

GRANVILLE STUART
AND THE MONTANA VIGILANTES
OF 1884

by
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A THESIS

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and the Graduate School of the University of Oregon
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An Abstract of the Thesis of

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In the summer of 1889, Granville Stuart, pioneer gold-miner, trader, merchant, politician, rancher, and man of letters led one of the most deadly vigilante episodes in American history. Like the leaders of the 1862 Bannack-Virginia City vigilantes, Stuart was a Mason. He entered into the booming range cattle industry in 1879 by becoming the manager of the DHS ranch in east central Montana Territory. But by 1884, the ranges were becoming overcrowded, calf increase was down, and stockmen were becoming increasingly concerned with the depredations of rustlers. As part of a general understanding among cattlemen, Granville Stuart led a secret vigilante campaign which claimed the lives of from nineteen to twenty-three alleged horse thieves. Subsequent operations probably pushed the number of victims as high as thirty-five. The success of the Montana vigilantes may have inspired Wyoming cattlemen during the Johnson County War in 1892.

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INTRODUCTION AND ACKNOWLEDGMENTS

In the summer of 1884, the rugged country of east central Montana, its rolling plains dotted with thousands of cattle, punctuated here and there with small mountain ranges, and at once severed and woven together by the Missouri River and its tributaries, was breathlessly alert. From rude log cabins along the river bottoms and from scattered trading posts nestled in groves of poplar or aspen, carried by wandering prairie travelers and by steamboats chugging up the river, came the word of grim proceedings. There was talk of bands of cowboys, organized and deadly serious, of riders who came with the quiet of night or unexpectedly with the sunrise. They carried Winchesters and horse-hair ropes and their work was quick and sure. The details were few and often conflicting and not many cared to pursue them. But when it was over, this much was clear: Granville Stuart, pioneer gold-miner, trader, merchant, politician, rancher, and man of letters had led perhaps the bloodiest single vigilante campaign in American history. His war against horse thieves constituted a "human roundup" which claimed from 19 to 35 lives.

Stuart's campaign is an important part of the growth and decline of the open range cattle industry on the northern Great Plains and a central chapter in the American vigilante tradition. Yet we know very little about the events of 1884. We have Granville Stuart's own account, vague and impersonal, the authenticity of which is disputed.

We have a handful of written statements by participants and contemporaries, some of them taken down more than thirty years after the events. We have the correspondence of those in the neighborhood whose letters home to loved ones are full of frontier exaggeration. We have the newspapers of the time which printed news as rumor and rumor as news or which adhered to the general facts at the expense of details (the sparse "There's seven more good Indians" style of frontier understatement). "Eastern Montana is rapidly reducing the number of horse thieves," ran one account. Then, too, there is a missing diary, the typescript copy of which indicates that all names had been erased. There is the letter-press book of Granville Stuart with key pages torn out. And there is a key article by amateur historian Oscar O. Mueller, a member, like Granville Stuart, of the Masonic Order, whose interviews with the last of the participants and sympathy for their cause represents the last official word on the subject: an account tight but unconfirmable. The job of studying the events of 1884 is as much to determine what happened as to decide what it means.

But what does it mean? Why, in a territory with full judicial machinery and regular law enforcement officials, was it necessary for cattlemen to take the law into their own hands? Why were leading citizens, members of the Territorial Legislature, so willing to resort to extralegal action when legal avenues seemed so readily at their disposal? Why was nothing done about the horse thieves in the first place? Why was nothing done about the vigilantes in the second? We can perhaps understand why the citizens of Bannack and Virginia City,

wild and wide-open mining towns of the 1860s, rose up against the corrupt Sheriff Plummer and his gang of murderous road agents. But what possessed the cattlemen of central Montana, twenty years later, with civilization firmly entrenched and statehood just around the corner, to role up their sleeves and lynch common criminals (and some who weren't)? How much force is a citizen entitled to use to protect his or her property? The instinct for citizens to take matters of law and order into their own hands is a characteristic uniquely American and surprisingly resilient. A Miami, Florida scout master was recently tried for manslaughter after a rifle, rigged as a booby trap to protect his home from burglars, discharged and killed a fourteen-year-old boy. The issues of 1884 are in many ways the issues of today.

* * * * *


In only a short time I have become indebted to a number of people whose aid and advice have greatly contributed to this thesis. My thanks and appreciation go to the hard working staffs of the following libraries and archives: Montana State Historical Society Library; Montana State University Library and Special Collections; University of Montana Library and Archives; Division of Records, Meagher County Court House, White Sulphur Springs, Montana; University of Wyoming Library and Western History Research Center; and the University of Oregon Library. In particular I would like to acknowledge the helpful assistance of State Archivist Brian Cockhill and Dave Walter of the Montana State Historical Society; Minnie Paugh, head of the Special Collections section of the Montana State University Library; Dale

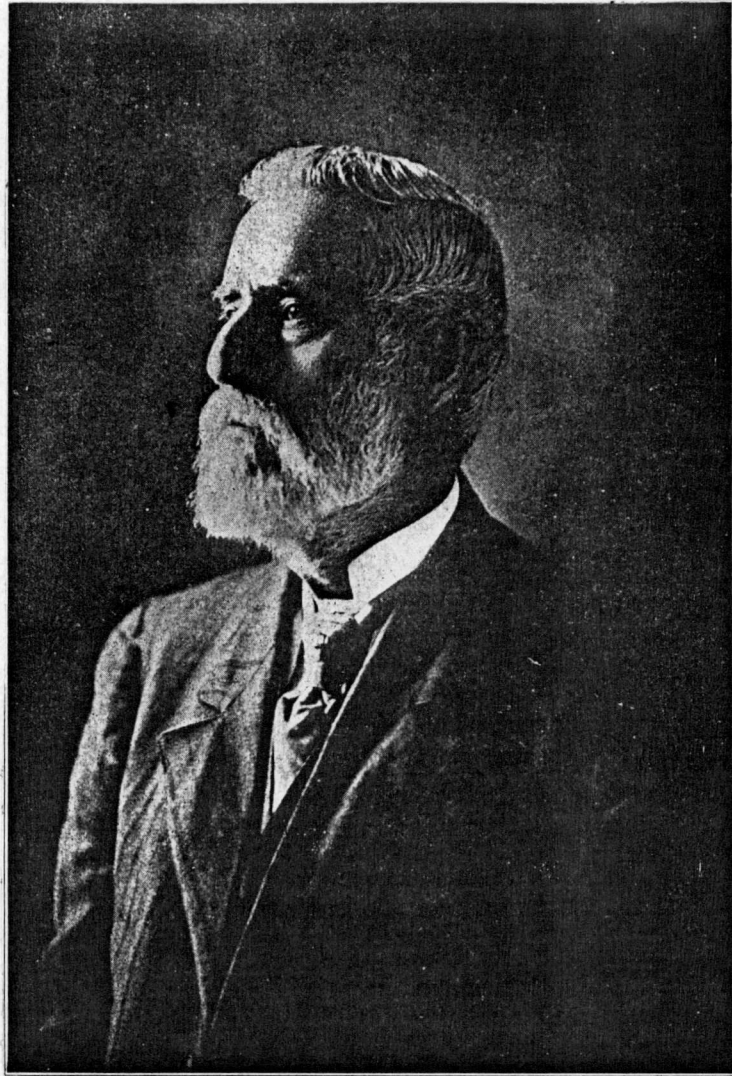
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PART I

GRANVILLE STUART: THE BACKGROUND

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Granville Stuart at 75

(Forty Years on the Frontier Vol. I)

CHAPTER I: "MR. MONTANA:" THE FIRST FORTY YEARS

There was something about Granville Stuart's remarkable life that inspired even more remarkable and sometimes exaggerated eulogies. He was born in Virginia, but left with his family at the tender age of four.¹ Yet in the introduction to Stuart's Diary & Sketchbook, Carl Schaefer Dentzer wrote, "Stuart was a Virginian, which in the 19th century, meant that he was a special breed of man."² Stuart had few close brushes with death and was not especially distinguished as a pathfinder, warrior, or leader of men. Yet Edgar Paxson called him "the Daniel Boone of Montana."³ Stuart did take part in several civic affairs and served two generally uneventful terms in the Territorial Legislature. But his most thorough biographer, Paul Robert Treece, wrote,

Granville Stuart was the most important single figure in the general development of Montana from the early 1869's until his death.⁴

It is not easy to account for such a legacy. Stuart's life on the frontier was exciting and full. But Stuart never appealed to contemporaries the way he appealed to historians. By the end of his first forty years there was little to suggest the fame that would be his after his second forty.

The Stuart family, as Granville wrote, "seem always to have been pioneers." His grandfather had been trading with the Indians as early as 1793. His father, Robert Stuart, was a restless man who worked at a variety of professions in the frontier settlements of Virginia.

Iowa and Illinois. Though he tried his hand at farming, surveying, land speculating, and trading with the Indians, Robert Stuart never achieved any real success. He had troubles with his creditors and with Granville's mother from whom he was divorced in the late 1850s. His first son, James, was born in 1833 followed a year later by Granville.

The Stuart boys grew up on the frontier and often had Indian children for playmates. They learned early how to hunt game with Kentucky flint-lock rifles. Their father was frequently absent for long periods of time which had the effect, perhaps, of making Granville especially close to his older brother.⁶ Though they received little in the way of formal education, Granville described living in one settlement in which they could skate up a frozen river to school. "James did the skating," he wrote, "and I just squatted down and held to his coat tail."⁷ Their education was supplemented in the home. Paul R. Treece writes that Robert Stuart owned more than the usual number of books and frequently read to his family. It was Granville who was most influenced by this exposure to learning. He became the more scholarly and thoughtful of the two brothers. In the introduction to Stuart's Forty Years on the Frontier, Paul C. Phillips described Granville as

...a dreamer and philosopher. He was a student of books and of nature, a lover of all creation. He was a seeker after knowledge, and reflective by both nature and habit.

In 1849, Robert Stuart left his family behind in Iowa and, like thousands of others, set out for the gold fields of California. He

returned two years later by traveling via steamship to Nicaragua, across Central America and up the Mississippi.⁹ He spent a listless winter in Iowa, but before it was time for spring planting, he was ready to set out for California again. This time James insisted that he and Granville be permitted to go along. In May of 1852, Granville Stuart, nearly eighteen years old, set out across the Great Plains to search for gold in California.

Robert Stuart did not remain for long with his sons in California before returning to Iowa. This was apparently the last time they saw their father. Knowing "absolutely nothing about mining," James and Granville began working the various creeks and streams which flowed into the Sacramento River in northern California. They made their headquarters in a little village up the west branch of the Feather River. The village had "the well deserved name of Dog Town," wrote Granville, "for although there were only ten houses, there were sixteen fully developed dogs."¹⁰ The Stuarts met with sporadic luck in their "diggings," but success always seemed to slip away from them. On one occasion they abandoned a good site prematurely, on another they failed to file a legal claim. But Granville held the prospecting profession in high esteem. Years later he wrote that there were "no finer specimens of mankind" than the California forty-niners. "Only the courageous determined man crossed the plains and reached the land of gold."¹¹ Treece suggests that the Stuarts probably enjoyed the search for gold as much as actually finding it.¹²

One day, in 1853, Granville opened the door of their cabin in

Dog Town to find a man, weak, pale and "shaking with ague." His name was Rizen (later Reece) Anderson. He had come from Illinois to California and almost immediately become desperately ill. A physician in Sacramento sent Anderson to Dog Town suggesting that the climate might help. In Dog Town he had been referred to the Stuart's cabin by a man who thought they, too, were from Illinois. The Stuarts could not refuse to take him in though, as Granville wrote, "...he looked so feeble that I feared he would not live more than a month or two."¹³ But Anderson's health gradually returned, and he became a lifelong friend of the Stuarts. When they moved to Montana, he accompanied them. When Granville went into ranching, he became the foreman. And when Granville sent his cowboys on the trail of horse thieves, Reece Anderson was often in the lead.

Twice, while in California, the Stuarts found occasion to take arms against Indians. The first instance was in July, 1853. A group of Chinese miners near Dog Town were attacked by Indians (apparently mistaking them for another tribe) and two of the Chinese were killed. This "excited much feeling against the Indians," and a party of whites including James Stuart, went after the culprits. The party sighted and attacked a group of Indians who they guessed were the guilty ones. Two Indians were killed and several others injured. The Chinese were very grateful, but Granville wrote later that most of those involved felt "ashamed of the raid after it was over."¹⁴

The next altercation with Indians came in the spring of 1855. Having heard reports of a significant gold strike to the north, the

Stuarts moved to the area around Yreka. On June twentieth they were prospecting along the Klamath River with a small party of men when they were fired upon by Indians armed with muzzle loading rifles. The group escaped alarmed but uninjured.¹⁵ This was the Stuarts' first encounter with the hostilities growing out of the Second Rogue River War, a dispute between the increasing number of whites in the area and the Indians living around Tule Lake. It was a regrettable conflict in which a number of atrocities were committed by both sides. Joel Palmer, the Superintendent of Indian Affairs in Oregon Territory, wrote that the trouble grew out of the overexcitement of miners and settlers "...goaded on by reckless and lawless miscreants..." He went on, "History will prove that this war has been forced upon these Indians against their will..."¹⁶ Their prospecting plans disrupted by the hostilities, the Stuarts and Reece Anderson heard that a volunteer regiment called the First California Mounted Riflemen was forming and promising to pay three dollars a day. They "enlisted promptly."¹⁷ At one point, in this brief soldiering career, James Stuart and another man were sent to Shasta Valley for supplies. On the way they came upon two Indians with a number of horses and, assuming the animals to be stolen, Stuart and his companion killed the Indians.¹⁸ The role of the Stuarts and Anderson in the Rogue River War was insignificant but unfortunate. James' execution of the two Indians demonstrates a contempt for them which is echoed in Granville's account of the conflict (though Granville makes no mention of James' encounter).

In the spring of 1857 the Stuarts decided to return to Iowa to

visit their parents. They had been in California for five years and success was still eluding them. That they had not taken work in any of the variety of occupations spawned by the gold rush which might have delivered a more reliable or lucrative income can perhaps be explained by their impulsive youth and the lure of riches. But the reluctance to find steady work was a tendency which would recur, especially in Granville who seemed to inherit his father's restlessness. His experiences in the gold rush, in fact, seemed to aggravate this tendency. One is compelled to agree with Treece that "the sum of Granville Stuart's California experience was to render him temporarily unfit for regular employment for decades."¹⁹

In June of 1857 the Stuarts, Reece Anderson and a party of eight others set out for the east. By July they were in Utah Territory on the Hudspeth Cutoff headed for the Oregon Trail. It was here that Granville became seriously ill with "Mountain Fever." The rest of the party went on leaving James and Reece Anderson to tend to Granville. It was seven weeks before the fever broke and not, wrote Stuart, "until it brought me nigh to death's door."²⁰ By now the men had lost valuable time. With winter fast approaching their chances of making it through South Pass and across the plains were not good. There was some danger from Indians given the now small size of their party. They had also been hearing reports of trouble between Mormons and gentiles and of an impending "Mormon War." (Only later would they hear of the Mountain Meadows Massacre in which Indians and Mormons besieged and killed one hundred and twenty emigrants in southern Utah.) "We now found ourselves,"

wrote Stuart, "in a very dangerous situation."²¹

It was the Stuarts' good fortune to befriend a trader, Jake Meek, who suggested that the men travel north with him to spend the winter in the Beaverhead River Valley in present day western Montana. Meek, who had previously been a freighter for the Hudson's Bay Company, was trading ponies and buckskin clothing to travelers along the Oregon Trail in exchange for their worn out cattle and horses. In the fall he drove the stock north to winter them in the Beaverhead Valley and there to let them grow healthy and fat and ready to re-sell for a profit. The Stuarts and Anderson agreed to accompany him and thus, largely by accident, Granville Stuart entered Montana late in 1857.

During his first years in Montana, Granville Stuart began the two enterprises for which he would be best remembered. The Stuarts spent their first winter in the Bitter Root Mountains until a scarcity of game forced them down into Deer Lodge Valley. Here, though lacking proper equipment, they passed time by prospecting for gold. In May, 1858, in a bread pan into which they had shoveled some sand, they discovered about ten cents worth of the precious metal.²² They were not the first to find gold in the area. Francois "Benetese" Findley had found gold in almost the same place in 1852 as had the Hereford party in 1856.²³ But letters from Granville and James to acquaintances in Colorado arrived at about the time that the Pikes Peak rush was going bust and a number of miners left there for Montana.²⁴ It was probably for this reason that Granville Stuart is given credit for the first significant discovery of gold in the region. Over the next

several years the word spread, and the mining boom in Montana began. By 1862 the settlement of American Fork was established and full of miners.²⁵ Stuart wrote, "Our little settlement...has begun to take on the lively bustling appearance of a new placer camp."²⁶

During these years, too, Stuart began raising cattle, trading worn out steers and oxen for healthy ones along the Oregon Trail, wintering them in the valleys of southwest Montana, as Meek and others were doing. In 1861 he had a few horses, fifteen oxen and over sixty head of beef including three bulls.²⁷

In September, 1862, in a ceremony in American Falls, Granville Stuart was sworn in as Missoula County commissioner and James took the oath as sheriff. But even before this, James had been called upon to act in a sheriff's capacity. In August three men had arrived in town and were winning a great deal of money playing monte in the saloon. James Stuart lost three hundred dollars to them but managed to win two hundred back. On August 24 he recorded in his diary, "Our monte sharps are about to take the town. Getting decidedly obstreperous in their conduct."²⁸ The following afternoon two men arrived from Elk City saying they were in pursuit of some monte players who were accused of stealing horses, and they requested assistance in apprehending them. James accompanied the two men and arrested one of the monte players, C.W. Spillman, in the general store. The other two, William Arnett and B.F. Jermagin, were playing cards in the saloon when the arresting party confronted them, weapons drawn, and ordered them to "throw up their hands." Arnett reached for a Colt navy revolver but was killed

by a shotgun blast before he could use it. Jermagin surrendered without resistance.²⁹

On August 26 a "trail" was held. Jermagin testified that he had only recently met Spillman and Arnett and knew nothing of the horse stealing incident. Spillman confirmed his story and Jermagin was given six hours to leave town. Spillman "made no defence" with respect to his own situation but bravely faced his accusers. He was accordingly found guilty and sentenced to death. At twenty-two minutes past two o'clock, August 26, 1862, James Stuart presided over the first execution in what is now Montana.³⁰

The Spillman incident seems an unfortunate one in many respects. Though James Stuart was acting in the capacity of Sheriff, it would be two weeks before he would take the oath. There are no details of the trial, but it seems clear that little time was wasted on due process. The fact that many people in the town had lost money to the monte players raises some question concerning the partiality of the jury. Treece reminds us that the crime was committed in another county and therefore the trial did not belong in American Fork in the first place.³¹ James Stuart observed that Spillman did not seem "a hardened criminal" and Granville expressed regret that he did not plead for his life. "I now think," wrote Stuart years later, "that he was so stunned...that despair seized him and he thought it useless to try to escape death."³² Had more time been given for the trial process, Spillman might have been able to collect himself and arrange a defense. As events turned out, he was hanged less than twenty-four hours after the arrival of the men

from Elk City.

But Granville Stuart was generally impressed by the quick trial. He admitted that the punishment of hanging for stealing a horse might seem "severe beyond proportion," but observed that the nearest jail or court was hundreds of miles away and that small frontier communities rarely had the resources "to indulge in costly criminal persecutions..." Therefore it was "advisable" as he wrote, "to inflict such punishment as would strike terror to the minds of the evil doers, and exercise a restraining influence over them." Quick trials also served that purpose. Wrote Stuart,

Justice was swift and sure in those days. There was no moving for a new trial or any of the thousand other clogs upon the wheels of justice which but too often render the execution of the law a mockery.³³

This was not the last time Stuart would use such logic to excuse a hanging.

It was also in 1862 that Granville Stuart took a Shoshone Indian woman (a "woman" aged twelve years) as his wife. Awbonnie Tookanka made a good and loyal wife, bearing Granville's nine children and raising James' two children after his death. In the early years on the Montana frontier, it was quite common for a white man to take an Indian wife and with no fear of ridicule. But Montana was rapidly growing more civilized and in the years to come, Granville Stuart would have frequent occasion to regret becoming a "squaw man." Yet he remained unwilling to abandon his family and this, Treece suggests, hampered him socially, politically, and economically.³⁴ His bond to Awbonnie was also a bond

to the frontier. It no doubt influenced his decision in later years to leave the more civilized regions of western Montana for the more remote cattle ranges in the central part of the state.

Stuart took good care of his children while their mother was alive. He looked after their education and when they moved to the range, he worked to set up three schools for children in the area and personally interviewed teachers. In 1888, Awbonnie died after giving birth to her last child. Within a year Stuart married Allis Fairchild, a school teacher. The new Mrs. Stuart did not have as much affection for the children as she had for Granville. She apparently did not approve of half-breeds and did not hide her contempt. There were often bitter quarrels and following one of them, sixteen-year-old Lizzie was "kicked" out of the house. Lizzie went to live with the family of Charles ("Teddy Blue") Abbott, a cowboy of Stuart's and his son-in-law. Teddy Blue has as much contempt for the new Mrs. Stuart as he had respect for Granville. He wrote in his diary,

I pity Granville Stuart I could not believe it at first. he will bitterly repent ever marrying her ere long I am disgusted with him yet I will help him but her never I feel ashamed of him tonight.³⁵

Though consistently a gentleman in his reminiscences,* Teddy Blue refers to the new Mrs. Stuart in his diary with such words as "Hag" and "Bitch."³⁶ Granville Stuart's sympathy seems to have been entirely with his wife during these difficulties. Lizzie's departure left four

* We Pointed Them North: Recollections of a Cowpuncher, by E.C. ("Teddy Blue") Abbott and Helena Huntington Smith.

young children living at home. Stuart placed them in the St. Ignatius Catholic mission school on an Indian reservation near Missoula and never again had anything to do with them.³⁷

Though the Stuarts were in a large way responsible for the gold rush in Montana, they did not have much to show for their efforts. Most of their energy went into other business ventures like running the Stuart and Company general store in Deer Lodge or becoming members of a quartz mining partnership with pioneer Montana businessman, Samuel T. Hauser. Through the 1860s and '70s, Granville worked as a gunsmith, a butcher, and blacksmith's helper; he also worked in a bank and managed a lumber yard. Throughout he continued to own cattle. In 1866, Stuart traveled back to Iowa via stage, steamboat, and horseback and kept a sketchbook and journal of his adventures. Parts of it were printed in the Virginia City Montana Post. He also authored the first history of the region, Montana As It Is, assuring for himself the reputation as the area's first "man of letters."³⁸ Stuart helped found the Historical Society of Montana and wrote several articles for local newspapers. He collected books avidly and had one of the largest private libraries in all Montana.³⁹ In 1871 he served as a member of the Territorial Legislature.

Such a list of activities is not unimpressive, yet, as Treece observed, what is really striking is Stuart's inability to concentrate on any single vocation long enough to establish himself at it.⁴⁰ He was a persistent teetotaler, a dedicated gun and book collector, but undisciplined, as his father had been, in selecting his life's work.

During the same years, James Stuart divided his time between adventures. He traveled extensively and led two exploring expeditions into the Yellowstone country. One of the expeditions, in 1863, was plagued with Indian trouble and three of the party were killed in skirmishes. But James' bravery and presence of mind saved the party from annihilation and the survivors, wrote Treece,

...felt they owed their lives to Stuart's leadership, courage, knowledge about the character of the Indians, and experience as a mountaineer and as a Great Plains traveler.⁴¹

When bad financial investments threatened to ruin the brothers, James obtained an appointment as a post trader at Fort Browning, hoping to raise funds trading buffalo robes and supplies with the Indians. For the next two years he served as a trader, doctor, and agent for the Sioux and Assiniboine Indians on the reservation. There were many, including Sam Hauser, who looked to James to be, in the future, an important political and business figure in the state.⁴² But James' life was cut short when, in September, 1872, after surviving numerous brushes with death, he succumbed to a liver ailment. He was forty-two years old.

At the time of his brother's death, Granville Stuart's life was but half over. In his first forty years he had established a solid reputation as a businessman, scholar and community leader. But his reputation was dwarfed by James'. Paul C. Phillips described James as

...a man of action. He was an aggressive gold seeker, and he managed the mercantile business with daring and skill.

He was the first sheriff of a Montana County, a desperate fighter of criminals. He led the Yellowstone expedition of 1863, and was active in the search for a direct route from the East to Montana. He was a man of tremendous energy and of violent impulses. He was a gambler, a fighter and a prince of good fellows. He showed marked political ability and was a man to whom pioneers looked for advice and action.⁴³

At that point in his life, Granville Stuart would not have received such an eulogy. It was James who held the respect and confidence of a great many early Montanans. His younger brother especially looked up to him, and the image of Granville holding on to James' coat tail (p. 8) is a revealing one. In 1872, it was James Stuart, not Granville, who fit most impressively the figure of a frontier hero. Had Granville died in the same year it is unlikely he would have been remembered except, perhaps, as James' brother. Certainly no one would have named him, as the Great Falls Tribune did later, "Mr. Montana."⁴⁴

But Granville Stuart did not die in 1872. He lived out the nineteenth century and in the second decade of the twentieth he finished two volumes of memoirs, Forty Years on the Frontier. Granville Stuart never won the esteem of his contemporaries the way James did. But he achieved three important distinctions which would win him fame among historians. When Granville Stuart died in 1918, he was a survivor, an author, and a vigilante.

No loss before or since would hit Granville as hard as the death of his brother James. Three months after the funeral, he wrote in a letter to his mother, "I feel like my life was shipwrecked, shattered, & that all our toilings & struggling had been in vain since he is taken

from us."⁴⁵ Granville Stuart was a long time recovering, and when he did, he turned his back on the newly civilized communities in the western part of the territory. Late in the 1870s he moved to a new frontier: the remote cattle ranges of central Montana.

CHAPTER II: "THE BEEF BONANZA"

"...the cattle kingdom is the most logical thing that has happened in the Great Plains."¹

-Walter Prescott Webb

Ironically it was the emigrants, crossing the Great Plains on the Oregon Trail, who stimulated the growth of an industry seemingly tailor-made for the region. In the 1850s, the area west of the ninety-eighth meridian and east of the Rocky Mountains was popularly referred to as the "Great American Desert," a land devoid of timber and water, barren and unsuitable for human habitation.² The caravans of emigrants whose wagons rolled out of the Missouri settlements, their hearts set on the lush valley of the Willamette or the streams of California gold, regarded the rolling plains and jagged buttes as simply so many miles to cross and hardships to endure. But accompanying the western travelers, as the prairie sparrow accompanied the buffalo, sometimes perched on its back to peck insects from the matted mane, was the frontier trader. The role of the trader in the process of western expansion is frequently overlooked or misunderstood.³ Yet their role was often a vital one. It was the emigrant who brought the first cattle onto the Great Plains. It was the trader who became the first Great Plains cattle rancher.

As the wagons rolled along the North Platte River into eastern Wyoming, through South Pass and into Utah or southern Idaho, the rigors

of the trail began to take a toll. It was here that profit-minded frontiersmen provided important goods and services. When provisions ran low or spoiled, Oregon Trail emigrants were glad to find a trading post where they could replenish supplies of coffee, bacon, flour, powder and shot. Where heavy travel had depleted forage for grazing animals, they welcomed the sight of a "road ranch" (often little more than a tent, a hay rack, and a corral) where hay, cut from along the river banks, could be purchased. Where treacherous rivers needed to be crossed, a toll bridge was often a convenience. Trade with the Indians had been going on for years at places like Fort Bridger and it was necessary only to increase supplies to do business with the emigrants. With the fur trade played out (the last rendezvous, a dismal one, was held in 1840), a retired mountain man could make a fair living at his own trading post. Frontier traders kept pace with the demands and by 1866, General Sherman wrote to a friend, "...you are never out of sight of a train or a ranch."⁴

But perhaps the most significant barter along the Oregon Trail was in cattle. The long trek from eastern settlements onto the plains often left the family cow or work steer footsore and weak. For a shrewd trader, here was an opportunity. One fat steer could be traded for two trail-weary, underweight equivalents. After a year or two of grazing on the nutritious prairie bunch grass, the same two steers would be fat and healthy and ready to trade for four others.⁵ Jesuit missionaries like Father Pierre Jean De Smet, who brought not only religion but wheat, potatoes, and cattle to the Flathead Indians in the

1840s, had demonstrated the suitability of the valleys of western Montana for cattle raising. In the 1850s, men like Richard Grant and his sons began collecting cattle along the Oregon Trail and driving them north into the Beaverhead Basin and the Bitter Root River Valley to fatten during the winter. By 1856, they had six hundred head of cattle.⁶ Jake Meeks and Granville Stuart were only two of several men engaged in such operations. In describing his trip across the country in 1859, Horace Greeley wrote of meeting some old mountaineers who had gone into the cattle business,

...(they) have large herds of cattle which they are rapidly increasing by a lucrative traffic with the emigrants who are compelled to exchange their tired, gaunt oxen and steers for fresh ones on almost any terms. H.D., whose tent we passed last evening, is said to have six or eight hundred head, and knowing the country perfectly, finds no difficulty in keeping them through summer and winter by frequently shifting them from place to place over a circuit of thirty or forty miles.⁷

Having started with nothing, one of the old mountaineers had, over some twenty years, accumulated fifty horses and up to four hundred head of neat cattle. If, as historian Ernest Staples Osgood writes, such operations were the first ranches in the Northern ranges,⁸ then this may represent one of the first success stories of the Great Plains cattle industry.

In the late 1850s, the infant cattle industry profited from another migration, this time one which brought people to the plains instead of across them. The discovery of gold at Pike's Peak coincided with the Panic of 1857 and brought the first great waves of miners to the Great

Plains. By 1859, twenty-five thousand people were either scouring the territory for gold or on their way. Strikes at Deer Lodge and American Fork by the Stuarts attracted many busted Pikers into Montana. In 1862, gold was found in the area of Virginia City, Montana and by 1864, communities like Last Chance Gulch (Helena) and Bannack were booming. Miners had big appetites and as Osgood writes, "beef of any quality was at a premium."⁹

The mining boom gave at least one famous rancher his start in the cattle business. Conrad Kohrs, a Danish immigrant who had followed a "kaleidoscopic" career mostly in California mining fields, arrived in Montana in the late 1850s looking for work. He was hired by Hank Crawford, the first sheriff of Bannack. Crawford was supplementing his income by selling meat to miners and put Kohrs on as a butcher. But the sheriff soon fell into badbooks with one Henry Plummer and prudently left town. Kohrs inherited the meat business and worked it into a sizeable enterprise. He then went into ranching and became one of Montana's first and most famous "Cattle Kings." Henry Plummer inherited the office of sheriff and worked it into a sizeable enterprise also. But that's another story.

The mining boom significantly stimulated traffic across and onto the Great Plains. The railroads began nosing their way west, and numerous new military installations came under construction to protect the growing population. Thus the market for beef continued to expand. By the end of the 1860s, cattle ranching on the plains had become firmly established, and "herds of considerable size" were appearing.¹¹

The range cattle industry in America did not originate on the northern ranges of the Great Plains. It began in the diamond shaped Nueces Valley in the southern tip of Texas. In this region Spanish and Mexican ranchers had for years raised cattle. But with the coming of the Texas Revolution in 1836, they abandoned their stock and left the area. In the late 1830s and early 1840s, the first Texans began rounding up the Mexican stock and driving them east to sell in New Orleans. The cattle, descended from the herds of Coronado, were wild and boney and sported long, pointed horns. The Texans found that the best way to manage the longhorns was on horseback with a rope and a six-shooter (for these beasts were truly wild). The cattle were marked with brands, then allowed to graze freely on the miles of unfenced public lands until it was time for the roundup and drive to market. Thus the American "cowboy" and the "open range" system of cattle raising came into existence in this region of southern Texas. It was a system uniquely suited for the American Great Plains and different from any other in the world.¹²

There were miles and miles of land and cattle in Texas, but almost no native market. Only after cattle had been driven up the trail to railheads in Missouri and shipped north and east could beef on the hoof become money in the bank. Few events have become the subject of as many songs, stories, and films as the great Texas cattle drives. They made good stories for the hazards of trailing cattle hundreds of miles from Texas to Sedalia or Abilene were many: the terrain was rough, the outlaws many, and there was often a lack of water and forage. The

trail drives began in earnest when entrepreneur Joseph G. McCoy coordinated with eastern purchasing agents in 1866 to create a safe railhead further to the west than any already existing, a point where cattle raiser and cattle buyer could meet and exchange product and capital. In a deal with the Kansas Pacific, the town of Abilene, Kansas was selected and for a time it became the hub of all that was romantic and real about the cattle industry. Historian Walter Prescott Webb described it:

Abilene! Abilene may be defined. It was the point where the north-and-south cattle trail intersected the east-and-west railroad. Abilene was more than a point. It is a symbol. It stands for all that happened when two civilizations met for conflict, for disorder, for the clashing of great currents which carry on their crest the turbulent and disorderly elements of both civilizations - in this case the rough characters of the plain and of the forest. On the surface lurid, and awful. But the dance hall, the saloon, and the pistol shots were but the superficialities which hid from view the deeper forces that were working themselves out round the new town. If Abilene excelled all later cow towns in wickedness, it also excelled them in service, - the service of bartering the beef of the South for the money of the North.¹³

But even with the new railhead there were difficulties getting Texas steers to market. Quarantine laws in Kansas and Missouri, restrictions on crossing Indian lands, and the growing presence of the farmer in mid-western states forced the cattle trails to bend more towards the north and west. Colorado was the first to feel the effect of what would be called the "Texas Invasion" as Denver became a lively new railhead for Texas stock. By 1869, there were a million head of

cattle in Colorado Territory, more than half of them between Denver and the Wyoming border.¹⁴ Osgood suggests that the progress of Texas stock onto the northern plains followed in an east to west direction with the development of new railheads. The first herds left Schuyler, just west of Omaha, in 1870. In following years, Fort Kearney, North Platte, Ogallala, and Sidney, Nebraska became shipping points for east-bound stock, followed by Rock River, Wyoming.¹⁵

It was not just Wyoming and Nebraska ranchers who took advantage of the new Union and Northern Pacific railheads. By the early 1870s, Montana had developed an excess of cattle beyond the demands of the local market. In 1868, drovers pushed the first herds of Montana cattle south into Wyoming to sell to crews working on the railroad. Many other Montana herds followed as Granger, Pine Bluffs, and Cheyenne, Wyoming became popular new shipping points. Conrad Kohrs even joined the Wyoming Stock Growers Association to insure rights and protection from that powerful organization.¹⁶

By the mid 1860s, cattle raising on the Great Plains, stimulated by the Oregon Trail emigrants, spurred on by the growing population created by the discovery of gold and the advance of the railroad, was a healthy and growing industry. It awaited one last incident to turn it into a booming one. The incident occurred in December, 1864. The story is told by Joseph Nimmo in his Report to the Secretary of Agriculture in 1885, of a government trader who was leading a wagonload of supplies, drawn by several oxen, across the Wyoming prairie on his way to Camp Douglas in Utah Territory.

...but on being overtaken on the Laramie plains by an unusually severe snowstorm, he was compelled at once to go into winter quarters. He turned his oxen adrift, expecting, as a matter of course, that they would soon perish from exposure and starvation. But they remained about the camp, and, as the snow was blown off the highlands, the dried grass afforded them an abundance of forage. When the spring opened they were found to be in even better condition than when turned out to die four months previously.¹⁷

In the next few years the story was told and repeated with numerous and varying details but the moral was always the same. Here was proof that domestic stock could survive the bitter plains winters without the laying up of winter feed or the building of shelters. Here was proof that cattle turned loose in the fall would come back fat in the spring. Here, it seemed, was proof that cattle could survive completely on their own! Such conclusions would eventually result in the greatest disaster in the history of the cattle industry, but their immediate effect was to revolutionize cattle raising on the Great Plains.

In September, 1871, the Cheyenne Leader reported, "immense herds of cattle are constantly arriving from the east to be placed on the rich grazing fields."¹⁸ The northern plains had become the home of a new cattle kingdom. In Montana the industry was quickly outgrowing its niche in the western portion of the territory and in 1869, Conrad Kohrs established his ranch to the east, along the Sun River. In the following years, others did the same until east central Montana became the center of the territory's cattle industry. Many new men entered the business when they found how little expense was involved. The grass was free, part of the public domain, and one need only pay wages to a

few cowboys, build a corral, purchase and brand a few head of stock, and the Great Plains would do the rest. Remarking on the rapid growth of the industry, one eastern stock journal reported, "Cotton was once crowned king, but grass is now..."¹⁹

In 1877, the first of many get-rich-quick books appeared: Robert E. Strahorn's Handbook of Wyoming and Guide to the Black Hills and Big Horn Regions. In 1881, General James S. Brisbin published his book, The Beef Bonanza or How to Get Rich on the Plains, promoting the mildness of the climate, the certainty of herd increase and suggesting that a modest 45 percent profit per annum could be realized.²⁰ In 1885, the Rocky Mountain Husbandman reported, "Large fortunes have been made... within a comparatively brief period. Hundreds of men who embarked in the business a few years ago with exceedingly limited means, are now ranked as 'cattle kings'..."²¹ The rumors of quick riches prompted frontier humorist Bill Nye to quip in the Laramie Daily Boomerang,

Three years ago a guileless tenderfoot came into Wyoming leading a single Texas steer and carrying a branding iron; now he is the opulent possessor of six hundred head of fine cattle - the ostensible progeny of that one steer.²²

As the cattle industry spread like prairie fire, it was to Texas that northern ranchers looked for new herds, and to northern ranges that Texas ranchers looked for new grassland. The resulting flood of southern herds onto northern ranges in the 1870s and 1880s has given rise to the notion that the Great Plains cattle industry is essentially a Texas story. Walter Prescott Webb wrote that "the cattle kingdom

spread from Texas and utilized the Plains area, which would otherwise have lain idle and useless."²³ Webb acknowledges the existence of cattle on the northern plains before the arrival of Texas stock, but argues that these were domestic and not range stock, "cows, not cattle ..."²⁴ But the evidence is to the contrary. The cattle industry on the northern plains developed along the Oregon Trail independently of its Texas counterpart. There were sizeable herds of cattle on the northern ranges years before the flood of longhorns. Though Nelson Story brought the first Texas cattle into Montana in 1866, they remained a rarity for many years to come in that state. In the early 1880s some of Granville Stuart's cowboys saw their first longhorns in Miles City and regarded them as an "interesting curiosity."²⁵

The method of working cattle on the open range system was developed in Texas, as we have seen. But there were fundamental differences between northern ranchers and Texans in their approach to the business. Webb's description of northern stock as "cows, not cattle..." illustrates one of the differences. Northern ranchers tended to be "she stockmen" who were concerned with breeding and developing a higher quality of beef. Texans were "steer men," who used the northern ranges to fatten their animals before shipping them east.²⁶ Prior to the Texas invasion, northern ranges were stocked with herds from Oregon, California, and Utah, as well as those animals picked up from emigrants. These herds were of the shorthorned variety; blooded, heavier, and well bred, a combination milch cow and beef.²⁷ The wild and gangly longhorns had the virtue of being perhaps more hardy but their meat was

"course and stringy, 'teasingly tough!'"²⁸ These Texas cattle were something of a threat to these carefully bred northern herds. Montana rancher Robert Coburn raised quality shorthorned Herefords and described the boney longhorns as "all horns and bushy tails..."²⁹

There were differences between the northern cowboy and the Texan as well, from the way they dressed to the way they worked cattle. When it came to roping, the Texas method was superior to the Oregon style which pervaded in the north. The method of dally welting the rope could cost a thumb or a finger if not done just right. Historian Helena Huntington Smith observed that to this day, "Montana and Wyoming are ...full of cowboys with thumbs and fingers missing."³⁰ The Texans derisively referred to northern cowboys as "sagebrush men" or "God-damned knock-kneed Oregonians." The northern cowboys referred to Texans as "rawhides" for their habit of fixing whatever was broken with a strip or two of rawhide.³¹

A more serious division between the two groups, however, was caused by the seeming disregard of the Texas outfits for prudent use of the grasslands. Montana historians Michael Malone and Richard Roeder write,

Outfits like the XIT, the Mill Iorn, and the Matador Land and Cattle Company drove yearlings and two-year-olds up north, double wintered them in Montana and Wyoming, then marketed them as four- and five-year-olds. These steer operators were generally more speculative than the older Montana ranchers: they ran bigger herds, overcrowded the range, and aimed for quick profit.³²

With the discovery that southern cattle often carried ticks and Texas

fever, northern ranchers opposed and defeated a proposed "national cattle trail" which would have created a federally endorsed trail from Texas onto northern ranges.³³

By the late 1870s and early 1880s, the cattle boom was in its prime. The growing population in Europe and the United States, the advance of the railroad and development of refrigerated cars, and sadly, the shrinkage of Indian lands and extermination of the buffalo, all made the Great Plains into a cattle kingdom. This was the age of the cowboy with his wry, understated humor and code of exclusive masculinity. It was the age of spectacular trail drives and the pageantry of the roundup. The lore and color appealed to many a tenderfoot, among them Teddy Roosevelt and Owen Wister. It was captured for future generations on the canvases of Charles Russell.

Those who were not attracted by the invigorating lifestyle sometimes were attracted by the profits. Eastern investments in the cattle industry reached a peak in the early 1880s. Between 1882 and 1886 there were ninety-three incorporated cattle companies in Wyoming with a total capitalization of \$51,232,000. In Montana there were sixty-six, worth a total of \$19,509,000. In New Mexico and Colorado the numbers were even greater.³⁴ Nor was absentee investment and ownership limited to native soil. In the 1880s, when a ranch of more than 10,000 head was not uncommon, a number of English and Scottish owned cattle companies were considerably larger, including the Scottish owned Swan Ranch with over 123,460 head.³⁵

In only a few years the cattle industry had spread across the

Great Plains and become dominant. The change it produced was almost shocking. Granville Stuart wrote some discouraging words of his range area. "It would be impossible," he said, "to make people not present on the Montana cattle ranges to realize the rapid change that took place..." He continued,

...There were in 1880 deer, elk, wolves and coyotes on every hill and in every ravine and thicket. In the whole territory of Montana there were but 250,000 head of cattle, including dairy cattle and work oxen.

In the fall of 1883, there was not a buffalo remaining on the range, and the antelope, elk and deer were indeed scarce. ...in the fall of 1883, there were 600,000 head of cattle on the range.³⁶

By the early 1880s, the booming cattle industry had changed the face of east central Montana. But gradually, almost imperceptibly at first, it was reaching its limits.

CHAPTER III: THE CATTLE KING

Verily, these are the Golden days of the Cattle Kings..."

-Fort Benton River Press

Jan. 2, 1884

Beginning in 1873 and for several years thereafter, the country was under the cloud of economic depression. Missing his brother James and plagued by financial reverses, Granville Stuart's spirits were low. He was nursing some probably psychosomatic ailments and ordering medicine through the mail for "heart diseases."¹ Times were poor for business ventures, and Stuart occupied himself by serving on the board of trustees for the Montana Collegiate Institute and working to revitalize the Historical Society. In 1876 he served in the lower house of the Territorial Legislature. That same year he went to work for the First National Bank of Helena and eventually became a member of the board of directors. But Stuart found a banker's life tedious and in letters to his brothers he discussed going to South America to look for gold. To a friend Stuart wrote that he was "ready to strike out to any country that promise(d) new gold fields & a warmer climate."²

In 1879, Stuart's situation took a turn for the better. He was serving another term in the Territorial Legislature as the economic depression began to lift. Two of his associates, A.J. Davis and Samuel T. Hauser were taking notice of a new business opportunity in the eastern part of the territory. Since the defeat of General Custer in

1876, an intense effort had been mounted to bring the Indians to heel. Crazy Horse and Lame Deer surrendered in 1877, and with the surrender of Chief Joseph, Montana finally saw the end of "its last real Indian 'resistance.'"³ This opened up new expanses of high plains country for white settlement. The land was rich with timber, game, and grass, perfect for cattle raising. The anticipated advance of the Union Pacific into Montana made ranching prospects even more promising. Davis and Hauser were able to pool \$150,000 to invest in the beef business. Granville Stuart, perhaps recalling his early years with James in California, was enthralled with the prospect of a new frontier and the vigorous lifestyle that would go with it. "Just think of it," he wrote to his brother Thomas, "Why we would live about forty years longer by going into the cattle business in a place like that."⁴ Stuart lacked the kind of capital it took to become a full partner, but he eagerly assumed the position of general manager of the DHS (Davis-Hauser-Stuart) ranch.

In April, 1880, Granville Stuart began the career for which he seemed best suited and for which he would be best remembered. Plans were made to purchase four thousand head of Montana and Oregon cattle, and Stuart set out to find a suitable location for their ranch. He scouted the Yellowstone country and upper Tongue River region of Wyoming before deciding upon the area south of the Missouri River at the foot of the Judith Mountains in Central Montana. Here, wrote Stuart, was "the very place we had been hunting for." He went on,

The whole country from here clear to the Yellowstone is good grass country with some sage and all of this watered and good shelter. There is an abundance of yellow pine poles for fencing and building purposes at the foot of Judith Mountains. This is an ideal cattle range.⁵

Stuart lay claim to the area by instructing his cowboys to place foundation logs at several strategic sites. In this manner he claimed 800 acres of choice land by "squatter's rights." This method was customary although, as historian Donald MacMillan points out, it was "unenforceable in any court of law."⁶

There were already some big ranching operations in the area. Robert Coburn's Circle C Ranch was located on Flatwillow Creek, Conrad Kohrs and John Bielenburg worked the south bank of the Sun River, and T.C. Powers' Judith Cattle Company operated in the Judith Basin. At about the same time, James Fergus located his ranch near Stuart's on Armell's Creek.⁷ Stuart and his men branded their cattle with a D bar S (D-S) and began construction of an L-shaped ranch house. One wing of the house was occupied by Stuart and his family, the other wing by Reece Anderson, who was now Stuart's foreman.⁸

In July of 1880, the government responded to calls from the stockman for protection from Indians by building Fort McGinnis about two miles from the DHS ranch. Though the fort would provide a post office, telegraph, supply store, and eventually a market for beef, Stuart resented it. The fort threatened to preempt much of the grassland which Stuart regarded as belonging to the DHS. This was the Gilded Age, observed Donald MacMillan, and on the Great Plains it was the cattlemen who were the "robber barrons." Davis, Hauser, and Stuart no more owned

the land their ranch was on than they owned the rain that watered it. Davis and Hauser brought all their influence to bear in an effort to change the location of the fort. Stuart blustered with indignation and threatened court action. It was all to no avail.

The commander of the new fort at first refused to buy beef from the DHS and instead sent his troops to drive in their own cattle. The soldiers proved inept drovers, however, and not only lost their cattle in a stampede, but became lost themselves in a storm and had to be piloted home by a friendly trapper. On another occasion the soldiers got their cattle mixed in with DHS stock and ran several pounds off the frightened beasts before getting the situation straightened out.¹⁰ The spirited, independent character of the cowboy and cattle king was quite opposite in nature from the regimented, uniformed government soldier with whom he shared the frontier, and the former held the latter in utter contempt. Granville Stuart wrote that the soldiers

...knew absolutely nothing about range stock and could not read a brand ten paces from an animal and were as incapable of taking care of themselves when out of sight of the post as three-year-old children.

Stuart finally invited the post commander to dinner and in an after dinner "chat" explained to him that anyone who annoyed DHS stock in the future would do so "at their own risk." Thereafter, the army got its beef from the DHS.¹¹

But Stuart soon had another complaint concerning the soldiers. Indians were a problem for Stuart in central Montana as they had been

for him and James in California. At the first year's roundup, Stuart figured a 13 percent loss of stock, five percent of it due to Indian depredations, the rest to predatory animals and the weather.¹² He wrote numerous letters to government officials and to territorial newspapers complaining of the menace and asking for help. He was disgusted with the army and wrote in a letter to the Fort Benton River Press that when a group of Gros Ventre were hunting his cattle, the military had responded with a single soldier, "wearing eye glasses."¹³ Stuart's daughter, Mary Abbott, recalled one occasion when soldiers were summoned to deal with a band of Indians who had stolen some horses. "Father laughed about it lots of times," Mrs. Abbott remembered. "They'd go after these...Indians to catch 'em...and they'd have to stop and blow their bugles and go through all their maneuvering..." By the time the soldiers were ready, of course, there wasn't an Indian within a hundred miles.¹⁴

Stuart's response to this situation, as it would be to other situations in the future, was to take matters into his own hands. At one point, a band of Cree came down from Canada, set up camp on DHS "property," and were grazing their animals on DHS grass. Stuart took a number of his cowboys, rode out to have a word with them, and discovered that the Indians had also killed five cows. Stuart described the conversation he had with the Chief:

Pointing to a frozen beef hide thrown across a pole, I asked for an explanation. The chief said his people were starving and game was scarce, that my cattle being on the range made the buffalo go away, that the priest told him that he had a right to kill the white man's cattle

when his people were hungry.

Stuart was unmoved by the Chief's words. He asked to see the priest, who was traveling with the Indians. The priest came forward and Stuart told him that if he ever set foot on the range again, he would be hung "higher than Haman." Stuart then took five Indian ponies as compensation.¹⁵

Despite the losses to Indians, the beef business was proving profitable. The years 1880-1886 are generally considered the boom years in the northern range cattle industry, and it was Stuart's good fortune to enter into ranching during that period. In 1882 there were some 595,000 head of cattle in Montana worth around \$21.30 per head. By 1885 there were 975,000 head going for a price of \$28.30 each.¹⁶ Such figures made the territorial newspapers swell with optimism. On January 2, 1884, the Fort Benton River Press wrote,

The expense of raising stock in Montana is as little as well can be in any part of the world. Very little shelter or feeding is found necessary, even in winter, the average loss if very light, rarely over 5 percent; and the annual profits are from 25 to 50 percent.

Jocularly called the "bananna belt," metaphorically the "gold belt," it is in its climactic conditions the terrestrial paradise of horned stock.¹⁷

The first year's profits of the DHS were sunk back into the company, but in the second year, 40,000 head of cattle were sold and \$37,000 in dividends were paid.¹⁸ In 1882, Sam Hauser, whose interest in his investments tended to be short lived, sold his shares in the DHS to Conrad Kohrs. The sale pleased Stuart, and though the name was changed

to the Pioneer Cattle Company, the D-S brand was maintained.

But beneath the confident talk of big profits and high dividends, there was a vague inkling that things would not always be so. As more and more outfits moved onto the ranges it became clear that there was a limit to the number of cattle they would support. Edgar Beecher Bronson, who owned a ranch on the Wyoming-Nebraska border, saw 1882 as the last "golden year" for the cattle industry. He prophetically discerned four dark clouds "lowering" on the cattleman's horizon. He was worried about the advancing grangers, the growth of settlements with the advent of the railroad, the beginning of overcrowding on the range, and, by the law of averages, the severe winters which lay somewhere ahead. Bronson shrewdly sold his cattle and his ranch during the peak years of the early '80s when there were "a dozen buyers for every seller ..."¹⁹

Few were as astute as Mr. Bronson. But as early as the summer of 1883, the Yellowstone Journal in Miles City posed the question, "Will the heretofore vast profits of the ranching business be materially curtailed in the next few years?" and answered it in the affirmative. "The truth probably is," the article went on, "that the day of the wildcat profits is over..."²⁰ By 1884 there is evidence that those already on the range harbored a certain amount of resentment towards newcomers. The Fort Benton River Press wrote on May 7, 1884,

It is claimed by the stockmen that the available ranges in this country are sufficiently stocked. The present occupants having contended with Indians, destroyed the wild animals and made improvements, will give the

cold shoulder to all newcomers excepting such as may purchase cattle already upon the range which would give them proportionate range rights.

Granville Stuart himself saw that room was running out on the plains and predicted drastic changes in the future. But in the meantime, he wrote, "with ordinary good luck," there was "big money" to be made.²¹ Cattle continued to crowd onto the range. In 1886, there were over 1,050,000 head in Montana.²²

In Wyoming, the jealousy over the ranges had already reached serious proportions. Though it had long been the practice of cowboys to invest some of their earning in a few head of cattle which they would run with their boss's herd, it was a practice which by 1885 was being officially frowned upon. The fear that cowboys were starting their own herds by branding mavericks* belonging to their employer became an obsession. By 1885, both the Wyoming and the Montana Stock

* A "maverick" was defined by Wyoming law as any head of "neat cattle... regardless of age, found running at large...without a mother, and upon which there is no brand." (Helena H. Smith, War on Powder River, p. 52) The name comes from one Samuel A. Maverick who owned some cattle and kept them on an island off the Texas coast. Given their natural confines, Maverick did not brand his cattle and when they occasionally wandered ashore during low tides, people would see that there was no brand and say "that's a Maverick." (Robert Fletcher, Free Grass to Fences, p. 98-99). The problem of what to do with a maverick was one that plagued the Great Plains cattle industry from Texas to Canada. If an unbranded calf was following a branded cow, it was assumed to be of the same brand as its mother. Older animals which had been overlooked at roundups were assumed to belong to the nearest sizeable herd. But this left a lot to the imagination. The prairie was wide and unfenced and often cattle belonging to several owners mingled together. It was not uncommon for cattlemen to offer monetary incentives to their hands for dropping a brand on any maverick they came across. In this manner, many a cowboy learned to brand mavericks. (Helena H. Smith, The War on Powder River; see also John Clay, My Life on the Range, p. 113).

Growers Associations had rules forbidding members to sell cattle to cowboys or to hire cowboys who owned cattle. In Wyoming, however, a blacklist was kept, and any member who employed a blacklisted cowboy was subject to exclusion from Association functions, which included round-ups.²³ Such arrogance generated a good deal of bad blood. In Montana, Granville Stuart among others opposed such restrictions. At one meeting of the Stockman's Association, Teddy Blue writes that Stuart

...made quite a speech, in which he tried hard to get all the members to allow their cowpunchers to own cattle. He said that ninety-nine per cent of them were honest men, it would give them a chance to get ahead and give them an interest in the range, that this would do more than anything else to stop rustling, as the boys were on the range all the time.²⁴

This speaks well of Stuart. He was concerned with the problem of mavericking, what he called a "Texas system of everybody placing his brand on every calf found unbranded on the range, without even trying to ascertain to whom the animal belonged."²⁵ But he was shrewd enough to realize that laws like the one the Association had passed would only generate hostility among the cowboys, upon whom the cattle owner was dependent. The high handedness of the Wyoming Association created years of division, anger, and bloodshed. The Montana stockmen thought better of things and six months after they had passed it, they repealed the restriction on cowboy ownership of cattle.²⁶

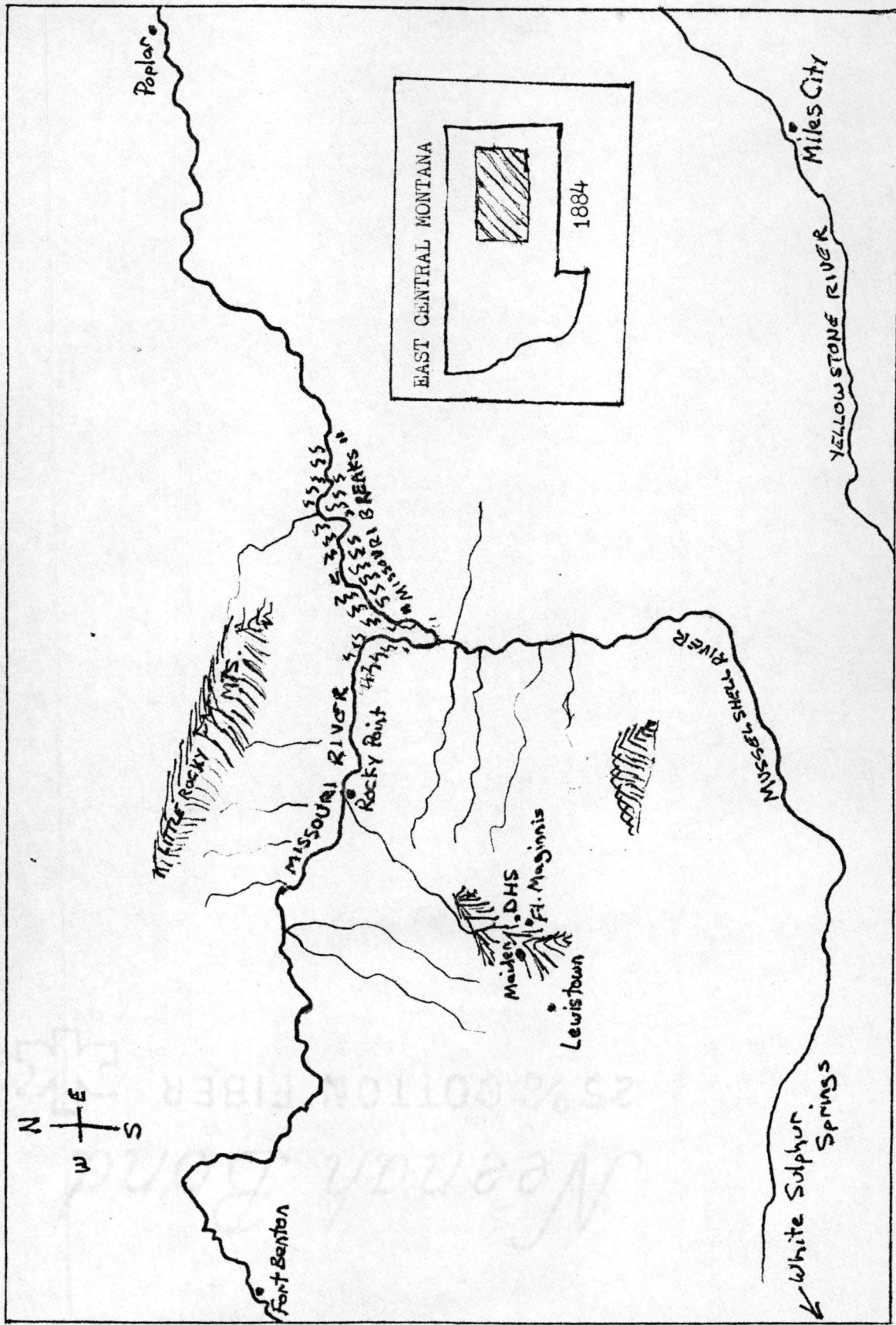
Though Montana stockmen were less obsessed with mavericking and consequently had less trouble with it, they did have other problems.

Central Montana was a big country which supported, in addition to the beef business, a number of other occupations, some of which were legal, some of which were not. The Missouri River cut through the region and served as an aquatic highway which, beginning in 1859, brought people and trade via steamboat from St. Louis all the way to Fort Benton.²⁷

Over the years, numerous small towns had sprung up in support of the trade. Towns like Judith Landing, Fort Musselshell, Fort Hawley, Carrol, and Bates Point served as steamboat stations. The town of Rocky Point sat on the southern edge of the Missouri about a hundred miles down river of Fort Benton and about fifty miles north and east of the DHS. With two saloons, a store, hotel, blacksmith shop, and freighters warehouse, it was the point at which freight for Lewistown, Ft. Maginnis, and other communities in the Judith Basin was delivered by steamboat to continue the journey overland. But Rocky Point had a bad reputation. In 1883, Attorney General Benjamine Brewster wrote,

[Rocky Point] bears the name of being the worst place in Montana Territory and is a resort of outlaws and thieves... I am informed that as high as 50 barrels of whiskey a day have been unloaded there at one time. Indians for a long time have been trading at this point receiving liquor in return for their furs, etc.²⁸

In fact, the whole area along the Missouri River from Rocky Point east, the "Missouri Breaks" region, bore the reputation of being a home for lawless elements. Here, in the bottoms along the river, men had for years made a living cutting wood to sell for fuel to the steamboats. But with impact of the railroads in the early 1880s, steamboat traffic



had fallen off and the abandoned wood camps became "the headquarters of men of questionable character masquarading as choppers."²⁹

Sharing the range with the cattlemen and the Indian were a number of white "wolfers," men who had replaced the trapper in the late 1860s when the bounty for wolf pelts made the trade lucrative. In 1884, wolf pelts brought about a dollar apiece.³⁰ The wolfer's life was a hard one as he had to contend with the Indians and the elements. He spent months at a time alone on the range, laying out poisoned carcasses and checking the line. He was considered a tough and disreputable lot even by the cattlemen for whom he performed a great service.

The cattlemen were concerned, of course, that these fringe elements (like whiskey peddlers, choppers, and wolfers), might also be stealing stock. With the boom in the cattle industry there came a corresponding boom in the stock stealing industry. In some cases the thieves had become as serious about their business as the cattlemen were about theirs. Walt Coburn, writing the history of his father Robert's Circle C Ranch, described the lawless community in grand and glamorous terms:

The lawless fraternity was well organized. The leaders of its many gangs were top cowhands and ruthless gunslingers. They hand-picked their members for their ability as cowhands and gunmen, their guts and outlaw cunning, and their determination to play their tough string out. They had to be willing to die with their boots on and a smoking gun in their hand if it came to a showdown.³¹

This description is typical of much of the written history of the period in its vagueness. But through the cliches a picture of the situation begins to emerge. It seems apparent that the cattlemen were

suffering the ravages of some organized horse thieves whose activities reached a peak in the 1880s. Through a system of relays, horses stolen in Wyoming and Montana were taken into Dakota and Canada and horses stolen in those areas were relayed back. On July 2, 1884, the Fort Benton River Press made reference to a "well organized band of horse thieves" that were the "terror" of the Musselshell region. Granville Stuart's letter press book contains several references to horse stealing activity during the months of April, May, and June of 1884.³² On May 21 he wrote to Kohrs, "Lots of horse thieves around and many horses being stolen. (B)ut so far you have lost one and we three." On June 17 he wrote to Milton F. Marsh, a Rocky Point saloon keeper and confidant of the cattlemen, "we are six head of wild ones out." Whether he was including Kohrs' losses in this tally (they were now partners) is not clear. Historians have taken the complaints of the cattlemen seriously in compiling their history. The two able Montana historians, Michael P. Malone and Richard B. Roeder, write that lawlessness had reached "epidemic proportions."³³ Herman Hagedorn wrote that "horse and cattle thieves...were actually threatening to destroy the cattle industry."³⁴

It seems unlikely, however, that the situation was really so serious. In 1884 there were 138,000 more head of cattle in Montana than there had been in 1883 and they were bringing a dollar more per head.³⁵ On April 9, 1884, the River Press wrote optimistically,

Reports from the ranges to the effect that calves are coming in in myriads - and that all of them are fat and friskey... The weather for three weeks has been favourable, just at the opportune time, and as a result there will be a very large branding this season. This fact, taken in

connection with the small loss during the winter in the vicinity of Fort Benton, will delight the heart of the cattle king, and give the industry quite a boom.

Stuart himself was optimistic about the spring roundup and wrote to a friend, E.W. Knight of Helena on June 3,

Weather glorious with favourable indications for a big calf crop. Round up now in progress and including a delegation from other ranges the outfit comprises 50 men and 300 horses and here may be seen the cowboy in all his glory.

Glorious it must have been. We can only imagine how Stuart must have felt as he surveyed the operation. It must have looked like the picture painted by Stuart's friend, Charles M. Russell, called "The Roundup." Against a big Montana sky and the clouds of dust rising from milling cattle, a number of mounted cowboys are skillfully cutting out the unbranded steers. Another painting by Russell called "Laughter Kills Lonesome" shows some cowboys relaxing around a campfire under a star-filled northern sky, their bedrolls on the ground and their horses grazing nearby. In the background a full moon is rising over the prairie and on the side of the mess wagon, one can make out the D-S brand. Truly Granville Stuart, the cattle king, was at last in his element.

But in 1884 the optimistic predictions turned out to be premature. On July 7, Stuart wrote to Kohrs,

We have finished the roundup and find a great shortage in the calf crop which I cannot account for. We branded one hundred less than last year.

The River Press also revised its estimates downwards writing that winter losses had been "somewhat larger than anticipated."³⁶ James Fergus argued later, in an effort to justify the vigilante campaign, that the loss of calves was the work of rustlers.³⁷ But Stuart did not seem to think so. He wrote to Jon S.M. Neil of Helena, "Everybody, on all the ranges, almost without exception, branded fewer calves..." It had been caused in part, thought Stuart, by a lack of bulls.³⁸ Another cause may have been the overcrowded ranges. More and more new herds were pushing onto the Montana cattle lands and the problem of overstocked ranges was a major concern at the Montana Stockgrowers Association meeting in April of 1884. The poor management of bulls and overstocking are both conditions which, in the course of a winter, can take a toll in calves.³⁹ Thus, to argue as Fergus did that the widespread calf shortage was somehow indicative of the severity of the rustling problem ignores much of the evidence and taxes the imagination.

Indeed, there is a good deal of confusion as to the nature of the "rustling" situation in Montana. Though there was concern for the problem of "mavericking" and cattle stealing, the problem which received the most attention in 1884, as we shall see, was horse stealing. The two operations are substantially different. The stealing of cattle, except when committed by Indians or "nesters" for immediate use as food, was usually the work of men with cattle already on the range and consisted most frequently of branding an unbranded calf or altering a brand on an already branded steer.⁴⁰ The stealing of horses, on the other hand, usually consisted of taking the animals, often in herds, as

quickly as possible out of the territory (where their owner might recognize them) and selling them elsewhere.

In Montana, however, there existed an unique situation. Malone and Roeder write of thieves who "stole livestock in both Montana and Canada then took the animals across the border for sale."⁴¹ This suggests that cattle as well as horses were transported en masse out of the territory. Though it seems unlikely that a slow moving herd of stolen cattle could be driven across the Missouri River and into Canada without discovery, there is evidence that at least one attempt was made to do just that. In Forty Years on the Frontier, Stuart writes of thieves on the Moccasin range (east across the Judith Mountains from Stuart's home on the Maginnis range) who stole twenty-four head of cattle and were driving them towards Canada when range riders picked up their trail. The thieves drove the cattle into a coulee, killed them, and made good their escape.⁴² There is no evidence that Stuart, Fergus, or any of the other ranchers on the Maginnis range suffered from this kind of activity but Fergus made the most of the incident in his defense of the 1884 vigilante campaign and even threw in a second instance in which he claimed that over forty head had been killed.⁴³

The more common form of cattle rustling in Montana, however, seems to have been the random killing of cattle for food by the assorted characters, red and white, who pursued their livelihood on the plains and along the Missouri River. Fergus complained that "Wolves, horse thieves, half-breeds and Indians have all been making common property of range cattle." He related one story, which seems a bit tall,

concerning a man who "boasted of having shot seven head of cattle on the range before he brought one down so he could have steak for breakfast."⁴⁴ In Forty Years on the Frontier, Stuart wrote of a trader, William Downes, who was living along the river and who, despite warnings to stop, "kept on stealing horses and killing cattle."⁴⁵ We will hear more about the unfortunate Downes later.

The evidence seems to indicate that the ranchers in eastern Montana suffered the random theft of cattle by the lawless elements living in the region. There were a few organized but abortive efforts to drive cattle out of the territory but not on the scale that such activity was occurring in Wyoming and other states.⁴⁶ Stuart indicated that in the period prior to the 1884 vigilante campaign, his losses due to rustling were running at about three percent. Yet that compares well with the first year the DHS was in operation when Indians had claimed five percent of the head, wild animals another five, and a profit had still been realized.⁴⁷ Before long, Wyoming ranchers would report the loss of over half their calves to thieves.⁴⁸ Thus the problem of cattle rustling alone does not explain the drastic measures of the summer of 1884. In fact, contemporary records make surprisingly scarce mention of cattle rustling. Stuart's letter press material refers frequently to the theft of horses but says nothing of cattle rustlers other than Indians. We have seen in the writings of James Fergus and in the case of William Downes that horse thieves, like many others, were suspected of being cattle thieves as well. But James Fergus was writing after the fact (his letters defending the vigilantes appeared

in the Rocky Mountain Husbandman following the campaign in August and September) and was attempting to marshal sympathy for the plight of the cattleman. As for William Downes, it was his association with alleged horse thieves which, more than anything else, made him a marked man. The vigilante campaign of 1884 was primarily a war against horse thieves. If the horse thieves could also be accused of stealing cattle, so much the better.

In April, 1884, the second annual meeting of the Montana Stock Growers Association was held in Miles City. Miles City was the center of Montana stock interests as Cheyenne was the center of Wyoming stock interests. The event was accompanied by parades and banners and the town was "thrown wide open" for the stockmen.⁴⁹ But beneath the din of the brass band, the mood was surly and grim with frustrated expectations. "Everybody seemed to have a grievance," wrote Stuart.⁵⁰ Two of the ranchers exchanged bitter words and a bully young greenhorn from present North Dakota, Theodore Roosevelt, was for clearing a ring and letting them go at it.⁵¹ When the stockmen got down to business they discussed the problem of overstocked ranges, Texas fever (which was infecting cattle from Kansas and Nebraska), and what to do about rustling.

It is possible that an event in Miles City influenced the cattlemen in regard to the last of these problems. In July, 1883, shortly after the 1883 meeting of the Montana Stock Growers Association, a party of masked men removed a "dangerous character" named Bill Rigney from the city jail. Rigney had been locked up for threatening to rape the daughters of a "worthy family named Campbell." The July 28 issue of

the Glendive Times reported that the unfortunate Rigney was "launched from a railroad bridge over the Tongue River...into a dim and uncertain future." The article continued,

The act meets with approbation of all who are good citizens, and the verdict is that he got his just dues. Rigney had been a terror in Miles City and neighboring towns for some months, and was counted one of the worst and most dangerous characters in the country. It is expected that others of this gang will be given some of the same medicine unless they light out.

The same issue of the Times carried a report that a list, naming the members of the vigilante committee, had been anonymously submitted to the newspaper for publication. The author had signed himself simply as "citizen" and named some of the "best men in Miles City" as members of the committee. Surely "Citizen," the article continued, was "not a friend of the committee or he would not wish their names published." The paper apparently was a friend of the committee, did not publish the list, and warned "Citizen" that he should mend his ways. The list survives in the archives of the Montana Historical Society and includes the names of the county commissioner, an ex-sheriff, an under sheriff, and a Wyoming stock detective.⁵²

It cannot be said for sure that these events influenced the stockmen who met in Miles City in 1884 but many of them were in favour of dealing with stock thieves the way the Miles City vigilantes had dealt with their potential rapist. There was a good deal of support for the idea of raising a small army of cowboys and ridding the country of unwanted characters. Stuart wrote,

The Montana cattlemen were as peaceable and lawabiding a body of men as could be found anywhere but they had \$35,000,000 worth of property scattered over seventy-five thousand square miles of practically uninhabited country and it must be protected from thieves. The only way to do it was to make the penalty for stealing so severe that it would lose its attraction.⁵³

This is the same line of reasoning that Stuart had used to justify the execution of C.W. Spillman in 1862.⁵⁴

But at the Miles City meeting, Stuart argued against taking any drastic action. He pointed out that a fight with the thieves would claim many lives on both sides, for each of the thieves was a "desperado and a dead shot." They lived in fortified cabins, he pointed out, and would be difficult to deal with. Beyond that, the cattlemen might well have to stand trial for murder if they killed any of the rustlers. There was a heated debate over the issue in the course of which Stuart's good friend, the Marquis De Mores, a rancher from South Dakota and associate of Theodore Roosevelt's, accused Stuart of "backing water." But in the end, Stuart's will prevailed and the association voted not to take any extra-legal action against the thieves. Stuart later claimed, without explaining how he knew, that the rustlers got wind of what had happened at the meeting and were "jubilant," believing they were in for "what promised to be an era of undisturbed and successful operations."⁵⁵

PART II

GRANVILLE STUART: THE VIGILANTE

CHAPTER IV: A WORD ABOUT SOURCES

Before turning our attention to the events of the summer of 1884, it is necessary to look briefly at what has already been written about them. It is Granville Stuart's own account, of course, which for years served as the only history of the 1884 vigilante campaign. Contained in the second volume of Forty Years on the Frontier, Stuart's version is written in an omniscient voice and describes a "vigilante committee" of fourteen men who, in the first part of July, killed between fourteen and sixteen horse thieves. Stuart's history is brief, vague, and incomplete, as it was no doubt intended to be. Nowhere does it mention his own participation in the events, nor does it identify any of the members of the vigilante party. There are also numerous inaccuracies concerning names and dates. The account does, however, offer a spirited defense of the vigilantes, and it was probably for this reason that it was written.¹

It is the work of Oscar O. Mueller (no relation to me) which represents the most thorough and historical account of the 1884 vigilantes. Oscar Mueller was born in March, 1887, and grew up in Iowa. After graduation from the University of Iowa law school in 1910, Mueller moved to Lewistown, Montana, to become an Assistant County Attorney. He eventually became City Attorney and from 1927 to 1931 he was the Mayor of Lewistown. Mueller, a Mason, was active in civic affairs and enthusiastically pursued his hobbies of archaeology, paleontology, and

history. He contributed numerous articles of interest to local newspapers and was considered one of the top ten archaeologists in Montana. Two fossil finds were named after him.²

Mueller's interest in Montana history is demonstrated in his article "The Central Montana Vigilante Raids of 1884," which appeared in Montana: The Magazine of Western History in January, 1951.³ The article is based on numerous personal interviews and the letter-press book of Granville Stuart. It can best be characterized as a well documented and sympathetic vindication. Mueller fixed the number of victims at between fifteen and eighteen. He emphasized the desperate nature of the thieves and the good intentions of the cattlemen.

More about Mueller's feelings on vigilantes is revealed in his correspondence. For many years, while he was working on his article, Mueller communicated with Granville Stuart's widow, (the second wife) Allis B. Stuart. In 1944, Mrs. Stuart wrote to Mueller and made reference to a book recently published called Montana: High, Wide and Handsome by Joseph Kinsey Howard.⁴ Howard's book had given a not overly sympathetic account of the 1884 vigilantes. This angered Mrs. Stuart and she wrote,

When a book like "High, Wide and Handsome" comes out it makes us feel that we must bestir ourselves to straighten out our history. He [Howard] seems to have no conception of what the cattle industry was to Montana, what the Industry was to the State, anything about the work of the Board of Stock Commissioners or of the years of hard and faithful work performed by the stock men without any remuneration whatever. How they laboured that the country might settle and all have equal rights to settle make homes and raise their families.⁵

Mueller seems to have shared Mrs. Stuart's displeasure with those who would write disparagingly about the cattlemen. In 1960, Helena Huntington Smith was working on her book, The War on Powder River, and wrote to Mueller for information concerning Granville Stuart. Mueller wrote back, citing his article, and informing Mrs. Smith that the best account of the Powder River War was the one by Struthers Burt, Powder River, Let 'er Buck.⁶ Later, Mueller wrote to Michael S. Kennedy,

I am afraid that Mrs. Smith will take a radical view. She is a good writer but has some strong opinions. It is just human nature for one group to condemn the other as being all wrong and having ulterior motives.⁷

Helena Smith's book is the best and most authoritative study of the violence on the Wyoming cattle ranges and fixes the blame for the trouble largely on the big cattlemen and the Wyoming Stock Growers Association.*

Anyone studying the Montana vigilantes of 1884 is in debt to Oscar Mueller. He took written statements from surviving participants, had diaries and letter-press materials typed out for easy reference, and deposited the evidence with the Montana Historical Society in Helena. Mueller seems to have made a sincere, able effort to get the facts. Yet his work presents scholarly problems. Much of what Mueller learned of the vigilante campaign was apparently told to him orally by witnesses

* It is quite surprising that Helena Smith, while condemning in no uncertain terms the Wyoming vigilantes, does not even mention their Montana predecessors. She mentions Granville Stuart several times, generally as an example of a good and conscientious cattle king, but never as the leader of a vigilante movement which may well have given the Wyoming cattlemen their inspiration.

who left no other record. We have only Mueller's version of their testimony ("Materials for this paper came from many personal interviews ...") and his description of those participants as "men of integrity, and character [who] bore excellent reputation[s]" and with whom Mueller was "intimately acquainted."⁸ There is a problem in some cases (as will be noted) in finding the original documents to which Mueller makes reference. Also, Mueller's account is a very sympathetic one and in his enthusiasm for portraying the vigilantes in their best light he has focused on certain pieces of evidence at the expense of others. The vigilante chapters of my study draw significantly on sources in the Mueller collection but in many cases, emphasis has been placed on sources which Mueller ignored. Other important material was found at the Historical Society in Helena outside the Mueller collection, as well as in the archives at Montana State University in Bozeman, the University of Montana in Missoula, and in the County Court House in White Sulphur Springs. Newspapers of the period have also provided a good deal of useful information.

In the course of his research, Mueller discovered numerous errors in the account given in Forty Years on the Frontier. In one instance, the book indicates that two outlaws, Red Mike and Dutch Louis, were caught and hanged when Stuart's own letter-press material indicates that they escaped. In another, the book identifies Bill Williams as a horse thief when he was, in fact, a friend of the cattlemen.⁹ Mueller blamed these errors on Dr. Paul C. Phillips who edited Forty Years on the Frontier. Phillips was apparently asked what his source of information

was in regard to the vigilante material and reportedly replied that it came from Mrs. Stuart. Mrs. Stuart, however, wrote to Mueller that she had "never attempted to write up a history of the rustlers war."¹⁰ On the basis of this and the factual errors in the book, Mueller wrote,

...it is my opinion that the material [in Forty Years on the Frontier] was secured from other sources but not properly correlated or checked for truth. I am absolutely convinced...that Granville had nothing to do with the write up.¹¹

I feel that Mueller's conclusion is not warranted by the evidence. Granville Stuart began writing his reminiscences as early as 1908 and worked at them sporadically until his death. There is much evidence that they were, by then, complete. A.S. Stone of the school of journalism at the University of Montana saw the manuscript and reported that it was "practically in shape for publication."¹² In 1919, Mrs. Stuart wrote to a Chicago publishing company that she had a manuscript of her husband's reminiscences telling of his life on the frontier including the "vigilante days of the big cattle ranges."¹³ Stuart's daughter, Mary Abbott, said, "The book was finished. Father told us that it was."¹⁴

The job of getting the manuscript ready for publication went to Paul C. Phillips, whom Paul Robert Treece described as a "close friend" of the Stuarts.¹⁵ Victor R. Dahl wrote that Phillips was a "well-trained and already established historian...fully qualified to perform this editorial task..."¹⁶ The editorial job, Treece wrote, consisted of

...discarding some chapters which contained material available elsewhere, eliminating most of the material which was not exclusively autobiographical, adding one hundred

footnotes and rather abruptly ending the memoirs with the disastrous winter of 1886-87.¹⁷

It is certainly possible that mistakes were made in the editing process, that without Stuart around to clear up ambiguities, errors were made in the final draft. To be considered, too, is the fact that by 1916, thirty-two years had passed since the events of 1884 and Stuart's own account, understandably, might have been inaccurate. He was, by then, in his eighties. Paul Treece relies confidently on the account in Forty Years and does not question the editing job done by Phillips.

The exchange between Mueller and Phillips is never clearly spelled out. Phillips reported that he got information for the vigilante chapter from Mrs. Stuart. Mrs. Stuart reported that she never "wrote" a history of the rustler war. But that would not seem to rule out the possibility that Phillips got diaries, letters, or notebooks from Mrs. Stuart for use in the editing process. There is no record of Phillips' reaction to Mueller's charges, in fact there is no record that he ever heard them. Nor is any explanation offered as to why Phillips would fabricate material. To suggest that Phillips simply manufactured the pages on the vigilante campaign on his own and then attributed them to Stuart is a serious charge, one this writer cannot, as yet, accept.

One last problem with the sources which should be mentioned is the Masonic connection. In his study of American vigilantism, Strain of Violence, Richard M. Brown observed that the "relationship between Freemasonry and vigilantism was frequently an intimate one." As Brown explained,

The same impulse-desire to participate in the upper level dominance of the community - often caused the same person to join the masonic lodge (usually an elite local organization) and enlist in a vigilante movement.

Thus it was often the case the Freemasonry was part of the "shadowy background" of a vigilante movement.¹⁸ In 1863-64, the citizens of Bannack and Virginia City, Montana, rose up against a ruthless and murderous gang of road agents led by the corrupt Sheriff, Henry Plummer. The influence of local Masons in this affair was, according to a recent article by Merrill G. Burlingame, "considerable."¹⁹ As many as thirty men were hanged by the vigilante committee, the membership and leadership of which consisted almost entirely of Masons. Two early Montanans, both of them participants and both of them Masonic grand masters, wrote the history of the events: Thomas J. Dimsdale's The Vigilantes of Montana appeared in 1866 and Nathaniel P. Langford's Vigilante Days and Ways was published in 1890. Granville Stuart was "closely associated" with both Dimsdale and Langford and "furnished them with materials" for their books.²⁰

Stuart wrote in a brief autobiographical sketch in 1882 that he belonged to "no society, secret or otherwise, except the Montana Historical Society."²¹ But there is evidence to the contrary. Upon hearing the sketch read at a meeting of the Montana Institute of the Arts History Group meeting, one of Stuart's grand-daughters, Mary Abbott's daughter, dissented saying:

He was a Mason...one of the first Masons in Virginia City. He had a Masonic ring and my brother [also a Mason]

wanted to get it and we can't find it. It was just a plain gold band with a triangle on it or what ever it is.

Mary Abbott, also present, agreed and insisted, "Yes. Father was a Mason."²² Thus, given the fact that Oscar Mueller was also a member of the Masonic Order,²³ it appears that not only were the two biggest vigilante movements in Montana led by Masons, but the major histories of those events were written by their fraternal brothers.

Michael P. Malone and Richard B. Roeder wrote in Montana: A History of Two Centuries that "vigilantism in Montana is a subject in need of complete reassessment."²⁴ Merrill G. Burlingame arrived at a similar conclusion.²⁵ In that spirit, let us now turn to the events of the summer of 1884.

CHAPTER V: VIGILANTES!

"...I guess I hate a horse thief a little worse than anybody."

-Granville Stuart to Frank
Canton, May 26, 1886¹

It is not clear whether or not Granville Stuart already had it in mind to move against the horse thieves before the April meeting of the Montana Stock Growers Association in Miles City. But soon afterwards he wrote to Sam Stuart of Deer Lodge of a "gentle horse thief" who had "nipped" a horse from him and another from Conrad Kohrs. "If we catch him, the county will not be put to any expense," he wrote.² In a letter to H.P. Brooks of Andersonville, Montana, on May 19, Stuart wrote that he would keep a lookout for Brooks' horses, apparently stolen, and for "Messrs. Sheridan, MacKenzie and Co." Stuart added, "'Red Mike' we do not know." There was not enough proof to convict any of them, Stuart wrote, but if MacKenzie could be caught it would be arranged so that he would "steal no more horses." The letter continued,

We over here are certainly willing to stand in with anybody who catches any of this gang and make[s] an example of them...that being the only way we will ever stop their stealing.

One week later, Stuart wrote to Conrad Kohrs concerning horse thieves, "We propose to hang the very first one we catch. But we don't know

how long it will take us to get hole [sic] of one."³ It seems that Stuart had a notion to hang some thieves as early as the April stockman's meeting. His opposition to an organized foray may therefore have seemed to be a reversal of a previously held position and this, perhaps, is what the Marquis de Mores meant when he accused Stuart of "backing water."

In July, 1884, Stuart's general desire to punish some thieves became more calculated and determined. The date is not know, but sometime late in the month, Stuart called a meeting at the DHS ranch.* Historian Hermann Hagedorn wrote that less than ten men in the whole northwest knew about it, among them the Marquis de Mores. Mrs. Stuart wrote that Granville "called a very few stockmen together and laid his plans before them."⁴ A letter written on June 21 by Stuart to James Fergus indicates that plans were underway and reveals something of the clandestine nature of the operation:

* This may actually have been the second meeting. Teddy Blue Abbott wrote that an "executive" meeting took place following the regular session at Miles City stockman's convention. Participants divided up the range, each man being in charge of a section. Stuart was in charge of the Maginnis section while others took the Little Missouri and Tongue River territories. "Executive committees, as they called them, were to do the shooting and hanging. It was all worked out to a t, on paper. But Granville Stuart was the only one who followed it through." (We Pointed Them North, p. 132). But Mrs. Stuart in a letter to Mueller (Sept. 30, 1940) wrote that there were "criminations and re-criminations" at the Miles City meeting and that Stuart (as he wrote in Forty Years on the Frontier) somehow thought that the thieves had friends in the group and would know of any plans almost immediately. Hagedorn's version concurs. Thus, it seems more likely that Stuart kept any plans he had to himself and disclosed them only at the DHS to a select, and as yet unidentified, group of men.

...as regards the horse thieves infesting this part of the territory, I am devoting considerable time and some money to find out who they are and their haunts, and I hope to be able to give a good account of some of them soon. [B]ut all this is confidential, and should not be mentioned to anybody, for fear it may defeat my plans but when I see you I will tell you all about it.

It is unknown what was decided at the meeting, but at least some general plans for a raid against horse thieves in the area were outlined. The intrepid Theodore Roosevelt got wind of these plans from the Marquis de Mores, and he and an Englishman named Jameson went to Montana to join Granville. Stuart, however, refused their assistance "pointblank," feeling them too reckless and green, and believing that Roosevelt's prominent background would attract publicity.⁵

The first killings in the bloody summer of 1884 happened on or before June 20 and probably did not involve Granville Stuart. A story in the Fort Benton River Press described the lynching of two horse thieves, Ed Owens and Li. Nickerson, somewhere along the Musselshell River. A group of fifteen cowboys observed the suspicious activity of two men driving a small band of horses. They gave chase and, following a "scrimmage," the two were overtaken and captured. The details of their demise were not given, but it was assumed that the two "would steal no more horses."⁶

Several days later, two more horse thieves were killed in the vicinity of the Judith River, probably near its mouth on the Missouri. A cowboy of rancher J.A. Wells' was working cattle along the river when two half-breeds, Narcisse Lavadure and Joe Vardner, stole seven horses from his remuda and escaped with them. In their flight, Lavadure and

Vardner encountered William Thompson who recognized the horses and gave chase. Joe Vardner was shot dead and Narcisse Lavadure was taken prisoner and placed in a barn under guard. At 2 a.m. on June 27, an armed "possee" overpowered the guard and hanged Lavadure.⁷

During the first part of July, however, Granville Stuart took a more active role in the struggle against horse thieves. On July 3, Stuart's wish to get MacKenzie (p. 64) came true. According to Forty Years on the Frontier, Sam MacKenzie was a Scotch half-breed who pretended to be a wolfer "but in reality was one of the most active horse thieves." He stole horses both in Canada and Montana but got away with it "because of his many friends among the Cree half-breeds in Canada and in the Judith basin."⁸ Mary Abbott recalled those first days in July when word reached the DHS, from a cowboy whose job it was to keep an eye on the thieves along the river, that Sam MacKenzie was in the area. He had crossed the Missouri River with a blue mare he had stolen from a prospector and was headed in their direction. It was probably on the morning of July 2 that a neighbor of Stuart's rode to the DHS with word that MacKenzie had spent the night at his place. Stuart and several men from the DHS fanned out to search for MacKenzie. He was captured in a coulee near Fort Maginnis on his way to the timber and taken to the DHS for the night. Whether by choice or coercion, MacKenzie entertained his captors by dancing and playing the violin. The following day MacKenzie was taken to Fort Maginnis and placed in the stockade.⁹ On the evening of July 3 or the morning of July 4, Sam MacKenzie was removed from the stockade by a group of men from the DHS,

led by Reece Anderson, and hanged from a tree two miles from the fort.¹⁰

A recruit at Fort Maginnis, Francis Patrick Burke, wrote to his mother describing the eventful Fourth of July;

It was an exciting day for this place. The first event of importance was the hanging of a horse thief just before daylight by the Vigilance Committee. I went down to see him. His body was suspended directly over the road and the name and occupation were made known by a large placard on his breast.¹¹

Mary Abbott recalled that one of her cousins took her and some of the other kids for a ride in the wagon over towards Fort Maginnis. "Can you see that man hanging on the tree over there?" the cousin asked them. "That's Sam MacKenzie." That evening, Mary's brother, Charles, and a few others were on their way home from Maiden following the Fourth of July celebration and decided to go have a talk with MacKenzie. Charles addressed the corpse saying, "You should have known better than to go stealing horses." At one point, Charles was shaking MacKenzie's leg when he heard a jingling sound. Removing a moccasin he found fifty cents in change. "He don't need it anymore," said Charles putting the coins in his pocket.¹²

Recruit Francis Burke also went to Maiden for the celebration. Returning home that evening he discovered two bodies hanging from a pine tree.

One had a card on his breast with the word "murderer" on it, the other had the word "thief" on his. I never saw such a horrible sight before. I hurried home and went to bed. I had seen enough Montana justice...¹³

The identity of these victims or of their executioners is not known. Possibly one of them was MacKenzie for Burke writes that the location was about two miles from the fort.

It was while Stuart was out looking for Sam MacKenzie that he chanced upon two more outlaws whose days were numbered. Charles O'Fallon and Charles Owen (known then and hereafter as "Rattlesnake Jake") were camped on the range when Stuart rode into their camp and asked if they'd seen MacKenzie. Fallon did the talking, Stuart observed, while Rattlesnake Jake stayed in the tent with a Winchester. "I knew they were a bad lot," wrote Stuart, "but I had nothing to cause their arrest at the time."¹⁴ Stuart had not, apparently, received the telegram sent by Teddy Blue, who was working a roundup on the Powder River in Northern Wyoming, saying that Fallon and Rattlesnake Jake were wanted by the Wyoming Stock Growers Association for rustling.¹⁵ After Stuart left, the two men packed their gear and, stopping first in Maiden, went on to Lewistown.

The story of what happened when Charles Fallon and Rattlesnake Jake arrived in Lewistown is one told many times in history books and re-enacted annually for tourists as part of the Lewistown Fourth of July celebration. The best effort to ferret out the facts is a study by Dorothy M. Johnson in Montana: The Magazine of Western History.¹⁶ Fallon and Jake, having downed an undisclosed number of drinks, became involved in an altercation while waiting for a horse race to start. Jake hit a half-breed named Bob Jackson across the mouth with his revolver, knocking him down. By some accounts Jackson, who was dressed

as Uncle Sam, was compelled by Jake to crawl in the dust like a snake. (For such behavior Rattlesnake Jake reportedly earned his sobriquet.)¹⁷ After a few more drinks and some talk of "taking the town," Rattlesnake Jake exchanged shots with a man named John Doane. By now, angered citizens had armed themselves and bullets began to fly. The two outlaws made their stand in the middle of the street, without cover, and killed one citizen, Benjamin Smith. Fallon managed to mount his horse and had begun his getaway when he realized that Rattlesnake Jake was not with him. Harry Rash was a witness to the events and described what happened next:

I can see him yet as he lurched forward in his saddle. His horse was running up the street at the time but he straightened up turned and rode down to [Jake] and said: "Are you badly hurt?" [Jake] said that he was. O'Fallon said, "I am dying but I will stay with you." He got off his horse and the two went across the street to a place near the tent of a photographer, who had come to get a few pictures of the wild and woolly Cow Puncher. Everybody shot towards these fellows and they fell. [Jake] had nine wounds and O'Fallon carried seven.¹⁸

What makes the events in Lewistown significant is, for one thing, the wide coverage they received in the territorial press. Newspapers throughout the territory carried versions of the event perhaps the most sensational of which appeared in the July 11 issue of the Maiden Mineral Argus which enticed its readers with numerous headlines and sub-headlines like "PERFORATED THEM!," "Two Desperate Characters Attempt to Hold Up the Town," and "Charles Owens and Charles Fallon will Steal No More Horses." This may well have created a climate of opinion which

was more tolerant of the vigilante events to come. Oscar O. Mueller argues that the killing of Rattlesnake Jake and Charles O'Fallon frightened other nasty characters who, in large numbers, left the area. This, Mueller theorized, "created much unfounded gossip concerning numerous [vigilante] killings which never happened."¹⁹

One last observation should perhaps be made. There is something almost suicidal about the actions of the two men. Fred Ojers was of the opinion that if the two had not been killed by the citizens of Lewistown, they would have been killed by Stuart's outfit. Having become wanted men by the Wyoming Stock Growers Association and then to have met Granville Stuart certainly boded poorly for their future. It seems at least possible that, as Teddy Blue wrote, "they knew they were doomed."²⁰

On July 9, Granville Stuart wrote to his mother that it was getting "a trifle unpleasant" for horse thieves in the area. "Two hung and two shot in the last week and pursuing some more." No doubt this refers to the hanging of MacKenzie and the affair in Lewistown, but that leaves one unaccounted for. On July 5, James Fergus wrote in a letter to Wilbur F. Sanders, a leader of the 1863 Virginia City vigilantes and a powerful Republican leader in the territory,

We are worse infested with horse and cattle thieves than we were with robbers during the days of the Road Agents, and we are obliged to hang a few of them. One was hung at Clagget a few days ago. One was hanging yesterday in a tree between Granville Stuarts' and Maginnis... two were at Maiden yesterday and are probably "up a tree" before this. Andrew goes to Stuarts today to join a party to serve the county on business.²¹

The reference to a hanging at Clagget refers to Narcisse Lavadure (pp. 66-67), the one between Stuart's and Maginnis to Sam MacKenzie, but who are the two at Maiden? Rattlesnake Jake and Charles O'Fallon were briefly at Maiden and the reference may be to them. But there may also be a connection between these two and the two whom Francis Burke saw on his way home from Maiden on the Fourth of July. What is clear in both these letters, however, is that plans for further action were firmly made.

On July 7, the first organized vigilante party was dispatched from the Fergus ranch and included, by Mueller's account, Andrew Fergus (son of James Fergus, mentioned in the letter above), John Single, Jack Tabor, and J.L. Stuart.²² Andrew Fergus kept a diary* of the expedition which began with the heading, "First strike for Long Point, then for Chas. Bates at mouth of Pachat."²³ Long Point was on the Missouri River a little down river from Rocky Point, and was apparently the vigilantes' first target. The next entry is under the heading of July 7, and reads: "payed by Stuart." This no doubt refers to Granville Stuart, not J.L. Stuart, who was a member of the party.

The Fergus group was apparently in pursuit of Red Mike (mentioned by Stuart to H.P. Brooks, P. 64), Dutch Louis Meyers, and Brocky Gallagher who had stolen horses from several ranches, J.L. Stuart's among them. The account in Forty Years on the Frontier indicates that they

* There is an Andrew Fergus diary at the Montana Historical Society in Helena. It contains roundup tallies, but makes no mention of a vigilante expedition. There is, in the Mueller collection, a typescript copy of an Andrew Fergus diary detailing the expedition with a note by Mueller that it is an "exact and true" copy. But the best efforts of myself and employees at the Historical Society failed to locate the original.

were captured near Rocky Point. But Stuart's own letter-press shows, as Mueller pointed out, that they escaped.²⁴ There is no indication in the diary that the party even saw the outlaws. Instead, they spent several days idly camping on the north side of the Missouri River killing nothing more than a deer. On the 13th, J.L. Stuart rode into Rocky Point "for grub and information." He returned that night apparently riding hell-for-leather into camp and raising an "excitement." At this, the horses stampeded and the group spent the next eighteen hours collecting them. Mueller writes that Stuart received a telegraphed message at Rocky Point instructing the group to meet a second vigilante party.²⁵ Diary entries on the 14th and 15th indicate that the men crossed the Missouri, traveled up the Musselshell for five hours, then up Crooked Creek six miles where they "came on the camp of the Boys."

On July 7th, the same day that the Andrew Fergus party had left for Long Point, another party had been sent out from the DHS by Granville Stuart. Mueller identified the members of this party as Reece Anderson, A.W. (Gus) Adams, and Lynn Patterson.²⁶ They were led by one of Stuart's top hands, William C. Burnett. Burnett left a written statement on the vigilante campaign and explained how the July 7th expedition started:

...we was shoeing horses at the ranch getting ready for fall round-up when a man and a boy rode into the ranch from Pease Bottom on the Yellowstone. He told Mr. Stuart he had fifty head of horses stolen and that he had trailed them to the mouth of the Musselshell on the Missouri River and with field glasses had seen his horses in a corral and five men who looked to be branding them. Granville sent

for me to come to his office and told me to take what men I wanted and go down and get the horses. We have lost horses and so have the other stockmen he went on to say and since there is no sheriff and no judge in this part of Montana and I think it is time to do something about it so if you find the horses belonging to this man have been stolen use your judgement in dealing with the thieves and I will be back of anything you do.

The man and his boy showed the Burnett party the cabin they had been watching. Nearby they captured a man on lookout who was riding a Pioneer Cattle Company horse. The men and the boy identified their horses in the corral, took them, "...and was well pleased."²⁷ With this, the Burnett narration of the incident ends without explaining what happened to the outlaws. Mueller, who interviewed Burnett several times, explains that the men "took no chances." A.W. Gus Adams, a detective, wanted to keep one of the men, California Jack, and turn him in for a \$10,000 reward. But Burnett was against it. The men in the cabin were quickly shot and California Jack

...was blindfolded, hands tied, put on a horse with a rope about his neck and over the limb of a cottonwood tree. A pistol shot, the crack of a whip, and the victim was left hanging.

This was on the Missouri River bottom, just above the point where the Musselshell River enters the Missouri.²⁸

The Burnett party was not yet finished with its work. Just downstream from California Jack's cottonwood was a trading post owned by William Downes. Granville Stuart wrote in Forty Years on the Frontier that Downes was ostensibly a wolfer, but mostly sold whiskey to the Indians. His place had become a hangout for "tough characters," and

before long, Downes was stealing horses and killing cattle. Since he was married, Stuart writes, Downes was given warning but paid "not the least attention..."²⁹ That evening, against the wishes of Burnett, but at the insistence of Reece Anderson, the party rode to Downes' trading post. We learn what happened next in a touching letter written from C.E. Downes at Fort Benton to James Fergus at Fort Maginnis:

I write this letter for my poor old mother whose head is bowed down with grief and trouble to such an extent that we fear for her reason unless we can get news of my brother, William Downes, who was a store keeper at the Musselshell. ...The end of June some short time after that...a party of cowboys rode up there to his place and as we have been told wanted him to go as a guide with them since which time we have not heard or seen him since now. Your son was one of the cowboys that went from Fort Maginnis* and Reece Anderson who you must be acquainted with has been written to and as I understand it he is Granville Stuart's foreman and as it is understood he is at the head of the cowboys. Now it appears when they went to my brother's they said he had horses belonging to them and he told them if so to take them, but he got them honestly in trade. ...they compelled him to go (with them as a guide) since which time we have not heard a word of him. Now of course your son would know or could find out what became [of him].³⁰

Unfortunately, the worst fears of the Downes family turned out to be true. Stuart wrote, in Forty Years on the Frontier, that William Downes and another, California Ed, were hanged.³¹ Mueller quoted the Fort Benton River Press of July 23 in which it was reported that William Downes and Charles Owens were victims of vigilantes.³²

* It is possible, but not likely, that Andrew Fergus and his men were involved in the lynchings at Downes' place. The diary indicates that they were in the area but says nothing of meeting with Burnett. Yet, the report of sixteen cowboys in the lynch group might be explained by the participation of Fergus's group.

The same article, however, reported that William Downes bore "a good reputation among merchants (in Fort Benton) with whom he had business relations."

The July 23 issue of the River Press made an effort to tally the casualties and concluded that within three weeks, thirteen men had been killed. The campaign, the article reported, had begun with the killing of two thieves on the Musselshell (probably Ed Owens and Li Nickerson, on or before June 20) followed by the "dispatch" of two half-breeds at Clagget (Joe Vardner and Narcisse Lavadure sometime before June 30). The report included the two killed in Lewistown as well as five near Rocky Point (probably referring to California Ed and his friends though Rocky Point is over twenty miles from the mouth of the Musselshell and four of those victims were shot, not hanged, as the River Press reported).³³ The article also mentioned one victim being "strung up" on Armell Creek and another near Fort Maginnis. The latter is surely Sam MacKenzie, but who is the former? We have seen letters from Fergus, Stuart, and Francis Burke which also make ambiguous reference to a victim or victims of vigilantes at the same time and in the same area as Sam MacKenzie, but beyond that little is known. The papers frankly confessed their inability to keep abreast of the situation. In fact, with the killing of California Ed and his four friends, and the killing of Charles Owens and William Downes by Reece Anderson, the number was already up to fifteen, at least eight, and possibly nine of which were the work of Granville Stuart or his men. (See the Appendix, p. 141.)

On their way back to the DHS, Burnett reported meeting a man who asked to see Granville Stuart. Burnett replied that he was going that direction and the man "threwed in" with them. At the DHS he talked to Stuart:

He told Granville that he had gotten in with a tough bunch and wanted to quit them and go straight. He also said there was about fifteen men down on the Missouri River that had about 100 head of stolen horses* and that he would go and show him where they was. Granville told him if his story proved true he would help out. His name was Bill Cantrell he had at one time been a buffalo hunter and from then on he went by the name of Floppin' Bill.³⁴

"Floppin Bill" Cantrell's background is an obscure one. Robert Fletcher gives the most detailed account in his history of the Montana cattle industry, Free Grass to Fences. Cantrell came from Arkansas, Fletcher reports, where his father had been with Quantrell's Guerillas. Having worked along the Missouri as a trapper, wolfer, and wood cutter, Mr. Cantrell was acquainted with most of the "rapscallions who infested that part of the country." Cantrell had spent some time in Dakota, which will be of significance later. Most recently he had been cutting wood along the Missouri River and living with his Assinnibone wife. A "gangling, overgrown kid of twenty," his prowess with an ax was much respected and the "floppin' motion" of his arms gave rise to his nickname.³⁵ Fred Ojers, in his article on the vigilantes for the Great Falls Tribune in 1926 claimed that Cantrell got his sobriquet for his

* This number is exaggerated. Stuart would later indicate that in the entire summer he recovered only 71 horses. (Granville Stuart to R.B. Harrison, Helena, Montana, October 15, 1884.)

habit of, upon felling a tree, spitting on his hands and saying "That's the way to flop 'em."³⁶ One of Cantrell's contemporaries, Harry Rash, gave the following description of him:

You may talk about peculiar characters, but the man that Stuart had at the head of the Vigilantes was one who would take the cake any place. He was very tall and slim, a perfect devil as far as fearlessness was concerned. He was as awkward in appearance as one could well be. He was known "Floppin" Bill. He would fight at the drop of a hat and drop it himself.³⁷

It is not known why Floppin' Bill chose to join the vigilantes. Possibly he was alarmed at their work and wanted to get on the safe side of the fence. Possibly he had quarrelled with his former cohorts. It seems clear, however, that his decision was not, as Fletcher wrote, "dictated by ethics."³⁸

Stuart was pleased to have Cantrell as a guide and prepared for another foray. In a letter dated July 11 to Fred E. Lawrence of Flat Willow, he wrote,

Dear Fred,

I have taken the liberty of retaining your rifle as we go again tomorrow and are short of Winchesters.

The expedition was a success.
Please burn this letter.

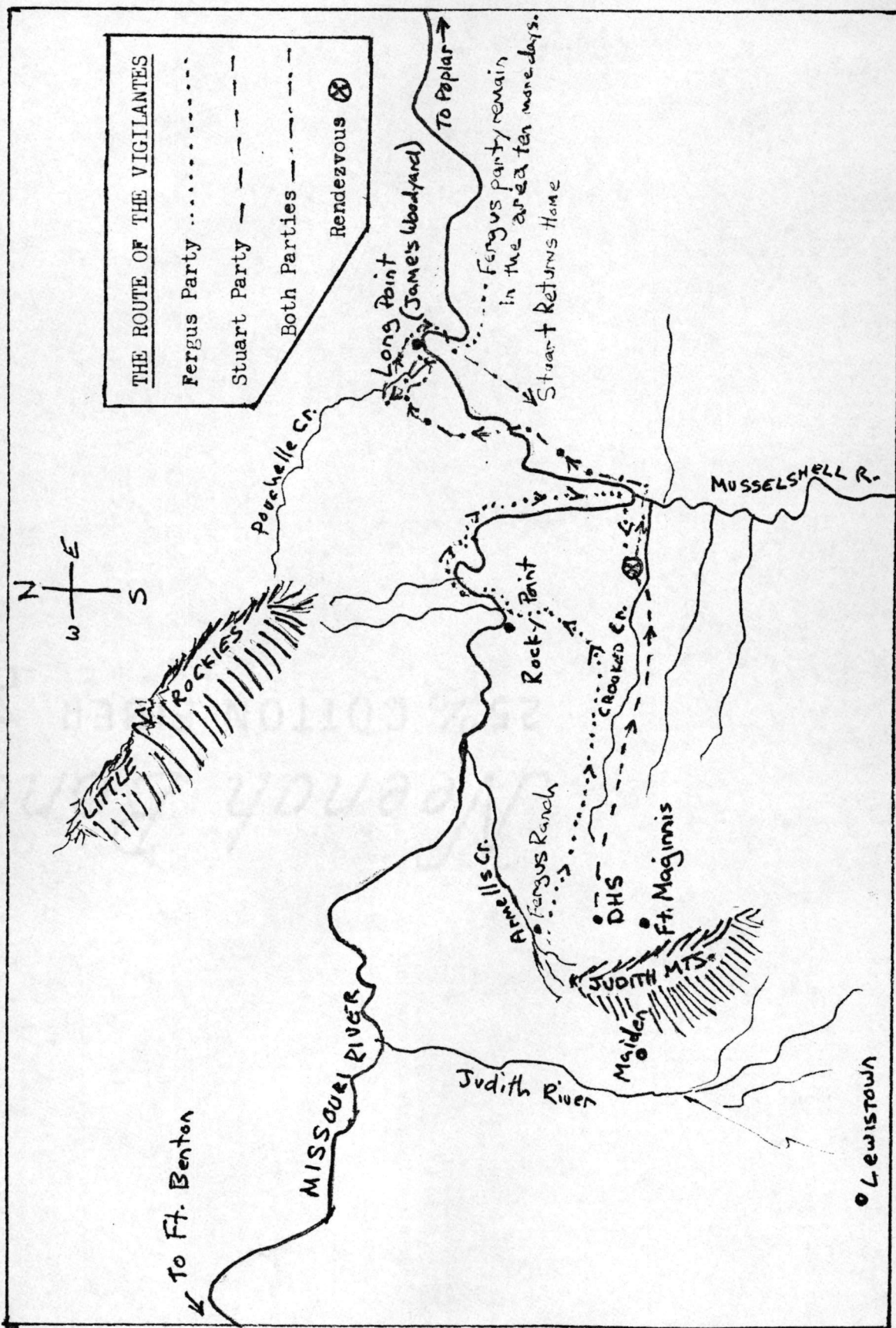
Yours truly,

Granville Stuart

On July 12, Granville Stuart, William Burnett, and six or seven others left the DHS in the company of Floppin' Bill Cantrell. On the 15th they rendezvoused with Andrew Fergus and his party (as had been arranged by the telegraphed message to Rocky Point) on Crooked Creek six

miles from its mouth on the Musselshell. The Andrew Fergus diary shows that the group camped at the Musselshell on the 16th, and on the 17th a party of eight scouts "went down as far as B's wood yard." Fergus and seven others spent a lonesome and quiet night in camp.

The destination of the vigilantes was a woodyard along the river near Bates Point. The woodyard was variously referred to as Bates' woodyard or James' woodyard as it was owned by a man named in nearly all accounts as simply "Old Man James" and his two sons. Mueller alleged, without explanation, that these men were cousins of Jesse James.³⁹ James' woodyard had, according to Robert Fletcher, become a hangout for one Jack Stringer ("Stringer Jack") who was a former buffalo hunter and the leader of a "notorious gang" of thieves.⁴⁰ Members of the gang included, according to the account in Forty Years on the Frontier, Paddy Ross, Swift Bill, Orvil Edwards, Frank Hanson, Silas Nickerson, Dixie Burr, and Bill Williams. Mueller argues that the last of these, Bill Williams, was not a thief, but a friend of the cattlemen and that the account in Forty Years is wrong. The Fergus diary does indicate that the vigilantes "got dinner at Williams" on the 21st, as Mueller points out.⁴¹ If the two Williams's are one and the same, it would appear that Forty Years is, in fact, in error. With or without Williams, there were between twelve and fifteen thieves at the woodyard (the Fergus diary indicates fifteen).⁴² The sixth thief, Dixie Burr, was the son of Fred Burr who had come to Montana in 1853 and who was a long time acquaintance of Stuart's. Unlike Bill Williams' case, however, there is no doubt about Dixie Burr's character or



alliance.*

On the 18th, the scouts returned, and the entire group started on what Andrew Fergus described as "...the darkest and damdest night's travell I ever took." The vigilantes crossed the Missouri and camped within a few hours' ride of the woodyard. On the afternoon of the 19th, the group moved in close to the woodyard, rested until 11 o'clock in the evening, then approached along the river bottom. Fergus and a man referred to in the diary by the alias of "Smith" were left with the horses while the rest of the group positioned themselves around the woodyard. There is a list, left by Stuart many years later, giving the names of the vigilantes and their duties or positions that night:**

* Fred Burr married an Indian woman who was the sister of Stuart's first wife, Awbonnie. Dixie Burr was thus Granville Stuart's nephew. The second Mrs. Stuart wrote Burr's history (in two paragraphs) describing him as a bright boy with ambitions of becoming a doctor. But "at heart he was an Indian and loved the ranch," she wrote. He fell into bad company, went to Canada, and though he was to escape the vigilantes at the woodyard, he was later hanged, probably at Granville Stuart's direction. "Granville...showed him no mercy." wrote Mrs. Stuart. "He done everything humanly possible for the boy and he threw away his chance." ("The Dixie Burr Story," Allis B. Stuart Collection, Montana Historical Society, Helena.)

** Mueller states that the original list is in the possession of the Historical Library at Helena, Montana. But, like the Fergus diary (p. 62), it cannot be located. There exists instead a typed copy in some of Mueller's papers at the Montana State University in Bozeman (Man. File 761B) with the statement that it is a "true copy." Where is the original?

Flopping Bill, Cantrell, x		
Jack Tabor		
Pete Proctor	in camp	-2
Andrew Fergus	To get horses	-4
John Single	at Ice house	-3
Chas. Petty	at Tent	-2
A.W. Adams	below house	-3
Frank M. Headly*		14
Butch (Wallace x Stairley)		
Lynn Patterson x		
Wm Burnett		
Jim Hibbs	[The significance of the x's	
Julian Stuart	on the list is not known.]	

G.S.

The diary indicates that at about four in the morning of the 20th, four of the vigilantes came up from the bottom leading a number of horses. After they returned, the shooting began. Fergus wrote in the diary, "...I heard a continued roar for five minutes & all was still for fifteen minutes. Then light and scattered volleys were heard..." [sic]. There is a more detailed version of the action in Forty Years on the Frontier. Stuart wrote that the woodyard consisted of a log cabin and a stable connected by a large corral. One hundred yards from the cabin was a tent made of poles and three wagon sheets. The vigilantes divided up (the list, above, gives the approximate breakdown) to cover the tent and the cabin. At daylight, Old Man James appeared in the door of the cabin. He was ordered to open the corral and drive out the horses, which he did. But he refused to surrender and ducked into

* Apparently Stuart's memory failed him with respect to Frank M. Headly. Burnett and others agreed that he was not present at James' Woodyard. (See Oscar O. Mueller, "Central Montana Vigilante Raids," p. 31).

the cabin from which he began to fire through one of the port holes.* "This," wrote Stuart, "was followed by a volley from the port holes all around the cabin and in an instant the whole party was in action."⁴³

In the course of the battle, two cowboys, Lynn Patterson and Jack Tabor, crawled up to the hay stack near the cabin and set it on fire. Stuart writes that the cabin burned to the ground and that the men inside "kept up the fight until they were all killed or burned up."⁴⁴ As the tent was closely surrounded by thick brush, escape from it was easier. Stringer Jack reportedly crawled out and made it to a clump of willows "from which he made his last stand." Dixie Burr, his arm shattered by a bullet, managed to conceal himself in a dry well. Another, named Frank Hansen, made a successful escape. Four others identified by the Fort Benton River Press as Johnnie Owens, Swift Bill, Sy Nickerson, and Phelps, managed to make it to the river where they hid in the brush and drift wood. The vigilantes searched for them but without success. These four and Dixie Burr later constructed a raft and floated down the Missouri River.⁴⁵ Andrew Fergus wrote in the diary that he was rejoined by the vigilantes at around two o'clock in the afternoon and dinner was consumed. The party then moved "up to Pashet" (probably meaning Pouchelle Creek which empties into the Missouri near Bates Point) where they spent the night and the no doubt

* Mueller's version indicates that the battle began when two lookouts, the James boys, returned to the headquarters, they discovered the vigilantes and warned their friends by yelling "The S- B- Stranglers have got us surrounded!" They were promptly killed and the battle began.

weary Andrew Fergus was put on "first relief."

The next morning, the party took stock of themselves. They were some sixty miles from the DHS, and their food had been soaked by the muddy water of the Missouri River. At this point, Stuart decided to hail a passing steamboat to secure provisions. William Burnett wrote that at first the boat refused to stop. Angered, Stuart ordered his men onto their horses and they rode downstream to head the boat off. Wrote Burnett,

When the captain saw a lot of Winchesters and a bunch of hungry looking riders, he landed. Granville told him that we was stockmen who had some bad luck with our mess outfit and that we wanted to buy some bacon and flour. The captain shows us the commissary and says, "Help yourselves, no charge."

One of the passengers, Rufus F. Zogbaum, was a correspondent for Harper's New Monthly Magazine. He wrote an account of the trip from Fort Benton downriver to St. Louis which was printed two years later in the May, 1886 issue of Harper's and which provides us with an interesting perspective on the events. As the boat traveled downstream, Zogbaum wrote, the passengers heard numerous rumors of a bold vigilante campaign in the area. As the boat rounded "a long point of land [Long Point]" those on deck noticed wisps of smoke rising along the bank. A little further downriver they came into view of the smouldering remains of a ranch house with two half charred wagons in front of it, as well as a dead dog, a dead mule, and a small number of chickens cackling and huddled together. "By Jiminy," someone said, "the cow-boys

is makin' a clean sweep of the kentry." Someone noticed a tall, dead tree from the skeletal arms of which, almost hidden by the underbrush, hung "something indistinct, but fearfull in its mystery and silence..."* "Look! look!" cried someone, "Down thar in them cottonwoods! that's them!" Zogbaum described what they saw next:

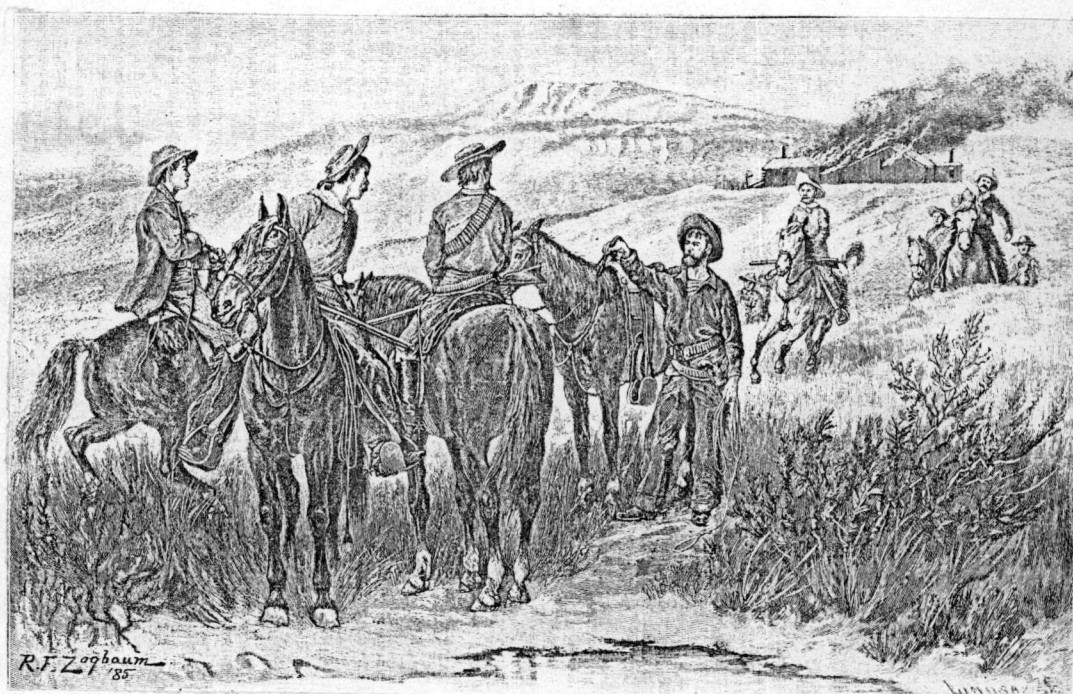
Half hidden in a mass of wild rose bushes, backed by the gray trunks and graceful feathery foliage of the poplars, a group of men and horses is standing. We gather close up to the rail, eager to see the dread horsemen, the result of whose avenging ride we have witnessed... Most of them have dismounted and are standing at their horses' heads waist-deep in the weeds and wild flowers, bronzed-faced, resolute-looking men, unconsciously picturesque in costume and attitude; bright barrelled Winchesters swung across their high-pommelled saddles, on which is bound the scanty baggage of the cowboy, while a few pack-mules quietly crop the grass a few paces in the rear under the care of their drivers. They are evidently under some discipline, for no one else moves as a tall, handsome, blond-bearded man, flannel-shirted, high-booted, with [a] crimson silk kerchief tied loosely, sailor fashion, around his sunburned neck, advances to the water's edge, and with a courteous wave of [a] broad-brimmed hat hails the boat.⁴⁶

Zogbaum does not identify Stuart by name but says that many recognize the vigilante leader for a man "of wealth and education well known in the Territory." Zogbaum indicates that inquiries were made concerning news up-river and the possibility of purchasing supplies.⁴⁷

Neither Zogbaum, Forty Years on the Frontier, nor the Burnett account mention it, but the Fergus diary indicates that one of the vigilante party, Pete Proctor, was put on board the boat. Mueller wrote that Stuart's son Charles had explained to him that "Prickly Pear"

* No other account mentions any hanging at James woodyard.

Pete was a "river rat" who accompanied the group to give them information. He was removed from the country to protect him from his enemies.⁴⁸



Vigilantes at James' Woodyard

"By Jiminy the cow-boys is makin' a terrible clean sweep of the kentry."

Zogbaum's impression of the end of the James' woodyard fight though he came one day after it occurred.

(From Harper's New Monthly Magazine)

Having procured supplies, the group made dinner and a party of five left for the DHS with the horses they had recovered.⁴⁹ Stuart left at the same time but rode straight through, sixty-five miles, arriving at the DHS in time to write two hasty letters*! dated the 24th of July. One of them was to Miss Luinda Stuart of Maiden, probably the sister of J.L. Stuart, informing her that her brother and Andrew Fergus were "both well" and would be gone a week longer. In the second letter to James Fergus, Stuart went into more detail,

Dear Friend,

Have just returned and find you letter of the 13th...

This expedition is also a success... Three of the men will be in today...the rest of the party (eleven strong) are still on secret expedition and will be gone some ten days longer. Andrew and Stuart are with them, both well and hearty. Nobody hurt on our side but there is wailing among the enemy and the good work goes swiftly on...

Yours Truly,
Granville Stuart

(P.S.)

Don't tell anyone that the expedition will be out ten days more, it might interfere with their plans.⁵⁰

Stuart then rode to Fort Maginnis to telegraph Deputy U.S. Marshal Sam Fischel of the escape of the thieves from the woodyard. The message was also telegraphed to military authorities at Poplar, a post on the Missouri almost at the point where the river flows across the Dakota border. The military was interested in capturing these thieves

* The Granville Stuart letter-press book, however, is missing four pages! Two of them contained entries between July 12, 1884 and July 24, 1884, and two contained entries between July 24 and August 17. This was the condition of the book when it was given to the MHS to duplicate by Paul C. Phillips and was probably the condition when he first saw it (ca. 1920).

as the Army had also been victims of their depredations. We will hear more of this later. Stuart then rode to a meeting of the Montana Stock Growers Association at Helena.

Rufus Zogbaum once again had the good fortune to be in the right place at the right time for a good story. He was in Poplar when word was received from Fort Maginnis to be on the lookout for the escaped thieves. With the aid of Indian trackers and a number of soldiers who sporadically fired their rifles into the brush along the river-bank, the five fugitives from James' woodyard were apprehended. They turned out not to be the game villains Zogbaum had expected. He described them as they were marched into the fort,

...guarded by the vigilant soldiers...wild eyed and haggared, covered with mud and dirt, their brier-torn clothing hanging in shreds from their frames, emaciated with hunger, one with a bullet torn arm [Dixie Burr] bound in blood stained bandages, their abject appearance well proves that 'the way of the transgressor is hard...'.⁵¹

The thieves were captured sometime during the last week in July or the first week in August. Zogbaum writes that they were locked up "to await what fate has in store for them." Receiving word that they had been captured, Marshall Fishel and a deputized Reece Anderson went to Poplar to bring them back for trial at Fort Benton. Nineteen days after Fishel, Reece Anderson and party, prisoners in tow, left Poplar, the Marshall returned to Fort Benton and told the local press that somewhere about eight miles above the mouth of the Musselshell, the party had been relieved of their burden. By his account, a party of fifteen

men, sporting "well primed winchesters," rode into their camp at four in the morning, the 28th day of August. He explained:

Myself and Mr. R. Anderson were then called out of camp. We were carried a couple miles away, and cautioned not to glance back under penalty of instant death. The remainder of my posse were kept at camp while a portion of the masked party took charge of the prisoners and went off with them. The rest of their band soon followed. They disturbed nothing in camp, except the prisoners.⁵²

The culprits were said to be cowboys. Though Fischel could not say for sure what had happened to them, he had the feeling that they were no longer of this world. Stuart seems to have had more information for he wrote in Forty Years on the Frontier that they were taken to a place nearby (perhaps a woodyard) where a log placed between two cabins served as an impromptu gallows. Afterwards, the cabins were burned along with the bodies.⁵³ Stuart does not say who was in this vigilante party, of course. Mueller was unwilling to connect the incident with anyone from the DHS and said it looked like the work of some "RL riders" without giving any explanation.⁵⁴

The vigilantes had done their work well. The Fort Benton River Press observed that horse thieves would soon be "as scarce on the upper Missouri as they are in Heaven."⁵⁵ The vigilantes suffered no casualties and the only injury was Granville Stuart's. Apparently a pistol was fired close to his head, damaging his inner ear and leaving him feeling "terribly ill" and forever deaf on one side.⁵⁶ Stuart's letter-press book shows that seventy-one horses were recovered. William Burnett wrote that they included horses stolen from Wyoming and some with the

MP (Mounted Police) brand from Canada. The no doubt appreciative members of the Montana Stock Growers Association meeting in Helena elected Granville Stuart as president,⁵⁷ and the cattle king settled down for what would be the last flush season of the open range cattle industry on the northern Great Plains.

CHAPTER VI: AFTERMATH

Rumors and Repercussions

True to Stuart's wishes, the vigilante campaign had been kept highly secret. Few knew for sure who the vigilantes were or how many victims they had claimed, and those who knew weren't talking. Late in August, the Rocky Mountain Husbandman, trying to separate fact from fiction, reported,

From the best information only about seventeen have shared this fate [lynching] from first to last; yet, from the rumors afloat one would think that not less than fifty¹ had come to their end at the hands of exasperated cowboys.

The Maiden Mineral Argus guessed that "seventeen would be placing the number a little too high."² On August 6, the Fort Benton River Press also waxed prudent, suggesting that casualties had been exaggerated. Reports from steamboats, however, indicated that a number of men were leaving the area via boat down the Missouri. These reports, of course, came before the hanging of Sheriff Fischel's four prisoners. But they reveal that sober opinion placed the death toll at least twenty, slightly more with the execution of Dixie Burr and company.

But there were other contemporary versions which placed the number much higher. Theodore Roosevelt wrote that nearly sixty men had been hanged or shot, but not, he added, "with the best judgement in all

cases."³ Fred Ojers interviewed several old timers for his article and reported,

...we find it variously estimated that at least 35 persons were killed by the cowboy vigilantes. One man said he had counted the names of 62 persons that rumor then listed as dead. Unquestionably, there was no small number of men of dubious character missing when the riders disbanded.⁴

Joseph Kinsey Howard also found differing estimates, some ranging as high as seventy-five. He quoted one F.S. Stimson, manager of the Northwest Ranch Company, who reported thirty-eight men had been killed.⁵ Today, the general estimate lies in that neighborhood. Richard M. Brown in his study of American vigilantism, Strain of Violence, placed the number at thirty-five.⁶

Another source which suggests that the numbers may have been higher than estimated in the newspapers are the letters from Francis Burke to his parents while he was stationed at Fort Maginnis. On July 15, for example, he wrote to his mother, "I know of thirty men who have been hung or shot within a radius of 25 miles of this place during this present month." He went on,

It is absolutely unsafe to go anywhere unless with a strong party. The outlaws are strong and hitherto held the upper hand, but now the people are rising and are bound to crush them out. The only trouble is they over do the thing and doubtless some innocent men have suffered and others will suffer before the good work is done. I know a place on the Missouri River where the bodies of nine men are swinging ⁷ in the breeze on the cottonwood trees along the river bank...

Such numbers are difficult to account for, especially so early in July.

It seems quite possible that the William Burnett party killed as many

as nine men. Five were killed in the California Jack episode (p. 73). At least two were killed at William Downes' trading post and reports from the area indicate that as many as five might have been.⁸ Burke probably heard of these episodes from DHS cowboys visiting the post. The other thirty men, however, I cannot presently document.

But in a September 15 letter home, Francis Burke had an even more remarkable story to tell. It seems that on the morning of August 3, he and four other recruits were escorting an army wagon to Rocky Point. At their camp on Big Crooked Creek, just before daylight, their mules (which had been drawing the wagon) were stampeded "by a party of mounted men." As their saddle horses were tethered, they still had mounts and leaving the driver in charge of the wagon, Burke and two others set out to find their mules. By noon they had found no trace of them and were resting when, Burke writes, a party of fourteen cowboys "commanded by Mr. G. Stuart" rode up. Stuart told them that he was also in search of stolen stock "and would show no mercy to horse thieves." Burke was further informed by Stuart that he knew where the outlaws had a rendezvous, and that if the soldiers wished to join the party they would surely get their mules back. This the soldiers decided to do and Burke describes an all night ride, "...the wildest I ever had." He goes on to describe stopping to wait for darkness the following night, then moving in close to the outlaws' hideout. As daylight approached, Burke writes, two men appeared in the cabin door. The vigilantes opened fire and two fell dead. Immediately, rifle muzzles appeared in spaces in the logs, "...and lead began flying around us pretty lively."

Two cowboys volunteered to set fire to a haystack and though one was killed in the effort, the other succeeded in setting it ablaze. Writes Burke,

Things now looked desperate for the thives. They had the choice of remaining inside and roasting to death or coming out to be shot. They seemed to prefer the latter, and after a while came rushing out, shooting at us as they ran. Only five escaped, and thirteen fell either dead or badly wounded. Another one of the cowboys was killed by exposing himself recklessly. We went up to the house and the bodies of the dead were thrown upon the burning pile.⁹

Though Burke's letters from Fort Maginnis are valuable and interesting, they are not always completely accurate¹⁰ and clearly this one presents problems. It is obvious that Burke is referring to the gun fight at James' Woodyard though no other account, Andrew Fergus', Granville Stuart's, or William Burnett's, say anything about the participation of three soldiers from Fort Maginnis. All versions but Burke's agree that no cowboys were killed. Burke does not mention the existence of a tent, as Stuart does. He also differs with Stuart where the latter claims that the men in the cabin refused to leave it and died in the flames. On this score, Burke's version sounds more accurate, however. Burke is also wrong on the date. By his version, the fight occurred on August 5th or 6th. But the evidence seems conclusive that it happened on July 20th. Burke's version also gives a different description as to the beginning of the battle, though all versions differ and agree only on the fact that two men were killed immediately.

We must not be too hasty in writing off Burke's story as a tall frontier tale, however. His account contains so many accurate statements

that it is remarkable. Stuart and his men were indeed in the neighborhood of Crooked Creek. There were, as Burke writes, fourteen of them. Both Burke and Andrew Fergus write of a wild night's ride prior to the fight. The description of sneaking up on the cabin, of the fortified nature of the cabin down to the spaces for rifles, is consistent with other versions. Though Burke misses the dates, he is writing many weeks later. Also, both Stuart and Burnett were wrong on the dates, the former saying the fight occurred on July 8, the latter saying it happened in August.¹¹ The burning of the cabin, of course, is part of all versions. Burke is close as to the number of casualties and in agreement with the other versions on the number which escaped. As to the failure to mention the participation of any recruits in the fight, Burke writes,

No one at the post knows that we had anything to do with it for while the military authorities sympathize with the settlers in their method of treating these fellows, they cannot openly countenance it, and this is the reason no mention is made in the papers of our part in the affair...¹²

This helps to explain why the military was so helpful in the effort to capture the escaped thieves (pages 87-88) and may explain the seeming cooperation of the military in the Sam MacKenzie affair.

It seems unlikely that Burke could have constructed this story simply on the basis of articles which appeared in the newspapers. They had widely differing and inaccurate versions of the fight and Burke includes details which do not appear in the territorial press. A more likely explanation may be that Burke got the story from friends at the DHS and retold it, placing himself in the action. But it seems

just as possible that things happened exactly as Burke says they did.

Rumors of high death tolls are often accompanied with rumors that the raids of 1884 did not end in July as Mueller and Stuart claim they did, nor were they limited to central Montana. There is stubborn evidence to the effect that Stuart or men working for him carried their vigilante campaign into North Dakota.

In Medora, North Dakota,* Theodore Roosevelt's country, cattle and horse rustling was a big concern and the local paper, the Badlands Cowboy, urged stockmen to take action. On May 19, 1884, the Cowboy recommended that stockmen "...clinch every particle of crooked work to the full extent of written and range law." During the months of July and August, assorted stories appeared enthusiastically following the activities of Stuart's vigilantes like the following item of August 14, giving the first rumors of the fight at James' Woodyard:

...Granville Stuart's cowboys have a large band of thieves surrounded. The band is too strong to be taken but can be held till help comes. Reinforcements left Cottonwood Sunday. Hot times are expected.¹³

However, by Fall, the Badlands Cowboy had lost its sympathy with Stuart and his "stranglers." On the 30th of October, the paper found itself in opposition to the vigilantes.

A report that Montana "stranglers" were on their way to Medora caused considerable talk, and all kinds of rumors were afloat. Last week they captured an innocent cowboy

* In 1884, Medora was in Dakota Territory which did not split into South Dakota and North Dakota until 1889.

and held him in custody for two days. He says he could not convince them that he was honest, nor would they listen to anything he said but knew everything... Medora is able to take care of her own stock and can dispense with the aid of the "stranglers," as they style themselves. A horse thief stands no show, nor does he deserve any, but to take men who are looking for estrayed stock and string them up a couple times in order to get information, is going a little too far, and there is likely to be trouble should they attempt anything like that around here. ...It is hoped that they will exercise a little more precaution in the future.

Hermann Hagedorn filled in a few of the details of the above story, writing that a cowboy, one Pierce Bolan, who was "as honest as daylight," was found by a group of Montana vigilantes, led by Floppin' Bill Cantrell, walking near Elkhorn Bottom. They assumed he was afoot preparing to steal a horse and called upon him to confess. Bolan replied that he had nothing to confess at which point, Hagedorn writes,

The raiders...threw a rope around his neck and drew him up in such a way that his feet just touched the ground. The victim continued to proclaim his innocence and the vigilantes finally released him, but not until he was unconscious. When he came to, the raiders were gone, but nearby he found a paper possibly dropped not altogether inadvertently. It bore the names of fifteen men along the Little Missouri whom Granville Stuart's committee had marked for punishment.¹⁴

Hagedorn reports that the raiders spent some time in North Dakota, "terrorizing and burning" a number of ranches of suspected horse thieves. Such behavior was not well received, and many in the area were ready to organize their own vigilante committee to deal with the "stranglers." Prudently, the Montana group left.

It seems likely that at least one man suffered with his life at the hands of Montana vigilantes. George Grinnell and his partner,

Ed Hall, lived on the south side of the Missouri River in North Dakota, downstream from Fort Buford. They made their living here either by fair means or foul, depending on whom one believes. Fred Ojers wrote that Grinnell was a horse thief, leader of a gang, and though several attempts were made by Montana raiders to drop a rope around his neck, only his wife succeeded, strangling him as he slept one night.¹⁵

It seems Grinnell and his partners escaped death at the hands of the Montana group at least once. On October 20, 1884, the press at Poplar reported that a number of cowboys were en route to Grinnell's ranch, "...noted as a general resort for horse thieves." On the same day, Grinnell reportedly appealed to the commander of Fort Buford for protection but was refused.¹⁶ Hagedorn also writes of this incident, writing that two cowpunchers, generally considered honest but marked for death by the vigilantes, fled their ranch at word that the raiders were on their way. The raiders arrived and found only a hired hand who, like Bolan, was treated to the "sensation of a lariat around his neck," before being released and advised to vacate the country.¹⁷

But in November, George Grinnell's luck ran out. The November 20 issue of the Medora Badland's Cowboy reported his death by hanging at the hands of "Montana Stranglers." Wrote the Cowboy,

He is [Grinnell] spoken of as a man who would not steal cattle, and it seems to be a case of personal enmity. The leader of the stranglers and Grinnell had some difficulty dividing buffalo robes a few years ago, and it is supposed that the hanging was a result of this misunderstanding.

The idea that there was enmity between the leader of the stranglers and

Grinnell is intriguing. Hagedorn and other accounts identify Floppin' Bill Cantrell as the leader and we remember Fletcher's remarks about Floppin' Bill's background which included some time in North Dakota before coming to Montana.¹⁸

More talk of Stuart's men being active in Dakota can be found in the story of John Goodall. Goodall, who was a cowboy in Dakota in 1884, remembers managing the fall roundup when one Elf Cole, from Powder River, rode up and asked to borrow fifteen horses for a party of vigilantes who were in the neighborhood and in need of fresh mounts. Goodall made the loan and asked no questions. Goodall's story was taken down by Usher L. Burdick who wrote,

Goodall recalls, too, that Cole wanted Goodall's best saddle horse for the boss, probably meaning Granville Stuart, and gave directions that the horse should be left in the livery barn in Medora.

Goodall complied with the request and loaned his best horse, a white one known as "Snowball" to the vigilantes. The horse was later seen with the raiders at Fort Buford.¹⁹

In a recent article for the Daily News in Minot, North Dakota, Robert Cory writes that Floppin' Bill and fifteen men were in the area of Burlington, North Dakota, at the beginning of November and that they were responsible for five deaths. Two of the victims, named Bates and Ravenwood, were approached by a member of the vigilantes who said he wanted to purchase some horses. Ravenwood and Bates apparently offered him some horses which, as it turned out, had been stolen in Montana.

After being escorted into town and forced to pay their grocery bill at J.L. Colton's store, they were taken out on the prairie and hanged.²⁰

There is one last rumor which should be mentioned, though it is the most obscure of all. Malone and Roeder report that Stuart also joined a group of vigilantes who hired a special train which ran on Northern Pacific tracks through Montana and Dakota, stopping periodically to deal with rustlers. The facts seem "lastingly veiled in secrecy," though some old-timers guess that this outfit killed as many as sixty men.²¹ These two able Montana historians do not indicate exactly where they found evidence of this incident, but it seems to this writer that their version resembles one given by Robert Fletcher, again without footnote:

That summer, a chartered train picked up another band of avengers and their horses at a secluded siding near Miles City. It stopped at intervals between Billings and Medora. The train crew waited until the passengers had returned from missions to the hinterland. Nemesis rode with them packing a hair rope. It is alleged that the tally credited to this and similar forays totaled sixty-three.²²

Whatever the true nature of this incident, it resembles the actions of Wyoming stockmen in the years that followed.

The defenders of the vigilantes, of course, argue that the last of the raids was the one at James' woodyard. Mueller's unswerving defence of the campaign includes testimony that they were not involved in Dakota.

Many stories were current that Cantrell was a leader of vigilantes in Eastern Montana and in the badlands of North Dakota. The testimony of the stockmen supports Granville

Stuart's letter press which indicates that he was a Stock Inspector in the 1884-1886 period in Central Montana.

Mueller defends Cantrell, praising him as a reliable, efficient, and fearless man who made an excellent stock inspector.²³ Such adjectives reveal little as to Cantrell's motivations, of course. Nor would his role as a stock inspector prohibit him from making incursions into Dakota after thieves. But let us turn to Stuart's letter-press material as Mueller recommends.

Stuart wrote to A.W. Gus Adams, also a stock inspector, on the 8th of October, 1884:

Dear Gus,

I got your telegram last night. Flopper, Reece, Lynn, Frank, Buch, Tabor and Will Clarke are over in the Rockies. Johnny Davis told Reece that he saw Duchy there only a few days hefore, and the boys lit out at once. look for them in three or four days.

What do you want Flopper for?...

Yours Truly,

Granville Stuart

This indicates that a posse was north of the Missouri River in the Little Rocky Mountains trying to capture Louis Myres and possibly others of the group which escaped from Rocky Point. This is the only letter which might suggest that Floppin' Bill was somewhere other than Dakota and it is apparently to this that Mueller refers. But consider another letter from Stuart to Gus Adams, written on October 23, 1884,

Dear Gus,

Glad to hear that you grabbed [or gobbled]
five "of em" and trust your expedition may prove
a success. ...

Yours Truly,

Granville Stuart

We can only speculate as to the meaning of these letters, but we know that Adams wrote to Stuart before the 8th of October and "wanted" Floppin' Bill. We know that by the 23rd, five "of em" had been grabbed. Robert Cory, in his article, writes that Montana vigilantes claimed five victims. The letter of the 23rd also refers to another "expedition." In November there is the report of George Grinnell's hanging at the hands of a Montana group. Certainly the distance between central Montana and western Dakota is great, but we also have the report of a special train running from Miles City (Gus Adams' home) to Medora. The evidence is circumstantial but intriguing.

In the wake of events of 1884, there was widespread support for the vigilantes by those in a position to voice an opinion. The press was generally sympathetic, frequently referring to the "good work" of the vigilantes and recommending more "hemp" as a remedy for transgressors.²⁴ The Rocky Mountain Husbandman came strongly to their defense, pointing out that the raids had been expensive (from \$3,000 to \$5,000) and that "every stockman in the Territory" ought to contribute as all would benefit. The paper continued,

Mob law is certainly to be abhorred, yet when we consider the great annoyances that people have been

subjected to, we cannot censure them for thus summarily dealing out justice without awaiting the inefficient, slow action of the law.²⁵

Not content with this, James Fergus wrote more than one scathing defense of the vigilantes to the Rocky Mountain Husbandman. On August 16 a letter from Fergus ran in the Husbandman complaining that eastern Montana ranchers had seen several tax assessors but no peace officers, that the military at Fort Maginnis was of no help because of all the red tape involved in getting orders from distant officers, and that the result was a country infested with "thieves, bandits and desperadoes." He went on,

...now as the county don't protect us, the army don't protect us, there is no way left but to protect ourselves and so we call upon the much abused cowboy.

Invoking the bloody shirt, good Republican that he was, Fergus wrote in a letter dated August 28,

...if a history of this summer's raids on the horse and cattle thieves of eastern Montana could be written it would show as much good management, bravery and endurance as anything during the war for the Union, and that is saying a great deal.

This was not the first vigilante situation on which Fergus had expressed an opinion. Following the Bannack-Virginia City affair in 1864, Fergus wrote an open letter to the "Gentlemen of the Vigilance Committee" in which he included a cautionary note. Though Americans had the right to trial by their countrymen in open court by the laws of

the nation, he wrote, there "may arise [circumstances] when for the benefit of the community at large good men may be compelled to disregard the laws...and deal out swift and certain punishment..." The citizens of Bannack and Virginia City had been plagued by murderous road agents and a corrupt Sheriff which threatened the safety of the community. But, wrote Fergus,

...I think for the safety of society the powers you then exercised should be resorted to only in extreme cases, all interference with the laws are dangerous. If one man or body of men set the laws aside another man or body of men can chose the same right. The end would be anarchy and confusion.²⁶

Though no one, not even Fergus, claimed that the lives or safety of eastern Montana residents were endangered by stock thieves, Fergus had apparently come to believe that the safety of property was also a circumstance which could justify extreme action. In 1884, Fergus wrote, "unlawful or not, necessity compels it, it has got to be done and will be, but others deserve the credit, not me."²⁷

No doubt Stuart rather wished his neighbor would stop defending him and giving him all the credit but he would have no such luck. A short time later, Fergus dropped a warning to critics in a public statement,

Sympathizers who are more or less "tarred with the same stick" will be watched and their names placed on record. It would be well for such to understand that the hanging, etc., of horse thieves has not been done by bands of lawless cowboys, but was a result of a general understanding among all the large cattle ranchers of Montana.

With this, Fergus had spilled a few beans. This was, as Joseph Kinsey Howard indicates, the first public admission that the 1884 raids were planned in advance and not the result of a spontaneous uprising of exasperated stockmen.²⁸ Fergus, on still another occasion addressed himself to the raids. Arriving in Helena that fall, he was questioned by curious reporters about news from the front, and took advantage of the situation to crack a bit of a joke. As Fergus was a Republican and Stuart was a Democrat, the two friends were rivals in territorial politics. As Howard tells it, Fergus jokingly explained that he had

...persuaded his neighbor Stuart to send his cowboys to shoot Democrats and thus enable him [Stuart] to bring about his own election to the Territorial legislature... "They got rid of 22 before I left and probably got rid of the other 18 (the county had a Democratic majority of 40) by this time," said Fergus. "When Granville found out what he had done he was taken sick and is still sick and I don't think he'll ever come out of it."²⁹

The Maiden Mineral Argus didn't find Mr. Fergus' remarks very humorous and wrote, "...if this is the way a sojourn in Helena affects Mr. Fergus' idea of wit, he had better come home."³⁰

He was only kidding, of course, but it is a curious coincidence that Fergus said Stuart "got rid of" twenty-two men, just about the total one comes up with if one includes the lynching of Sheriff Fischel and Reece Anderson's five prisoners in the count.

Stuart knew better than to say or write anything about the raids. Teddy Blue, however, relates an incident in which Stuart was confronted by a women who accused him of hanging thirty innocent men. "He raised

his hat to her and said: 'Yes, madam, and by God, I done it alone.'"³¹

There were reports to the effect that Stuart actually was sick, as Fergus hinted, following the raids, an illness described by the Mineral Argus as "mental exhaustion."³² This is not mentioned anywhere else but may refer to Stuart's ear injury (page 89).

Stuart not only refrained from making any public statements concerning the raids, but in his personal correspondence he made no confessions. Such action may have been prudent, but it was also cruel. We have seen that inquiries were made after William Downes by family and friends upon the publication of newspaper accounts that he had been killed (page 72, 51-52). The only evidence that these letters were ever answered is a note in Stuart's letter-press book dated October 1, 1884. Written to D.D. Henning of Little Rock, Arkansas, it appears to be in Stuart's hand but is signed by his foreman. It reads,

Madam:

I am in receipt of yours of the 18th ult. and in reply would state that I do not know WM. Downes, nor do I know where he is, and I regret to say that I do not know any one who can give you the desired information, as I am not acquainted along the Missouri River.

Very respectfully yours,
Reece Anderson

Stuart also stonewalled an inquiry from Mr. Hugh Owens of West Union Minnesota, writing on April 24, 1885,

Dear Sir,

Yours of the 20th inst. just rec'd and in reply I would say that there was a report last summer that

several men had been hung on the Missouri River some 75 or 80 miles from here, and a man named Owens. [*]

I did not know him, or any of them, and do not know if there was any truth in the report.

Yours truly,

Granville Stuart³³

As might have been guessed by Fergus' relentless defense, there was a certain amount of criticism of the vigilantes. It was the killing of Wm. Downes which proved most controversial. When reports from the steamboat Batchelor indicated that he had been among the victims, the River Press wrote, "Downes...has been a trader on the Missouri for some years and bears a good reputation here among merchants with whom he had business relations."³⁴ Downes' reputation came from the fact that he had recently made good on a business debt he and two partners had incurred. Though his two partners had absconded, the River Press reported in a story in May, 1884, Downes alone had repaid the entire amount to Joseph Hirshberg of Fort Benton. It was held as an example of rare honesty and Hirshberg was among those who wrote to Stuart asking for news of Downes.³⁵ Mueller writes that Stuart had been upset with Anderson for hanging Downes and for that reason had not invited him to participate in the raid at James' woodyard.³⁶ Still, Stuart made no mention of this in Forty Years, insisting that he had been a cattle and horse thief. (see page 51)

More than anything else, the fact that some innocent men might have been killed drew the most criticism. Joseph Howard

*It was a tough summer for men named Owens. Ed Owens was hanged on or before June 20, Charles "Rattlesnake Jake" Owens was killed on the 4th of July, Charles Owens was hanged with William Downes along the Missouri River, and Johnnie Owens escaped from the fight at James' woodyard but was hanged with four others on the way to Fort Benton with Sheriff Fischel. The above inquiry seems to concern one of the last two.

found anti-stockmen sentiment while preparing his book, Montana: High, Wide, and Handsome. Wrote Howard, "Some old-timers think, however, that a few 'toughs' who consorted with rustlers but were not actually guilty themselves were caught."³⁷ Theodore Roosevelt thought that several of the men were shot or hung "either through carelessness and misapprehension or on account of some personal spite."³⁸ In the late fall of 1884, the Fort Benton River Press broke with its custom of supporting the cattlemen in an editorial which called the campaign "plain murder." Often, it argued, the vigilantes had used their war with horse thieves as an excuse to drive out of the territory anyone who stood in their way. While the region stood to benefit from the removal of a number of the victims, there were some good men, too, who had perished.³⁹

Stuart, of course, denied all this. In Forty Years he wrote,

There was not a man taken on suspicion and not one was hanged for the first offence. The men that were taken were members of an organized band of thieves that for more than two years had evaded the law and robbed the range at will. The fact that the stock men loaned milch cows, horses, and farm machinery to settlers on small ranches, branded their calves for them at roundup prices, established schools for them, bought their butter and vegetables at high prices and in every way helped them to get a start is proof that any lawabiding person was welcome in this country.⁴⁰

Mueller, too, defends the vigilantes with respect to their critics. He wrote that the "storm of protest" came mostly from people ignorant of the facts and from those who didn't have an interest in livestock.⁴¹

What Mueller calls a "storm of protest" really amounted to little more than light and scattered criticism. The victims, guilty or

innocent, were men who lived in a rough and isolated land. They did not have influence with the territorial legislature or the ear of the local press. They did not have friends in high places and what relatives or loved ones they had mostly lived far away. No one spoke for them. Of the numerous victims we know the names of only a handful and had five of them not been arrested before they were lynched, we would know even fewer. These men chose to live in central Montana at least in part because of the roughness and isolation and all the excitement and struggle, opportunity and danger that went with it. For them, powerful and respected men like Stuart were one of the greatest dangers. There was never any threat that the vigilantes might be persecuted for their actions against such men. They were not even officially reprimanded though Howard writes of "some recently elected deputy sheriffs [who raised] a howl about it."⁴² Montana was a territory with a vigilante history. The actions of the citizens in Bannack and Virginia City had been popularized and gloriously vindicated in books like Thomas Dimsdale's The Vigilantes of Montana. The word "vigilante" held prestige in Montana* and Stuart and his men, for the most part, enjoyed the approval of the community. As a reward, Stuart was elected president of the Montana Stock Growers' Association, and he, in turn, appointed

* Richard M. Brown writes that Montana was "a most significant vigilante state" and that the Bannack-Virginia City affair gave the word "vigilante" to the English language. (Strain of Violence, p. 101) Even today, Montanans pay tribute to their vigilante heritage. Malone and Roeder point out that there is an athletic field in Helena named "Vigilante Stadium" and the Montana highway patrolmen wear uniforms bearing the insignia "3-7-77," the secret password for the 1865 vigilantes. (Montana: A History of Two Centuries, p. 63)

Floppin' Bill Cantrell to be the first Stock Inspector in the territory. When one of his vigilante cowboys, Jack Tabor, was later convicted of killing a shepherd in a drunken quarrel, Granville Stuart got him off the hook.⁴³

All the Montana stockmen, in fact, found their situation improved, not just with respect to horse thieves, but in territorial politics as well. The cattlemen had, for years prior to 1884, been trying to win various kinds of protective legislation from the Territorial Legislature and from Congress. In 1883, a "fair number" of important stockmen had been elected to the legislature and Stuart had been elected president of the senate. That year they sent a memorial to Congress asking that the government ride closer herd on the Indians in the Territory. They suggested that more steer meat be issued (which could be purchased from Montana stockmen) so the Indians would be less inclined to stray from the reservation. Another petition was sent to Congress concerning the threatened outbreak of pleuro-pneumonia among cattle on the northern plains. This eventually resulted in the establishment by Congress of the General Bureau of Animal Industry. During the same year the Territorial Assembly created a Board of Stock Commissioners providing for inspection of brands by authorized inspectors, registration of cattle and horses driven out of the state, and the hiring of detectives to police the range. With all this, the cattlemen of Montana were jubilant. But when the bill creating the Board of Stock Commissioners reached Governor Crosby's desk, he vetoed it.⁴⁴ Stuart later described Crosby, saying he was a "New Yorker,"

...a delightful person to meet socially [but he] had spent most of his life on the staff of various generals of the army and in Europe and was entirely out of harmony with his surroundings in Montana and unfamiliar with...the needs of the Territory.⁴⁵

But it was not quite that simple. Montana, unlike Wyoming where cattlemen were used to having their way, was not a single industry state. The mining industry was at least as important to the state and was generally in opposition to the cattle industry in legislative affairs.⁴⁶ In their bill creating a Board of Stock Commissioners, the cattlemen had proposed that it be financed by an increased assessment of one-half mill per annum on all taxable property in the territory.⁴⁷ As stock raising in significant quantities was limited to a few counties in east-central Montana, Governor Crosby would have been severely criticized had he signed the bill. But with the failure of this bill, the stockmen indignantly took matters into their own hands and often cited its failure as part of the cause of the vigilante campaign in 1884. Fletcher wrote, echoing many,

Denied the legal machinery that would have been made operative by a Board of Stock Commissioners, there seemed no remedy for an intolerable situation, except direct action.⁴⁸

Following the vigilante campaign, however, the stockmen again went to the legislature and this time had so much success that it was referred to as the "Cowboy Legislature." Bills were passed creating a Stock Commission and empowering that commission to appoint inspectors and detectives as needed, with the power to arrest violators of stock

laws. A territorial veterinary surgeon was employed and given the power to quarantine cattle. Branding prior to roundup time was prohibited. This time, however, the proposal was financed not by a territory wide property tax increase, but by a levy confined to the "livestock in cow counties."⁴⁹

With the new board set up, Stuart and the other cattlemen in Montana looked forward optimistically to the coming season. Stuart's correspondence shows that he occupied himself with a variety of range business including trying to return horses which had been recovered in the 1884 campaign to their rightful owners. One man who wanted to recover some horses was Lewis Myres. Myres (referred to in Forty Years on the Frontier as "Dutch Louis")⁵⁰ had been one of the men the Andrew Fergus party wanted to catch near Rocky Point (page 75). Apparently they caught only his horses. In a letter to James Fergus dated December 29, 1884, Myres wrote,

Dear Sir,

Please let me know the charges on my horses for ranging the same and I will either come myself or send some one to get them...

Also I would like you very much to inform me what I am charged up with by the cattle association for last summer. I send a party after the horses and on return he informed me that they would be held until my capture and ever since then I have ben hung or shot [by rumor] every now and then and I would like to learn what reasons there is for using my name in the manner it has ben used.

I am willing to appear before court for defence, last fall after sending word to the same effect to Mr. Reece Anderson the gentleman gave to answer that I would get the rope neck-tie as soon as I would show up although I am determined to keep from being tried before rough and

tumble law. I trust you to give true answer to this so I got to know how much to believe of all this...

Lewis Myres⁵¹

Finally on April 23, 1885, Stuart wrote to Fergus that they might as well give Myers back his horses for they lacked enough evidence to convict him of killing cattle. "It is only hearsay," wrote Stuart. The same letter reveals that a man named Pike (possibly Pike Landusky) had been arrested for shooting at Myers. Pike had volunteered to try again if the Stockgrowers Association would get him out of jail by paying his five hundred dollar bond. They decided against it because, as Stuart wrote, "we believe he would forfeit..."

The task of collecting money to help pay for the expenses of the campaign fell largely to James Fergus whose account book shows a detailed record of who contributed what towards the "Horse Thief expense." It was a complicated process. A letter to Fergus from J.L. Stuart reads,

I received a letter from Dempsey and he evidently does not understand the amount he is expected to pay towards last summer's campaign and I find his part is 64.90 and perhaps you had better write him again, he's at Twin Bridges, Montana.⁵²

The remaining tab was eventually picked up by the Montana Livestock Association in 1887. Thus the Association gave official sanction to the vigilante campaign of 1884.⁵³

But central Montana was not free of horse thieves, nor, in spite of the new legal machinery, was lynching a thing referred to in the past tense. Stuart's correspondence over the next two years is full of euphemisms concerning the disposal of thieves. He wrote to R.B.

Harrison, Secretary of the Association in June of 1885, "hope to nip a couple cattle thieves soon..." In July he wrote to Thomas J. Bryaan, President of the Association, that he was pleased that Dutch Charley and Booth would soon "get their 'quietus.'" A letter in November, 1885 to William Buchanan of Maiden approved a planned raid into Canada to recover stolen horses from a band of Indians. He argued that there should be no killing north of the border, but if the Indians followed the party south, they should "waylay and kill as many as possible." On December 28, 1885, he wrote to J.H. Burgess of Miles City that there was a rumor of a party of horse thieves holed up on the north side of the Missouri. He recommended that they "...send a party up there to look around and if there is a nest of them...take steps to make a good man of every mother's son of them." Even in July, 1886, Stuart was suggesting a few "necktie sociables" might be in order.⁵⁴

Stuart was not alone in his desire to stage another vigilante campaign. A letter from J.L. Stuart to James Fergus dated April 2, 1885, reveals that Fergus was thinking along the same lines. J.L. Stuart wrote,

Now as to forming a Vigilance Committee I do not think there is enough on this Range of the right kind to warrant a meeting and besides I do not care to belong unless Business is done more quietly than same was done last summer for there is too many people knows who belonged last season and some of the parties have left the country on the account of so much talk besides it does not require many if they are the right kind and further more I dont think we will be required to make any more raids unless it is [against] a few now in the little rockies.⁵⁵

Mueller wrote that following the vigilante campiagn, "Stock Inspectors took over the job of enforcing the laws and peace descended upon the

range..."⁵⁶ But these references to stealing and the possibility of extralegal action suggest that the transition was not quite so smooth.

The argument was made again and again by the stockmen-vigilantes and by their defenders that the peace officers and courts of law offered no protection from thieves. Specifics are rarely if ever given, but there is an abundance of general complaining for which the following by Granville Stuart is pretty typical: "The civil laws and courts," he wrote in Forty Years on the Frontier, "had been tried and found wanting."⁵⁷ In 1884 the district court closest to the Maginnis range was located in White Sulphur Springs, almost a hundred miles from the DHS ranch. An investigation of the surviving civil and criminal records there suggests that there may have been some basis for complaint. Many reports of stock theft are registered there for the period of 1880-84 though only a few resulted in arrests. A typical entry reads as follows: "Sept. 29, 1883: Bryon R. Sherman complains that John Doe stole a roan horse. Warrent Issued. E.A. Reis failed to find Doe." But there are also records of arrests and convictions. Of thirty-eight grand jury indictments between 1880 and 1884, eight of them were handed down for stock theft. The records of civil and criminal complaints, containing everything from insanity hearings to a case concerning a dead hog, show that about one complaint of horse stealing in five resulted in arrest.⁵⁸ The records, however, are vague and incomplete.

But what is especially interesting is that there is no record (that I can find) that Stuart or anyone representing him ever bothered to file complaints with the court. To be sure, a hundred miles is a

long way to travel. Yet in August, 1884, Robert Coburn filed a complaint of a stolen horse with the district court. His Circle C ranch was located on the northern side of the Missouri River near the Little Rocky Mountains, a good distance farther from White Sulphur Springs than the DHS ranch. A year following the vigilante campaign, Stuart did manage to travel the hundred miles to court to serve his turn at jury duty. The records show that in April, 1885, he was foreman of a grand jury which indicted Danial McKay. McKay was a jailor charged with allowing or aiding a prisoner to escape. The prisoner, as it turns out, George Onthwait, had been jailed for stealing two geldings, one wagon, six pounds of gunpowder, and several other articles including a frying pan, from none other than William (Floppin' Bill) Cantrell.⁵⁹

Probably the most intriguing aspect of the 1884 vigilante campaign, however, is its possible connection with events which would take place in Wyoming a few years later. The Wyoming Stock Growers Association, as we have seen, was more powerful and tended to be more arrogant than its Montana counterpart, largely because Wyoming was a single industry state where grass was truly king. Power and arrogance had not spared the Wyoming Association from the problems facing Stuart and other Montana cattlemen like overcrowded ranges and an abundance of rustlers. In fact, the high handed tactics of the Wyoming Stock Growers Association had aggravated the situation. By the late 1880s and early 1890s, Wyoming had become widely and viciously divided with the big stockmen, mostly members of the Association, on one side and smaller stockmen, farmers, and settlers on the other. The former tended to lump the latter together

under the general heading of "rustler," while the latter tended to regard the former as exploitive robber barons, as lawless as any rustler.

In the second half of the 1880s, the conflict between the two became increasingly more violent. One of the most sensational incidents was the hanging of two "rustlers," Ella Watson and James Averell, at their road ranch on the Sweetwater River in central Wyoming. Watson and Averell were not typical rustlers. Ella made a modest living as a prostitute and James owned no cattle at all. But the range was lonely and cash was often short and Ella's cowboy patrons sometimes payed for her services by bringing her a calf and marking it with her brand. The fact that the calves were sometimes mavericks cut out of the boss's herd earned Ella the nickname "Cattle Kate" and earned her and Averell a brutal and poorly executed hanging on July 20, 1889.⁶⁰ Ella Watson thus earned the dubious distinction of being the first woman hanged in Wyoming. (Wyoming, after all, is the "Equality State" and was the first state to give women the vote.) The Salt Lake Tribune was not impressed, however, and wrote, "That is about the poorest use a woman can be put to."⁶¹

There is evidence that Ella Watson's real crime was locating on land "owned" by large stockmen in the area. In addition, letters from James Averell criticizing the power of the big stockmen in the area had appeared in local newspapers prior to their hanging. The results of an investigation would have been interesting had one been completed. The hanging had been witnessed and the perpetrators, all cattlemen, were identified. But in a nasty turn of events the witnesses died or

disappeared and the six were never tried.⁶²

This is just one of many incidents in the struggle in Wyoming which came to be known as the Johnson County or Powder River War, and if it cannot be directly connected with Granville Stuart's 1884 vigilante campaign, there would be another incident which could. In March of 1892, George Dunning, a miner, cowboy, and generally tough character, was on his way from Silver City, Idaho to Boise when, through curious circumstance, he was recruited by H.J. Ijams, the Secretary of the Wyoming Stock Growers Association, to do some work rounding up cattle thieves in Wyoming. In a controversial "Confession" which was published following the events, Dunning wrote,

Mr. Ijams said that the latest scheme of the stock association was to publicly wipe the thieves in Johnson county, Wyoming, out of existence; the way he said the stock association of Montana did in that state eight or nine years ago.⁶³

Dunning found himself one of fifty men, half of them members of the Wyoming Stock Growers Association, half of them hired guns from Texas, on board a secret train which left Cheyenne under cover of darkness heading north. Their destination was the Powder River area of northern Wyoming, "rustler" country. They were heavily armed, had extra horses and a list of men whose future looked gloomy. But for all that, the operation was badly bungled from first to last. The fifty invaders managed to surround a cabin near present Kaycee, Wyoming, on the tenth of April, 1892. In a battle which looked like a comic caricature of Stuart's fight at Bate's Point, the Wyoming vigilantes, after fighting

it out most of the day and setting fire to the cabin, finally managed to kill the two "rustlers" inside (Nate Champion and Nick Ray). But the mission was no longer a secret and soon the invaders found themselves surrounded by a large and well armed force of enraged citizens from nearby Buffalo and the surrounding area. They were held under siege until soldiers from nearby Fort McKinney, dispatched by President Harrison, arrived to place them under arrest. The story of Wyoming's rustler war is skillfully and authoritatively told by Helena Huntington Smith in The War on Powder River, but it was the 1894 account by A.S. Mercer which, with a little exaggeration, dubbed the invasion "The Crowning Infamy of the Ages."⁶⁴

We have seen from Dunning's "Confession" that the Wyoming vigilantes were inspired by Stuart's actions in 1884. (After all, it was Fergus who said, "If one man or body of men set the laws aside another man or body of men may chose the same right...")⁶⁵ A more direct connection can be found in the correspondence of Granville Stuart. Among Stuart's numerous letters to various people attempting to identify or obtain information on horse thieves are a couple to Frank Canton of Buffalo, Wyoming. Canton was sheriff of Johnson County, Wyoming from 1882 to 1886, but he was a poor excuse for a lawman. Though he was tough and effective, he had a shady past and had changed his name from Joe Horner after fleeing Texas following a shooting scrape.⁶⁶ In 1836, Canton was defeated in the race for sheriff by Red Angus. He then became a detective for the Wyoming Stock Growers Association and in November, 1891, he shot and killed John Teasdale, in the back, as the latter rode

through a gulch. Teasdale was a settler but was considered a rustler by the Association. Canton was acquitted in a hastily organized arraignment. Soon after, new evidence was discovered, but before he could be arrested, Canton fled. When he returned to Buffalo, it was with the fifty vigilantes.⁶⁷

In May, 1886, Stuart had written to Canton apparently in reply to an inquiry from him concerning the character of Roach Chapman, Joe Boze, and William Burnett. All three, said Stuart, were good men who had worked for him. But as for what Roach Chapman did after he left, Stuart could not say. He wrote,

I am sorry he turned out bad and I will instruct our inspectors to look out for him. ...You can always bet on my doing all I can to snatch the d...d thieves bald headed and we nip one once and awhile up here.

Yours truly,

Granville Stuart

President

This letter is interesting, not simply because it demonstrates cooperation between Stuart and the Wyoming lawmen, but because it gives light to the interesting circumstances of William Burnett. Burnett had, for some years, been dividing his time between Wyoming and Montana. During the summer, he worked for Stuart and in 1884 led a party of vigilantes. In the winter he lived in Buffalo, Wyoming, where he owned a bar. Apparently as early as 1886, Burnett was in with the crowd in Wyoming considered by Canton and the Association to be rustlers or rustler sympathizers. By the 1890s, Burnett was a friend of Red Angus, the

new sheriff of Buffalo, a bitter enemy of Canton and his cattlemen cohorts. Red Angus, in fact, led the army of citizens which surrounded the Wyoming vigilantes and William Burnett was with him.⁶⁸

Thus we find the peculiar situation in which Granville Stuart had his ally in the never ending struggle against horse thieves, Frank Canton, on one side of the Powder River War, and one of his own vigilantes, William Burnett, on the other. Helena Smith described the final surrender when troops from Fort McKinney, commanded by Colonel Van Horn, arrived and ordered a cease-fire. With a few officers and Sheriff Red Angus at his side, Van Horn rode to the door of the cabin. The leader of the vigilantes, Major Frank Wolcott, backed up by his fifty men, Frank Canton among them, stepped out to meet him.

Colonel Van Horn explained that his orders were to quell disturbance and to prevent loss of life and destruction of property. Would the major's party surrender quietly?

"I will surrender to you," returned the doughty major, "but to that man (indicating Sheriff Angus) never. I know him well. Rather than give up to him we will all die right here."⁶⁹

Of course, by the time the Powder River War occurred, Granville Stuart had left cattle ranching, like so many other careers, far behind.

The winter of 1886-87 brought home to the cattlemen on the Great Plains all the myths upon which their empire had been founded: the myth of the mild climate, the illusion of superabundant resources which could not be exhausted, the disastrous belief that cattle, like buffalo, could endure the winter gales without the aid of man. It demolished all the sturdy talk which camouflaged the fragile nature of any enterprise

built on the hostile and unforgiving plains, demolished it with an icy blast from hell that signalled the end of the open range cattle boom.

The summer of '86 was remorselessly hot and dry. For the first time, Granville Stuart's herd losses included animals that had eaten poisonous plants which offered themselves where grass was scarce. Waterholes which had never gone dry before turned to baked clay. Range fires burned unchecked and what grass was spared from the flames turned brown and shriveled under the prairie sun. Stuart's thermometer stood at from one hundred to one hundred ten degrees in the shade for days at a time. The stockholders of the Pioneer Cattle Company decided to move as much of their herd as possible to the north. Wrote Stuart,

August 10 we began gathering the cattle... Ordinarily one could see for miles across the range in our clear atmosphere, but not so at this time. Dense smoke obscured everything and this together with the cinders and clouds of hot dry alkali dust almost choked and blinded us, causing much suffering to men and horses.⁷⁰

Nearing the Missouri, the cattle smelled water and stampeded. Their course was not for the safe bottom but to the nearest point which, as it turned out, was lined with quicksand. Despite the best efforts of cowboys and the nearby steamboat, seventy head perished. In the fall, there was no rain and the hopes that late prairie grass might sprout were dashed.⁷¹

Then came the winter storms. The Cree had a word for it, "Kissiney-oo-way'-o," or, "it blows cold."⁷² The animals that wintered south had left early that year and even those which usually remained disappeared. For the first time since he came to central Montana,

Stuart saw white Arctic owls on the range. The first heavy storm came in November. Stuart wrote,

On the sixteenth the thermometer fell to two degrees below zero, with a cutting northeast wind and on the seventeenth and eighteenth six inches of snow fell, but blew into drifts. The cattle north of the Missouri being unaccustomed to the range drifted badly and kept working back to the river.⁷³

Worse storms followed. On December 5, four inches of snow fell and temperatures dipped to twelve below. On the 14th, a severe blizzard caught Stuart on a stage between Musselshell and Flat Willow. He and two other passengers had to help the driver by walking before the horses with a lantern to guide them. Then it cleared up and the weather became bright and warm.

But on January 9, winter came in earnest. Stuart recalled,

It began to snow and snowed steadily for sixteen hours, in which sixteen inches of snow fell on a level. The thermometer dropped to twenty-two degrees below zero, then twenty-seven degrees, then thirty degrees, and on the night of January 15 stood at forty-six degrees below zero, and there were sixteen inches of snow... It was as though the Arctic regions had pushed down and enveloped us. Everything was white. Not a point of bare ground was visible in any direction. This storm lasted ten days without abating. The cattle drifted before the storm and fat young steers froze to death along their trails.⁷⁴

A brief thaw seemed to promise relief, but lasted only two days, long enough to melt the top of the snow which then turned to ice. The weakened cattle would lose their footing, fall, and then be unable to get up.⁷⁵ Across the Great Plains, cattle died by the thousands. What little grass there was lay beneath snow and ice. Small streams

froze solid and only large rivers offered drinking water. Cattle came to the rivers in herds and as the first ones stopped to drink, the others behind pushed them forward into the water where they drowned.⁷⁶ In their pitiful condition, the animals turned to man for help. In Great Falls, citizens looked out their windows and saw the "gaunt, reeling figures" of a herd of five thousand which had drifted from eastern Montana.⁷⁷ In Medora, the starving cattle rummaged in garbage cans and gathered around manure piles to eat bits of feed which might have passed through horses undigested.⁷⁸ In Laramie, cattle grazed on shade trees, broke through fences to feed in gardens, and finally dropped dead on the streets.⁷⁹

It was the practice of cattlemen to let most of their cowboys go in the winter, though a few stayed around "riding the grub line," working a few days here, a few there, doing odd jobs in return for food and lodging. In the winter of 1886-87, they had their hands full.

Wrote Teddy Blue,

No one knows how they worked but themselves. They saved thousands of cattle. Think of riding all day in a blinding snowstorm, the temperature fifty and sixty below zero, and no dinner. You'd get a bunch of cattle up the hill and another would be coming down behind you, and it was all so slow, plunging after them through the deep snow that way; you'd have to fight every step of the road. The horses' feet were cut and bleeding from the heavy crust, and the cattle had the hair and hide wore off their legs to the knees and hocks. It was surely hell to see big four-year-old steers just able to stagger along.⁸⁰

They camped in the coulees around fires. The Indians used to say that white men built big fires and sat far back while they built

small ones and sat close. That winter, wrote Teddy Blue, the cowboys built big fires and sat close.⁸¹ As for the suffering of the cattle, we have Charles Russell's sketch of a gaunt steer, head bowed into the blizzard, a coyote waiting in the background. The caption read, "The Last of Five Thousand." When the print gained circulation, the caption was "Waiting for a Chinook."⁸²

As the spring thaw came and the stench of dead, bloated cattle filled the air, it was clear that the winter of 1886-87 had been a devastating blow to the cattle industry. The actual losses are difficult to calculate as many managers exaggerated the number to cover up sloppy or dishonest bookkeeping. There is even the story of one rancher who reported the loss of 50 percent of his steers and 75 percent of his cows and ended up claiming the loss of 125 percent of his herd.⁸³ In general, the figures varied with some ranchers actually losing ninety percent of their cattle. Professor T.A. Larson provides us with one of the best studies of the situation and writes that by the best estimate, based on tax assessments, not much more than fifteen percent of the cattle in Wyoming were lost. The remaining cattle, however, were worth 30 percent less at market. Montana was hit harder, suffering the loss of 29 percent of its cattle and receiving valuation decreased 28 percent for the remaining herds.⁸⁴

The disaster could only in small measure be blamed on the weather, however. The cattlemen of the Great Plains were mainly responsible. In March, 1885, Bill Nye warned the stockmen of Wyoming that they were killing the goose that laid the golden egg.⁸⁵ By overcrowding the

ranges, by failing to provide shelters or winter feed, by letting cow hands go during the winter who might have been kept on to watch over the herd and keep ice cleared away from watering holes, the northern ranchers precipitated the tragedy. In the famous words of Wyoming rancher John Clay, "Even with the best of winters it would have been a case of suicide. As things turned out, it was plain murder."⁸⁶

The winter of 1886-87 broke Granville Stuart's spirit and bank account. The DHS lost fifty percent of its herd and though Stuart hung on a couple more years, he was forced in 1890, to sell his interest in the DHS back to A.J. Davis. Wrote Stuart,

A business that had been facinating to me before, suddenly became distasteful. I wanted no more of it. I never wanted to own again an animal that I could not feed and shelter.⁸⁷

CHAPTER VII: CONCLUSIONS

"If a man is caught stealing stock, give him the benefit of the noose; but unless a clear case is against him he should have a chance to prove his innocence."

-The Bad Lands Cowboy
Medora, North Dakota
Oct. 23, 1884

Granville Stuart's vigilante campaign against horse thieves in 1884 was the most significant part of a general move on the part of cattlemen in the area against undesirable characters. Joseph Kinsey Howard wrote that the "Musselshell-Missouri cleanup was only one of several..."¹ The hanging of Narcisse Lavadure in June, for example, was the work of a group of vigilantes unconnected with Stuart. But by far the greatest number of casualties were inflicted by Stuart or men under his direction. Oscar O. Mueller wrote that between 15 and 18 horse thieves suffered with their lives for their crimes at the hands of Stuart and his men. I believe the number to have been higher.

We know that Stuart's foreman, Reece Anderson, presided over the lynching of Sam MacKenzie near Fort Maginnis. Newspaper reports as well as letters from James Fergus and Francis Burke suggest that at least one and possibly two others were killed at about the same time. In a letter shortly after MacKenzie's dispatch, Stuart himself makes reference to the lynching of two men in the area. It seems likely that either along with MacKenzie or shortly thereafter, a second man and

possibly a third were killed in an affair which probably involved Stuart.

The William Burnett and Reece Anderson party killed five men near the mouth of the Musselshell and at least two more at William Downes' trading post. Though there were newspaper reports of five men killed in the vicinity of Rocky Point and though Andrew Fergus and his party were in the area, the evidence seems to indicate that the men they were after fled. The newspaper reports are probably referring to the victims of the Burnett/Anderson party.

The fight at James' Woodyard claimed an unknown number of lives though my best estimate, based on several accounts, is between five and seven. Five of the thieves who escaped were recaptured at Poplar. They were lynched while being escorted by U.S. Deputy Marshal Sam Fischel from Poplar to White Sulphur Springs. Oscar O. Mueller was unwilling to connect this lynching with Stuart, though it seems a pretty good bet that he had a hand in it. Had the prisoners lived long enough to be tried, the details of the fight at the woodyard would surely have come out, and it is likely that Stuart and his men would have found themselves facing legal action for their work. No one else had so compelling a reason to lynch men who were already under arrest and in custody of an U.S. Deputy Marshal. The fact that Reece Anderson, with his record of violence, was a member of the posse, makes the Stuart connection all the stronger.

There is also strong evidence that Floppin' Bill Cantrell and others were active in North Dakota late in 1884. Members of "Stuart's Stranglers" are credited with the deaths of at least five men including

George Grinnell. Mueller denies that Cantrell or any other of Stuart's men were active in Dakota, but Stuart's letter congratulating A.W. Davis for "grabbing" five "of 'em" is intriguing as is the reference to further expeditions. Also intriguing are the pages which were removed from Stuart's letter-press book and those which remain indicating that Stuart kept his hand in on horse thief matters for the next two years and making frequent reference to lynching.

For these reasons, it seems that in Montana the lynching of between nineteen and twenty-three men can presently be documented and linked to Granville Stuart. I agree with the number given by James Fergus when he said, by way of a joke, that Stuart had killed twenty-two democrats (page 105). At least five more were probably killed in Dakota though here, more research is in order. The rumors of an even higher death toll are persistent and abundant, though those may be explained, in part, by the work of other vigilante parties which were active. Certainly Richard M. Brown's number of thirty-five victims seems reasonable though they cannot all be connected with Granville Stuart.

Theodore Roosevelt's number of sixty-five fatalities seems a bit steep.

Most of the men killed by Stuart's vigilantes seem to have been guilty of stealing horses. Only a couple were accused of being cattle rustlers. The constant clamoring of stockmen about their loss of cattle to thieves represents as much an excuse for the raids as a precipitating factor. The desperateness of the outlaws was also widely celebrated, especially in secondary sources. But there is little first-hand evidence to account for it. They were often described as "dead

shots" or tough "gunslingers," but none were of concern to the stockmen except when they stole horses and it was for this crime primarily that they were executed. Teddy Blue wrote of the time he was out on the range and met Frank Hansen, who had escaped from the vigilantes at James' woodyard. As Hansen was out of grub, Blue and his companions shared theirs with him as was range courtesy. Hansen spent some time with Teddy Blue and his companions until they fell into disagreement on the subject of vigilantism at which point Hansen was told to take some food and ride.² Nothing in this incident suggests that this horse thief was ruthless or murderous. Besides, Floppin' Bill Cantrell was probably as tough and shady as any of the outlaws.

The stories of the victims, it is sad to say, are written on water. If the vigilantes knew the names of their victims, they recorded only a few. Those who escaped (like Hansen) understandably kept a low profile. But theirs is the other half of the story, and what they might have been able to tell us could have substantially changed our understanding of the situation. Without their accounts, we must realize that the story remains incomplete. As Joseph Kinsey Howard pointed out, these men were pioneers too.³

Nor would it be correct to assume that all the victims were guilty of stealing stock. At least two men were hanged whose guilt was not universally acknowledged. Ed Owens and Billy Downes were both men with a good reputation in Fort Benton, and the latter had demonstrated rare character and honesty in repaying a debt which his partners had chosen to forfeit. Granville Stuart described Downes as a thief in Forty Years,

but at the time he had been very angry with Anderson when he heard about the hanging. Another man generally considered honest was George Grinnell, whose death was rumored to be the work of Floppin' Bill Cantrell. Pierce Bolan suffered brutal treatment, possibly at the hands of Stuart's men, before being given the benefit of the doubt. The killing of innocent men by the vigilantes is an ingredient in many accounts and it weighs heavily against them. Even the Medora Badlands Cowboy, generally supportive of lynch law, found itself defending the rights of the victims. A fellow ought to have a chance to state his innocence, they argued in effect (page 127). Had they given the matter a bit of thought, the editors might have realized that the opportunity to demonstrate innocence is decidedly circumvented by the existence of a lynch party, the latter of which indicates that the former has already been determined.

No doubt Downes, Owens, and Grinnell could have provided a good defense had they been tried in a regular court of law, as might others. Louis Myres would have been hanged had Andrew Fergus caught up with him at Rocky Point. But ultimately, Stuart and Fergus had to give him back his horses which they had captured. They realized they could not convict him in court as their evidence was "hearsay." Nor would the thieves have paid with their lives had they been found guilty in a court of law. The seventh session of the Territorial Legislative Assembly had in 1872, fixed the penalty for grand larceny (to "feloniously steal take and carry away, lead, or drive away the personal goods or property of another...") at imprisonment for from one to fourteen years.

Altering brands was punishable by imprisonment for from six months to five years.⁴

But this brings us to the heart of the vigilante attitude. It is proclaimed again and again, from Stuart to Oscar O. Mueller, that the courts and lawmen of the Territory had failed to deal with the stock thieves. In a classic popular sovereignty argument, Hermann Hagedorn wrote,

Justice was to be done, and done it was with all the terrible relentlessness that always characterizes a free citizen when he takes back, for a moment, the powers he has delegated to a government which in a crisis has proved impotent or unwilling to exercise them.⁵

An assertion of this kind is easy to make and hard to disprove. In none of the accounts, Fletcher's, Stuart's, Mueller's, Teddy Blue's, are any specifics given. One might expect, for example, to find Granville Stuart's letter-press book full of petitions to the district Sheriff, to the legislature, and to the federal government for help with the horse thief situation, but there are none. There are scattered letters complaining of Indian depredations, but as to white thieves, this writer has found no communication to officials concerning them in the year of 1884. A brief study of court records in White Sulphur Springs reveals that though many complaints failed to result in arrests, there were arrests and convictions. Most surprising, however, is the fact that no records exist to show that Stuart ever filed complaints. More research along these lines needs to be done. For now, it should simply be noted that no specific evidence is presented to demonstrate that

concerted efforts were made to enlist the aid of the territory's legal machinery, nor does it present itself to the investigator. The crux of the complaint seems to be that the existence of thieves proves that the law had been ineffective.

When the stockmen did pursue legal avenues, they did not always use the best judgement. Certainly they were on the right track when they drafted legislation to create a board of livestock commissioners and to hire range detectives. But their first effort to pass the bill failed in 1883-84, because it called for a tax increase on the population at large to finance the operation. When the bill was vetoed by Governor Crosby, disappointed stockmen complained that they could get no help and began dealing with thieves on their own. A year later, the stockmen in the legislature again submitted the proposal, this time providing for a tax on livestock to finance the new commission and to pay detectives salaries. This bill proved more acceptable and was passed. Thus, either through greed or lack of political acumen, the stockmen in 1883-84 engineered the failure of their own protective measures and created the conditions they would later claim had driven them to take violent action.

Granville Stuart seems to have been an unusually conscientious cattleman. His was an effort to make a life at stock raising rather than a quick fortune. His stand in favor of cowboys who wanted to own cattle, his concern for the problem of overgrazing, and his work to organize stock associations and to reach common agreement concerning range problems, represent some of the most progressive and constructive

ingredients of the Great Plains cattle industry. Stuart's literate background and reflective temperament combined with his pioneer years in the gold fields and in the early settlements of Montana to produce a rare breed of frontiersman.

Yet, by the time Stuart entered into cattle ranching, his best years were in many ways behind him. In 1884, he turned fifty years old. The death of his brother James, to whom he had been uncommonly close, the death of his mother and some of his children, had the effect of generally hardening Stuart's gentlemanly disposition.⁶ He had long suffered the social stigma that went with being a "squaw man" at a time when Montana was growing more and more concerned with being civilized and cultivating social values. This, along with his involvement in the range cattle industry, which had also seen better days and was soon to decline, left Stuart belonging more properly to the early frontier era of the territory, an important part of the pioneer movement but a smaller voice in future events. The symbol of those early years had been his brother James: Indian fighter, explorer, mining-town sheriff, man of action. In many ways, Stuart's move to the cattle ranges of central Montana represented a move back to the frontier, back to the days he had shared with James. It was a move to a place where an individual could still make his mark, where men were measured by their fortitude and courage and not by social institutions.

This is, perhaps, a part of what the vigilante campaign was all about. For a man whose interest had once been in the philosophical and the poetic, the murder of more than twenty men for the crime of theft

represents a significant shift in values. It suggests a throw back to the days, twenty years earlier, when citizens in western Montana had taken the law into their own hands, perhaps back in 1862 when James Stuart had hanged the first man in Montana for the crime of stealing horses.

But Stuart's good years on the cattle frontier did not last long. By the mid-1800s there were signs that Stuart was under increasing strain. With the death of his faithful wife, Awbonnie, Stuart married a white school teacher who was despised by his children and even by dedicated hands like Teddy Blue. With remarkable and uncharacteristic coldness, Stuart sent his remaining children to live at a Catholic mission and never again had anything to do with them. On May 5, 1887, James Fergus wrote a revealing letter to Conrad Kohrs discussing Stuart. Referring to a previous conversation, Fergus wrote, "DS cattle have never been so well looked after...as when they were run by Stuart and Anderson on the first three years they were here..." He also praised the valuable service rendered by Stuart in his struggle against horse thieves. But Fergus also remarked, "This , however, has nothing to say or do about Granville having too many irons in the fire to keep them all from burning..."⁷ Stuart, it appears, was ready for another change of careers.

The first vigilante movement in American history occurred in South Carolina in 1767 and from then until 1900, vigilantism was a constant part of American life. It arose in response to a typical American problem, wrote Richard M. Brown, "...the absence of effective law and

order in a frontier region."⁸ Because life on the frontier shook the stability of orderly society, the organization of a vigilance committee represented a move to re-establish values. These values had been secure in older settled areas, but were threatened on the frontier by the existence of marginal characters and outlaws who seemed to herald social chaos. Wrote Brown,

Vigilante action was a clear warning to disorderly inhabitants that the newness of settlement would provide no opportunity for the erosion of the established values of civilization. Vigilantism was a violent sanctification of the deeply cherished values of life and property.⁹

Coming to central Montana in the late 1870s and early 80s, the cattlemen found roving bands of Indians and shady characters like wolfers, woodchoppers, and traders along with others whose means of livelihood were not clear. They brought with them their institutions. Fergus and Stuart brought their large libraries and claimed vast amounts of land for their cattle. Stuart began immediately to set up schools for his and neighboring children. They complained constantly about the presence of Indians and waged war on horse thieves, all to protect their newly transplanted values and institutions.

But there was an economic ingredient in many vigilante actions as well. Brown writes that vigilante leaders often wished to achieve their goals as cheaply as they could.

They were the typical frontier entrepreneurs. Their enterprise in commerce or land was often speculative, and they frequently skated on economic thin ice. The delicate balance of their personal finances could be easily upset;

hence, they had a lively awareness of the cost of public services and a yen to keep them down, lest, as substantial taxpayers, their own circumstances should suffer.¹⁰

Certainly the economic motivations were clear in the 1884 campaign.

One of the most frequent euphemisms for a lynching was the phrase used by Stuart in a letter to Sam Stuart on April 25, 1884: "If we catch them the county will not be put to any expense."¹¹ Adding to the economic considerations was the fact that by 1884, the cattle industry was nearing the end of its grace period and problems of overcrowding were becoming pronounced. Certainly it is more than coincidence that at this time, following a disappointing roundup season, the stockmen found they could no longer suffer the depredations of thieves when, in previous years, losses to Indians and animals had been much higher.

Vigilante campaigns were usually organized and led by the well-to-do members of the community, the "local elite." Most often their actions were directed against the lower level or marginal members of the community. As Brown noted,

The lower people were not outlaws but often tended to lawlessness and identified more with the outlaw element than the law-abiding members of the community. The outlaw element lived on the fringes of the community.¹²

This was clearly the case in 1884 with men like Granville Stuart and James Fergus, both prominent figures in territorial politics, leading the vigilante campaigns. Their victims included outlaws living along the Missouri River as well as marginal types who consorted with the thieves or who opened their establishment to them as, apparently, did

William Downes and Old Man James.

Thus, the vigilante campaign of 1884 seems to fit well into the classical mold of vigilante action. In a few respects, however, it was significantly different. First, a frequent characteristic of a vigilance committee in action was the holding of a brief semblance of a trial during which the accused might state his or her innocence.¹³ This formality (and it was usually just a formality) was, by all reports, dispensed with in 1884. Also, though the usual size of a vigilante committee ran between one hundred and several hundred members,¹⁴ Stuart's party probably included no more than fifteen men.* Yet, though one of the smallest vigilante movements in terms of membership, the Montana vigilantes of 1884 did not content themselves with one or two victims, as was usually the case. Stuart's group killed over twenty people and, taken together with the work of other vigilante groups in the area, there may have been as many as thirty-five victims making the general movement the bloodiest one in American history.¹⁵ For as long as there has been vigilantism, there has been opposition to it. Clearly, it violates the law even if it is done in the name of law and order. (Fergus wrote that the 1884 vigilante campaign would have been "heralded over the country as an act of good generalship and bravery were it not unlawful.")⁶ If vigilantism was often a vehicle of social order and stability, there were times when it was not. Though there is little

* But the fact that several cattlemen and finally the Montana Livestock Association contributed money to defray the expenses suggests that Stuart represented the interests, if not the will, of a great many.

evidence that the cattlemen in Montana took advantage of their horse thief roundup to attack small ranchers or farmers, such evidence is abundant in the Powder River affair, and we have seen that the latter was inspired by the former. Relying on the "law of passion" was a high and dangerous price to pay in return for a few less criminals, and it may, in subtle ways, have done more to encourage lawlessness than to contain it. As Brown explained,

Basic to American lawlessness has been our proclivity to pick and choose the laws we would obey, respecting those which we approve and defying those with which we disagree. Our arbitrary attitude toward law reflects a fundamental and deep-seated disrespect for law, or to put it another way, reveals only a superficial allegiance to law. Perhaps the most important result of vigilantism has not been its social-stabilizing effect but the subtle way in which it persistently undermined our respect for law by its repeated insistence that there are times when we may choose to obey the law or not.¹⁷

By 1891, Granville Stuart was out of the cattle business and hurting for money. He gratefully accepted an appointment as State Land Agent, a job which involved him in exhausting surveying work. But his repeated attempts to get himself a political appointment in return for his life-long service to the Democratic party finally payed off. In 1894, President Grover Cleveland appointed him United States Minister to Paraguay and Uruguay and from then until 1898 he served in that capacity and lived in Montevideo.¹⁸ When he lost that position with the election of President McKinley, he returned to Montana. His declining years were full of debts and law suits largely a result of his financial losses during his cattle ranching days. Friends, alarmed at his deteriorating health and financial situation, managed to push through the

state legislature a bill which would make Stuart the official state historian and give him a salary of three thousand dollars annually. He worked vigorously at writing a history of Montana, but friends finally persuaded him to apply himself more to his own memoirs. On September 16, 1918, he was stricken with a heart attack and died.¹⁹

Granville Stuart's story is the kind that fascinates historians. He spent nearly his entire life on one frontier or another and his experiences were remarkably rich and varied. He was raised in the sparsely settled regions of Iowa and Virginia. He spent his early days of manhood on the loose in the California gold fields and in the frontier mining settlements of western Montana. He was forty-five years old when he moved to the remote cattle country of east central Montana, sixty when he fulfilled his dreams of going to South America, and in his eighties when he completed his autobiography. Through his various careers, Stuart served in a number of frontier roles, among them prospector, merchant, trader, politician, and cattle rancher. But perhaps Granville Stuart's most successful career and most important role is the one we have studied and understood the least: that of vigilante.

APPENDIX

List of Victims of Granville Stuart's 1884 Vigilante Campaign*

DATE-PARTY LEADER	LOCATION	THE VICTIMS
July 3 or 4 Anderson	Near Fort Maginnis	Sam MacKenzie
July 3 or 4 Unknown**	Near Fort Maginnis	Possibly one or two unidentified
July 7 or 8 Burnett/Anderson	Missouri River at mouth of Musselshell	California Jack Four others unidentified
July 7 or 8 Anderson/Burnett***	Downes Trading Post, Missouri River	William Downes Charles Owens
July 20 Stuart	James' woodyard Missouri River	Old Man James Two James sons Stringer Jack Two to four others unidentified
August 28 Unknown****	Missouri River near mouth of Musselshell	Dixie Burr Johnnie Owens Swift Bill Cy Nickerson Phelps

Total: At least nineteen and perhaps as many as twenty three were killed during July and August, 1884 in incidents with which Stuart was probably connected. James Fergus said jokingly that Stuart had killed twenty-two men. I agree with his number. That means that probably one man was killed at about the same time as Sam MacKenzie and that three unidentified men were killed at James' woodyard.

*Not included here are those killed in Montana by vigilante committees operating independently of Stuart's. Such parties claimed the life of Narcissis Lavadure among others. Also not included are those killed by Montana vigilantes, probably led by Floppin' Bill Cantrell, in the Dakota Territory. These movements, combined with Stuart's Montana campaign, probably resulted in around 35 deaths.

**Letters and newspaper reports indicate that one and possibly two men were lynched at about the same time as MacKenzie in the Ft. Maginnis/DHS area.

***Burnett was in charge of the raid against California Jack's cabin but it was at Reece Anderson's insistence that they moved against Downes' trading post.

****No one confessed to this incident, but Reece Anderson was in the party escorting Dixie Burr and the others and only Stuart's vigilantes had a compelling reason to lynch men already in the custody of an U.S. Deputy Marshall.

NOTES

Part I

Chapter I: "Mr. Montana:" The First Forty Years

¹Granville Stuart, Forty Years on the Frontier as seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher, and Politician edited by Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) I, 16

²Granville Stuart, Diary & Sketchbook of a Journey to "America" in 1866, & Return Trip Up the Missouri River to Fort Benton, Montana edited by Carl Schaefer Dentzer (Los Angeles: Dawson's Book Shop, 1963) p. ix

³Paul Robert Treece, "Mr. Montana: The Life of Granville Stuart, 1834-1918" (2 Vols.; unpublished Ph.D. dissertation, Ohio State University, 1974) I, 2

⁴Ibid.

⁵Stuart, Forty Years, p. 23

⁶Treece, "Mr. Montana," I, 39

⁷Stuart, Forty Years, I, 28-29

⁸Ibid., I, 16

⁹Ibid., I, 37

¹⁰Ibid., I, 57

¹¹Ibid., I, 61

¹²Treece, "Mr. Montana," I, 118

¹³Stuart, Forty Years, I, 76

¹⁴Ibid., I, 7, 9-10

Weerah Bond

- ¹⁵ Ibid., I, 81, 90-91
- ¹⁶ quoted in Treece, "Mr. Montana," I, 177
- ¹⁷ Stuart, Forty Years, I, 101-102
- ¹⁸ Treece, "Mr. Montana," I, 115
- ¹⁹ Ibid., I, 118
- ²⁰ Stuart, Forty Years, I, 118
- ²¹ Ibid., I, 124
- ²² Ibid., I, 136
- ²³ Granville Stuart, Montana As It Is, (New York: C.S. Westcott, 1865) pp. 7-8
- ²⁴ Ibid., p. 8, 9
- ²⁵ Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976) p. 50
- ²⁶ Stuart, Forty Years, I, 205
- ²⁷ Treece, "Mr. Montana," I, 187
- ²⁸ Stuart, Forty Years, I, 218; Paul C. Phillips notes that Missoula county was organized on December 14, 1860. (Forty Years, I, 165) James and Granville were elected to their respective offices in the second official election for Missoula county officer. (Forty Years, I, 214)
- ²⁹ Ibid., I, 218-219; It is unclear whether James or one of the men from Elk City fired first, though presumably it was one of the latter.
- ³⁰ Ibid., I, 291-220
- ³¹ Treece, "Mr. Montana," I, 243

³²Stuart, Forty Years, I, 221n

³³Ibid.

³⁴Treece, "Mr. Montana," I, 232

³⁵quoted in Treece, "Mr. Montana," II, 417

³⁶Ibid.

³⁷Ibid., II, 419-420

³⁸Ibid., II, 313

³⁹Ibid., II, 418

⁴⁰Ibid., I, 40

⁴¹Ibid., II, 287

⁴²Ibid.

⁴³Paul C. Phillips' introduction to Stuart's Forty Years, I, 15

⁴⁴Oct. 16, 1960 and Dec. 6, 1964; Treece suggests that Stuart well deserved to be known as "Mr. Montana" and uses the phrase as the title and theme for his dissertation.

⁴⁵Quoted in Treece, II, 359

Chapter II: "The Beef Bonanza"

¹Walter Prescott Webb, The Great Plains (New York: Grosset & Dunlap, 1931) p. 152, 159

²see Howard R. Lamar, The Trader on the American Frontier: Myth's Victim, (College Station, Texas: Texas A & M University Press, 1977)

³Ernest Staples Osgood, The Day of the Cattleman (Minneapolis: University of Minnesota Press, 1929) p. 19

⁴Quoted in Ibid., p. 11n

⁵Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976) p. 111

⁶Granville Stuart, Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Sturat, Gold-Miner, Trader, Merchant, Rancher, and Politician edited by Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) II, 97

⁷Horace Greeley, An Overland Journey: From New York to San Francisco In the Summer of 1859 (New York: Alfred A. Knopf, 1964) p. 164

⁸Osgood, Day of the Cattleman, p. 11

⁹Ibid., p. 17

¹⁰Robert H. Fletcher, Free Grass to Fences: The Montana Cattle Range Story, (New York: University Publishers Incorporated, 1960) pp. 20-21

¹¹Osgood, Day of the Cattleman, p. 23

¹²Webb, The Great Plains, pp. 207-209

¹³Ibid., p. 223

¹⁴Osgood, Day of the Cattleman, p. 39

¹⁵Ibid., p. 45

¹⁶Malone and Roeder, Montana, p. 122

¹⁷"The Range and Ranch Cattle Business in the United States," Report on the Internal Commerce of the United States, (Washington, D.C.: U.S. Government Printing Office, 1885) p. 12

¹⁸Quoted in T.A. Larson, History of Wyoming (Lincoln: University of Nebraska Press, 1965) p. 165

- ¹⁹Quoted in Osgood, Day of the Cattleman, p. 83
- ²⁰(New edition; Norman: University of Oklahoma Press, 1959) pp. 34-36
- ²¹The Rocky Mountain Husbandman (White Sulphur Springs, Montana)
April 2, 1885
- ²²Quoted in Osgood, Day of the Cattleman, p. 86
- ²³Webb, The Great Plains, p. 224
- ²⁴Ibid., p. 224n
- ²⁵Malone and Roeder, Montana, pp. 116-17
- ²⁶Ibid., p. 117
- ²⁷Fletcher, Free Grass to Fences, p. 39
- ²⁸Osgood, Day of the Cattleman, p. 27
- ²⁹Walt Coburn, Pioneer Cattleman in Montana: The Story of the Circle C. Ranch (Norman: University of Oklahoma Press, 1968) p. 154
- ³⁰E.C. ("Teddy Blue") Abbott and Helena Huntington Smith, We Pointed Them North (Revised edition with notes; Norman: University of Oklahoma Press, 1955) p. 137n
- ³¹Ibid.
- ³²Malone and Roeder, Montana, p. 117
- ³³Ibid., pp. 117-118
- ³⁴Gene M. Gressley, Bankers and Cattlemen (New York: Alfred A. Knopf, 1966) p. 109
- ³⁵Osgood, Day of the Cattleman, p. 102
- ³⁶Stuart, Forty Years, II, 187-188

Chapter III: The Cattle King

¹Paul Robert Treece, "Mr. Montana: The Life of Granville Stuart, 1834-1918" (unpublished Ph.D. dissertation, Ohio State University, 1974) II, 371

²Ibid., II, 369

³Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976) p. 369

⁴Donald MacMillan, "The Gilded Age and Montana's DHS Ranch" Montana: The Magazine of Western History, XX, No. 2 (Spring, 1970) pp. 52-57; Granville Stuart, Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher, and Politician edited by Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) II, 99

⁵Stuart, Forty Years, II, 144

⁶MacMillan, "The Gilded Age..." p. 54

⁷Malone and Roeder, Montana, p. 113

⁸Treece, "Mr. Montana," II, 277-278

⁹MacMillan, "The Gilded Age..." p. 51; Stuart, Forty Years, II, 145

¹⁰Stuart, Forty Years, II, 146-47

¹¹Ibid., II, 147-48

¹²Ibid., II, 150

¹³Ernest Staples Osgood, The Day of the Cattlemen (Minneapolis: University of Minnesota Press, 1929) p. 144n

¹⁴Montana Institute of the Arts History Group, tape recording of Mary Stuart Abbott and Oscar O. Mueller, Lewistown, Montana, 1958. A typed transcript is available as is the tape itself at the Montana State University Library, Bozeman, Montana. The tape itself and not the transcript (which is incomplete) is referred to here and hereafter.

¹⁵Stuart, Forty Years, II, 148-149

¹⁶These figures come from estimates made by the United States Department of Agriculture. They are quoted in Leland Everett Stuart's "Men and Cattle on the Northern Plains," (unpublished Ph.D. dissertation, University of Oregon, 1971) p. 32. Dr. Stuart's dissertation is an excellent source of information on the cattle industry. It has been a valuable tool in my research. Dr. Stuart is not related to Granville Stuart though he is preparing an article on Stuart and Wyoming rancher John Clay.

¹⁷The Fort Benton River Press for 1884 is available on microfilm from Bancroft Library, University of California at Berkeley, and from the Montana Historical Society, Helena.

¹⁸Treece, "Mr. Montana," II, 277-278

¹⁹Edgar Beecher Bronson, Reminiscences of a Ranchman (New York: The McClure Company, 1908) pp. 293-296 Mr. Bronson's excellent but often neglected primary source. Dr. Leland Stuart brought it to my attention.

²⁰Quoted in Leland Everett Stuart, "Men and Cattle on the Northern Plains," p. 37

²¹Treece, "Mr. Montana," II, 381

²²Leland Everett Stuart, "Men and Cattle on the Northern Plains," p. 32; see also Granville Stuart, Forty Years, II, 227

²³Osgood, The Day of the Cattleman, p. 150; Helena Huntington Smith, The War on Powder River (Lincoln: University of Nebraska Press, 1966), pp. 27-28

²⁴E.C. ("Teddy Blue") Abbott and Helena Huntington Smith, We Pointed Them North: Recollections of a Cowpuncher (Norman: University of Oklahoma Press, [1939] 1955) pp. 129-130

²⁵Stuart, Forty Years, II, 167

²⁶Ibid., II, 148-149

²⁸Quoted by Fred Ojers in a three part article on the 1884 vigilantes, Great Falls Tribune, Sept. 19, 1926.

²⁹Ibid. A brief discussion of steamboating on the Missouri is contained in Malone and Roeder, Montana, p. 56. More discussion of steamboating and choppers is in Joseph Kinsey Howard, Montana: High, Wide, and Handsome (New Haven: Yale University Press, 1943) p. 122

³⁰Fort Benton River Press, Feb. 13, 1884

³¹Walt Coburn, Pioneer Cattlemen in Montana: The Story of the Circle C Ranch (Norman: University of Oklahoma Press, 1968) p. 37

³²Granville Stuart's letter-press is available on microfilm from the Montana Historical Society and is the source of all correspondence attributed to Stuart in this paper unless otherwise indicated.

³³Malone and Roeder, Montana, p. 122

³⁴Herman Hagedorn, Roosevelt in the Badlands (Boston: Riverside Press, 1921) p. 45

³⁵Leland Stuart, "Men and Cattle on the Northern Plains," p. 32

³⁶Fort Benton River Press, April 23, 1884

³⁷Letter from James Fergus to the Rocky Mountain Husbandman dated August 27, 1884. (Oscar O. Mueller Collection, Montana Historical Society, Helena, File Folder 1-8)

³⁸Granville Stuart to Jon S.M. Neil, August 17, 1884.

³⁹Helena Huntington Smith discussed the effects of overstocking and poor management of bulls in Wyoming. See The War on Powder River (Lincoln: University of Nebraska Press, 1966) pp. 18, 34, 46

⁴⁰The process of changing brands is described by Walt Coburn in Pioneer Cattlemen in Montana, p. 38; Helena Huntington Smith describes cattle stealing as it occurred in Wyoming where cattle, and not horses were the main object of thieves. See The War on Powder River, pp. 150-151

⁴¹Malone and Roeder, Montana, p. 122

⁴²Stuart, Forty Years, II, 197

- ⁴³Fergus to Rocky Mountain Husbandman, dated August 28, 1884.
- ⁴⁴Ibid.
- ⁴⁵Stuart, Forty Years, II, 205-206
- ⁴⁶Helena Smith refers to larger scale operations of this kind in War on Powder River, p. 179
- ⁴⁷Stuart, Forty Years, II, 150; Treece, "Mr. Montana..." 380
- ⁴⁸Agnes Wright Spring, Seventy Years: A Panoramic History of the Wyoming Growers Association, Published by the Wyoming Stock Growers Association, 1942. p. 99
- ⁴⁹Stuart, Forty Years, II, 175-76, 195
- ⁵⁰Stuart, Forty Years, II, 195-196

Part II

Chapter IV: A Word About Sources

- ¹Granville Stuart, Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher and Politician edited by Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) II, 206-210
- ²Biographical information on Mueller comes from assorted clippings in the Oscar O. Mueller Collection in the Montana Historical Society Library in Helena. Mueller died Jan. 3, 1964 at the age of eighty-six.
- ³Mueller's article, "The Central Montana Vigilante Raids of 1884" appears in a condensed form in Montana: The Magazine of Western History, I, No. 1 (Winter, 1951); A slightly longer, more detailed version is in the Mueller Collection at the Montana Historical Society Library in Helena. The longest and most detailed version, however, is contained in the December 30, 1951 Lewistown Daily News, published in Lewistown, Montana. References in this paper will be to the versions in Montana Magazine and the Daily News.
- ⁴Joseph Kinsey Howard, Montana: High, Wide and Handsome (New Haven: Yale University Press, 1943); See also the article by Richard B. Roeder "Joseph Kinsey Howard and His Vision of the West" Montana: The Magazine of Western History, Vol. 30, No. 1, Jan. 1980 pp. 2-11 for a sketch of this remarkable journalist/historian.

⁵Allis B. Stuart to Oscar O. Mueller, Sept. 7, 1944. The correspondence between Mueller and Allis B. Stuart and other correspondence bearing on Mueller's vigilante research are in the Mueller Collection at the Montana Historical Society Library in Helena.

⁶Mueller to Helena H. Smith, Sept. 22, 1960. Mueller Collection, Montana Historical Society Library, Helena.

⁷Mueller to Michael S. Kennedy, September 23, 1960. Mueller Collection, Montana Historical Society Library, Helena.

⁸Mueller, "The Central Montana Vigilante Raids..." Montana Magazine, pp. 26n, 32; In the Daily News version, Mueller writes that "major credit and assistance" came from William Burnett and his seems to be the most important testimony. His written account, however, gives few details.

⁹The Andrew Fergus Diary indicates that one "Williams" gave food to the vigilantes on July 21, 1884. A typescript copy of that diary is part of the Oscar O. Mueller Collection, Montana Historical Society Library, Helena.

¹⁰Allis B. Stuart to Oscar O. Mueller, June 17, 1942. Mueller Collection, Montana Historical Society, Helena. The letter continues "... when we gave [the papers] to Phillips it was with the instructions 'you are not to change a word not even to crossing a t or dotting an i.' Ted Abbott may have given Phillips information. Sam Stuart did but he certainly could not use that information only in footnotes."

¹¹Oscar O. Mueller, "Notes on Errata in 'Forty Years on the Frontier' As Related to the Central Montana Raids of 1884." Mueller Collection, Montana Historical Society, Helena. Mueller points out in "Errata" that dates in Forty Years are inaccurate as is information concerning the Rocky Point thieves Red Mike, Brocky Gallagher, and Dutch Louie Myers. This writer agrees that Forty Years is in error on these points and disagrees only with Mueller's conclusion that Stuart had "absolutely nothing" to do with the vigilante chapter.

¹²Paul Robert Treece, "Mr. Montana: The Life of Granville Stuart, 1834-1918" (2 Vols.; unpublished Ph.D. dissertation, Ohio State University, 1974) II, 464

¹³Allis B. Stuart to McClure and Company, Feb. 25, 1919. Allis B. Stuart Collection, Special Collection 1009, Folder 3-23, Montana Historical Society Library, Helena.

¹⁴Montana Institute of the Arts History Group, tape recording of Mary Abbott and Oscar O. Mueller, Lewistown, Montana, 1958. Tape available from Montana State University, Bozeman.

¹⁵Treece, "Mr. Montana..." II, 465-466

¹⁶Victor R. Dahl, "Granville Sturat" Author and Subject of Western History." Pacific Historical Review, vol. 39 (1970) p. 439 Paul C. Phillips is the author of two books on western history, The West in the Dipolmacy of the American Revolution (Urbana, Ill., 1913. Reprinted New York, 1967) and The Fur Trade, 2 vols. with the concluding chapters written by J.W. Smurr (Norman, Oklahoma, 1961)

¹⁷Treece, "Mr. Montana..." II, p. 466

¹⁸Richard M. Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism (Oxford, New York: Oxford University Press, 1975) p. 106

¹⁹Merill G. Burlingame, "Montana's Righteous Hangmen: A Reconsideration." Montana: The Magazine of Western History, vol. 18, no. 4, (Oct. 1978) p. 49

²⁰Paul C. Phillips in the introduction to Stuart's Forty Years, I, 14

²¹The sketch is contained in the Granville Stuart letter-press material for the year of 1882.

²²Montana Institute of the Arts History Group, taped interview with Mary Stuart Abbott.

²³From newspaper clippings in the Mueller Collection, Montana Historical Society, Helena.

²⁴Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976) p. 310

²⁵Burlingame, "Montana's Righteous Hangmen..." pp. 48-49

Chapter V: Vigilantes!

¹Granville Stuart's May 26, 1886 letter to Frank Canton is contained in the Granville Stuart letter-press book, a microfilm copy of which is available from the Montana Historical Society, Helena. All other references to Stuart correspondence, unless otherwise specified, are from the letter-press book.

²Ibid, Stuart to Sam Stuart, April 25, 1884

³Ibid, Stuart to Conrad Kohrs, May 21, 1884

⁴Allis B. Stuart to Oscar O. Mueller, September 10, 1940, Oscar O. Mueller Collection, Montana Historical Society, Helena. See also Hermann Hagedorn, Roosevelt in the Badlands (Boston: The Riverside Press, 1921) pp. 145-146

⁵Hagedorn, Roosevelt in the Badlands, pp. 146-147

⁶Fort Benton River Press, July 2, 1884. Issues of the River Press are available on microfilm from the Montana Historical Society, Helena

⁷Ibid., July 9, 1884

⁸Granville Stuart, Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher, and Politician edited by Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) II, 206-210

⁹Montana Institute of the Arts History Group, interview of Mary Stuart Abbott (also Oscar O. Mueller) Lewistown, Montana, 1958. A typed transcript, incomplete, is available of the interview from the library at Montana State University, Bozeman, Montana. The original tape is also there and all references to Mary Abbott are to the original tape.

¹⁰Ibid. Primary sources conflict as to when MacKenzie was hanged, morning or evening, July 3 or July 4. Stuart wrote to M.J. Hall on Oct. 16, 1884, that MacKenzie was hanged on July 3. In other details, there is surprising concensus. The MacKenzie incident reveals a great deal of cooperation between the military and local ranchers of which we will see more. The explanation for this may lie in the fact that the army had also been victimized by horse thieves. See page 93.

¹¹"Letters from a Recruit," Montana: The Magazine of Western History, XIX, No. 1 (Winter, 1969), p. 16; Francis Patrick Burke was born at Lowell, Massachusetts and was educated in public schools in Boston and at the Massachusetts Institute of Technology. In 1880 he entered into the Signal Service (which included the Weather Service) and accompanied the Greely expedition to Montana. He later became a sergeant in the military meteorological service, finally becoming the local forecast official and director of the Kentucky section of the Climate and Crop Service (information from the Burke Collection, Montana Historical Society, Helena). Burke's letters to his parents describe a number of the events of 1884, but also contain a number of glaring inaccuracies. He describes, for example, a famous gun battle which occurred on July 4, 1884 in Lewistown as happening in Maiden. This might be explained by the monotony of army life and the desire to "throw in another grizzly" to make for a better story.

¹²Montana Institute of the Arts History Group, taped interview with Mary Stuart Abbott.

¹³Burke, "Letters from a Recruit," p. 17

¹⁴Stuart, Forty Years, II, 201-202

¹⁵E.C. ("Teddy Blue") Abbott and Helena Huntington Smith, We Pointed Them North: Recollections of a Cowpuncher (Revised edition with notes; Norman : University of Oklahoma Press, 1955) p. 134-35

¹⁶Dorothy M. Johnson, "Independence Day, 1884," Montana: The Magazine of Western History, VII, No. 3 (July, 1958) pp. 2-7

¹⁷Fred Ojers, a three part article on the 1884 vigilantes, Great Falls Tribune, Oct. 3, 1926

¹⁸Harry Rash, "The Story of Harry Rash of the Discovery of Gold in the Little Rockies," edited by A.J. Noyes, Allis B. Stuart Collection, Montana Historical Society, Helena. Harry Rash came to Montana in 1883 to hunt and trap on the Missouri River. He claims to have discovered gold in the Little Rockies on a trip with Pike Landusky and 'Dutch Louie' near Alder Gulch. He also witnessed some vigilante actions. His story was taken down by A.J. Noyes (author of The Story of Ajax) who explained "What this story is worth I do not [know]. I am simply giving it as it was told to me."

¹⁹Oscar O. Mueller, "The Central Montana Vigilante Raids of 1884," Montana: The Magazine of Western History, I, no. 1 (Winter, 1951)

²⁰ Fred Ojers, Great Falls Tribune, Oct. 3, 1926; E.C. Abbott and Helena Huntington Smith, We Pointed Them North, p. 135; Stuart, Forty Years, II, 205

²¹ James Fergus to Wilbur F. Sanders, July 5, 1884, Oscar O. Mueller Collection, Man. File 761B. Montana State University Library, Bozeman

²² Mueller, "Central Montana Vigilante Raids..." (Montana Magazine) p. 26

²³ Andrew Fergus Diary, Montana Historical Society, Helena. A type-script copy is there. The original is missing.

²⁴ Stuart, Forty Years, II, 206-207; Stuart's letter-press, however, contains a letter from Stuart to A.W. Adams on Oct. 8, 1884 reading: "Flopper, Reece, Lynn, Frank, Buch, Tabor and Will Clark are over in the Rockies. Johnny Davis told Reece that he saw Duchy there only a few days before..."

²⁵ Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) pp. 29-30

²⁶ Ibid., p. 28

²⁷ William Burnett, written account of his years in Montana, Oscar O. Mueller Collection, Montana Historical Society, Helena. William C. Burnett had a fascinating career and it is unfortunate that we do not know more about him. Oscar O. Mueller refers to him as "my old friend..." in his letter to Helena H. Smith (Sept. 22, 1960) and it is through Mueller's correspondence that we learn about him. In a letter to Mrs. Stuart (Oct. 15, 1942) Mueller wrote concerning Mr. Burnett, "He was in the Texas Rangers for the years of '77 and '78. In '79 he came up with a herd from Texas to Laramie, Wyoming. He stayed there until 1882, then came to Montana..." W.C. Burnett wrote of his own experiences in Montana, probably at Mueller's request, and it is part of the Mueller Collection. He and his brother drifted up into the Judith Basin vaguely looking for work. They went to James Fergus's ranch where they were given dinner. Burnett writes, "I asked Mr. Fergus if he needed any men and he looked our outfit over and asked where we were from and I told him Texas. He says you look like a couple of horse thieves to me." It is not clear if Fergus was smiling when he said it. In 1882, Burnett went to work for the DHS.

²⁸ Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 28

- ²⁹Stuart, Forty Years, II, 205
- ³⁰C.E. Downes to James Fergus, Aug. 14, 1884. Mueller Collection, folder 1-6, Montana Historical Society, Helena.
- ³¹Stuart, Forty Years, II, 206
- ³²Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 29
- ³³Two articles in the July 23, 1884 Fort Benton River Press mention reports of the hanging of five men near Rocky Point. Since Rocky Point is some twenty miles from the mouth of the Musselshell and since four of the five men there were shot, the possibility suggests itself that five others were killed near Rocky Point. We know the Fergus party went there looking for thieves. But the evidence (p. 49) is that the thieves escaped and the diary of Fergus mentions nothing of any hanging (p. 61). It seems more likely that reference in the River Press is to the men killed by Burnett, Anderson, and company.
- ³⁴William Burnett statement, Mueller Collection, Montana Historical Society, Helena
- ³⁵Robert H. Fletcher, Free Grass to Fences: The Montana Cattle Range Story (New York: University Publishers Incorporated, 1960) p. 65
- ³⁶Fred Ojers, Great Falls Tribune, Oct. 3
- ³⁷Harry Rash, "The Story of Harry Rash..." Rash probably knew Floppin' Bill for they had both been partners of Powell "Pike" Landusky, a wild man, Indian-killing, living-legend who lived for thirty years in Montana. Landusky was killed in 1893 by Kid Curry (Harvey Logan) of the Wild Bunch. (see Walt Coburn's Pioneer Cattlemen in Montana, chapters 5-7)
- ³⁸Fletcher, Free Grass to Fences, p. 65
- ³⁹Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 30
- ⁴⁰Fletcher, Free Grass To Fences, p. 65
- ⁴¹Stuart, Forty Years, II, 207

⁴²Mueller writes that there were "about twelve" thieves. "Central Montana Vigilante Raids..." (Montana Magazine)p. 31; James Fergus in a letter to the Rocky Mountain Husbandman dated Aug. 28, 1884, wrote that there were "nearly as many thieves" as vigilantes (of which there were fourteen). Mueller Collection, Montana Historical Society, Helena. Yet the Andrew Fergus diary says there were fifteen thieves.

⁴³Stuart, Forty Years, II, 207-208

⁴⁴Ibid., II, 207

⁴⁵The Fort Benton River Press, Sept. 10, 1884; Granville Stuart named the five survivors as being Dixie Burr, Paddy Ross, Silas Nickerson, Orvil Edwards, and Swift Bill. See Forty Years, II, 207

⁴⁶Rufus F. Zogbaum, "With the Bluecoats on the Border," Harper's New Monthly Magazine, LXXII, No. 432, p. 851

⁴⁷Ibid.

⁴⁸Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 31

⁴⁹Fergus Diary, July 22

⁵⁰This letter is apparently on one of the pages missing from the Stuart letter-press book as it is not contained there. It turned up among James Fergus's papers and is now in the Mueller Collection.

⁵¹Zogbaum, "With the Bluecoats on the Border," p. 857

⁵²Fort Benton River Press, Sept. 10, 1884

⁵³Stuart, Forty Years, II, 208

⁵⁴Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 31; In the version of the article that appeared in the Lewistown Daily News, December 30, 1951, Mueller wrote: "To this day I have found no one present at this hanging willing to even at this late date, admit directly that the Deputy U.S. Marshall and his deputies helped hang the victims. The information from different sources is to the effect that some of the RL riders then in the lower Musselshell Valley, participated in, and, in fact, were responsible for, the hanging of the victims."

⁵⁵Fort Benton River Press, July 30, 1884

⁵⁶Allis B. Stuart to Oscar O. Mueller, June 18, 1942, Allis B. Stuart Collection, Special Collection 1009, folder 3-23, Montana Historical Society, Helena

⁵⁷Mueller, "The Central Montana Vigilante Raids..." (Montana Magazine) p. 34

Chapter VI: Aftermath: Rumors and Repercussions

¹Quoted in "Letters from a Recruit," Montana: The Magazine of Western History Vol. XIX, No. 1 (Winter, 1969)

²Aug. 21, 1884

³Hermann Hagedorn, ed., The Works of Theodore Roosevelt Vol. 1 National ed. (20 vols.; New York: Charles Scribner's Sons, 1926) p. 282

⁴Great Falls Tribune, Sept. 27, 1926

⁵Joseph Kinsey Howard, Montana: High, Wide, and Handsome (New Haven: Yale University Press, 1943) p. 134

⁶Richard Maxwell Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism (New York: Oxford University Press, 1975) pp. 103, 150

⁷Burke's letters were printed in "Letters from a Recruit," Montana: The Magazine of Western History Vol. XIX, No. 1 (Winter, 1969) pp. 14-22

⁸The Fort Benton River Press carried a story on July 23, 1884 reporting that two men, Dave Hilger and S.X. Swendeman had arrived in town with word that "...five horse thieves were captured and hung in the vicinity of Rocky Point a few days ago." The deed had been done by a "regularly organized band of cowboys" who had secured thirty-two head of stolen horses. This might refer to the California Jack episode except that the mouth of the Musselshell (where that episode took place) is twenty some miles from Rocky Point and, in that episode, only one

of the five were hanged, the rest were shot. (see page 74) Downes' trading post, on the other hand, was close to Rocky Point and thus more "in the vicinity" than California Jack's cabin.

⁹"Letters from a Recruit," p. 19

¹⁰See note number 11, Chapter V.

¹¹See Granville Stuart, Forty Years on the Frontier As Seen in the Journals and Reminiscences of Granville Stuart, Gold-Miner, Trader, Merchant, Rancher and Politician ed. Paul C. Phillips (2 Vols.; Cleveland: Arthur H. Clark Co., 1925) II, 207 and William Burnett, written statement of his years in Montana, Oscar O. Mueller Collection, Montana Historical Society, Helena. For biographical information of Burnett see note 27, Chapter V.

¹²"Letters from a Recruit," p. 19; The military was forbidden to interfere with or assist civil authorities in the performance of their duties by Federal legislation in 1878. The restriction, however, was often circumvented. See Frank R. Prassel, The Western Peace Officer: A Legacy of Law and Order (Norman: University of Oklahoma Press, 1972) pp. 194-96

¹³The Medora Badland's Cowboy is available on microfilm

¹⁴Hermann Hagedorn, Roosevelt in the Badlands, (Boston: The Riverside Press, 1921) pp. 197-198

¹⁵Fred Ojers in a three part article on the vigilantes for the Great Falls Tribune (Great Falls, Montana, Sept. 19, 26, Oct. 3, 1926). Information on Grinnell is in the second part, Sept. 27

¹⁶Ojers, Great Falls Tribune, Sept. 27. See also Fort Benton River Press, (Fort Benton, Montana) Oct. 20, 1884

¹⁷Hagedorn, Roosevelt in the Badlands, p. 195

¹⁸Robert H. Fletcher, Free Grass to Fences: The Montana Cattle Range Story (New York: University Publishers Incorporated, 1960) p. 65. See also page this paper.

¹⁹Usher L. Burdick, The Life and Exploits of John Goodall (Watford City, North Dakota: The MacKenzie County Farmer, 1931) p. 16

²⁰Robert Cory, "Tumbling Around These Prairies" Minot Daily News (Minot, North Dakota) Saturday, November 26, 1960, p. 5

²¹Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976) p. 123

²²Fletcher, Free Grass to Fences, pp. 65-66; Fletcher does not say so, but his information on the vigilante train probably came from Wallis Huidkoper, Land of the Dacotas (Helena, 1949) p. 15; George F. Shafer, "Early History of McKenzie County," Collections of the State Historical Society of North Dakota, Vol. IV (Grand Forks, 1913) p. 58; Joseph Henry Taylor, Frontier & Indian Life and Kaleidoscopic Lives, (Washburn, North Dakota, 1932) pp. 273-280; An account based on the above is written by Ray H. Mattison, "Roosevelt and the Stockmen's Association," North Dakota History (Bismark: State Historical Society) April, May, 1950 Volume 17, Nos. 1 and 2. See especially No. 1, p. 84 where Mattison writes: "A special train on the Northern Pacific, bearing the vigilantes and their horses, moved eastward from Billings, Montana. After stopping at various points, a party finally reached Medora where the train was abandoned. The committee was comprised of twenty members and was under the charge of a character known as 'Flopping Bill.'"

²³Oscar O. Mueller, "The Central Montana Vigilante Raids of 1884," Montana: The Magazine of Western History, Vol. i, No. 1 (Winter, 1951) p. 32

²⁴Fort Benton River Press, Aug. 6, 1884

²⁵Quoted in Joseph Kinsey Howard's, Montana: High, Wide, and Handsome, pp. 134-135

²⁶Quoted in Robert M. Horne, "James Fergus: Frontier Businessman-Miner-Rancher-Free-Thinker." (Unpublished D.Ed. dissertation, University of Montana, 1971) p. 92

²⁷James Fergus to the Rocky Mountain Husbandman, a letter dated Aug. 28, 1884. The original, referred to here, is in the Mueller Collection, File folder 1-12, Montana Historical Society, Helena

²⁸Howard, Montana: High, Wide, and Handsome, p. 136

²⁹Ibid., p. 135

³⁰ Ibid., pp. 135-136

³¹ Charles "Teddy Blue" Abbott and Helena Huntington Smith, We Pointed Them North: Recollections of a Cowpuncher (Revised edition with notes; Norman: University of Oklahoma Press, 1954) p. 135

³² Quoted in Howard, Montana: High, Wide, and Handsome, p. 135

³³ The Granville Stuart letter-press material is available on microfilm from the Montana Historical Society, Helena. All reference to Stuart correspondence, unless otherwise noted, is to that material.

³⁴ Fort Benton River Press, July 30, 1884

³⁵ Hirshberg's letter is in the Mueller Collection, File Folder 1-6, Montana Historical Society, Helena

³⁶ Mueller, "Central Montana Vigilante Raids..." p. 29

³⁷ Howard, Montana: High, Wide, and Handsome, p. 137

³⁸ Hagedorn, The Works of Theodore Roosevelt, Vol. I, pp. 383-384

³⁹ Quoted by Ojers, Great Falls Tribune, Sept. 27, 1926

⁴⁰ Stuart, Forty Years, II, 209

⁴¹ Mueller, "Central Montana Vigilante Raids..." p. 32

⁴² Howard, Montana: High, Wide, and Handsome, p. 134

⁴³ Mueller, "Central Montana Vigilante Raids..." p. 32

⁴⁴ Fletcher, Free Grass to Fences, pp. 61-64

⁴⁵ Stuart, Forty Years, II, 168

⁴⁶ Malone and Roeder, Montana, p. 121-22

⁴⁷ Fletcher, Free Grass to Fences, p. 64

⁴⁸Ibid.

⁴⁹Ibid., p. 71

⁵⁰Stuart, Forty Years, II, 206-207

⁵¹The Myres letter is with the Mueller Papers, Man. File 761B, Montana State University, Missoula.

⁵²The letter from Fergus to J.L. Stuart is in the Mueller Collection, File 1-8, Montana Historical Society, Helena.

⁵³Mueller, "Central Montana Vigilante Raids..." p. 34

⁵⁴Granville Stuart to J.X. Beider, July 14, 1886 (Stuart letter-press).

⁵⁵The letter from J.L. Stuart to James Fergus is part of the James Fergus Papers, Box 10, File 40, University of Montana Library, Missoula.

⁵⁶Mueller, "Central Montana Vigilante Raids..." p. 35

⁵⁷Stuart, Forty Years, II, 196

⁵⁸The district court records for as far back as 1879 are kept in the court house in White Sulphur Springs. They are incomplete and disorganized. Records of trials and convictions are contained in a book labeled Grand Jury Indictments, Third Judicial District Court, Meagher County, 1880-1884. Civil and criminal complaints are recorded in the Register of Court Actions, Probate Court, Meagher County, 1883-84. Other records are misplaced or nonexistent.

⁵⁹Ibid., Grand Jury Indictments

⁶⁰Helena Huntington Smith, The War on Powder River: The History of an Insurrection (Lincoln: University of Nebraska Press, 1966) pp. 121-134

⁶¹Quoted by T.A. Larson, History of Wyoming, (Lincoln: University of Nebraska Press, 1966) p. 270

- ⁶²Smith, War on Powder River, p. 133
- ⁶³Ijams' confession is in A.S. Mercer, The Banditti of the Plains or the Cattlemen's Invasion of Wyoming in 1892 (New edition: Norman: University of Oklahoma Press, 1954) p. 159
- ⁶⁴Ibid.
- ⁶⁵See page
- ⁶⁶Smith, War on Powder River, p. 98; see also Frank Richard Prassel, The Western Peace Officer: A Legacy of Law and Order, (Norman: University of Oklahoma Press, 1972) pp. 145-46
- ⁶⁷Smith, War on Powder River, pp. 161-78
- ⁶⁸Mueller wrote to Helena Smith about William Burnett's involvement in the Powder River War on September 22, 1960. The letter is part of the Mueller Collection, Montana Historical Society, Helena.
- ⁶⁹Smith, War on Powder River, 226
- ⁷⁰Stuart, Forty Years, II, 232
- ⁷¹Ibid., II, 233-34
- ⁷²Howard, Montana: High, Wide, and Handsome, p. 157
- ⁷³Stuart, Forty Years, II, 234
- ⁷⁴Ibid., II, 236
- ⁷⁵Abbott and Smith, We Pointed Them North, p. 176
- ⁷⁶Ibid.
- ⁷⁷Ernest Staples Osgood, The Day of the Cattlemen (Minneapolis: University of Minnesota Press, 1929) p. 220
- ⁷⁸Hagedorn, Roosevelt in the Badlands, p. 435
- ⁷⁹T.A. Larson, History of Wyoming, p. 191

⁸⁰Abbott and Smith, We Pointed Them North, p. 176

⁸¹Ibid., p. 179

⁸²Howard, Montana: High, Wide, and Handsome, p. 159

⁸³Yellowstone Journal (Miles City, Montana) Special historical edition, Sept. 27, 1900, p. 4 - quoted in Leland Stuart's "Men and Cattle on the Northern Plains, 1860-1887" (Unpublished Ph.D. dissertation, University of Oregon) p. 101. Stuart's dissertation is an excellent source of information concerning the winter of 1886-87. See also Malone and Roeder, Montana, p. 125

⁸⁴T.A. Larson, "The Winter of 1886-87 in Wyoming," Annals of Wyoming, XIV, Vol. 1, (Jan., 1942) pp. 14-16

⁸⁵Quoted in Osgood, Day of the Cattlemen, p. 217

⁸⁶John Clay, My Life on the Range (New edition; Norman: University of Oklahoma Press, 1962) p. 172

⁸⁷Stuart, Forty Years, II, 237

Chapter VII: Conclusions

¹Joseph Kinsey Howard, Montana: High, Wide, and Handsome (New Haven: Yale University Press, 1943) p. 137

²Charles "Teddy Blue" Abbott and Helena Huntington Smith, We Pointed Them North: Recollections of a Cowpuncher (Revised edition with notes; Norman: University of Oklahoma Press, 1955) p. 126

³Howard, Montana, p. 137

⁴"Laws, Memorials and Resolutions of the Territory of Montana Passed at the Seventh Session of the Legislative Assembly Begun at Virginia City Monday Dec. 4, 1871 and Concluded Jan. 12, 1872" Title X, Chapter VI, Sect. 72, 78. Contained in the Western Range Cattle Industry Study, Montana Writers' Project, (Montana State University, Bozeman) Reel #3

⁵Hermann Hagedorn, Roosevelt in the Badlands (Boston: Riverside Press, 1921) p. 158

⁶Paul Robert Treece, "Mr. Montana: The Life of Granville Stuart, 1834-1918." (2 Vols.; Unpublished Ph.D. dissertation, Ohio State University, 1974) II, 415

⁷James Fergus to Conrad Kohrs, May 5, 1887, James Fergus Collection, Man. File 674, Montana State University, Missoula.

⁸Richard Maxwell Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism (New York: Oxford University Press, 1975) p. 96

⁹Ibid., p. 97

¹⁰Ibid., p. 111

¹¹All references to Stuart correspondance is to the Granville Stuart letter-press book, (a microfilm copy of which is available from the Montana Historical Society, Helena) except where otherwise noted.

¹²Brown, Strain of Violence, pp. 104-105

¹³Ibid., p. 109

¹⁴Ibid., p. 108

¹⁵Ibid., p. 101

¹⁶James Fergus to the Rocky Mountain Husbandman, letter dated Aug. 28, 1884. The original, referred to here, is in the Mueller Collection, File Folder 1-12, Montana Historical Society, Helena

¹⁷Richard M. Brown, "The American Vigilante Tradition," in Hugh Davis Graham and Ted Robert Curr, eds., The History of Violence in America: Historical and Comparative Perspectives. A Report Submitted to the National Commission on the Causes and Prevention of Violence (New York: Frederick A. Praeger Publishers, 1969) p. 156

¹⁸Treece, "Mr. Montana" II, 425-438

¹⁹Ibid., II, 460

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