

JUDGE LYNCH'S COURT AT WHOOPING HOLLOW.



seemed to have been literally scooped when the rocks were plastic—Titanic hands holding the

WHOOPING HOLLOW is the unepic name of a mining camp in the very heart of the Taos Range—or rather, *was*, for it has been expunged from the map those twenty-five years, and but few of the present generation in New Mexico are aware that such a place ever existed. It was almost inaccessible, so awfully abrupt and broken were the bare granite ridges surrounding it, out of which the circumscribed valley in which the town lay

scraper, and the lightning the propelling power. How the place received its strange appellation was a mystery even to the majority of the miners who worked there for nearly five years with picks, shovels, long-toms, sluices, and other appliances for extracting the ore from the refractory rock. The quantity of the precious metals shipped during that period made the camp famous, and resulted in building up a town of rude shanties and dugouts which at the height of its prosperity numbered over twelve hundred souls. But you cannot find Whooping Hollow on any modern map, for it played out in less than six years from the date of the discovery of gold there; though several fortunes were mined in that time, and made by traffic the specialty of which was bad whisky.

There was a legend current in the early days of the valley's occupancy, that was honestly believed in, which affirmed that the first party of prospectors, consisting of four or five men, all Tennesseans, who entered the great cañon in their search, were rewarded well for their pains, finding plenty of water, game, fuel, together with other necessaries in the prosecution of their vocation—a beautiful place for their camp, lots of silver, and gold in paying quantities—were scared out

of the gulch (to which they never returned) by an unearthly screeching, seemingly emanating from a human throat. Its ghostly owner, they declared, visited their camp every night about 11 o'clock, and on the top of a timbered knoll, where they could plainly see it as the moonlight sifted through the scattered pignons and dwarfed cedars, took its stand, setting up its blood-curdling cries, which it continued with short intervals of cessation, until daybreak. Those men, it was alleged, were a very ignorant and superstitious set, who, after three nights of their weird experience, could bear it no longer, and were absolutely driven away through fright.

Of course they told others of their rich strike, not forgetting to mention the "hant" of the place, as they called it; but these others, old mountaineers, not fearing any disturbance from the moonlight specter, went there, established their camp—to which hundreds soon flocked—calling it Whooping Hollow, in derision of the tale told by the alarmed Tennesseans; which name it retained during its whole existence, and was known and recognized by that as a postoffice on the mail records in Washington.

In all probability what the men really heard was the mottled or American screech-owl, which

makes a plaintive noise, and a peculiar sound during part of its mournful notes, like the chattering of teeth, keeping up its alternating whooping and moaning all night. It loves to perch on some blasted tree in the moonlight, and the disembodied form seen by the superstitious miners must have been a shattered and denuded pignon, on which the nocturnal bird sat, that, escaping their vision in the daytime, was exaggerated by their frightened eyes at night into the "hant" of the place!—But this is not a ghost story, and the reader will pardon the digression.

The region in which Whooping Hollow was situated is the roughest, and, to employ a mining phrase, the "lumpiest" portion of the whole Taos range. It is a deep gulch in the strictest interpretation of the word, formed by two lofty divides, whose crests tower skyward from their bases more than 3,000 feet, which themselves are over 5,000 feet above the Atlantic's level, and the distance across the narrow valley at its widest part scarcely three-quarters of a mile. The angle of the slope of the two opposing mountains is a little less than 85 degrees, making their sides, as may be inferred, very precipitous.

The town's era of prosperity was long before the days of railroads in that portion of the continent,

and such feats of engineering as have been accomplished since in the way of "hog-backs," loops and tunnels were not dreamed of as among the possibilities of mountain travel. Nor was there even a wagon-road to Whooping Hollow. Such a thing would have been regarded equally as difficult and expensive as the wonderful achievement of the Atchison, Topeka & Santa Fé in climbing the Raton Range a dozen years later. Everything was "packed" into the place on muleback, at a minimum cost of twenty-five cents a pound, whether the simplest necessities of life or a saw-mill, and the zig-zag trail the sure-footed beasts were compelled to travel up and down the fearful slopes of the great divides to get in and out of the rocky streets of the narrow town, made one dizzy to look at.

The rude collection of shanties, through courtesy called the town of Whooping Hollow, was built on one side of a little creek which ran at a fearful rate in the bottom of the gulch, whose waters, boiling and foaming, like all mountain streams, rushed over and around the immense boulders with which its narrow bed was choked; while on the opposite side, immediately facing the principal street, extending for miles both ways, on the hill, the mining claims were located.

The houses were in most instances mere shells, constructed of rough slabs; while a few were of hewn logs, presenting a relatively neat appearance. The roofs of all, however, were flat, and covered with earth; they rose one above the other like a flight of stairs, so that one could easily step out of his door upon the top of his neighbor's dwelling below, so precipitous was the side of the mountain on which the place was of necessity laid out. The town consisted of four streets—one devoted entirely to business, the other three to residences only. There were five stores, whose stock was of that character known throughout the West and in the mountains as "general." That is, their proprietors almost literally kept everything, from a toothpick to a steam engine, or from a shoestring to a silk dress. The place boasted also of twelve banks—of deposit only—faro and monte; for the unfortunate individual who once laid his money on the green-cloth tables of these institutions rarely saw any of it again: it was permanently invested! Of saloons, too, Whooping Hollow had its full complement—I think there were thirty at one time; and their owners were not obliged to contribute anything to the support of the town, for as to municipal expenses, there were none. Yet the discipline of

the place was fair, to say the least: the ratio of violent deaths to the number of inhabitants was not nearly as great as in any of the Eastern cities; and as to thieving or burglary, such crimes were as rare as a church service—which Whooping Hollow never had during the whole period of its existence. Of course such a unique condition of morality is easily accounted for. “Judge Lynch’s” court was the only tribunal for the trial of offenses against the peace and dignity of the town, and from its decisions there was no appeal. Besides, society there was so constituted that it could condone a murder if there existed the slightest shadow of extenuating circumstances, but it would never forgive the unlawful appropriation of another’s goods, particularly of horses; horse-stealing being the unpardonable sin, as it is generally on the frontier, the prompt remedy for which was “a short shrift and a long rope.”

Notwithstanding the fact that perhaps there were hundreds of men in Whooping Hollow to whose ears the shrill whistle of a bullet would sound sweeter than the soft notes of a flute, still their general good-nature, when sober, and principle of “honor among thieves,” kept them within bounds. Occasionally—very naturally, too—there were desperate fights over the gambling-

tables in the hells which abounded in Whooping Hollow, and frequently an outrageously obstreperous individual, full of “bug-juice,” as the vile whisky dispensed in the saloons was called, would get a hole drilled into him by a No. 44 revolver-ball, or his vitals carved with an eleven-inch bowie. But arrests were rarely made in quarrels of that character, because extenuating circumstances generally existed. Often, under the excellent care of the skillful doctor—a former army surgeon, who had established himself there—the belligerents would recover from their fearful encounter, but oftener took up their last “claim” of six-feet-by-two in “The Bone Orchard,” as the cemetery on the timbered knoll (where it was alleged the “hant” was originally seen) had been dubbed by the citizens of Whooping Hollow.

The average miner (and the miners’ claims radiated from the place in all directions at varying distances, some as far as thirty miles) would come into town once a week at least, generally Sunday, and if he had been fortunate in his diggings would make a break for the first gaming-table in his way. If he by any chance won he would “make the rounds,” which in local parlance meant stopping at every saloon to treat the crowd of thirsty bummers always present on such

occasions, and sometimes provoking a quarrel with the first man who got in his way. But if losing, the rule generally, he went drunk and sulky back to his claim, consoling himself with the hope of better luck next time. And so the lives of the majority were passed. Not a few died "with their boots on" in some drunken row with their friends, to whom they had offered a real or fancied insult.

As in all mining-camps at the period of Whooping Hollow's boom, a most heterogeneous crowd composed its residents and transient occupiers. In its rough but busy streets you met all shades and nationalities. The tall, plodding Yankee, fresh from the hills of New England, green as a gourd, but with sufficient gall to extricate himself from any little difficulty he might stumble into; the active, restless Texan; the jauntily dressed commercial traveler, with his samples of bad whisky and worse cigars; the swarthy Mexican, with his broad sombrero, scarlet sash, and irrepressible *cigarito*; that darker specimen of the *genus homo*, the negro; and, last of all, the "heathen Chinese." Nearly every State had its dozens of representatives in the motley group of individuals who had come to seek their fortunes in this new El Dorado. It was a grand place to

study character; to learn how all the finer attributes of man may be completely crushed out of his nature by years of adversity, and how, under the same circumstances in others, all that is noble and pure predominates, no matter how hellish or pestilential, morally, may have been their surroundings.

The principal store of the town was owned and conducted by Jemuel Knaggs, a man of reputable character, an old plainsman and mountaineer, full of enterprise and grit, the acknowledged "leading citizen" of Whooping Hollow. In every community, whether the most enlightened or barbarous, there is always to be found some individual who, by his force of character and other inherent attributes, becomes foremost in all that concerns the welfare and prosperity of the people who compose it, and this was the rôle that Jemuel Knaggs played in the rough mining-camp of Whooping Hollow. He was a veteran miner, too, of California in '49; Fraser river, in British Columbia, in '58; and Pike's Peak in '59. But having amassed several thousand dollars during his erratic wanderings, in 1859 he abandoned the pick and shovel for the more pleasant occupation of keeping a general miners' store, whose necessities none knew better than he. So he opened up in

Whooping Hollow in the days of its incipiency. He was a man about fifty years old, rather slender than otherwise, but there was something in his air and features which distinguished him from common men. The expression of his countenance was keen and daring; his forehead was high, and his lips thin and compressed, indicating great determination of will. One would not have hesitated to confide in his honor or courage, but would have been extremely reluctant to provoke his hostility. He always wore a dark-blue navy shirt, to the collar of which was attached a curious button. Around his waist was tightly buckled a broad leather belt, in which a formidable looking bowie-knife was stuck; to be used, as is usual with all frontiersmen, for various purposes indifferently—to kill a man, cut food, pick his teeth, or for whittling when he had nothing else to do.

Matters progressed very smoothly in Whooping Hollow for two or three years, under the watchful care of Knaggs and a few others of like sterling character, who will be hurriedly described as they appear in this sketch. But at the end of that period a pall suddenly fell on the place. Men would leave for a visit to some neighboring camp or on a hunting expedition, and never be heard

of again. Sometimes it would be one of the best citizens who would disappear all at once; the number of instances of this character in one year aggregating twenty. At last the whole town became aroused, and suspicions of foul play in the matter entered their heretofore apparently too lethargic brains. No one felt safe, and when, to "cap the climax" as it were, Jemuel Knaggs was declared "missing," an investigation was immediately but secretly instituted.

It then developed that with one or two exceptions all of those who had disappeared had left Whooping Hollow for Sandy Bar, the nearest mining-camp, sixty miles distant, and to which there was only one possible trail over the divide. That the parties had been murdered was now conceded; but upon whom could suspicion rest? and where on the lonely route were the damnable deeds committed? These were the questions discussed one evening by half a dozen prominent men of Whooping Hollow, who had secretly met in a room about a week after Jemuel Knaggs failed to return at the appointed time. He was last seen on the day of his departure from town by some reputable miners, who had met and conversed with him on the trail to Sandy Bar, not more than twelve miles from his home. He had

never arrived at Sandy Bar, however; that fact was ascertained to a certainty through diligent inquiry there. It was only a small camp of less than three hundred people, and he was as well known there as in Whooping Hollow.

About half-way between Whooping Hollow and Sandy Bar there was a narrow, rocky valley, known as Willow Springs Gulch; abandoned long ago as a mining region, the ore in that vicinity having consisted of a series of small "pockets" only, which were naturally exhausted in less than six months from the date of their discovery, and that was more than two years before operations had begun in Whooping Hollow. But the place was still famous for its pure water, which gushed out of the indurated wall of a small cañon in a stream as large as a man's arm—clear, cold and sparkling; the best water to be found in the whole sixty miles' ride. The entrance to the rocky cañon was almost concealed by a dense growth of mountain willows; hence the name. But the beautiful spring was the only redeeming feature in the otherwise barren and desolate landscape. Near this lonely spot stood a small adobe cabin, or rather hut, the only habitation anywhere within twenty miles of the dreary place. Its sole occupant was a miner, ostensibly, who

pretended to own a claim near Sandy Bar, but it was alleged that no one ever saw him work it; yet he always apparently had sufficient money to supply his wants, ever paying gold for his purchases. He was a tall, angular, villainous-looking specimen of humanity; rough, illiterate, dialectic in his talk, but possessing the physique of a giant, as courageous as a she-grizzly with cubs, a dead shot with the revolver, and withal believed by every one to be a desperado in the most rigid acceptation of the term. Viewed superficially—for nobody at Whooping Hollow or Sandy Bar knew anything about his antecedents—he was apparently without one redeeming quality, except that he was kind to his dog, a mangy, spotted, wicked-looking yellow cur, with only one eye, and tailless—fit companion for such a surly-disposed master. This strangely mysterious being, with whom no one had any more intercourse than was absolutely necessary, and that confined to the limited conversation required when he entered stores to make purchases, lived a supremely isolated sort of an existence, for he was as carefully avoided by every one as were the rattlesnakes that infested the rocky arroyos of the bald bleak hills where his hut was located. Upon him, then, black suspicion naturally at

once fell—so prone is human nature to be guided by visible forms; though there was not an inkling of proof, either circumstantial or direct, upon which to base this man's guilt.

Fortunately, they who were quietly investigating the cause of the disappearance of Jemuel Knaggs were men of excellent judgment; cool, calm and deliberate in their proceedings, but terribly in earnest. They had received their education in the great "school of the world": they knew that suspicions were not facts; that appearances are too often deceiving; and they were nonplussed because convincing proof was not forthcoming to convict the only man upon whom a shadow of probable guilt could fall.

This strange creature, about whom nobody knew anything, was called, whenever reference to him became necessary (often now, for he was in everyone's thought a murderer), "Willow Gulch Jack," because his real name was not ever known—adopting the Indian's method of nomenclature and associating him with his locality. It may readily be inferred that it was only his villainous aspect and isolated life that brought this wholesale condemnation upon him, for he had never been guilty of any disreputable act that the people could discover, and now they left no stone

returned to find something against him; but they avoided and suspected him as a sheep-raiser does a strange cur in his neighborhood. Consequently a system of espionage was inaugurated on his movements, but nothing, as yet, had been discovered to cast a shadow on his every-day life. He knew that he was suspected and watched; so, for some special reason which had not yet been made clear to the people of Whooping Hollow, he was now almost constantly absent from home, passing his time on the trail between his cabin and the top of the divide above the town, always accompanied by the one-eyed, tailless dog, his constant companion. His enemies were aware of his perambulations, but could not divine the cause, and the mystery connected with his isolated life seemed to them more impenetrable than ever. Of course they did not hound his every footstep, because, as they reasoned, that would give him no opportunity to commit himself; they merely adopted such precautionary measures as would prevent his escape from the country, and that would permit them to arrest him at any time they wanted to if he attempted to leave, or whenever they had gathered sufficient proof to convict him, which as yet seemed as remote as ever—flattering themselves all the while that he was unconscious of their intentions.

One day, about two weeks after the investigation of the cause of the disappearance of Jemuel Knaggs had been fairly inaugurated, this Willow Gulch Jack, as I shall have to call him in the absence of the knowledge of his real name, rode quietly into Whooping Hollow, dismounted, tied his mule to a stump in front of Tom Bradford's log cabin, walked up to the door, gave it a heavy kick, and waited until it was opened—his ear, at a word from his master, lying down close to the mule.

Tom Bradford was a veteran miner, one of the best citizens Whooping Hollow possessed, whose opinions on important matters were generally regarded as conclusive—such faith the curiously assorted people of the town placed in his excellent judgment, which fact Jack was fully aware of. Bradford himself came out on the porch in response to Jack's tremendous knock, but when he saw who his visitor was, a shade of evident displeasure passed over his countenance—for he too, although he knew that not a scintilla of proof had been forthcoming after all these days of investigation, believed in this man's guilt. Tom Bradford regarded Jack intently for a moment, as if wondering what to say or do, so astonished was he at his presence; but Jack broke the painful silence in a few words:

"I say, Tom Bradford," (nobody was "mist'ered" out there in those days,) "I hev kim ter talk ter ye. I knows this hyar's onexpected, but I don't keer, an' w'at I hev ter tell I wants ter tell ye whar no one kin har we-uns. Hev yer sich a place whar we-uns kin converse ondisturbed?"

Bradford eyed Jack closely for a few seconds—not that he had any fear of the man, villainous as he looked, and giant that he was—then told him to follow as he led the way through the cabin door. They passed out of one room into another at the rear (there were only two apartments in the building), where he pushed a dilapidated rush-bottomed chair toward Jack, himself taking another, and, throwing his feet upon a rickety table, the only other article of furniture in the rude log den, he pulled his pipe out of his pocket, filled it, lighted it, and handed another to Jack with the tobacco from a box nailed against the wall within easy reach. He gave a few vigorous pulls at his own, emitting a cloud of smoke that almost enveloped him, then, fixing his eyes on his unwelcome visitor, said:

"Now then, I'm ready to hear what you have got to communicate."

"Tom Bradford," began Jack upon this invitation, "I knows thet I hev been 'spected of these

hyar murders w'at hev tuk place; an' I knows that I hev been hounded an' watched, which you-uns hed no idee I knowed; but yo knows, Tom Bradford, thar haint er shadder kin be proved agin me."

"I am aware of that," said Bradford, hurriedly; "and although you are and have been the only man in the mines suspected, we folks here are determined that no innocent person shall suffer upon mere suspicion and under the excitement of the moment; we are also determined that no guilty party—or parties, if there should be more than one person implicated—shall escape the swift, summary punishment the hellish acts deserve. We have no organized courts here; but organize them as we need them ourselves. No mere technicality will save a rascal either, as it does sometimes in what are called civilized communities."

"Tom Bradford," continued Jack, "you nor no one else hev ever seen no a-loafin' roun' saloons, nor gamblin'-hells; an' no one hain't never seen me drunk nuther—hev they? I knows my looks is agin me; but looks hain't nothin', nor no judge ter go by. I hain't no harnsome man—never sot any claim ter sich. I oncet tuk ther prize for grinnin' through a hoss-collar, at er

county fair way back in old Kaintuk, w'en I war young."

At this admission a change that was evidently intended for a smile suddenly crept over Jack's face as he opened his ponderous jaws; but the effect made his cavernous mouth, which literally stretched from ear to ear, look as if it had been made by a broadax at a blow.

"Waal," he continued, as the paroxysm caused by the remembrance of his youth passed off, "I hev been doin' some *detective* work myself; an' w'at I hev diskivered is w'at hez brung me hyar ter talk ter ye 'bout. It war all a accident, though; an' ef it hed n't 'a' been fer thar ornery dorg o' mine, I would n't er foun' out nothin'. You-uns 'll all be surprised ez I wuz, w'en ye kim ter larn who ther murd'rer for sartin is. In ther fust place, I knowed them folkses ez war missin' never got pas' my cabin"—

Bradford looked Jack suddenly in the eye, as if to catch the true meaning of his last assertion; but Jack, seeing that he was misunderstood, became a little heated, and in a most emphatic manner said:

"Never reached thar, Tom Bradford, ez I wants ye ter onderstand! Now I wants yer ter tell me," he continued, getting more excited, "how many

cabins—whar folkses lives, I means; 'course thar's lots o' 'bandoned ones—'twixt Whoopin' Holler an' mine?"

"Well," replied Bradford, in response to Jack's interrogatory, "there are but two—Cal. Jones's and Ike Podgett's. Why?"

"Don't yer see, Tom Bradford, of them ez is missin' never got ter my cabin, they never got by one o' them t'others?"

"What do you mean?" asked Bradford, looking up excitedly into Jack's face.

"I means jes' w'at I says," replied Jack, gazing as earnestly now into Bradford's. "Ef er man leaves Whoopin' Holler fer Sandy Bar, he kain't git offen ther trail, kin he? Thar hain't but one trail, is thar? An' ef he don't kim back, an' don't go ahead, he mus' 'a' stopped somewhar 'twixt ther two places, mus' n't he? An' ef he haint heerd of fer a long while, he mus' hev stopped fer good, eh? Now do yer understan', Tom Bradford?" and Jack emphasized his remarks by bringing down his huge fist like a sledgehammer on top of the rickety old table right in front of Bradford.

Tom Bradford smiled at Jack's earnestness, and looking him squarely in the eyes, said:

"Why, you must be insane, man! Cal. Jones's

cabin is right on the highest point of the divide. If you were out on my porch, you could see it from here. You ain't crazy enough to suppose that a murder could be committed at such an exposed place, and everybody in town not know it in ten minutes? And as for Ike Podgett—ha! ha! ha! Ike Podgett! why, man, Ike Podgett is one of our best citizens; one of the most enterprising men in the place; always has plenty of money; spends it freely, too. To be sure he gambles some, and drinks. Who don't? They are mighty few—you know that. He don't come to town very often; stays at home a good deal; but then, he's got a fine paying claim, and works it for all there is in it; at least that is what he tells all of us here in town. Ike Podgett—ha! ha! ha! That's a good one, I swear!"

Jack's eyes snapped as Bradford laughed in his face. He was getting mad at the manner in which his statements were being received; he grew very red, and blurted out:

"Ike Podgett hain't home now, is he?"

"No," answered Bradford; "he's gone bear-hunting with a lot of the boys; been gone several days; won't be back for a week yet; they were going as far as the Spanish Peaks."

"His'n is er mighty lonesome place, hain't it?" queried Jack.

"Yes," answered Bradford, "a mighty lonesome place. I don't see how he can live there—such a rocky, dark cañon—hardly a ray of sunlight enters there until late in the afternoon. But he says he loves solitude, and don't like neighbors too near"—

"I'm his closest, I reckon," interrupted Jack again.

"I believe you are," replied Bradford.

"He's married, though, hain't he, to a Spanish woman?—on'y a child, 'pears ter me; I've seed her onct or twict."

"He's got a woman out there with him—don't know whether she's his wife or mistress. We folks here don't bother our heads about such matters; it's none of our business; she's Mexican, though," answered Bradford. "But why," continued he, impatient and disgusted with the interview's length, "why do you ask these ridiculous questions? I have no time to waste!" He then petulantly rose, knocked the ashes out of his pipe, evidently tired, and determined to end the matter right there and get rid of his annoying visitor.

"'Cause, Tom Bradford," slowly and solemnly replied Jack, at the same time getting up from his chair, too; and putting his mouth close to Bradford's ear, he hoarsely whispered:

"'Cause Ike Podgett is the murderer of Jemuel Knaggs, anyhow, an' w'y not o' all the t'others ez is missin'?"

"My God, man! what do you mean?" excitedly asked Tom Bradford, suddenly wheeling around and placing both of his hands on Jack's shoulders.

"Tom Bradford, I mean 'zac'ly w'at I kin prove; an' ter tell this hyar is w'at hez brung me ter this hyar cabin."

"Hold on!" cried Bradford, violently agitated; "you must prove it, must tell all you know; but in the presence of others. Wait—sit down here—I'll be back directly, and bring some one with me. Wait!" and Bradford rushed out into the street in a terrible state of excitement.

He returned in less than twenty minutes in company with a short, thick-set, grizzly veteran miner, a man about sixty years of age. This was old man Bartlett—better known, however, and generally accosted as "Judge," because he had so frequently presided over the locally instituted courts in the diggings everywhere he had been during his long career in the mountains and on the Plains. He was regarded by everybody as the most level-headed, honest and discreet man in the whole Range. In fact, that had been his reputation wherever he had traveled, following him

in all his erratic wanderings since his advent in the Far West, forty years before he turned up in Whooping Hollow. He had "whacked bulls" on the old Santa Fé trail; had lived for months on hardtack and bacon in the mountains of California; had nearly starved to death on the sage-bush plains of Nevada; had been captured by Apaches in Arizona, but was rescued by a detachment of United States dragoons just in time to escape the torture of the stake, the fires for which were already lighted; and years before all these strange experiences, had "filibustered" with Walker in Nicaragua. Altogether, he had seen as eventful a life as ever fell to the fortune of one man.

When the two men entered the little barren log room where Jack was, they found him sitting at its only window, his number twelve feet on the broad sill, pulling vigorously at the clay pipe that Bradford in his rough hospitality had originally provided him with, blowing great rings of smoke out of his huge mouth as he sat there as imperturbable as a rock. He greeted Bartlett with a short "Howdy, Jedge," and then resumed his pipe, waiting for him or Bradford to open the conversation.

Old Sam pulled an enormous plug of navy tobacco from his hip pocket, tore off a liberal por-

tion with his teeth, rolled the immense quid over in his mouth several times, and then, looking earnestly at Jack as if to measure him in his mind, said:

"Jack, Bradford's been telling me some mighty queer stories. Ike Podgett a murderer? I don't believe a word of it. He," jerking his thumb toward Bradford, "wanted me to come over and hear your statement, which I agreed to; but I tell you beforehand, the proofs will have to be clear as Holy Writ to convince me that Ike Podgett knows what has become of Jemuel Knaggs any more than me and Tom here does."

"The Judge" was not always a rigid follower of the rules laid down by Lindley Murray in the construction of his sentences, therefore frequently got the cases of his pronouns mixed, although he was a college graduate; but he generally talked fairly correctly.

"Let's hear your story," continued he; "tell us what you know, and how you know, as you have asserted to Bradford that Ike Podgett killed Jemuel Knaggs."

"Waal," commenced Jack, leaving his place at the window, rising to his full height, stretching out his long arms, giving a tremendous yawn as he did so; then moving his chair to the end of

the table between the two men, who had seated themselves on opposite sides, their feet of course on top, where, resting his elbows on it, his immense paws supporting his shaggy head, Jack looked his interlocutor squarely in the eyes, and continued:

“Waal, yer knows, sence I war satisfied that I war a-bein’ watched an’ hounded an’ ’spected by you-uns hyar in Whoopin’ Holler, I ’lowed ter myself that I would do a leetle *detective* work on my own ’count—ez I hev told Bradford hyar. So I gits onto my mule, taks Jupo—that’s thet thar yaller, no-’count, ornery dorg o’ mine—an’ we jes’ nat’rally comminces ter prowl that thar trail from t’other side o’ Ike Podgett’s ’twixt thar an’ ther Holler, fer more’n er week. But we-uns didn’t see nothin’ ’spicious till day afore yister-day, ’long in ther shank o’ ther evenin’. Then I war ridin’ by Podgett’s place—Jupo hed run ’way ’head o’ me—I war goin’ toler’ble slow an’ thinkin’ powerful; an’ w’en I got clos’t ter ther cabin, I seed thet thar fool dorg o’ mine er diggin’ an’ er pawin’ et suthin’ he hed unearthed. Ther no-’count cuss is always hungry an’ always huntin’ fer suthin’ ter eat. Then ez I observed thet warn’t no one ter home, I gits down offen my mule, hitches him, an’ lights out fer ther r’ar o’

ther cabin whar ther dorg war, ter see w’at he war so consarned ’bout; an’ w’en I reached thar, gentlemin, et war a human leg and foot. An’ stoopin’ down, I picked this hyar outen ther dirt ther dorg hed pawed up!”

Getting up from his seat as he said this, Jack pulled out of the breast-pocket of his flannel shirt a little mass of iron pyrites, an octahedrite in shape—a rare form of that common combination of iron and sulphur—which was drilled onto a plate of gold, making it a perfect but unique collar-button.

“Great God!” exclaimed Bartlett and Bradford simultaneously, as they both jumped up excitedly at the sight of the trinket Jack held in his hand.

Tom Bradford gave vent to his feelings first. Slapping his fist on the table, and then pointing his finger at Jack, who stood as calm as a statue, said vehemently:

“Judge Bartlett, either this man’s story is true, or he is the murderer himself!”

“Great God!” reiterated Bartlett, putting his hand to his head in his evident bewilderment; “Bradford—I don’t know—I’m completely dumbfounded! Everybody in the mines knows that collar-button. There’s not another one like

it in the mountains. Knaggs always wore it at the neck of his flannel shirt. He 's told me many a time that he 'd refused \$50 for it. This matter must be thoroughly investigated."

He then reached for the button, which Jack promptly handed to him, and which he examined carefully for a few moments in silence, sitting down for that purpose. Then turning suddenly to Jack, who—now conscious that he had at least caused Bradford and Bartlett to believe that he might be innocent, and that his story might be true—had resumed his seat, and was coolly filling his pipe again, the old Judge asked him:

"Jack, did you leave the leg and foot where the dog found it, or what did you do with it?"

"I left it thar," replied Jack, but I kivered it up agin; an' I stomped ther groun' down 'roun' it so ez it looked like it hed n't been tech'd. Then I went ter my cabin; then I kim hyar ter Bradford's. Ther on'y thing I brung 'way war that button, an' fer which I'll thank yer ter gin me ag'in. I wants to keep it er while yit!"

Bartlett hesitated a moment, rolling over in his fingers the mute evidence of a crime committed; looked at Bradford interrogatively, who nodded significantly, and then he handed the curious object back to Jack.

"Thank ye, gentlemin," said he, as he put it carefully into his pocket again; "I'm et yer sarvice et any time, and so is this hyar button w'en ye wants it; an' I hopes you-ns means ter 'vestigate this hyar matter ter oncet. Ike Podgett's 'way now, an' w'en he kims back it's mebbly too late."

Bartlett and Bradford consulted aside in a low tone for a few moments; then walking back to the table where Jack was still sitting, pulling at his pipe, and almost invisible because of the smoke, the old Judge said:

"Jack, this is a strange piece of business, and we are both staggered. Yet we are not unreasonable; we know that nothing is more deceptive than a man's estimate of human nature; it seems mighty hard to come to your way of thinking; but we all may have been most terribly deceived in Ike Podgett. We will examine his premises and investigate the matter to the end. Now we want you to go quietly out to your cabin from here; say nothing to anyone about what you have told us. To-night we will discuss, with some of our best citizens, what is best to be done; and to-morrow meet us at Podgett's. If we arrive there first we will wait right on the trail for you, and take no action before you come; but if you get to

the place before we do, wait for our party. Don't go near the cabin and don't touch a thing, and then nobody can raise any suspicions of a job, which some of Podgett's friends might accuse you of. We will try to be there by eleven o'clock, and that will allow you ample time to reach there as soon as that hour too."

The old Judge having finished his instructions and warnings, the three men went out of the cabin and separated. Jack mounted his mule, whistled to Jupe, and rode slowly up the steep divide into the hills, where he was soon lost to sight. Bartlett and Bradford walked down to the main street, their feelings wonderfully affected, and entered the little building that did duty as the postoffice for Whooping Hollow and surrounding mining-camps, to look up the proper persons with whom to consult concerning the terrible revelations of a few moments before.

That evening just after the candles were lighted, Judge Bartlett, Tom Bradford, Doctor Chase, and Issachar Noe, the last of whom was postmaster, met in the little rectangular space behind the rude rack of letter-boxes in Noe's store, to formulate plans for their trip on the morrow to Ike Podgett's cabin, the bloody story concerning it having been imparted to Noe and the Doctor when

Bartlett and Bradford came down-town that afternoon, immediately after their interview with Jack.

A little after daylight next morning the four prominent citizens of Whooping Hollow who had secretly met at the postoffice the previous evening were well on the trail to Podgett's. They had only twenty-three miles to go, but the zigzag up to the crest of the divide was so rocky, rough and precipitous that they were compelled to "wind" their horses every few rods; consequently the trip was so fatiguing to both men and animals that they did not arrive there until nearly noon.

Podgett's cabin, one of the better class, roomy, and adorned with a veranda, was situated in the most God-forsaken looking region imaginable. There was not a tree, bush, or any vegetation, not even a cactus, in sight. It was hidden among great water-worn columns of lava, which so completely enveloped it in their ominous shadows that only late in the afternoon the sun's lingering rays, low down in the west, entered the gloomy cañon in which the isolated cabin was located.

"God in Israel!" said Issachar Noe—a favorite expression of his when excited—"how can a man content himself in such a spot as this? I would n't live here for a hundred dollars an hour,"

he continued, as he surveyed the dismal surroundings of the barren and repulsive place.

"Some men love solitude," said the Doctor, as if in response to Noe's comments. "I know many natures among my acquaintances in the East who could be perfectly happy in such a sequestered spot as this. To them, solitude is the nurse of enthusiasm, and"—

"Great Caesar!" interrupted Tom Bradford, destroying at once the thread of the Doctor's philosophy. "See those wolves!" at the same moment pointing with his "quirt" to half a dozen or more of that large gray mountain species that were scampering over the angular lava boulders up the cañon in the rear of the cabin. These animals had not before been observed, because the party from town had seated themselves on the trail immediately in front of the hut, upon their arrival at the place. They had not ventured any nearer, in accordance with the agreement made at the conference held in Tom Bradford's room that neither the party nor Jack was to investigate alone, but together.

In a few moments the cause of the wolves' hasty retreat made its appearance in the shape of the one-eyed tailless dog Jupe, slowly shambling around a curve in the trail, closely followed by

the gaunt, angular figure of Jack, seated on his mule. As he approached, the party from Whooping Hollow, who were reclining on the rocks scattered on the trail, rose, while Jack, dismounting, hitched his animal to a bowlder, and saluting all with a "Howdy, gents," he joined them. Then without further talk at that moment, they proceeded to the rear of Ike Podgett's cabin, piloted by Jack. They soon arrived at the spot he had told Bradford and Bartlett of, but the moment he cast his eyes on the place he exclaimed:

"Great heavens! ther wolves hev been hyar!"

The earth was torn up, and lying on the edge of the shallow grave, sure enough, were a human leg and foot—the same described by Jack, which he had reinterred, but which the wolves had again dragged out of the hole.

"Well, I'm ——!" ejaculated old Sam Bartlett, as he contemplated the horrid spectacle, and he vigorously mopped his bald head—out of which the perspiration now oozed in great beads—with an enormous red bandana.

"There's no question about that leg and foot," said the Doctor, as he stooped and picked up the ghastly objects to examine them more closely. "They're human—no getting over that, but whether they belonged to Jemuel Knaggs; of

course I can't say." Pulling them out of the soft dirt, he found clinging to the end of the femur a piece of cloth of some kind, which the instant Tom Bradford saw he took in his hands, held it up, and exclaimed:

"Well, this is the last straw that breaks the camel's back for me!" All could see that it was the fragment of a blue flannel shirt, its broad collar, with the buttonhole, torn apart.

"A piece of Jemuel Knagg's shirt, or I'm a liar," solemnly said Issachar Noe, as he gazed on the bit of telltale garment. "He always wore that kind," continued Noe. "I sent to St. Louis for them myself for him; that is a part of one of them."

The astounded party, upon this confirmation of Podgott's guilt, looked at each other in silence for a few seconds, when Bartlett, breaking the awful stillness, said:

"Gentlemen, I've seen enough here! Let's go and examine the cabin—which we've got a right to do now, as law-abiding citizens, after such damnable revelations outside of it!"

On entering the cabin, effected by the colossal Jack making a sort of a side-lurch against the door, which immediately flew off its hinges at his first essay, they discovered in the corner of the

room used as a kitchen a spot where the dirt floor seemed to yield a little to the pressure of their feet as they walked over it, appearing as if it had been disturbed quite recently. Searching for some implement with which to examine the suspicious corner more closely, they at last found a spade hanging on a peg in the wall of another apartment, evidently the sleeping-room. Here and there were evidences of a woman's occupancy. Under the bed a No. 1 pair of shoes tantalizingly obtruded. On the bed itself a corset was lying, where it had apparently been hastily thrown off by its petite owner; and suspended from some hooks in the logs forming the side of the building were several skirts and other portions of female apparel. For a moment, but only for a moment, these things, so rare in the mining-camps of that period, nearly diverted from their mission the stern and honest men who had entered there, so sweetly suggestive were the articles of mother, sister, or perhaps wife, so far away, and bright visions crowded thick upon their brains. It was soon dispelled, however, as the realization of the actual present forced itself upon them; so, taking down the spade from its place, they returned to the kitchen, and Jack, who had volunteered, commenced to dig.

He had not excavated to a depth of more than two feet when he unearthed the mutilated fragments of another human body! Hereupon he rested from his labor for a moment; then stooped down and pulled something out of the hole, his hands trembling violently as he laid the object on the floor, and exclaiming as he rose up:

"This hyar gits me, by ——!"

Every one was now almost uncontrollably excited, and if Podgett had at that instant entered his own door he would have been annihilated by the infuriated men without a chance to explain, for just as Jack gave vent to his words he had lifted out of the hole a head, to which was still attached a long red beard. He recognized it at once, and that fact was the cause of his excitement.

"God in Israel!" said Issachar Noo vehemently, as he got down on his knees to view the ghastly object more closely. "That's Tom Jackson's head, and he's only been missing about two months!"

"That's so," solemnly replied old Sam Bartlett. "That's poor Tom's beard, sure enough!"

For more than three hours the now determined men worked inside and outside the cabin that they now knew had such a bloody record. At

the end of that time, when they ceased their horrid labor from sheer exhaustion, they had discovered the remains of twelve human bodies, among which was that of a baby's, which sorely puzzled them to account for. Many of the remains, where the head was not too much decayed, they recognized as once citizens of Whooping Hollow who had ridden out from it never to return.

Charred fragments of skeletons, too, were found hidden in holes in the rocks, and it was reasonably supposed that many other victims than those whose bones they had brought to light must have been murdered by the demon Podgett, and their bodies left in the mountains just where he had killed them, to be devoured by the wolves.

Putting portions of several remains in a sack, including the ghastly head of Tom Jackson, they induced Jack—towards whom their manner had entirely changed—to pack the repulsive-looking burden on the back of his mule, and they all returned to town.

The result of their horrible experience was disclosed to several of the most reputable people of the place, who that same evening met with them in the postoffice, in "secret session," to devise plans for Podgett's arrest before he had an opportunity to revisit his cabin. It was conceded that

he would come to town first with the hunting party that he had gone out with, which would return in three or four days at farthest, and it was resolved to secure him the moment he made his appearance. To this duty they appointed the now worthy Jack and one Bart Kennedy.

On the afternoon of the fourth day after the meeting, Podgett rode unsuspectingly into town with his companions, and the instant he alighted from his mule found himself locked in Jack's vise-like embrace, who with others had been anxiously watching for his coming. He was at once secured in a little log building, and carefully guarded by two plucky Irish miners who had volunteered their services, for by this time all the law-abiding element of Whooping Hollow had become acquainted with the sickening discoveries at the wretch's cabin.

Podgett thus safely under bolt and bar, a committee was sent over to Sandy Bar to interview his Mexican wife or mistress, whose people lived somewhere in the mountains near there, as it was learned that she had gone home. They found her with her father, a widower, who could speak nothing but Spanish, nor could she speak English at all. But Isaacher Noe, one of the party, understood and conversed in the language like a native; so no interpreter was necessary.

The girl was very young, very pretty, but apparently too youthful for either wife or mother. From her some startling disclosures were elicited. She had witnessed a number of murders at the cabin, but had been afraid to say a word, because Podgett swore that he would kill her if she did. But when he dashed her baby's brains out in the most cruel and atrocious manner, right before her eyes, less than two months ago, she made up her mind that she would expose his bloody life as soon as she could find a safe opportunity. She had run away from him the night he went off hunting, and came to her father's, declaring that she would die before she would go back and consort again with such a monster.

When the committee returned to Whooping Hollow, and had submitted their report, threats were freely and openly made by the exasperated miners that they would take Podgett out of the improvised jail and hang him at once. But better counsel prevailed, and it was finally agreed upon at an open-air meeting held that afternoon that he should have a fair trial, as had always been customary in dealing with criminals since the establishment of the camp. The prisoner would be allowed to select a jury of twelve men himself—but it must be composed of the most reputable

citizens only; a judge should be elected by the crowd, he to appoint some one competent to prosecute, and another to defend.

As soon as the preliminaries were agreed to by the now excited mob, George Burton's general outfitting store was selected for the court-room, and the trial set for eight o'clock the same evening. In that community no such thing as the law's delay was brooked; the citizens of Whooping Hollow believing in swift, stern justice on all occasions.

Long before the hour appointed for the trial the crowd began to collect, and by half-past seven the little room selected was packed to its utmost capacity. On the outside of the building, compelled to remain in the street, was an indignant, determined mob, numbering more than three times as many as were inside, surging backward and forward, making night hideous with their yells, blasphemous remarks of impatience, and muttered threats of "getting even with him," "having his heart's blood," etc. Both outside and inside of that rough log building was gathered as motley and as hard-looking a crowd as ever got together in the mountains anywhere. It was a strange admixture of ignorance, manhood, vice, virtue, and villainy. Some of the truest

men that ever lived stood there; and some were there, too, as deeply dyed in crime, if the truth were known about them, as Podgett himself. Miners, merchants, gamblers and Mexicans were mixed up promiscuously; but their determined faces and show of revolvers spoke more eloquently than language, that "there wasn't going to be any fooling in the matter."

The dingy-looking room improvised for the purpose of the court was lighted by half a dozen tallow candles, which shed a dim, sallow haziness over the piles of bacon, picks, shovels, canned fruits, and other miners' goods stored there, and upon the hard-visaged men who had assembled there to mete out that justice which they believed had been already too long delayed. The red flames of a blazing fire, made of dry pine-knots, nearly as combustible as powder, occasionally shot up the throat of the huge chimney built diagonally across one corner of the room, whenever a fresh armful was thrown on by the two boys appointed to that office for the time being. When the flames had exhausted themselves, and only the embers glowed on the black hearth, a glimmering and a confused mist seemed to diffuse itself over the brindled crowd, while the fitful rays of the unsnuffed candles threw

weird shadows on the whitewashed walls like ghosts, as if the spirits of the murderer's victims had come to be phantom witnesses of his agony and despair.

Old Sam Bartlett, as usual, was chosen judge without a dissenting voice. A pile of bacon, packed in gunny-sacks and elevated four or five feet above the floor, on which Bartlett, with his legs dangling over the side, sat, constituted the official bench. The jury, composed of the best men in town, sat on the right of the judge, on boxes, nail-kogs, sacks, or anything that came handy. Iko Podgett, the miserable man for whom all this strange proceeding was instituted, crouching on the dirt-bogrimed floor between his two determined guards, rivets his eyes on the resolute men before him, distracted alternately by hope and despair; for he now feels the enormity of his guilt, and knows in his cowardly heart that he deserves death right there, without the least show of mercy.

Tom Bradford was appointed to prosecute the case, and a young man—Enoch Green, who had been graduated from the law school of Yale two or three years before—was appointed to defend Podgett. In a few pithy sentences Judge Bartlett explained the object of the gathering, and re-

viewed the terrible crimes that had been traced to the accused's den in the lonely cañon. He pointed to the ghastly remains and charred fragments of human skeletons piled upon a rude table in front of the jury, which he told them, in wonderfully impressive language, had been dug up, in his own presence, inside of Podgett's cabin and found among the rocks in the vicinity of the accursed place. The indignant old man grew almost eloquent in his recitation of the prisoner's damnable deeds, and a deathlike stillness pervaded the crowd as the words fell hot and earnestly from his lips, only broken now and then by the convulsive click of a revolver as the excited feelings of some pugnacious individual intensified under the judge's burning remarks. But for his admonition of their promise to give the miserable wretch Podgett a trial, in all probability the proceedings would have been ended before Bartlett closed his remarks.

Tom Bradford, in his argument as the legally constituted prosecutor, merely reiterated in a measure what the judge had so forcibly expressed, but he scathed Podgett in a fearful manner, working up a more exasperated feeling, if that were possible, than existed before; and when he had finished his address he called his witnesses.

The Doctor was first to testify; but he confined his evidence to the character of the charred bones, settling beyond the question of possibility that they were human.

Willow Gulch Jack then appeared, and upon him all eyes were concentrated as he related to the jury the simple story. He described accurately, with a dead coal taken from the fireplace, on the top of a cracker-box, the location of the cabin, its surroundings, and the position in which the several bodies were found, particularly that of Jemuel Knaggs, a piece of whose blue shirt and curious collar-button he exhibited, the latter being recognized by nearly every man present. He made a graphic if not artistic sketch with his rude pencil, and its effect upon the jury and spectators was manifested by expressions addressed to Podgett more emphatic than elegant.

Issachar Noo was the next and last witness called for the prosecution. He related in an impressive and convincing manner, as chairman of the committee, the interview with the young wife or mistress of Podgett, which was received by his listeners with that faith in its accuracy comparable to the high character of the man.

Then young Green, the counsel appointed for the defense, though he had not a single particle

of evidence to offer, and convinced of the deep villainy of his brutal and inhuman client, felt it incumbent to make an appeal in his behalf. This he did so eloquently, and built up hypotheses so rapidly, that some of the rougher element, afraid that his efforts might be effectual, became rather demonstrative, and crowded around him in a somewhat threatening manner. They were quieted, however, by a few positive words from old Tom. It was rather a decided but not particularly pleasant compliment to the youth's forensic ability!

When the defense had closed its wonderfully ingenious argument, the judge made another of his significant addresses in his charge to the jury, and a little after midnight he submitted the case to them.

An awful silence prevailed for a few moments while the twelve men put their heads together and consulted in a low tone without leaving their seats. Presently they all rose, and their spokesman, turning to the judge, uttered only one word: "GUILTY."

Then, at a sign from stern old Sam, who immediately came down from his pile of bacon, the two determined-faced miners, with Podgett between them almost paralyzed with fear, walked out into



"WITH PODGETT BETWEEN THEM."

the night, followed by the crowd, who fired off their pistols, and made the very hills tremble with their demoniacal yells.

The early morning sun, as its rays entered the narrow valley, shone upon the lifeless body of Podgett, where, suspended by the neck from the limb of a huge oak tree on the main street of Whooping Hollow, it slowly oscillated at the sport of the warm south breeze.

