

American Legal History – Russell

Thomas J. Dimsdale, *The vigilantes of Montana; or, Popular justice in the Rocky Mountains. . .* (Virginia City, M.T., Montana Post Press, D.W. Tilton & Co., Book and Job Printers, 1866).

INTRODUCTORY

VIGILANCE COMMITTEES

The teeth that bite hardest are out of sight

--PROV.

The end of all good government is the safety and happiness of the governed. It is not possible that a high state of civilization and progress can be maintained unless the tenure of life and property is secure; and it follows that the first efforts of a people in a new country for the inauguration of the reign of peace, the sure precursor of prosperity and stability, should be directed to the accomplishment of this object. In newly settled mining districts, the necessity for some effective organization of a judicial and protective character is more keenly felt than it is in other places, where the less exciting pursuits of agriculture and commerce mainly attract the attention and occupy the time of the first inhabitants.

There are good reasons for this difference. The first is the entirely dissimilar character of the populations: and the second, the possession of vast sums of money by uneducated and unprincipled people, in all places where the precious metals may be obtained at the cost of the labor necessary to exhume them from the strata in which they lie concealed.

In an agricultural country, the life of the pioneer settler is always one of hard labor, of considerable privation, and of more or less isolation; while the people who seek to clear a farm in the wild forest, or who break up the virgin soil of the prairies, are usually of the steady and hard-working classes, needing little assistance from courts of justice to enable them to maintain rights which are seldom invaded; and whose differences, in the early days of the country, are for the most part so slight as to be scarcely worth the cost of a litigation more complicated than a friendly

and, usually, gratuitous, arbitration--submitted to the judgment of the most respected among the citizens.

In marked contrast to the peaceful life of the tiller of the soil and to the placid monotony of his pursuits, are the turbulent activity, the constant excitement, and the perpetual temptations to which the dweller in a mining camp is subject, both during his sojourn in the gulches, or if he be given to prospecting, in his frequent and unpremeditated change of location, commonly called a "stampede." There can scarcely be conceived a greater or more apparent difference than exists between the staid and sedate inhabitants of rural districts, and the motley group of miners, professional men, and merchants, thickly interspersed with sharpers, refugees, and a full selection from the dangerous classes that swagger, armed to the teeth, through the diggings and infest the roads leading to the newly discovered gulches, where lies the object of their worship--Gold.

Fortunately, the change to a better state of things is rapid, and none who now walk the streets of Virginia would believe that, within two years of this date, the great question to be decided was, which was the stronger, right or might?

And here it must be stated that the remarks which truth compels us to make, concerning the classes of individuals which furnish the law-defying element of mining camps, are in no wise applicable to the majority of the people, who, while exhibiting the characteristic energy of the American race in the pursuit of wealth, yet maintain, under every disadvantage, an essential morality, which is the more creditable since it must be sincere, in order to withstand the temptations to which it is constantly exposed. "Oh, cursed thirst of gold," said the ancient, and no man has even an inkling of the truth and force of the sentiment, till he has lived where gold and silver are as much the objects of desire and of daily and laborious exertion as glory and promotion are to the young soldier. Were it not for the preponderance of this conservative body of citizens, every camp in remote and recently discovered mineral regions would be a field of blood; and where this is not so, the fact is proof irresistible that the good is in sufficient force to control the evil and eventually to bring order out of chaos.

Let the reader suppose that the police of New York were withdrawn for twelve months, and then let them picture the wild saturnalia which would take the place of the order that reigns there now. If, then, it is so hard to restrain the dangerous classes of old and settled communities, what must be the difficulty of the task, when, tenfold in number, fearless in character, generally well armed, and supplied with money to an extent unknown among their equals in the East, such men find

themselves removed from the restraints of civilized society, and beyond the control of the authority which there enforce obedience to the law?

Were it not for the sterling stuff of which the mass of miners is made, their love of fair play, and their prompt and decisive action in emergencies, this history could never have been written, for desperadoes of every nation would have made this country a scene of bloodshed and a sink of iniquity such as was never before witnessed.

Together with so much that is evil, nowhere is there so much that is sternly opposed to dishonesty and violence as in the mountains; and though careless of externals and style, to a degree elsewhere unknown, the intrinsic value of manly uprightness is nowhere so clearly exhibited and so well appreciated as in the Eldorado of the West. Middling people do not live in these regions. A man or a woman becomes better or worse by a trip towards the Pacific. The keen eye of the experienced miner detects the imposter at a glance, and compels his entire isolation, or his association with the class to which he rightfully belongs.

Thousands of weak-minded people return, after a stay in the mountains, varying in duration from a single day to a year, leaving the field where only the strong of heart are fit to battle with difficulty and to win the golden crown which is the reward of persevering toil and unbending firmness. There is no man more fit to serve his country in any capacity requiring courage, integrity, and self-reliance, than an "honest miner," who has been tried and found true by a jury of mountaineers.

The universal license that is, at first, a necessity of position in such places, adds greatly to the number of crimes and to the facilities for their perpetration. Saloons, where poisonous liquors are vended to all comers and consumed in quantities sufficient to drive excitable men to madness and to the commission of homicide on the slightest provocation, are to be found in amazing numbers, and the villainous compounds there sold, under the generic name of whiskey, are more familiarly distinguished by the cognomens of "Tangle-leg," "Forty-rod," "Lightening," "Tarantula-juice," etc., terms only too truly describing their acknowledged qualities.

The absence of good female society, in any due proportion to the numbers of the opposite sex, is likewise an evil of great magnitude; for men become rough, stern, and cruel, to a surprising degree, under such a state of things.

In every frequented street, public gambling houses with open doors and loud music are resorted to, in broad daylight, by hundreds--it might almost be said--of all tribes and tongues, furnishing another fruitful source of "difficulties," which are commonly decided on the spot, by an appeal to brute force, the stab of a knife, or the discharge of a revolver. Women of easy virtue are to be seen promenading through the camp, habited in the gayest and most costly apparel and receiving fabulous sums for their purchased favors. In fact, all the temptations to vice are present in full display, with money in abundance to secure the gratification of the desire for novelty and excitement which is the ruling passion of the mountaineer. *

* * One marked feature of social intercourse, and (after indulgence in strong drink) the most fruitful source of quarrel and bloodshed, is the all pervading custom of using strong language on every occasion. Men will say more than they mean, and the unwritten code of the miners, based on a wrong view of what constitutes manhood, teaches them to resent by force what should be answered by silent contempt.

Another powerful incentive to wrong doing is the absolute nullity of the civil law in such cases. No matter what may be the proof, if the criminal is well liked in the community, "Not Guilty" is almost certain to be the verdict of the jury, despite the efforts of the Judge and prosecutor. If the offender is a moneyed man, as well as a popular citizen, the trial is only a farce--grave and prolonged, it is true, but capable of only one termination--a verdict of acquittal. In after days, when police magistrates in cities can deal with crime, they do so promptly. Costs are absolutely frightful, and fines tremendous. An assault provoked by drunkenness frequently costs a man as much as thrashing forty different policemen would do in New York. A trifling "tight" is worth from \$20 to \$50 in dust, all expenses told, and so on. One grand jury that we wot of presented that it would be better to leave the punishment of offenders to the Vigilantes, who always acted impartially, and who would not permit the escape of proved criminals on technical and absurd grounds--than to have justice defeated, as in a certain case named. The date of that document is not ancient, and though, of course, refused and destroyed, it was the deliberate opinion, on oath, of the Grand Inquest embodying the sentiment of thousands of good citizens in the community.

Finally, swift and terrible retribution is the only preventive of crime, while society is organizing in the far West. The long delay of justice, the wearisome proceedings, the remembrance of old friendships, etc., create a sympathy for the offender, so strong as to cause a hatred of the avenging law, instead of inspiring a horror of the crime. There is something in the excitement of continued stampedes that makes men of quick temperaments uncontrollably impulsive. In the moment of

passion, they would slay all round them; but let the blood cool, and they would share their last dollar with the men whose life they sought a day or two before.

Habits of thought rule communities more than laws, and the settled opinion of a numerous class is, that calling a man a liar, a thief, or a son of a b---h, is provocation sufficient to justify instant slaying. Juries do not ordinarily bother themselves about the lengthy instruction they hear read by the court. They simply consider whether the deed is a crime against the Mountain Code; and if not, "not guilty" is the verdict, at once returned. Thieving, or any action which a miner calls *mean*, will surely be visited with condign punishment, at the hands of a Territorial jury. In such cases mercy there is none; but, in affairs of single combats, assaults, shootings, stabbings, and highway robberies, the civil law, with its positively awful expense and delay, is worse than useless.

One other main point requires to be noticed. Any person of experience will remember that the universal story of criminals, who have expiated their crimes on the scaffold, or who are pining away in the hardships of involuntary servitude--tells of habitual Sabbath breaking. This sin is so general in newly discovered diggings in the mountains that a remonstrance usually produces no more fruit than a few jocular oaths and a laugh. Religion is said to be "played out," and a professing Christian must keep straight, indeed, or he will be suspected of being a hypocritical member of a tribe to whom it would be very disagreeable to talk about hemp.

Under these circumstances, it becomes an absolute necessity that good, law-loving, and order-sustaining men should unite for mutual protection and for the salvation of the community. Being united, they must act in harmony, repress disorder, punish crime, and prevent outrage, or their organization would be a failure from the start, and society would collapse in the throes of anarchy. None but extreme penalties inflicted with promptitude are of any avail to quell the spirit of the desperadoes with whom they have to contend; considerable numbers are required to cope successfully with the gangs of murderers, desperadoes, and robbers who infest mining countries, and who, though faithful to no other bond, yet all league willingly against the law. Secret they must be, in council and membership, or they will remain nearly useless for the detection of crime, in a country where equal facilities for the transmission of intelligence are at the command of the criminal and the judiciary; and an organization on this footing is a Vigilance Committee.

Such was the state of affairs, when five men in Virginia and four in Bannack initiated the movement which resulted in the formation of a tribunal, supported by an omnipresent executive, comprising within itself nearly every good man in the

Territory, and pledged to render impartial justice to friend and foe, without regard to crime, creed, race, or politics. In a few short weeks it was known that the voice of justice had spoken in tones that might not be disregarded. The face of society was changed, as if by magic; for the Vigilantes, holding in one hand the invisible yet effectual shield of protection, and in the other, the swift descending and inevitable sword of retribution, struck from his nerveless grasp the weapon of the assassin; commanded the brawler to cease from strife; warned the thief to steal no more; bade the good citizen take courage; and compelled the ruffians and marauders who had so long maintained the "reign of terror" in Montana, to fly the Territory, or meet the just rewards of their crimes. Need we say that they were at once obeyed? Yet not before more than one hundred valuable lives had been pitilessly sacrificed and twenty-four miscreants had met a dog's doom as the reward of their crimes.

To this hour, the whispered words, "Virginia Vigilantes" would blanch the cheek of the wildest and most redoubtable desperado, and necessitate an instant election between flight and certain doom.

The administration of the *lex talionis* by self-constituted authority is, undoubtedly, in civilized and settled communities, an outrage on mankind. It is there wholly unnecessary; but the sight of a few of the mangled corpses of beloved friends and valued citizens, the whistle of the desperado's bullet, and the plunder of the fruits of the patient toil of years spent in weary exile from home, in places where civil law is as powerless as a palsied arm from sheer lack of ability to enforce its decrees, alter the basis of the reasoning, and reverse the conclusion. In the case of the Vigilantes of Montana, it must be also remembered that the Sheriff himself was the leader of the Road Agents, and his deputies were the prominent members of the band.

The question of the propriety of establishing a Vigilance Committee depends upon the answers which ought to be given to the following queries: Is it lawful for citizens to slay robbers or murderers, when they catch them; or ought they to wait for policemen, where there are none, or put them in penitentiaries not yet erected?

Gladly, indeed, we feel sure, would the Vigilantes cease from their labor, and joyfully would they hail the advent of power, civil or military, to take their place; but till this is furnished by Government, society must be preserved from demoralization and anarchy; murder, arson, and robbery must be prevented or punished, and road agents must die. Justice and protection from wrong to person or property are the birthright of every American citizen, and these must be furnished

in the best and most effectual manner that circumstances render possible. Furnished, however, they must be by constitutional law, undoubtedly, wherever practical and efficient provision can be made for its enforcement. But where justice is powerless as well as blind, the strong arm of the mountaineer must wield her sword; for "self-preservation is the first law of nature."

Chapter XXIV

THE ARREST AND EXECUTION OF CAPTAIN J. A. SLADE,

with a Short Account of His Previous Career

Some write him hero, some a very knave; Curses and tears are mingled at his grave. --Anonymous

J.A. Slade, or as he was often called, Captain Slade, was raised in Clinton County, Ill., and was a member of a highly respectable family. He bore a good character for several years in that place. The acts which have given so wide a celebrity to his name were performed especially on the Overland Line, of which he was for years an official. Reference to these matters will be made in a subsequent part of this chapter.

Captain J. A. Slade came to Virginia City in the spring of 1863. He was a man gifted with the power of making money, and when free from the influence of alcoholic stimulants, which seemed to reverse his nature, and to change a kind-hearted and intelligent gentleman into a reckless demon, no man in the Territory had a greater faculty of attracting the favorable notice of even strangers, and in spite of the wild lawlessness which characterized his frequent spells of intoxication, he had many, very many friends whom no commission of crime itself could detach from his personal companionship. Another and less desirable class of friends were attracted by his very recklessness. There are probably a thousand individuals in the West possessing a correct knowledge of the leading incidents of a career that terminated at the gallows, who still speak of Slade as a perfect gentleman, and who not only lament his death, but talk in the highest terms of his character, and pronounce his execution a murder. One way of accounting for the diversity of opinion regarding Slade is sufficiently obvious. Those who saw him in his natural state only would pronounce him to be a kind husband, a most hospitable host, and a courteous gentleman. On the contrary, those who met him when maddened with liquor and surrounded by a gang of armed roughs would pronounce him a fiend incarnate.

During the summer of 1863 he went to Milk River as a freighter. For this business he was eminently qualified, and he made a great deal of money. Unfortunately his habit of profuse expenditure was uncontrollable, and at the time of his execution he was deeply in debt almost everywhere.

After the execution of the five men on the 14th of January the Vigilantes considered that their work was nearly ended. They had freed the country from highway-men and murderers to a great extent, and they determined that in the absence of the regular civil authority they would establish a People's Court, where all offenders should be tried by a judge and jury. This was the nearest approach to social order that the circumstances permitted, and though strict legal authority was wanting, yet the people were firmly determined to maintain its efficiency and to enforce its decrees. It may here be mentioned that the overt act which was the last round on the fatal ladder leading to the scaffold on which Slade perished was the tearing in pieces and stamping upon a writ of this court, followed by the arrest of the judge, Alex Davis, by authority of a presented derringer and with his own hands.

J. A. Slade was himself, we have been informed, a Vigilanter: he openly boasted of it, and said he knew all that they knew. He was never accused or even suspected of either murder or robbery committed in this Territory (the latter crimes were never laid to his charge any place); but that he had killed several men in other localities was notorious, and his bad reputation in this respect was a most powerful argument in determining his fate, when he was finally arrested for the offense above mentioned. On returning from Milk River he became more and more addicted to drinking; until at last it was a common feat for him and his friends to "take the town." He and a couple of his dependents might often be seen on one horse, galloping through the streets, shouting and yelling, firing revolvers, etc. On many occasions he would ride his horse into stores; break up bars, toss the scales out of doors, and use most insulting language to parties present. Just previous to the day of his arrest he had given a fearful beating to one of his followers; but such was his influence over them that the man wept bitterly at the gallows, and begged for his life with all his power. It had become quite common when Slade was on a spree for the shopkeepers and citizens to close the stores and put out all the lights, being fearful of some outrage at his hands. One store in Nevada he never ventured to enter--that of the Lott brothers--as they had taken care to let him know that any attempt of the kind would be followed by his sudden death, and though he often rode down there, threatening to break in and raise ----, yet he never attempted to carry his threat into execution. For his wanton destruction of goods and furniture he was always ready to pay when sober if he had money; but there were not a few

who regarded payment as small satisfaction for the outrage, and these men were his personal enemies.

From time to time Slade received warnings from men that he well knew would not deceive him, of the certain end of his conduct. There was not a moment, for weeks previous to his arrest, in which the public did not expect to hear of some bloody outrage. The dread of his very name, and the presence of the armed band of hangers-on who followed him, alone prevented a resistance which must certainly have ended in the instant murder to mutilation of the opposing party.

Slade was frequently arrested by order of the court whose organization we have described, and had treated it with respect by paying one or two fines, and promising to pay the rest when he had money; but in the transaction that occurred at this crisis, he forgot even this caution, and goaded by passion and the hatred of restraint, he sprang into the embrace of death.

Slade had been drunk and "cutting up" all night. He and his companions had made the town a perfect hell. In the morning, J. M. Fox, the sheriff, met him, arrested him, took him into court, and commenced reading a warrant that he had for his arrest, by way of arraignment. He became uncontrollably furious, and seizing the writ, he tore it up, threw it on the ground, and stamped upon it. The clicking of the locks of his companions' revolvers was instantly heard and a crisis was expected. The sheriff did not attempt his capture; but being at least as prudent as he was valiant, he succumbed, leaving Slade the master of the situation, and the conqueror and ruler of the courts, law, and law-makers. This was a declaration of war, and was so accepted. The Vigilance Committee now felt that the question of social order and the preponderance of the law-abiding citizens had then and there to be decided. They knew the character of Slade, and they were well aware that they must submit to his rule without murmur, or else that he must be dealt with in such fashion as would prevent his being able to wreak his vengeance on the Committee, who could never have hoped to live in the Territory secure from outrage or death, and who could never leave it without encountering his friends, whom his victory would have emboldened and stimulated to a pitch that would have rendered them reckless of consequences. The day previous, he had ridden into Dorris' stores, and on being requested to leave, he drew his revolver and threatened to kill the gentleman who spoke to him. Another saloon he had led his horse into, and buying a bottle of wine, he tried to make the animal drink it. This was not considered an uncommon performance, as he had often entered saloons and commenced firing at the lamps, causing a wild stampede.

A leading member of the Committee met Slade, and informed in the quiet, earnest manner of one who feels the importance of what he is saying, "Slade, get your horse at once, and go home or there will be ---- to pay." Slade started and took a long look with his dark and piercing eyes, at the gentleman--"What do you mean?" said he. "You have no right to ask me what I mean," was the quiet reply, "get your horse at once, and remember what I tell you." After a short pause he promised to do so, and actually got into the saddle; but, being still intoxicated, he began calling aloud to one after another of his friends, and at last seemed to have forgotten the warning he had received and became again uproarious, shouting the name of a well-known prostitute in company with those two men whom he considered heads of the Committee, as a sort of challenge; perhaps, however, as a single act of bravado. It seems probable that the intimation of personal danger he had received had not been forgotten entirely; though, fatally for him, he took a foolish way of showing his remembrance of it. He sought out Alexander Davis, the Judge of the Court, and drawing a cocked derringer, he presented it at his head, and told him that he should hold him as a hostage for his own safety. As the Judge stood perfectly quiet, and offered no resistance to his captor, no further outrage followed on this score. Previous to this, on account of the critical state of affairs, the Committee had met, and at last resolved to arrest him. His execution had not been agreed upon, and, at that time, would have been negatived, most assuredly. A messenger rode down to Nevada to inform the leading men of what was on hand, as it was desirable to show that there was a feeling of unanimity on the subject, all along the Gulch.

The miners turned out almost en masse, leaving their work and forming in solid column, about six hundred strong, armed to the teeth, they marched up to Virginia. The leader of the body well knew the temper of his men on the subject. He spurred on ahead of them, and hastily calling a meeting of the Executive, he told them plainly that the miners meant "business," and that, if they came up, they would not stand in the street to be shot down by Slade's friends; but that they would take him and hang him. The meeting was small, as the Virginia men were loath to act at all. This momentous announcement of the feeling of the Lower Town was made to a cluster of men, who were deliberating behind a wagon, at the rear of a store on Main Street, where the Ohlinghouse stone building now stands.

The Committee was most unwilling to proceed to extremities. All the duty they had ever performed seemed as nothing to the task before them; but they had to decide, and that quickly. It was finally agreed that if the whole body of the miners were of the opinion that he should be hanged, the Committee left it in their hands

to deal with him. Off, at hot speed, rode the leader of the Nevada men to join his command.

Slade had found out what was intended, and the news sobered him instantly. He went into P. S. Pfout's store, where Davis was, and apologized for his conduct, saying that he would take it all back.

The head of the column now wheeled into Wallace street and marched up at quick time. Halting in front of the store, the executive officer of the Committee stepped forward and arrested Slade, who was at once informed of his doom, and inquiry was made as to whether he had any business to settle. Several parties spoke to him on the subject; but to all such inquiries he turned a deaf ear, being entirely absorbed in the terrifying reflections on his own awful position. He never ceased his entreaties for life, and to see his dear wife. The unfortunate lady referred to, between whom and Slade there existed a warm affection, was at this time living at their ranch on the Madison. She was possessed of considerable personal attractions; tall, well-formed, of graceful carriage, pleasing manners, and was, withal, an accomplished horsewoman.

A messenger from Slade rode at full speed to inform her of her husband's arrest. In an instant she was in the saddle, and with all the energy that love and despair could lend to an ardent temperament and a strong physique, she urged her fleet charger over the twelve miles of rough and rocky ground that intervened between her and the object of her passionate devotion.

Meanwhile a party of volunteers had made the necessary preparations for the execution, in the valley traversed by the branch. Beneath the site of Pfout's and Russel's stone building there was a corral, the gate-posts of which were strong and high. Across the top was laid a beam, to which the rope was fastened, and a dry-goods box served for the platform. To this place Slade was marched, surrounded by a guard, composing the best-armed and most numerous force that has ever appeared in Montana Territory.

The doomed man had so exhausted himself by tears, prayers, and lamentations, that he had scarcely strength left to stand under the fatal beam. He repeatedly exclaimed, "My God! my God! must I die? Oh my dear wife!"

On the return of the fatigue party, they encountered some friends of Slade, staunch and reliable citizens and members of the Committee, but who were personally attached to the condemned. On hearing of his sentence, one of them, a stout-hearted man, pulled out his handkerchief and walked away, weeping like a child.

Slade still begged to see his wife most piteously, and it seemed hard to deny his request; but the bloody consequences that were sure to follow the inevitable attempt at a rescue that her presence and entreaties would have certainly incited, forbade the granting of his request. Several gentlemen were sent for to see him in his last moments, one of whom (Judge Davis) made a short address to the people; but in such low tones as to be inaudible, save to a few in his immediate vicinity. One of his friends, after exhausting his powers of entreaty, threw off his coat and declared that the prisoner could not be hanged until he himself was killed. A hundred guns were instantly leveled at him; whereupon he turned and fled; but, being brought back, he was compelled to resume his coat, and to give a promise of future peaceable demeanor.

Scarcely a leading man in Virginia could be found, though numbers of the citizens joined the ranks of the guard when the arrest was made. All lamented the stern necessity which dictated the execution.

Everything being ready, the command was given. "Men, do your duty," and the box being instantly slipped from beneath his feet, he died almost instantaneously.

The body was cut down and carried to the Virginia Hotel, where, in a darkened room, it was scarcely laid out, when the unfortunate and bereaved companion of the deceased arrived, at headlong speed, to find that all was over, and that she was a widow. Her grief and heart-piercing cries were terrible evidences of the depth of her attachment for her lost husband, and a considerable period elapsed before she could regain the command of her excited feelings.

J. A. Slade was, during his connection with the Overland Stage Company, frequently involved in quarrels which terminated fatally for his antagonists. The first and most memorable of these was his encounter with Jules, a station-keeper at Julesburg, on the Platte River. Between the inhabitants, the emigrants, and the stage people, there was a constant feud, arising from quarrels about missing stock, alleged to have been stolen by the settlers, which constantly resulted in personal difficulties, such as beating, shooting, stabbing, etc., and it was from this cause that Slade became involved in a transaction which has become inseparably associated with his name, and which has given a coloring and tone to all descriptions of him, from the date of the occurrence to the present day.

There have been so many versions of the affair, all of them differing more or less in important particulars, that it has seemed impossible to get at the exact truth; but the following account may be relied on as substantially correct:

From overlanders and dwellers on the road we learn that Jules was himself a lawless and tyrannical man, taking such liberties with the coach stock and carrying matters with so high a hand that the company determined on giving the agency of the division to J. A. Slade. In a business point of view, they were correct in their selection. The coach went through at all hazards. It is not to be supposed that Jules would submit to the authority of a new-comer, or, indeed, of any man that he could intimidate; and a very limited intercourse was sufficient to increase the mutual dislike of the parties, so far as to occasion an open rupture and bloodshed. Slade, it is said had employed a man discharged by Jules, which irritated the latter considerably; but the overt act that brought matters to a crisis was the recovery by Slade of a team "sequestered" by Jules. Some state that there had been a previous altercation between the two; but, whether this be true or not, it appears certain that on the arrival of the coach, with Slade as a passenger, Jules determined to arrest the team, then and there; and that finding Slade was equally determined on putting them through, a few expletives were exchanged, and Jules fired his gun, loaded with buckshot, at Slade, who was unarmed at the time, wounding him severely. At his death, Slade carried several of these shots in his body. Slade went down the road, till he recovered of his wound. Jules left the place, and in his travels never failed to let everybody know that he would kill Slade, who, on his part, was not backward in reciprocating such promises. At last, Slade got well; and, shortly after, was informed that his enemy had been "corralled by the boys," whereupon he went to the place designated, and, tying him fast, shot him to death by degrees. He also cut off his ears, and carried them in his vest pocket for a long time.

One man declares that Slade went up to the ranch where he had heard that Jules was and, "getting the drop on him," that is to say, covering him with his pistol before he was ready to defend himself, he said, "Jules, I am going to kill you;" to which the other replied, "Well, I suppose I am gone up; you've got me now;" and that Slade immediately opened fire and killed him with his revolver.

The first story is the one almost universally believed in the West, and the act is considered entirely justifiable by the wild Indian fighters of the frontier. Had he simply killed Jules, he would have been justified by the accepted Western law of retaliation. The prolonged agony and mutilation of his enemy, however, admit of no excuse.

While on the road, Slade ruled supreme. He would ride down to a station, get into a quarrel, turn the house out of windows, and maltreat the occupants most cruelly. The unfortunates had no means of redress, and were compelled to recuperate as best they could. On one of these occasions, it is said, he killed the father of the fine

little half-breed boy, Jemmy, whom he adopted, and who lived with his widow after his execution. He was a gentle, well-behaved child, remarkable for his beautiful, soft, black eyes, and for his polite address.

Sometimes Slade acted as a lyncher. On one occasion, some emigrants had their stock either lost or stolen and told Slade, who happened to visit their camp. He rode, with a single companion, to a ranch, the owners of which he suspected, and opening the door, commenced firing at them, killing three and wounding the fourth.

As for minor quarrels and shootings, it is absolutely certain that a minute history of Slade's life would be one long record of such practices. He was feared a great deal more, generally, than the Almighty, from Kearney, west. There was, it seems, something in his bold recklessness, lavish generosity, and firm attachment to his friends, whose quarrel he would back, everywhere and at any time, that endeared him to the wild denizens of the prairie, and this personal attachment it is that has cast a veil over his faults, so dark that his friends could never see his real character, or believe their idol to be a blood-stained desperado.

Stories of his hanging men and of innumerable assaults, shootings, stabbings, and beatings, in which he was a principal actor, form part of the legends of the stage line; nevertheless, such is the veneration still cherished for him by many of the old stagers, that any insult offered to his memory would be fearfully and quickly avenged. Whatever he did to others, he was their friend, they say; and so they will say and feel till the tomb closes over the last of his old friends and comrades of the Overland.

It should be stated that Slade was, at the time of his coming West, a fugitive from justice in Illinois, where he killed a man with whom he had been quarreling. Finding his antagonist to be more than his match, he ran away from him, and in his flight, picking up a stone, he threw it with such deadly aim and violence that it penetrated the skull of his pursuer, over the eye, and killed him. Johnson, the sheriff, who pursued him for nearly four hundred miles, was in Virginia City not long since, as we have been informed by persons who knew him well.

Such was Captain J. A. Slade, the idol of his followers, the terror