

Enacted according to the Act of Congress, in the year 1855, by THOS. J. DIMMICK, in the Clerk's Office of the District Court of the 1st Judicial District of Montana Territory.

THE VIGILANTES OF MONTANA.

A FULL AND COMPLETE HISTORY OF THE CHASE, CAPTURE, TRIAL AND EXECUTION OF ALL THE OUTLAWS WHO FIGURED IN THE BLOODY DRAMA.

CHAPTER I. THE REPULSE.

"Though few the numbers—their strife,
That neither spares nor seeks for life."—BYRON.

In the present and succeeding chapters, will be found accounts of actual experiences with Road Agents, in the practice of their profession. The exact chronological order of the narrative has, in these cases, been broken in upon, that the reader may have a correct notion of what an attack by Road Agents usually was. We shall show at a future time what it too often became when bloodshed was added to rapine. As the facts related are isolated, the story is not injured by the slight anachronism.

About three weeks after the occurrences recorded in the last chapter, M. S. Moody, (Milt Moody) with three wagons, started, in company with a train of packers, for Salt Lake City. Among the latter were John McCormick, Billy Sloan, J. S. Rockefeller, J. M. Bozeman, Henry Branson and M. V. Jones.

In the entire caravan there was probably from \$75,000 to \$80,000 in gold, and it must not be supposed that such a splendid prize could escape the lynx-eyed vigilance of the Road Agents.

Plummer engaged Dutch John and Steve Marshland for the job, and his selection was not a bad one, so far as Dutch John was concerned, for a more courageous, stalwart or reckless desperado never threw spurs on the flanks of a cayuse, or cried "Halt!" to a true man. Steve Marshland was a bold fellow when once in action; but he preferred what mountaineers call a "soft thing," to an open onslaught. This unprofessional weakness not only saved the lives of several whom we are proud to call friends, but ensured his own and his companions capture and death, at the hands of the Vigilantes.

In Black Tail Deer Canon, the party were seated at breakfast, close to a sharp turn in the road, when they heard two men conversing, close at hand, but hidden by the brush. Says the "First Robber," "You take my revolver and I'll take yours, and you come on right after me." Every man found his gun between his knees in less than no time, and not a few discovered that their revolvers were cocked. Discussed became more active, and heads were "dressed" towards the corner. In a few moments, Dutch John and Steve Marshland rode round the bend, with their shot-guns ready. On seeing the party prepared to receive them, they looked confused, and reined up. Steve Marshland recognized Billy Sloan, and called out, "How do you do, Mr. Sloan?" to which Billy replied, "Very well, thank you." The last two words have been a trouble to Sloan ever since, being too figurative for his conscience. By way of excuse for their presence, the Road Agents asked if the party had seen any horses, and whether they had any loose stock, saying that they had been informed by some half-breeds that the animals which they claimed to be lost had been with their train. A decided negative being vouchsafed, they rode on.

The Robbers did not expect to come upon them so soon, and were not masked. But for this fact, and the sight of the weapons on hand for use, if required, the train would have been relieved of the responsibility attaching to freighting treasure in those days, without any delay.

Little did the party imagine that the safety of their property and their lives hung upon a thread, and that, the evening before, had saved six or eight of the party from unexpected death. Yet so it was. Wagner and Marshland had followed their trail, and hitching their steeds to the brush, with their double-barrelled guns loaded with buckshot, and at full cock, they crawled up to within fifteen feet of the camp, and leisurely surveyed them by the light of the fire. The travellers lay around in perfect ignorance of the proximity of the Road Agents; their guns were everywhere but where they ought to be, and without a sentry to warn them of the approach of danger, they carelessly exposed themselves to death, and their property to seizure.

Wagner's proposal was that he and Marshland should select their men, and kill four with their shot-guns; that then they should move quickly around, and keep up a rapid fire with their revolvers, shouting loudly at the same time, to make them believe that they were attacked by a large concealed force. There was no fear of their shooting away all their charges, as the arms of the men who would inevitably fall would be at their disposal, and the chances were a hundred to one that the remainder would take to flight, and leave their treasure—for a considerable time, at all events—within reach of the robbers. Steve was deferred, "backed down," and the attack was delayed till the next day.

It was the custom of the packers to ride ahead of the train towards evening, in order to select a camping place, and it was while the packers were thus separated from the train that the attack on the wagons took place.

On top of the Divide, between Red Rock and Junction, the robbers rode up to the wagons, called on them to halt, and gathering the drivers together, Dutch John sat on his horse, covering them with his shot-gun, while Steve dismounted and searched both them and their wagons.

Moody had slipped a revolver into his boot, which was not detected; \$100 in greenbacks, which were in his shirt-pocket, were also unnoticed. The material wealth of Kit Erskine and his comrade driver, appeared to be represented by half a plug of tobacco, for the preservation of which Kit pleaded; but Steve said it was "Just what he wanted," and appropriated it forthwith.

After attending to the men, Steve went for the wagons, which he searched, cutting open the carpet sacks, and found \$1,500 in treasury notes; but he missed the gold, which was packed on the horses, in cantinas. In the hind wagon was a sick man, named Kennedy, with his comrade, Lank Forbes; but the nerves of the first mentioned gentleman were so unstrung that he could not pull trigger, when Steve climbed up and drew the curtain. Not so Forbes. He let drive and wounded Steve in the breast. With an oath and a yell, Steve fell to his knees, but recovered, and jumping down from the wagon, again fell, but rose and made a foot, for the tall timber, at an amazing speed.

The noise of the shot frightened Dutch John's horse, which reared, as John discharged both barrels at the teamsters, and the lead whizzed past, just over their heads. Moody dropped his hand to his boot, and seizing the revolver, opened fire on Dutch John, who endeavored to increase the distance between him and the wagons, to the best of his horse's ability.

Three balls were sent after him, one of

which took effect in his shoulder. Had Moody jumped on Marshland's horse and pursued him, he could have killed him easily, as the shot-gun was at his saddle bow. These reflections and suggestions, however, occur more readily to a man sitting in an easy chair, than to the majority of the unfortunate individuals who happen to be attacked by masked highwaymen.

John's wound and Marshland's were proof conclusive of their guilt, when they were arrested. John made for Bannack and was nursed there. Steve Marshland was taken care of at Deer Lodge.

The packers wondered what had become of the wagons, and, though their anxiety was relieved, yet their astonishment was increased, when, about eight P. M., Moody rode up and informed them that his train had been attacked by Road Agents, who had been repulsed and wounded.

Steve's horse, arms and equipage, together with twenty pounds of tea, found lying on the road, which had been stolen from a morning train, previously, were, as an acquaintance of ours expresses it, "confiscated."

J. S. Rockefeller and two others rode back, and striking the trail of Steve, followed it till eleven P. M. When afterwards arrested, this scoundrel admitted that they were within fifteen feet of him, at one time.

On the ground, they found scattered all the trail of the fugitive robber, all the stolen packages, and envelopes, containing Treasury notes; so that he made nothing by his venture, except frozen feet; and he lost his horse, arms and traps. J. X. Beidler met Dutch John, and bandaged up his frozen hands, little knowing who his frigid acquaintance was. He never tells this story without observing, "That's just my darned luck;" at the same time polishing the butt of his "Navy" with one hand, and scratching his head with the other, his gray eye twinkling like a star before rain, with mingled humor and intelligence.

Lank Forbes claimed the horse and accoutrements of Steve as the lawful spoil of his revolver, and the reward of his courage. A demurrer was taken to this by Milt Moody, who had done the agreeable to Dutch John, and the drivers put in a mild remonstrance on their own behalf, on the naval principle that all ships in sight share in the prize captured. They claimed that their "schooners" were entitled to be represented by the "steersmen." The subject afforded infinite merriment to the party, at every camp. At last a Judge was elected, a jury was impaneled, and the attorneys harangued the judicial packers. The verdict was that Lank should remain seized and possessed of the property taken from the enemy, upon payment of \$20 to each of the teamsters, and \$50 to Milt, and thereupon the court adjourned. The travellers reached Salt Lake City in safety.

CHAPTER XI. THE ROBBERY OF PEABODY & CALDWELL'S COACH. "On thy dial write, 'Beware of thieves.'" O. W. HOLMES.

Late in the month of October, 1863, the sickness of one of the drivers making it necessary to procure a substitute, the Coach was engaged to take the coach to Bannack. In the stage, as passengers, were Messrs. Mattison, Percival and Wilkinson. After crossing the hills in the neighborhood of Virginia City, it began to snow furiously, and the storm continued without abatement, till they arrived within two miles of John Baker's Rancho, on Stinking Water—a stream which owes its euphonious appellation to the fact that the mountaineers, who named it found on its banks the putrifying corpses of Indians, suspended horizontally, according to their usual custom, from a framework of poles.

The corral at the station was found to be empty, and men were dispatched to hunt up the stock. The herdsmen came back at last with only a portion of Peabody & Caldwell's horses, the remainder belonging to A. J. Oliver & Co. This detained them two hours, and, finding that they could do no better, they hitched up the leaders, that had come in with the coach, and putting on two of Oliver's stock for wheelers, they drove through to Bob Dempsey's on a run, in order to make up for lost time.

At this place they took on board another passenger, Dan McFadden, more familiarly known as "Bummer Dan." The speed was maintained all the way to Point of Rocks, then called Copeland's Rancho. There they again changed horses, and being still behind time, they went at the gallop to Bill Buntun's Rancho, on Battlesnake, at which place they arrived about sunset.

Here they discovered that the stock had been turned loose an hour before their arrival, the people stating that they did not expect the coach after its usual time was so long passed. Rumsey ordered them to send a man to gather up the team, which was done, and, at dark, the fellow came back, saying that he could not find them anywhere. The consequence was that they were obliged to lie over for the night. This was no great affliction; so they spent the time drinking whiskey, in mountain style—Bill Buntun doing the honors and sharing the drink. They had sense enough not to get drunk, being impressed with a reasonable conviction of the probability of the violation of the rights of property, if such should be the case. The driver had lost a pair of gauntlet gloves at the same place, before. At daylight, all arose, and two herdsmen went out for the stock. One of them came back about eight o'clock, and said that the stock was gone. A little before nine o'clock, the other herdsman came in with the stock that had hauled the coach over the last stage.

The only way they could manage was to put on a span of the coach horses, with two old "plugs" for the wheel. The whole affair was a plan to delay the coach, as the horses brought in were worn down stock, turned out to recruit, and not fit to put in harness. During the previous evening, Bob Zachary, who seemed a great friend of Wilkinson's, told them that he had to go on horseback to Bannack, and to take a spare horse with him, which he wanted him to ride. The offer was not accepted at that time, but in the morning, Bob told him that he must go, for he could not bring the horse along by himself. The miserable team being brought out and harnessed up, Oliver's regular coach and an extra one came in sight, just at the creek crossing. Soon Rumsey shouted, "All aboard," the other stages came up, and all the passengers of the three vehicles turned in, on the mutual consolation principle, for a drink. Rumsey, who sat still on the box, called, "All aboard for Bannack," and all took their seats but Wilkinson, who said he had concluded to go with Bob Zachary. Bill Buntun came out with the bottle and the glass, and gave Rumsey a drink, saying that he had not been in with the rest, telling him at the same time that he was going to Bannack himself, and that he wanted them to wait till he had got through with the rest of the passengers, for that then he would go with them. While Buntun was in the house, Rumsey had been professionally swinging the whip, and found his arm so lame from the exercise of the day before, that he could not use it. He thereupon asked the boys if any of them were good at whipping? but they all said "No." It was blistering, cold

and cloudy—blowing hard; they let down the curtains. Finally, Buntun appeared, and Rumsey said, "Billy, are you good at whipping?" To which he answered, "Yes," and getting up, whipped away, while Rumsey drove. A good deal of this kind of work was to be done, and Buntun said he was "a d—d good whipper." They crossed the creek and went on the table land at a run. The horses, however, soon began to weaken, Buntun whipping heavily, his object being to tire the stock. Rumsey told him to "ease up on them," or they would not carry them through. Bunting replied that the wheelers were a pair that had "played out" on the road, and had been turned out to rest. He added that if they were put beyond a walk they would fail. They went on, at a slow trot, to the gulch, and there fell into a walk, when Buntun gave up the whip, saying that Rumsey could do the little whipping, necessary, and get inside. He sat down on a box beside Bummer Dan. Percival and Madison were on the fore seat, with their backs to the driver.

The stage moved on for about four minutes, after this, when the coachman saw two men wrapped in blankets, with a hood over their heads, and a shot-gun apiece. The moment he observed them, it flashed through his mind, "like gunpowder," (as he afterwards said), that they were Road Agents, and he shouted at the top of his voice, "Look! look! boys! See what's a coming! Get out your arms!" Each man looked out of the nearest hole, but Mattison, from his position, was the only man that had a view of them. They were on full run for the coach, coming out of a dry gulch, ahead, and to the left of the road, which ran into the main canon. He instantly pulled open his coat, threw off his gloves, and laid his hand on his pistol, just as they came up to the leaders, and sang out, "Up wid your hands," in a feigned voice and dialect. Rumsey pulled up the horses; and they again shouted, "Up wid your hands, you ———"

(See formula.) At that, Bill Buntun cried, imploringly, "Oh! for God's sake, men, don't kill one." (He was stool-pitching a little, to teach the rest of the passengers what to do.) "For God's sake don't kill me. You can have all the money I've got." Mattison was just going for his pistol, when the Road Agents again shouted, "Up wid your hands," etc., "and keep them up." Buntun went at his prayers again, piteously exclaiming, "Oh! for God's sake, men, don't kill me. I'll come right to you. You can search me; I've got no arms." At the same time he commenced getting out on the same side of the coach as they were.

The Road Agents then roared out, "Get down, every ——— of you, and hold up your hands, or we'll shoot the first of you that puts them down." The passengers then turned to Rumsey and said, "Get down, you ———" (as usual) "and take off the passengers' arms." This did not suit his fancy, so he replied, "You must be d—d fools to think I'm going to get down and let this team run away. You don't want the team; it won't do you any good." "Get down, you ———," said the spokesman, angrily. "There's a man that has shown you he has no arms; let him take them," suggested Billy. (Buntun had turned up the skirts of his coat to prove that he had no weapons on.) Buntun, who knew his business, called out, "I'll hold the horses! I'll hold the horses!" The road agent who did the talking turned to him, saying, "Get up, you long legged son of a ———, and hold them." Buntun at once went to the leaders, behind the two Road Agents, and they, wheeling round to Billy Rumsey, ordered him down from the box. He tied the lines round the handle of the brake and got down, receiving the following polite reminder of his duty, "Now, you ———, take them arms off."

"Needs must, when the Devil drives," says the proverb, so off went Billy to Bummer Dan, who had on two "Navies," one on each side. Rumsey took them, and walked off diagonally, thinking that he might get a shot at them; but they were too knowing, and at once ordered him to throw them on the ground. He laid them down, and going back to Mattison, took his pistol off, laying it down beside the others, the robbers yelling to him, "Hurry up, you ———. He then went to Percival, but he had no arms on.

The Road Agents next ordered him to take the passengers' money, and to throw it on the ground with the pistols. Rumsey walked over to Percival, who, taking up his sack, handed it to him. While he was handing over, Bill Buntun took out his own purse, and threw it about half way to Rumsey, saying, "There's a hundred and twenty dollars for you—all I have in the world; only, don't kill me."

Billy next went to Bummer Dan, who handed out two purses from his pocket. Rumsey took them, and threw them on the ground beside the pistols. The next man was Mattison; but as he dropped his hands to take out his money, the leader shouted, "Keep up your hands, you ———. Take his money." Rumsey approached him, and putting his hand into his left pocket, found there a purse and a porte monnaie. Seizing the opportunity, he asked—in a whisper—if there was anything in the porte monnaie. He said "No." Rumsey turned to the robbers and said, "You don't want this, do you?" holding up the porte monnaie. Mattison told them that there was nothing in it but papers. They surly answered, "We don't want that." On examining the other pocket, the searcher found a purse, which he threw out on the ground with the pistols.

They then demanded of Rumsey whether he had all; and on his answering "Yes," turning to Mattison, the leader said, "Is that all you've got?" "No," said he, "there's another in here." (He was holding up his hands when he spoke, and he nudged the pocket with his elbow.) The road agent angrily ordered Rumsey to take it out, and not leave "Nothing." He did as he was bidden, and threw the purse on the ground, after which he started for the coach and had his foot on the hub of the wheel, when the robbers yelled out, "Where are you going, you ———?" "To get on the coach, you fool," said the irate driver, "You've got all there is." He instantly retorted, "Go back there and get that big sack," and added, pointing to Bummer Dan, "You're the man we're after. Get that strap off your shoulder, you d—d Irish ———"

Bummer Dan had a strap over his shoulder, fastened to a large purse, that went down into his pants. He had thrown out two little sacks before.

Seeing that there was no chance of saving his money, he commenced unbuckling the strap, and when Rumsey got to him he had it off. Billy took hold of the tab to pull it out, but it would not come; whereupon he let go and stepped back. Dan commenced unbuckling his pants, the "Cap" ordered Rumsey to jerk it off, or he would shoot him, in a minute. While he was speaking, Rumsey saw that Dan had another strap round his body, under his shirt. He stepped back again, saying, "You fools! you're not going to kill a man who is doing all he can for you. Give him time." They ordered him to hurry up, calling him "An awkward

and telling him that they hadn't any more time to lose. Dan had by this time got the belt loose, and he handed Rumsey a big, fringed bag, containing two other sacks. He received it, and tossed it beside the pistols.

The Road Agents finished the proceedings by saying, "Get aboard, every ——— of you; and get out of this; and if we ever hear a word from one of you, we'll kill you surer than h—l."

They all got aboard, with great promptitude. Buntun mounting beside the driver, (he did not want to get inside, then,) and commenced to whip the horses, observing that that was a d—d hot place for him, and he would get out of it as soon as he could. Rumsey saw, at a turn of the road, by looking over the coach, that the Road Agents had dismounted, one holding the horses, while the other was picking up the plunder, which amounted to about \$2,800.

The coach went on to Bannack, and reported the robbery at Peabody's Express Office. George Hilderbrand was in Peabody's when the coach arrived. He seemed as much surprised as any of them. His business was to hear what would happen, and to give word if the passengers named either of the robbers, and then, on their return, they would have murdered them. It was at this man's place that George Ives and the gang with him were found. He was banished when Ives was hung. Had he been caught only a little time afterwards, he would have swung with the rest, as his villainies were known.

The Road Agents had a private mark on the coach, when it carried money, and thus telegraphed it along the road. Rumsey told in Bannack whom he suspected; but he was wrong. Bummer Dan and Percival knew them, and told Mattison; but neither of them ever divulged it until the men were hung. They were afraid of their lives. Frank Parish confessed his share in this robbery. George Ives was the other.

(To be Continued.)

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