

## ***Annotated Bibliography***

Abram, Ruth, ed. "Send Us a Lady Physician": *Women Doctors in America, 1835 – 1910*. New York 1985. A study of the practice of medicine and its female practitioners, both homeopathic and scientific.

Athearn, Robert G. "The Civil War and Montana Gold," MMWH, Vol. 12, #2, pp. 62 – 73.

----- "West of Appomattox, MMWH, Vol. 12, #2, pp.2-11.

Allen, Frederick. *A Decent, Orderly Lynching: The Montana Vigilantes*. University of Oklahoma Press, Norman, OK, 2004. A history of Vigilante activity, from 1863 to 1870. Concluding that early Vigilante activity in 1863-1864, absent the law, was justified, Mr. Allen makes a case that after 1864 it was not, and men were sometimes hanged for crimes they did not commit.

Anonymous. *Banditti of the Rocky Mountains and Vigilance Committee in Idaho. An Authentic Record of Startling Adventures in the Gold Mines of Idaho*. Ross & Haines, Inc. Minneapolis 1964. The first attempt at a history of the Vigilantes of Montana. The original predates Dimsdale's *Vigilantes of Montana*, in 1865. Bibliographical notes on the original book, as well as explanatory notes and bibliography by Jerome Peltier.

Bakken, Gordon Morris. *The Development of Law on the Rocky Mountain Frontier. Civil Law and Society, 1850-1912*. Contributions in Legal studies, Number 27, Greenwood Press, Westport, CT, London, England 1983.

Barsness, Larry. *Gold Camp: Alder Gulch and Virginia City, Montana*. Hastings House Publisher. 1962. Despite its jocular tone (the miners are called "b'hoys" throughout), this book gives detailed information about the daily lives of the people who lived in Alder Gulch and Virginia City from 1863 – 1875. Mr. Barsness was director of the Virginia City Players from 1948 – 1973.

Birney, Hoffman. *Vigilantes: A chronicle of the rise and fall of the Plummer gang of outlaws in and about Virginia City Montana in the early '60's*. Penn Publishing Company, Philadelphia 1929. This informally written novelistic treatment of the Vigilantes of Montana includes considerable information not found in Dimsdale, which Birney learned from remaining vigilantes and from Chief Justice Lewellyn L. Callaway.

Brown, Margery H. "Metamorphosis and Revision: Writing Montana's Constitution," MMWH 20 (4), pp. 2 – 17. Describes the efforts to write a constitution, the political and Congressional constraints that made the effort difficult. The first Territorial Legislature met from Dec. 12, 1864 – Feb. 9, 1865.

Callaway, Lewellyn Link. *Montana's Righteous Hangmen: The Vigilantes in Action*. Ed. Lewellyn L. Callaway, Jr. U. of OK Press, Norman, OK. 1982. Lewellyn L. Callaway (1868 – 1952), Chief Justice of the Montana Supreme Court (1922-1935) was the son of Captain James L. Callaway, who was partners with Captain James Williams, the Vigilante Executive Officer, in a ranch. Captain Williams committed suicide during the dreadful winter of 1887-1888 that wiped out their herds. Judge Callaway knew several of the Vigilantes personally, and his book is based on their recollections.

*Council Journal of first Legislative Assembly of Montana Territory [convened at Bannack December 12, 1864].* Virginia City, MT: D. W. Tilton & Co., 1866. This invaluable document contains a record of all bills proposed by the Council, or upper house, of the Legislature, including votes taken and who voted for or against certain measures. It provides a listing of members and a daily account of legislative action, such as the introduction of bills, the readings and roll call votes.

Dimsdale, Thomas J. *The Vigilantes of Montana or, Popular Justice in the Rocky Mountains.* McKee Printing Company, Butte, MT. 1950. This history of the Vigilantes was written originally as a series of articles in the *Montana Post* beginning in 1865, probably had *Banditti* as a source as well as the Vigilantes themselves, who were known to Dimsdale through his membership in the Masonic Lodge. As the Vigilante actions were controversial even at the time, he wrote it to prove their necessity, but did not identify any of them by name.

Dimsdale, Thomas J. *The Vigilantes of Montana or, Popular Justice in the Rocky Mountains.* Fourth Edition, State Publishing Co, and, Helena, MT. ND. See Noyes.

Edgerton, Sidney. *Family Papers.* Sidney Edgerton was President Abraham Lincoln's appointee as Chief Justice of Idaho Territory. He was an unofficial advisor to the Vigilantes, of whom his nephew Wilbur F. Sanders was a leader. In 1864 President Lincoln appointed him the first governor of Montana Territory. The papers are in the Montana Historical Society Archives.

Frey Rodney. *The World of the Crow Indians: As Driftwood Lodges.* 1987. A study of the Crow Indians' culture, religion, and history.

Friedman, Lawrence M. *A History of American Law.* 2<sup>nd</sup>. Ed. New York, 1985. This single-volume work relates changes in the law to the economic and political history of the nation.

Haines, Francis. *Indians of the Great Basin and Plateau.* New York, 1970. A study of the tribes that inhabit the Great Basin and Plateau in the Columbia River area. These people traveled through southwestern Montana on their way to the buffalo country of the plains.

Helson, John C. *Ethnobotany of the Blackfoot Indians.* Ottawa 1974. Scientific study of plants and how they were used by the Blackfoot Indians. Although the Blackfoot Indians' territory spans the Canadian border on the eastern slope of the Rocky Mountains, they regularly traveled southwest on trading expeditions, for example to the Nez Perce, and to fight the Crow. The Crow, the Blackfoot, the Lakota, the Bannock, and other tribes all claimed the territory around Virginia City.

Holmes, Oliver Wendell, Jr. *The Common Law.* Reprint of 1881 work, New York 1991. Holmes's great work of legal philosophy, including liability, criminal law, torts, bail, ownership, and contracts among other aspects of criminal and civil law.

Horwitz, Morton. *The Transformation of American Law 1780 – 1860.* Cambridge, MA, and London. 1977. A history of the changes in American law, both civil and criminal, between 1780 and 1860.

*House Journal of the Legislative Assembly of Montana Territory [begun at Bannack, the capital of said Territory on the 12<sup>th</sup> day of December 1864 and concluding the 9<sup>th</sup> day of February 1865].* Virginia City, D. W. Tilton & Co., 1866. *House Journal of the Legislative Assembly of Montana Territory [begun at Bannack, the capital of said Territory on the 12<sup>th</sup> day of*

- December 1864 and concluding the 9<sup>th</sup> day of February 1865*]. Virginia City, D. W. Tilton & Co., 1866. This invaluable document contains a record of all bills proposed by the Council, or upper house, of the Legislature, including votes taken and who voted for or against certain measures. It provides a listing of members and a daily account of legislative action, such as the introduction of bills, the readings and roll call votes. The House Journal is more complete than the Council Journal with regards to both the Rogers controversy and overriding Governor Edgerton's veto of the Civil Practice Act. The Confederate veteran John Rogers was a member of the House, and the House was responsible for writing the Civil Practice Act.
- Hunt, Aurora. "The Far West Volunteers," MMWH, Vol. 12, #2, pp.49 – 61.
- Johannsen, Robert W. "A Political Picture of the Pacific Northwest," MMWH, Vol. 12, #2, pp.38 – 48.
- Johnson, Dorothy M. *The Bloody Bozeman: The Perilous Trail to Montana's Gold*. This book is a history of the trail by which many of the gold seekers traveled to the Alder Gulch gold mines. John M. Bozeman, who found the trail, was robbed by the road agents in November 1863. Mountain Press Publishing Company, Missoula, MT 1983.
- Josephy, Alvin M. *The Civil War in the American West*. New York, 1991.
- Kohrs, Conrad. *Autobiography*. 1977.
- Langford, Nathaniel P. *Vigilante Days and Ways*. Helena, MT, 1996. This book by a contemporary of the vigilantes is the third history of the Vigilantes, containing many details and deep background not included in Dimsdale. The author was a Mason and would have been a Vigilante, except that he was in the "states" during the events. It was originally published in 1890.
- Linderman, Frank Bird. *Henry Plummer, a Novel*. Lincoln, U. Nebraska Press. 2000. Frank Bird Linderman, 1869 – 1938, was acquainted with many of the Vigilantes, including Samuel T. Hauser, later Governor of Montana. Although he originally wrote this novel in 1920, this is its first publication.
- Lott, John S. Various papers from the Vigilantes, including bylaws, an oath, signatures of the original signers of the oath, and the Vigilante account book donated by John S. Lott, the treasurer of the Vigilantes. Montana Historical Society Library Archives SC 953.
- Noyes, Alva J. *History of Southern Montana*. Included in the fourth edition of Dimsdale, no publication date. Noyes based his history on interviews with some of the vigilante participants, as well as other early-day residents of Alder Gulch and Virginia City.
- Madsen, Brigham D. *The Bannock of Idaho*. Caxton. Caldwell, ID. (The Caxton Press) 1958. Study of the history, culture, and religion of the Bannock Indians.
- Mather, R. E. and F. E. Boswell. *Vigilante Victims: Montana's 1864 Hanging Spree*. History West Publishing, San Jose, CA, 1991. This is a "revisionist" history of the Vigilante movement that claims the road agents were victims of a plot perpetrated in a struggle for power between two factions, one favoring the North and the other favoring the South. It overlooks the cooperation between Pfouts, a strong Confederate, and Sanders, a Union abolitionist, in the leadership of the Vigilantes, and that Jack Gallagher was a Union sympathizer, while Boone Helm died shouting, "Hoorah for Jeff Davis!"

Mather, R. E. *Henry Plummer: A Novel*. This novel casts Plummer as a hero and murder victim of the Vigilantes.

Mather, R. E. and F. E. Boswell. *Hanging the Sheriff: A Biography of Henry Plummer*. Univ. of Utah Press, 1987. Written by the “revisionist” team, this biography claims that Henry Plummer was the innocent victim of a malicious plot.

Mather, R. E. and F. E. Boswell. *Gold Camp Desperadoes: A Study of Violence, Crime and Punishment on the Mining Frontier*. Another “revisionist” view of events. History West Publishing, San Jose, CA, 1990.

McConnell, William John. *Frontier Law: A Story of Vigilante Days*, 1924, Chicago. First (?) governor of Idaho Territory, leader of the Payette vigilantes.

---- *Early History of Idaho*. 1913.

*Montana Post*: August 17, 1864 – February 18, 1865. The first issue of the first newspaper in Montana Territory was August 17, 1864. At first owned by a Democrat, it was soon sold to a Republican, Daniel Webster Tilton, who covered the news with an honest and open editorial support of the Union. It maintained a correspondent, code-named Franklin, in Bannack while the Legislature was in session and reprinted in full all bills as they became law as well as speeches by the Governor and opinions from Chief Justice Hezekiah H. Hosmer. The *Post* should be read in tandem with the Council and House Journals to get as full an account as possible of the issues and the problems confronting Montana Territory in its founding months.

Morley, James Henry. *The Diary of James Henry Morley, 1863-1865*. Unpublished typescript in the Montana Historical Society Library Archives XX. Morley and his brother Jule (short for Julius) were gold miners in Bannack and Alder Gulch. They had been active in civic affairs in Bannack, but they were not part of the Vigilante movement, although they approved of the Vigilantes’ actions. Their sole purpose in being in Alder Gulch was to make enough money to set themselves and their families up for life at home. They succeeded after much disappointment and hard labor.

Noyes, A. J., “History of Southern Montana,” in *Dimsdale’s The Vigilantes of Montana*, also: “Slade,” 143 – 151; Brady, 151 – 156; Kelly, 156 – 159; Dolan, 160 – 163; Rawley, 163 – 165; Keene, 166 – 176; Seachrist, 176 – 185. Mining laws: 222 – 225; from Old Court Records, 225 – 227; first meeting of county commissioners in MT: 244 – 247. “Governor Edgerton,” 247 – 249; First Idaho Legislature, First MT Legislature 249 – 250.

Pace, Dick. *Golden Gulch: The Story of Montana’s Fabulous Alder Gulch*. Privately published in Virginia City, MT, 1962. Mr. Pace raises a question with this statement about the work of Thomas J. Dimsdale: “Obviously a book written to prove the necessity of an action is not going to stress the possibility of a lack of judgment, much less the possibility of error....” This informally written little book contains many early photographs.

Pemberton, William. Y. “Montana’s Pioneer Courts,” *Contributions to the Montana Historical Society*, VII, 99-105, 1917. Pemberton was one of two note-takers at the George Ives trial. Beginning by believing that Ives could not possibly have committed the crimes of which he was accused, Pemberton became convinced of Ives’s guilt during the course of the trial. He later became a chief justice of the Montana Supreme Court.

Pfouts, Paris S.. *Four Firsts for a Modest Hero: the Autobiography of Paris Swazy Pfouts*, ed. Harold Axford, 1968. Paris Pfouts was the president of the Vigilance Committee as well as a leader among the Masons. He was also a Confederate sympathizer. This book was written in 1868, and is published by the Grand Lodge, Ancient Free & Accepted Masons of Montana. Printed in Portland, OR.

Pfouts, Paris S.. *Four Firsts for a Modest Hero: the Autobiography of Paris Swazy Pfouts*. Manuscript in the library of the Grand Lodge, Ancient Free & Accepted Masons of Montana, Helena, MT.

Phillips, Paul C. *Medicine in the Making of Montana*. From his Own Researches and the Pioneer Manuscripts of Llewellyn L. Callaway. Additional Researches and Notes by Contributors. Montana Medical Association. Montana State University Press. Missoula, 1962. Chapter 6, "Health and the Gold Rush"

Plassman, Martha Edgerton. Various newspaper articles. (See below for a list of articles relevant to the Vigilantes.) Mrs. Plassman, the daughter of Sidney Edgerton, came to Montana in September 1863 with her father, mother, and siblings, and her cousins Henry S. Tilden and Wilbur F. Sanders and his family. During the 1920's and 1930's, she supported herself and her children by writing weekly historical articles for the Montana Newspaper Association. Her notebooks and carbons are collected at the Montana Historical Society Library Archives as MC 78. Articles relevant to the Vigilante era include: (all in Box 3)

"Other Roadagents"

"The Civil War in Montana"

"How it Chanced"

"How It Happened" Lincoln's appointed her father Governor of Montana (1864).

"The Frontier Woman"

"Montana's First Divorce"

Purple, Edwin Ruthven. *Perilous Passage: A Narrative of the Montana Gold Rush, 1862 – 1863*. Ed. Kenneth N. Owens. Montana Historical Society Press, Helena, MT 1995. Edwin R. Purple lived in Bannack, the first Territorial capital of Montana, from Dec. 31, 1862 – September 1863 when he returned to the East. Purple was one of the judges in Henry Plummer's election as sheriff.

Rolle, Andrew, Ed. *The Road to Virginia City: the Diary of James Knox Polk Miller*. Norman, OK. 1960. Vol 30 in the American Exploration and Travel Series. Miller's diary describes his journey to and life in Virginia City from 1864 – 1867. He was employed as a clerk in the store of Rockfellow and Dinnee. John S. Rockfellow was a Vigilante.

Ronan, Margaret. *Frontier Woman, the Story of Mary Ronan*. Ed. H. G. Merriam. University of Montana Publications in History. Missoula, MT. 1973. As a young girl named Mollie Sheehan, Mary Ronan was eyewitness to the hangings of the five road agents and Joseph Slade in Virginia City in 1864. This account is also interesting for the wealth of detail about how people lived.

Sanders, Harriet Peck Fenn. *Diary of the journey from Omaha, June 16, 1863 to Bannack Sept. 18, 1863*, Montana Historical Society Library Archives MC 53. Harriet Sanders was Mrs. Wilbur F. Sanders.

- Sanders, Helen Fitzgerald & William H. Bertsche, Jr., eds. *X. Beidler: Vigilante*. Norman, OK, 1957. The diary John X. Beidler dictated to James Ponsford in 1880. Beidler was one of the most active Vigilantes. This book also contains historical material Sanders & Bertsche collected from other sources, eg., Wilbur F. Sanders' account of the trial of George Ives. Helen F. Sanders was Wilbur F. Sanders's daughter-in-law, and an early historian of Montana.
- Sanders, Helen Fitzgerald. *History of Montana*. 2 Vols. 1913. Exhaustive history of the state by the daughter-in-law of Wilbur F. Sanders, contains information she received from the former Vigilante prosecutor.
- Sanders, Wilbur F. Montana Historical Society Library Archives, MC 53.
- “Closing speech to the court and assembled miners during the trial of George Ives, Dec. 21, 1863.” Typescript.
- ”Eulogy on the death of Hiram Percival Albert (?) Smith,” to the Montana Bar Association, Nov. 6, 1870. Smith was counsel for the defense in the case of George Ives.
- ”The trial of George Ives.” Sanders' account of the trial, later published in Sanders & Bertsche.
- Untitled speech opposing the Missouri law that none who had supported the Confederacy could ever hold office or vote, and affirming his belief in democratic principle of voting without tests of property or education.
- Account of forming the Vigilance Committee, apparently written in 1903, typescript annotated with questions of fact and proofreading, marked WFS.
- Corroboration of this account by John Nye included in the same folder.
- Sanders, W. F. II and Robert T. Taylor. *Biscuits and Badmen: The Sanders Story in Their Own Words*. Butte, MT, 1983. This is a collection of letters, diaries, and reminiscences of the Sanders family, not all of which are to be found in the Montana Historical Society Archives.
- Shinn, Charles Howard. *Mining Camps: A Study in American Frontier Government*. New York. 1884. In this landmark study, Prof. Shinn shows that government, law, justice, and punishment differed little between the camps of Montana, Colorado, and California, except that in California many of the camps adopted the Spanish *alcalde*, a type of governor and judge, as the leading position in the camp.
- Skidmore, Bill. *Treasure State Treasury: Montana Banks, Bankers, & Banking 1864 – 1984*. Wide-ranging yet detailed account of banking in Montana. Ch. 2, “Gold Camp Banking,” 9 – 21.
- Spence, Clark C. *Territorial Politics and Government in Montana 1864-89*. U of IL Press. 1975. The Organic Act of May 26, 1864, formed Montana Territory. As I'm concentrating on 1864-1865, I read the “Introduction,” and chapters 1 & 2, which lay out the confusion in Montana politics and hence in its earliest attempt at government. Two factors above the others made the situation chaotic. Governmental officials were Republican appointees sent to administer a largely Democratic state, which meant that federalist/Unionists held administrative power over states' rights advocates. The territorial secretary, whose duty it was to allocate federal funds to the territory, did not take his place until Sept. 1865, so the governor had no means to pay government bills, including salaries.

Stuart, Granville. *Forty Years on the Frontier, as seen in the Journals and Reminiscences of Granville Stuart*. ed. Paul C. Phillips. 1925. Classic story of life in the frontier Montana from 1857 – 1900. James and Granville Stuart lived in southwestern Montana during the height of the vigilante activity. The diary contains entries from both brothers.

Towle, Virginia Rowe. *Vigilante Woman*. 1966. Some important facts in this book about some of the women connected to the Vigilantes are disputable; otherwise, it offers an interesting perspective on the forgotten people – the women – affected by their activities.

Unrau, William E. “The Civil War Career of Jesse Henry Leavenworth,” MMWH, Vol. 12, #2, pp.74 – 83.

Wharton, Francis, LL.D. *A Treatise on the Criminal Law of the United States*. Sixth and revised Edition. Vol 1. Pleading and Evidence. Philadelphia. 1868. The major differences between this edition and earlier editions have to do with slavery and slaves.

Wirth, Johann Fredrich August. A letter to his brother, from Virginia City, Montana, dated Dec. 4, 1864, complaining of hard work, and no fun or Milwaukee beer. SC 220 contains the original letter and a typescript translated from the German.

Word, Samuel. Papers, SC 284. This collection contains several items of interest:  
*Diary* Unpublished manuscript in the Montana Historical Society Library Archives; also published in Vol. 8, 1917 *Contributions of the Historical Society Of Montana*. Word’s diary primarily covers the journey from the time he left St. Joe, MO, May 7, 1863, until he arrived at Virginia City on Oct. 3, 1863.

Two officially recorded deeds to mining claims that show how claim sales were recorded.

Carol Buchanan

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