

LITERATURE, &c.

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THE BACKWOODS AND LYNCH LAW.

A Night and Day of Peril.

BY AN OLD FRONTIER MAN.

Any one who has travelled the Missouri river could not fail to have been struck with admiration, by the wild and sublime scenery which meets the eye in all directions.

When I was much younger, one of my adventurous schemes was a trading trip to New Mexico—then a rare, almost unheard of project, but now more common and less dangerous by odds. There were four of us, one a Yankee from Maine, another a quadroon Indian, and a third a backwoodsman like myself. He and I were old acquaintances, but of the others we knew very little, inasmuch as we met them only a few weeks previously by the merest chance. The quadroon was a stalwart fellow, with a development of muscle perfectly astonishing. His skill in the use of fire-arms and a weapon he never was without—a huge knife—amounted nearly to legerdemain. His countenance was no particular passport to anybody's good graces, and I was not surprised that, try how I might, I could not like him. The Yankee was, in appearance and in character, a type of his brethren—a little malicious and not a whit too brave. However, my companion thought, with myself, that as they knew the country better than we, could converse in Spanish, and were well supplied with articles for traffic—it was our interest to fraternize.

Just above the Council Bluffs—than whose grandeur and sublimity of aspect there is nothing finer—we met six Pawnee Indians, with whom we bivouacked over night. It was a dreadful night in one sense of the word. We spread our blankets in a circle, our feet in the centre, and our heads radiating outwards. Our packs we used for pillows. The Heavens were our roof, and the forest trees our curtains. It was decided that the quadroon and the Yankee should keep watch while we slumbered, and they accordingly took their posts a few yards distant. All was soon as silent as death, excepting the yelling, howling, and wailing of the wild beasts, to keep away which we adopted the usual precaution of a fire.

I had slept about three hours, as near as I could calculate, when I was awakened by a gentle pulling at my pack. There is no half-awake business in the lynx-eyed watchfulness of a dweller in the wilderness. If awake at all he is sure to be wide awake, with every one of his wits to aid him at ten seconds' notice. I instinctively scented danger, not as the battle, 'afar off,' but near at hand and immediate. I did not stir, for I knew too well that if an enemy were so close, the first movement made by me would be the signal for an unerring death-blow. The dusky light, cast forth by the half-consumed brush, revealed the swarthy forms the savages, and that of my friend in motionless repose; but I could not discover the guard in the furtive glance I threw around. The pulling at my pack continued, and I perceived that it was being slowly withdrawn from beneath my head. Still I feigned slumber. At length it was entirely withdrawn, and my head was very carefully permitted to descend to the ground! I manifested a slight condition of disturbance, and as if in the restlessness of half broken sleep, changed my position. It was then I heard the voice of the quadroon utter the command.

'If he wakes, strike before he has time to breathe.'

'I will,' was the cool reply of the Yankee. 'Take this pack behind yonder rock, while I go for the other one,' said the quadroon.

'Make haste about it,' whispered the Yankee, as he moved away noiselessly with my property upon his shoulders.

The quadroon now crept towards my friend, who was sleeping nearly opposite to me, and as he turned his back, I drew one of my pistols, without betraying my real situation. It was my determination to shoot him the moment he attempted to carry off my friend's property, but I was spared that trouble. Scarcely had the quadroon stooped over his intended victim, ere he fell. One of the Pawnees, like myself, had been watching him with an eagle's unquailing glance, and had, with the speed of the electric fluid, risen and buried his hatchet in his brain. The crunching sound of the blow made me sick at the stomach, but I could not feel any compassion for the wretch who could deliberately rob his partner in the wilderness, and mediate his murder in cold blood. In a moment I recovered from the shock the quadroon's death had given me, and springing up made after the other robber.

I caught him returning to complete his work of plunder. He was in no respect abashed by my appearance, but coolly drawing his pistols, and taking his knife between his teeth, said 'He sposed he'd have to fight me.' Before I could give him my answer, the Pawnees were up and about us. Weighing the whole event in the balance against strict justice, I am constrained to admit that the Yankee deserved to die, but it went 'against my grain,' as the saying is, to take his life. In the wilds of the New World there is no law but that of might. Judges and juries are never found there, excepting of the self-elected self-constituted order, and they have only to act sharply up to the stern requirements of the welfare of the majority. To punish a thief there, such as ei-

ther the quadroon or the Yankee, slightly, would be of no service whatever. The light penalty accomplished, the thief would return to his work again, and with it endeavor to wreak his vengeance upon the authors of his disgrace. In the wilderness extremes are altogether praiseworthy. No man steals there who is not thoroughly desperate, and willing to either take or yield life, as chance may direct. Nothing save moral law, of a very peculiar nature, governs adventurers like my associates and myself were. The Pawnees, children of the soil, as wild as the panthers they loved to destroy, had determined, in accordance with forest statute, that the Yankee must cease to live, and he was well aware of the fate in store for him. One of the Pawnees ordered him to lay down his weapons but he refused. Ten seconds afterwards he was prostrate upon the ground, dead, with five or six hatchets buried in his body. His goods, and those of his accomplice were offered to us, but we declined having anything to do with them, and the Pawnees, with a few gestures of surprise, divided them amongst themselves. In the morning they departed, leaving us at the scene of the night's disaster. We buried the bodies of the ill-fated, treacherous men, and sadly oppressed, slowly perambulated towards a little stream entitled the 'Elk horn.' Thus ended our night. How much more pleasantly our night was spent, I presume my readers will ere long ascertain.

We forded the 'Elkhorn' and struck into a region of country as rugged as the Alps, and as picturesque and terrific as original chaos. I should inform the reader that in taking this route, we deviated from that first marked out. We had obtained a license at Council Bluffs to trade above, and, in remembrance of the horrid circumstance I have detailed, we concluded to make use of it. We travelled over crag and precipice until after meridian without a solitary sign, in the vicinity, of the existence of humanity other than that comprised in ourselves. Faint, wearied, and hungered, we clambered to the top of a hill, shaded by tall pines, in order to catch the breeze, and cast ourselves among the tall crab grass, which grew around in abundance. While reclining here, gnawing our hard and scanty fare, and marveling at what would be the ultimate result of our hazardous experiment, we heard voices; and our hearts bounded with delight when we discovered that they were not the voices of Indians. Hastily finishing our meal, we once more strapped our packs to our backs, and scampered over the hill and down on the other side. This led us into a large open space of quagmire, into which we sank to the knees at about every step. But every now and then the voices pierced the still air, and we toiled on cheerfully. Half a mile of travel through—for I dare not write over this morass ushered us into a forest of saplings, in which we made a path with little difficulty, only once in a while breaking the rest of a few lizards or unsettling the equanimity of a serpent. We were used to these trifling annoyances. Crossing the sapling forest we emerged upon a prairie, and there, happiness unutterable! stood a cabin. It was surrounded by men who were dressed in the rude costume of the trapper. They were hurrying from point to point, as if excited powerfully, and at every short intervals they would pause to huzza, or laugh, in concert.

There was something wrong!—that was apparent. But what cared we!—tired, shelterless, purposeless, and companionless, with the memory of two recent bloody executions dancing through our brains? Not a jot.

We reached the cabin. The first salutation offered to me was from a diminutive, shrivelled backwoodsman, whose skin clothing was a mile too big for him.

'Hallo!' cried he, 'whar from, strangers?'

'From nowhere in particular,' I answered.

'Whar for?' he asked.

'Did intend to go trading in another direction, but the Indians were rather troublesome, and we changed our route.'

'Got anything the red skins like,' he inquired, eyeing our packs.

'Not that I know of.'

'Oh!'

By this time the whole number were around us! They comprised exactly a baker's dozen, and I must declare that born and bred as I was among squatters and trappers, I had never beheld such a ferocious and unseemly body of men in the whole course of my life. My friend Jim Bowers, (I should have given his name before,) suggested that we had better continue our journey, but I knew that if our new acquaintances possessed any disposition to injure us they would introduce us to their tender mercies the instant we made tracks from their vicinity. I therefore affected a social recklessness I was far from feeling, and replied that I would not budge a yard from good company that night at least.

This speech was received with a cheer, and I was immediately offered a cup of spirits. Truth to say I required the draught. It not only restored what strength I had lost, but fortified my courage. Jim swallowed his share with the same good effect. We were then asked to eat, and upon accepting the invitation were shown to a flat rock upon which stood an Iron pot filled with an indescribable mess which some people, at a loss for a term, might have denominated a stew. Our entertainers ate with us, and a very convivial repast they made of it. I was surprised that they did not invite us to enter the cabin, and that they made no allusion to it. I observed that four of them, however, kept watch at its door and about it, and that every man was armed to the teeth.

The shrivelled little note of the interrogation kept his eyes so earnestly and constantly fixed

upon the moveable properties in our possession, that I had my doubts of his honesty, at least. Notwithstanding my hunger, I could not relish the meal. Half the men were under the influence of strong drink, and the other half were in a semi-jocose mood, which was ever suggesting to their fancies such pleasant and humane recreations as throat-cutting and braining. One of this facetious number related an anecdote of a combat he had had, a year or two before, in a remote corner of Kentucky. After he had gouged an eye out of the head of his adversary, kicked a half-dozen of his upper teeth down his throat, and broken his nose, he got his ear between his teeth, and then expected him to 'give in.' To afford him the opportunity, he paused ere he forced his grinders together but the fellow was 'clear grit,' and he only cried out to 'go ahead—I can bear as well without it.' The narrator concluded by declaring, with visible self-congratulation, that he did go ahead as commanded; but that he so admired the beligerent's bravery, that he yielded to the fight and 'treated.' I do not pretend to say that I had never heard of, or witnessed, scenes like the one related by this merry personage;—I had but the time, the place, and the men made it appear like a new thing to me, and I was thrilled by an indescribable sensation of disgust and wonder.

After the meal a provoking and irksome silence prevailed. I was extremely desirous of penetrating the mystery, but could not bring myself to the point. As often as I opened my mouth to ask what they were doing there, so often I shut it without uttering a word. The little weasel seldom removed his eyes from Jim or myself. The party began to break up and move away in couples, but he remained a fixture. At last he was left alone with us;—that is, his companions, although in sight, were incapable of hearing our conversation.

We endeavored to appear at ease—to be resting from our fatigue—and to care nothing about what was going on. Finally the little man gave signs of being weary. He drew closer towards us. At length he spoke: 'You don't ask any questions!'

'No,' said I, 'we have none to ask.'

'Don't you wonder what we're doing here?' said he with an air of surprise.

'I did not,' answered I carelessly.

'Nor I,' said Jim, following suit.

'But,' I resumed, with a well dissembled look, 'now that you speak of it, what are you doing here?'

'Here on business,' was the curt response.

'I thought you did not live here.'

'Live here, stranger!' cried the anatomy.

'Why my land is fifty miles from here; a prettier clearing can't be found on the Missouri.'

'Glad that you're so lucky,' said I—and continued, 'My clearing is hundreds of miles from here; and I wish I was on it.'

'One does like to be at home,' chimed in our friend.

'Yes,' growled Jim, 'I always make home the place where I am.'

Another long pause succeeded. The little man broke it as before.

'It's a most time for us to do our business.'

I was about to exclaim, testily, 'Well, why don't you do it,' but my better genius prevented, and I inquired if we were in the way.

'That depends on circumstances,' answered he.

I drew a long breath, and at last asked what those circumstances might be.

'They might be e'enmost anything,' answered the little man, with a grin over what he considered his wit; but they are peculiar. You'll understand 'em presently.'

Our hosts had been earnestly talking among themselves all this while. They appeared to be debating about some question, in which it was plain enough we were mixed up some way or another. In a short time they seemed to have amicably settled whatever difficulty had existed. One of them came up to the little man, and saying—'All right—tell 'em!'—returned to his comrades.

The little man nodded his head complacently and, then condescending to unclose his jaws, he addressed us again—

'WE'RE LYNCHERS!'

Had he said 'We're Robbers' instead, I could not have experienced a more unpleasant shock. Those who have never visited these regions, know nothing of the lynchers or their works. Time and true again have I beheld their transactions. In the majority of cases the decrees of the lynchers were just and unavoidable. In some cases they were fiendish, unmerited and wicked in the extreme. Lynch law in new settlements is not the Lynch law of cities. The lynchers are the oldest and most respectable of the inhabitants. They are systematically organized and convened. They have a constitution and laws, written to guide them and conduct their proceedings with every sort of judicial importance. There is no insanity of the mob discoverable in their movements. They try, condemn and punish a culprit with as much preparation, and as coolly, as any court of the United States. In arresting a person unfortunate enough to come under their notice they go to all lengths. They will track him hundreds of miles—from state to state, from territory to territory. If he delivers himself quietly up he will get all the benefit of such trial as they award—if not he must trust to luck for a whole skin before they take him. The lynchers supply the place of the authorities of the country. Sometimes a judge or two will stray along once in a year, and hold a hurried session.

In the meantime the desperadoes who may

have committed their various crimes to the detriment of the scattered, only self protected, commonality must be supported and guarded entirely at the expense and care of those whom they have wronged. To obviate these difficulties and get some species of law, the lynchers were instituted by the people. Bad as lynch law unquestionably is, it is better than no law at all, and this is all the choice the inhabitants of those wilds have. Opposed to the lynchers is a class of the community who are perfectly honest in their opposition, and who are organized for resistance. Many terrific encounters of the lynchers and their opponents take place. They seldom end without causing death, for both parties are composed of men who have no fear, and who will obstinately do battle, after commencing it, until they conquer or die.

The information imparted by my shrivelled interlocuter, paralysed the circulation of my blood.

I paused a while to recover from the shock of the abrupt and brief declaration of 'We're Lynchers.' I comprehended the nature of the business before spoken of at once. Some poor creature had experienced the curse of their displeasure, and they were on his track! I concluded to quit the spot incontinently. To stay there would lend no lustre to my character, nor aid me to dispose of my goods.

'You're lynchers,' I answered (after tipping a wink to Jim) 'This is no place for us.'

'Why?' cried rather than asked our little tormentor.

'Business is better accomplished in private, by the individuals interested therein. It don't become us to remain here and be acquainted with your proceedings.'

'But you cannot go now,' said the little man.

'Can't go?'

'No—you will be benighted in the forest, and chewed up by the varmints, or murdered by the Indians if you do.'

'That,' I answered promptly is a risk we all expect to run. It will but be a proper penalty to dare for venturing to thrust ourselves among you so uncereemoniously. We shall depart now without delay.'

So saying, we arose.

'We cannot permit you to leave us,' said the little man firmly, after scrutinizing us keenly.

'Why keep us here?'

'It is the wish of the company, therefore sit down, and swear you will not interfere in what may transpire, or breathe a word of what you may see and hear to a living soul.'

'Swear!' exclaimed Jim, interrogatively.

'Yes, or be shot, you can take your choice.' And the diabolical skeleton grinned like a demon.

Finding a demurrer would be of no avail, we doggedly succumbed to our fate, and took the proposed oath; the lynchers, while we did so, handling their knives, as though they would like no greater amusement than that of cutting our throats or chopping us up into inch bits.

We learned after undergoing this compulsory asseverating ordeal, that they had waited to take the sense of the meeting, touching what was to be done with us. The final resolve was as I have demonstrated it. Perilous enough had been our position, when our lives depended upon the mere caprice of a few of our fellow beings; and was saved by their vote.

We were now told that they were in pursuit of a culprit, and that the cabin before us was his hiding place. They had tracked him during a fortnight. The offences charged upon him were murder and horse-stealing. They had had his hat in a state of siege for some days. All this time he had maintained an obstinate silence, and had evinced no desire to compromise matters, or to give any satisfaction whatever. Their original determination was to starve him out, but this they had changed, and were now going to bring him out, or burn him with his own tenement. I shuddered at the scene spread before my mental vision. Escape there was none. We could only remain, and endure whatever destiny had provided for us.

The business of the day was commenced by the lean man, who went to the door and thundered at it with the breech of his musket. We waited breathless for an answer, but none came.

Again the breech of the musket was applied to the door, and this time with an accompaniment of exclamations that, any hearer would have declared came from the throats of no cherubs.

'Hallo! within there' screamed parchment face.

No answer.

'We shall set fire to the cabin if you don't immediately come forth,' he continued.

Still no answer.

'You are aware that we can break this door through in five minutes. Be wise and come forth, or we shall burn the cabin, I tell ye.'

But they might as well have discoursed to air.

'Boys—fire up!' commanded the little man, after waiting a few seconds to ascertain what effect his eloquence had produced.

He turned away and joined his comrades.

'Perhaps the fellow is dead!' suggested one.

'No,' responded the little man, 'not he. I've dealt with these chaps before. He's there snug! Come light up. We've been fools to wait so long.'

In a very short time a pile of faggots were placed against the door and ignited. The breeze was light, and an immense volume of smoke rolled slowly upwards, and thickened the surrounding atmosphere. Soon the door began to crackle, and finally it was one living coal. The logs of which it was made