

Baid of the same therefore you are to arrest the said Dr. Baid and bring him before the people and to be dealt with according to their judgment.
A. BOLES, Chairman Committee.
Yreka, 1852.

Boles also endorsed it on the back, directing Abraham Thompson "to serve the within rit," and for fear it was not then sufficiently authenticated, signed his name again in another place. Armed with this document, Boles, Hurd, Thompson, and a few others went to a restaurant where Frenchy was quietly eating, arrested their man, and started with him at once for Scott river. Here they found an immense crowd gathered, who greeted them with cheers, and proceeded at once to dispose of Frenchy's case by miners' law. A jury was selected and the trial commenced. But little evidence could be produced against him; Smith's belief that he was the man was about all, while in his defense was the testimony Hurd brought from Humbug that tended so strongly to prove an *alibi*. And yet on this slight evidence many wanted to hang him. The jury argued and discussed the matter, aided by the crowd, but could decide upon nothing. But for a few who would not agree to it they would have hanged him, but these few could not see how a man could be in two places at one time, and did not believe it possible to make the trip from Humbug and back in the night. While they were arguing the question, Smith tried his powers of persuasion on the prisoner, but to no avail. With tears in his eyes he spoke of the loved wife and innocent babe awaiting his return, that if he lost this money the world would hold no more charms for him, he was ready to die. Suddenly he changed his manner, drew his pistol, and told the man he would shoot him like a dog if he did not confess, and restore the dust, and then put an end to his own existence, but if he gave up the stolen treasure he would see that he was released.

At this juncture the crowd came up with a rope, with the information that the jury had decided to hang him. They had agreed among themselves to run him up once, and if that did not extort a confession, to let him go. This was too much for Frenchy. On the one hand was the rope or pistol, and on the other Smith's promise to aid him. He looked at the preparations made to stretch his neck, and lost his courage. He had taken the treasure, he said, and would show them where he had hidden it. Down the trail he led them to where it passed some bluff rocks; here he paused, reached his hand up into a crevice and produced the sack of dust. Those of the jury who had before stood by him were now the most eager for his punishment. They had been deceived, and this was a fault they could not stand. An agreement was soon made to give the culprit twenty-nine lashes. He was quickly stripped, tied to a tree, and a rawhide lash made. Smith was selected to administer the castigation. To this he objected. He had forgiven the man for the wrong, and could not whip him. He would treat the whole crowd, or do anything, but whip the man he could not. The crowd was angry at this; their natures were not sensitive enough to appreciate such sentiments; but Smith made them a speech which completely won their hearts. It was then decreed that the constable should do the flagellating.

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Thompson stepped to the front and said he did not fancy the job, but that an officer should not shrink from his duty; and, seizing the whip in his hand, began laying on the stripes in a mild way. The prisoner made his first mistake when he was frightened into a confession, and right here he made his second. When fifteen lashes had been given he gave Thompson a look of hate, and hissed through his teeth, "I'll kill you." "Kill me, will you, you dirty thief?" shouted Thompson, as he laid the blows on with all the power of his muscular arm. The whipping before had been gentle, but now the blood followed every cut. Thick and fast he rained the blows upon the bleeding back until thirty had been counted, when he was told to hold on, as he had given him one too many, but hold on he would not. Down came the lash with a vicious whiz through the air upon the lacerated back, until the subdued victim pleaded for his life and promised to do the irate whipper no injury. Thompson then relented, unbound the man and washed his bleeding back with liniment. The jury had still one more duty to perform. They took a bag of dust belonging to the Frenchman, weighed out six ounces to Smith for what he had lost before, six to Hurd for a nugget he had lost by theft, jurors', witnesses' and constable's fees consuming the balance. A purse of three ounces was then made up for him, and he was invited to "make yourself scarce," and never be seen in the diggings again, or he would be made to swing. He accepted the invitation.

Elijah Moore & Co. kept a trading-post at Free-town, on the north fork of Humbug creek, in 1852, which was the scene of considerable excitement one day. It was customary for Indians from about the mouth of Humbug to roam up the creek and beg old victuals and carry away offal from the slaughter-house. Little articles were occasionally missed from this store, and these Indians were suspected of having spirited them away. One day two Indians were in the store, and one of the partners went out for awhile. After he was gone, the other partner noticed a pair of buckskin pants that seemed to him to lie too near the Indians, and removed them behind the counter. The Indians soon passed out and started down the creek. The first partner then returned, and noticing that the pants and Indians were both gone, seized a gun and went to the door and shot one of the Indians who had gone but a short distance. He soon discovered that he had been too hasty, and as he could not put life into the inanimate form of his victim, he put metal into his own heels and took to the mountains. The miners gathered and proposed to have a trial, but the guilty man had escaped. This was no obstacle to the proceedings whatever, for they tried his partner in his stead, a sort of an impromptu Damon and Pythias affair, with the brotherly love ingredient omitted. There was no evidence that this man was aware that his partner intended to shoot, but the crowd was excited, and many wanted to hang him anyway. The better judgment of the cooler ones prevailed, and the man was acquitted. The excitement soon passed away, and as the man killed was only an Indian, the partner who took to the woods returned and resumed his place in the store without molestation.