also said that when she asked Wister, after the publication of his book, who the Virginian really was, he told her that his hero was a "composite of three men: Milton Storey, Guy Waring, and another pioneer, Pete Bryan." Certainly Wister studied intently the characters of the little town; listened to the stories; watched the miners, Indians, cowboys and cattleman, and at times witnessed their settlement of differences without benefit of the law.

Because a visitor was an important event in their lives, Mrs. Waring's children remembered the author well. He played upon the organ, weaving the songs of the wild birds about the cabin into his improvisations. He took long walks, keeping paper and pencil handy, but he also dashed off on hunting trips in the mountains.

So fascinated with his friend's kingdom was this paradoxical Easterner that six years later Wister talked his longtime music companion and cousin (removed) into marrying him and visiting Winthrop, Washington on their honeymoon. The talented lady must have loved Owen a great deal to consent to such a wedding trip. What might have been exciting, though rugged, adventure to a man was sheer hardship to a delicate, petticoated girl.

But West came the newlyweds on the line which had now reached Wenatchee, and there a wood-burning riverboat met them for the upriver run on the Columbia. The boat had an engine which panted and gasped like a mountain locomotive and rocked the vessel with Paul Bunyan heaves. Its captain was a grizzled man with a violent vocabulary which took over at the slightest disturbance, and Wister described the stewardess as resembling a female bandit.

Over the smaller rapids the steamer shook ahead with earthquake energy but when the larger rapids were reached it was tied to shore and a long rope, geared to a donkey engine, was placed around a tree stump far ahead to aid the vessel in climbing the wild water. Logs were thrown into the furnace and the river steamer became a living volcano, aided by the shore engine in slow movement upstream. When the rope broke (as it did on the honeymooners' trip), the vessel plunged backward with an explosive boom. The captain threw his cap upon the deck and stamped upon it while profanity rose above the roar to burn the ears of sensitive ladies. Again a plank was put to shore to attach the rope, and Wister and his wife dashed across to hike the rugged bank trail to Pateros at the head of the rapids. They considered it an easier method of transportation. The next morning while eating breakfast

at the pioneer hotel, the couple observed the steamer heading upstream without them, with their luggage still on board. The captain had not felt it necessary to give further thought to anyone leaving the boat so unceremoniously.

Later, this steamer sank after hitting a rock on its downstream run. Guy Waring and another Eastern visitor were on board and Waring swam ashore, dragging his friend to safety.

Waring had sent a wagon to the landing above Pateros to pick up the Wisters, and eventually he found them. At Winthrop their hosts had prepared a small guest cabin near the Castle, with bed, desk and books.

Again Wister took in the town, the people and the hunting while his imagination wound more tightly around a special character.

Somehow he was able to talk his patient bride into a horseback trip across the sharp peaks to the head of Lake Chelan to the south. There a boat took them, their horses, and equipment to the east end of the lake fifty miles away, from where they rode back up the trail to Winthrop. Few brides have been treated to such a rugged honeymoon!

OWEN WISTER was nearing forty. The Virginian was taking shape in his head but had not yet come forth in full bloom. He had sold various articles—some criticized as being rather weak and romantic. Alexander Woollcott had become so exasperated at Wister's written opinions on certain matters that he had published a scathing article entitled "Owen Wisteria." Yet when the author gave Teddy Roosevelt the first draft of *The Virginian*, his friend advised him to cut out certain portions as "too violent!"

Four years after the wilderness honeymoon, the book was published and its fame was instantaneous. Owen Wister, the piano playing aristocrat, had created the most famous Western character of all time. He dedicated the book to Teddy Roosevelt whose biography he would also write with skill. Remington and Russell tested their talent in illustrating the first volumes.

Fanny Wister (Stokes), Owen's daughter, at Jackson Hole in 1911.

Wister never returned to Winthrop, for Waring's fortunes failed to increase as he had hoped; the apple trees Waring planted yielded no profits and eventually he returned to the East. Wister wrote of his adventures there in a story, "The White Mountain Goat and his Country," and he wrote an introduction to Waring's *Pioneer Past* telling of his trip to Winthrop, but evidently Waring did not wish to include his dream of a kingdom in his own work, as it was not mentioned.

The Grand Hotel in Coulee City, Washington where Wister spent two nights waiting for the stage to Bridgeport.

Even with success and a fast increasing family Owen Wister could not give up the West. In the summers he took his wife and pets, servants and children to Jackson Hole, Wyoming, where he finally built a summer home. The family would travel by train to Saint Anthony, Idaho, and then by wagon go another 104 miles over mountain trails into the colorful and rugged country. His daughter Fanny said that they lived on a diet of canned tomatoes, smoked salmon, elk or bear, and fresh trout and canned milk. Wister wanted his children to know and love the wilderness. His patient wife did not live long to share his life, dying with the birth of her sixth baby.

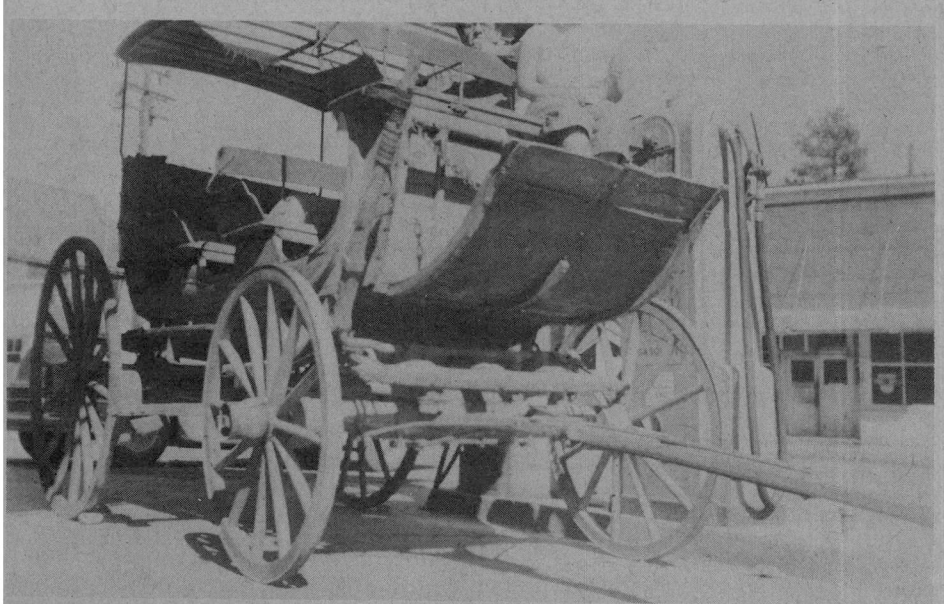
Like his famous grandmother and other members of his family, Wister hobnobbed with the famous and the wealthy, but a part of him always seemed to be reaching back across the Mississippi. And he kept in close touch with his friend Teddy, who also did considerable writing, and who finally came to Washington on a campaign train.

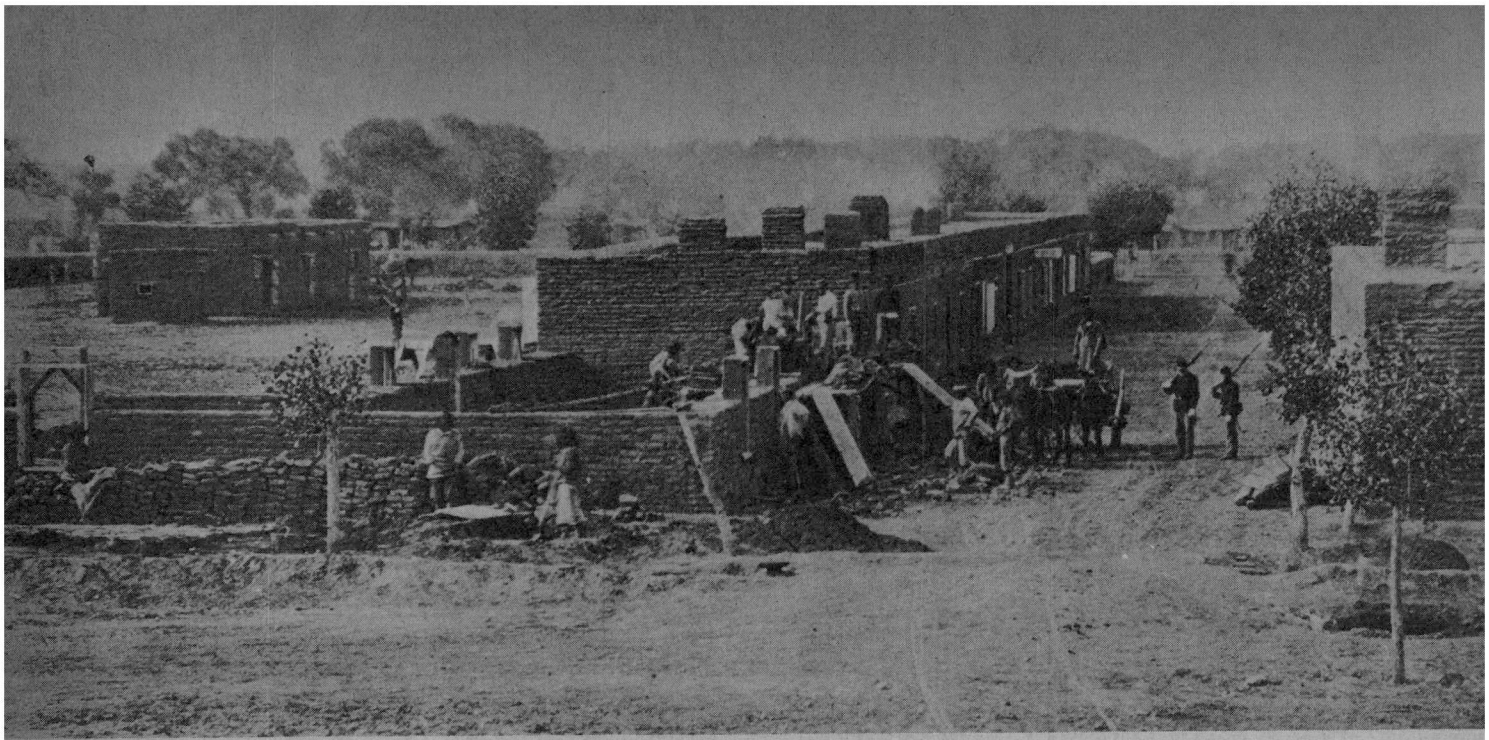
Guy Waring's Castle is today a museum, sponsored by merchant Simon Shafer and his family who did and are doing well with the apple orchards which were Waring's dream. The museum is dedicated to Owen Wister and the pioneers; and to Guy Waring whose little organ sits as it did in days of old, and whose letters and pictures—there is one of Milton Storey—remind us of the past.

Was the Virginian born here? The arguments go on and on. The Chewack rushes to meet the Methow; the Methow to embrace the Twisp, and on to the Columbia in its rush to the sea. There are many dams on the Big River of the West now; there are many Western stories; but *The Virginian* runs on in strong undercurrent, for Owen Wister created the most enduring and believable Western character of all time.

A stagecoach which was in service at the time Wister came to Wyoming.

Photo by E. L. Kimmel





U.S. Signal Corps, Photo No. 111-SC-87973 in the National Archives

Construction of infantry barracks at Fort Sumner in 1865.

LETTERS FROM THE "BI

Author's Note: In our early years most of us experience an association with parents, teachers, movie heroes, or various older persons who tend to make certain interests more pronounced in our lives. When I was just starting school (about the time of the Second World War), I earned spending money by selling berries and fruit that I could pick around the farm. One job I had was cutting lawns and trimming the yard for an elderly spinster nearby.

This person probably interested me in more various subjects than all the time I spent in school. For one thing, I soon knew every shrub and flower around her vast yard. She lent me books upon books that to me were unavailable anywhere else. She gave me a great interest in history as she had many Indian relics from local fields that her father had found.

When I started working for her, she interested me in collecting stamps. She would save those which were different than the everyday stamps and give them to me. Her father had been a squire around the 1880s and her grandfather had been a saddler by trade. Her father had saved many papers belonging to his father, Samuel French. Most of these were about the Civil War times. Letters before the Civil War were stamped at the post office with a large number printed for a stamp, or in many instances, they were just cancelled with a pen, the amount of postage being written at the usual place of cancellation. Stamps of this kind are worthless if cut from the letters, so she gave me the letters, newspapers, etc., intact, explaining that they would possibly be of some value if I kept them.

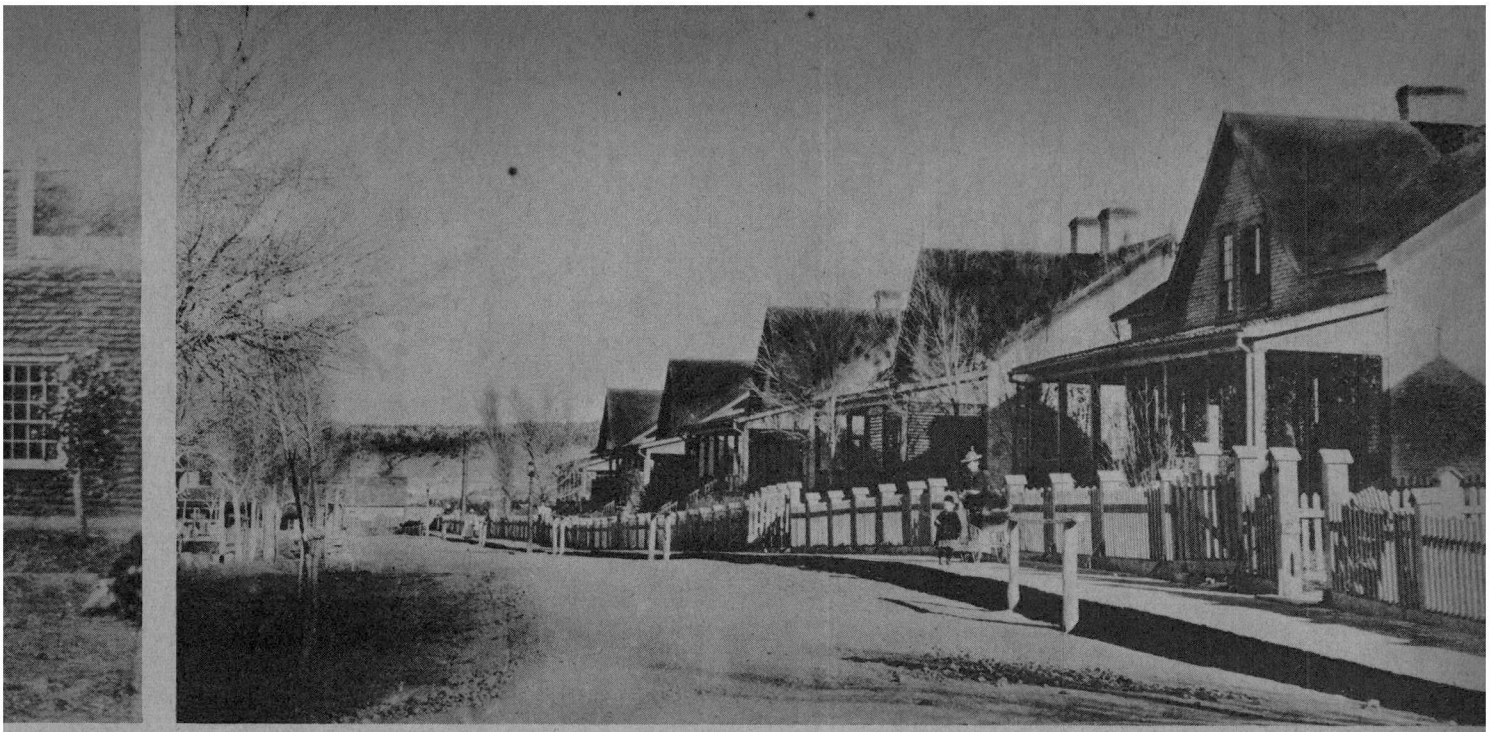
Only recently have I become interested in the written contents of these letters, and find many of historical interest. Five of them are from one Wm. Dute, a soldier stationed in New Mexico Territory. I cannot be sure to whom they were originally addressed but I have obtained information from other letters in reference to Wm. Dute which refer to him as a friend to the Samuel French family. More information I cannot locate, as the woman who gave me the letters died some years ago.

What is known about Wm. Dute, other than contained in his own letters and Army records, if any remain, is that Wm. Dute went westward from Pennsylvania with a good education and for some reason chose a life in the Army. Behind him, he left at least one friend with a large family, Samuel French, who already had a brother living in the West. Dute wrote as one fairly well schooled, and appears to have been without a "trade," perhaps going westward for adventure. This, then, is what he wrote.

No Date

IN THIS COUNTRY where it is supposed by many to be the reckless part of God's creation, the eye of him who built these mountains never penetrates to notice the actions of men. Many act as though they were not accountable for all their deeds, consequently labor and all kinds of business is here being transacted and as vigorously carried on on Sunday as on every other day. The Sabbath here is not respected at all, although we may have divine service in the morning, yet the auctioner will open his shop & sell his goods in the evening & other business men, whose main object is gold, will in their line transact their business to suit themselves.

Gambling & fighting whiskey saloons are wider open and better patronized on Sunday than on any other day. A gay country indeed!! Mining in this District has been partially commenced and will be continued & expanded as the snow leaves the ground. Some of the Claims are paying well, and a "big thing" is expected by the mining community in



U.S. Signal Corps, Photo No. 111-SC-87220 in the National Archives

Fort Wingate in 1890, showing the married officers' quarters.

ODY FIRST"

By GUY R. WINGARD

Life was bleak for an enlisted man in the Sixties

this District and all indications for a larger amount of Gold being taken out of the leads in this District are very favorable.

It is now past midnight, and I must close writing for this time. Persons have been crowding in & out all night so that I could not finish my letter until late. Besides a couple of Penna. boys staying here, others have been rather livelier this evening than usual and kept me awake a little longer than necessary. But they have just shut up shop and retired to their virtuous couches & I think I'll follow suit in a few minutes. I am well at present and hope you are all enjoying good health too. I have written this so badly that I fear you will not be able to read it. I wrote it with a bad pen and on the back of a *Harper's Magazine.* I leave my best respects with you all.

Your absent and well wishing friend,
Wm. Dute

Fernando de Taos
New Mexico
November 29th, 1862.

Dear Friend:

I have again the pleasure of addressing you under present circumstances I am not very well situated for writing being in the Clerks office where every body is in every bodies way. However, I'll try and write a little to let you know my whereabouts, etc.

I have just settled down again after a tramp of 90 miles from Fort Garland to this place where I am stationed in charge of a recruiting station. So I shall remain here ten days and then go to Moro and stay there ten days in the same capacity. While I am writing I may as well tell you a little about the country, the people, etc, etc.

After crossing the mountains into the valley of the Rio del Norte and its tributaries you get into an entirely different country in nature & appearance and among a quite different class of people. Leaving behind you all in the world that has the appearance of civilization of home and comfort. Here, instead of houses built of brick or other fine material, one sees nothing but "Adobe" walls —"Adobe" a kind of brick composed of mud and straw dried in the sun & about as large as six common bricks. All dwelling houses and other buildings are universally Adobe and only one story high at that, sometimes only a half. I have seen but few buildings of any kind other than one story.

Although of rough and irregular appearance on the outside yet the inside of dwelling room is generally well fixed off with an air of neatness and comfort; yet all this depends on the circumstances of the owner. Rich men have always larger buildings & rooms furnished with costlier and better furniture than poor men. There are three classes of people here. The rich who live in comfort and ease; the poor man has but little he calls his own yet he is independent of the rich man for his living. The third grade is a class of people not any better in my estimation than the slave in the Southern States. They are entirely dependent on the rich man for their subsistence, in fact every thing they enjoy in life. The Peon as he is called is a down trodden man and owes a life long labor to his so-called benefactor, the rich man, almost without recompense. When a poor man becomes so indebted to a rich man that he can't pay the debt, he becomes his slave for life.

The country about here is almost destitute of timber except on the mountains.

(Continued on page 66)

Wild Old Days!

Rock Creek was built in 1868 as a station on the Union Pacific Railroad. It consisted of a station house, water tower, and pump. Courtesy Author

WYOMING'S TREASURE TROVE CASE

By Agnes Wright Spring

"GOLD! LOOK! A jar of gold coins!" Rube Stockwell exclaimed in a hoarse whisper.

"Where?" His partner, J. W. White, dropped his shovel and came to Stockwell's elbow.

Rube was trembling with excitement. "Here!" He was holding a Mason jar of gold coins in his hands. He loosened the lid and poured out a few.

"Don't look as if they've been touched for years," White shook his head.

"We'd better hightail it out of here pronto," Stockwell advised. "What can we put this jar in?"

"My old suitcase is at the bunkhouse," White answered as he took the jar and covered it with his coat.

"Well, you light out and take the train at Rock River. I'll catch my horse and meet you in Laramie. I'll ride down to the south field and tell Taylor we've been called away on business."

The year was 1909. The place was a cellar of a big, old store building in the now ghost town of Rock Creek on the Laramie Plains of Wyoming.

Rock Creek, created in 1868 as a station on the Union Pacific Railroad then building westward, was in the beginning just a station house, water tower and pump. But when the freighters moved over from Medicine Bow and hauled from Rock Creek to Fort Fetterman, the place began to grow. In the 1880s and early 1890s it was a booming cattle shipping center and the railway head for freighters and a stageline running daily for 371 miles to Junction City and Echetah in Montana. Most of the townsite originally was owned by former Governor John M. Thayer of Wyoming territory. In peak times at Rock Creek as many as 15,000 head of cattle were loaded for shipment in one day.

Before dining car service was established, Union Pacific passengers from the west were allowed thirty minutes at Rock Creek for breakfast. Those from the east had the same amount of time for supper.

A severe economic blow was dealt Rock Creek in 1888 when the Chicago and Northwestern Railway reached Douglas in central Wyoming, close to Fort Fetterman. This meant the end of the stageline and much of the freighting. Then in 1901, when the Union Pacific Railroad shortened its main line some thirty miles and established a new station called Rock River, old Rock Creek was left to wither in the greasewood and cactus.

WILLIAM TAYLOR, who had served as quartermaster's agent at the big government warehouse in Rock Creek, stayed on. With his family he used the old townsite as his ranch headquarters. In this particular year of 1909, he hired two unemployed cowboys, Stockwell and White, to clean up his cellar after a waterspout and to enlarge it from an 8x9 feet square hole to a cellar 29½ feet long by 11 feet wide and 7 feet deep. Stockwell and White were attempting to reset a support post when they found the jar of gold coins.

White put the jar in his old suitcase and struck out for Rock River where he expected to take a train to Laramie. Stockwell cut across country on horseback. Soon a ranchman named Bill Atkinson came along with a team and offered to give White a lift.

"Looks mighty heavy," Atkinson nodded toward the suitcase as White hoisted it into the wagon.

"It is," White answered as he climbed in. "You see, Bill, my uncle died and left me this suitcase of money."

Atkinson believed the story and congratulated White. But on his return home the ranchman stopped by to visit with Taylor. He found him a mighty excited man.

"Come down into the cellar with me," Taylor said, as he led the way to the spot where the two men had been working. "Do you see those prints in the dirt where glass jars have been? They were filled with gold—my gold—and those fellows took one of the jars. I picked up a few stray coins on the floor and then I saw where the jar had been. They must've left in a hurry as they overlooked two more jars. See the prints? I put the stuff here way back in 1896."

Atkinson could plainly see where the jars had been lifted out of their hiding place.

In the meantime the two "finders" were in Laramie on a buying spree—saddles, ropes, lariats, chaps and the works. They deposited the balance of the money in a local bank.

William Taylor lost no time in getting to Laramie to demand the return of the money. When the cowboys refused to give it up, he hired a lawyer to retrieve, if possible, the $4,177.50 which the cowboys said was in the jar. There was much speculation among the townfolk. Who really had a right to the money—that is, if Taylor had not put it in the cellar?

Taylor claimed he had occupied the cellar since 1890 and had buried the jars of coins under seven inches of dirt in 1896. It was brought out in the trial that for a time the cellar had had an outside entrance. Why would Taylor bury money where someone might have access to it? And why had he let the boys dig around in the cellar without his supervision?

Who really put the gold there, if not Taylor?

It was well known to old-timers that there had been stagecoach robberies and robberies of army paymasters along the old stage route in the early days. In fact, La Bonte stage station was dubbed "Robber's Roost." The stock-tender there was said to be the leader of an outlaw crew. Had the robbers used the cellar?

One old man recalled that in the very early days there lived in the old store building a thrifty German who ran a saloon. He had taken a trip to Germany, but had never returned to Rock Creek. Could he have hidden the coins?

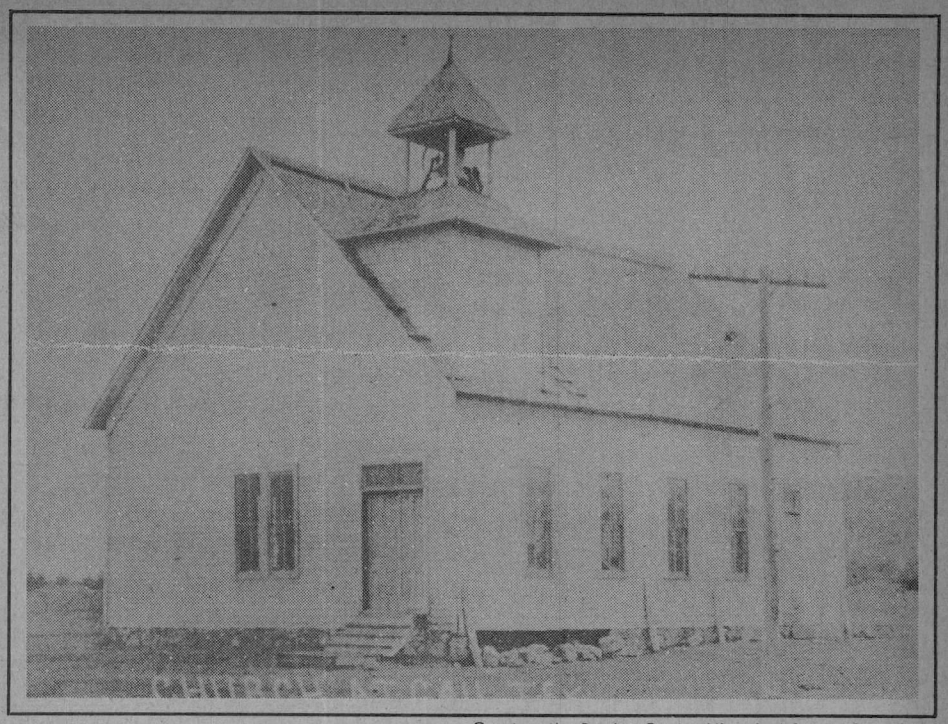
Taylor lost no time in bringing suit to gain possession of the gold. The lower court decided against him in favor of the finders, Stockwell and White. And yet the argument continued. On June 22, 1911 Stockwell and White asked the court to compel Taylor to turn over the two jars of gold, plus the one they had found.

Taylor's lawyer appealed the case to the Supreme Court of Wyoming. On January 8, 1915, a decision was handed down in which the Supreme Court reversed the decision "because of legal error." The case was Taylor v. Stockwell et al, No. 774, 145 Pac. and 24 Wyo.

Stockwell and White had spent $445. They gave their note to Taylor for $263.80 and turned over the articles which they had purchased with the gold. In this case, at least, the finders of buried treasure were not the keepers.

Just how much of the contents of the three jars Taylor received is not of record. According to hearsay, most of it went to the lawyers. In 1910 Taylor disposed of his 13,000-acre Wyoming ranch to the Rock Creek Construction Company and moved to California. Later the old Rock Creek townsite was acquired by Flake Hall, a rancher.

In relating the story which White had told him, my father Gordon L. Wright remarked wryly, "That was a case where silence would have been golden."



Courtesy the Borden County Historical Survey Committee

The church at Gail, Texas was built in 1901. It was the scene of many a festive gathering at Christmastime.

OLD-TIMERS REMEMBER CHRISTMAS AT GAIL

By Ethel Morrow Everett

I REMEMBER that 1907 was the last Christmas I spent in Gail, Texas, and it was one of my happiest. On Christmas Eve, school was let out a little early, and all the pupils hurried down that one long street to the "business district" to gaze longingly in the store windows at all the tempting displays—the lamps and vases, picture albums and dressing cases, jewelry and clothes, and of course the toys and gew-gaws. Since early in the afternoon the cowboys had been coming into town from outlying ranches. We loved to watch as they flooded into Mr. Dodson's and Mr. Chandlers, Mr. Dorwood's and the millinery shop, their pockets fairly smoking with the money that was burning to be spent.

We watched as they tied up at the courthouse and then hurried about buying lovely gifts, and we wondered which local belle or faraway sweetheart would be the lucky recipient. Early in the week the men would have brought down a huge cedar from off the mountain and installed it in the church. All fall, every scrap of tinfoil, every bright bit of paper would have been saved, and everyone made decorations for the tree or contributed some treasured ornament. The paper streamers were made by schoolchildren; popcorn and cranberry strings—every ingenious creation we could think of, and the tiny candles—all were festooned on the big tree which seemed to us to reach the heavens like the Star of Bethlehem. A committee was appointed each year to do the actual decorating, but there were always plenty of others around to offer advice. They also arranged beneath the tree and throughout its branches the huge array of presents, for everyone brought gifts to "The Tree" to be distributed. The committee had sacked popcorn, peanuts, fruit and candy, donated by Mr. Chandler, so each person would be sure to receive something.

On Christmas Eve night everyone gathered in the church and Mr. Dorwood took charge of the proceedings. A program of music and poetry by the various grades had to be presented before we could get down to what we kids considered the real business of the evening—the arrival of Santa. Mr. Hale, in his big suit stuffed with pillows, didn't really fool any of us, but we went along with the fun. Santa would call out the name on the tag, "Ethel Morrow," and the receiver would answer, embarrassed and delighted, "Here!" and one of the little girls selected for the honor would deliver the gift from Santa's own hand.

There was a place called Lynn Bros. in New York where you could get all sorts of gimcracks for 5c; these were very popular since getting your name called out a number of times was part of the fun. That year I remember that the Wristen clan had sent off for a great number of these baubles and the committee had gone them one better by tying the presents all together in one long string on the tree. Everyone roared with laughter as Santa called out, "Dan Wristen, Rillie Wristen, Will Wristen, Dan Wristen, Rillie Wristen" and on and on.

On the committee that year were Nell Hale and Harvey Everett and part of their duties was to hand down the gifts to Santa. Nell was wearing a beautiful white hat covered with feathers. As she reached out to take down a gift, she leaned too close to the tree and the candle on one of the low boughs ignited the beautiful feathers. Everyone screamed in horror but Harvey was quick to act. He reached out and took Nell's head in his arms (something he had probably been wanting to do a long time!) and smothered the flames against his jacket. Nell calmly removed the charred hat, smoothed her hair, and went right on handing out gifts. I guess I forgave Harvey for putting his arms around Nell, because we married the next year and moved away from Gail forever.

By Arthur Prince

MY MEMORIES of Christmas at Gail go way back to the early 1890s. There was a Christmas tree on Christmas Eve—I don't remember whether it was at the schoolhouse or at the courthouse. Anyway, I dimly remember that the cedar tree was covered all over with shiny things. I well remember I was told that when it was over, to get my presents (apple, orange, popcorn ball and firecrackers) and come straight home and not stop in town; that I couldn't go to

town that night for things were getting rowdy there and were going to get rowdier and that before midnight was past there would be two armies of equal size, armed with Roman Candles, who would meet and battle it out to the last shot. It's a wonder some eyes were not lost. Pretty rough it was in town and I was forbidden to be there.

In later years I remember some dances on Christmas Eve in a courtroom upstairs in the courthouse. Will Clark was doing the calling. I sure did love to listen to the shuffle of the feet and callin' of Will Clark. One Christmas Eve, along in the evening, one of the drunk cowboys, whose name I won't mention here, got on his horse and went racing around the square. He came west past Chandler's store then turned south and was racing his horse past the building on the west side of the square. He was losing balance as he raced along and was leaning to the right more and more all the time. Finally one of the gallery posts of the Kincaid Hotel dragged him off his horse, but he didn't seem to be hurt very much.

By Winnie Chandler Miller

Our Christmases at Gail were really something. I don't suppose anybody ever had a tree at home—or I can't remember ever having one at home—always at the church. Everyone came from far and near. The church was always full and the tree loaded. We would take our little red wagon to bring our gifts home in; of course, Dove was a baby and rode in the wagon, too.

When I think back to those Christmases, Miss Minnie and Mr. David [Dorward] stand out clearer than the others. They were always helping in every way with our programs, the arranging of tree decorating, and who should take gifts from Santa and give to the one whose name Santa called out—it was such an honor to be chosen for this. Just thinking back, so many, many old-timers come to life. Mr. Jack Rogers, for one, was always so jolly (children always remember the happy faces).

By Sammie Morrow Dent

I love to recall my childhood in Gail—the Christmas parties in the Union Church, the tree lit with many candles with presents all around. Brother Dave always said a prayer. All the children sang Christmas songs and Santa Claus was there to hand out the gifts, candy and nuts. Brother Warner was at some of those parties. Frank Berry was there to shell nuts for the girls and share chocolate drops from the sack he carried. The boys usually gave the girls pretty vases and jewelry boxes decorated with shells. One Christmas an old beau gave me a ring. I remember, too, that after Christmas was over we made another party of burning the Christmas tree—what fun we had! Some of the young people I remember at those parties were Grace and Myrtle Hopkins; Eula and Ray Lyons; Edith, Nora and Cora Berry and Wes and Frank Berry; Pearl and Bula Mullins; Guy and Sid Clark; Miss Lucy and Miss Bell Kincaid and Hatty and Ola Kincaid; Ella and Tennie Kincaid; Fred and Will Johnson; Jess Smith; Will, Luther and Maud Nevills; Maggie and Lorenzo Dow; Alma and Montie Taylor; George Cathy; Pearl and Eula Johnson and Nell Hale.

These reminiscences were taken from the Borden County Historical Survey Committee publication, courtesy C. J. Beach.

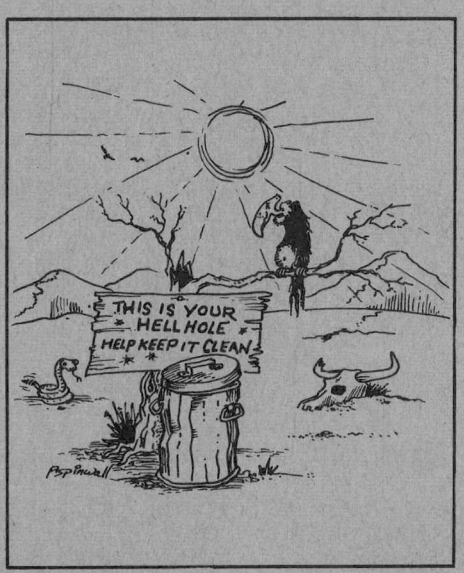
THE GOLDEN DREAM

By Mary Pease Lashbrook

THE REVEREND Floyd Davis sat up in bed and rubbed his eyes. Did a voice really speak to him or was it just part of the strange visions of the last two nights? Even after the second night's dream he had tried to tell himself that he was just overwrought from listening to the news of the gold rush stampede to Eagle and Prichard Creeks in the Coeur d'Alene Mountains. He hadn't been able to think of anything else for some time. But when this third vision came and a voice told him that if he would go to Murray, Idaho and follow the landmarks shown him he would find a fortune, Floyd could resist no longer.

He reviewed the landmarks he had seen in his visions: A little creek, a high bluff and twin-notched peaks along a ridge. Next he saw a canyon, then a little side gulch with a small rivulet running along through thick brush and timber. He saw himself digging and washing gravel in a sluice box although he had never seen one before and had no idea what it was. And there were gold nuggets in it.

And so, in the summer of 1884, Floyd Davis arrived in Murray by foot over the trail from Spokane Falls, Washington. Dressed in his ministerial frockcoat and black hat, his tall, erect figure attracted much attention and there was speculation as to where he came from and why he was there. When asked about himself he replied that he was the Rev. Floyd Davis but that in Oregon Territory he was called "that circuit-riding gospel peddler." He added that he had done some farming there.



Although he was always friendly to everyone he met, Floyd Davis kept to himself and did not try to hold religious services. His days were spent walking up Prichard, Eagle and other creeks, stopping often to ask placer claim operators the best way to look for gold. After a few weeks the would-be miner bought a burro for $5 and purchased prospecting tools and a large supply of groceries.

When early one morning he hit the trail out of Murray leading the loaded donkey, people understood why he had been asking so many questions about placer gold mining. They were sure, though, that he wouldn't have any luck for the country for miles around had been prospected years before.

AS THE MINISTER trudged along the trail, the landmarks he had seen in his visions began to appear. First he saw the little creek, then the high bluff and the notched peaks along the ridge. On and on he went and when he came to the little hidden side gulch with the small rivulet he was sure that he would find the gold. Struggling through the dense underbrush he came at last to the spot where in his vision he had seen himself working. He built his sluice box in the little creek and began digging. His efforts were rewarded by several nuggets and each clean-up after that yielded more gold.

Meanwhile, as the weeks passed and nothing was heard of Floyd Davis, people of Murray wondered what had happened to him. No one knew where he had gone and he had not been seen by any prospectors in the mountains. Then one day early in October he walked up Murray's main street leading his burro. At first no one recognized him. Gone were the ministerial frockcoat and the black hat. A heavy dark beard and shoulder-length hair completed the disguise. Not until he spoke to several people calling them by name, did they realize that the man was Floyd Davis.

He went directly to the courthouse and sought out the registrar of claims. Pointing to a spot on the map, Davis said, "There it is. That is my Dream Gulch claim."

After leaving the courthouse, Davis went to Murray's largest bank, laid a canvas bag on the counter by the gold scales, and asked the cashier to weigh the gold and give him a money deposit for it.

Customers and bank clerks came to watch as gold dust and nuggets poured out onto the scales. The cashier did some figuring and then said, "That comes to $3,210—a good clean-up, Reverend." Davis replied that he expected to have more of it later.

The news traveled fast and soon a crowd gathered, anxious to know where he had made such a strike. The editor of the *Sun* told Davis that he would like to print the story. After warning the editor that no one would believe the tale, Davis told about his visions and the gold strike.

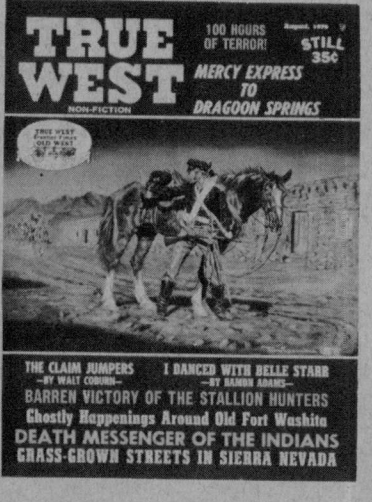
The newspaper article caused great ex-

(Continued on page 69)

$12.00 VALUE FOR $7.00!

A TWO YEAR SUBSCRIPTION (RENEWAL, NEW, OR GIFT) AT OUR OLD RATES WILL SAVE YOU $5.00 OVER NEWSSTAND PRICE!

THERE AIN'T GONNA BE NO SECOND TABLE, WE'RE GOING UP, FOLKS ... WE HAVE TO!



TRUE WEST
AND
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make a mighty fine Christmas gift—
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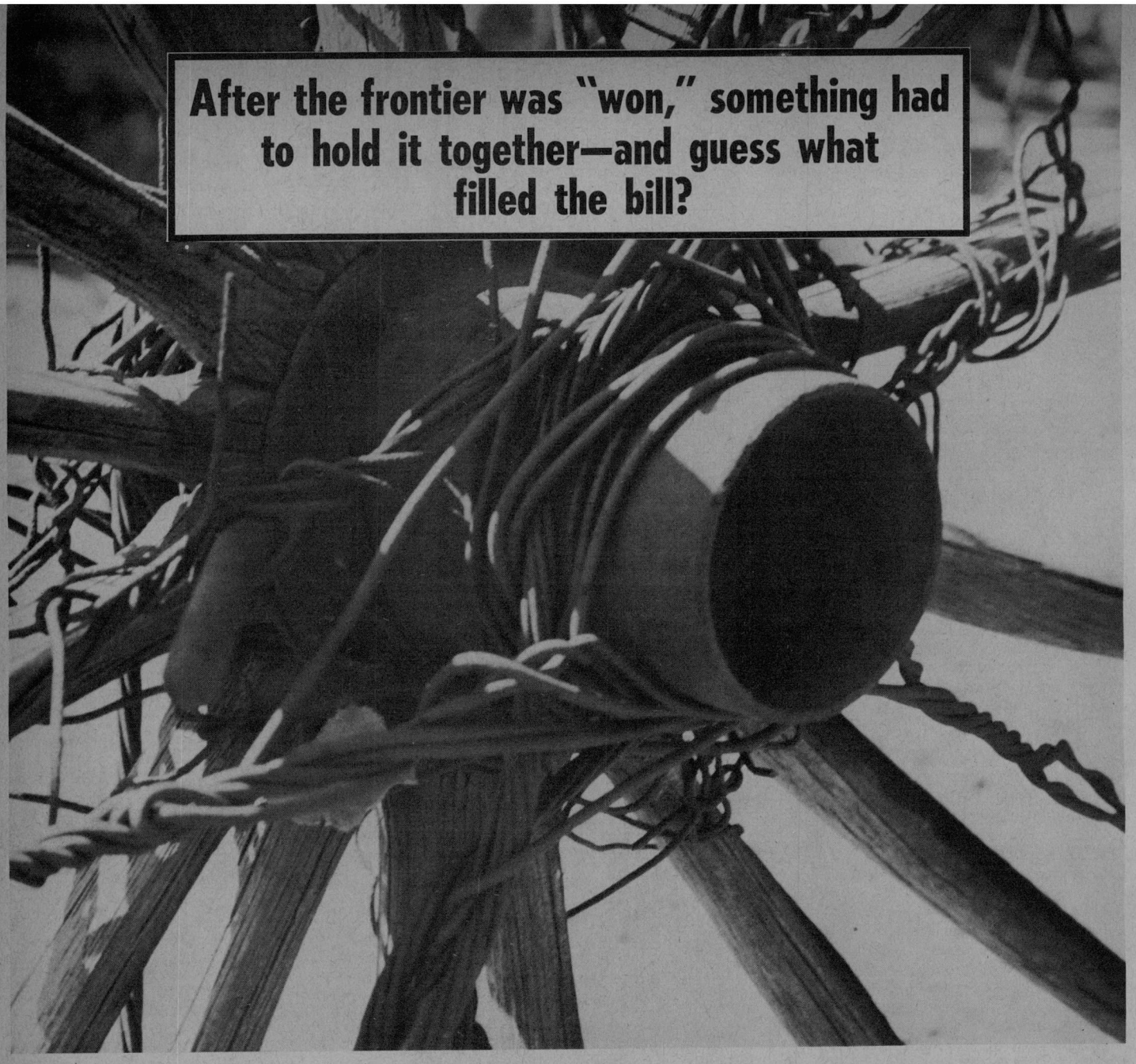


After the frontier was "won," something had to hold it together—and guess what filled the bill?

JUST BALING WIRE

By ROBERTA M. STARRY

Photos Courtesy Author

WITH all the barbed wire conventions, swaps, collectors competition and soaring prices, one could get the idea that it is the only wire worth the metal. There was other wire, though, with no vengeful points to rip clothing or entangle animals. It was the common old baling variety, a term that covered many sizes of smooth wire, much of which never saw a bale of anything.

Some barbed wire enthusiasts claim that their wire won the West, but there is proof a-plenty that it was baling wire which held the West together. Baling wire seemed to have been, to some men, what safety pins were to some women—a quick and temporary method of repairing a break, Often, the wire held so well that the temporary solution became permanent.

A neighbor of ours was a pure example of the importance baling wire could play in life on the prairie as farmers started developing the range land. The men called him "Baling Wire Bill."

Apparently most communities had a baling wire addict. He was late getting to his fields in the morning as it took

time to wire broken harness into place, then wire to the tongue or doubletrees. A lot of extra time went into temporarily wiring up for work and unwiring at night; there was never time left over for a genuine repair job or replacement of lost snaps, rivets and broken leather.

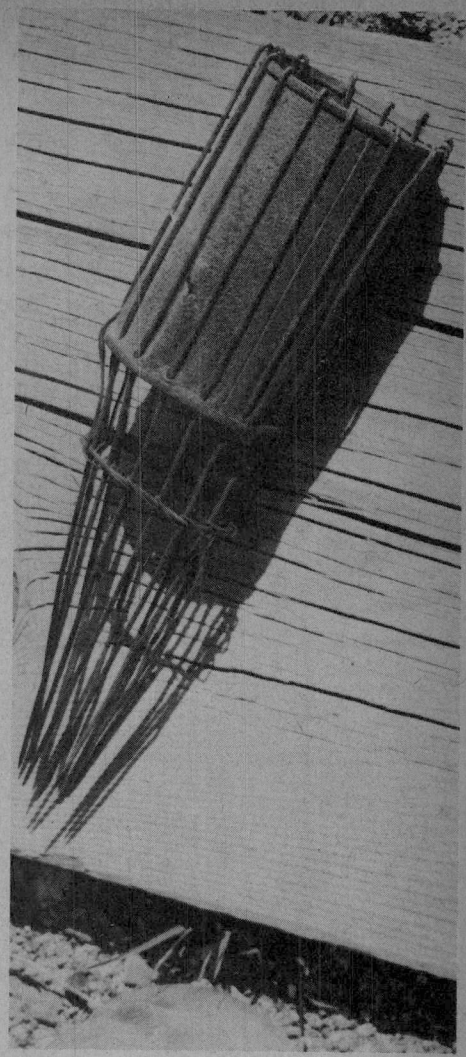
I was too young to appreciate the talk about Bill's wired harness and machinery but had a better understanding of the use of baling wire following an afternoon visit with his daughter who was in the same grade at school. We played as long as we dared and then made a rush for the little house out back. There was an unexpected delay as the door had to be unwired. Hinges had fallen off and baling wire had replaced them, making the door sag and drag, but it was the lack of a latch which really revealed the versatility of wire. Wire ran through a hole in the door and was twisted securely at the outer edge so that there was one free end on each side to wrap around a nail in or out of the little house depending on which side you stood. The twist of wire was adequate to keep the door from completely closing, giving a long, narrow view of the outside world from the dark interior once you managed to get inside.

WE NEVER had a bale of anything on our Dakota prairie spread, but a supply of the all important baling wire was stored in the barn. The only use made of it, as far as I can recall, was the time my eight-year-old brother invented a baling wire tail for a milch cow. The animal had lost most of her fly-swatting appendage in a blizzard. When summer came the poor animal was at the mercy of every fly that came her way. Brother cut a number of twelve-inch lengths of baling wire and fashioned a slight resemblance to the end of a cow's tail, then fastened it to the stub. If cows could smile, that one would have, as the new tail was quite effective. All went well until evening when the milker, unaware of the wire addition, settled his stool beside the contented cow and went into the routine of filling the pail with milk. Suddenly he was knocked off his stool by a bundle of baling wire hitting his head. Milk spilled all over him and the flies which had brought on the catastrophe departed for less dangerous territory!

Prairie life had no monopoly on the use of baling wire, as examples lay all over the range land, abandoned homesteads and mining country of the West. Some of the uses show great ingenuity by the man who was struggling to survive in an undeveloped land.

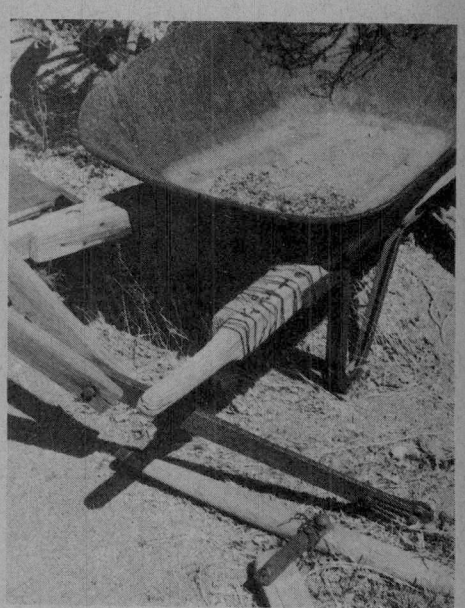
At a mining operation abandoned in 1898 there was nothing to show where tents had sheltered the miners; the rock and adobe blacksmith shop was a crumbled earthen heap; a hole in the mountain and a hand-made stove pipe were all that remained to identify the mine camp. The stove pipe had been created out of flattened tin cans—gallon to baking powder can size. The tin, curved to resemble the traditional stove pipe, was held in place and in shape with baling wire. The wire wove in, out and around; in one place it served to fill a gap where the cans didn't quite meet.

(Continued on page 63)



Above, a stove pipe fashioned from metal containers and wire. Below, a close-up of a wired-up wheel.

Above, a mouse or rat trap made from a tin can and some stiff wire. Both ends of the can were removed. The wire formed a tunnel to the food source and prevented escape by having sharply pointed ends. Below, a broken handle repaired with baling wire. Handles cost money, stores were far apart, and the article was needed at the moment, not after a trip to town.

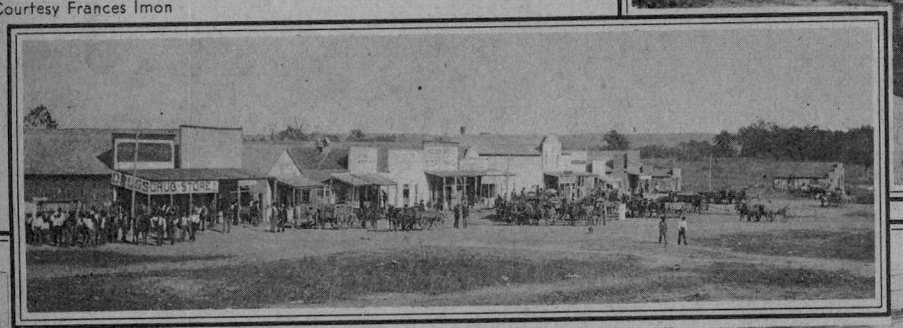


TRUE WEST Scrapbook

Courtesy Vooreese Pittman

Right, Anna Jane Budd, aged 18, riding sidesaddle and carrying a gun in the foothills of the Wichita Mountains near Mountain Park, Indian Territory, 1903. She was a good shot and loved to hunt. Below, the town of Nelson in Moshulatubbee District, Choctaw Nation, Indian Territory in the late 1880s. At bottom, tough looking characters pose in front of Nelson's post office. The sign above the door reads, "W. Brown Shoe Co's Boots & Shoes sold here." Another sign reads "Terms strictly cash."

Courtesy Frances Imon



Courtesy Frances Imon

Courtesy Walt Thayer

Early-day picnic near Bear Creek or Sugar Bush, Wisconsin, about 1905. The only person identified is Florence Owen Thayer standing in the back row, second lady from the left.

Courtesy Albert Enzmann

Courtesy Albert Enzmann

In 1909, a group of Sioux Indians from the Rosebud Reservation in South Dakota and a number of cowboys from Miles City, Montana joined Carl Hagenbeck's circus of Hamburg and toured Germany. Reader Albert Enzmann met the group on their return home aboard the S. S. Bremen and obtained these photos. Some of the Indians in the group were billed as having fought Custer in his last battle. The roper at right was a long-time circus performer known only by the name of "Doc." Above, the shorter Indian dancer with the spear was called Spotted Weasel.

Courtesy Walt Thayer

Right, the stage to Chelan, Washington on Cape Horn with driver Dewey Garrison, 1912. The four-mile long old stage road follows the Chelan River Gorge ending at Chelan Falls. It is still used by hunters and some tourists.

Truly Western

More on the Garcia Saddle

Letters in answer to my request pubblished in your magazine for information about the present whereabouts of the famous Garcia saddle have been most gratifying. I have heard from persons in ten western states who either have seen the saddle or are familiar with the Garcia Saddlery Company.

Wallace I. "Bob" Robertson of Carson City wrote: "In an old catalog of the Garcia Saddlery Company of Elko, Nevada was a cut of 'The Famous $5,000 Garcia Saddle—Mounted with Diamonds, Gold and Silver. Awarded first Prize at the St. Louis World's Fair and the Portland Exposition.' I have seen the saddle described in my old catalog in the home of Leslie F. Garcia, 6601 Lakeside Drive, Reno, Nevada. Les is a son of the late 'Lupe (G. S.) Garcia who founded the saddlery in Elko. Anther son had, the last I heard, the transplanted Garcia Saddlery in Salinas, California. Leslie has a bit and spur shop in Amozoc, Mexico from which he imports *frenos* and *espuelas* of patterns and styles made by his father as well as modern 'cowboy' sorts."

This indeed is the saddle to which I referred and of which I was endeavoring to obtain a photograph. I knew that the saddle was all hand-carved and mounted with gold, silver and diamonds. And I had been told that the saddle, bridle and martingale were valued at five thousand dollars. At least, that was the insurance value placed on the saddle whenever it was on loan.

The saddle did take first prize at the St. Louis, Missouri Exposition in 1904 and first prize at the Lewis and Clark Exposition at Portland, Oregon in 1905.

Many of the letters informed me that the Garcia Company had moved to Salinas, California and that after the death of G. S. Garcia it had gone out of business. A number of them stated that Les Garcia now had a bit and spur shop in Reno.

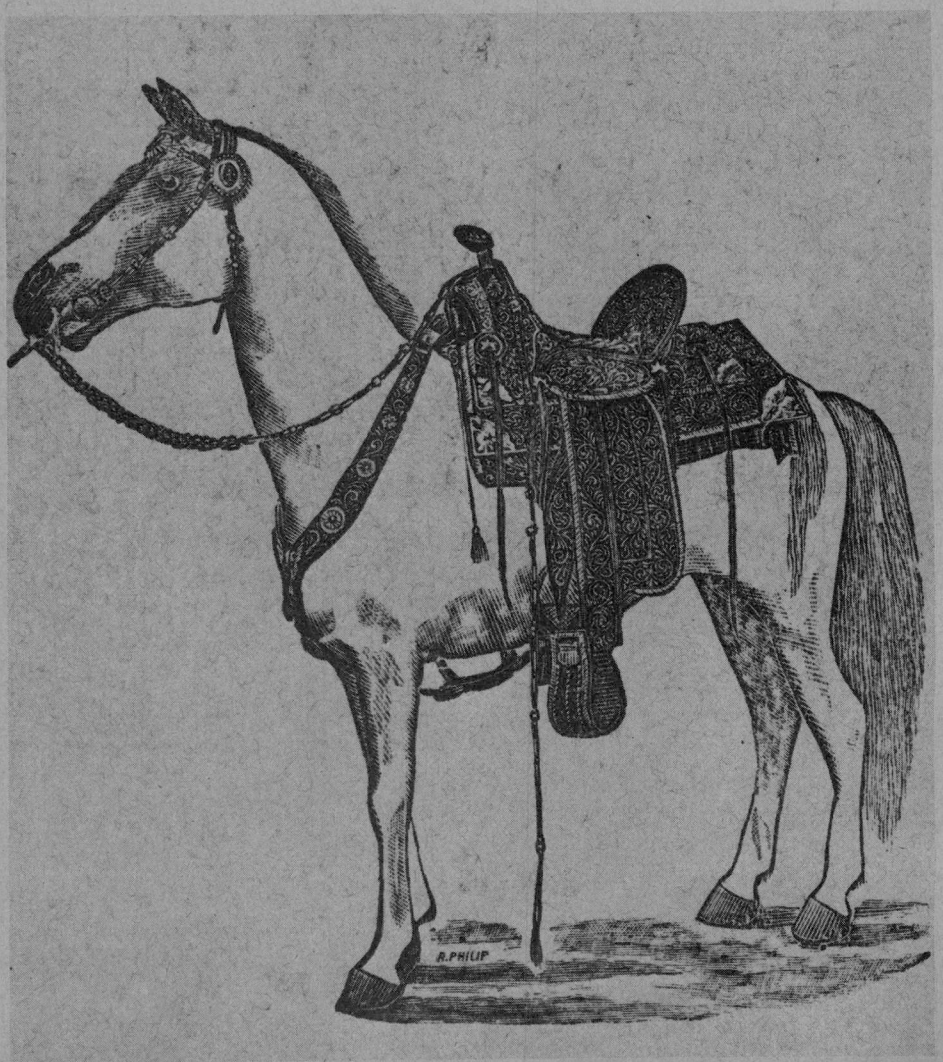
Al Moore wrote from Scottsbluff, Nebraska as follows: "About seven years ago Les Garcia told me about the saddle. He said that the saddle had been left to him by his father. At the time I talked to Garcia he said that he had the saddle in a vault in Reno." Letters to Les Garcia have been unanswered, but I am relieved to know that the beautiful piece of handiwork is receiving the protection it deserves.

From Glendale, California, Lamar Moore wrote: "I suppose you know that Guadalupe S. Garcia, born in San Luis Obispo, California, first worked in the Arana Salle shop there. After running a shop in Santa Margarita for a while, he moved to Elko, Nevada in 1893 and established his Garcia Saddlery Company. From what I could learn he moved his business from Elko to Salinas, California in 1932, but died soon afterwards. He had two sons; both learned the saddle trade and were silversmiths. Henry kept the Garcia Saddlery business in Salinas, but Les moved back to Reno, Nevada and established his business, Les Garcia Mfg. Co., P. O. Box 1966, Reno, according to recent advertisements. He does not make saddles but silver spurs, bits, etc. only. If you try to get any information out of them I trust you have better luck than I did. I wrote both, but didn't get a reply from either, several years ago."

Charles O. Williamson of the Williamson School of Horsemanship, Hamilton, Montana, wrote: "About 1954, I think it was, I saw the Garcia Brothers at the Cow Palace; told them I had a saddle made by their father when he was in Elko. They never batted an eye; never asked a question; did not seem at all interested. I have a Garcia saddle for which I traded in 1921. I would guess it was then ten or twelve years old. I was holding a bunch of horses on Slough Creek just north of Yellowstone Park and was riding a few young ones while I had nothing much to do. A big four-year-old twisted my right shoulder while mounting and it was difficult for me to throw my big Frazier (silver mounted 'n everything) up on a horse. One day while riding the colt that hurt my shoulder, I met a Park Ranger and he was sitting in a light (twenty-eight pounds) Garcia. I hit him up for a trade and he was agreeable but he made me trade even, silver and all. Since then I suppose I have bought, sold, and traded fifty saddles but still have the Garcia. I would never let it go. It is still in fine shape.

The famous $5,000 Garcia saddle, mounted with diamonds, gold, and silver, was awarded First Prize at the St. Louis World's Fair and the Portland Exposition.

Courtesy W. I. Robertson



I always keep my riding gear oiled and in good condition."

In response to a query that I sent to the Nevada Historical Society, Marion Welliver, Acting Director, wrote: "Velma Truett, our secretary, was doing a feature on Garcia saddles. I know she interviewed Les Garcia. After her death her notes were burned. If you do find the location, please let us know, too."

Various Nevada governors rode the famous saddle. Across the front seat, carved out of twenty-dollar gold pieces, are the pictures of Theodore Roosevelt, Governor John Sparks and Governor William Nye, the first governor of the State of Nevada. On the sides of the seat are fiery horses' heads.

In 1909 the saddle was lent to San Francisco for the big celebration held in honor of Don Caspar de Portola. Again in 1925 the saddle was used in the same city in the parade of the Diamond Jubilee. In 1910, Theodore Roosevelt rode the saddle the four days of festivities at the Frontier Days Celebration in Cheyenne, Wyoming.

At the Shriners' Convention in June 1926, during the Sesquicentennial Exposition at Philadelphia, the drum major used the saddle.

According to *The Trail* of the Sons of Colorado, February 1928: "The saddle is made on a Taylor tree. The leathers are all hand-carved with American Beauty roses. The neck of the horn is covered with a solid band of gold, the edge of the horn is covered with a silver band with small gold buttons on top of the horn. The front part of the saddle known as the fork is banded with a silver band with elaborate open work decorations, and on top the seal of the State of Nevada is engraved and set off with small gold stars. The cantle is bound with solid silver with small gold buttons on both sides of the binding. On the back of the cantle is a large silver American eagle with outstretched wings standing on the globe of the world, made of gold.

"The corners of the saddle are bound by heavy plates of silver with open work designs, a small American eagle flying with the American Flag is brought out by the open work, and the balance is decorated with gold. All the edges of the leather are bound by silver. The stirrups are decorated with twisted gold and silver wire, with the American shield in gold at the top. The cinch is made of the best of hair, with the cinch rings inlaid with silver.

"The bridle is made in eagle design of silver with gold decorated conchas. The bar of the bit is decorated with an eagle which has clinging to its feet a small shield. The chains are solid silver.

"The headstall is made out of finely braided calfskin, decorated with round ferrules made out of gold and silver; that is, one-half of the ferrule silver and the other half, gold. The conchas are made of heavy silver with gold buttons around the edges set off with a gold horse's head set with a diamond eye. The front of the browband is heavily decorated with gold and silver.

"The reins are made of finely braided calfskin to match headstall, decorated

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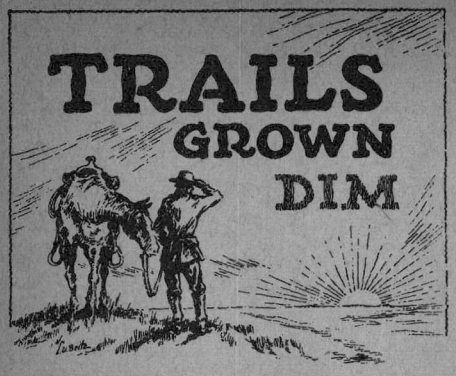

Readers' letters for "Trails Grown Dim" are printed as soon as space permits, so please be patient! If possible, please type your query; or if handwritten, print or write clearly, especially names, dates, and places—and most of all, please be brief. In accord with the content of our magazines and purpose of this service since its beginning, preference is given writers whose trails have grown dim out West: lost ancestors and relatives who were sheriffs, pioneers, Forty-niners, muleskinners, cowboys, Indians and Indian fighters, and so on. We can't run current "missing persons" notices or lengthy genealogical requests, but we do attempt to print all letters as soon as we can. Any reader having information concerning persons referred to below is asked to communicate directly with the letter writer; please do not write to us.

Sadler-Scandland

Sometime in the early 1800s Hiram Sadler, his wife Mary, John Scandland Sr., his son Benjamin Scandland, and his family, moved from Gadsden, Alabama, to a place near Sherman, Texas. The Indians, horse thieves and other renegades crossing the Red River over the land were so bad that they had to move.

At that time Hiram Sadler was a surveyor for the U. S. Government. He surveyed a large tract of land northwest of Gainesville, Texas, between Fish Creek and Red River in what was at that time Red River County (Cooke County). This land is still known as the Sadler Survey. On January 3, 1857, the State of Texas granted a patent or deed to Hiram Sadler. He must have died soon after, for his estate as of June 29, 1858 contained: 3,081 acres valued at $1.00 per acre; two Negro girls valued at $900.00; other personal property—$140.00.

Benjamin Scandland Sr. was my great-great-great-great-grandfather, and he was a brother-in-law to Hiram Sadler. I have records of their children, but nothing about any events that may have happened to them. Can anyone tell me more about their lives?—David Harrell, 1356 W. St. Charles, Brownsville, Texas 78520

Downing-Vaughn

I would like to contact descendants of Samuel D. Downing (son of George and Elizabeth, nee Bennett, Downing and grandson of Timothy, whose second wife was Sarah Chenoweth), born December 4, 1794, Kentucky, and died August 22, 1866, Mt. Pulaski, Logan County, Illinois. He married Mary Matthews, and after her death, her sister Mary, the widow of Samuel Day. They settled on Salt Creek, Illinois, 1846. His son George (1819-1853) married Arminda Witter, daughter of David and Sarah, early Union County, Ohio, settlers and War of 1812 officer, and moved in 1844 to Logan County, Illinois.

Also descendants of Robert Vaughn of Wales who settled in Huntingdon County, Pennsylvania, with his wife Catherine Morrow. They had 12 children, last of whom was James, born October 2, 1812 and married in 1835 to Mary Hiner, daughter of William and Elizabeth, nee Garretson, Hiner.

I hope some of your readers will be able to help me.—Louella Vaughn, 7326 N. E. Halsey Street, Portland, Oregon 97213

Gould-Lentz

Uriah Gould, son of Edward (Methodist minister) and Hannah (Emery) Gould, was born September 22, 1824 in Clinton County, New York and died August 16, 1908 in Killeen, Texas. Uriah married Ann Elizabeth Lentz, daughter of William and Sarah Elizabeth Lentz (from Germany to Missouri to Texas), who was born May 7, 1833 in Bastrop County, Texas and died October 4, 1895 in Killeen, Texas. She and Uriah are both buried in Sharp cemetery. Their children were Jacob B., born in 1852; Uriah E., born 1853; James W., born 1854; Frances E., born 1856; Geneva Melissa Ann (my great-grandmother, married Aaron Thomas Rathburn), born April 26, 1857; Frances S., born 1858; twins Hannah and Henrietta, born 1859; Sarah E., born 1860 (married William Haynes); Thomas C., born 1861; Mary Ellen, born 1865; Eugene, born 1866; Eunice, born 1868 (married McCartney); Robert, born 1869; Amanda Adalaine, born 1870 (married Whitson); twins Edgar and Edna, born 1871 (Edna married Tob Gallyhair) and Rhoda, born 1873 (married Blum.)

The family is listed in 1860 census for Bastrop, Bastrop County, Texas.

Was Uriah previously married in New York? Where did the parents of Ann Lentz live in Missouri? Were they from Germany or just of German descent? They had a strong German accent which leads me to believe they were from Germany.—Mrs. Beverly L. Despines, Rural Route #1, Box 53, Trivoli, Illinois 61569

Henry Stapp, Yankee Soldier

Buried here in Oakwood Cemetery, Tyler, Texas, is the lone grave of a Yankee soldier bearing the Union Seal of the Civil War. This marker identifies Henry Stapp of Company "K," 6th Kansas Cavalry. No dates—no details.

From the General Services Administration National Archives, I have learned that Henry Stapp was a farmer, born in 1840 in Howard, Missouri. He enlisted at Fort Scott, Kansas, on September 24, 1861 for three years. At age 21, Stapp had light complexion, stood 5 feet, 10 inches tall, had grey eyes and light hair. He was promoted to 7th Corporal on April 1, 1862, and was providing his own mount. From August, 1862, when he was 5th Corporal, he was successively promoted to 4th Corporal in April, 1863, to 3rd Corporal in November, 1863 and to Corporal in January, 1864. From December 7, 1863, Corporal Stapp was a patient at U. S. A. General Hospital at Fort Smith, Arkansas and returned to duty in May, 1964. He then entered the U. S. A. Hospital at Fort Scott, Kansas, on July 16, 1864, and was returned to duty in September, 1864. Corporal Stapp was mustered out with his horse at Leavenworth, Kansas on December 1, 1864.

My knowledge of him ends there. Is there a Stapp among your readers who could fill in the gap? Why did he come to Texas? What caused Tylerites to erect this one Union grave marker among their own dead? I will provide a photograph of his grave and marker, plus a copy of all of my data, to any descendent so interested.—Morris S. Burton, 2717 Crest View Avenue, Tyler, Texas 75701

Bourassa-Waterman

I have heard two stories on my family which I am interested in pursuing further. One, my great-grandfather, Jude Bourassa, who was part French and part Potawatomi, had a daughter by the name of Belle who supposedly married a Mr. Waterman. These two, I have heard, were the first couple to take out a marriage license in Woubonsee County, Kansas. Mr. Waterman was reportedly murdered. Fact or fiction?

Also, my grandfather, Theodore Santa Bourassa, had a brother by the name of Stephen who, sometime between the years 1863 and 1870, was a witness to a murder and was killed himself to prevent his testifying. Does anyone have any information to bear out these stories? Also interested in any facts on any Bourassa who would have resided in Kansas after 1846 and in Oklahoma after their move. —Donald E. Bourassa, P. O. Box 133, Roseburg, Oregon 97470

Cowan Brothers

I would like to hear from anyone who knows or knows of the descendants of seven Cowan brothers who came over from Ireland many years ago. My paternal grandfather, Richard Lee Cowan, was one of their descendants. He was born in or around Rome, Georgia, in about 1852. I understand he had several brothers who served in the Confederate Army—one called "Bob."

My grandfather married Mary Elizabeth Martin in Georgia. Her mother and father came to Texas when she did. They all settled in Johnson County, Texas about 1878. My grandfather died in 1936. My grandfather's nephew, Morgan Cowan, came to Texas with him, and his descendants now live in Johnson County. Do I have some unknown relatives somewhere?—Mary Cowan Childress, 704 Josephine, Austin, Texas 78704

Sowell

Will some one please help me find descendents of John Sowell who was born in South Carolina in the 1700s. He had a son, Joseph, also born in South Carolina. Joseph had two children, Louisa Rudolph Sowell, and John Harrison Sowell, born May 4, 1826 near Fort Townsend, Georgia. Grandfather was of German descent and was an officer in the Colonial Army during the Revolutionary War. The Sowells originally came from Scotland. Joseph and his wife moved from South Carolina about 1825, then to

(Continued on page 77)

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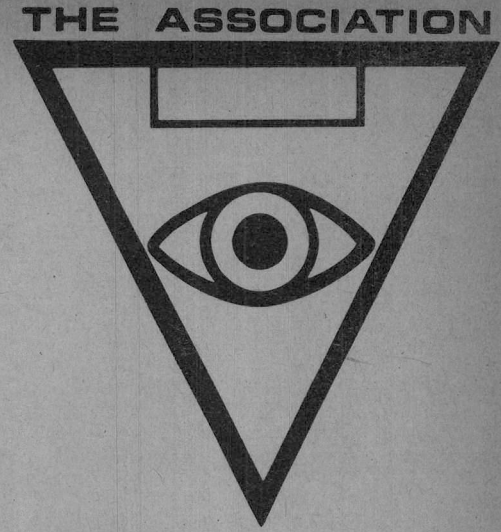

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Lost Tres Amigos Diggings

(Continued from page 12)

the day. A fiery slug of raw mescal eased their aching bodies. After another drink, they devoured tortillas, black beans, and canned stew, which they followed with coffee and more mescal. With the darkness, the desert came alive. Small animals scurried through the brush, feeding. Coyotes howled in a mournful, spooky chorus, and later they could hear their many-voiced yip-yaps on the trail of rabbits. The *compadres* talked until the bottle was finished and the coals of the fire winked out. Then the Three Friends slept, dreaming fitfully of mountains and arroyos full of desert gold.

A CHEERY whistle of a desert quail woke the Indian at the first glint of daylight. He roused the others and they dressed, happily discussing their various aches and pains. The "hot furnace," the grim desert of the day before, held no fear for them. All it had taken for them to catch inspiration was an arroyo full of gold.

Before breakfast they made a trip to the diggings, and after coffee and a hard roll they made two more. By then they had either the 700 or 900 pounds reported on the settlement sheet, with the 700-pound figure the most likely. Doc pointed the touring car toward San Diego.

When they picked up their check for the gold, the three adventurers went on a three-week's spree, spending money recklessly. And why not? An arroyo in Lower California held plenty more. Up to their old tricks, Barnes and Ruble Guble, carousing late, tore up a night club in Tijuana during a general row, two persons getting stabbed in the fracas, and both landed in jail for a year. That escapade temporarily cancelled out another trip to their diggings.

Taking a part-time job, Thatcher hung around for awhile, hoping his partners might be turned loose early for good behavior. One night Doc happened to glance at an aeronautical chart and decided that the Tijuana-La Paz flight would cross almost directly over the area of interest. Catching an uncrowded flight, Doc inveigled the pilot to drop low over the mountains south of El Arco and circle a couple of times.

"Our shovels and equipment stood there, just like we left them," Doc said.

AFTER LISTENING to the story, Devine made his second decision, his second mistake. He arranged a trip with Thatcher.

Before they could leave, Doc had to clear up his hotel and doctor's bills. Then he had to go to California to get the Buick worked on and, of course, it took money both for the going and the fixing. All told, Devine was out nearly $250. In return he received an agreement, penciled out on McCoy Hotel stationary, which gave him a third interest in the Tres Amigos filing. This was the interest which had belonged to Ruble Guble. Neither Doc nor Barnes ever knew what happened to the Indian.

"Somebody probably cut him up and fed him to the sharks," Doc said.

Then Devine made his third mistake; he didn't make a copy of Doc's waybill, or other pertinent data, when he had the chance. Up to that point Devine figured he had been fed a nicely fabricated yarn. Yet he didn't really care. It gave him an opportunity to visit Baja.

A week later, as Devine and Thatcher ate breakfast in the small dining room behind the lobby, prior to Doc's departure, the desk clerk brought Doc a letter, postmarked from Santo Tomas.

"Well, at least Barnes isn't in the pen yet," Doc said. He shoved the letter across to John.

"Doc—

"Send money. Am starving to death.

"Barnes"

John made out a $10 money order to Barnes and he and Doc arranged to meet at the Commercial Hotel in Ensenada in a month. A fellow named Todd, visiting Doc from Glendale, was going to drive the Buick to California. On the way out of town, they planned to visit with a geologist named John Berry.

Doc's parting words were: "When the good season comes, I'll either be well enough to go or I'll be well dead and gone."

THREE WEEKS LATER Devine started for Ensenada, wearing his "4,000-mile shirt." He stopped over at Glendale where Doc stayed with Todd. The telephone directory listed several Todds, but not the right one. After calling a half-dozen, one Todd told him there were El Paso Todds in town, but they had no telephone.

So at least part of Thatcher's story was true, but John had the funny feeling that his $250 had been sucked down a rathole. He caught a bus for Ensenada, checking in at the Commercial Hotel. After grabbing a bite to eat, Devine walked around to the post office. The clerk found a letter from Thatcher.

"Devine—

"Stay on. I'll be down later.

"Doc"

Back at the Commercial, John struck up a conversation with young Miguel, the desk clerk.

"Do you know a Frank Thatcher?" John asked.

"Ah, yes! mister. I know him well. *Señor* Doc has sleeped here many times."

"Is there a message for me from him?" John showed him the letter he had just picked up.

"Well, mister, there is another letter at the post office. You must ask my good friend."

Back at the post office, John asked for Miguel's "good friend," and inquired about the other letter. After a search, the clerk located a letter addressed to Barnes at Santo Tomas. It had been returned to Ensenada, stamped: UNCLAIMED. John showed the clerk the letter he had from Thatcher, and pushed twenty *pesos* across the window. Good Friend flashed a roguish smile and steamed the envelope open. The contents were brief:

"Barnes—

"Get ready to go to the property. I have a man to go with us.

"Doc"

Then for the first time John believed Frank Thatcher's story about the Tres Amigos Diggings.

"Doc had no way of knowing that I would intercept a letter which he sent to Santo Tomas," John said.

When Doc didn't show up in a few days, Devine caught a bus to Santo Tomas to see if he could find Barnes, using the address from Doc's letter. He learned that the authorities had picked up Barnes, his new address being the federal penitentiary at Santa Rosalia. Neighbors told John that Barnes would be a guest at the pen for a long time.

John never heard from or saw Doc Thatcher again.

AFTER WAITING another two weeks, John decided to quit loafing around Ensenada. He remembered Doc's story of making the Tijuana-La Paz flight the year before and seeing their shovels and equipment at the diggings, just like they had left them, so he stopped at Tijuana on his way north.

He learned that the flight had been discontinued, but the flight had been regularly scheduled for several years prior to 1937. A further check assured him that Doc had made the flight. Then John went to Tecate, where he learned all he needed to know about Thatcher's background, as well as that of Barnes and the Indian. Doc had been well-liked, but *cantina* owners were dubious of his two partners. On his way to Colorado, John stopped at the McCoy Hotel in El Paso, but no one had heard from Thatcher. He had dropped from sight.

It was ten years before John crossed from Guaymas to Santa Rosalia. Having no car, John hung around, getting acquainted. A priest told him about Dr. Charles S. MacKinnon, an Australian who had been a Mexican citizen for many years. A dentist, MacKinnon had offices on the second floor of the Hotel Central.

At John's request, MacKinnon wrote to the mineral agent at Mulegé, inquiring of a Tres Amigos filing, but he admitted he wouldn't get much information because "that shifty character down there doesn't like me very much." John soon learned that "Tres Amigos" was as familiar a name in Baja as "Lucky Strike" and "Last Chance" were in the States. The closest filing seemed to be in the vicinity of Punta Prieta.

Another bit of communication received by MacKinnon gave information on a *Confianza de los Tres Amigos*, located 5,500 meters west of Bahia de Los Angeles, 6,000 meters north of Mount Santa Maria, and 8,000 meters southeast of the Punta Prieta-Bahia de los Angeles road. This locale would be quite close to the old Las Flores Mine (also called San Juan), run by an American company until forced to close down during the Mexican Revolution of 1910.

"Not the place," John said. "That was a silver camp." Mackinnon thought that the mineral agent had lied. "Go see Negrete at San Ignacio," he suggested.

NEGRETE posed as an engineer. Just what kind of an engineer John never learned, for he was a glib-tongued individual. At the time he occupied himself with a small ranch at the outskirts of San Ignacio. MacKinnon said the ranch had taken on too much "sour water," or alkali.

John showed the swarthy-faced engineer his agreement with Thatcher and asked him if he knew of any gold in the mountains north of San Ignacio. At first Negrete said, "No gold in that country," but after a couple of Madero brandies he warmed up and changed his mind.

"Yes," Negrete said. "Yes, there is gold in that country. But where? I have prospected some myself, but not so far north. Many years ago an old man brought in some gold from the Sierra north of here while on a hunting trip. Good gold, too, *Señor*. A banker here wished to finance him to go back, but he was afraid. You know the suspiciousness of these people. This *hombre* thought if he showed the gold they would kill him. Because they kept watch on his movements, he did not go again for a long time, but then he could not find the place, or so he reported. You know how it is in the mountains, the landmarks all look alike. Whatever he found is still there. The secret went with him. I was just a boy then.

"Listen! If you go north of Rancho Tablon a few miles, you pass by a dry lake. From the north side of the lake, if you travel east five to ten miles you will find the ruins of the Mission Dolores del Norte. Watch carefully or you could miss it. It is hard to judge distance in that country. Nobody lives there; the wild animals have it to themselves. You must go with a burro or mule. The priest here says it was constructed in 1721 by the Jesuits as an adjunct to our own Mission San Ignacio. That is of no importance.

"There is a legend. The Jesuit fathers used Indian labor at the mission. When there was no work at the mission or in the fields, the fathers sent the *Indios* out to bring back a specified amount of gold. The *Indios* always went south, and they returned the same day.

"Well, if you give them a few hours to mine and sort the ore, they could not travel far. Who knows? Perhaps only eight or ten miles. A number of goldsmiths had employment there, fashioning filigrees, images, urns, and other ornamentations for use in the mission, and the rest was pounded into bullion. Many of the valuable items are in the mission here. You can ask the priest. He can show you.

"There is yet another legend. For many years there was trouble with the *Indios*. They revolted many times. Then on some years the springs dried up and they had no water to irrigate the quinces, pomegranates, sour oranges, and the gardens of squash and corn. Well, in 1740 the mission was abandoned and combined with the one here. That is what the priest says. But the *padre* there did not wish to give up all his gold so he had it hid in the hills nearby. Could you blame him? Not many people get into that country because it is so isolated, and with no water unless you know where the seeps and potholes are. The mission was constructed of adobe, so it has crumbled to the ground. Someday I would like to search. Who knows? It may be a true story.

"But I think the *Indios* brought in the gold from the same place as where your friends found it. The Indians at the mission used to migrate from coast to coast. That is a certainty. That is why the mission was put in that wild country. They painted strange pictures on the canyon walls and in caves. I have seen them with my own eyes.

"Yes, I think there is gold in that country. But it is much country, *amigo*."

Negrete was full of legends, tales, and stories, but his prime concern at the time was selling his ranch. John couldn't think of any good reason for buying it.

John Devine (right) and author's brother Dick chat over a cold drink during a recent desert trip.

"THE NEXT MORNING I couldn't find my agreement," John said. "I think maybe Negrete stuck it in his pocket."

Since the agreement mentioned only *La Mina Tres Amigos*, with no reference to the fact that it was "lost" at the time, Devine felt that Negrete wanted to use it to help raise some money.

"One thing about Negrete's tale reminded me of something else. I remember Doc saying that, after flying over the area, he believed that it would be much easier coming in from the north. I wanted Negrete to make the trip with me, but he couldn't get away then."

John caught a ride north out of San Ignacio with two *gringos*, but those "burr-headed gentlemen" had no map and they got mixed up on the mileage. After one look at the Vizcaino Desert, they lost interest in prospecting. At Ensenada, John made the acquaintance of T. A. Lagos, the mineral agent, who sent him to see Pedro Gratianne.

Gratianne made a weekly mail run between Ensenada and Santa Rosalia, and John bummed a ride. Going or coming, Pedro and John couldn't find what they thought might be Doc's turnoff point. At the Rancho Los Angeles, where they stopped for a *cafecito* with the rancher and his wife, John learned that he could rent horses.

Not discouraged, John went back to Colorado. On his next trip to Baja, he went with Joe Hicks, a railroad man from Pueblo. Starting at Guaymas, where "they took us good for boat passage," they crossed the Gulf of California to Santa Rosalia, where "they took us much better to unload the car." Their trip was a series of fiascos. This time the rancher did not have any horses.

On another occasion, he accompanied a mining engineer from Colorado, but that fellow didn't cater to Mexican food, didn't like the accommodations, couldn't stomach the country, got homesick, and "had his ears pinned back" the whole trip. On this trip, the rancher had vacated the ranch.

Next, John inveigled his Kokomo, Colorado partner, Horace Gilman, into making the jaunt. A bout with "Mexican heartburn" kept Gilman in a hotel room for a week. A rough trip into the Miramar Placers, only to learn that there was an easier route, did nothing to placate Gilman's feelings about Baja. Another trip to take a look-see at one of MacKinnon's prospects tore up the jeep.

After limping back into San Ignacio, Gilman put the jeep in a garage. Three days later Gilman had a hassle over the jeep bill with that "smart-alecky, high-handed German" named Frank Fisher, and disgustedly told Devine he wanted to head north. While waiting on the repairs, John had gone out to Negrete's ranch but the engineer had moved to Ensenada in an attempt to "get hooked up with some big money."

Still John persisted. Before they reached Rancho Los Angeles, he persuaded his partner to try and scout out any sign of Doc Thatcher's trail to the Tres Amigos Diggings. It grew dark after about five miles of strenuous, twisting, rock terrain. They made camp. Gilman felt in happier spirits and Devine had the feeling that he would look at that will-'o-the-wisp out in those lonely hills. They enjoyed the fire, then slept.

The next morning a scorpion slapped Gilman on the foot as he rolled out of his sleeping bag. They drove to the ranch, where the rancher's wife administered first aid. The rancher was on a three-week's pack trip, but there were mules in the corral.

"You can take the mules, *Señor*," the wife said, and her twelve-year-old son offered to act as guide.

"Can you estimate a distance of twelve miles?" John asked the boy.

The boy grinned and nodded.

"He can't count," the mother said.

Gilman snorted. "I'm going home. I don't care if official records prove that there are fifty tons of bullion out there in the hills."

So John gave in. He had to go with his transportation. At Ensenada John tried to locate Negrete, hoping he could make the trip to the diggings, particularly if he had found the "big money" he had gone after. Unfortunately, Negrete had hooked up with a dark-eyed, fiery-tempered, plate-throwing *señorita*, both parties believing they had married rich mates, and in the end Negrete lost everything, including his ranch.

When Devine learned that Lagos no longer worked for the government and that Gratianne no longer carried the mail, he left for home with Gilman.

A LETTER from Doc MacKinnon, dated August 10, 1953, shook Devine up. MacKinnon wrote under the letterhead of Minas Baja California, in which he was a partner with Harvey K. Greenlaw, a former colonel in the U.S. Air Force who had spent fifteen years in China, and was a "big wheel in the Flying Tigers."

MacKinnon had picked up the famous El Arco Mine and some acreage adjoining it on the Sierra MacKinnon. Showing some of the copper-gold ore to an old-timer from El Arco, MacKinnon asked him how it would run in gold. The old man replied that there was better gold on the "Tres Amigos" on the other side of the hill. Greenlaw and MacKinnon found an abandoned shaft with a three-foot gold vein on one side.

"My partner and I have no cash but we have ambition, and expect to make a fortune," MacKinnon wrote to Devine.

Unable to get away from his Kokomo properties for a couple of months, Devine had to sit tight and sweat out the mails for further news. The next letter from MacKinnon supplied him with his answer. John was asked to help promote the property.

"When I got that letter," John said, "I knew he hadn't found *my* Tres Amigos."

That winter John verified the fact that MacKinnon's mine did not fit Thatcher's description, and on that trip he became acquainted with Greenlaw.

"Good man," John said, "but broke."

Greenlaw had returned from the Far East loaded with money, but Hollywood promoters "slicked" his bank roll with

some phony deals. About that time his wife left him. Broke, he migrated to Santa Rosalia where he hoped to put some deals together. Greenlaw promised John he would concentrate on the search for the Tres Amigos just as soon as one of his promotions culminated. But bad luck stayed like a plague with the former Flying Tiger.

TWENTY YEARS after John Devine met Doc Thatcher, he came by my office for a visit. I had never met him before but I knew of him through our mutual friend, Dr. Ben Parker, who had been president of the Colorado School of Mines while I attended that institution and later was my boss with an oil company. Dr. Ben must have sensed that John and I would hit it off.

When John first walked in he reminded me of a panhandler and I tried to think of ways to get rid of him. But the longer he stayed the more he intrigued me. Three weeks after our meeting we went to California, picked up my brother Dick, and headed south for Baja California.

As you have guessed by now, we did not find John's mine, but we really never had a chance. The wet season was on and trucks had made the roads impassable, even for themselves. Two trips and we were stymied both times, so we spent our time prospecting other areas in Baja or Sonora.

Even after a period of over twenty-five years and right up to his death in 1966, Devine maintained his confidence that he, or someone else, would someday strike a pick into the rich, auriferous gravels of the Tres Amigos Diggings.

"I've got an imaginary claim staked on that gold down there in Baja California," he used to tell me, "but I haven't been able to spend any of my imaginary profits."

Now that John is gone I suppose I have as much right to the diggings as anyone. Lagos and MacKinnon still write occasionally, but most of the characters John knew so well are gone. Doc MacKinnon hasn't been able to add much to Devine's story. Charles Steen, who gained prominence during the early uranium days, wrote me that John Berry, Doc's geologist friend, had also long since passed on.

The only thing left is to go down and find it. Not finding it, though, wouldn't prove or disprove a thing.

Don't get the idea that I'm revealing the story because I've lost faith in it. Far from it! If I ever believed a lost-mine legend, it's the Three Friends Diggings down in Baja California. And this gold doesn't have a curse on it.

I hope someone finds it for John Devine's sake. He believed in it, knew it was there. It's just that sticky problem of exactly where.

Fairweather's Luck

(Continued from page 27)

was a persuasive talker. At dawn the white men were cut loose, their weapons and horses were returned to them, and they went free.

ANOTHER story about Fairweather, perhaps pure fiction, concerns a confrontation with a Sioux war party. This tribe was generally hostile as far as whites were concerned, and Fairweather and his friends faced them with apprehension.

A chief, riding forward, veered when a rattlesnake in the sagebrush made warning. Fairweather dropped from his horse, stalked forward, and while the Sioux watched in amazement he leaped on the snake, lifted it to his face, and bit off the head. The Sioux moved on. They wanted nothing to do with a white man like this.

Fairweather was a prospector. During the 1850s great gold strikes were made in Idaho; they faded, as all such strikes did, and gold seekers moved eastward over the high Bitterroot Mountains into the country later known as Montana. Modest finds had been made on Gold Creek; much greater riches on Grasshopper Creek; and a settlement, Bannack City, quickly boomed to a population of 10,000.

Down east some hundreds of miles on the present Wyoming-Montana border lay an isolated range of mountains called the Big Horns. Word of gold there spread and James Stuart organized a prospecting expedition. It consisted of two parties: One of some size headed by himself; and a smaller group of six men under Fairweather. Arrangements were made for a rendezvous. This failed due to Fairweather's tardiness. The main body moved on, but discovered no gold.

It was May 1863. Fairweather and his men, including Henry Edgar, encountered Crow Indians who robbed them of food and supplies and turned them back. Disgusted, downhearted, they came late one afternoon into a creek gulch jungled with alder bushes. Bannack lay some seventy miles away to the west.

Fairweather decided to make camp. He detailed himself and Edgar to stand guard against any Crows who might be following, while the other men prospected. About sundown Fairweather waded the creek to picket the horses in lush grass on the other side.

"I see a hunk of bedrock projecting," he called out presently. "Henry, we had better go over and see if we can't make enough money to buy a little tobacco in Bannack."

Fairweather secured a pick and shovel and went to work on the granite outcrop. He dug at the base, then went down on hands and knees to sift the debris with his knife.

"I've found a scad!" he yelled in excitement.

Edgar meanwhile had filled a gold pan with gravel and was washing it down in the creek. Golden flecks gleamed dully in the twilight and brought a whoop to his lips.

"If you've got one scad, I've got a thousand!"

Three pans of gravel were washed before full dark, and the aggregate was worth about $12. The other prospectors returned from a side gulch where they had found nothing. They inspected the Fairweather-Edgar find. One of them, Sweeney, exclaimed, "It's salted! Sand can't be that rich!"

But it was. The next day the party panned out about $180 and then decided to return to Bannack. They had been so short of rations for a number of days that their only food had consisted of antelope meat without salt—a fact which prompted Fairweather to name his mount, which he had acquired just before the beginning of the expedition, Old Antelope.

Members of the party marked off claims for themselves and named the canyon "Alder Gulch." Their discovery could very easily have been passed by, but luck had prompted Fairweather to order a halt here. The party agreed to say nothing of what had happened, and moved on to Bannack where members ate their first full meal in several weeks.

It proved difficult, however, to hold back news of their find; they dropped too many hints and before long word spread of a new, rich strike somewhere down east.

Fairweather undertook some disciplinary action. He warned the discovery party, "You talk too much. But there's no harm done long as you don't locate our strike. You tell someone where Alder Gulch is and I'll take care of you myself!"

IT WAS DECIDED to return to the gulch on June 2. Shortly before that day a member of the party, Barney Hughes, was called into secret conference by a number of individuals who urged him to lead them out by night to precede the rush and stake the richest claims, but Hughes refused.

More than 400 gold seekers followed Fairweather and his party when it finally set out. The discoverer became alarmed; it was possible for such a mob to become violent and beat them out of their bonanza altogether.

At a point known as Beaverhead Rock, Fairweather called a meeting and persuaded the prospectors to organize a new mining area, according to the custom of the time. The men agreed on claims one hundred feet wide, from one rim of the gulch to the other. The discoverers, it was conceded by all, would be permitted two claims each, with water rights—the right to unlimited use of the creek, without which water it would be impossible to wash the placer gold free from sand and gravel.

On the night before they reached the gulch, while the prospectors slept, Hughes gathered several of his friends secretly around him. He told them that he was uncertain of the riches of the gulch—whether only a few pockets of gold existed, or if the gulch was gold bearing for its entire length. He suggested that a wise course would be to strike out at once, reach the gulch, and stake claims while the others slept.

Just why he did this is not known, but his friends approved and followed him through the darkness down into Alder Gulch, where they had marked their ground by the time their companions arrived. What the larger group thought can be imagined, but Hughes and his friends escaped violence. Fairweather himself appeared to have forgiven the treachery. He and Edgar already had marked off the best ground for their own claims anyway.

The Alder Gulch strike was one of the West's richest. Within a few weeks Virginia City was teeming with 20,000 people. This settlement, second capital of Montana Territory, eventually became a ghost town but today has been reconstructed as a tourist attraction. The leading hostelry is named "Fairweather Inn."

Not all prospectors found gold, of course; indeed, only a relatively few of the thousands of seekers were successful. Fairweather's claim proved among the richest. He would ride through the booming city on Old Antelope, and the word had gone around that the animal was lucky, having carried Fairweather into the gulch.

One day a prospecting party, headed south into the mountains, approached Fairweather and the leader said, "Seein' how lucky that horse is, Bill, we'll give you $5,000 for him and maybe that'll guarantee he'll lead us into another Alder strike."

Fairweather slapped his mount. "Not for any money do I sell him!" he declared.

There were other big-money offers for Old Antelope, but Fairweather refused them all. He was not especially interested in wealth, unlike most of his contemporaries; much of his gold he gave away, tossing dust and nuggets to madly scrambling children and Chinese as he rode down the streets.

Fairweather was a friendly man and numbered among his cronies both outlaws and honest "characters," including an eccentric named The Great American Pie Eater who, with jaws misformed by two sets of strong teeth, could bite through a pie and the tin container. There were others, such as Bummer Dan, an out-and-out beggar. In a saloon one day Dan saw a patron order a pie, a luxurious item; when it came, he snatched it and quickly wolfed it down. Incensed, the customer turned to the others and demanded that Dan be banished from the city.

"Well, now, I don't know," Fairweather said. "Maybe a little good, honest work will help him. Give him a pick and shovel and some ground and then he either works or gets out."

A patch of ground high on the side of the gulch was contributed, since chances of gold this far above the stream bed were remote. Dan regretfully went to work.

Within a few weeks he had struck it rich—"Bummer Dan's Bar." He panned thousands of dollars worth of gold and decided to go back to the "States." Dan was robbed on the way and returned to Virginia City where he once more went on the bum—but with a little more prestige this time.

After a few years Fairweather sold his claim and sought adventure, and possibly more gold, on the Peace River of Canada and in Alaska. His luck did not follow him and he presently returned to Montana, dying at the age of thirty-nine in Robber's Roost in southwest Montana, a notorious waystation where outlaws frequently gathered until their destruction.

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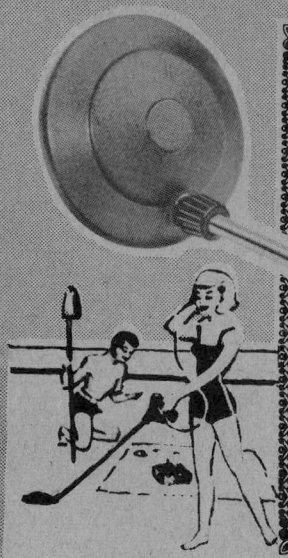

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Rough Justice

(Continued from page 17)

Shanuary. I makes it six month und den you kills me, vill it? You shust go right avay to jail six months und then I see you any I shoust shoot you full of lead it vill take von steam derrick to lift you down to your grave. You hear me?"

The prisoner heard him and the newspaper related that the six months were up long ago.

MANY JUSTICE OF THE PEACE courts were held in saloons in the early days because of lack of official quarters in the rough mining camps. Fines frequently included buying drinks for the court and as the historian Bancroft noted, "Justice and juleps were often administered by the same hand." Even when courts were held in facilities other than saloons, it was often the practice to adjourn from time to time to the nearest drinking establishment.

Near Placerville a miner was on trial in a justice court for assaulting a claim jumper. The trial began at eleven p.m. and the justice was thoughtful enough to adjourn court at intervals so the prisoner, prosecutor and everyone else in the room could have a few drinks at a neighboring saloon. By morning, as one chronicler told it, "A drunken lawyer addressed a drunken jury, on behalf of a drunken prosecutor, and a drunken judge, having delivered an inebriated charge, a fuddled verdict of acquittal was rendered."

Even in the embryo cities of the new state, the decorum and facilities of justice were lacking for a good many years. A case in point was Judge Jim Reynolds of Stockton. For a time Reynolds held his court in the Exchange saloon, the owner, one Bob Collins, also allowing him to sleep in the attic. Reynolds dispensed his saloon variety justice from behind a large dry goods box which was readily adjacent to the bar.

Reynolds was reportedly more interested in making money than seeing justice done. One day he was trying a case where the complainant had charged that he had left a sack of gold dust in Collins' safe and couldn't get it back. Collins, of course, maintained that the dust was his. Dave Terry, lawyer for the plaintiff, suggested that the dust be equally divided between the two parties after he had taken out his legal fee. Reynolds jumped up from his rocking chair and demanded that he be given a cut too since he was presiding judge.

When Perley, Terry's assistant, restrained the judge and drew a pistol, the court was thrown into an uproar. Pistols and bowie knives were freely drawn by friends of both parties and in the confusion Terry secured a handful of dust and motioned for Collins and his client to divide the remainder. Reynolds was deprived of his cut this time, but such wasn't often the case.

Judge Reynold's retirement from the bench was recalled in an article in the Stockton *Evening Mail* and reprinted in the San Francisco *Morning Call* for November 17, 1885. Reynolds moved his court from the Exchange to an old abandoned boat in the Stockton Channel of the San Joaquin River. One day in the winter of 1850 a ship's crew stamped into his courtroom and preferred charges against a group of twenty-five men who had hijacked their ship. The vessel had come up from San Francisco hauling a cargo and had tied up in front of the St. Charles Hotel, which was under construction. The hotel owner, one John Doak, ordered the ship to move upstream, but the crew defied him.

Early the next morning a group of twenty-five men, presumably at the urging of Doak, boarded the vessel armed with clubs and pistols. The ship's crew fled to their quarters and locked the door while guards made sure that none of them tried to come on deck. Cutting loose from the mooring the hi-jackers drifted around in the channel watched by all of the local saloon patrons lined up on shore. Before long the ship drifted aground and the erstwhile sailors abandoned their prize. They staggered back to the Stockton saloons and had a hearty time recounting their adventure to any admiring barroom loafer who would listen.

While the hi-jackers were touring the Stockton saloons, the ship's crew marched into Judge Reynold's shipboard chambers to appeal to the majesty of the law. Warrants charging the twenty-five men with "piracy on the high seas" were issued and given to the bailiff to serve, but he was back before long with the papers.

"Where are the prisoners?" demanded the judge as he swung his feet down from the top of a pot-bellied stove.

"Dunno, Jedge," replied the rain-soaked bailiff.

"Humph! They defy this court, hey?"

"Yessir," replied the bailiff. "They said you were an old scalawag and ought to be kicked clean into . . ."

"What!" yelled His Honor, leaping out of his seat. "Bring 'em in sir, bring 'em in, I'll fix 'em!"

"Can't, Jedge," shrugged the bailiff, "too many of 'em."

"Well, I'll fix 'em anyhow," sputtered Reynolds. "Oh just wait 'til I get at 'em on this case!"

About that time Dr. Roberts, a local lawyer, entered the cabin and Reynolds explained the situation. Roberts agreed that the court must exact vengeance so Reynolds called the ship's crew and held a trial with the hijackers *in absentia*. Roberts acted as defense counsel and in due time the judge found the defendants guilty of piracy, and assessed damages at $60,000. Reynolds then made out attachments and gave them to the bailiff to serve.

There was a good-sized crowd in Reynold's court the next morning where he was trying another case. Five men suddenly kicked open the door and elbowed their way up to where Reynolds sat. The leader pulled a pistol and shoved the barrel into the judge's ear.

"You dirty old scoundrel," he snarled, "skip town within an hour or we'll hang you!"

"My God," whined the Judge, "don't, gentlemen!"

"Get down from that bench," replied the leader.

"Don't for heavens sake, gentlemen, it was all a mistake. I take it back!"

"Will you skip?" he was asked.

The judge "skipped" right out the window and that was the last he was ever seen in the city of Stockton. Dr. Roberts was surrounded by the other four gunmen and also was told to be out of the city within an hour. Unlike the Judge, Roberts was a fighting man and he informed his captors he would fight any of them alone, but that he wasn't going to shoot with the whole crowd. But Roberts was marched from the courtroom and he too was never again seen within the city.

John Doak reportedly ran into Reynolds some time later at the gold rush camp of Sonora.

"Hello, Doak," said Reynolds, "come and drink. By George, Doak, that judgment was wrong. I told Roberts we had better stick it in the safe and not let it be seen, but the old fool wouldn't listen. He just would have that judgment. Why, we were just coining money; it was the softest job I ever struck. If they had only left us alone, Doak, we'd made a fortune in another year!"

AFTER THE California Constitutional Convention of 1850 a regular system of courts was established, but the administration of law was executed in the crudest of fashions for a good many years even in cities such as Los Angeles and San Francisco.

"Speaking of informality of courts in the earlier days," recalled an early Californian, "I should record that jurymen and others would come in coatless and, especially in warm weather, without vests and collars; and that it was the fashion for each juryman to provide himself with a jack-knife and a piece of wood in order that he might whittle the time away. This was a recognized privilege, and I am not exaggerating when I say that if he forgot his piece of wood, it was considered his further prerogative to whittle the chair on which he sat! In other respects, also, court solemnity was lacking. Judge and attorneys would frequently lock horns; and sometimes their disputes ended violently."

An article in the first issue of the *California Star*, published at Yerba Buena (San Francisco), on January 9, 1847, was concerned with courtroom decorum: "Among the many good rules adopted by our late *alcalde*, and broken by the present one—not to mention the highhanded violation of the dearest rights of free men, a refusal of trial by jury, . . . — is that of smoking in the courtroom, and this, too, practiced almost solely by the judge and his clerk, who are more than half their time puffing forth clouds of smoke from their 'long nines,' greatly to the annoyance of persons having business in court, particularly those not in the habit of smoking. Besides, I would ask, does it look very dignified for a judge to be delivering a decision in an important case with a cigar in his mouth, stopping every half minute in his address to give a puff or two?"

Accounts of violence in courtrooms abound, and recourse from an adverse decision was often not to a higher court but to a holstered six-shooter. Lawyer Dave Terry once had to stab a defendant who had attacked him. In Nevada City, attorney Bill Stewart got the drop on a tough customer he was cross-examining; legal lore wasn't always understood, but a pistol spoke a universal language.

In June 1852, a Sacramento courtroom was the scene of a legal squabble over squatter troubles. Judge Wilson had no sooner adjourned his court when a witness, one McKune, stepped forward and demanded an apology for some disparaging remarks made by his honor. When Wilson refused to make amends, McKune and a friend named Caulfield attacked the judge and beat him over the head with a walking stick. The jurist was a man of attainments other than legal, and grabbing his sword cane he plunged the blade into McKune, then drew his pistol. Caulfield and the judge each fired a shot, the bailiff being wounded in the exchange.

ASIDE FROM the crude and sometimes violent nature of early courtroom procedure, California tribunals of the 1850s had more than their share of corrupt officials. Ballot box stuffing, influence peddling, political patronage and a frontier atmosphere made ideal conditions for bribery and bought juries. Edward McGowan, at one time an Associate Judge for the Court of Sessions of San Francisco County, had some peculiar qualifications for assuming a position on the California bench. Prior to the great gold rush, he had been kicked out of the Pennsylvania legislature after a brawl in that august house and then followed up his promising career by being tried and convicted as an accessory in a bank scandal—this last while serving as a Superintendent of Police. McGowan, and others of his ilk, made a travesty of the law until crime became so rampant and convictions so scarce that the people finally rebelled. The laxity of the courts was a prime cause of the great vigilante movements of the 1850s when the criminal element and corrupt officials were literally run out of town.

Judge Dryden, the "hero" of the opening anecdote of this article, was an early Los Angeles judge who didn't let legal jurisprudence stand in the way of good humor. Aspiring to the office of sheriff, a southern Californian married a Mexican *señorita* in order to secure the vote of the native element. He was elected to office and a short time later was compelled to round up a posse and pursue a group of troublesome horse thieves. To his surprise and chagrin, the leader of the outlaws turned to be his own brother-in-law, whom he had never seen. The sheriff brought his relative in and he was tried before Judge Dryden with an appeal for judicial leniency. In announcing the jury's verdict, the judge gave the prisoner a long and stern lecture, concluding with: "But the jury recommends clemency. Accordingly, I declare you a free man and you may go about your business."

"What is his business, Judge?" shouted someone from the back of the room.

"Horse-stealing, sir," shouted the Judge, "horse-stealing!"

In the earliest days of the gold rush—in 1848 and early 1849—crime was practically nonexistent in the mines. As the tide of immigration increased, however, lawbreaking became an increasingly serious problem.

The earliest lawyers in California were too busy digging for gold to heed any legal call, but as the population increased, the need for their services became more and more evident. "We needed no law until the lawyers came" was a popular recollection of the early miners, but this was an oversimplification.

Down through the ages there has always been a mistrust of the legal fraternity, but nowhere was it ever evidenced so clearly as in the American colonies of New Spain. Here, all of the colonies petitioned the king in the most earnest terms not to permit the immigration of lawyers to the New World. Balboa himself wrote to the king saying: "One thing I supplicate Your Majesty; that you will give orders, under a great penalty, that no bachelors of law should be allowed to come here; for not only are they bad themselves, but they also make and contrive a thousand iniquities." Of course, all this was a fallacy since lawyers are not necessarily the source of trouble, but merely the result of it.

Law degrees were easy to come by in the gold rush days and there were as many colorful attorneys as there were judges and justices of the peace. Some were tough customers; others were pioneer lawmen who helped civilize a great new state, but there was a generous sprinkling of strange characters also. One of the latter was Francis Dunn of Nevada County, California.

A GROUP of men were riding along the Downieville road one day when they came across a well-dressed man sprawled along the roadside. Shaking the stranger, one of the party asked him who he was. "I am Francis J. Dunn," replied the fallen inebriate, "and justly considered the best lawyer in the state of California."

Dunn is best remembered for a remark made in court while replying to an argument. "The remarks of counsel," said attorney Dunn, "remind me of a quotation from a classical poet. I cannot exactly recall the name of the poet, and I have forgotten the quotation; but if I could repeat it, the court would see that is is apropos."

On another occasion Dunn was arguing before the State Supreme Court. As was his custom, he had copied all sorts of papers and orders into them without any attempt at condensation. He had just begun reading a lengthy discourse when Judge Murray, due to a misunderstanding, told him the court didn't want to hear any more. Eventually the case was decided against Dunn. Some time later he was back before the same tribunal and again began reading from an interminably long transcript.

"State your case, Mr. Dunn," said Judge Murray. "It isn't necessary to read the whole record!"

"Oh, no, you don't," replied Dunn. "May it please Your Honor, the Supreme Court told me that once before and then decided against me. I am going to read this record and make the court understand me."

To the utter consternation of the court, Dunn then commenced his reading which occupied the next three days. It was not long after this episode that a time limit was fixed as to the length of counsel's speeches.

Frontier conditions made for situations which confounded even the more conventional lawyers. Jim Coffroth was a criminal lawyer of great ability and he was once retained by the relatives of a man accused of stage robbery. The retainer was $1000 and he was to obtain an additional $500 on acquittal. He won the case and after receiving his money he started for home in a buggy. At a lonely spot on the road that night he was stopped by a highwayman who demanded his money.

"Why, man," responded the counselor, "all the money I have is what I received from clearing one of your kind."

"Hello, Jim, is that you?" replied the bandit. "It's dark and I didn't know it was you. Hell, I don't want your money, I was waiting for another party."

It was the hold-up man Coffroth had just acquitted and he told his former lawyer to drive on quickly as he expected his real victim any minute.

A similar incident once befell a lawyer in the mining town of Hornitos. After getting a Chinaman acquitted of a burglary charge, the grateful celestial led the attorney to his tent where he insisted that his defender help himself to any piece of burgled loot that struck his fancy. The disillusioned lawyer could only shake his head as he slowly walked away.

The lighthearted manner in which legal matters were sometimes treated is well illustrated in the following article taken from the Sacramento *Daily Union* of May 5, 1859:

A NOTABLE NOTE—The following was placed for collection says the Amador *Ledger*, in the hands of S——, of Drytown. It was given to a Chinaman as a promisory note for $60 and the Chinaman insisted on its being sued upon. The form for this note, although not found in the work called 'Every Man His Own Lawyer,' evinces a high order of legal intellect—no common 'pettifogging' there—the Statutes of Missouri, the laws of Drytown mining district, the 'Universal Letter Writer', and 'Nursery Rhymes' have all been prospected to get the color in this note. It is plain to anyone that there is no *principle* in such matters whatever may have been the *interest* to either party. It is evidently not a *due* bill, although it was intended to 'do' a Chinaman. We commend it to the legal fraternity:

Jan. 1st, 1858

Know all men by presents that the gyascutes am let loose and all the celestial nation am in danger. Quite a raise in rice. If this paper is presented, all right, if not, this is null and void and of no effect. No more at present but remain your humble

servant until rain comes. Now I lay me down to sleep I pray the Lord my soul to keep.

Jacob Kiser

Sop, See & Co.

I have emphasized the more bizarre aspects of early California law, but perhaps wild men were needed to tame a wild state. Justice, rather than the letter of the law, was what was sought and more often than not it was obtained. Early California mining court decisions were the basis of future federal court rulings, and the crude frontier justice was successful, generally speaking. There were excesses—there always are—but the law grew up with the state and the history of California is all the richer because of it.

Wealth of the Santa Clara

(Continued from page 20)

north toward Silver Reef.

"Just fooling around," Johnny replied, coughing several times and tapping his chest.

At once sympathetic expressions crossed the Indians' faces. The white man had the "coughing disease" and lived in the open for his health. That explained everything as far as they were concerned.

On their departure Johnny went to his temporary camp. After dark he moved upstream into another hiding place. Thereafter he maintained a good lookout to keep from being surprised by more Indians—or anyone else.

THE very next day Johnny found a few small pieces of lead-colored particles under shallow gravel on bedrock. This was the float he had been looking for, float which had washed downstream by force of sudden torrents. Several other fragments were recovered from cracks in bedrock. That night he tested the pieces and melted them in a clay retort. A fair assayer, he knew that the float contained silver and lead.

Working slowly upstream thereafter, he discovered a few large chunks which indicated nearness to the point of origin.

It became necessary to pull out temporarily to replenish his grub, so Johnny went back across the border into Arizona. On returning to the Santa Clara he jumped ahead two miles to get around fenced land. From that point on he found no more silver-lead.

Dropping downstream he began a systematic searching along the riverside, especially seeking evidence of old channels away from its present course. In this he failed, and he abandoned hunting for that year.

Trekking into Nevada he had his specimens assayed. The ore ran 70-30% in silver and lead.

During the following two years, Johnny Lowe made a big circle through northern Nevada and across Idaho into Wyoming. Entering Utah again, he prospected the environs of Tintic Valley. There he made a strike of what seemed to be gold, but after working out the surface ore it turned into low-grade zinc and copper. Not caring to bother with it he sold the

claim for $2,000. So far as he ever knew the find was never mined.

Johnny's next couple of visits to the Santa Clara were fruitless and more in the nature of recreation than anything else. Then in 1906, after crossing the Arizona-Utah border he discovered two men following cautiously over his back trail.

That night after ostensibly camping he moved away fast and lost whoever it was tracking him. Suspecting that they had picked up his trail where he'd left his other jacks near Wolf Hole Mountain, Johnny returned there to find the five big-eared burros gone. His cache of grub had not been discovered.

Angered, Johnny cut circles to discover that two riders had driven his pack animals west. Night forced a halt on the trail but with a new dawn he was on the ride again. The tracks headed for Black Rock Canyon. Before quite reaching there he heard one of the jacks bray loudly. Obviously, whoever took them was having trouble. Johnny's burros were trained to remain exactly where they had been pocketed until he came for them.

Riding slowly and on the alert, Johnny reached a forest glade where his burros were hobbled with short pieces of rope. Around them were more than twenty horses of different sizes and colors. Two men had set up a camp and were lolling around.

Dismounting well away, Johnny advanced afoot with rifle ready and his eyes smouldering. The two men lying on sleeping blankets were talking about Phoenix and Douglas far to the south. Their aimless conversation raised his impatience and he moved in close.

"You two polecats freeze!" he ordered.

Both men complied.

"Now, snake out them holstered guns with your left hand and throw them beyond your feet."

The two men did so and Johnny moved to one side so he could study their rough, unshaven young features.

"A nice pair of burro stealers," he observed cynically. "Reckon I ought to salivate you right to oncet without no more argument."

"What did I tell you?" one spoke fast to the other. "I said all along them jacks belonged to some prospector!"

Very cautiously the two introduced themselves as Arizona Territorial Rangers. They were in the Arizona Strip chasing down livestock thieves and recovering stolen animals. Their badges were produced and when they were allowed to stand, the men identified themselves conclusively with official papers.

Johnny snorted, "All I know is, you're making mighty free with other people's animals."

Their profuse apologies were wholly unacceptable to Johnny, who collected his burros and returned to Wolf Hole Mountain. His camp was promptly removed to a new place which he hoped was better hidden.

ON starting for Utah again he ran into another old prospector, "Skipjack" Doones, a friend of Nevada days, who convinced him that they could easily find a lost gold mine near Navajo Mountain. The two turned east together, crossed the Colorado River below the mouth of the San Juan, and entered a maze of fearsome canyons.

Lowe prospected last in the northern New Mexico badlands.

At the end of seven months, going into the following spring, they had found nothing. On his way out Johnny paused long enough on the Little Colorado River below present-day Cameron to peck at a few likely ledges of rocks. They impressed him so little that no assay was made until the next year. By then Johnny was back in Utah on the inevitable quest.

The Little Colorado ore proved to be low grade cinnabar when he got the assay report after months of delay reaching a post office. Returning to the Little Colorado he could not definitely determine just where he had knocked the ore out of a ledge.

Between then and 1924 Johnny spent his time hunting on the Santa Clara, prowling Nevada, Idaho, New Mexico, and trying to relocate the cinnabar ore near Cameron. That year he appeared at Navajo Mountain (where my mother made the snapshot of him) in another attempt to find the lost gold mine in that area.

Returning once more to Utah he found that almost the length of both sides of the Santa Clara was in private holdings. Making a deal with one landowner on a percentage basis, he returned to the river where the silver-lead pieces had been found years before. Although Johnny recovered several more fragments and traced them upstream, he was forced to conclude that it would be useless to waste more time on the Santa Clara.

Later, due to his extensive exploration of the river, at least a dozen local men went to work trying to find the Hounton mine. They were fortified with all the dozens of legends and wild yarns about it. But none of them proved worthwhile.

To this day no one has found the silver-lead ledge which the Spaniards must have worked on the surface before Hounton rammed a wagon wheel against it in 1852. During the last few years the stories have been revived and a number of experienced prospectors, using electronic detecting equipment, have taken turns at trying to locate the old mine and the ledge.

Obviously within a year or two after Hounton's discovery the river filled and covered his prospect. None of the old crossings or the Spanish Trail is actually where designated on present-day maps. This silver-lead is so surely in an unexpected location that someone almost any day could stumble onto it.

As for Johnny Lowe, he continued prospecting in several states and was last seen in the New Mexico badlands south of Farmington. From there on, like so many of his kind of long ago, he simply disappeared.

Where he died and when is unknown, but his passing must have been in the early 1940s, the war years, when he would have been close to ninety years old.

"I told him that someday he would pick the wrong guy for that practical joke."

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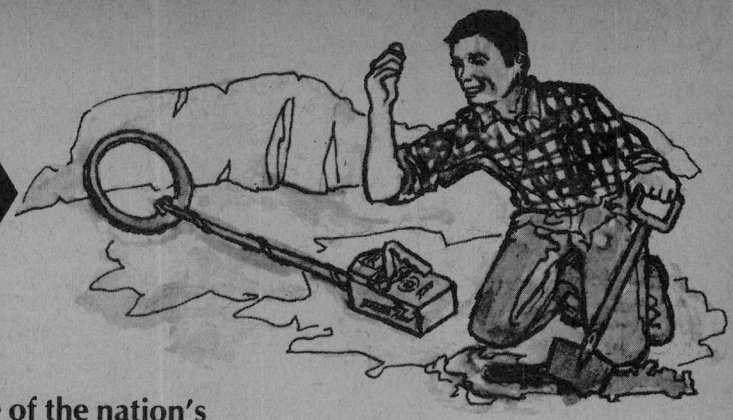

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Horror at Midnight

(Continued from page 21)

doors. They buried McVay in his back yard.

"Mrs. McVay, in a state of shock, told this story of the horrifying night. Spunkey Taylor, a U.S. Marshal who happened to be spending the night at the Davis home, was present. Mrs. McVay said, 'We had all gone to bed early and were fast asleep. Susie [the three-year-old daughter of the McVays] had been sick for two or three days with the earache, and we'd been up with her till we were wore to a frazzle. When she went to sleep early we just went right to bed. William went to bed early, too. We were all sound asleep when someone went to knocking on the door. Ellis got up, unbarred the door and Abler and Amos Manley came in. They said they had started up to Checotah to get a job picking cotton but decided to stop at our place as it was too cold to be out. Ellis stirred up the fire in the fireplace and spread some pallet quilts on the floor before the fire for them to sleep on. He told them to just pile up and get some sleep. Then he came on back to bed and we went right off to sleep again. We never thought nothing about asking the Manley boys in, as we knew them. We thought we knew them real good.

" 'About three o'clock Susie began to fret again with her ear and Ellis got up, punched up the fire, and took her up on his lap. He was just setting there by the fire, blowing smoke from his old cob pipe into her little ear trying to ease the pain, when the Manley boys got up. They stood around the fire for a while and then Amos ask Ellis for a smoke. Amos just had the one pipe but they all shared it, passing it back and forth. Ever once in a while Ellis would blow smoke in Susie's ear.

" 'She was getting quiet again and was almost asleep when the Manley boys began talking in Creek. We knew they could talk pretty good English so after a while Ellis asked them why they were talking in Creek. Amos kinda laughed and then he said, "We'll just show you, Ellis," and they both jerked out their pistols and began firin' at him. I don't rightly know, but I think the very first shot hit Ellis in the head for he just seemed to throw Susie from his lap and she went rolling right into the fireplace while Ellis was falling backward.

" 'I ran for Susie, who had rolled back out of the hot coals and was screaming with her awful burns, while William came tearing out from under his bedclothes where he had been sleeping across the room from us. He made for the Manley boys and they both shot at him. He kept coming and they both shot again. Blood spurted from William and he stumbled, but he grabbed both of the Manleys and they all went down in a fighting pile. Amos jerked free from William and grabbed up the double-bit ax that was standing by the fireplace where Ellis had set it that night after he finished sharpening it.

" 'Abler and William was still fighting on the floor when Amos swung the ax at William and sliced a great chunk out of his neck. Amos swung again and cut William's right hand off, right at the wrist. He cut William several times more. I don't know how many. He just kept swinging that ax and slashing away. William fell down and looked dead to me. He was covered all over with blood. Great pieces of flesh were just hanging on him as he lay there lifeless.

" 'I ran back to the bed as soon as I got Susie and poked her under the covers with the baby who had slept right on. Amos threw the bloody ax back by the fireplace and they again started talking in Creek. They made bad motions toward me and even if I can't talk Creek, I knew what was going to happen by the gestures and the look on their faces.

" 'They crowded me into the corner between the table and the bed and started tearing off my nightgown. They were sort of laughing. Ole Boomer [a large hounddog belonging to the McVays] began to bark and growl and snarl toward the front door and they turned me loose and ran to the door, thinking maybe somebody was coming. I could see them both through the door which they had left wide open, for by now the clouds was almost gone away. Anyway, there was moonlight. I saw them reloading their pistols and heard them laughing and talking in Creek. I knew they'd be back in a minute. I looked over at William and I didn't see how anybody could be alive in the shape he was in. He never moved at all and blood was running everywhere.

" 'I just rolled the two babies up in the quilt, slipped out the kitchen door, and ran as hard as I could to Doctor Tenant's. Susie kept trying to scream because of her burns and because she was so scared but I hugged the quilt up tight against her face so's she couldn't cry and let the Manleys hear her. I couldn't run very fast carrying them both, and barefoot in the ice and snow. Wasn't no more'n just shreds left of my nightgown. I don't know why in the world the Manley boys wanted to kill Ellis. I guess they just wanted to kill a white man.'

"WILLIAM BURNETT was not dead. He came to in time to feel Amos Manley turn him over with his foot, curse him, walk away, and come back to once again roll him over and search his pockets where he found nothing but a pocketknife. William had slept in his trousers. Fortunately for him, the Manley boys, like Mrs. McVay, thought him dead.

"At five o'clock, William Burnett called feebly at the door of Dr. Tenant. He had left a trail of blood the entire distance on the hard frozen snow. He had walked, fallen, crawled, and staggered up to walk again, seeking help for himself and Mrs. McVay, not knowing she was already safe at Tenant's home.

"William said he never knew his hand was gone until he crawled across the room to get his Winchester. Only when he reached out his right hand to grasp the gun and struck the bloody stump of his arm against the gun did he know that his hand was gone.

"He had deep, clean ax slashes on both legs, as well as the fearful thing

on his neck and a bloody stump for a hand. He also had a slight cut on his back just over the right kidney which the doctor stated flatly would certainly have been fatal had it not been a glancing blow.

"The whole country was in an uproar and became an armed camp as men patrolled the settlement looking for the killers. Spunkey Taylor soon had an organized group of men helping him search the Canadian bottoms. The Manleys were found not far from their parents' allotment, hiding in the canebrakes along the river. They gave up without resistance and were taken in handcuffs and legirons to Fort Smith where they were thrown into the Hell Hole, as the dank, filthy, stinking basement under Parker's Court was called. They stayed there for several months until they paid the final penalty.

"With all his fearful wounds, William Burnett still recovered and some months later was able to appear in Parker's court to testify against the Manleys. He brought along the bloodstained ax as mute evidence of the ghastly horror the family had undergone that December night.

"Abler and Amos Manley pleaded guilty but never at any time, though they were urged to do so by their attorney, would they give any reason for their attack. When urged to tell why they had killed McVay and, above all, why they had chopped up Burnett whom they had never even seen before, they maintained the stoic silence for which their race is known.

"The death sentence was pronounced by Judge Parker and on September 9, 1881, they were hanged on the old gallows in the courtyard along with three other men, all white, making five men who were swung into eternity on that bright blue September day. The three men who were hanged with the two Creeks were named Brown, McGowen, and Padgett. Padgett was hanged for murder, Brown for murder, McGowen for murder."

No testimony was ever presented to the court in defense of the Manley boys, but Uncle Jeff said it was common talk among the settlers that McVay had hired them to work for him and had managed to cheat them of a great part of their wages.

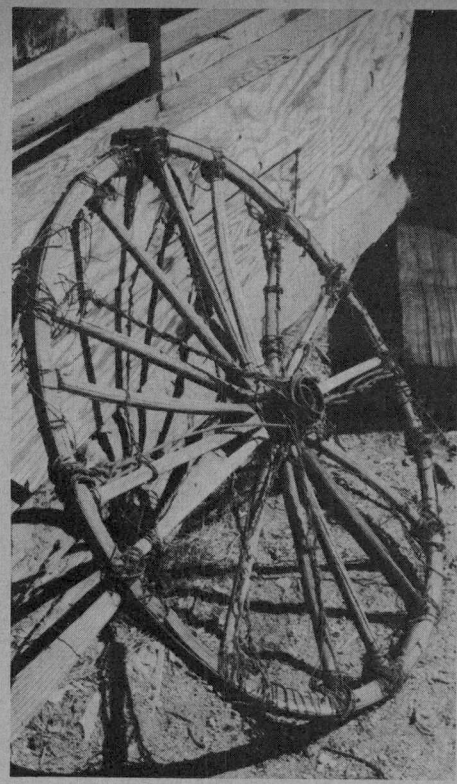
The elder Manleys, parents of Amos and Abler, were respected members of their community, quietly living on their allotment some six miles from the McVay place. Amos and Abler had never been in any kind of trouble, seeming to be quiet hard-working boys, helping their folks about the farm and occasionally hiring out to work for other farmers whenever they could be spared from home.

As far as Uncle Jeff was able to learn during the winter he worked for Davis, this terrible night was the only mark against the two young Creeks.

Just Baling Wire

(Continued from page 43)

At another abandoned site was a unique trap. With nothing but a tin can and wire,



An example of some of the elaborate wiring done to keep things together for a little while longer.

some individual had fashioned a foolproof trap for mice and other small desert rodents. Both ends of a can, about the size of a medium large baking powder can, had been removed and baling wires were fastened at one end, running the length of the can and extending eight inches to a sharp point. Anyone familiar with desert animals would understand the success of the trap. In the arid land little rodents are constantly searching for food and moisture and will force their way into very small openings to get to a moist apple core or bacon rind. At times they eat or drink too much, and become too fat to get back out of an opening. In the case of the baling wire trap the wire ends were so sharp that there was no chance for escape.

How and why baling wire was such a boon to the early settler and prospector catches at the imagination. A buggy wheel found about a hundred miles from Death Valley on a dim, long-forgotten wagon road across the desert is a relic which sets one wondering about its past. It is a wire work of art holding spokes to the hub, the broken metal rim to the dislocated felloes, wire holding wire holding wood. There is no doubt that the owner got the last possible inch of travel out of that wheel. Or did he? Maybe he could have made it to town, forty miles away if he had just thought to bring along a few extra pieces of baling wire! Maybe just one more piece would have reinforced the previous break, the loose rim, the spot where the wire wore thin.

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Letters from the "Bloody First"

(Continued from page 37)

Wood used for fuel is brought packed on donkeys, from the mountains. The donkey is almost universally the only animal of burden. Every thing is packed on the donkey that has to be carried from one place to another. Wagons are not much in use yet. When used they are drawn by cattle yoked at the horns. I have not time to write any more at present, but shall write again "Poco tiempe mas."

Give my compliments to all my friends and allow me to remain as ever your friend. Wm. Dute

Address Co. M 1st N. M. Vols.
New Mexico

Fort Wingate N. M.
Feb. 16th 1864

Much esteemed friend!

Kind Sir. Circumstances have again brought about another occasion as an excuse for me to write to you.

The "Bloody First," as it is termed out here, is yet alive and deeply engaged in the prosecution of the Navajo War which, judging from the progress and recent shaping of affairs, is drawing toward a speedy close, and before the first of June next, it is my opinion that the great bulk of the Navajo Nation will have submitted to the terms of our Gov't., and gone to establish a permanent home on the Pecos River. A few small predatory bands may rather choose to remain in their country to continue a sort of Guerrilla warfare and to practice their favorite amusement of murdering, plundering and thieving, rather than submit to a life of security, peace and quiet.

Parties are continually returning from the "New Mines" in Arizona on their way East or the Northern Gold Mines. The universal report of the Mines of those returning, as well as those writing from that place, are very unfavorable. I had a conversation with a man today who had just arrived from the mines, a man well informed and who had traveled over the greater portion of the Territory of Arizona and had taken the pains to make a variety of observations from which and from his former knowledge of Gold countries, he has drawn his conclusions in regard to these Gold mines in Arizona. He says there are not above 360 miners in all in the mines, and but a few of these are working claims, and he has not seen one man who had made more than $3.60 per day, this being much above the average yield per day to the man.

Small rockers can only be used with any more extensive scale of operation. That portion of the country known to the Miners is represented to be a barren, dry and mountainous country, and almost entirely destitute of timber and water, two most indispensable requisites in a mining country. I have no particular remarks to offer on what information I have been able to gather concerning the state of the Gold mines in Arizona. I give you the particulars as I get them.

This morning I was ordered by the Commandant to superintend the burying

of an Indian child. He told me to bury it in a decent and respectable manner. The grave had already been dug. So I went into the room where I found the defunct little Navajo stretched out on the top of its coffin in a suit of white with a little cross at its head and a candle burning on either side. Three or four Mexican women were sitting around the coffin, who had the impudence to tell the prisoners who were to bury the dead to take off their hats. I screwed it down out of mortal sight and then sent it to the grave-yard, where I ordered it buried head eastward, just to say that it was not buried as an American but as an Indian. I was a little anxious about it or I should not have done so.

Give my Respects to all
Your Friend, Wm. Dute.

Fort Wingate, N.M.
March 11th, 1864

Dear Friend:

Time passes and still finds me this evening in my little private room where I am scarcely ever disturbed at this late hour (11 o'clock P.M.) except by the Provost Marshal himself and that is not very often.

In the absence of the Quarter Master's Clerk, I have in addition to my regular duties been busily engaged in writing for the Quartermaster's Dep't. during the last two weeks. But as our company is ordered to proceed to Fort Sumner and take Post at that place, I expect to be relieved from all special duty at this post. The Company is to escort to Ft. Sumner the first party of Indians destined for that place. And I sincerely hope that party may be ready to start soon, aye, very soon, for I feel an anxiety to leave this place, of which (the anxiety) you cannot possibly form an idea.

You can't form an idea whatever of the windiness & dustiness of Fort Wingate. During the past two weeks we have been favored with an unusual amount of these delightful storms, on an average of four in a week at least. When the wind begins to blow in the morning, it invariably continues blowing all day long; and clouds of dust & land chase each other in quick succession through the air; And, oh, could you only imagine the suffering these storms produce and all the consequences that follow, in detail, then you might form an idea of how to meekly yield to circumstances over which human power can have no control.

Last night a miserable drunk let himself into our Office through the window, taking with him all the glass and window-sash, piecemeal. The rascal was nabbed just in time to be taken by the Guard to cool his ambition by a thorough ducking in cold water and then taken to the Guard-house and there made to walk up & down past the Guardhouse in charge of Sentinel No. 1 until morning. Nice operation for a delicate constitution and a frame so weak that it could not support its own weight, wasn't it? This is what we call summary punishment.

The window, or the hole where it was, was soon closed by nailing a blanket over it. This of course left us to work in partial darkness, and in view of this and what with the wind blowing land & Dust through the cracks in the other window so fast that we could not work, we fastened a blanket over the other window, and then lit candles and made out our papers by candle-light in day time. Business was urgent and work had so accumulated that we could not do otherwise, under the circumstances, to better our situation. This is the way, or one of them, we get along. Sometimes better, and sometimes not so well.

March 15th. I have been sick all day so that I have been unable to do anything at all. I have an attack of a sort of fever which I have frequently had in this part of the country, and which is always accompanied by a severe headache. I feel better, though, this evening and hope I shall in a few days be all right again.

All the troops & Gov't. Employees in this Dept. are ordered to subsist on half rations. This is in consequence of the unexpected surrender of most of the Navajo Nation and the arrival of a large amount of troops from the Pacific Slope into this Dept.

I have had so little news from the States in the last few months past that I am unable to tell anything about the movements of the French in Mexico. However from what I can learn there seems to be a movement of some kind on foot, and before we are aware of the real condition of affairs we may have warm work to do in Mexico. Let it come, I guess we are prepared for them. I don't feel able to write much more as I don't feel well enough. I feel a little surly, too, on account of surrounding circumstances, and I may accidentally mix some of it with my scribbling if I don't leave off. Besides I have no control of my pen which seems to go on its own hook. My regards to all.

Wm. Dute

Fort Bascom, N.M.
May 17, 1864.

Respected friend:

Since you have probably not heard anything from me in a long time, it may not be uninteresting to hear something from your humble servant again, where he is, and how he gets along, etc.

Fort Bascom is at present my abiding place; my temporary home! We came here three weeks ago, built company quarters, and with the other troops, 1½ Cos., built a dam, and cut a ditch for irrigating purposes four miles long; besides furnishing from the strength of the Company, each day, a detail of 8 men to work in the buildings of the new Post which is in progress of erection, and 6 more men daily for guard. Every man of the Company, except the sick are each day on duty. Duty is very heavy on us now, but I can only hope that it may soon be made a little lighter for us.

My individual health, I must say, has been very good at this place. All the troops stationed at this post are in good healthy condition. To give you an idea of what is being done or proposed to be accomplished, this year with the troops in this Department, I will copy for your better information a few extracts from Departmental General orders No. 12. I could get no printed original to send you

so I will have to Extract from a copy sent to the company.

Extracts

I. The Apaches of Arizona have been hostile ever since we have occupied that Territory; and now that the Navajo War is drawing to a successful termination an earnest effort must be made, not only to punish them for their continued murders, accompanied as many of those murders have been by burnings at the stake, and by tortures of the most atrocious character; but, either by their removal to a Reservation or by the utter extermination of their men to ensure a lasting peace and a security of life to all those who go to that country to search for the precious metals.

II. Col. Edwin A. Rigg 1st Infantry, Cal. Vols; with a force of five hundred infantry & cavalry, will establish a Post upon the Gila River . . . and here Col. Rigg will have his Depot of Supplies. From this Post which is a central position, the troops in such parties with regard to strength, as Col. Rigg may indicate, will march in every direction to the points where the enemy may be found.

III. All Apache Indians in that Territory are hostile, and all Apache men large enough to bear arms who may be encountered in Arizona will be slain wherever met, unless they give themselves up as prisoners. No women or children will be harmed; these will be taken prisoners.

IV. Specifies 8 different points from which the troops will operate, simultaneously toward all points against the enemy. They will all take the field on the 25th of May and, if possible, remain out for sixty days. Successive scouts will be sent out from time to time.

V. The Governor of Arizona has been requested to have parties of miners out at the same time; and arrangements are making to get four parties of fifty each of Pima and Maricopa Indians, to whom we have given arms and ammunition to move when we move, each ones different ground against their hereditary enemies, the Apaches.

The Governor of Chihuahua and the Governor of Sonora have been informed of these contemplated movements, and have been notified that the Apaches will doubtless run into their respective States when thus menaced by our forces. They have each been requested to put a few hundred of their Militia into the field against their common enemy; and have been granted authority to come over the line into our territory in pursuit of Apaches, when, where and as far as they please.

Thus the war against these bands of ruthless murderers will be a general war! And it is hoped that it may be productive of beneficial and lasting results. Every party in energy, perseverance, resolution and self denial must strive to outdo all other parties. Dependence must be placed on the gallantry of small numbers against any odds. This covering of so much ground by detachments of determined men moving simultaneously from so many different points *must* produce a moral effect upon the Indians which it is hoped will convince them of the folly long to hold out against us.

This, I trust is sufficient to show you what is to be done this year in the Department of New Mexico.

One Indian War succeeds another, and one hostile tribe after another is being reduced to subjection. And whilst our troops at the East are struggling to subdue "the Rebellion" and restore a Reunion of our once happy country, those on the extreme frontiers are doing ample justice to the cause of humanity in reducing to peaceful submission hostile tribes of Indians, thus opening the way to the approach and progress of civilization and planting her footsteps upon the soil which has hither to been held in a state of feudal transit by savage and ever hostile tribes of Indians. My respects to yourself and family and my good wishes to all. Believe me as ever your friend.

Direct to Fort Bascom, N. M. and Co. & Regt. as attached.

Wm Dute,
Sergt. Co. M 1st Cav. N.W. Vols.

Whatever happened to Wm. Dute?

When Siringo Was Marked for Death

(Continued from page 31)

ness with him any longer and sold his cattle to Tom Merril and his wife. Later, when the young couple was murdered by Mexican renegades, Siringo sold his strays to Arthur M. Pelton, a young doctor who was starting up his own ranch in Matagorda.

In the spring of '75, Doctor Pelton and his fiancée, Eliza Avery invited Charles to attend a dance in Austin with them. Siringo asked Sallie Yeaman along. Halfway through the dance Siringo came face to face with T. C. Jones. The still envious cattleman warned Siringo that he had better stop selling his road-branded cattle to Doctor Pelton or anyone else. Twenty-year-old Charles Siringo snapped his fingers in Jones' face and counter-warned him that Jones had best brand every calf on his spread the moment it dropped or it would be wearing Siringo's T5 brand.

Jones was in a foul mood and consuming large amounts of whiskey. At last Dr. Pelton thought that, because of the ladies, it would be wise to leave the dance. Bringing the buggy around to the front, the doctor helped Eliza up, then turned aside so Siringo could assist Miss Yeaman up into the buggy. At that second Jones reeled out onto the porch, so drunk he hardly knew what he was doing. Seeing that Siringo was leaving, Jones called out another warning, at the same time drawing his gun and firing it into the air to punctuate his threat.

The shot caused the buggy's team to panic and bolt, and dragging the reins in the dust the team took off with Miss Avery, wide-eyed with terror, clutching at the sides of the buggy seat. Down the road they streaked, drawing closer and closer to the hairpin turn at the edge of Lake Austin.

The doctor was too shocked to move, and as the others gathered alongside him, they too stood aghast and spellbound;

Dr. A. M. Pelton a year before his death at 91.

but Siringo, in one agile motion, ran over and grabbed the reins of the nearest horse. Leaping on the animal's back, he took off after the runaway buggy. Seconds before the team reached the dangerous curve, Siringo was able to catch up with the team. He leaped on the back of one of the horses and brought them to a halt. When the doctor and the others caught up with them, Pelton thanked Siringo profusely and promised that if Siringo ever needed him he would come at once, no matter what. Siringo quickly brushed away any thanks or suggestion of heroism on his part.

LESS than a month later, while Siringo was on a cattle drive, he cut away from the main herd to chase after strays along some of the half-filled washes after a heavy rain. A snake spooked his horse, tossing him into Cash's Creek. As it was getting dark and he was soaked, Siringo decided to bed down for the night where he was. Making a fire, Siringo removed his clothes and spread them out to dry. Then going around on the other side he put his coffee and beans on, and sat down to wait.

He heard nothing but suddenly he looked up across the campfire to see Sam Grant standing before him. The Negro had a bad reputation as a killer. Grant glanced about to be sure they were alone. As he looked back to Siringo he intercepted Siringo's glance to where his gun lay by his clothes. Moving like a giant cat, Grant snatched up the gun and inspected it with disdain. Then tossing it out in the brush, Grant spoke for the first time. "Why don't you have a good gun like mine?"

With that, Grant drew his own gun and pointed it directly at Siringo. In those few minutes since Grant had ridden in, Siringo hadn't moved an inch. His hands were still clasped about his left leg which he had drawn up to his chest. The bullet went completely through his kneecap and continued on into his chest, but it was all but spent and barely penetrated the skin.

All the same it was strong enough to spin Siringo around and topple him to

the ground. He was looking up at Grant who was standing there coolly aiming at Siringo's head, when suddenly Lige, a black cowboy and close friend of Siringo, rode into camp. Instantly taking in what must have happened, Lige grabbed up his rifle and ran over to try to help Siringo into a sitting position with one hand, his other holding down the trigger of his rifle, pointed directly at Grant's middle.

Whether it was the rifle or the fact that it was another black man who had come to Siringo's aid would never be known, but Grant slowly lowered his gun and placed it back in his holster, claiming the gun had accidentally discharged. Backing toward his mount, Grant promised that he would stop at Deming Bridge Post Office and tell the doctor to ride out right away. Lige warned Grant that he had better keep his promise, but Siringo shook his head.

"Won't do no good 'cause Doc's getting married tomorrow. Like as not he's already up at Judge Avery's place."

Nevertheless, Grant kept his word and informed Doctor Pelton that Siringo had accidentally been shot. The doctor rode twenty-five miles between midnight and sun-up to care for his friend. Those few hours of early treatment meant the difference between Siringo's being a cripple or ever walking again.

After cutting the bullet out of his friend's chest and patching up his shattered kneecap, Doctor Pelton returned those twenty-five miles, making his wedding with less than ten minutes to spare.

Lige carried Siringo to the Yeaman ranch where he eventually recovered. It wasn't until thirty-five years later that the mystery unraveled. By then, it was too late for anger.

Siringo said, "I learned from my friend, Nolan Keller, the true secret of this attempted assassination. A certain wealthy cattleman, who is now dead, hired Sam Grant to kill me on account of my boldness in branding mavericks, and killing stray bulls for their hides."

Wild Old Days

(Continued from page 40)

citement in the town and when "Dream Davis" as he was now called, went back to his claim several miners went with him to try their luck. Strangely enough, although Davis washed more gold out from the gravel on his claim, claims nearby failed to produce gold in paying amounts.

The miners returned to Murray soon after the fall snows began. Davis deposited his clean-up with the bank, then sold his claim for $10,000. His fortune now amounted to about $20,000 which he drew from the bank when he left the mining country.

Nothing more was heard of the circuit-riding preacher for some time. Then in February 1887, about two and a half years after he had first arrived in Murray, residents of that town were shocked at an editorial in the *Sun*. It stated that the body of F. M. Davis had been found in Los Angeles. Two months before, he had disappeared from Portland, Oregon, and his body had been discovered and identified in the California city. He had

evidently lost all his money and committed suicide. The paper also printed the account of the strange visions which had led Davis to his gold strike.

Though this is only one of several versions of this story and some of the facts are used by permission from *Beneath These Mountains* by Russell A. Bankson and Lester S. Harrison, there can be no doubt that Floyd Davis actually found the gold, for Dream Gulch with marks left by digging is still there for the curious or unbelieving to see.

"OLD MOLLY"

By Melinda R. Bailey

THE story of a boy found in a basket with a note pinned to his blanket saying "Please take care of me," is one which has been used for countless novel, movie, and television plots. A fictional situation only? With the exception of a note pinned to a blanket, just such a thing occurred in West Texas in the late 1890s.

The Yellow House Ranch was located at Nine Mile Camp, just south of the town of Littlefield. Cowboys from the Yellow House found an abandoned wagon on the prairie near there, and in it a tiny baby boy, with no clue to his parents' whereabouts. The cowboys took the child and he was raised as the "chief cook and bottle washer."

The stories concerning his naming are numerous, but one account relates it like this: The child was so beautiful that when the men discovered him, their first reaction was to say, "What a pretty little girl!" And with that, they christened "her" Molly. When they discovered their mistake, the name just remained with him. Although he was always known as Molly, the Yellow House cook did have another, more impressive name. The cowboys who named him combined their surnames, James, Lee and Preston. Later, Molly settled for a while in Sudan, a small town fifteen miles north of Littlefield. He bought the first call box there, with the arrival of the new postal fixture. It was still lettered with the former renter's name: Hamilton. Thus, Molly took the name James Lee Preston Hamilton.

Molly was very much an extrovert. He amused the residents of Sudan with stories and songs. Mrs. Laura Hay, forty-year resident of Sudan still remembers the "song that he chanted to the rhythm of his horse's gait. He had innumerable verses and just made them up as he thought of people or happenings that he was familiar with."

They call me old Molly, but that's not my name
I live in a shack, up on the plain
I round up the cattle whenever they brand
Out on the prairie by the town of Sudan.

MOLLY was known for his humorous, easy-going way of life. Once he gave a worthless check for a typewriter. When asked why he did such a thing, Molly replied, "Well, I knew I was going to get this letter about a bad check I wrote for a typewriter, so I bought this typewriter to answer the letter."

Another situation involved Molly's paying some money down on a Model T. He knew he could not pay for the rest of the car. However, he had been told, "You can pay down on a car, and drive it for thirty days. Then you'll receive a payment notice and you have thirty more days to pay." Molly immediately decided, "I'll just have me a new car for sixty days, then I'll just let it go back." And he did.

But Molly had a serious side, too. Mrs. Hay recalls, "For a few years he was the nearest thing to a doctor which Lamb County, Texas had. During the 1918 flu epidemic, he spent all his time taking care of the sick folks. He would stay day and night with them, and saved many lives with his horse sense care."

Besides being the Yellow House Ranch cook, and an old "prairie doctor," Molly was an expert cowpuncher and bronc buster. He often helped the nesters break horses. At one period of time in Sudan, he was named justice of the peace. It's no wonder the people who knew him say that "Molly knew a little bit about everything."

But there is a part of this man's life which remains a mystery. While on a cattle drive in Kansas with the Yellow House crew, Molly suddenly disappeared and left the cowboys. It is believed that he worked in Dora, New Mexico as a veterinarian for a time and spent some years in Kansas and Arizona doing odd jobs. He returned to Sudan twenty years later, but never revealed to anyone his whereabouts during this long absence. Molly remained in the Sudan-Littlefield area until he went to live in a rest home in Portales, New Mexico, where he died in 1960.

Three weeks after his death, two women came to the rest home, claiming to be Molly's daughters. It seems as though Molly had been married in Kansas shortly after his disappearance from the cattle drive. Apparently he left his family

"Old Molly," a cowhand who enjoyed life.
Courtesy Author

and all the ties of married life to return to Sudan and spend his declining years.

A true old-time cowboy, complete with a ten-gallon hat and the longest cigar he could find, Molly was right at home in the Old West.

The West of Gary Cooper

(Continued from page 13)

1961. It drew 34,500,000 viewers, one of the top ten programs of the year. An estimated 100,000,000 viewers in 18 countries have seen it since then, and it has won numerous awards including the Prix Italia, the Western Heritage Award, the CIME Golden Eagle Award, and the Wrangler Award of the National Cowboy Hall of Fame. Scriptwriter Philip Reisman, Jr., was honored by the Writers Guild of America for the best documentary script of the year.

"Of the many good things which have come to us from the program," Hyatt said, "the most gratifying is the thought that it was a fitting epitaph to the career of Gary Cooper. It was in the making for a year and a half and was completed just prior to his death. We are very proud that he regarded it as the most satisfying work he had ever done."

The following excerpt from Gary Cooper's script is used by special permission of NBC's Project XX.

"[THE WEST] was a big piece of country. It stretched, some said, from Beelzebub to Breakfast. But . . . if you drop a line down the Hundredth Meridian . . . like this . . . everything on this side of it, with an annual rainfall of less than twenty inches . . . that was the West. The 'Worst,' some called it . . . said all it lacked to be a paradise was plenty of water and society. Which, of course, is all they lack in Hell.

"The Real West lasted only about forty years. It took place between two 'Go and get its!' . . . and two whoops and a holler. What went on in between was the whole westward movement . . . they called it the greatest mass migration since the Crusades.

"But the Real West wasn't where or what or when . . . it was who. It was people . . . real people. They were pioneers, and builders . . . and destroyers. All of them restless and dissatisfied. The contented ones stayed in the East. And those who Wested, Bret Harte said, were those who needed a fresh deal all around.

"If the prospector was always looking for greener grass . . . then so was the cattleman. He grazed his herds wherever the grass grew, and the water was good. And the range was open. He could overgraze, and over-stock, and generally go broke just about any time he wanted to. So he got the reputation of being absolutely independent. It was sometimes true. The stockman was pretty hard to cork. It wasn't healthy to call him a cattle farmer, which he was, . . . or his paid help . . . hired hands on horseback . . . which they were. They considered themselves individualists. If you threw one of them in a river, he'd just naturally float upstream. They didn't have much use for either big business or big government.

These were Eastern things and they regarded the East with the same scorn that the Easterner regarded Europe. You put a man like that on horseback and he's in a position to look down on everyone else. 'A man afoot,' they said, 'is no man at all' . . . and they had downright contempt for any labor which couldn't be performed from the hurricane deck of a cow pony.

"You could tell where in the West they came from by the shape of their hats and the flare of their chaps. Only the Eastern tenderfoot called them 'cowboys.' They called *themselves* . . . vaquero . . . waddy . . . wrangler . . . cowhand. They said all you needed to become one was 'guts and a horse . . . and, with enough guts, you could steal the horse.'

"A ranch was just a cattle farm. It could be so big you had to grease the wagon twice to get from the front door to the front gate . . . or just a cap-and-ball outfit held together with whangstring and a mortgage. Either way it was a magnet for the kind of kid who used to run away to sea. A Texas newspaper complained . . . 'There is hardly a boy learning a trade or reading for a profession west of the Colorado. . . . As soon as they can climb on a pony, they're off to the prairie to drive stock. . . .'

"Up the Chisholm Trail . . . the Sedalia Trail . . . the Goodnight-Loving . . . the Western and the Shawnee . . . this was the Long Drive . . . from Texas to the railroad towns of Kansas and Missouri. A thousand-mile walk to the market to deliver a herd of dimly-domesticated beef. The longhorns were as treacherous as the backlash of a bull whip. Later, the breed was white-faced and dimple-kneed, but spookier than a wing-busted bird in cat country. The swing riders rode double the distance just rounding up strays. And the point rider never knew when his hat'd blow off and stampede the whole herd up his shirttail before he could spit and holler 'Howdy!' If you rode drag, you ate trail dust all the way. For these labors they were paid, one recalled . . . 'damn few money, and a helluva lot of beans. Our chief recreation was cussing the man whose boots the cook brewed the coffee in. . . .'

"On the trail, the chuck wagon was parlor, bedroom, bath and 'Gents Ordinary' for the cowhand. And, finally on the day before they reached town, it was the barbershop too. In the morning they would get their low-necked clothes out of the wagon, cut out their sugar-eating Sunday horse, and high-tail it for the nearest hitching rack.

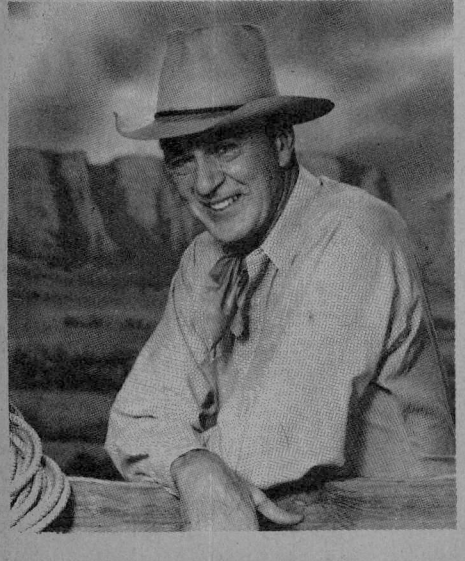
"For months they had slept 'on prairie feathers with only a backbone for a mattress.' For the next week they figured on not getting to bed at all.

"Quietly, patiently, the cowtowns at the end of the drive waited for the trail hands to get paid off. A newspaper described one as . . . 'The rendezvous of all the unemployed scallawagism in seven states. Her code of morals is the honor of thieves, her principal business is polygamy, and decency she knows not. Her only visible means of support is rowdyism, and seventeen saloons furnish the inspiration for it. . . .' The Texans called the townsmen 'paper collar Comanches' who waited in ambush to buy their beef, and see that the weight of the money didn't burden their journey home. . . .

"Hoorahing a town was a semi-competitive indoor sport. It generally meant a visit to the ladies of the line . . . and a whole-hearted dedication to downing pop-skull whiskey quicker than it could etch the glass. A lot of cowhands carried pistols—usually rusty, but few of them could grab fast enough to hit anything but their own toes. Trouble usually came when un-reconstructed Texas Rebels played cards with Yankees who thought the North had won the Civil War. A re-examination of First Manassas through Appomattox . . . plus the slimmest suspicion of a bottom deal or a cold deck . . . was quite apt to bring down the hammer on forty grains of black powder. . . . "

Gary Cooper, whose portrayal of the Virginian made him famous.

Courtesy NBC-TV & Project XX



"THE REAL WEST. It lasted only forty years and then it was finished. If it's a good land, and it grows good people, it's because it's been irrigated by a lot of sweat, and spit, and blood. Tears have fallen on it, too . . . and a little snakehead whiskey. An old-timer said it best. . . . 'It's big and purty now, all right. And I helped build it. But by damn, wouldn't it be fun to tear it down and start all over again?' "

Top Man of the Fearless Thirteen

(Continued from page 25)

prepared to shoot at the least provocation. Alvord, another outlaw and a friend of Billy Stiles, was hiding out with Chacon, and even though Billy Stiles had enlisted his help in the capture, Billy was uneasy that Alvord might back up Chacon if it suited his purposes.

It was a moonlight night in September, and in the high country a chill was already in the air. Burt made out two figures on horseback coming toward them along the slope of the mountains. As Chacon and Alvord drew up in the darkness, Alvord quickly acknowledged Mossman as his *amigo*. The outlaw and the lawman nodded to each other in the dark, their big hats tipping in silhouette against the sky-lighted background.

"*Buenas noches,*" Mossman said and felt a prickly sensation at the back of his neck. Somehow he sensed a hostility. He began talking at once about the fine horses in Colonel Green's pasture across the border in Arizona. "We could easily round them up and drive them down into Sonora," he said.

Chacon only grunted an answer now and then. Finally they agreed to camp and start the raid in the early daylight. In the light of the campfire, Burt actually laid eyes on Chacon for the first time, and the lawman saw the outlaw as lean and dark with features sharply cut and even. Chacon's squinting eyes were merely slitted suggestions in the dimness but Mossman knew they were missing nothing. Each man carried a pistol and a Winchester, and Chacon had a sheathed knife on his left hip.

When they had eaten broiled bacon, and drunk some black coffee, Chacon took his blanket a little apart from the others and spread it down for the night, seemingly unconcerned. More than once Mossman could have taken the man "cold" but he was determined to take him alive. If he reported that he had killed the outlaw in Mexico, some would not believe him. All night he lay by the campfire with the rustlers, pretending to be asleep but warily watching. The next morning they again discussed stealing horses from Green's pasture, but Chacon had become sullen and more suspicious of Mossman and announced that he was through with the deal.

Mossman shrugged his shoulders, took out his tobacco to roll a cigarette, picked up a twig of juniper which he lit from the fire, raised it to his cigarette and dropped the twig at his side. As he lowered his hand with the falling twig, he raised it instantly with his revolver. Chacon was covered. The notorious bandit was captured without firing a shot, and taken to the railroad station in Benson, Arizona where he was turned over to Sheriff Parks of Graham County. It was from Sheriff Parks that Chacon had escaped months before—only a short time before he was to hang for the mass murder which he had committed at Morenci. When Augustin Chacon was executed in November 1902, peace settled over the entire territory. Under Mossman's capable leadership, the Arizona Rangers performed the herculean task of taming the Arizona Territory in preparation for statehood in 1912. Then Mossman turned to other things.

RESTLESSLY he rambled around in Mexico, took a fling at gold mining, saw the bright light of the big cities, roved the sea, then went back to ranch work. The desire to feel a good horse under him resulted in his accepting the foremanship of the Turkey Track Ranch with headquarters on the Pecos River.

Burt met his boss's daughter, Grace Coburn, and soon after had orders to go to New York to buy cattle. On the way he planned to stop off in Kansas City where the Coburns lived, ask Grace to

LIFE INSURANCE AT ½ COST

of PERMANENT RATE for first 5 years . . . !

ISSUED BY MAIL—NO SALESMAN WILL CALL

$5,000	**$2** first month introductory premium	Entry Ages to 70
$2,000	**$1** first month introductory premium	Entry Ages to 80
$1,000	**$1** first month introductory premium	Entry Ages to 85

POLICY PAYS DOUBLE THE ABOVE AMOUNT FOR AUTOMOBILE ACCIDENTAL DEATH
TRIPLE THE AMOUNTS FOR OTHER TRAVEL ACCIDENTAL DEATH

PRINT YOUR NAME AND ADDRESS ON THE APPLICATION BELOW EXACTLY AS YOU WANT IT TO APPEAR ON YOUR POLICY

As soon as your application and introductory premium is received and accepted at our home office, your policy will be mailed to you. You may then continue your **CROWN TRIPLE BENEFIT LIFE POLICY** at the premium shown in your policy for your insuring age at issuance. The policy pays worldwide for death from any cause, at any time except during the contestable period for either suicide or death from undisclosed pre-existing health conditions.

Monthly Premium for Whole Life Policy for Insuring Age at Issue for Policy Amounts Shown

$5,000 $2 first month introductory premium

Age	Rate	Age	Rate	Age	Rate	Age	Rate	Age	Rate
21	3.93	31	5.13	41	7.34	51	13.33	61	20.93
22	4.03	32	5.29	42	7.83	52	14.09	62	21.87
23	4.13	33	5.46	43	8.37	53	14.87	63	22.95
24	4.23	34	5.63	44	8.94	54	15.65	64	24.25
25	4.34	35	5.82	45	9.52	55	16.40	65	25.90
26	4.46	36	6.00	46	10.09	56	17.10	66	27.97
27	4.58	37	6.17	47	10.69	57	17.75	67	30.38
28	4.71	38	6.36	48	11.30	58	18.41	68	33.03
29	4.84	39	6.61	49	11.94	59	19.14	69	35.79
30	4.98	40	6.93	50	12.61	60	20.00	70	38.55

NOT ISSUED OVER AGE 70

$2,000 $1 first month introductory premium

Age	Rate	Age	Rate	Age	Rate	Age	Rate	Age	Rate	Age	Rate
21	1.61	31	2.09	41	2.97	51	5.35	61	8.40	71	16.53
22	1.64	32	2.15	42	3.17	52	5.64	62	8.78	72	17.61
23	1.68	33	2.22	43	3.38	53	5.94	63	9.21	73	18.74
24	1.72	34	2.29	44	3.61	54	6.26	64	9.74	74	19.96
25	1.77	35	2.36	45	3.84	55	6.59	65	10.39	75	21.31
26	1.82	36	2.43	46	4.07	56	6.87	66	11.22	76	22.81
27	1.86	37	2.50	47	4.31	57	7.13	67	12.19	77	24.40
28	1.92	38	2.58	48	4.55	58	7.40	68	13.24	78	26.11
29	1.97	39	2.67	49	4.81	59	7.69	69	14.35	79	27.95
30	2.03	40	2.80	50	5.08	60	8.03	70	15.45	80	29.83

NOT ISSUED OVER AGE 80

$1,000 $1 first month introductory premium

Age	Rate	Age	Rate	Age	Rate	Age	Rate	Age	Rate
29	1.01	40	1.43	51	2.70	62	4.42	73	9.40
30	1.04	41	1.51	52	2.85	63	4.63	74	10.01
31	1.07	42	1.61	53	3.00	64	4.90	75	10.68
32	1.10	43	1.72	54	3.16	65	5.22	76	11.43
33	1.14	44	1.83	55	3.32	66	5.64	77	12.23
34	1.17	45	1.95	56	3.46	67	6.12	78	13.08
35	1.21	46	2.06	57	3.59	68	6.65	79	14.00
36	1.24	47	2.18	58	3.73	69	7.20	80	14.94
37	1.28	48	2.30	59	3.87	70	7.75	81	15.98
38	1.32	49	2.43	60	4.04	71	8.29	82	17.10
39	1.37	50	2.57	61	4.23	72	8.83	83	18.31
								84	19.63
								85	21.08

NOT ISSUED OVER AGE 85

MAIL THIS APPLICATION WITH INTRODUCTORY PREMIUM NOW—NOTHING ELSE TO DO!

THOSE UNDER AGES LISTED ARE INVITED TO WRITE FOR EQUALLY INTERESTING RATE SAVINGS!

LIFE INSURANCE APPLICATION (please print)

CHECK AMOUNT OF POLICY YOU WANT ☐ $5,000 ☐ $2,000 ☐ $1,000

CROWN LIFE INSURANCE COMPANY OF ILLINOIS, 203 No. Wabash Ave., Chicago, Ill. 60601

I, the undersigned, hereby apply for the Crown "Triple Benefit" Life Insurance Policy and do hereby certify that the statements made in this application are complete and true and were made to secure such insurance.

NAME: _____
(print in full)

ADDRESS _____
(No.) (Street or R.F.D.)

CITY _____ STATE _____ ZIP CODE _____

If You haven't lived at your present address at least TWO YEARS—Give us your former address here

DATE OF BIRTH _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Month Day Year

Are you now in good health to the best of your knowledge? _____ Occupation? _____
(Yes or No)

Have you ever had any of the following: Cancer, hypertension, disease of the lungs, kidney, heart, nervous system, or any other disease or ailment? _____ Give details _____
(Yes or No)

Beneficiary _____ Relationship _____

"I hereby agree that the statements herein contained are the inducement for the issuance of the insurance herein applied for, and that the insurance will not take effect until the policy is issued and delivered to me during my continuance in sound health, physically and mentally."

Date _____ Write Name Here _____ (Applicant)
Please Sign—Do Not Print

Form No. LI-717A TW-1

MONEY BACK GUARANTEE Your first month's premium will be refunded promptly if you return the policy for cancellation within 30 days.

"Insuring Good People Like You Since 1936!"

marry him, then go on to New York. When he arrived at the Coburn home he had to wait four hours for his train. This was all the time Grace Coburn was given for final preparation for a wedding. They were on their honeymoon in New York City, December 12, 1905. Thereafter Burt's days were filled with ranch work and horsemanship.

The trails Burt Mossman followed had their rugged spots—the mountains and valleys sometimes closely merged. Tragedy struck when the second child, a baby girl, was born and Grace did not recover. Burt continued to make a home for his little family, Billy and Mary. Just as he was a careful and attentive cattleman-lawman, so he was a loving and attentive father. "Tough as a boot" he was, but with the gentle heart of a child.

His portrait hangs in the Cattleman's Hall of Fame of the Saddle and Sirloin Club in Chicago. His only son, Major Billy Mossman, was killed in World War II. A short time later Cap Mossman was elected to Honorary Life Membership of the American National Livestock Association.

In 1925 he became manager and part owner of the vast Diamond A cattle and sheep ranch near Roswell, New Mexico. He was now at the height of his ranching career. That same year at forty-eight years of age, he married Ruth Shrader, twenty-five years his junior. Ruth Shrader Mossman was a serene, gracious and charming little lady with lovely brown eyes.

"Burt and I had a highly satisfactory life together in spite of the difference in our ages," Ruth told us a few years before her death. "He always treated me as if I knew as much as he, and that is saying a great deal. Burt did a tremendous job in the cattle business, in law enforcement and in civic and political circles." In the great hallway of her seven bedroom, rambling house, Ruth pointed out the portrait she liked best of distinguished looking Cap Mossman. "That's just the way he looked in real life," she said with misty eyes.

Soon after his eighty-ninth birthday this cowboy-lawman laid aside his badge and his gun to ride and to fight no more. He had finished his job, the time of the gun was passing, the time of law and order was riding in.

Mrs. Mossman died in late 1969 but her sisters are still living in the old family home in Roswell.

Truly Western

(Continued from page 47)

with gold and silver ferrules. The martingale is decorated with gold and silver medallions and conchas, with a large eagle in the center, clinging to a shield."

In the letters which came to me, great admiration was expressed for the work of the Garcia Saddlery Company and pride in the possession of saddles from that firm. In addition to the persons already quoted, letters came from the following: Arizona: *Tucson*, Larry Cannon. Arkansas: *Siloam Springs*, Kay Hammon. California: *Bakersfield*, Fred J. Bertrand; *Calabasas*, Marty Paich; *Paso Robles*, W. W. Wimmer.

Idaho: *Boise*, Frank P. Lawrence, "I used to buy a lot of things from Mr. Garcia when I was working out of Elko. The Garcia boys used to furnish horses for the Elko rodeo. I have ridden many of them."; *Rupert*, J. A. Jennison; *White Bird*, Joe Sterling, "They sure did put out the saddles. I had one they built for me."

Nebraska: *Scottsbluff*, Al Moore.

Nevada: *Carson City*, Mr. and Mrs. Gerald Clayton, "My father bought my first saddle from Garcia when I was eight years old. I rode Garcia saddles for more than thirty years." *Elko*, Dena Sinclair, secretary of the Elko Chamber of Commerce, "It is my understanding there are a number of Garcia saddles in Elko, although they are not used now. People have kept them for sentimental reasons and bring them out for 'show purposes.'" *Lamoille*, Edna B. Patterson; *Reno*, Lawrence Jackaway and Marion Welliver, acting director of the Nevada Historical Society.

Montana: *Lewiston*, Bob Potterf, "I saw the saddle in Elko in 1936 just before Dad Garcia died. Les would know where it is."

Oklahoma: *Claremore*, Mrs. Paula M. Love of the Will Rogers Memorial, "The only Garcia saddle we have is Will Rogers' own western saddle which was made for him in 1909. It has small round skirts and narrow fenders and double cinch."

Oregon: *La Grande*, Al Rivers, "I used to work at the Spanish Ranch years ago at Elko." *Milton Freewater*, W. C. Boyd.

Texas: *El Paso*, Lee Chappel.

It has been a great experience—hearing from all these helpful people. Your readers are a storeroom of information. —Agnes Wright Spring, P. O. Box 326, Longmont, Colorado 80501

Dan Patch

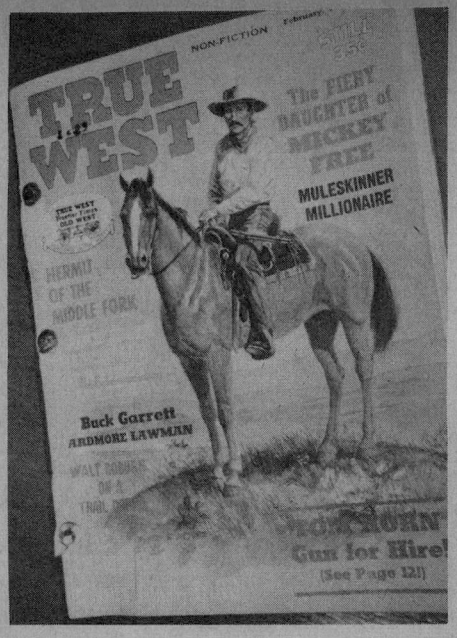
I wonder how many old horsemen remember him? He wasn't a killer bronc, but sixty years ago he was the fastest harness horse in the world, a pacer—1.56 for the mile.

Mr. Savage, his owner, made a supplement food for horses, like our vitamins for people. It came in wood buckets. If you bought several buckets, Mr. Savage would throw in a Dan Patch stop watch. It was an open-face, gold-cased pocket watch. When my Pa got one in 1910 he gave it to me. I wore it until 1917 when the Army gave me a suit that didn't have pockets for a time piece, so I sent it home.

Recently, in going through my late brother's (Nick Carter of Ramona, California) effects, there was my old watch. It runs perfectly. Now a vest and one of those gold long chains worn by old-timey bartenders will have to be purchased to put me in style, "1900 era."—Jack Carter, 8408 Painter, Whittier, California 90602

Bound Up Like Levi's!

I get three of your publications on subscription and pick up OLD WEST and GOLD! on the newsstands. All five are outstanding favorites and get read from cover to cover almost the very day they arrive—often taken to bed where wife



Mr. Smith's "binding" job really works!

and I exchange copies. But oh, the handling, folding and rolling these magazines get!

It is bothersome to have to hold the covers on after others have borrowed the magazines so I have bound one copy as a sample of what can be done to protect and preserve these fine magazines. I am indebted to Levi Strauss Company for the idea of using copper rivets in their famous Levi's to reinforce their jeans to protect the areas of greatest stress and strain. I have merely borrowed their idea for us in another Truly Western way.—Wendell E. Smith, 1635 Alpine Terrace Road, Alpine, California 92001

Needs Train Wreck Information

I am an avid reader of your magazines. I hope that the quality and truth represented in them are kept at the high standard you now maintain. Truth, presented fairly and without sensationalism, is hard to find today.

I am writing in the hope of obtaining information on a train wreck in which my grandfather, E. G. Hardie, was involved. He was working for the A.T.&S.F. Railroad at the time. He worked for them from about 1900 until the wreck which happened in 1910 or 1911. He married in 1901 and lived in the Gatesville-Cleburne, Texas area until his death in 1957. He was a member of the Brotherhood of Locomotive Firemen and Engineers.

The wreck was a head-on collision with another train in Paul's Valley, Oklahoma, near Ardmore. The engineer's name was Kilpatrick; he didn't jump from the engine and was killed by the steam when the engine ruptured. E. G. Hardie was a fireman for the engine. He sustained his injuries when he jumped from the engine. Any information on the wreck, or any sources where the information might be found would be greatly appreciated.—Jim Compton, 1724 E. Woodward Street, Apt. 106, Austin, Texas 78741

U. S. Deputy in Oklahoma

My letter in "Trails Grown Dim" brought a response far beyond my expectations, so much more than I received when I paid for an ad in other publications. I am still getting letters, which caused me to remember I ought to write and thank you.

I started reading your magazine because my father, Frank R. Keller, was one of Isaac C. Parker's U. S. deputies. He served, if I remember correctly, the two years that Grat Dalton was also a deputy. Grat was killed in the Coffeyville raid.

I remember Emmet Dalton, the youngest of the brothers, coming to our home in Eureka Springs, Arkansas where I was reared. As soon as he got out of the penitentiary he was wounded at Coffeyville, Kansas, which caused his capture. Others who used to come to our place in Eureka Springs were Bill Doolin, Bud Ledbetter, Red Buck Bohannon, little Al Jennings, and others I could recall if I just took time to think.

Father never talked much but I have heard stories about his connections with various of those old infamous outlaws. He told me something about the Coffeyville raid that I am confident no one

(Continued on page 80)

Western Book Roundup

(Continued from page 6)

researched and copious footnotes are provided. In addition, the author's own Indian heritage and his nine years as a missionary with the Mohave provided first-hand knowledge.

Federal Control of the Western Apaches 1848-1886 (University of New Mexico Press, $6.95) by Ralph Hedrick Ogle and with an introduction by Oakah L. Jones, Jr. is a reprint of the work which first appeared in serial form in 1940. The treaty of Guadalupe Hidalgo in 1848 brought the vast Southwest into the United States. It also included a major portion of "Apacheria" and its proud and fierce inhabitants. For forty-two years the United States struggled with the Apaches. Torn between policies of extermination, reservation, and assimilation, goverment efforts were confused and erratic. Red man and white were torn between hope, despair, and utter frustration. Greed, treachery and hate were common to both sides. Indeed, Apache was often pitted against Apache and unscrupulous whites fanned the flames. Massacres by both whites and Indians occurred. During the Civil War the Apaches practically reconquered all of Arizona Territory. With the surrender of Geronimo in 1886, the wily Apache was finally brought to heel. Ogle's account is well researched and one of the most interesting books written on the Apaches and the early Southwest.

SEVEN TEXIANS

Heroes of Texas (Messner, $3.95) by Edward Allen is just right for the juvenile trade. There are brief, easy-to-read biographies of seven of the great men of Texas: Moses Austin and his son, Stephen F., the Father of Texas, as well as the Alamo heroes Bowie, Crockett and Travis plus Sam Houston, the first president of the Texas Republic, and Mirabeau B. Lamar, who helped initiate the progressive educational program. The narrative is amply annotated with numerous illustrations of key historical events by Paul Frome.

FABULOUS ANIMAL

The Wolf (Natural History Press, $9.95) by L. David Mech is an ecological life history of the magnificent carnivore, which is circumpolar in distribution, yet threatened with extinction. The wolf has evolved through ages in competition with man. Although man domesticated the wolf and bred it into modern dogs, the wolf has been feared, misunderstood, and ruthlessly slaughtered for centuries. At long last, factual information is available though still incomplete. Mech, one of an increasing number of biologists who are conducting studies on wildlife, presents the data and interprets their wanderings, hunting, mating, social behavior, and the wolf's relationship to other animals and man. Forces threatening the wolf are described. The outlook and future for the wolf are sobering possibilities, yet information now available and reported in such books as *The Wolf* may furnish solutions for saving this fabulous animal. Highly recommended for Western buffs, biologists, and conservationists.

FRONTIER ORATORY

The art of speechmaking on the Missouri frontier is the subject of Frances Lea McCurdy's spirited volume called *Stump, Bar and Pulpit* (University of Missouri Press, $7.50). In Missouri, the French fur traders combined with the American farmers to form political institutions and to develop a distinct regional social structure. Here they tested Jacksonian democracy experimentally and patterns for the later development of the Great Plains, Rocky Mountains and the Pacific Coast were given a trial run. When a speaker in frontier Missouri declared his belief in Jacksonian democracy, he proclaimed the right of the common man to participate in government; he disclaimed special privilege and argued for equal rights for all. Speechmaking was every man's right; eloquence was the measure of worth and listeners had an inherent fondness of oratory. They jammed courtrooms, churches and social gatherings to be charmed by fluent speakers. Constitutional rights, charity, Christian living, law and order, motherhood and education were poignant themes that poured from the throats of spellbinders and warmed listeners' hearts. Frontier rhetoric often was rich in humor but never quaint or absurd. Instead it represented the thinking of pioneers who were evaluating problems of immediate urgency to them and ultimate importance to the whole country.

ARIZONA COURTS

Those interested in the history of Western jurisprudence should enjoy the researches of James M. Murphy found in *Laws, Courts and Lawyers—Through the Years in Arizona* (University of Arizona Press, $8.00). Until just over 100 years ago no American court had tried a case within the confines of the present state of Arizona. Early Spanish governors spurned the legal system as evil, and dispensed a sketchy civil system of jurisprudence through the military. There was no real legal system in Arizona when it became a part of the U. S. It was a no-man's land ruled by robbers, cutthroats and all manner of outlaws. The author describes the evolution of Arizona's legal system through its developing awkward age of set-backs and confusion. The exploits and experiences of the pioneer lawyers and judges are a meaningful part of the story. Origin of state and county courts is given and lists of officials of the Territorial and State court systems are included. Good research.

WESTERNERS ALL

This Land, This People (Naylor, $4.95) by William E. Bard presents a collection of poems by the author, many of which have won prizes. Bard was president of the Poetry Society of Texas for 1966. Most of the poems have been published previously. He published two other books of poems, *A Little Flame Blown, 1933*, and *Feather in the Sun*, 1949. Bard's poems are of the West which is the land he loves. His people have the realism of western character.

Trails Grown Dim

(Continued from page 48)

Tennessee in 1830, then to Arkansas, and from there to Fannin County, Texas, on the Red River in 1835. Their nine-year-old son John Harrison was captured by Comanches and kept captive for two years while his release was being negotiated by Governor Sam Houston.

I am the great-great-grandaughter of John Harrison Sowell and would like to know of the descendants of Louisa Rudolph Sowell. I'd also like to know the name of the Sowell who came from Scotland before the Revolutionary War, probably the father of John Sowell.—Shirley Gooch, P. O, Box 865, Grants Pass, Oregon 97526

Charles Wesley Turman

I recently found several letters written at La Barge, Wyoming, dated April 27, 1894; February 8, 1888; and April 22, 1894. Some are written on paper with the letterhead, "Office of Chas. W. Turman, Justice of the Peace, La Barge, Wyo." I would like to hear from anyone who might have information on some of the events and names mentioned.

The letter dated February 1888 mentions a man named Baker, who was "quiet poorly" in health; and Tim Calhoun, a man who had just posted bond so that he might take over the job of postmaster at a settlement known as Dry Piney, Wyoming; and Lon Denver, who was supposed to have moved to Montana.

The letter dated April 22, 1894 refers to "Old Tex" who was in poor health and expected to die; the Kelly boys, a group of young men, evidently brothers or close relatives; and "there is some excitement about gold being found on the Green River, above Green River City. A body can make good wages with a rocker. If it turns out to be true, the whole of Green River will be staked and marked out." The letter of February 1898 says, "If you can come, let me know when so I can meet you at the K. K. There is talk of the K. K. coming through next summer and surveys for several other roads are to be made."

I have a special interest in Charles Wesley Turman, as I believe he was a relative of mine who spent from 1869 to 1906 in Wyoming.—John C. Shattuck, Box 86, Smithland, Iowa 51056

Hileman-Perdue-Morris

I need information on Daniel T. Hileman, born June 8, 1842 in Pennsylvania. He married Margaret Ann Perdue, possibly born in Illinois August 25, 1856. Also, Delilah Jane Lancaster, born around Tucumcari, New Mexico. She married "Bud" Miller Morris. He traded horses on ranches, farms and Indian Reservations in the 1880s. They finally moved to Amarillo, Texas. Any information will be helpful.—Mrs. Richard Morris, 21805 S. Ravenna, Torrance, Calif. 90502

Lollar

I need information about a man named Lollar who lived in or around Kilmichael, Mississippi. My grandmother was his daughter, Connie Bell Lollar Blake. Anyone in Mississippi having any information about his life, age, number of children, or his death, please contact—Mrs. Alice Marotz, Rt. 1, Box 185-A, Hoxie, Arkansas 72433

Tom Heady

We have been trying for several years to locate Tom Heady. The last we heard of him, he was ranching in Wyoming. He is my mother's cousin. Any information would be appreciated very much.—Mrs. Nora Moorhouse, Fort Dodge, Kansas 67843

Galyon or Galyan

Galyon (Galyan) was my great-grandfather's name. His daughter Lucy married Ed Wilburn. I would like to hear from anyone knowing something about them. They lived around Nashville and Knoxville, Tennessee.—Mrs. Clyde Thompson, Route 1, Box 59, Douglas, Arizona 85607

Jeremiah Windsor

I am searching for descendants of Jeremiah Windsor. My great grandparents were William C. Windsor, who married Amanda Jane Sloan; Henry Parrish, who married Eliza Jane Record; and Sam Sloan, who married Effie Saffran. They lived in Illinois. My father, Frank Sloan, was born in Lewistown, Illinois on July 27, 1874 and died May 11, 1927 in Nampa, Idaho.—Mrs. Adelia Sloan Waters, Route 3, Box 161-A, Killeen, Texas 76541

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SEE PAGE 41

Truly Western

(Continued from page 75)

would ever believe, and since he has been dead over twelve years, there's no use of saying anything now. He also told me a few of his experiences while he was a deputy U. S. marshal.

I was born April 14, 1899 in a dugout twenty-five miles northwest of Weatherford in what is now Oklahoma, but was then known as "No Man's Land." While Father's hobby was being an expert shot with a six-shooter, mine is hunting relatives, be they what they may.—Harry L. Keller, Box 1810, Plant City, Florida 33566

Advice to Treasure Hunters

I read and enjoy your magazines very much. Each issue seems to be better than the last. Treasure and treasure hunting stories are my favorites, and as an arm chair treasure hunter, I've written a few suggestions for others like myself. Even though they've been said before, maybe some of your readers would enjoy sharing them.

A $20 metal detector in use is better than a $200 metal detector in the closet. Maybe this sounds funny to you, but it's the truth. You can't expect to find deep treasure with a $20 job, but you can find a whopping lot of coins if you will give it a chance. But don't expect to find a fortune, or even a dime, with that $200 or $300 super snooper as long as it gathers dust and you do your only hunting from the arm chair at home.

The ranks of treasures grow by the day, and the finds would be even larger if a few of those daydreaming dudes would get off their duffs and get with it.

"Oh, you need a good metal detector." Does that sound like you? Well, a lot of people think that way, but it ain't so. Sure, it helps to have the best equipment but you can get along without it.

"How do I start? Where do I find my leads? There isn't any treasure around here. Things have changed too much in my town." Those thoughts have crossed the mind of just about every beginner in the game of treasure hunting. I know I've had my doubts. Now, don't get me wrong—I'm no pro nor do I claim to be. So far I haven't found penny number one, but I plan to keep trying.

To the question of where to find leads, I have one answer. You can't beat TRUE WEST magazine. For example, some time ago I read a story about outlaw treasure. I started doing research and while I didn't find anything about that particular treasure, I did run across two others for later study.

Sure, things have grown. But where some things have built up, others have fallen by the wayside. How about that old city or county dump? It might take a little research, and asking questions, but if it were ever there, it can be found. There is money to be made in those dumps —just check an antique store and price a few old bottles.

All it really takes to be a treasure hunter is interest. Success depends on having that interest and the guts to work at it. For some, there is only bank loot, for others it's train holdups. Whatever your interest is, I would say, research those areas but don't forget that a stage holdup may very well lead you to a miser's hoard or something equally exciting. A book about some small town that never saw a holdup may have the information you need, so read and enjoy it. Most of all, get out and get with it. Give it a try if it's only coin shooting at the fairgrounds or a roadside park. Don't expect to get rich overnight, but remember, it could happen.

Just one last suggestion. If you really want leads and clues, join your local city, county or state historical society. Read their publications. There is more gold there than in your TV set.—Harry McBee, 506 Verne Street, San Antonio, Texas 78221

Indian Dried Meat

Indian dried meat is one of the very best foods ever used by any people. If I, as an adult, had to live on only one food, this would be my choice. Indian women have a special way of butchering an animal so that the meat is in big flat flakes. Some are dried like this, while other portions are dried in strips, and the ribs as they are.

In drying, the meat should be protected from rain. Wind and air circulation must be good, and the smoke fire should never be too hot. The resulting product is my favorite food, one that never causes acid stomach. There is a feeling of being well nourished, and one can go for hours without feeling hungry.

Some of this meat is eaten as it is, but most of it is boiled. Rice, cabbage, or any other good vegetable may be added to the stew. The broth from the dried meat was formerly the chief Indian beverage other than water. Pemmican was made by pounding up this dried meat and adding fat and various berries.

My wife likes to dry at least one big bull moose each fall, preferably the latter part of August. So I know what I am writing about!—Lee Hancock, P. O. Box 955, Anchorage, Alaska 99501

Up She Goes!

(Continued from page 2)

stop, and prices would start up again. It was a mighty long time. . . .

Funny dadburned thing, bet you never saw a publisher so reluctant to go up on prices. Our readers don't seem to be nearly so bothered! Since our announcement of a price raise we have received a surprising number of letters telling us not to worry about it, that all the other magazines in the field have gone up, from one to two years ago, and some of them only have 64 pages. I remember the last time we had to go up, we were looking for a drop in newsstands sales. We tried to improve the magazine every way we possibly could (as we are doing now) and doggone if we didn't go up in sales and I was one surprised sonofagun! Oh well, they say you'll never know what 50¢ is (until you get down to your last one!) so we'll just gradually change along with the rest of the world and try to keep improving on what we have. But if we ever have to change the overall Western Americana contents of these magazines—that's where I balk! You'll see old Hosstail heading off down a lonesome branch road on a nag, head sagging and tail down (both of us!), headin' home to the brush country. There is still some of it left, you know.

—Hosstail

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6—Boss of the Trail Herd, 9x12
7—Bronc to Breakfast, 8½x15
8—Blackfeet Burning Crow Buffalo. Range, 9x12
9—Bucking Bronco, 9x12
10—Better Than Bacon, 9x12
11—On The Move, 10x14
12—Buffalo Hunt (Arrows), 8x12
13—On The Trail, 8x11
14—The Pony Raid, 16x11½
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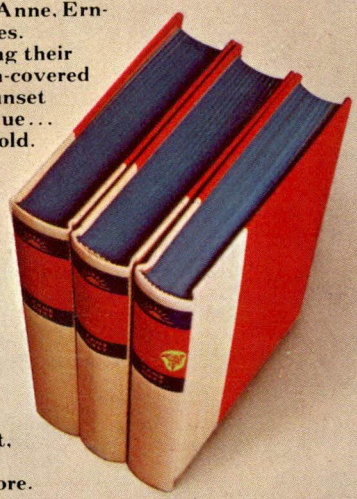

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