

The Life, Times and Riddle of Cache Valley's Black Jack Nelson
By Larry D. Christiansen

Whether a legend, a rogue, a vagabond, a loner, an opportunist wanderer hard to track, a well traveled outsider, John Williamson Nelson, Jr. was one of the most infamous persons to reside in Cache Valley. The swath he cut extended well beyond the small valley in northern Utah and southern Idaho, ranging deep into southern Utah, and into Idaho, Montana, Nevada, Wyoming and eastern Oregon. He was a combination of rustler, compulsive stealer, an armed robber, troublesome culprit, habitual thief and active ne'er-do-well while being the offspring and brother of a prominent local family, at times a citizen of a town, a teamster, farmer or rancher, neighbor and husband and father. It would be easy to accept the idea that he was first and foremost a thief, giving little to no attention to the other entitlements concerning family or community. Certainly most of the references to him point in that direction, but still there may have been a softer side to him even though it is hard to trace and document. Plus, being the black sheep of his family seemed to be more helpful in the end than an obstacle in his career line of business. His activities over the better part of sixty years earned him a few nicknames and epithets—"Black Jack Nelson," "Horsethief," "Whisky Jack," the "incorrigible thief," "A Chronic Horse Thief," "notorious John Nelson," and lastly, "the original Jack." When the area newspapers recorded another of his escapades, they would mention that he was back at "his old games," "original old self," or playing his "Little Game," for his life seemed an endless cycle of being in trouble with the law. He was willing to abscond with almost anything and not adverse to the chance for a bigger take, yet he was small-time at best. His ranking would not be among the famous outlaws, even being below Black Jack Ketchum and Butch Cassidy. But like the two latter outlaws he made the easy steps moving from stock rustling to stealing and armed robbery, and he lasted much longer than the first and twice as long as Butch Cassidy. He was not the product of a lawless wild West, for Cache Valley was an agrarian society far from being as rowdy and raw as Kansas and Missouri in the 1860s or as Texas and the cow towns and mining camps. Still, Utah had problems with stock rustling almost as soon as the Mormon settlers introduced cattle and horses, and in northern Utah that was acknowledged as early as 1860 by the territorial governor and increased with the opening of mines in northern Idaho and Montana in the mid-1860s. The difficult thing about trying to piece together the activities of John W. centers on the lack of reliable information. Most of what we know comes from the times when he encountered trouble and was caught. Rumors, talk and tales of Black Jack's activities abound and possibly entailed some actions he did not do, however, just as significant or more so would be the sum of his illegal activities in his successful rustling and stealing which were not known by the general public or attributed to him. By a combination of ingenuity, luck, pluck and persistence, he survived and continued his ways for over half a century.

To set the stage for a limited glimpse at the life and times of John W. Nelson, Jr. consideration will be given to his family and their roundabout arrival in Cache County in 1859. The family story began in Scotland where John and Catherine Williamson Nelson lived, and in 1847 they joined the Church of Jesus Christ of Latter-day Saints and desired to gather to where the Mormons were concentrated. In 1850 the Nelson family became part of a LDS emigration company that numbered 369 persons bound for America and Utah. They journeyed from Oakely, Scotland to Liverpool, England, and boarded the ship *North Atlantic* to cross the ocean. The company departed on September 4, 1850, and arrived at New Orleans, Louisiana, on November 1, 1850. On the ship passenger list were the names of John Nelson age 34 from Scotland with the occupation as miner. Accompanying him were his wife Catherine age 34, and four children—Isabella Burt age 12, Edward age 9, William W. age 7 and John age 4. The Nelsons boarded a river steamboat to travel the 700 miles up the Mississippi River to St. Louis where they remained for over a year. We know little of their stay at St. Louis except that father John worked in a coal mine and was able to secure enough money to outfit a wagon and team to move west. By late spring of 1852 they had moved to Kanessville, Iowa, on the Missouri River ready to cross the plains to Utah. They became part of the John S. Higbee/James W. Bay Company that numbered 190 persons and started westward on May 30, 1852. The company's roll listed the Nelsons as John, Catherine Williamson, Isabella Burt, Edward Williamson, William Williamson, John Williamson and Catherine Williamson Banks (infant). This last child had been added to the family during their sojourn in Missouri and Iowa. The two rolls mentioned above also clear up a census problem dealing with the young John Nelson, Jr., as later census rolls and other records would repeatedly state he was born in Missouri. The census data was wrong as only infant Catherine was born in Missouri.¹

Their overland company arrived at Great Salt Lake City in the Territory of Utah on August 13, 1852, and the Nelsons continued on to Cedar City in the southern portion of the territory. Whether formally called or not, they were involved in the Iron Mission where John worked freighting ore from the mines to the smelter. Little is known of their time at Cedar City except Mr. Nelson's words expressed at a political meeting in the late 1880s that he "had been acquainted with the prominent men of Iron County years ago." The family was shown on the 1856 Utah census as living at Cedar City in Iron County. The announcement of Mrs. Catherine Nelson's death covered the family's movements from Scotland to Utah and on to Cedar City, then Farmington and finally Logan. However, the time in Cedar City and Farmington were not given by date and only the 1859 arrival at Logan in Cache County was specified. During the period before reaching Logan, the Nelson parents were initiated in the sealing and endowment ordinances of the Mormon faith. The family was large with Mrs. Nelson giving birth to nine children with the last four born in Utah—Brigham Williamson Nelson (1853), Elizabeth Jane Nelson (1856), Mary Ann Nelson (1858) and Thomas Williamson Rowland Nelson (1860). John Nelson claimed he "built the first log cabin in Logan." They were among the first settlers of Logan and influential from the beginning with John Nelson, Sr. holding both civil and church positions. Even before the settlement at Logan had an official name, in June and July of 1859 he was appointed to a committee with John P. Wright and Israel J. Clark which parceled out the land to the new settlers. In addition, John Nelson was selected as a counselor to the new community's first presiding elder, John P. Wright. From the beginning his qualities and abilities were noted and used in the new settlement at Logan.² In July and early August of 1860 the federal census of "the County of Cache, Territory of Utah" enumerated about 512 families with the number of the latter grouping somewhat complicated by plural marriage. The Cache area was so new that the closest post office was listed as Brigham City in Box Elder County. The enrollment of the John Nelson family had the head of house at age 41 and by occupation a "farmer" with \$600 value of real estate and \$1600 value of personal estate. The family consisted of wife Catherine with the names of nine youngsters (seven of their children and two relatives). The oldest daughter cited on the ship passenger list and crossing the plains roll had married and was not living at this home, and there were two names—Agnes A. and Alex—most likely the children of father John's siblings who resided in southern Utah. The earlier known children, Edward age 19, William age 17, John age 14 and Catherine age 9, were all attending school except William. Two of the last three children born in Utah were also in school and the last child would be born in the fall.³

In the late fall of 1860 John Nelson, Sr. took another step in Mormon progression by taking a plural wife, Marion McNeil, a recent immigrant from Scotland. President Brigham Young performed the ceremony in the Endowment House at Salt Lake City on November 24, 1860. When Logan progressed



John and Catherine Nelson Sr. at Logan in their latter years. Photo courtesy of Eileen H. Clarke.

from the initial fort to a community, the Nelsons settled in the southwestern part of the settlement, and the census data showed he was a man of considerable substance (listing him in the top fifteen in the county); he would continue to increase his holdings in land, both within Logan and outside farm land. He served as a Logan precinct pound keeper for the first four years. By 1861 he was serving as a captain in the Utah militia in Cache County. When the time came to celebrate Pioneer Day in 1862, he was a leading figure on the arrangement committee, heavily involved in a saw mill and shingle mill on the Logan River, and he would build a grist mill at Malad in Oneida County, Idaho. He also became involved in trading with the mines in northern Idaho and Montana in the mid-1860s and served two terms as probate judge in Oneida County, Idaho, while maintaining his primary home at Logan. He was truly an entrepreneur far beyond the "farmer" occupational status of the census. The census data on property tells only part of the story while the Cache County, Utah and Oneida County, Idaho, assessment rolls give the more accurate picture beyond the real estate covering his other businesses and interests, including lending money. Because he remains of secondary interest in this article, only a brief synopsis of some of his economic interests will be cited. In 1872 his business interests were assessed at \$2,000 in Cache County with at least a grist mill in Oneida County not

included. He built another grist mill in Cache and by 1882 owned two residences in Logan. His personal property included land, cattle, horses, mules, pigs, vehicles, farming equipment and other property not enumerated. By 1878 he began loaning money at interest at first in the hundreds of dollars and by the final five years of his life averaging over \$4,200 per year. John Nelson, Sr. had an acumen for business and prospered and increased his economic station and contacts to the point of possessing considerable influence in Utah and southern Idaho.⁴

At this point the attention of this article turns from the father to the son named after his father with his mother's maiden name, John Williamson Nelson, Jr. At the age of four the youngster left his homeland in Scotland where he was born on January 22, 1846, and over the next decade traveled much before he reached Logan, Utah, at the age of thirteen. Perhaps he was mature beyond his age being on the frontier in a pioneer era and area where fear of an Indian attack was present at any time. At Logan in 1860 the fourteen year old was attending school along with Edward his oldest brother; however, the next older brother William had stopped his schooling at age sixteen, which was probably a portent for the younger John, Jr. While the absence of Logan City and Cache County school records for this period prevent positive confirmation, it is believed that John, Jr. soon followed the example of his brother, William, and left school for first the farm and then the trading trail north to Montana.⁵

In the early 1860s a series of events changed the northern Utah area suddenly. Gold was discovered along Grasshopper Creek in Montana in July of 1862. While the Indians had troubled the Mormon settlers, when they struck the mail and some miners, they were attacked by the U.S. army and severely beaten to the point that they were of little threat after the January 1863 thrashing. A wagon train of goods from Salt Lake City merchants had gone to the Montana mines in 1862 and returned with gold and a report of tremendous profits in the sale of their goods. Thereafter wagon and pack trains hit the trail for the northern mines even though it was a 300 to 400 mile trip one way. While most of the Utah trains went from Salt Lake City, it was soon realized that Cache Valley might play a part as its agricultural goods were wanted at the mines. The relatively cheap flour and other agricultural products in Cache Valley could be sold for much more at the mines to the north, and if shortages were severe, the prices could soar wildly. The return was real money, not scrip or bartering in a closed economy controlled by the Mormon Church. Apparently, John Nelson, Sr. was one of the earliest in Cache Valley to turn some attention to the trading possibilities with the Montana mines. He provided the finances for some of his sons to become engaged in the trade with Edward, William and John, Jr. driving wagons; possibly, he was affiliated with some of the Salt Lake merchants in the trade to the mining towns. At any rate, son William, after a trip or two, decided the trading venture was better than farming and stayed in the business for fifteen years, carrying Cache Valley agriculture groceries to Montana and wintering in Cache Valley. Still the major players in this trade came from the population centers around Salt Lake City, and they traveled north through Malad and over the heavy grade of Malad Hill to Marsh Valley and on to Montana as a large amount of freight and mail went to the mines. The grist mill set up by John Nelson, Sr. at Malad in 1868 was associated with some of the Salt Lake merchants in the Montana trade. For some in Cache Valley it was more rewarding to carry flour, butter, corn, potatoes, etc., to the miners than to directly seek the mineral wealth, and this included the Nelsons. In May of 1866 a report from Cache Valley noted that "A large number of teams have been loading up lately in Cache, with flour for Montana market" much heavier than the past two seasons to the point of making flour scarce locally.⁶

By the time of his involvement with the trade to the mines, young John W. Nelson, Jr. (hereafter cited as John W.) was in his mid to late teens, fully grown to a height of five feet six inch, heavy set with a dark complexion and initially a youthful appearance exhibiting much energy. A few persons who knew John W. in later years gave additional descriptive information of him; one had him being "a gib man, with large and penetrating black eyes;" another recorded "he was a short heavy set man, with small piercing black eyes;" a third acquaintance said "he was a small stocky man with black shoe-button eyes." His eyes were apparently the most fascinating part of his appearance, while the "gib" probably referred to his manner of talk along the lines of being a gibber or gibberish—as voluble and foolish talk or banter. The mining boom in Montana and adjacent areas of northern Idaho changed his life and brought him by steps into a way of life that he would pursue for the rest of his life. It greatly broadened his horizons far beyond his home in Cache Valley and he would travel far and wide during his life. After a few trips of freighting groceries and provisions to the Montana mines, young John W. soon found hauling foodstuffs and freight was hard work, dull and not that rewarding. Besides, with a bit of innovation he thought it could be made more worthwhile. Towards this latter goal and in possibly his first big venture outside the law came in Great Salt Lake City on September 30, 1864, when thieves stole goods and merchandise from a warehouse on East Temple Street. Among the items taken were seven sacks of coffee (valued at \$1,000), half a chest of gunpowder (\$300), cases of boots and shoes (\$400) and five hundred pounds of bacon (\$500). All of

which they wanted for the Montana trade with hopes of great profits. However, at least two of the thieves were caught, and on December 20, 1864, a grand jury presented indictment against Samuel M. Butcher and John Nelson, charging them with stealing the items mentioned above and subpoenas issued for witnesses to testify against them. The trial was called the following day with Butcher's counsel requesting a continuance which was rejected and then a change of venue which was overruled. A jury was called and sworn and the trial commenced when it quickly became complex and confusing when the prosecution discovered a "fatal defect" in the indictment and requested a discontinuance of criminal charges until rectified, and then they found two other indictments against Butcher. The trial resumed in early January of 1865, and for reasons never explained in the court papers and the newspapers, the case now focused on Butcher with multiple indictments and his history of crime and association with elements outside the law. Butcher was convicted and sentenced to a \$300 fine and three years imprisonment in the penitentiary at hard labor. The teenager Nelson disappeared from the case, while it can be conjectured that possibly Nelson turned against his partner and gave evidence, and/or a savvy lawyer used Nelson's young age and inexperience in being led astray. Very likely the key element in whatever took place was the influence and money of John Nelson, Sr.⁷

This setback and experience possibly gave him some aversion to becoming a member of a group or gang with previous past baggage in unlawful activities and loyalties. Perhaps he thought it would be easier to steal cattle or horses and take them up the trail on the hoof. So he went out on his own and stole three head of cattle in Cache Valley and drove them off to the north a short distance and sold the animals to a trader bound for Montana. Whether the new rustler experienced trouble in moving his three cattle along the way, or the notification and response of the county sheriff was extra fast, or a combination of the two, the young thief was caught before he could leave the area. Sheriff Alvin Crockett arrested John W. for rustling, and he was brought before the Cache County Probate Court in their March term in 1866. The county records in June show an appropriation of \$484.15 "to pay the Bill of costs in case of the people vs. John Nelson in the Probate Court," which was about one-fourth the total income of the county in 1865-1866. This indicates there was considerable legal defense for the defendant and that it was not a quick catch and convict case, and bearing in mind this was in his home county where his family's influence and money were important factors. John W. Nelson was convicted and sentenced to six years in the territorial penitentiary and fined \$1,000. On June 9, 1866, he was placed in the penitentiary in the Sugarhouse area of Salt Lake City.⁸

However effective or strong his legal defense had been at his trial, the wheels of such began to spin in working out a new approach. When solidified it came in the form of a citizen's petition signed by some of Utah's most prominent citizens. It restated the crime and situation in the case against John W. in the best, if not the most truthful, way as follows:

That the said John W. Nelson did in company with another person (whose name is unknown to your petitioners) while under the influence of Liquor and wholly in unconscience [sic] of what he was doing take from the range of Cache Valley three head of cattle belonging to parties unknown to your petitioners and dispose of the same to a freighter whose name is also unknown to the undersigned and who was passing through said Valley.

But in a few hours or as soon thereafter as the said John W. Nelson recovered from the effects of intoxication and reason again resumed its sway and becoming conscious of what had been done the said Nelson followed after Said freighter and used all possible means in his power to regain possession of said Cattle for the purpose of restoring them to their proper owners, but could not obtain possession of the same for the reason of the said freighters unwillingness to give the cattle to said Nelson.

Your petitioners further showeth that the said Nelson is a young man and very poor. Consequently was not able to pay for or obtain counsel for his defense and the Court or Judge before whom the trial was had failing or refusing to assign Counsel for the defense of the prisoner the Said prisoner was forced into trial against his will without the aid of Counsel.

Attached to this skewed petition were fourteen important and impressive names that included the Salt Lake City Attorney, the U.S. Attorney for Utah, Salt Lake County Attorney along with the names of two Salt Lake merchants—Woodmansee Brothers and Lawrence & Kimball—engaged in the trade with the Montana mines. Most likely with such an array of prominent names, the contentions of the petition were secondary in importance. According to the petition, it was just a youthful indiscretion while intoxicated which he repented of and tried mighty to correct without success. Because he was poor, he was not

adequately defended and therefore given a sentence not deserved. It waved away any collaborating witnesses as unknown, and surely both they and the prisoner were not known to the elite in Salt Lake City, but his partner (if such was involved for only the petition mentioned this possibility) and the freighter could not provide evidence for or against the prisoner. The petition cast all disparagement on the court and judge for shortcomings, but none upon a large and well-to-do family for not bridging any deficiency, real or imagined, when the case went to trial. It focused entirely upon a tact which seemed best suited to serve the interests of John W. Nelson, Jr. and not the truth, facts and evidence. Most likely, the money and influence of John Nelson, Sr. were behind the drafting of the citizens' petition and obtaining of the heavy-weight signers of it. The result was it worked, and Governor Charles Durkee of the Utah Territory acknowledged that he had been "petitioned by numerous very worthy and responsible citizens to grant a full pardon" to said John W. Nelson. Durkee signed a handwritten decree dated October 30, 1866, granting "unto the said John W. Nelson a full and complete pardon of the crime and release from the remainder of said imprisonment and a full and complete remission of said fine." John W. Nelson, Jr. was only twenty years old.⁹

After only four months in the penitentiary, John W. was freed by a combination of good luck and efficient exercise of his family's influence. While his parents and siblings could have thought he had learned his lesson with actual imprisonment dampening any allure for the outlaw life such would not be the case for the junior Nelson was not about to turn over a new leaf. Instead he carried on and over the coming years developed a sort of modus operandi or manner of operating in his chosen profession. He would not join or form an outlaw gang but either worked alone or with a single partner. While he would steal a vast array of things, in rustling he apparently preferred horses to cattle, perhaps something he learned from the first time he was caught. Perhaps with a horse or two they could be led much easier and faster than driven. John W. basically took what appeared to be available and taken easily. He roamed or scouted over an area and found his targets, and for the most part his targets were small such as an animal or two, or three but not a herd. And where possible he chose to take his animals and not drive them the hundreds of miles to the Montana mines for the greatest profit, but rather quickly sold them to other traders encountered on the trading road for less money. It was much more difficult and hard work, requiring more manpower to drive animals all the way to Montana. True his reward was less, but he didn't have as much time and effort invested, besides the animals stolen were free of charge. Whether by personal choice or opportunity his endeavors were usually small in size, such as two or three rustled stock, which kept his law breaking primarily the concern of local law enforcement officials.

Upon his release from the Utah penitentiary John W. returned to northern Utah and continued his activities, which cannot be specifically stated due to lack of documentation but by conjecture and later published description having him following his old ways. He soon became the proverbial "black sheep" in his family and placed his father in an uncomfortable position. Four months after his pardon, his father John Nelson, Sr. was showing the effects of his wayward son or sons to the extent that in a High Priest quorum meeting at Logan on February 8, 1867, the group leader President Alvin Crockett (also the county sheriff who has earlier arrested John W. for stealing cattle) told the quorum members of "Br. John Nelson" situation and feelings and ask them to extend all the good feelings toward this brother "as he was somewhat cast down in his feeling through the unhappy conduct of his sons." A month later before this High Priest quorum, "John Nelson stated that he had been backward in his duties and desired the forgiveness of his Brethren which was cheerfully extended." Later the quorum rolls revealed that John Nelson, Sr. had been excommunicated from the faith that brought him from Scotland to Utah. While no date was included with this action, it appears to have taken place during or after he left the ranks of those having plural wives, possibly in 1869 or early 1870. There was no specific charge and it involved more than just the actions of wayward sons, but that may have been the catalyst that produced the far-reaching consequences for the Nelson family in Logan. About the same time John Nelson Sr. was dropped from the Mormon Church, he took another step and abandoned plural marriage. The union with Marion McNeil had produced three children born in 1861, 1864 and 1867 with the last dying before the age of two. Without the religious connection, polygamy was a severe handicap to Nelson in business and politics. Most family genealogies have the plural marriage ending prior to the 1870 census. Although no documentation has been found for a divorce, the dissolution could have come about in a quieter practical personal manner outside of court. Possibly Nelson could have reasoned that his plural marriage was illegal, conflicting with the Anti-Bigamy Laws in force, hence it was null and void, and with an arrangement with the second wife and her leaving Logan, all was taken care of in a most effective and quiet manner. The former plural wife and children left Logan although her mother and a brother were on the 1870 census at that location. Now Nelson was fully acceptable to the Liberal Party and other anti-Mormon groups or individuals and gained significant influence with the non-Mormons. By 1872 the senior Nelson was in the camp of the anti-Mormon faction

and that year he placed his name on the memorial of citizens asking that the Territory not be admitted as a state—the 19th Century Mormon equivalent of crossing the Rubicon with an irrevocable step that commits one to a specific course. In January of 1874 most of the members of John Nelson, Sr.'s family were excommunicated from the Mormon Church by their request.¹⁰

In 1869 the transcontinental railroads were joined in Utah. The following year when the 1870 federal census was taken John Nelson, Sr. (age 58) was enrolled at Logan and listed as a farmer with \$1,400 value of real estate and \$1,350 value of his personal estate and he was a U.S. citizen. In his household were wife Catherine keeping house, son Brigham (age 16) working on the farm with daughter Mary (age 12) at school and son Thomas (age 9) at school. Son William with his wife and two children lived next door and son Edward with wife and five children lived two houses from his parents. All these were in the Logan Second Ward. John W. Nelson, Jr. (age 24) was not living at home nor was he located in a check of the census for Cache County, in Idaho and far beyond in California, Montana and Nevada. His brothers and sisters had homes and farms, but John W. had not settled into an easy married life after some troublesome starts. There exists a hint that he may have experienced an early marriage while in his mid-teens which, if true, ended quickly. Five or six years later in the mid 1860s he married Jane Martha Laird, who had been born in one of the Mormon camps in Iowa in either 1849 or 1850 during her parents' migration to Utah. So far only family genealogies and stories confirm this marriage. The teenaged mother bore a son born at Logan, Utah, on January 11, 1867, and named John Laird Nelson, and soon a second child was on its way. However, family troubles became severe to the breaking point and the short relationship ended abruptly. The pregnant Jane Martha left her two-year-old son with his father and left to rejoin her family in California where she delivered a baby daughter at Stony Creek, Colusa County in California. Perhaps the root of the difficulties was John W.'s restlessness and troubles with the law combined with Jane's family which seemed to be constantly on the move from New York to a couple of places in Utah including Cache Valley and on to Montana and California where they with Jane were at Stony Creek Township in California during the 1870 census. Their marriage was short, and it has not been ascertained if it ended by a mutual permanent separation, a divorce or a desertion. At this time when marriage contracts had fairly strict parameters, many persons lived with a marital fluidity that involved cases of desertion and bigamy (Mormon and non-Mormon versions) wherein their marital status was settled in the easiest and most practical ways outside court proceedings. This pattern apparently happened at least a couple of more times in John W.'s life.¹¹

John W. Nelson, Jr.'s exact location has not been found for 1870, but assuredly he was quite active and moving around. On the 14th day of April in 1872 he married Maryette Merrill in Malad City, Idaho. She provided the date for the marriage, and her family had settled in Smithfield several years earlier. Maryette was about the same age as John W. The new couple may have stayed at Malad a short time but they established themselves in Cache County, either at Logan or possibly Smithfield also in 1872. From this marriage came one son named George born at Smithfield in October of 1875, while John W. was absent. Also in 1872 three of the Nelsons filed land claims in Cache County. John Nelson, Sr. entered a claim for land in June of 1872 near Providence and received his patent in 1874. William made an entry for land two miles west of Logan adjacent to the survey line of the Salt Lake Meridian, and within four months fulfilled all the stipulations and his patent was issued on September 28, 1872. The day after his brother's filing, John W. made an entry for 160 acres (SE quadrant of section 21 of T11N R1W of Salt Lake Base and Meridian) on May 28, 1872, located about two and a half miles southeast of Mendon and halfway to Wellsville. However, John W.'s would take over nine years before the patent or title was available with no reasons found except the filer was busy with other matters. Then some of John W.'s other activities became public when law officers visited John W.'s Logan residence four months after his marriage and he was back in trouble with the law.¹² His latest venture made the Utah newspapers in August of 1872 as his presence was echoed in both the daily *Deseret Evening News* and the weekly edition, both published in Salt Lake City as a news item and not by letter from a disgruntled citizen of Cache County. The date of the Thursday report was August 15, 1872, and it included a summation of John W.'s life, reputation and actions as follows:

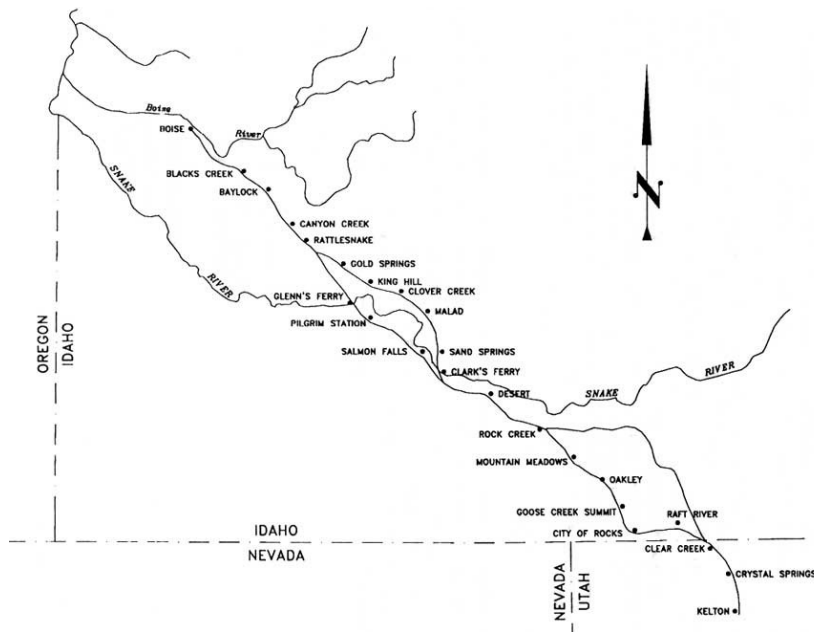
ARRESTED.--On Thursday last a report reached Logan City, that John Nelson, Jr., a resident of that place, somewhat notorious for his dishonest practices, had been at his old games, and had stolen a set of harness from a resident of Box Elder. On Friday morning Sheriff Alvin Crockett, and his deputy, Philander Cranny, went to the residence of Nelson and found him snug in bed. They made known the cause of visit, and not only arrested their man but recovered the stolen property. Nelson, in the custody of the Sheriffs, was taken on Friday to Brigham City, and placed in safe keeping until an investigation could be had, and it is likely he will be committed for

trial. This individual is said to be an incorrigible thief. He was formerly convicted and sent to the penitentiary for cattle stealing, and was, we believe, pardoned by the late Governor Durkee.¹³

However, the newspapers' were mistaken in predicting a trial for John W.; once again, good luck and probably influence and money from his family plus a short time in the Brigham City jail terminated the case. He made the newspapers' columns because he was caught with the stolen goods, and he was becoming known for his thieving ways. Surely between his pardon in 1866 and the 1872 theft of a harness, there were many other instances known to some people in his area but not published widely for the general public or he would not have become "notorious for his dishonest practices" and called "an incorrigible thief" as cited in the above Salt Lake City newspaper article. At this point in his life while having a wife and home in Logan and a quarter section of land, he also had other interests and traveled about considerably. If wife Maryette didn't know it yet, she would soon discover her husband was a restless and reckless man. Among a wide choice of places where he could stay temporarily was Malad in Oneida County, Idaho, where his father had a home, a grist mill and connections with freighting to Montana plus being the probate judge of Oneida County for two terms in the early 1870s. Apparently, while Probate Judge Nelson was performing his judicial duties at Malad, his son John W. also appears to have been in the area looking for some action considerably above stealing a harness.¹⁴

In the process he formed a partnership with a man named Sam Colyer, and they began thinking or plotting to rob a stagecoach. If the rumor tale was correct, they chose to make an attempt on the Gilmer & Salisbury Daily Stage Line that ran from Corinne, Utah, through Malad to the mining camps in Montana. The returning coaches were the prime targets for robbery since they often carried gold from the mines, and one of the choicest area for holdups was south of Fort Hall where the road traversed Portneuf Canyon with the sharp bend to the south into Marsh Valley (present day locations would be from Pocatello to McCammon, Idaho). There were enough holdups in this important conduit for travel that a portion became known as "Robbers Roost." Here, it is believed that John W. with others made an attempt to rob a stage, still undetermined if successful or a failure. A possibility could have been the attempt that occurred on the night of July 16, 1873, in Portneuf Canyon near "Robbers Roost." Several men were involved and they struck simultaneously from both sides of the road at the passing southbound stage discharging their guns at the coach, but instead of bringing the stage to a stop, the uncooperative driver "plied his whip to the horses and escape[d] with the passengers and treasure." Whether in the initial discharge or while driving away from the assault on the stage the driver, Charles Phelps, was shot more than once. For whatever reason, including the surprise that their shooting tactics did not halt the stage, the robbers made no further attempt to stop the stage, which made it to Malad. Although a doctor was dispatched from Salt Lake City, Phelps died the following day and was buried at Malad. The Corinne newspaper reported that the "vigilant agents of Wells, Fargo & Co. and Gilmer & Salisbury are out along the line in search of the malefactors." In addition the newspaper announced that "Wells, Fargo & Co. offered a reward of five hundred dollars each for the arrest and conviction of the robbers who attacked the stage in Port Neuf Cañon on the night of the 16th instant." The paper minced no words in declaring those involved in the robbery were "also murderers."¹⁵

Whether or not they were personally involved, this failed attempt was widely publicized and could have been instructive to prospective stage robbers, plus it gives insight on rewards. If Nelson and Colyer



◀◀ Route of the Boise to Kelton stage showing two later changes to the Kelton Road. In late July 1873, the stage leaving Boise traveled passed the Rattlesnake stage station and continued on the north side of the Snake River through Cold Springs and King Hill to the Clark's Ferry where it crossed the river. The holdup came a few miles later somewhere between the ferry and Desert station. The stage was about half-way in its course to Kelton. The Malad station shown along

the road was in the area of the Malad Gorge and over 160 miles from Malad City, Idaho to the southeast near the Utah border.

were involved in this attempt to rob the stage, they separated from the group and quickly left the area with the would-be but empty handed bandits, possibly reviewing their mistakes in the failed attempt. They moved around 150 miles west to the road that crossed the Snake River on the line between Boise City and the railroad at Kelton, Utah, on the transcontinental railroad just north of the Great Salt Lake. This was on the "Boise Freight Road," one of the best and busiest roads for freight, mail and passengers leading into or out of southwestern Idaho. Service between the two named locations started in 1869 and by 1872 was in full operation with freight wagons and stagecoaches, with the later carrying mail, money and passengers traversing the 240 miles run between Boise and Kelton with nineteen stage stations interspersed along the route (ranging between eight to fifteen miles apart) in about forty-two hours. On Friday July 25, 1873, the two robbers were ready with shotguns to try their luck again. They encountered the scheduled stage bound south for the Kelton railroad station. The stagecoach had left Boise City the previous morning, and on it were a driver and three passengers that included a Methodist minister along with three mail sacks and a Wells Fargo strong box. About 115 miles from Boise the stage crossed the Snake River at Clark's Ferry and traveled approximately three miles in Grass Valley to near present-day community of Buhl, Idaho. Here Nelson and Colyer wearing masks with their double-barrel shotguns successfully ordered the stage to halt. In quick order the robbers took the strong box and mail and waved the coach to hasten on its way. The robbed stage continued on its route and revealed the details of the holdup at each station on the way to Kelton and to anyone met on the road. The two road agents found a safe location and broke into the box and probably looked over the mail for money, supposedly there was around \$20,000 in their take. The partners divided their stolen plunder with Colyer's portion including two gold bars, and probably by pre-arrangement, they parted company, each going his separate way. This holdup was reported in a Boise newspaper on July 29th which commented that the stage passengers were "not molested" or robbed, possibly because of the traveling minister "as the agents didn't want to have the name of robbing a preacher." By August 5th the Boise newspaper carried the following notice: "WELLS, FARGO & CO. offer a reward of \$2,500 for the capture of the Grass Valley stage robbers." This was followed up by reward circulars announcing the largest reward to that time issued in Idaho Territory. By word of mouth, newspaper reports, telegraph, mail and circulars the word was quickly spread of the robbery and reward, and in addition law enforcement officers went to the site and found what evidence remained and attempted tracking the thieves.¹⁶

Within two weeks of this robbery, there were at least two more stage robberies along the road to Boise in what came to be called "American Brigandage" as a steady growth of highway robberies continued. The first came to the Wood River stage where \$600 in gold coin was taken. Next, the Kelton to Boise stage was held up "near where it was robbed about two weeks ago" (robbery of July 25th). To stop the stage the robbers fired three shots at the driver with one passing through his hat. The highwaymen got away with \$1,200. These three robberies heightened both the general public and law enforcement officers to be on the lookout for suspicious persons in the general area. In the intervening time, the minister on the stage held up on July 25th, Rev. R. M. Gwinn, continued with the stagecoach to Kelton where he took the train to Ogden and Salt Lake City to attend a church conference. Then he retraced his travel by train to Kelton and took the stage to Boise, arriving about two weeks after the robbery.¹⁷ His arrival was just a day or two before one of the robbers was brought to Boise. This first break in the case came as a result of the news of the holdup, the circulars and reward. Sam Colyer had taken his share of the stolen treasure and traveled into the mining area adjacent to the Snake River, but soon found it was inconvenient and troublesome to travel with his two gold bars so he placed them in a hiding place and moved on. The news of the robbery with a fair description of the agents was successful in catching one of the thieves. He was spotted and arrested and taken to Boise as described by the Boise newspaper:

A man named S. Colyer was brought in on the Overland Stage yesterday evening, by Mr. I. N. Mann, a Snake river miner, and handed over to Marshal Pinkham.

Colyer is the man who robbed the stage near Snake river some two weeks ago, and acknowledges the fact. He pointed out the spot where he had cached two gold bars, valued at \$1,200. Colyer is thought to be a little weak-minded.¹⁸

It might be surmised that Nelson perhaps took advantage of his partner's condition, whether deliberately or coincidentally. It could have entailed both the burdensome gold bars and actual division of the ill-gotten treasure, and letting his partner lead any searchers in one direction, while John W., with more caution than speed, took extra care to leave the hardest trail to follow behind him, keeping away from the main roads and safely made his way to the Malad area where family or friends could assist him. It could be further conjectured that with Colyer's admission of the crime and seemingly ease of confession and

showing where he hid his gold bars, that the law officers also received more inside information on the other bandit, allowing an improvement of his description. At Boise a grand jury indicted Samuel Colyer for robbing the Northwestern Stage Company's coach, and "threatening" and putting the driver in jeopardy on the Overland road. When arraigned Colyer plead guilty and received a sentence of five years in the Territorial Penitentiary at hard labor for "robbery of the United States mails" committed on "25th day of July 1873." Colyer was incarcerated in the Idaho Territorial Prison built three years earlier just east of Boise. He was enrolled on November 29, 1873, before the establishment of a numbering system and under the name of "Collyer aka Colyer, Samuel" with the additional alias of Sam Collins. His age and date of birth were not given, and the jurisdiction of his crime was cited as the "United States" since it involved the U.S. Mail.¹⁹

At Malad City in Oneida County John W. apparently picked up a pack animal with supplies and traveled into Weston Canyon, the pass between Malad Valley and Cache Valley, to lie low in a place hundreds of miles from the site of the stage robbery. He camped in one of the limestone caves mentioned by John C. Fremont in his famous report on exploring the Rocky Mountains as printed by Congress. Fremont described the caves and in some he found piles of leaves for bedding, concluding the local Indians used them for lodging at times and noted them as "dry, open and pleasant." Nelson chose one of the caves well hidden from the trail along the creek and known only by locals very familiar with the canyon. The largest of these caves in time became known locally as the Big Cave and many years later renamed the Weston Canyon Rockshelter by the scientists that investigated the formation in the mid-1900s. John W. could have used it for some or all of this stay, or found another more to his liking. It was the last part of July or early August when John W. moved into the cave for an extended stay, hoping to allow time to pass wherein those searching for the robbers gave up their efforts and things settled down to normal. Our knowledge of some of this extensive cave time came from John W. several years later when he recounted an experience while so encamped and he had some visitors in the fall. A small hunting party of Shoshoni braves from Fort Hall encamped further down the canyon. They learned of his location and one day they came repeatedly to his cave camp, sometimes one at a time or in groups. One of the Indians seemed particularly interested in John W.'s outfit and did not go and come, remaining there to share a meal and did not leave when all the others left for what appeared the final time. This caused a deep concern for the white camper, thinking the native was possibly looking for whisky, or a chance to steal some of his outfit, and worrying the brave might even discover some of the stolen money. Ready for any move by the Indian, John W. waited, worried and watched his troublesome visitor closely. Suddenly the Indian ran and jumped on the back of the white man's pack animal tied near the camp, and just as quick John W. grabbed his pistol

and fired one shot with deadly effect at the Indian attempting to steal the animal.

He ran and secured his pack animal, and then carried the dead Indian to a remote ravine with much undergrowth, threw it in and made it so the body was concealed. A couple of hours later the rest of the Indians returned looking for the missing brave; they looked around the cave and on the canyon floor the rest of the night while John W. kept his pistol close at hand. In the morning the braves left and departed from the canyon. In his story he stated he knew if they had found the body, they would have killed him. John W. continued his hiding and it is not known how he was re-supplied with provisions or if word was passed somehow to his wife in Logan explaining



Weston Canyon along Highway 36. Most of the caves were in the rock

*formation in the left upper level where John W. hid for some time.
Picture courtesy of Jimmy Wayne.*

the reason for his being away
from home so long.

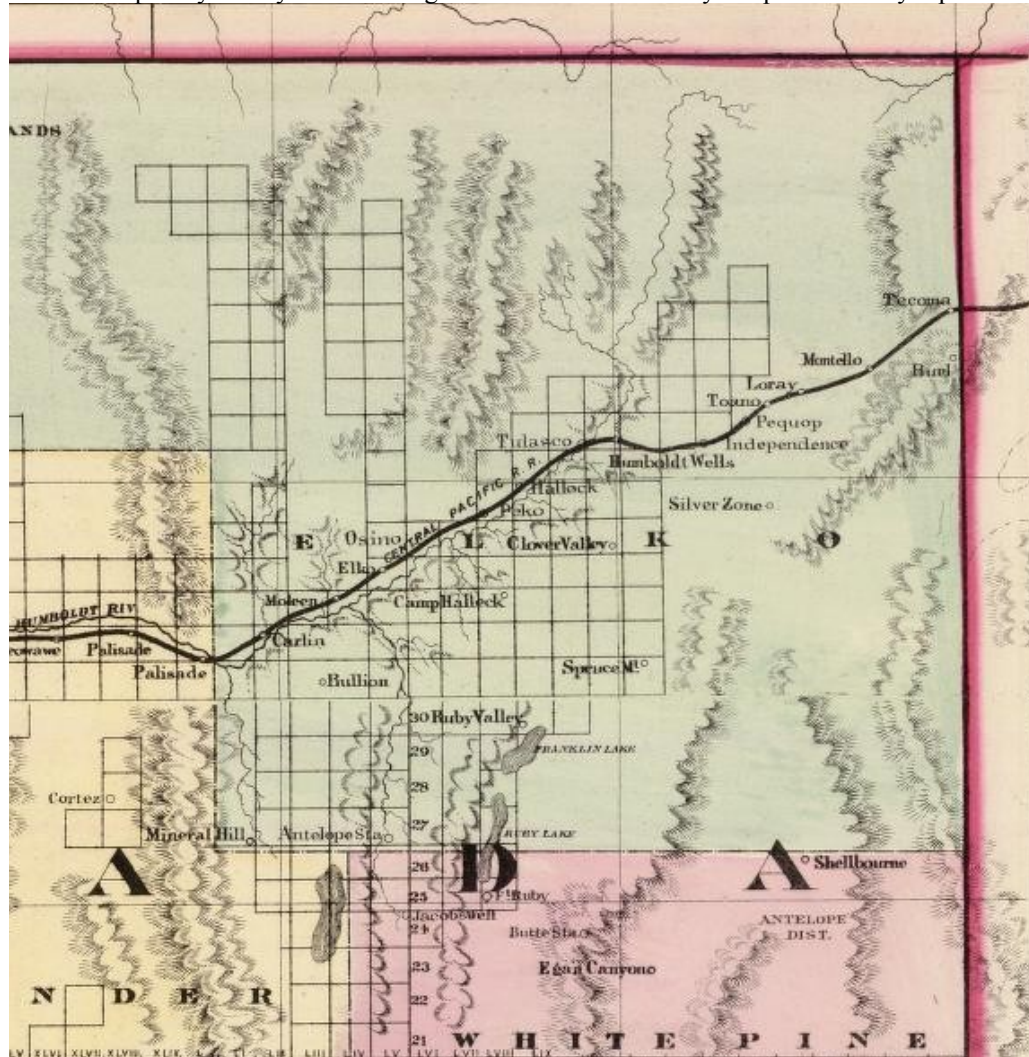
He remained at the cave until the snow fell sufficiently to block the narrow pass wherein he felt it safe to ride into Cache Valley. Then he supposedly traveled along the Clarkston Mountains and western hills to near the base of a rocky knob (known locally as Molly's Nipple) at the entrance to the Bear River Gorge near Newton where he buried a portion of his stolen treasure. After being gone for at least six months, John W. returned to Logan to his wife where he spent the rest of the winter including the second anniversary of their marriage in mid-April. Maybe some of the ill-gotten money was spent on his wife to somewhat pacify her for his long absence. He was probably in the area shortly after January of 1874 when most of his family left the LDS Church. A couple of months later with the death of the Cache County presiding probate court judge there was a stir when his father was appointed the probate judge of Cache County by the Territorial Governor. This unwelcome move had been spurred by a recommendation of an Anglican minister new to the county, and caused a heated emotional upheaval from the majority population whereby they claimed the senior Nelson was "not known" in the area and he was the enemy as the political-economic struggle for power swept Cache County. Perhaps before this time John W. had learned by the grapevine or otherwise that Sam Colyer had been captured and probably gave a much fuller description of the second man in the stage robbery.²⁰ John W. by a combination of hiding in the cave and other evasive actions eluded the law, which never caught up with him for the robbery of a stage near the Snake River. It can't be ascertained how long John W. remained in the area but must have been in the Cache County area by January of 1875 as on October 3, 1875, his wife Maryette's first and only child was born at Smithfield, a son George. However, John W. would miss most of the period of his wife's pregnancy and the birth of George as he engaged in another stage robbery and legal troubles in Nevada.

In the period before his next serious trouble with the law while in Nevada in July of 1875, there are confusing and contradictory reports on Nelson's presence and activities. All came from Nelson's attempts for a pardon with some suggesting he was in and known in Elko County, Nevada, before his arrest for robbing a stage in the summer of 1875. There were no dates for any of the information, but three separate witnesses mentioned John W. had a wife and several children. This would seem to place it after Nelson's marriage to Maryette in April of 1872. These Nevada witnesses supporting a pardon for Nelson wrote in letters in the early 1880s what they knew of him while in Nevada. Two were or had been the prosecuting attorney in Elko County stating Nelson was known and had a good reputation in their county before his arrest. To confirm this position the present district attorney and a Nevada district judge contacted Nelson's former employer and acquaintances (presumably Nevada residents) that he was a well known and respected citizen. A man from Toano, Nevada, stated that he had known John W. as a "Teamster and Rancher" for several years before his conviction and added he had a "very estimable Lady for a wife and a nice family." The problem arises how to sandwich this information with John W.'s other known activities. We know he was married at Malad in April of 1872, and the following August he was arrested at his Logan home for stealing a harness in Box Elder County. There was some unaccounted time after the harness stealing until July 1873 when the stagecoach robbing near the Snake River took place and hiding out in a cave occupied him until the spring of 1874. Until his next arrest there was approximately one year, certainly too short for all the Nevada doings—several years as a teamster and rancher, three children and employment by others. No other evidence has been found to support the claims of these Nevadans, thus we don't know if it is total fabrication or contains a small sprinkling of fact. Each of these witnesses' statement will be covered again in regard to the request for a pardon but in context with whatever else they reported or predicted.²¹

Sometime in 1875 John W. was either residing in and working in northeastern Nevada or went westward into Nevada and quickly became ensnared in legal troubles which caused a couple of huge historical mistakes wherein it was thought he had been caught, tried and convicted for the stage robbery in southern Idaho. This error started with an article in a Cache Valley newspaper in May of 1885 that stated he was convicted and sentence to prison in Nevada for the "crime of robbing stage between Boise City, Idaho and Kelton, Utah." Another writer in the 1970s used this source and restated the same mistake without any explanations why the case was not tried in Idaho or other significant details.²² From the historical Elko County court records it can be stated that John W. Nelson was not caught, tried or convicted for the robbery of the Boise to Kelton stage, but he was arrested and sentenced for robbing a Nevada stage in Elko County. Perhaps the only connection with the Idaho robbery was that John W. got away with his biggest take and it seemed so easy to pull off and he wasn't caught. So he decided to rob another stage by himself, eliminating the sharing of the wealth and complications of a weak minded or kneed partner.

John W. had a big job on his mind and with his knowledge of the area together with a recent survey of the possibilities chose a favorable prospect ripe for the picking. In Elko County in the northeastern section of Nevada there was a small stage line that ran from Humboldt Wells (called Wells and later officially

changed to the shorter name) on the Central Pacific Railroad's transcontinental road and carried passengers, mail and hopefully money to the mining areas to the south namely at Sprucemont by Spruce Mountain



The northeast section of Nevada bordering Idaho to the north and Utah to the east and showing Elko County and the northern part of White Pine County. This 1875 map features the transcontinental railroad and the townships which had been surveyed when the map was drawn. A small stage line ran from Humboldt Wells on the railroad almost directly south passed Sprucemont down to the mining area of Cherry Creek in northern White Pine County. The holdup took place south of Sprucemont.

and on to Cherry Creek in northern White Pine County over eighty-fives miles directly south. On this route at times ran regular stagecoaches pulled by multiple teams, but frequently when no passenger traffic was involved, the vehicle was a small, light mail wagon pulled by two horses. Normally there was a lone driver without an accompanying guard except when carrying extraordinary amount of valuables. John W. chose an isolated place on the stage route and over a week prior to the planned holdup he began to build a small wickiup or brush hut extremely close to the road at a place where the stage would be traveling slowly due to an upgrade and other terrain factors. From a concealed place John W. observed the stage wagon passing and believed he could surprise the driver and successfully rob it. On Friday July 2, 1875, he was ready for the south bound stage wagon when it reached the location he had chosen to strike. On that day the stage wagon was driven by G. N. Brown, employed by the Woodruff & Ennor's Stage Line for five years, and the stage carried an express strong box but no passengers on this trip. Eight months later at the trial the driver would state that on his previous trip he had noticed the start of a "wicke up" but had not stopped or inspected it. He had left Wells going south and passed Sprucemont and when within fifteen miles of the latter place the assault was made. Brown recalled, "I was driving up a little pitch, day was warm, was laying back half asleep, the team walking slowly. It was about 3 P.M. A man came out from

behind a brush ‘Wicke up,’ and stuck a gun close to my face and told me to ‘stop.’” The holdup man’s sudden appearance frightened both the driver and the team, which tried to increase their speed from a walk to a run. Brown was able to stop the horses after they traveled only about twenty feet, all that time the road agent kept pace walking backwards beside the stage wagon as it moved forward, keeping his double barreled shotgun pointed at the driver. The brush hut was only eighteen inches from the hub of the wagon’s wheels, providing the holdup man a great position to surprise the stage driver. The thief was dressed in a “white Robe or gown . . . like an ‘old woman’s’ Night gown” that extended down to his ankles and included a white mask with two holes for his eyes. The conversation between the two men involved the driver asking “What he wanted?” and being told “I want that Box,” and involved the driver twice requesting the thief to put down his gun as it might go off and being told in return that the driver need not be afraid if he did what he was told. Later at the thief’s trial Brown recollected about the thief: “He had a peculiar voice, a low cool, Easy voice showed no excitement. Such a voice I never heard before or since.”²³

Driver Brown took the express box and dropped it on the left hand side of the stage wagon, which frightened the team and perhaps gladden the masked man, who said, “he would take care of the box till morning.” During the stopping of the vehicle and the conversation that followed, the thief was close to the driver within seven feet at one time and allowed Brown to describe the masked man to some extent later. The thief was judged to be in height about five feet ten inches and weighed about 150 pounds. The two most prominent features noted were the thief’s eyes, which even with the mask with holes, were seen as “large Black Eyes, very bright,” with the driver later declaring he had never before or since seen such impressive eyes. More unusual was the man’s left foot and shoe and the only one seen due to the robe and positioning. The foot was very small with the leather shoe possessing laces of a lighter color. After a stop of a few minutes the stage wagon was waved on, leaving the masked thief with the locked express strong box with its contents. Brown drove on headed for Cherry Creek with a stop at Phalon’s place (probably serving as a stage station) some three miles from the robbery where he reported the incident with the loss of the express box. He finished the trip to Cherry Creek and again reported the robbery. The next day Brown started his return trip to Humboldt Wells and when he reached Phalon’s place, there was the express box setting on a table. In place of its usual lock there was a small piece of sagebrush stuck in the locking hasp. The thief broke off the lock and took what was in the strong box and left it possibly where it had been dropped. Someone, possibly either travelers on the road or searchers looking for the thief picked up the box and carried it to Phalon’s. Very likely the search for the thief began soon after it was first reported at Phalon’s and the nearness in time and place brought quick results. Driver Brown took the express box and carried it back to Humboldt Wells and delivered it to the agent who had placed it in his charge a day earlier. He arrived in Wells on Saturday, July 3rd, about six in the evening. Shortly thereafter Driver Brown would have a meeting with John W. Nelson, who had been arrested near Toano in Elko County and brought thirty-five miles west to Wells, suspected of robbing the stage on July 2nd. Neither the court records nor the local newspaper detailed the reasons for the arrest of Nelson; perhaps he was caught nearby and/or had in his possession some of the contents of the express box.²⁴

On Sunday, July 4th, John W. was taken by law enforcement officers to the office of the Wells station agent, W. J. Vanamee (or Van Namee), with Driver Brown also present. Brown exchanged a few words with the man “said to be John W. Nelson” and looked into his eyes. Brown believed on the spot his voice was “like the man that Robbed me, same voice, or one Exactly like it,” and his eyes were the same. However, the primary reason for all being there dealt with the suspect’s feet. One of the law officers asked the station agent to procure another pair of shoes for the suspect which was done, and both the driver and the agent watched as the law officers removed the man’s shoes laced with deerskin or buckskin, with Brown asserting Nelson’s shoes were the same size as the robber and shoe strings were the same. The suspect’s shoes were given to driver Brown, and the following day he took two law officers to the robbery site where the shoes were compared to footprints and “fitted them Exactly.” The suspect’s shoes were returned to Wells and given to the Grand Jury. In the Grand Jury proceedings the driver G. N. Brown recounted the scene at the holdup with emphasis on the gun pointed constantly at him, the thief’s peculiar voice, eyes and shoe on the left foot, and upon meeting the suspect therein he identified the voice, eyes and shoe as being the same as the thief’s. Agent W. J. Van Namee told of his role in giving the locked express box to the driver who had no key, the detailed contents of the box, and his experiences with the suspect shortly after his arrest, particularly in getting other shoes for the defendant while his were removed to check their match with the tracks at the holdup location. With other evidence not detailed in the written record, the Grand Jury found sufficient cause to issue an indictment on October 23, 1875, charging John W. Nelson with robbing the stage and threatening the driver. While these legal procedures were taking place

with John W., his wife Maryette gave birth to their son on October 3, 1875, around two hundred miles to the east in Cache County.

By this time the amount involved in the stage robbery was officially revealed which included money, notes, jewelry and even the value of the express box itself, it totaled “one hundred and thirty nine dollars of the goods and chattel of Wells Fargo and Company, from the person and against the will of the said G. N. Brown.” Stage robbery in Nevada had become one of the liveliest and most profitable enterprises, but it was not so in this case where it amounted to little more than pocket change. The timing of the holdup couldn’t have been worse for the robber as the summer of 1875 saw mining in a serious decline in northeastern Nevada with Sprucemont virtually abandoned due to a miners’ strike and Cherry Creek in a bust period. Most likely some serious looking into the situation would have revealed that the stage still ran but seldom had passengers and carried very little money. So, late in October of 1875 in the district court at Elko, the defendant was asked if he had counsel for his defense and Nelson replied he didn’t and the court appointed counsel to defend him. The indictment was read to him and he was given a certified copy of the same, and asked if he was guilty or not guilty, to which he plead not guilty. The court then inquired if the name on the indictment was his true name to which he replied that “John W. Nelson was his true name.” Then came some legal maneuvering with the defendant’s newly appointed counsel now asking to be allowed to withdraw the earlier not guilty plea which the court allowed but required a plea within two or three days. The second not guilty plea came on October 26th and the trial was set for November 15th. The defendant and his counsel returned to court and filed for a continuance which the court accepted until the next term of court in March of 1876.²⁵

John W. Nelson resided in the Elko County jail from July 4, 1875 through March of 1876 some nine months, and the last half of that time he had legal counsel to assist him. In the handwritten Elko County court records there are two lengthy testimonies against the suspected thief by driver Brown and agent Van Namee which covered the material cited above, and both closed with “Cross Examination for Dft.,” which entailed essentially the re-telling of each account in detail. No dates were cited for these examinations which were probably before the grand jury or a preliminary hearing. Both testimonies focused largely on circumstantial evidence due to the robber being masked and robed, they played a small part in the actual trial with only agent Van Namee called with his testimony perhaps limited to the contents of the express box and the physical handling of the box.

On March 13, 1876, the District Court of the Ninth Judicial District in the State of Nevada was called to order by Judge J. H. Flack. Defendant John W. Nelson and his attorney along with the district attorney were present. The selection of a jury was long with several challenged by both the prosecution and defense for “implied bias” and “actual bias,” until enough were selected and empanelled. The trial of The State of Nevada vs. John W. Nelson commenced on March 14th at 10 o’clock when the State called its first witness. The brief written records merely state: “J. M. Mateer sworn and examined on part of plaintiff and cross examined by Defendant.” The same brevity reported the next two witnesses, Jack Nolan and John Phalon, being examined by the plaintiff and cross examined by defense. This took up the whole morning session and after the third witness the court recessed until 1 o’clock. While there were no details recorded some substantive issues had to have taken place. At the end of the trial the local daily newspaper had the following item in its columns: “Our old acquaintance Jim Mateer, former Deputy Sheriff of White Pine County, who has been largely instrumental in procuring the conviction of Nelson, departed for his home at Cherry Creek, by the train last evening.” Furthermore, Jack Nolan along with William Adams and a Mr. Alexander were the men who transported Nelson from Toano to Wells where he was placed in jail, and John Phalon owned the place three miles from the holdup where the express box was taken and identified as from the stage held up on July 2nd. These three men were the state’s most important witnesses connecting John W. Nelson to the robbery. Although no details were written down, whatever the persons who apprehended John W. Nelson found on his person or in his possession confirmed his involvement in the robbery along the lines of the circumstantial evidence of the driver and agent whereby their direct testimony was secondary and not essential to the trial.²⁶

In the afternoon session of court another six witnesses were examined and cross examined with no particulars recorded on the handwritten court records. After which the court adjourned until the following morning. On March 15th the court resumed with three additional witnesses for the plaintiff—W. J. Van Namee, J. H. Mallet and Elko County Sheriff H. W. Brown—each sworn, examined and cross examined. Van Namee was the station agent who detailed what had been placed in the express box that was stolen and its value. He was also involved to some degree when Nelson’s laced shoes were removed from the suspect to be taken to the crime scene. Again the court records don’t cite any specifics on any of the witnesses. With these last three witnesses the State rested its case, and court recessed until 1 o’clock. In the afternoon session the defense took its turn by making a motion that the court instructs the jury “to accept after

argument by respective counsel.” Whatever this meant the court overruled the motion. There may have been some debate or argument over procedures, but no witnesses were noted as called and the defendant did not testify in his own behalf. A recess was taken until 6 p.m., and at the appointed time the court reconvened with further arguments by the respective attorneys. Finally the court called the jury and issued the court’s instructions in writing, after which the jury retired to determine their verdict; the court adjourned until the following morning. On Thursday, March 16, 1876, the court reconvened knowing the jury had agreed on a decision, and the verdict was given in oral and written form as guilty as charged with sentence to come a few days later. On March 21, 1876, John W. Nelson was sentenced to eleven years in the Nevada State Prison.²⁷ Nelson entered the Nevada State Prison near Carson City on March 23, 1876, when he was thirty years of age. The original prison had been converted from a hotel that burned down in 1867, and slowly replaced by a series of buildings constructed of sandstone from a quarry on prison property with much prison labor. An index of prison inmate files gave the basic information with name, identifying numbers and year of entry into the prison as follows:

NELSON, JOHN W. 0034
1876 NSP-0003.²⁸

While husband John was in the Nevada State Prison at Carson City, over 430 miles to the east in Cache County, Utah, wife Maryette came to the conclusion that her marriage had been a mistake and initiated divorce proceedings in the Cache County Probate Court on December 14, 1877. In the court papers for some reason whether due to delay in being informed her husband was in prison or just a mistake, she had her husband’s incarceration beginning one year later than it did, but correctly placed his sentence at eleven years. Very likely the root of the problem was John W., who seemed to function in most of his serious criminal cases in a way wherein he took them lightly and didn’t reach out for family help until after being incarcerated in prison. In this last case after being caught and indicted he spent nine months in jail before the trial and sentencing. Maryette Nelson in her disposition declared that she and her husband were married at Malad, Idaho, in the spring of 1872 “and ever since have been and now are wife and husband.” She related that her husband had been convicted of a felony in Elko, Nevada, and sentenced to the state prison where he was presently confined. She asked for a divorce and stated, “I have a good cause of action in this case against said Defendant” and gave additional information to identify him. On advice of her lawyer, she explained in her request the difficulties in summoning the defendant since he was in prison in Nevada, and a way to overcome his problem by declaring “I demand an order that service of the same be made by publication.” In accordance a “Legal Summons” was published in the *Salt Lake Herald* for four consecutive issues starting December 20, 1877. Neither John W. Nelson, Jr. nor his agent made an appearance at the court and on February 2, 1878, Judge Milton D. Hammonds reviewed the case noting the defendant had been duly served with a summons and had defaulted in answering the summons and the complaint filed against him along with the fact that the plaintiff was a resident of the county. He ruled in favor of the plaintiff and declared the marriage was “absolutely dissolved, annulled and made void and the said parties are and each of them is freed and absolutely released from the bonds of matrimony and all the obligation thereof.” The cost of the Nelson vs. Nelson case was totaled in the court files with \$2.50 for the petition, \$1 to file this petition, \$.50 for summons, \$9 for the published summons, \$5 for the court, \$5 for the attorney and \$1.70 for three copies of the judgment. John W. had been married this time just two months short of six years with twenty-two months of that time spent in prison, at least nine months in jail and another several months either in hiding in the cave or making himself scarce.²⁹

It is likely that John W. first few months in the Nevada prison was not much different from the time in the Utah prison ten years earlier; however we know very little about his time in prison, so can only guess or generalize. There were rules and regulations that had to be complied with or there were penalties. The Nevada prison system was only a dozen years old when John W. entered it, and it was still a work in progress. The system’s early philosophy was to not waste precious time trying to make “an unmitigated rascal an honest citizen.” Along this same line each inmate would be treated the same with none being treated as trustees with extra privileges. The inmates would be cleanly clothed and well fed, each one in a prison uniform, initially made of woolen cloth with black and white stripes. All would labor in some capacity in the prison yard, quarry, or shops established within the prison each day except Sunday. An early menu gave a meal breakdown as follows: breakfast--beefsteak, potatoes and bread (hot or cold); Dinner--roast beef or stew with baked beans on Mondays, Wednesday and Saturday; mush and molasses, or pudding, on Tuesday, Thursday and Friday; soup on Tuesday. Bread and potatoes each day; Supper--cold meat, hash, potatoes and bread; stewed peaches or apples every other day. Not the best but it could have been worse. Surely it was a severe adjustment for one so used to doing what he wanted when he decided to do it. The regimen and falling in line was not welcomed and at time could be tough. By John W.’s time the prison system found that by certain incentives they could control the prisoners easier. Among these

was the granting of credit for period of good behavior wherein the inmate's sentenced time was reduced. Extra privileges were given on Sunday for good conduct during the week such as access to the dining area, or given tobacco, while bad conduct could deny these opportunities. Inmates could be locked in their cells and, if so deserved, fed only bread and water. Gambling was forbidden with talking restricted in certain areas and as a sort of last resort a ball and chain could be placed on the inmates for certain offenses like trying to escape. In the early years the primary work for the prisoners was quarrying the sandstone and shaping hand-hewn rocks into blocks for building the prison, its wall, the state capital at Carson City, the mint and other buildings. It is quite possible that John W. did some of this rock labor, but apparently he was able to find better work in the boot and shoe shop in the prison.³⁰

The 1880 census for Carson City, Nevada, had a section for the "State Prison" with a little additional information. Among the enrolled prisoners was "Nelson, J. W." a white male age 34 and he was listed as married, which he was when he entered in 1876 but no longer true after February 2, 1878. He had the outside occupation as a "teamster" with his place of birth listed as "Missouri." For whatever reason, John W. had lost track that he had been born in Scotland and emigrated to America. On two subsequent censuses this same error was reiterated as well as on other prison records.³¹ The term of his sentence extended from the spring of 1876 to 1887. Contrary to a later contention that John W. was usually contented while imprisoned, the time grew long on his mind and he made an attempt to escape the prison on October 29, 1877. The unsuccessful attempt to flee brought him back to the district court in April of 1878 where two additional years were added to his sentence, pushing his scheduled release date to 1889. In 1882 John W. Nelson's conduct during his early years in prison was placed in a separate file for the Nevada Board of Pardons as shown below:

Conduct Record

Sept. 30, 1877 – Lose 5 days credit for Gambling.
 Oct. 29, " – Lose 5 days Engaged in attempt to Escape.
 Nov. 2, " – Ball and Chain put on.
 Jan'y 12, 1878 – Ball and Chain taken off.
 Feb'y 10, " – Privilege of Dining room Sundays.
 Feb'y 10, " – Lose 20 days credits for months of Nov., Dec., Jan'y and Feb'y for being engaged in Break Oct. 29, 1877.
 Feb'y 24, 1878 – Locked in cell Sunday for talking in Shoe shop.
 Mar. 11, 1878 – Locked in cell Sundays for talking in Shoe shop.
 June 16, " – " " " " " " " " Dining room.
 July 7, " – " " " " " " " " " "
 July 21, " – " " " " " " " " " "
 Aug. 13, " – " " " " " " " " " " Shoe shop.
 Oct. 4, " – Locked in cell, loses 5 days and 5¢ deprived of Tobacco 1 month for talking.
 Feb'y 1, 1880 – Locked in cell on bread and water for gambling in dining room.
 June 18, 1881 – Lose 5 days and locked in cell Sunday for talking in dining room.
 [Signed by the Warden and dated Nov. 12, 1882, in connection with Nelson's application asking for a pardon.]³²

For his attempt to break out of prison he immediately lost an incentive of five days reduction in his sentence, had to wear a ball and chain for over two months, lost twenty more incentive days and finally two additional years were added to his sentence. Beyond this, his problems were gambling and talking when and where forbidden. Almost assuredly during the long term in prison, there must have been letters back and forth with some of his family in Cache Valley. If so, besides personal information including the divorce and other private items, there was perhaps information sent to John W. about the progress of the narrow gauged Utah and Northern Railroad's piecemeal progress in Cache Valley. During John W.'s time in the area it had reached Logan and advanced to Franklin. But afterwards it had been re-organized as the Utah & Northern in 1877, tracks laid across Idaho and reached Montana in the spring of 1880, and steamed the first passenger train into Butte, Montana, by mid-December of 1881. All important to John W. because the railroad negatively affected his favorite brother's freighting business to the northern mines. The news could have included some of the family's political-economic struggles with the dominant faith and the various land purchases of John Nelson, Sr., even to the preliminary interests by Logan City for some of his father's extensive lands in the southwestern part of Logan (later purchased by the city for a park).³³

Perchance during the period in prison, the formation of John Williamson Nelson, Jr.'s primary nickname came to fruition in the "Black Jack Nelson" entitlement. In none of the newspapers or official paper was he referred to as Black Jack and only rarely as Jack. He was John, John W. or the full John Williamson Nelson and sometimes with just the initials of his given names. Quite possibly even earlier he

may have been called “Jack” by friends and associates, possibly to simplify identification from his father. The addition to his name modification could have been due to his dark complexion and/or to the business he preferred as the “Black sheep” of his family. Now with his love to talk with a somewhat captive audience with more time on his hands than anything what would he talk about but what he had been doing for over a decade on the outlaw trail. Perhaps during his long prison time he did a bit of bragging and boasting of his exploits as he added to his reputation with accounts of some of his derring-do activities with some colorful tales and additions. While regaling and entertaining his fellow inmates plain “John” and junior wouldn’t do, surely “Black Jack Nelson” appeared much more appropriate.

Not wanting to wait until 1889 for release, Nelson tried another way to get out of prison, an approach that had proved successful in getting out of the Utah Territorial Prison in 1866. From his cell in the prison he began the process by making an application for a pardon for consideration when the pardon board met in July of 1882. His initial offerings were two identical letters or applications sent to the Board of Pardon and the 7th Judicial District Judge dated June 5, 1882, from the State’s Prison as follows:

I hereby give notice according to law, that at the next meeting of the Board of Pardons in July, I purpose making application for release from the Nevada State Prison.

I was convicted at the March Term, 1876, of the Seventh Judicial District Court, held at Elko; Judge Flack presiding, and H. C. Street, Prosecuting Attorney, of the crime of stage robbery, and sentenced to the State’s Prison, for a term of eleven years.

Grounds of Application

1. Family needing my support
2. Time served (6 yr. 2 mo.)
3. Good behavior.

Respectfully,
J. W. Nelson.³⁴

Three days later another letter was sent to the district attorney covering his conviction in April of 1878 for his attempted escape and the imposition of two years additional prison time. Two letters supporting his call for a pardon followed, and it is almost certain that John W. Nelson either did much personal research writing many letters seeking information and parties interested or somehow involved others outside the prison walls to do this work. He could have had considerable legal advice in his efforts for a pardon. Among those supporting his bid for a pardon was H. C. Street, who had been the prosecuting attorney at his 1876 trial when Nelson was convicted of robbing the stage. Street by letter related his role in the trial and told of being familiar with all the facts developed in the case. He also stated he “had some knowledge of said Nelson prior to that time; that up to that date he had borne a good reputation in this County as a man and citizen—and as an industrious, hard-working head of a family of several children. I believe this to have been the first offense charged against him, and that if liberated and restored to society, he would conduct himself creditably hereafter. He has served a long time, and in my opinion [sic – opinion] sufficiently for the offense committed.” The second letter came from George A. Kingston, the District Attorney for Elko County, asking favorable consideration made for three pardon applicants. He reviewed the first two, acknowledging their cases came prior to his holding his present office and cited his opinions on each case. The last case considered was John W. Nelson, wherein Kingston made inquiries of Nelson’s employer and people who knew him “before he got into this trouble and they all to a man” declared him a good, hard-working and honest man. Kingston concluded stating the prisoner has already served a lengthy sentence and was worthy of a pardon. When the Nevada State Board of Pardon met in July of 1882, they denied Nelson’s application for a pardon. Both Street and Kingston’s personal information on Nelson was more confusing than enlightening from a historical prospective as would subsequent letters.

Round two in the struggle for a pardon was commenced soon thereafter with more letters of support from a wider area and greater status. Some didn’t know the prisoner but there was some force or influence which caused them to contact the Board of Pardon. A Nevada district judge, acknowledging his lack of information on the case and person, stated he had made inquiry among the prisoner’s former acquaintances and they claimed Nelson was “a good character for sobriety honesty and industry” previous to the robbery. Two letters came on the printed letter heads of “*The Daily Tribune* / Editorial Rooms” at Salt Lake City and both dated in that city on November 6, 1882, addressed to the leader of and whole board of pardon. The first came from a C. C. Goodwin (who moved from Nevada to Utah in 1880 and became the primary editor of *The Salt Lake Daily Tribune*) advised that another letter was enclosed in behalf of John W. Nelson, prisoner, and signed by Governor Murray of Utah, Kimball and Lawrence, Walker Brothers (foremost merchants and citizens of Salt Lake), Bishop Sharp (superintendent of the Union Pacific Railroad) all calling for the Nevada board to consider them in regarding a pardon of Nelson. The second letter, apparently also written by C. C. Goodwin, begged leave to support Nelson. It called attention to the

fact that the prisoner's father was aged and had a "spotless reputation," and the prisoner also had a wife and three children needing his support. Then it brought in for the first time a new element, charging that—

Nelson was convicted purely on circumstantial evidence, and the witnesses who convicted him offered Nelson's father for a small consideration to clear him. The old man was too honest to accept his son's freedom on those terms. In prison, during the six and a half years which Nelson had served, we understand that his conduct had been good. In view of all these things we beg your honorable body to consider his application for pardon with all possible charity.³⁵

Besides Goodwin's signature there were the Walker Brothers and others including an added note from Governor Murray of Utah and the signed name of John Sharp, general superintendent of U.C.R.R. [Utah Central Railroad]. There was a letter on the stationery of the merchants Kimball & Lawrence which emphasized they knew the father of the prisoner a "fine old Gentleman" and out of respect for him they make the request for a pardon even though they did "not know much of his son." A Wesley Johnson wrote from Toano, Nevada, that he had known the prisoner "for several years previous to his conviction" and knew him as a "Teamster and Rancher." At that time Nelson was "a steady sober and industerous man," and had "a very estimable Lady for a wife and a nice family." Johnson predicted that if the prisoner were pardoned, he would "make a good citizen as he was always a hard working man," so asked the board to "look favourable on his case." On November 11, 1882, the present and former district attorneys for Elko County both responded again with some of what was included in their first letters that the prisoner prior to his conviction had been a good, honest, hard-working and industrious man. However, both now brought in the new factor which questioned the correctness of Nelson's first trial as C. C. Goodwin had expressed. District Attorney Kingston squashed it with his words "there can be no Doubt but this Defendant was guilty of the crime." Yet he favored pardon, thinking the prisoner had "already suffered sufficient punishment;" furthermore, the prisoner had been "lead astray by other and stronger minds and got caught" and now "hartely [sic -heartedly] repents his actions." The ex-district attorney, H. C. Street, and the person who was serving in that capacity during the first trial, wrote in like manner. Street wrote, "I have always thought that the sentence was severe. I had no doubt in my own mind that he had committed the alleged offense." By the time of this letter he was even more convinced that the sentence was too long. Street also added a closing furthermore: "That he [Nelson] was more the agent of other persons, than a principal in the case of the robbing." A late entry in the requests for a pardon came from Sacramento, California, dated April 18, 1883, from a Samuel Moser, a member of the jury that convicted Nelson in 1876. After explaining his being on the jury, Moser wrote: "I was also present when the Prisoner was sentenced even thought at that time and still think that the sentence 'Eleven Years' was excessive." ³⁶

Another letter dated November 8, 1882, came from Logan, Utah, which gave some insight into a mother's anguish and a slight glimpse of how she viewed son John W. Nelson.

Hon. A. C. Ellis

Dear Sir,

You will forgive me in taking the liberty to ask you to intervene with the Honourable board of pardons in behalf of my Dear though erring boy John W. Nelson, I are now suffering with very poor health, and are far advanced in years and I feel that my days are numbered now. My race is nearly over, and oh how I pine to see my child my wayward Son once again before I die. I never can justify him in the wrong that he has done nor sanction such a deed, but my heart is tender and I must forgive and plead with you for pardon, and ask for a remission of his punishment, give him liberty once more, try him yet again. It is all I ask and wish that you can give.

I am his loving mother and your humble petitioner and friend,

Catherine W. Nelson.³⁷

With all of these letters and an updated conduct report on the prisoner, the Nevada Board of Parsons again decided against freeing John W. Nelson when it met in the summer of 1883. Several of these letters revealed that Nelson had been in and known in Elko County previous to the robbery. It was apparent that prisoner Nelson had much help from outside the prison walls and it extended from Nevada into Utah and California. Several of the supporting letters mentioned contacting his employer and acquaintances that gave good reports on his character, sobriety, honesty and industry, while others noted a wife and children needing support. For the most part this was propaganda time with little regard to the truth, details or facts when half-truths to total misrepresentations seemed more effectual. John W. Nelson, Jr. was not in this alone, and it is not easy to identify the leading figure in the pardon operation, but included many outside the prison walls. Perhaps next to the prisoner, the most important supporter was Editor C. C. Goodwin who

could bring forward the heavyweight names giving their support when requested while trying to inject new elements to the evidence against the prisoner. Goodwin, whether ignorant of the facts or misinformed, blatantly maintained the prisoner had a wife and three children needing support when a minimal inquiry should have revealed this was not true. Of greater importance, Goodwin charged the prisoner's conviction came only on shaky circumstantial evidence because a witness offered to change his testimony for a money bribe from the prisoner's father, which was refused because the father was too honest. The pardon operation was grasping for any straw. Certainly there were overtones of support and guidance from the anti-Mormon *Salt Lake Tribune* and the Liberal Party, but even that may have been primarily due to their association and respect for John Nelson, Sr. rather than his son. It has not been ascertained if John Nelson Sr.'s role extended beyond his influence and prestige into paying for legal counsel.

The second rejection did not end the cause and movement, which was renewed in the fall of 1883 by John W. Nelson again sending letters of application for a pardon. Three such letters all dated November 5, 1883, were sent to the Nevada Board of Pardons, the district judge and district attorney, both at Elko. The identical letters were nearly the same as he had sent in 1882, giving a quick review of his case and the "Grounds of Application," where he made a change. Under the first he changed it to read: "Great need of my assistance by my family, and my aged and almost helpless father." Three weeks later John W. Nelson sent another letter, possibly copies, to the judge of the Second Judicial District and the District Attorney for Ormsby County, Nevada, announcing he would apply for a pardon in 1884 and reviewed his attempted escape from prison and the court case associated with it wherein an additional two years was placed on his overall sentence. He concluded his letter of application requesting a "pardon and restoration to citizenship" and "Grounds of Application," wherein he adds a fourth item followed by his signed name:

- 1st Great need of my assistance by my family, and my aged and almost helpless father.
- 2nd Time served.
- 3rd Good record.
- 4th Some of accomplices being pardoned.

With each new application for a pardon there seemed to be a new element added, but the fourth item was surprising in stating there were accomplices in the crime and they had been pardoned. In the complete file of this case and the newspapers, there was never the slightest hint of others being involved. The Nevada Board of Pardons met in January of 1884 and did not grant Nelson an immediate pardon, but possibly they were still considering it. Then came the last paper in John W. Nelson's prison pardon file, dated July 7, 1884, which came from Utah and stated:

To the Honorable
The Board of Pardons
State of Nevada.

The undersigned, residents of Salt Lake City, and Territory of Utah, beg again, respectfully, to petition your Honorable Body, to pardon, J. W. Nelson, a prisoner now undergoing sentence in the Nevada Penitentiary.

Said Nelson was convicted wholly on circumstantial evidence, and chiefly on the testimony of one man, who offered for a consideration to withhold his evidence. Nelson was but a young man when convicted; he had already been confined several years, he has in this Territory a wife and aged father, who sorely need his assistance. If in the exercise of a sound discretion Your Honorable Body can become satisfied to grant the pardon, we sincerely believe that the man will leave your state forever! And that only good will follow the exercise of your clemency!

Dated at Salt Lake City, Utah, this seventh day of July A.D, 1884.

Arthur L. Thomas
Secretary of Utah Ter.
and acting Governor
H. W. Lawrence³⁸

Attached to this letter were the signed names of twelve important men of Utah that included A. B. Carlton of the Utah Commission, C. C. Goodwin, John Sharp, W. S. Godbe, two of the noted Walker brothers, A. G. Paddock a miner with his wife the authoress of three Mormon exposé books, and several others. Carlton, Goodwin, Godbe and Paddock were strongly anti-Mormon but perhaps drawn into this cause for political or friendship reasons. This letter was a masterpiece in composition, giving a wide range of reasons for a pardon even to the last ditch—"the man will leave your State forever! and that only good will follow the exercise of your clemency!" In addition to the two significantly placed exclamation points, it had an impressive list of signatures. But either it arrived and worked with amazing speed, or came after the Nevada Board of Pardons had already made its decision on Nelson, for one week after this letter had

been dated, John W. Nelson received his pardon. On July 14, 1884, J. W. Nelson was released from the Nevada State Prison after serving eight years, eight months and twenty-one days, according to the 1884 pardoning report. Without the pardon he could have remained in prison for almost another five years.³⁹ By way of a mistake and general impression in Nelson's home area, his long Nevada prison time for holding up a stage in Elko County, netting \$139, was tied instead to the robbing of the stage in Grass Valley, Idaho, netting \$20,000. This confounding produced the best known tale (robbery, hiding money and prison time) told and retold about John W. Nelson, Jr., and produced a legend that Black Jack was not about to correct for his reputation's sake. He had a point of honor to not reveal the embarrassing whole truth that for this measly \$139 robbery he had spent one hundred and four months in prison, and if true confessions were in order, he had been caught within one day and the actual gain from the fiasco robbery had been exaggerated because fifty dollars of it was the value of the strong box left behind. After being released he went about thereafter in a manner which proved totally wrong all the rosy predictions in the letters supporting his pardon as he added to his reputation and standing as a thief. By the time he left the Nevada prison he was well known with a reputation as an outlaw seemingly beyond the merit of his criminal activities to that point in his life as he was now Black Jack Nelson.

It remains unknown if he went back to Nevada after he left it in 1884. We could assume that he returned to Cache Valley and saw his aged father, who was not quite as helpless as Jack maintained until he had a serious accident with a run away team in late November of 1890. Jack and others had declared since 1882 that his assistance was required for his family, a wife and some children, according to his pardon applications. No evidence has been found that he gave any support to his family but was a recipient of much aid from his father's family. If, according to his pardon applications, he was available to assist his aged father, it would have been the first time since his mid-teen years, and the wife and children, who did exist, had left him and moved on and knew better than to rely on undependable Jack. While in the Nevada prison during the 1880 census, John W. claimed his occupation was a teamster. During this time in prison in some way possibly aided by action by his father or brothers, the quarter section of land he had filed for back in 1872 became legally his by way of the government patent issued February 17, 1881. No explanation has been found for the nine years delay, but it could have involved payment. It also hasn't been discovered how involved John W. was in paying for the land or how much interest, sweat and work he directed toward the first land he owned in his name or how long he owned it. However, he would hereafter claim his occupation was that of a farmer.⁴⁰

After his mid-July 1884 release from the Nevada prison, John W. returned to his old stomping grounds in Cache Valley and spent time in Logan where many of his family resided. Surely some in the valley knew about his long prison stay and wondered what his next move would be, whether a change of heart or more of the same. His presence and activities drew enough attention that rumors began to circulate with some conclusions drawn as the new year of 1885 came on the calendar. A few months later in May, John W. left Cache Valley for parts unknown beginning what became, even by his standards, an epic and extraordinary undertaking and adventure involving a chain of events, unfolding in two cycles of his fleeing, being pursued and captured with great distances traversed and almost constant motion during the next six months and ended with his imprisonment again. This was without question the most striking venture in his life outside the law far outstripping even his two known stage robberies. If written out by a talented script writer for a western movie in each of its multilateral fact-based aspects, it could be better than almost any produced thus far. The participants would travel through three states from the beginning travel from Logan to Beaver County, a theft then back to Cache County with another trip back to Beaver County with an escape to Montana and third time back to Beaver County and ending with a trial and prison. This article will only give a condensed version of the grand escapade but it will for the first time fit in all the pieces to the puzzle into a whole.

Resuming the story of John W. Nelson, Jr., he returned to Cache County after his release from the Nevada State Prison and spent a short time at his former home. He left Logan in the spring of 1885 and journeyed some 280 miles south to Beaver County where the mining activities at Frisco perhaps may have been the attracting factor. He could have traveled the distance by horseback looking for prospects along the way, or rode the train to Frisco which was the end of track at that time and then procured a horse to ride and accessories. Shortly he was back in Cache Valley with a couple of horses that didn't belong to him. He either desperately wanted these particular horses or he was unable to break off the chasing and sell the stolen horses as was usually his way. The Logan newspaper announced John W.'s return to the area and his recent troubles with the law with a long article entitled "John Nelson, Jr." and his "Chekered Career" with subtitles "A Chronic Horse Thief Tries His Little Game" and "But Soon Discovers that the World Isn't Big Enough." It was indeed a negative pronouncement of returning home, still one a "Black Jack" could handle. The 1885 report stated:

On the evening of Tuesday, May 26th, there was arrested in Benson Ward, for horse stealing, a man named John Nelson. A short history of the affair and also some points of Nelson's life we deem would be interesting to people of this valley, and we accordingly append a few particulars.

John Nelson, Jr. is the son of John Nelson, of Logan. His father is a well known and respected gentleman, who has lived many years in Cache valley. The former is about forty years of age, and has spent about nine years of his life in prison. Somewhere in the neighborhood of ten years ago he was convicted of the crime of ROBBING A STAGE between Boise City, Idaho, and Kelton, Utah. He was sentenced to nine years imprisonment, and was incarcerated in the penitentiary at Carson City, Nevada. About six months ago he again became a free man and soon after arrived in Logan, his former home. Many rumors have been current regarding him, since that time, one of which was to the effect that before he was committed to jail he deposited the money which he had accrued in his robberies before that time, in a secure place, somewhere in the Rocky Mountains, and that since his release he has SECURED THE MONEY. Be that as it may, it is said that he has spent considerable money during the past six months, and everybody seems to think that was how he came by it.⁴¹

While the Logan newspaper had much to say concerning the past and present, it did not specify that the arrested suspect had been out of the Nevada State Prison only ten months or the treasure from his robberies was thought to be buried near a distinctive mountain knob just west of Newton. However, the editor of the paper was wrong in his claim that Nelson had been convicted of robbing the stage between Boise and Kelton, creating the source for a false tale that has endured down to the present day. Still, the newspaper was not finished with this "Chronic Horse Thief" playing his "Little Game." The interesting details of Nelson's life were just the preface to the main part of the news article. It continued with the noted "Thief" leaving Cache County a short while previous with a mission in mind: "This man who has such a love of other people's property was, not long since, scouting around Beaver county, some hundreds of miles south" of Cache County. In his looking for prospects to steal, he went to the town of Frisco surrounded by several mining camps located about fifteen miles west of Milford. It didn't take any longer than two days and when he left there were two horses missing from the area. The owner of the horses, John Hanofer, detected the taking of his animals, and he and a son followed the thief to Milford and on to Tintic where their horses tired and chasers were "almost worn out." Hanofer pressed charges and a warrant was made for the arrest of the thief with detailed particulars on the thief and the two bay horses. The task of catching the thief was given to Constable W. T. Stanley of Beaver County, and he followed the man and two horses north all the way to Cache Valley. Then he lost track of his thief and the horses, and he made a wide circuit of the valley even into Idaho trying to pick up the trail, not realizing the thief had stopped at his home area. As Stanley returned to the southern part of the valley he crossed the Bear River Bridge at Benson and saw two horses staked near a house. He got close enough to see they met the description of the stolen animals. Stanley rode up to the house and observed a man who had been watching him, and asked directions to the road to Logan, knowing he had found the stolen horses but had not seen the thief before. The man at Benson responded promptly to Stanley's inquiry about directions.

That meeting and question caused some quick actions by the two men. On Stanley's part he did not have authority to make arrests in Cache so he went to Logan to procure the service of Sheriff N. W. Crookston. The man at Benson also moved with speed, for it was none other than the suspected thief, John W. Nelson, Jr., who had stopped at his Brother Edward's place in Benson. Nelson hurriedly moved the two horses across Bear River and north to a herding ground possibly used by his family. Then John W. returned to his brother's house to act totally innocent. Stanley with Sheriff Crookston arrived back at the Benson house about 11 p.m. and promptly arrested John W. Nelson, Jr. at the home of his brother. But the search for the two stolen horses was long and fruitless as they, according to the newspaper, "had vanished as if by magic, and left no trace of their existence behind them." The men gave up the search at three in the early morning with the idea that local officers would continue the search later in the daylight. Nevertheless, the arrested Nelson was taken to the county jail, for while the stolen property had not been found, there was the arrest warrant followed by the description of the two horses to the effect: "The horses are both of a bright bay color. One of them is branded with an 'A' on the left shoulder, and the other carries on his left hip a figure four surrounded by a diamond." Stanley and his prisoner were ticketed for the afternoon's passenger train on Thursday, May 28th. Sheriff Crookston took the Beaver County officer and prisoner to the depot in a Hopkin's buggy, and as soon as the buggy stopped Nelson jumped to the ground and dashed to the train with the officer at his side, which the newspaper thought signaled that the

suspected thief was “very desirous of keeping out of the sight of the curious.” In the long article the editor of the paper gave a description of the horse thief and an impression of him as follows:

Nelson looks to be about five feet six inches in height, of rather heavy build, with dark hair, and dark red or brown moustache. He resembles a typical cowboy or horse thief, and is, taken altogether, a rather HARD LOOKING SPECIMEN of the human race. His only aim in life seems to be to rob or steal. He when in jail seems to be perfectly contented, and, as our worthy Sheriff jocosely remarked. ‘Now he is penned he is as happy as a lark.’ When arrested he was dressed rather shabbily, and looked as through he had been roughing it considerable lately. . . . The horses have not been found as yet. It is supposed that he had some help in getting the horses away, but the officials will spare no pains to discovered [sic] their whereabouts.⁴²

However, the “roughing it” for Black Jack was far from being over, even temporarily. The newspaper’s lengthy article was not near the finish to the story, for when it placed him on the train taking him back to Beaver County, the full story was no more than one-third to its climax. Still, it framed the first chapter with an auspicious preface, and the story would grow bigger and better as it developed on through October of 1885. In late May, Stanley and his prisoner rode the Utah & Northern train to Ogden and boarded the Utah Central train for the trip to southern Utah. All apparently went well on the long journey until the train was three or four miles north of Frisco where Black Jack made his move on a very dark night. According to a newspaper report, “Nelson made his way to the side door of the baggage car. The train was going at the rate of ten or twelve miles an hour, and Nelson sprang, and, striking the ground, rolled down the bank, and made good his escape.” Officer Stanley went on to Frisco where he procured help and horses and returned to the scene of the escape. They were able to follow the escaped fugitive for “about twenty miles into the mountains,” but were unable to catch him and soon lost his trail. In the meantime the sheriff of Beaver County telegraphed the information of the escape and Nelson’s description to the authorities in Idaho and Montana. The *Deseret News* report was somewhat garbled, adding a saddle to items stolen at Frisco back in May and having the chase for the thief ending in Bear Lake County instead of Cache and had Nelson imprisoned in Montana for the stage robbery. Otherwise, Black Jack’s escape from the train came on the last day of May or 1st of June, 1885. He went to “Milford where he stole a horse and saddle and made his way to Montana.” He could have traveled by train part of the way or on horseback as one writer presumed he took the first two stolen horses with him. Later the Logan newspaper announced that “Jack Nelson, the horse thief,” had escaped in Beaver County and was again at large observing it would “be well for our officers to be on the lookout for him.” Two months later the Logan newspaper informed the residents of Cache Valley— “The notorious John Nelson is under arrest at Dillon, Montana.” The Beaver sheriff’s telegraph messages to Montana had succeeded, and upon receipt of the notice of Nelson being arrested at Dillon, the sheriff processed the request to the Utah governor to requisition the Montana governor to deliver the thief to the Utah authorities. Shortly the Beaver sheriff took the train to Dillon to get the escaped thief. The sheriff and his prisoner were back in Beaver County in late August of 1885. In the multi-faceted theft of horses in Beaver County in 1885 and its aftermath John W. had traveled, at minimum, around 2,000 miles with the law in pursuit covering just 260 miles less. The case of the “People etc. vs. John Nelson” for grand larceny was set for September 21st in the Second District Court. Even with the first two horses stolen in May not recovered, the proceedings went bad for the defendant and near the end his counsel moved for a new trial which was overruled. The Beaver County newspaper summarized the case— “People vs. John Nelson; convicted of grand larceny. Sentenced to five years in the Penitentiary.” A few days later Nelson and two other prisoners from Beaver County boarded the Utah Central train for the ride north to the Utah prison. “Sheriff W. W. Hutchins and two deputy marshals accompanied the prisoners, who were taken to their place of confinement to-day.” The date was October 21, 1885, nineteen years to the very month after John W. Nelson, Jr. had been pardoned by the Governor of Utah and released from the same prison due to the citizens’ petition. It had been around fifteen months since he had been pardoned and released from the Nevada State Prison.⁴³ Perhaps, with all the chasing even John W. welcomed a respite from the fatigues of the past six months.

The Utah penitentiary was still in the Sugarhouse area in Salt Lake County, only six miles from the center of Salt Lake City. Still, the prison’s high adobe walls and iron bars closed off the various aspects of communal society unless he had visits from family or friends. During this sentence the territorial prison was in its busiest period of being host to hundreds of Mormon polygamists serving their time in prison. This influx of prisoners caused overcrowding and in 1886 plans were drawn for a new three-story cellblock that was completed in 1888. For the most part the polygamists were held in different quarters so John W. probably had little contact with them. The prison’s enrollment records give a little personal information on John W. Nelson—occupation “teamster;” complexion dark; age 39; height 5 ft. 7 inches; color of eyes “J.

Brown;” color of hair “dark;” born in “Missouri;” and weight 160 pounds. Once again he found himself with much time on his hands, possibly to think and reflect for his scheduled release date was in 1890. To his dismay he discovered that there were many changes in his territory outside of prison, and perhaps the Logan newspaper’s charge “that the World Isn’t Big Enough” for him was indeed true. Modern things such as telegraphs and telephones surely complicated the sphere of the stock rustler, making it harder and more hazardous to get away from the law. Through his eyes, it was not a wonderful experience to jump a train in Beaver County and flee northward at a good rate and reach Montana only to be arrested because of a telegraph message. Of course Black Jack wasn’t the only one having this same trouble, Butch Cassidy and his gang and others experienced the same problems and it would become worse. The large grazing areas of fertile Cache Valley were shrinking as they were being converted to hay and grain fields, and even worse, from a rustler’s point of view, there were fences all over the place causing detours or use of wire cutters. Surely rustling would never be quite the same, but on the other hand there were certainly new opportunities for the enterprising thief who would adapt and change. He had also learned a few things about prison life; escapes were risky and difficult and could result in additional time added to sentence. While appeals for pardons had twice worked in his favor, once again he appealed for a pardon and it worked for the third time as in March of 1889 Governor Caleb West granted him a pardon and release from the Utah Territory Prison after serving three years and five months of his initial five years sentence.⁴⁴ His pardon this time was on a printed form with blank lines for details and stated in part:

Pardon of John W. Nelson
 UNITED STATES OF AMERICA
 Territory of Utah
 Executive Office

Know all Men by these Presents, That whereas John W. Nelson was, on the 30 day of Sept, 1885, in the 2 District Court of this Territory, convicted of the crime of Grand Larceny, and on the 30 day of Sept, 1885, was sentence to the Utah Penitentiary for a term of Five Years; and Whereas, For good and sufficient reasons to me furnished.

NOW THEREFORE, I Caleb W. West Governor of said Territory, by virtue of the authority in me vested, do hereby, and on this date, grant unto said John W. Nelson a full and complete pardon for his said offense, and I hereby direct the United States Marshal, or other officer who may have him in custody to let John W. Nelson go free without delay.

{Seal} IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the Great Seal of the Territory to be affixed.

Done at Salt Lake City, this ? [date smudged]
 day of March, A.D. 189 [should have been 1889]
 [signed] Caleb W. West

Governor.⁴⁵



◀◀*Tintype photograph of three Nelson brothers. Left to right: John W. Nelson (b. 1846), Thomas R. W. Nelson (b.1861) And Brigham W. Nelson (b. 1854). Comparing birthdates and John W.'s prison terms this picture could only have been taken in the period from 1884-1885 or after 1889. Picture courtesy of Eileen H. Clarke.*

When John W. Nelson, Jr. was released from the Utah prison in 1889, he had spent over twelve years in prison during the period from 1876 to 1889. For a quarter of a century since his first run-in with the law in the mid-1860s, Jack, when not incarcerated, had more often than not been the will-o-the-wisp knight of the road, often on the move or dodge, laying over between jobs and staying here and there with family and friends. Perhaps only once during this period had he really established a home with a wife, but even then he was often absent, roaming over a large area. When John W. returned to the Cache Valley area in 1889, he didn’t spend much time in Logan with his parents, but probably found the northern portion of Cache Valley in southern Idaho to be more attractive since a sister and at least two of

brothers were living there. While a fresh start was not in order, he did implement some changes in both what he stole and his way of life. More than ever before, he intertwined his stealing activities with stretches of legitimate farm or ranch work, which could serve as a cover for his unlawful endeavors. On the other hand, perhaps some of his stealing came to make up deficiencies caused by his lack of skill, sweat and dedication to his farming. During son John W.'s extended absences, his father continued to play an active role in Logan and Cache Valley primarily in economics and politics. John Nelson, Sr. continued to buy land, ran for representative to the legislature (he lost by a vote of 256 to 9), sold a large tract of land on the outskirts of Logan to the city for a park, served several times as judge of elections due to his ex-Mormon status and became a leader in the opposing Liberal Party. The elderly gentleman had a serious accident in the fall of 1890 and died in late September of 1894 with his funeral service held in the Logan Tabernacle. In 1892 John Nelson, Sr. had filed for a land grant (Township 14 North Range 1 West, NE quadrant of Section 20 of the Salt Lake Meridian and Base) where a log house was erected. After her husband's death in 1894, Catherine Nelson orally assigned this land to her sons William and John W. Nelson, Jr. After the Nelsons complied with the terms for the grant, they obtained their patent or title for the land dated September 22, 1897, and sons William and John W. became the joint owners to the land north of Trenton.⁴⁶ John W. could have spent some time on this land but apparently not much.

In the 1890s John W. would marry three more times and experience three additional children born, one wife dying in childbirth and two marriage breakups or divorces. John W. married Karen Jensina Lund at Preston, Idaho, on December 15, 1891, when John W. was in his mid-forties and Jensina (Sina) was seventeen. The new couple lived in a log house on a far corner of her father's property in an area near Preston locally called Egypt. It is not known if or how much John W. worked on his father-in-law's farm. A daughter was born of this union on July 5, 1893, and named Kathryn (with two other spellings). A year and a half later a second child was born on January 27, 1895, and named William, but the mother died a couple of days later. John W. gave his two young children to his wife's mother to raise. Just over a year later, John W. married his dead wife's younger sister, Annie Marie Lund, at Logan, Utah on February 14, 1896. The young bride was nineteen while the groom was fifty but the marriage record listed him as just forty-five. Apparently his two young children returned to be with their father. Two and a half months after the marriage a son named Hans was born on April 28, 1896, at Preston, Idaho, and serious marital problems arose soon after the birth of Hans. They separated or divorced with Annie Marie refusing to give her child the father's surname but instead gave Hans her maiden name of Lund. Mother and son resided with her parents into the 1900s. Thus, it would appear that John W. established a home for a period between late December of 1891 and the spring of 1896. At the same time he could have been absent from this home a considerable part of the time if he continued his earlier ways.⁴⁷



John W. Nelson holding son William (b. 1895) with daughter Kathryn (b. 1893). Picture taken 1895 after death of mother Sena. Picture courtesy Eileen H. Clarke.

John W.'s marital troubles left him in a bind due to his young children from wife Jensina, and the serious break with the last Lund wife created a situation where the grandparents from the mother's side may not have been willing caregivers for the youngsters. We don't know what immediate measures were taken, but surely John W. was looking for something better. Possibly he thought he had found a solution in a widow with several children who possessed a farm. On January 3, 1898, John W. married Catherine Ward at Logan, Utah. This was in sharp contrast to the two previous marriages to teenagers, now the bride and groom were near the same age with the marriage record listing her age at forty-eight and his at forty-seven (five years younger than his real age). Both the bride and groom listed their residences as Preston, Idaho. Catherine's farm was several miles north of Preston at the small settlement of Cleveland in southern Bannock County, Idaho. It seems that the two additional children were not a

problem as the stepmother readily accepted them, but other difficulties surfaced soon. John W.'s luck with marriage hadn't changed as he had another short termed connection. Perhaps a central problem in their relationship was that John W. was not about to become a full-time farmer taking proper care of his new wife's farm divergent from his deeply infused habit of coming and going as he pleased. No specific date or details for this breakup has been found. In early June of 1900 the census takers found Catherine Ward (formerly Nelson) as a fifty-one-year-old divorcee living on her farm in Cleveland precinct in Bannock County, Idaho. Using her previous married name of Ward, she was listed as a "farmer" and head of family

living with three of her sons and one daughter ranging in age from eight to seventeen. Also living with the family was Catherine Nelson [Kathryn or Katherine] listed as a daughter (really a step-daughter by marriage to the head of this family and fathered by Jack) at age six. A few residences away in the same location, young William Nelson was listed as a "Boarder" with a family related to Mrs. Ward, as one of her sons was listed as a nephew to the head of family. Fortunately in John W.'s absence two of his young children were being cared for by a former wife for a time, and then by the Lund grandparent as there exists an elementary school picture from Egypt showing both Catherine and William from the early 1900s. While his situation was not resolved, it was being taken care of perhaps better than he could do.⁴⁸

Possibly a short timeline of Jack's activities in the 1890s would be helpful to frame and illustrate the hectic situation of his life. It could be observed that the 1890s were the first decade since Jack came of age in which he didn't spend time in a state or territorial prison. The three marriages cited below plus the 1872 marriage to Maryette Merrill are the only John W. marriages that can be confirmed. The one or two earlier relationships and the last one could have been solemnized under the law or de facto or common-law marriages. Each statement below is documented in the text:

- Dec. 15, 1891 – he married Sena Lund at Logan and they lived in a house on her father's land near Preston, Idaho.
- July 5, 1893 – daughter Catherine born in eastern Oneida County, Idaho.
- Late July 1893 – a John Nelson involved in a fight at Ogden.
- Late January 1895 – son William born and two days later wife Sena died.
- Feb. 14, 1896 – he married his late wife's younger sister, Annie Marie Lund, at Preston.
- Feb. 29, 1896 – news article that he was on the run from the law for tampering with the mail, arrested and jailed at Preston.
- April 28, 1896 – son Hans born in Oneida County and soon John W. breakups with wife Annie Marie with wife and new son remaining with her parents.
- Nov. 12, 1896 – news item from Oneida County that a John Nelson traveled to Logan for a visit.
- Dec. 8, 1896 – John W. Nelson of Preston made a "pleasant call" at the Logan newspaper.
- Dec. 9, 1897 – he sold his father's land near Trenton to the Simmonds' family after having the title only a month and a half.
- Jan. 3, 1898 – he married Catherine Ward, a widow with several children and a farm in southern Idaho. This relationship was short.
- Prior to July 1898 – "He ran a saloon in Newton. Goodsell played solo with him."
- Winter of 1900 – he was seen asleep in the Simmonds' barn with a sleigh load of stolen alfalfa seed and a heavily lathered team. All were gone by the next morning.
- Summer of 1900 – census taker in Bannock County, Idaho, listed Catherine Ward as divorced and using her previous marriage name rather than the one from her last marriage, but still caring for two of her last husband's children.

This listing shows his known activities for a decade but with many gaps. He could have been engaged or busy with family matters or, as seemed to be his habit, he was frequently absent and let time take care of family matters without his personal attention as he went about playing his "old games." It is possible that he took a respite from his stealing for awhile or he was just more successful at this profession and not caught by the law to become generally known as he continued his old ways through the decade in a widening area. Jack could have tried to make a break from his past and settled down to a semblance of normal life, still with a few bumps in the road as his reputation and other factors kept intervening to hinder this process. In the listing above only the 1896 tampering with the mail and the 1900 stealing of alfalfa seed were known criminal acts. He was also in the process of changing his technique and targets from rustling and robbing stagecoaches to stealing sacks of wheat and alfalfa seed and was successful in not getting caught. The scarcity of solid information forces the hard choice between saying little of importance happened beyond this list, or to make some conjectures as to what may have taken place. The puzzle remains when references to a John Nelson can be found in several newspapers during this period wherein the person named can't be positively identified as John W. Nelson, Jr. (Black Jack) from Cache Valley due to lack of details in the coverage. To underscore this, some examples will be given: In late July of 1893 a John Nelson and a William Carroll engaged in fighting in an alleyway just north of Z.C.M.I. in Ogden and were arrested to spend the night in jail. The next day in court they were fined \$5 for their fisticuffs. In November of 1896 under "Oneida County News" in the Logan newspaper came the brief "John Nelson went down to Logan Thursday." This was gleaned from a small Idaho newspaper's mixture of gossip of

anyone having visitors or traveling involving Oneida County and Logan. The content of both news items provides little enlightenment whether they involved Black Jack Nelson or not.⁴⁹

Conversely, a third example involved a series of reports over a two year period in Fremont County in central Wyoming, that if verified as involving Cache Valley's John W. Nelson, Jr. would add significantly to his story. It concerned a John Nelson and his partner Grant O'dell's involvement in burglarizing a saw mill's cook shack and then charged with stealing a horse or two in the spring and summer of 1897. They were acquitted of the first charge but held for trial on the rustling, but their court case was carried over for two terms of the court until the summer of 1898. They were free on bail until their case was heard in court to the charge of larceny in the amount of \$15. When the two men returned to court they had hired a lawyer and their initial trial ended with a hung jury but in a second trial held soon thereafter they were convicted and sentenced to three months in the county jail. After one month in jail the "two jail birds" escaped and led the pursuing law officers on a chase of about ninety miles wherein the fleeing men killed a calf for food. Trapped in a cabin, one of the escaped prisoners was killed in a blundered capture and John Nelson gave himself up and confessed to slaughtering the calf. He was returned to the Fremont County Jail in mid-August of 1898. He was charged with escaping from jail and his case entered on the court docket where it remained until June of 1899 when it was unceremoniously dropped from the court's agenda without an official explanation after the defendant had been discharged quite some time earlier. Maybe the Fremont County officers thought that after two years it was time to get rid of this measly never-ending case and get Nelson out of their county. The correct identification of John Nelson remains in question, but there are elements which seem to point to Black Jack and possibly explain the quick sale of the Nelson land near Trenton after having the title only a month and half, the money used to pay a lawyer at Lander, Wyoming. The timing of the jail sentence could help explain the quick breakup with Catherine Ward Nelson in 1898 shortly after their marriage in January.⁵⁰

However, there was no difficulty in identifying the "original 'Jack Nelson'" in the Logan newspaper for whenever they wrote of him they usually expressed a negative image of him. In their article on February 29, 1896, the paper covered the incident and Jack's situation as follows:

One day last week Sheriff Turner received a message from the officers at Preston to hold one John Nelson, who was wanted in that town on a charge of tampering with U.S. mails, and who had departed into Utah, presumably through Logan. Mr. Turner went to the depot the same day and Nelson passed through, with a ticket for Butte, Montana, but having failed to receive definite information did not feel justified in holding the man. But he immediately dispatched word that Nelson would pass up into Idaho on the following northbound passenger on the main line and the Preston officers acting on this information crossed the valley, intercepted the train, and bagged their man. And now the original 'Jack Nelson' is again in hock.⁵¹

By this time it was becoming common for the local newspapers to refer to Nelson by his nickname and reputation name of "Jack," instead of the thief's official given name of John. It has not been discovered what the "hock" amounted to besides time in jail. The listing of Idaho inmates does not include his name and the Idaho State Archives have found no further information regarding this incident in federal, state or county records, so perhaps the matter remained a local affair and possibly resolved by local time in jail and possibly a fine, or the case could have been dropped due to insufficient evidence. By the time of the mail incident John W. Nelson still had a home and possible base of operations for other activities in Oneida County, Idaho, within the confines of northern Cache Valley.

The year 1896 was particularly interesting or troublesome for Jack. In mid-February he married his second teenaged wife while living in a house on his father-in-law's land outside Preston. Two weeks later he was being chase by the law for "tampering" with the U.S. mail at Preston, fleeing for Montana he was stopped and interviewed by the law at Logan and allowed to go on to Cache Junction and board the train northward, but was arrested by Preston authorities on the west side of the valley and taken back to Preston and jailed. Two months later his new wife gave birth to a son, and in quick order his marriage broke up, and with a resultant loss of spouse, new son and his former place of residence. While his actual residence and activities remain unknown, two bits of information in the nearest newspaper are intriguing. The first on November 12, 1896, merely stated under an item from "Oneida County News" from a local correspondent that "John Nelson went down to Logan Thursday." This was almost certain Jack, and traveling to Logan could have involved visiting family, business or the two lots he owned in Logan. Three and a half weeks later on December 8, 1896, the same newspaper wrote: "The JOURNAL received a pleasant call yesterday from Mr. John W. Nelson of Preston." Accepting the assumption that John W. was the person the paper had called "the original 'Jack Nelson'" and that he had been freed from the tampering with the mail charges, the calling at the newspaper becomes more than intriguing in why he would call

upon the very institution which had given him such bad press coverage. Possibly he went to show them in person that he was not “in hock” even to slightly jabbing them in the eye with his presence and pleasantries to give them back some of their own medicine, even to hoping they would come forth with a retraction of their February 29th story on him. If so, then this objective was not realized as the owners of the paper were still the same and only the editor had changed. At the very least he was showing this newspaper (with their concept that the pen was mightier than the sword) that he was not afraid of them and what they wrote. Then again, maybe the key to this was Jack’s disposition and personality that some of his acquaintances gave tiny glimpses at by mentioning he was a “gib man” who sometimes said and did things that seemed foolish or odd. He could put on an act, like the occasion while arrested and jailed at Logan over a decade earlier when he convinced the county sheriff that the prisoner was “as happy as a lark.” Maybe the visit to the newspaper office was along this same line, in which, in at least Jack’s mind, he was in the driver’s seat, (however temporary) putting on his act and enjoying his opponents squirming and being uncomfortable during his “pleasant call” at the newspaper.⁵²

The incident over the mail tampering shows again the use of the telegraph and the broadening of Black Jack’s interests in his under-handed activities to include the mail with his stealing of stock and agricultural products. However, rustling of stock was not completely out of his system, but there had evolved a sort of hierarchy or pecking order of prime goods to steal. Over time it moved from cattle to horses but included harnesses, robbing stage coaches, but didn’t move down to include calves and chickens unless he was hungry and needed a quick easy meal while traveling. Eventually wheat and lucern (lucerne or alfalfa) became two of the most important crops in Cache Valley. The latter crop was the vernacular name and spelling by which the people of this locale and time period almost always called what most in the United States called alfalfa. While there are recorded cases of people stealing wheat in the tied shocks and lucern in the form of hay stolen from stacks, the prime items for stealing were first, sacks of wheat and second, sacks of lucern seed. By the late 1890s Cache Valley was experiencing much thievery of sacked wheat, which the newspaper in Logan decried was “becoming altogether too frequent,” and an effort must be made “to stop this thieving.”⁵³

Jack changed with the times and soon his forte became stealing wheat while picking up lucern seed and other handy items. In his theft of wheat, alfalfa seed and other things Jack again developed a system of operation that he followed faithfully. It was based on two basic principles, economy of effort and getting rid of stolen evidence quickly. In stealing the wheat the sacks had to be placed in some conveyance (wagon or sleigh) and carried away. It was desirable that the amount of handling be kept to a minimum so where possible the stolen grain was taken to where it could be sold such as a mill, grain elevator or third party willing to buy without any questions. In most cases the thief would be involved in handling the sack a second time during the selling process. If this wasn’t possible and the thief had to take the sacks of grain to his home place or another storage location, it would involve extra work, most often double handling and additional jeopardy in having the stolen evidence in his possession or places associated with him. Thus, the ideal way was to steal the sacks of grain at night and carry them to the best point of sale, and get rid of the evidence and secure the reward in money as soon as possible.

Directly north of the land John W. and William Nelson received from their mother was a neighboring ranch owned by A. M. Simmonds, who in the early 1870s had lived in Logan close to the home of John Nelson, Sr. and both had similar anti-Mormon views. While John W. was at the Nelson ranch he learned of his neighbor Simmonds being an old neighbor of his father in Logan. In Black Jack’s interactions with his neighbor three interesting exchanges took place. The father A. M. Simmonds was leery and afraid of Black Jack, probably since first meeting in the early 1870s. But A. M. had a son A. C. who had been married and wanted his own farm and desired the Nelson land adjoining his father’s property. As the Simmonds family story goes, A.C. went to Newton (if so, it came before Jack had a home at Newton and must have been at his rented saloon) and met with Jack, shared a bottle of alcohol and bargained for the land. Jack sold the land to A. C. Simmonds for ten fifty dollar gold pieces on December 9, 1897. The Nelson land title had not remained long in Jack’s hands, only a month and a half. A couple of years later on a cold winter night in 1900, A. C. Simmonds, after earlier stabling his horses, observed from a distance that his horses were out of the barn. He dispatched his youngest son to see what was going on. The lad went and investigated and returned to the house and reported his finding to his father. He had seen a much lathered team hitched to a sleigh filled with sacks of alfalfa seed in the barn with a short man with a large mustache asleep on the hay. The father winced at the report assured that it was Black Jack with his latest ill-gotten goods from who knew where, but he was not about to try and eject the man he feared from his barn, so the young son was sent to bed. With the coming of daylight, the Simmonds’ horses were back in the barn with Black Jack and his stolen goods long gone. The last family story recalled an incident that took place in 1906; Jack dropped by to see the old place he had used and owned for a short period. While

in the original log house now used as a blacksmith shop, Jack and his former neighbor A. C. reminisced somewhat of days gone by as they shared a bottle of spirits. Because the conversation and mood seemed right, the younger A. C. asked Black Jack a question he had probably wondered about for years, and according to the family account, he inquired: “Jack, you’ve lived a pretty rough life. Did you ever kill a man?” After a moment of thought while his eyes focused on the questioner, Jack replied: “I kilt an Injun onest.” Then he broke into a long narrative about the time he was hiding in the Big Cave in Weston Canyon when he had the repeated visits from the Shoshoni braves as related earlier in this article. Jack closed his story with these words—“they knowed I’d kilt ‘im; and if’n they’d found ‘im, they’d akilt me back.”⁵⁴ Black Jack had no qualms about relating his own story with some colorful language and thereby added to his fame and reputation, and a different version of this Weston Canyon experience probably came from Jack himself. In this different account, he bragged that after killing the Indian near the cave hiding place the other Indians came and “cornered” him in the cave “but that he held them off until they got tired of trying to get him and left.” This version came from an old-timer (L. G.) in an interview specifically directed to learn about Black Jack’s life.⁵⁵

After Jack’s last release from prison in 1889 and return to Cache Valley, he found one of the biggest transformations in the railroad. The railroad line to Montana had been changed from the narrow gauge to the standard, and in 1890-91 the mainline was made more direct coming through Bear River Canyon and continuing up the west side of Cache Valley with an important junction and depot at Cache Junction and new depots built or planned for Trenton, Weston and Dayton. With these improvements and the temporary construction crews laying tracks and building bridges and buildings, there were new ways to tap into the easy money available in various ways from outright stealing to fleecing the workers. The conversion brought new opportunities to those on the fringe of the law and to the outlaws. In and about the railroad there were choice items to be carried off from freight, grain and coal cars and from the depot. If Jack didn’t try his hand in these matters, he was either away or found something better. Furthermore, he may have begun to consider the railroad junction area or nearby Newton to be ideal places to operate from and even live.⁵⁶ Possibly in the 1890s he tried to go straight and changed somewhat his mode of living. He married and had more children, and at least gave the impression that he was settling down to a more normal way of life. But for whatever reasons, he just couldn’t do it and resumed, at least in part, some of his old ways, returning to what he knew best—stealing.

The census records have proven valuable in obtaining insights on John W. Nelson not found elsewhere, and the 1900 census probably would have done the same. However, after a wide search of several states he could not be found. The Cache County tax records reveal that he had not sold all his land to the neighboring Simmonds in 1897 for he still had 158 acres in 1900 assessed at \$475 listed under the name of “Nelson, John, Jr.” The land owner’s residence was noted as at Trenton, perhaps because that was the last known address but did not necessarily cover the location of the property and it could have been the quarter section near Mendon. His brother Edward of Logan had 267 acres assessed at \$1,660. The assessment rolls for Cache County including Logan for 1900 list two lots (4 and 5 in block 8) in the name of John W. Nelson, and from the assessed value it appears that there were no structures on these lots. Wherever he resided he was technically a farmer/rancher if pressed for his occupation and/or source of funds. Two years later his mother, Catherine Williamson Nelson, died at the home of her daughter at Preston, Idaho, on July 21, 1902. Although expelled from the Mormon Church back in 1874, her funeral was held in the Logan Tabernacle a couple of days later. At the time of her death, she had seven children still living with fifty-two grandchildren and thirty great-grandchildren. John W. and his brothers and sisters gathered and attended their mother’s funeral and had a group photograph taken. John W.’s favorite brother, William, had died in July of 1900. Within a year after his mother’s death, John W. settled down more than he had ever before and established a permanent residence and family that he maintained longer than any other place he resided. In addition, he formed a family that lasted much longer than all his other marital relationships combined together and it existed until his death. Possibly he began to deal with some of the loose ends of his life for the first time.⁵⁷

The photograph below shows the seven surviving Nelson siblings who gathered for their mother’s funeral in 1902. Two Mrs. Nelson’s children had preceded her in death, Isabella Nelson (Rowland) and William W. Nelson. John W. was fifty-six years of age at the time. Picture see below:

Picture of the seven surviving Nelson siblings at the passing of their mother Catherine W. Nelson in 1902.

Sitting from left: John W. Nelson, Catherine Williamson Burt Nelson (Hill), Edward W. Nelson and Elizabeth Nelson (Richardson).

Standing from left: Brigham W. Nelson, Mary Ann Nelson (Williams) and Thomas R. W. Nelson.

Picture courtesy of Eileen H. Clarke.



As an integral part of the chronicle another family comes into the story. In 1855 Christian and Hannah Marie Andersen (note the Danish ending to the name) joined the LDS faith in Denmark and four years later emigrated to America and settled in Utah. They remained in the Salt Lake area for three and a half years, and then moved to Grantsville and on to Bear River City in Box Elder County. They were both in their thirties when they came to Utah with no children, and on the 1870 census Christian was a forty-year-old farmer and his wife, a mother of two daughters—Emma at age four and Olivia four months. A later census reported that mother Hannah gave birth to four children with only one surviving. Not long after the July 1870 census the family relocated to the new settlement of Newton in Cache Valley, thus he was among the earliest settlers. He constructed a log house on his Newton town lots and owned some farm land. His assessment records list his cattle, sheep but no horses until 1877 so his cattle included some work animals. Christian was active in community and church with one of his comments put into the newspaper saying, “President Christian Anderson could recommend the High Priests’ quorum as men of honor and integrity.” On the 1880 census at Newton the fifty-nine-year-old farmer and his fifty-year-old wife had only their daughter Emma, now at age fourteen. In addition Christian had taken a plural wife some six years younger than his first wife. In the records of the Newton School District, the head of the family was mentioned frequently, and daughter Emma was shown on all the school listings from 1875 through 1883. In 1900 Christian was still farming at age seventy-nine, and the tax records list him as owning 105 acres with an assessed value of \$530. The 1900 census had Christian as a farmer living with first wife Hannah (mother of four children with only one surviving) and the plural wife after twenty-one years of married life having no children. The most interesting part of the census entries had to do with daughter Emma, back at home at age thirty-four having given birth to two children—cited as the grandchildren of Christian and Hannah Andersen. Emma was listed as single not as divorced or widowed, and both of her children were listed with her maiden name—Nettie Andersen (age 11) and Frederick Andersen (age 8). All of the members of the household had the correct entries for where they were born, their father and mother except for the two grandchildren. Both Nettie and Frederick were cited as born in Utah and their father also in Utah, while under the column for the mother there was a slanted “UN” for unknown. But the enumerator got his columns mixed up and the unknown should have been for the two children’s father, not their mother. The

census reported that Christian owned his own home free of any mortgage. He originally took possession of his town lots and field land as assigned by the LDS Church, and in 1880 received official titles to town lots (three-quarters of the lots in Block 30 of Plate "A" of Newton town survey) where he and his family resided since coming to Newton. In the spring of 1903, Christian at the age of eighty-six "Newton's oldest citizen and one of its earliest settlers" had a serious accident with an unruly cow that broke both of his legs. About three months later on July 23, 1903, Christian Andersen died at his home and was buried in the Newton Cemetery.⁵⁸

It remains uncertain why Jack chose settling in Newton, but he probably checked out the site and found it appealed to him as he modified his mode of operation. Perhaps pure chance or the taking of another wife made the choice for him. He was well acquainted with the saloons at Cache Junction from tales about him, and his first step was his effort to operate a saloon in Newton which may have come about in the same general time frame when he sold the Nelson land to Mr. Simmonds late in 1897. When his marriage to Catherine Ward broke up in the late 1890s, he needed another base of operation and his saloon in a rented house could have served also as his residence as long as it operated or until his next marriage. In some way John W. Nelson became acquainted with Emma Andersen and around the latter part of 1903 or in 1904 they were married and made their home in Newton. Their meeting and courtship could have been over a long period, or taken place in the one year from the death of Emma's father Christian Andersen. At the time Emma and her two children (daughter age 15 and son 12) were living with her aged mother long with a plural wife of her father's. Jack took up residence in the old Christian Andersen home. Presumably Jack, at least in part, helped care for the family's stock and town lots and possibly some of the farm land. The Cache County Tax Assessment records indicate there was an addition made to Christian's old log home in 1904. This comprised two additional rooms added to the back made of logs with a sloped



◀◀ *Log house at Newton built by Christian Andersen sometime after 1870 and served as their home until his death in 1903. Later it became Black Jack Nelson's place. It remained his home at least through the 1920 census and his leaving Newton. Picture was taken a few years after Jack left Newton and after most of the trees and brush had been removed. Picture courtesy of Larry D. Christiansen.*

roof adjoining the steep pitched roof of the original structure. Also there were some changes in the living arrangements as Emma's daughter Nettie married George Heneke of Cache Junction in June of 1904 and left the old home. Possibly considerations began to bring one or both of Jack's children from a previous marriage to the remodeled Newton home, and at least son William came to live with his father. On February 14, 1905, at the home in Newton a baby girl was born with the assistance of midwife Emilie M. Jensen. Due to the midwife's records the birth was so registered in the Cache County Birth Register with the baby girl not yet named and the father cited as John W. Nelson (age 59) and the mother as Emma A. Nelson (age 39). The baby girl was given the name Isabella after her father's oldest sister. Within the next three years two sons were born into the family, Wallace born in 1907 and Matthew Nelson in 1908.⁵⁹

In the settlement of Christian Andersen's estate his heirs were his first wife Hanna Marie Andersen, daughter Emma Andersen Nelson, two grandchildren Nettie and Leo Andersen plus plural wife Kirsten Andersen. In the Cache County Assessor's records in the various divisions of the property the family name Andersen was always misspelled as Anderson, so hereafter that spelling will be given in connection with the several land transfers. In June of 1905 the title to the lot containing the home was transferred from the deceased to wife "Emma Marie Anderson" and "Emma Christine Anderson Nelson," first wife and her daughter; however, the first wife's given name was Hanna not Emma. There were warrant deeds of lots to the heirs such as the married granddaughter Nettie Anderson Haneke. Within a couple of years the two grandchildren, Nettie Haneke, Leo Anderson and second wife Kirsten Anderson sold their shares to first wife Hanna Marie Anderson and/or Emma Anderson Nelson and John W. Nelson. By November 17,

1910, the lot and home were placed in the combined names of Emma Christine Anderson Nelson and her husband John W. Nelson. By this time the former owner's plural wife Kirstin Andersen no longer lived in the home where she had resided for many years and, while still in Newton, was living with another family. Therefore the 1910 census was accurate when it had John W. Nelson as the head of the family and owned his home with a mortgage.⁶⁰

The new couple was establishing their home in a community where Emma was well known but Jack may have been more recognized as a saloon keeper with a bad reputation. Perhaps, his renown was enhanced in Newton by his desire to not be involved in the community like the majority of the town's people. He did not attend their church as his family had made their break from this faith a quarter of a century earlier, and John W.'s lifestyle was certainly counter to the ways and mores of a small Mormon town. Community affairs and concerns which had been part of Emma's upbringing now played little to no part in the Nelsons' lives. Although, never to his face was he called Black Jack, but it was by that name that he was primarily known in the town, by young and old, and believed to be a scoundrel to be on guard against. By rumors, past tales and present reports he was taken note of along with his activities and the finger of suspicion pointed his way if and when anything disappeared or was stolen. Jack would not be Newton's first thief or their last, but in time he would become their most noted and closely watched stealer. In the 1890s the newspapers began reporting an increase in the thievery of wheat and lucern seed from the filled granaries following the threshing seasons and continuing until the grain or seed was sold. In March of 1897 County Sheriff Fred Turner arrested a Newton man (not Nelson) for stealing sacks of wheat from a granary located between Clarkston and Newton, which the paper reported was taking place with greater frequency. A couple of days later and in another direction two miles north of Clarkston sleigh tracks in the snow led from a granary to catching the guilty parties with the stolen wheat. In January of 1898 a man in Clarkston reported forty-seven sacks of wheat stolen from his granary. Wheat became the prime target for thieves because it was readily accessible and appeared easy to take. Jack's last marriage and starting another family didn't sidetrack him from his "old games" entirely but caused some adjustment in the quantity and scope of these activities. The only details we know come from the occasional times he was accused or convicted of stealing wheat, while the folk tales report he stole often and was seldom caught or charged with stealing.⁶¹

One of the most interesting and significant wheat theft that Nelson was charged with came in early November of 1909. About half way between Newton and Clarkston John Godfrey had a farm where no one lived with only a granary and shed with a road on the north side and another on the west. During the fall harvest and threshing the owner brought in 2,550 bushels of wheat sacked and stored in the granary and shed. Later "on the night of November 4, 1909," someone with a wagon stole many sacks of grain. When the theft was discovered the county sheriff's office was notified and investigated the situation. The ground had been damp and it was soon established the wagon came from Newton pulled by a team of horses and entered the farm by way of the gate on the west side and loaded about thirty sacks of wheat and then returned toward Newton. The evidence showed that an "empty 3 ¼ farm wagon" (load capacity of three and a quarter tons) had illegally come to Godfrey's farm and carried off a load of wheat. Not only could the wagon be traced but the horse tracks were also distinctive, both horses being shod with the exception of the left front foot of the "off horse." The combination wagon and team tracks were followed to Newton to "within one block" of the residence of Jack Nelson, a man with a long record of stealing; however, increased traffic with cross tracks prevented further tracking. Further investigation revealed at 9 a. m. on November 5th (the morning following the theft) John W. Nelson delivered and sold to the Thatcher Milling & Elevator Company in Logan a load of sixty-two bushels of wheat. After receiving his payment of \$55.95, Nelson returned his wagon and team to a public feed yard nearby where he had stopped and put up his team when he arrived in Logan. The County Sheriff saw the well-known John W. in Logan on the night of November 5th and he examined Nelson's outfit at the feed yard, finding one horse with one foot unshod and a rusty horse shoe in the "jockey box" of the wagon. Nelson's horses and his wagon fit the description of the vehicle and team that took the grain and traveled to Newton and the corresponding sale the next day of about the same amount of wheat as stolen.

Quickly Nelson became a person of interest in regard to the stolen wheat. In short order, the county sheriff's office had the Godfreys provide a sample of the wheat from the same grain that had been stolen and he obtained a sample of wheat from Nelson's granary and compared them with what the mill recorded they received. Meanwhile, they had interviewed John W. Nelson on the matter and he claimed he raised the grain sold to the Logan milling company on November 5th and accounted for his movements from November 4th afternoon through the morning of the 5th when he sold the grain. However, the sheriff's office didn't buy Nelson's story for upon further investigation they discovered that the sample of wheat from the Godfrey's stored grain was the same kind and class as what the milling company received from

Nelson on November 5th, while the sample from Nelson's granary was different. This along with all the circumstantial evidences caused the State of Utah to charge John W. Nelson with stealing a load of wheat from John Godfrey's farm. The suspected thief's arrest came weeks after the crime as a letter from Clarkston to the Logan newspaper dated November 21st mentioned the theft of wheat and stated: "The officers are on the trail of the thief, who, if caught, will receive what is coming to him." After investigating the crime for almost three months, only one suspect came into focus. The county's sheriff office arrested John W. Nelson and took him before William Brangham, "a committing magistrate" of Cache County, with the available evidence supporting the arrest to answer the charge of grand larceny in this preliminary hearing held January 31, 1910. He was accused of stealing thirty bags of wheat containing sixty-two bushels with the time and place noted. Four citizens and the county sheriff and one deputy were examined, and there was no mention of Nelson giving his alibi, which apparently was not fully developed until his lawyer entered the case. The examination determined that sufficient evidence was found to formally charge Nelson with grand larceny and turned the case over to the district court for a criminal trial. Through the investigation of the theft and this hearing no defense lawyer was mentioned in the court papers, and shortly thereafter Nelson hired Lawyer George Q. Rich of Logan. The court paper were silent in regard to whether Jack spent any time in jail, but if so he posted a bond for his appearance to be free awaiting trial. Initially Nelson's trial was scheduled to begin on February 17, 1910, but a continuance delayed it to the March session of district court.⁶²

The trial took place in the First Judicial District Court at Logan on March 7, 1910, with Nelson charged with grand larceny. The "greater part" of the first day was spent securing a jury. The prosecution had no witnesses who saw the stealing and so produced its circumstantial evidence used to indict the defendant. Nelson's wagon and team corresponded in size and condition with the vehicle and team that hauled the stolen goods, with emphasis made that the left front foot of the defendant's off horse was unshod and corresponded to one of the horses in the larceny. Plus, the dampness of the ground allowed tracking the stolen wheat to within a block of the defendant's home. The morning after the theft the defendant sold in Logan about the same amount of grain that had been stolen. In addition the sheriff's wheat samples collected from the stored Godfrey's wheat where some had been stolen and wheat from Jack's granary were analyzed. The wheat Jack sold to the mill was of "the same kind and class" as the Godfrey sample but was "different" from the wheat stored in Jack's granary. County Sheriff N. W. Crookston testified on tracking the wagon and team from the crime site into Newton, and that he saw the defendant in Logan on the night November 5th. He went to the feed yard and inspected the defendant's outfit, found a rusty horseshoe in the wagon and saw the team, observing that one of the horses was missing a shoe on the left front foot. To strengthen their case the prosecution called a Logan policeman to testify, stating that on November 5th when he learned of the stolen wheat, he went to the feed yard and inspected the defendant's outfit recalling: "I examined the team quite closely . . . I raised up the feet and I looked for the ones that had shoes on. The off horse I think had its front shoe off and I think it had its hind shoe off; that is the best I remember." The policeman subsequently examined the team again with "the marshal" in which the latter reflected that one of the horses had some shoes off. Under cross-examination the policeman said: "My best recollection is, that one of the horses had two shoes off, one off the front foot and one off the hind foot."⁶³

During the three day trial, Nelson and his lawyer, with no testimonies to confirm his alibi, countered with the defendant taking the stand for the first known time in any of his trials to explain his actions and whereabouts. Nelson claimed the wheat he sold came from his own supply as he had raised and threshed 165 bushels in 1909. He fed a small portion of the grain to his horses and sold thirty-four bushels to a man named Griffith at Cache Junction. On November 4th he, aided by his wife and 15-year-old son, sacked the loose grain and loaded it into his wagon. In the early evening of the same day he started his trip from Newton with the load for Logan, and since the "roads were muddy and heavy" he decided to divide the travel over two days by stopping at his brother's ranch in Benson Ward, which was not out of the way. Another object in going to this ranch was to return two of his horses which had gotten out of a pasture at the ranch and showed up in Newton that morning. He traveled the main road with his wagon leading the two other horses and arrived at the ranch after dark, having traveled two and a half hours. At the ranch he put the two horses he led to Benson in the pasture and placed his team in the barn. He spent the night at the ranch where no one was present to confirm his being there, and he arose at 5 a.m. and proceeded to Logan where he put up his team in the public yard at about 7 or 8 a.m. and later sold his wheat amounting to sixty-two bushels. Under cross examination he had to admit that he had been "convicted before of horse stealing and stage robbery," and had on several occasions been in serious difficulty with the law. The prosecution focused on Nelson's story of his two-day trip to Logan attempting to break down his alibi with three witnesses. Two sons of Mr. Godfrey testified that on November 4th they left Clarkston early with a team

and buggy driving to Logan, and at 4 p.m. in the afternoon started on their return trip home, passing through Benson at dusk and arriving at Newton about 7:30 o'clock. They did not see the defendant anywhere on the road and since both parties were traveling the same road with the stated time sequence, they would have had to pass one another. Their third witness, who worked at a stable near the feed yard, saw the defendant's team at the feed yard in one of the stalls at 7 a.m. on November 5th. The horses showed no sweating from pulling a load from Benson and had eaten most of the hay given them and even worked some of it behind them. Under questioning this witness judged the horses had not been driven pulling a load recently, and he guessed they had been in the feed yard for at least a few hours and might have been there all night. This testimony was given to impeach the defendant's story of arriving at Logan with a wagon load between 7 and 8 a.m. on the morning he sold the wheat.

On more than one occasion during the trial, the prosecution used the two wheat samples to solidify their case against the defendant. They showed that the wheat Nelson sold at Logan was the "same kind and class" as the wheat stolen and different from the wheat raised by the defendant. Nelson's lawyer didn't attempt any explanations on the various wheat samples and either ignored the sample evidence or down-played its significance. During the trial the Logan newspaper observed, "The case excited a great deal of interest among people of the west side." The case was given to the jury and they retired to make their decision and brought in their verdict at midnight. Their March 10, 1910 verdict made the front page in the Salt Lake newspaper under "John W. Nelson Convicted," but was relegated to local news on page seven in the Logan paper. Nelson was to be sentenced the following Monday but his lawyer made a motion for a new trial and time was granted for this to be argued in court. After which the motion for a new trial was denied and on Saturday, March 19th and over a week after his trial, John W. Nelson was sentenced by Judge Maughan to serve two years in the state prison. Nelson's lawyer, George Q. Rich, filed a notice of an appeal. The notice of appeal from the judgment of the District Court to the Supreme Court of Utah was issued with the defendant allowed bail of \$1,000 pending the appeal to the higher court. The amount of the bail bond was way out of Nelson's league and his parents were no longer around to give him aid. However, two residents of the county and "house holders" signed on to guarantee the bond; thus, John W. Nelson had his freedom during the appeal process which would be long lasting into June of 1911.⁶⁴

Perhaps it would be best to fast forward and finish the discussion of the court case at this time. Nelson's lawyer, George Q. Rich, prepared all the necessary legal papers and the Utah Supreme Court after considering these agreed to review the case at its next session in 1911. After reviewing the briefs and statements of issues and facts on the case and summaries of arguments, the three justices of the Utah Supreme Court made their decision with Associate Justice William M. McCarty writing their decision. They accepted the Appellant's argument that: "The evidence, such as it is, upon which the defendant was convicted was entirely circumstantial. The principal ground upon which the defendant seeks a reversal, and the one we deem it necessary to consider, is, that the evidence was wholly insufficient to support a verdict of guilty." A brief review of the case's main element was noted from the team and wagon engaged in the theft, the sale of wheat in Logan and the defendant's contention that the wheat he sold had been grown on his farm, sacked and transported to Logan by a trip over a two day period. The court apparently accepted all of the defendant's account, but challenged the prosecution's three main points. First, the wagon with the stolen wheat was tracked to "within one block of defendant's residence, but no nearer," concluded the high court. Second, the tracks of the team pulling the stolen wheat were followed back to Newton with a difference as to whether one of the horses had one or two shoes off when examined at Logan after the wheat had been sold. In reviewing the County Sheriff's testimony and the Logan policeman, the court's decision included some of the testimony such as the policeman saying: "The off horse I think had its front shoe off and I think it had its hind shoe off; that is the best I remember." Further discussion of a later examination wherein it was decided one of the horses had "two shoes off." [*Underlining on the court document.*] Then the court statement continued—"True, the sheriff testified" that when he examined the horses and they stood as if a front shoe was missing. "But this testimony is not necessarily in conflict with that given by" the other witness. "It will be noticed that the sheriff did not say that the horse may not have had two bare feet." Third, in regard to the kind and class of wheat stolen, sold in Logan and remaining in Nelson's granary the high court rejected the prosecution's contention that the wheat sold in Logan was the same kind and class as that stolen and different from what the defendant grew and stored in his granary. The court's long fractured reasoning stated:

... any inference that might be drawn from the comparison of certain samples of wheat which were introduced in evidence by the state as tending to show that the wheat sold by defendant on the occasion in question was of the same kind and class as the wheat stolen and different from the wheat raised by defendant would be wholly inadequate to support a judgment of conviction. Furthermore, it was not shown that either of the samples

mentioned was taken from the wheat stored in the granary and shed on the Godfrey farm at the time the larceny was committed. The sheriff testified that he received “from the Godfrey boys” the sample of wheat introduced in evidence as wheat taken from that stored in the granary and shed on the Godfrey farm at the time the larceny was committed, but there is no evidence in the record tending to show where the “Godfrey boys” obtained the wheat. Therefore, that particular sample of wheat was incompetent as evidence for any purpose and should have been excluded until it was shown, if such was the fact, that it was taken from the wheat stored on the Godfrey premises at the time of the larceny.

The Supreme Court made one more thrust at the state’s case wherein they tried to impeach the defendant’s story of taking his wheat to Logan starting in late afternoon of November 4th, stopping for the night in Benson and arriving in Logan early on November 5th by witnesses traveling the same road at the same time and another judging that Nelson’s horses probably had been in the feed lot an extended period. The court stated: “Counsel for the state seem to attach considerable importance to the testimony given by the state’s witnesses on this point. If, as counsel for the state seem to contend, this testimony shows that defendant arrived in Logan on the evening of November 4th, 1909, it establishes a complete alibi for the defendant and proves conclusively that he did not commit the crime of which he stands convicted, because the record shows that the crime was evidently committed on the night of November 4th and of course if the defendant was in Logan . . . that night, he did not commit it. *The evidence, without conflict,*” [italics mine] shows the defendant raised his own wheat, sacked some of it and took it to Logan and sold it, or so the court expounded. Throughout the written decision and order, the court was most critical of the prosecution for deficiencies in developing the criminal case, and negative of the Godfrey boys getting a sample of the wheat from the granary where the wheat was stolen and their testimony trying to impeach Nelson’s account of traveling to Benson along the same road and at the same time. The court gave no consideration to the witness who saw the defendant’s team at the stable at 7 a.m. in disagreement with the defendant’s story. Justice McCarty concluded his written decision with a view that touched on bias as follows:

It was shown at the trial that the defendant had before on several occasions, been in serious difficulty and may have been regarded by some people as an “undesire//ble [sic – undesirable] citizen.” This, together with the fact that much evidence was introduced by the state to prove matters which in their nature were collateral to the main issue, no doubt, to some extent, tended to divert the attention of the jury from the real question before them, namely, the question of whether or not the defendant was proved guilty beyond a reasonable doubt of the particular crime charged in the information. Upon no other theory can we account for the verdict of the jury in this case.

Judgment reverse, and cause remanded for a new trial.

“IN THE SUPREME COURT OF THE STATE OF UTAH
Regular May Term June 3, 1911.
The State of Utah, Respondent, }
v. } REMITTITUR.
John W. Nelson, Appellant, }

This cause having been heretofore argued and submitted, and the court being sufficiently Advised thereon, it is now here considered, ordered, and adjudged, that the judgment of the district court herein be, and same is hereby, reversed, and the cause is remanded to said court for a new trial.”⁶⁵

The Supreme Court reversed the lower court’s decision with its declaration: “Judgment reversed, and cause remanded for a new trial.” While the wording suggests the possibility of a new trial which could happen in some cases but not the Nelson case. It was merely procedure as since 1907 the Utah Supreme Court was required to remit appeals back to the lower court from which they came, thus, keeping the records together and making the district court to maintain the file. In short, in the Nelson case the high court had settled the case for it had so disassembled the legal case in tracking the thief and discounted the various wheat samples doubting the veracity of the Godfrey boys and a Logan witness. Now a year and seven months after the crime it was impossible to replace these samples, and it was all for a nickel less than \$56 and not worth further time and effort. Thus, for these practical reasons the district court would take no further action.

However, in the local court of public opinion, especially at Newton, Clarkston and west side of the county, they believed the legal system had turned a thieving rascal loose again upon the citizens of Cache Valley. While the court danced around an apparent difference in testimony on the number of horseshoes

missing with wide latitude to conclude they did not “necessarily” conflict, yet it totally ignored opposing testimony to the defendant’s story to presume it was “evidence, without conflict.” To so proclaim Nelson’s alibi story “without conflict” was beyond inexplicable. While it was not the responsibility of the Supreme Court to try the defendant, it would have been better for it to simply declare the state had not proven its case against the defendant, explaining there were conflicting testimonies. Instead, the high court took a legal tangent in which its handling and manner of assessing the testimonies of the case was worse than the severe criticism it had directed at the prosecution in the district court. It twisted the testimonies that challenged Nelson’s alibi. The three individuals’ accounts which disputed Nelson’s two day drive to Logan were turned by the court into Nelson being at a time and location wherein, according to the court, he couldn’t possibly have committed the crime. This was certainly jumping to a wild conclusion which avoided the differing testimonies by side-stepping them as if they did not exist. While the high court rejected the wheat sample provided by the Godfreys, what about the sample from Nelson’s granary being different from that listed as sold at Logan? No consideration or explanation, just toss out everything regarding the type and class of wheat—the locals seriously questioned the court’s throwing out the baby with the bath water. In addition the high court went out of its way to draw the conclusion that there were no differences in the accounts of the number of missing horseshoes as it danced about the issue. The citizens and farmers on the ground saw it differently, seeing the defendant’s alibi full of conflicting testimony and reasoning. They saw a scenario such as the thief took the stolen wheat and traveled through Newton, continuing toward Logan all on the same night as the crime with or without a rest stop at the ranch in Benson, and arrived in Logan earlier than Nelson claimed and sold the same amount of wheat that had been stolen a few hours earlier. Plus, the wheat sold at Logan matched the grain stolen but was different from what Nelson had grown. The residents of Newton and Clarkston wouldn’t have been as dismissive of the Godfrey brothers’ story and wheat sample as the court, for they would have believed them over Black Jack Nelson with a criminal record of over forty years. Could the local citizens be allowed to make some conclusions on the Supreme Court’s criticism of the prosecution bringing in Nelson’s previous criminal record?

But what did the local people know anyhow? They had only suffered the cost of unintended consequences repeatedly as executive clemency and judges had again and again allowed Jack to continue to play his old game. Most likely the majority of the locals strongly believed that Black Jack would soon be back to stealing again. Ironically, while the high court was considering the appeal and Nelson was free on bail, he stole wheat again and was so charged in October of 1910. The report of this reached the Salt Lake City newspapers, but it remains unknown if the justices of the Supreme Court learned of it.⁶⁶ Seven months after this last theft of wheat, they finalized their judgment in early June of 1911. The written decision by the Supreme Court in the case of *The State vs. Nelson* illustrated fractured reasoning, bias and inconsistency under the guise of a legal judgment.

By taking a close focus on these two incidents of stealing wheat, possibly it can reveal an interesting aspect of Jack’s economic situation. One of the prime tales concerning Jack was his caching much of the treasure from the southern Idaho stage robbery near Molly’s Nipple, and when he needed money he went and retrieved some from this cache. Even if the tale was based on facts the math reveals that he had a partner in the holdup so the amount involved would have been greatly reduced, and the robbery was in 1873 some thirty-seven years earlier, so most assuredly there was no money at the cached location, if there ever was any. Very likely a more realistic scenario for Jack’s ability to satisfy a persistent creditor was that he was forced to go steal something of value. Ever since settling down in Newton with a wife and children that probably was how his extra-farming economic activities worked.

During the time when John W. was awaiting the appeal of his last conviction in early 1910 and the Supreme Court’s decision in June of 1911, he still had work to do. About half way through this judicial wait, he made the newspapers even in Salt Lake City when it was announced in a news item dated October 29, 1910: “Jack Nelson was served with a warrant yesterday charging him with the theft of some wheat at Newton. He is charged in the precinct court with petty larceny.” A day later the Church newspaper in Salt Lake City gave a bit more information by publishing: “John Nelson of Newton has been arrested again on a charge of taking wheat that did not belong to him. It being alleged that he stole \$40 worth from W. W. Roundy of Benson. Last year, Nelson was convicted of the same offense and appealed to the supreme court, where the case will be heard at the next term of court.” The Logan newspaper wrote: “John Nelson was arrested again yesterday on a charge of having stolen some forty dollars worth of wheat from Mr. Roundy of Benson. He pleaded not guilty and was released on \$100 bail.” The latter two sources re-echoed some of their earlier articles and contentions concerning Nelson’s repeated offenses which seemed to never end.⁶⁷ Now Jack was in immediate need of more legal assistance and he appealed to Lawyer Rich for help while still waiting on the appeal case before the Supreme Court of Utah. Apparently his attorney

was beside himself and dumbfounded with his client's timing of his last theft and his request for additional legal services. In his lawyer's mind this disheartening news could make all the work in preparing and filing the appeal for naught, and it remains unknown how much the defendant had paid his legal counsel for all his efforts in the court case and then the appeal, whether sufficient, timely or at all. At this juncture there may have been an unusual sharp and angry termination of client and lawyer relationship as a bit of Nelson folklore mentions. Thus, Rich may have refused Nelson's request of more legal services in an unusual and striking way. There exists an old piece of folklore, oral and written, that Lawyer Rich fired his client Jack Nelson. If so, then by deduction it is possible it came at this time when Rich could have easily believed that Jack had ruined the appeal and defending Jack Nelson seemed to be turning into a full-time no-win situation with nightmarish possibilities with little to no pay. The only verified times known in which Rich was Nelson's lawyer were the March 1910 stealing case and the appeal of that case and a 1916 charge of burglary that was dismissed eleven days after the court set the date for the case.⁶⁸ Or possibly Lawyer Rich curbed his fury and continued representing his client using his knowledge and skill. From the available records it cannot be ascertained which course Rich took at this time.

The above situation leads to another of the mysteries in the events involving Jack Nelson, why didn't the October 1910 stealing incident play out in the court like the earlier case? It started off very similar to the criminal proceedings in the previous wheat theft. The Benson man reported the stealing of some of his wheat and an investigation by the sheriff's office lead to the accusation of theft by Nelson. Jack was arrested and taken before a magistrate or judge and informed of the charges made against him along with the available evidence to support the arrest presented by the county prosecuting attorney. Jack pled not guilty but the magistrate found sufficient evidence to charge Nelson with a crime and decided in favor of a pretrial release with a bail bond of \$100. Then for whatever reason and with no explanation the case was dropped, and a thorough search of the Cache County District Court Information Record, the First District Court records and the newspapers that recorded the first stages of the incident contain no further developments on this theft. Of the various probable explanations three will be suggested. First, perhaps Nelson, after the strong disagreement with his lawyer and the contention that the last larceny could ruin the appealed case, re-evaluated his situation. This put a prison sentence as a definite possibility along with additional time for the last offense to the point of making some out-of-court settlement with the man whose wheat was stolen causing the charges to be dropped. Second, conceivably Nelson in desperate straits to avoid time in prison due to his wife and children's situation found a person willing to use perjury (perhaps the most used tactic used by people charged with a crime) to support Nelson's alibi strongly enough that the county's prosecuting attorney's office decided that even with the evidence they possessed it might be insufficient against the suspect's alibi. So they decided the theft of \$40 of wheat wasn't worth the trouble and cost of another trial against Nelson. Lastly, perchance the suspect Nelson may have been innocent and initially blamed due to his reputation or at least it could be viewed that way on account of his alibi.⁶⁹

Whatever, in the end in both the short and long range the real winner was lucky Jack Nelson. He didn't have to stand trial for the last stealing and his appeal worked to avoid the two-year prison sentence, and at the same time he came to learn more on how to use legal proceedings to get out of predicaments caused by his illegal actions. The only hitch was good attorneys and appeals cost money and to get additional money Jack had to resort to stealing, creating something like a circular unsolvable logical dilemma like a "catch 22." Once again Jack was fortunate for after the Utah Supreme Court's handling of his 1910-1911 appeal, it became harder for law enforcement to obtain convictions in cases where the theft was not witnessed but based on circumstantial evidence; therefore, the law officers refrained from pressing charges unless they had overwhelming evidence. This was particularly true in Cache County wherein the high court had directed much criticism of the legal system's handling of the case involving Jack Nelson stealing wheat. In Jack's last decade in Newton law officers investigated reports of thefts by Nelson seeking evidence, interviewing him, and finding no physical evidence, and in most instances left, leaving Jack with warnings not warrants for his arrest.

In the interim, other things were taking place while he was free on bail as his appeal was processed in the legal system. The 1910 census at Newton helps filled in some of the blanks in John W. Nelson's life. In mid-April of the census year the enumerator recorded that John Nelson, the head of his household, was: age 63, married for six years, had been born in Missouri (a mistake carried over from the 1880 census listing) and both of his parents were from England when they really were from Scotland. He was listed as a "farmer" and he was not out of work on April 15, 1910, and had not been out of work during 1909 per the census form questions. John W. could read and write, owned his home by way of a mortgage, and to the question regarding the situation of his residence whether "Farm or home" he was listed as farm. His wife, Emma Nelson, was listed at age 44, married for six years and the mother of five children all surviving with the last three fathered by John W. Nelson, Jr. She had been born in Utah with both parents from Denmark

and she had no other work but keeping house and could read and write. Next came the listing of the children in the family, and the portion requiring some interpretation and explanation. Leo Anderson was listed as a “step/son” in his relationship to the head of the family, and he was age 18 and single. He had been born in Utah with his father born in Denmark and his mother in Utah (being the son of Emma with father not listed). Leo was a laborer working at “odd jobs” and was not out of work on April 15, 1910, and neither out of work nor attending school during 1909. He had been listed by the name of Frederick on the 1900 census while living with his mother in his grandparents’ home. In June of 1917 when he registered for the military draft, he confirmed his full name as Leo F. Anderson, born at Newton on January 18, 1892. The second child listed was William Nelson, the son of the head of the family. He was age 15, single, and had been born in Idaho with his father born in Missouri and mother in Utah. William was enrolled as a “Farmer” with the response to the census form question—“General nature of industry, business or establishment to which this person works”—answered with a listing “Have Farm.” He had not been out of work on the date cited or the previous year and had attended school in 1909. Thus, for the first two children in this census listing the older Leo Anderson was the son of Emma, and William Nelson was the son of the head of family (perhaps named after his father’s older brother) but Emma was not his mother. William probably joined his father’s family shortly after it was established sometime earlier than the 1910 census listing. Since the death of his mother, William had passed through at least two families in Idaho for his care and nurturing.⁷⁰

The remaining three children on the 1910 census were the offspring of the two parents in the home. The baby daughter born in 1905 was now five years of age and named Isabella. Then came Wallace Nelson, age 3, born in Utah, but not listed on the Cache County birth register for some reason. The last child on the listing was Mathew Nelson (first name with one “t” on the census listing), age 2 and born in Idaho. The eighth person in the household was the mother of Emma listed as Hanna Anderson (given name on census sheet hard to decipher) and cited as the mother-in-law to the head of the house. She was at age 79, widowed after a marriage of 35 years, now living with her daughter. She and her parents had been born in Denmark and she immigrated to America in 1859 and could speak English. She had been living in Newton for forty years. The eight inhabitants made a full house for the small log structure with four rooms. Eighteen-year-old Leo was not apparently involved in the farming aspects of family land in a continuous way. Fifteen-year-old William Nelson had reached an age wherein he could have been very helpful with the farm work. However, the normal entry on the census form for such a person usually was “works on farm” not the more bold and possessive “Have Farm,” leaving open the possibility that the young lad had a farm in his own name, obtained perhaps by inheritance from his dead mother’s Lund family, or the census remark was misleading.⁷¹ The only other direct evidence of William’s presence in Newton came in the fall of 1909 when his father stated the lad helped him sack some grain to be sold as was related above.

To add to this convolution it appears that for a short time in Newton during 1909 and 1910 that five of John W.’s children came together—the three youngest from present wife Emma, son William and the oldest known child John Laird Nelson born in 1867 by first wife Jane Laird Nelson. John Laird Nelson, when his parents broke up, was left behind by his mother and perhaps cared for equally inadequately by his father, came to live with his grandparents in Logan where on the 1880 census he was recorded at age thirteen, attending school. In December of 1910 a Box Elder newspaper announced his recent marriage as follows: “Miss Rachel R. Baird and Mr. John Nelson of Newton, Utah, were married in Ogden Dec. 21.” The new couple was given a wedding reception by the bride’s parents at their Willard home. The groom was forty-three years of age and the bride was reported as having worked for a number of years as the telephone operator at the Willard depot. Apparently John Laird, after the death of his grandparents and with his father’s home in Newton, spent enough time at the Newton home that on two occasions cited it as his home. Prior to the wedding announcement mentioned above, in July of 1909 he or perhaps his young son, or possibly a relation of his girl friend was playing left field for the Willard baseball team as a “young man from Newton by name of Baird.” It could be a typographical error of the first letter of the name, or a failure to fully identify the young player as the Baird family was prominent in Willard where John Laird Nelson’s girl friend lived. The censuses and other historical records of Newton record no Baird or John Laird Nelson in Newton outside the two newspaper references.⁷²

On the Sunday night of October 31, 1915, a quantity of wheat was stolen from the granary of Joseph Norman Dahle near Clarkston. County Sheriff John W. Barker was called to the scene of the crime, and it was determined by the owner that approximately seventeen sacks of wheat had been taken and the tracks of the team and wagon that carried away the wheat were clearly visible. Most interesting the footprints of the team had a distinctive pattern that was quickly noted as unusual. Probably there was an attempt to track the team and wagon to get an idea of the direction the stolen wheat was taken. Within a couple of days a few

things became known, and from the available records it cannot be determined in which order they were discovered. On the day following the theft, John W. Nelson sold about the same amount and type of wheat that was stolen to the Bear River Milling Company at Honeyville, Utah. Nelson received in payment for the wheat \$48.75, and quickly cashed the check with the State Bank of Brigham City stamping the mill's check paid on November 3, 1915. In the course of his investigation, Sheriff Barker went to Nelson's home at Newton to talk with the owner and asked to see his team. Most likely the sheriff first noted the tracks on the ground around where the two horses were kept and saw they were similar to what he had seen as the site of the robbery. Then the sheriff checked the horseshoes on each horse and saw why the horse tracks were so unique. In some way and procedure never explained Sheriff Barker returned to Nelson's place a short time later stating that he needed those horseshoes as evidence and he removed the horseshoes from Nelson's team. This action more than aroused the interest of Nelson and in the ensuing conversation the sheriff told Jack he thought he was guilty of stealing the wheat at the Dahle granary. With the detached horseshoes the sheriff quickly returned to the scene of the crime, just a few miles away, and found that the horseshoes when pressed into the soil left an imprint identical to the thief's team. Dahle and possibly others also viewed and compared the tracks of the last team at the granary made by the thief with those made by the horseshoe evidence made by the sheriff. With his tracks evidence and whatever else he had gathered to this point, Sheriff Barker on November 3rd went to the Justice's Court of Logan Precinct and filed a complaint against John W. Nelson before William Brangham, Justice of the Peace, who also served as a committing magistrate. After being duly sworn, Barker on his oath deposed a two count charge as follows: On October 31, 1915, defendant John W. Nelson did commit the "crime of burglary in the second degree by unlawfully entering the granary of J. N. Dahle at Clarkston with the felonious intent to commit larceny. "Count No. 2" on the same date John W. Nelson did commit a petit larceny by stealing seventeen sacks of "white Bluestem wheat" from the personal property of J. N. Dahle. Then Justice Brangham issued a warrant for John W. Nelson's arrest on November 3rd.⁷³

To this point the investigation of the wheat theft had proceeded with remarkable speed, but that would soon change as it moved toward Nelson's arrest and a preliminary hearing. From the issuance of the arrest warrant to actual serving it took eleven days of playing a cat and mouse game between the sheriff and the man to be arrested. The Logan newspaper chronicled the situation and event in a front page article entitled "Arrested on a Burglary Charge" two days after the November 14th arrest as follows:

John Nelson, familiarly known hereabouts as 'Jack' Nelson, a resident of Newton, was arrested on Sunday by Sheriff Barker and his deputy Mr. Winschell of Cache Junction. A week or so ago the theft of wheat from granaries on the west side of the valley was reported and after investigation of the matter the sheriff came to the conclusion that Mr. Nelson was the guilty party. He informed him of that fact and then several days later went to the Nelson home in Newton to serve the warrant of arrest. He could not find his man then nor on other occasions so set a watch on him. On Sunday he and Mr. Winschell sought the Nelson home, but were unable to induce anyone to unlock the place for them, although the family was at home. Finally the Sheriff concluded to break in and pried a window open. He and the deputy entered the house and not finding any trace of their man upstairs went down into the cellar, the sheriff being in advance. He had his search light in his hand and after examining the cellar a little lifted a cover from some sacks of potatoes and there behind the tubers was Nelson.

Before the Sheriff could speak he found himself looking down the barrel of a big revolver, held by Nelson who commanded him to get out of the place as fast as he could. The Sheriff stood his ground however, calling to his deputy to cover Nelson. Mr. Winschell leveled his revolver at Nelson and threatened the latter with instant death if he moved[,] walked up and reached for Nelson's pistol when Jack threw it to the ground. The prisoner was brought to Logan at once and lodged in jail. He will likely be called upon to answer to a charge of burglary in the second degree and resisting an officer.

Yesterday he was arraigned on the first named charge and entered a plea of not guilty before Judge Brangham. His bail was fixed at \$2,000 and at this writing he had not furnished it.⁷⁴

The delayed arrest on Sunday had Jack in the Cache County jail. The next day he was taken before the same committing magistrate that issued the warrant. The complaint was read to Nelson and he was "fully advised as to his rights." He entered a plea of "Not Guilty" and was held by the court on a bail of \$2,000, reduced to \$1,000 by the request of the district attorney. The following day two sureties (men from

Logan) for the bail each pledged \$500 so Nelson could be free on bail, while the witnesses could be notified of the time and place for the preliminary hearing before the committing magistrate. Probably for ten days, especially since the sheriff removed the horseshoes from his team, John W. knew he needed legal assistance and secured the services of Logan Lawyer George Q. Rich. The first substantiation of this legal assistance came on December 7 when Nelson submitted an “Affidavit for Change of Place of Trial,” wherein he gave his reasons for his request as follows:

John W. Nelson, being first duly sworn, upon his oath deposes and says: that he is the defendant named in the above entitled action; that by reason of the bias and prejudice of William Brangham, the justice of the Peace before whom the said action is now pending, this affiant believes that he cannot have a fair and impartial examination or trial before said justice. Wherefore affiant prays that the place of trial of said action may be changed as provided by section 4660 of the Compiled Laws of Utah, 1907.

[signed] John W. Nelson

Subscribed and sworn to before me this 7th day of December, 1915.

[signed] Wm Brangham

Justice of The Peace ⁷⁵

It has not been ascertained if there was more to Jack Nelson’s dislike of Brangham other than he was the committing magistrate five years earlier that consigned him to trial in 1910 for stealing grain. Jack’s request produced a change of venue. On the court papers it was from the Justice’s Court of Logan Precinct to the Justice’s Court of Logan City, but the key element was a change of justices also serving as committing magistrates—from Justice Brangham to Justice Thomas G. Lowe. With this change the new justice issued subpoenas for the witnesses against the defendant—Joseph Norman Dahle, whose wheat had been stolen, John S. Jones, manager of the Bear River Milling Company where Nelson sold a small load of wheat the morning after the theft. A third subpoena was issued to Sheriff Barker requiring his attendance at the same hearing with an added note on his subpoena stating: “and bring with you the horse shoes by you taken from the horses of the said defendant.” On the morning of December 22nd in the court were defendant Nelson and his counsel “George Q. Rich, Esq.” along with the three witnesses for the plaintiff, the State of Utah. All were sworn and examined on behalf of the state. This preliminary examination transcript doesn’t provide details but the three witnesses basically gave testimony as to why there were reasons to believe the defendant committed the crime which included the two counts, charges of burglary and larceny of stealing a certain amount of wheat. Sheriff Barker came with the horseshoes from Nelson’s team and explained the tracks and their tying the defendant’s team to being at Dahle’s granary the night before Nelson sold wheat at Honeyville. Dahle gave testimony of his wheat being stolen and probably witnessed the matching of the horseshoes from Nelson’s team with the tracks around the granary. Jones gave the time, type and amount of wheat bought from Nelson at his mill. In each case the testimony given was an abstracted or condensed versions of what they could testify at a court trial. The defendant was also questioned on what he had or wanted to say. “The defendant offered no testimony, but expressly waived any objection to the incompleteness [sic] of the transcript.” At the end of the examination the court took the matter under advisement until December 27th.

On December 27th the court reassembled with all concerned present for Justice Lowe’s decision as committing magistrate. On a motion of District Attorney Roy Thatcher, it was asserted that the second count be dropped as redundant and the court agreed feeling the offense was covered with the initial burglary in the second degree. With this change Justice Lowe made his decision that there was “sufficient cause to believe . . . John W. Nelson guilty thereof,” and held to answer to that charge, and that Nelson remain free under the bail arrangement previously accepted. Two days later and exactly two months after the crime was committed the District Court of the First Judicial District of the State of Utah took on the case and issued its first document of “Information” in that regard as follows:

In the district Court of the First Judicial District of the State of Utah in and for the County of Cache

This 31st day of December, A.D. 1915

The State of Utah, plaintiff	}	
vs.	}	Information
John W. Nelson, defendant	}	

John W. Nelson first heretofore having been committed to this court by Thomas G. Lowe, a committing magistrate in and for Cache County, State of Utah, to answer to this charge, is accused by Roy D. Thatcher, the District Attorney of the First

Judicial District of the State of Utah, by this information of the crime of burglary in the second degree committed as follows: The said John W. Nelson on the 31st day of October A.D. 1915, at the County of Cache and State of Utah, did wilfully [sic], unlawfully, feloniously and burglariouly [sic] in the night time of said day enter the granery [sic] of one J. N. Dahle at Clarkston Precinct, in said County of Cache, with the felonious intent to then and there commit the crime of larceny, contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Utah.

Roy D. Thatcher
District Attorney

Witness [sic] examined for the State of Utah, at the preliminary examination:
John S. Jones, J. N. Dahle, and J. H. Barker.⁷⁶

John W. Nelson appeared before the Judge Call of the District Court for Cache County for a brief hearing on January 5th. The district court had received a transcript of Justice Court docket proceedings previous to this time, and it had become a rather lengthy file for a preliminary hearing and it would grow a little larger. The next document added to the case came from the defendant's counsel, George Q. Rich, with a demurrer on January 5, 1916, stating that before the defendant entered a plea, the court should look at the deficiencies of the "Information" document filed in the case and cited the grounds for this action: First, "That the said information does not state facts sufficient to constitute a public offense." Second, "That the said information does not state facts sufficient to constitute Burglary in the second degree. . . . Wherefore the defendant prays that this demurrer be sustained." This was often the standard operation procedure in many court cases by the defense challenging the legal cause of action for the facts, or lack thereof, by the complaining party. The court considered this request but did not sustain the legal maneuver, but a secondary purpose of the demurrer may have been for the defense to buy some time to form and bolster the defendant's alibi. Then the defendant entered his plea of not guilty to the burglary charges. Nelson's attorney, Rich, implored for a reduction in the bail required and the court granted a reduction from \$1,000 to \$500. While it appeared that the next step would be the setting of a trial date, as the two sides emerged from the courtroom, another incident took place. It is not clear precisely what took place or provoked the actions, but Sheriff Barker re-arrested Nelson on a charge of resisting an officer. Nelson was taken before city Justice Lowe who heard the complaint and released Jack on a \$50 bond, "much to the disgust of the officers."⁷⁷ We can only surmise the county officers were displeased that Jack and his lawyer had worked the legal system to great advantage for the dependant, reducing the bail from \$2,000 down to a mere \$500, and believed little to no consideration was given to the armed resistance of arrest in the cellar under Nelson's home. Perhaps after the confrontation with the revolvers the matter turned in some degree to be personal—Barker and Nelson did not like each other.

Five weeks after the preliminary hearing, the defense formed the first semblance of their alibi after their complete silence in the earlier hearing. On February 11, 1916, the defendant issued an "Affidavit for continuance" in the pending trial of John W. Nelson to the District Court which stated:

John W. Nelson, being first duly sworn, upon his oath deposes and says: that he cannot safely proceed to the trial of the said cause at the present term of court for the following reasons, to wit:

That one George Williams, who is now herding sheep in the eastern part of Nevada, is a proper and necessary witness for this defendant in the proper reference of said action; that said Williams if present in court would testify that he was present when this defendant loaded the wheat upon his wagon, which wheat it is claimed the defendant took in the night from the building or granary mentioned in the information and that he the said witness sold and delivered said wheat to the defendant which it is claimed by the plaintiff in this action was stolen by the defendant from said granary.

That the said evidence cannot be proven by any other witness and that the said testimony is imperitavely [sic] necessary to the successful defense of the said action.

That plaintiff [? – should be defendant] has used due diligence ever since the information was filed in this action to ascertain the exact where-a-bouts of the said witness in order to establish communication with him, but has been and is now unable to ascertain his post office address; in this connection defendant states that he has recently ascertained the post office address of the employer of said witness; that the said employer resides in Bannock County, State of Idaho

and his name is John Richards. That this defendant is reliably informed by those who are in a position to be informed as to such matters that it will require one months time in which time obtain the deposition of said witness; that in case this cause be continued until the next term of this court that said witness will voluntarily appear in this court and testify to the facts hereabove stated.

Affiant further states that he has related the facts in this case to George Q. Rich Esq., affiants counsel therein and after such statement so made is by his counsel advised, and he verily believes, that he has a good and substantial defense to the said action upon the merits: that it would be unsafe to proceed to the trial of said cause without the evidence of said witness.

Wherefore, affiant prays that the said cause be continued until the next term of this court for trial.

[signed] John W. Nelson

Subscribed and sworn to before me this 11th day of February, 1916.

[signed] A. B. Chamber

Clerk of Court.⁷⁸

Jack's reason or excuse for not being ready to stand trial was an unavailable witness, and his affidavit for continuance encapsulated a singular strategy to explain how he came to have the quantity and type of wheat (white Bluestem) that he had sold at Honeyville the day after the theft. This witness, George Williams, had sold and delivered this wheat to Nelson and was present when the sacks of wheat were placed on the buyer's wagon. The only problem was that this witness was a shepherd with his sheep somewhere in eastern Nevada without a known way to contact. The defendant had used "due diligence" in seeking information on this witness's where-a-bouts without success except that the man's employer was John Richards of Bannock County, Idaho, and at minimum it would require one month to obtain the testimony of him in regard to this case if everything went well. According to the defendant this witness was essential to his case as it "cannot be proven by any other witness" in regard to how Nelson obtained the wheat he sold at Honeyville. So in essence the above document was John W. Nelson's alibi—whether true from the beginning or developed after his case was turned over to the District Court of the First Judicial District of the State of Utah. It was designed to explain only the crucial element of how and where the grain was obtained. No attempt was made at this time or in the earlier examination to explain Nelson's presence at the time of the robbery or even deal with those troublesome horseshoes or a number of issues such as a shepherd selling grain, Jack buying and then immediately selling after transporting the wheat some twenty-seven miles when it could have been sold just two miles away at Cache Junction or even at Trenton or Logan, both much closer without crossing a mountain with a load. Perhaps the biggest red flag in this development was why hadn't this information been given during the protracted preliminary hearing instead of several weeks later in the form of an "Affidavit for continuance?" Perhaps Jack had learned something from his problematic alibi in 1910 when his elaborate story of traveling to Logan was contested by three other witnesses, and this time he waited until the prosecution laid all their cards on the court table, then he with Lawyer Rich's help created the alibi afterwards.

The long and detailed file of Case No. 264 (The State of Utah vs. John W. Nelson) in the First District Court ends abruptly with the "Affidavit for Continuance" with nothing further in that case file. Another court document "The Register of Action" for the case states the request for a continuance was filed on February 11, 1916, and two months later the case was set for trial on April 24, 1916. Then the case was dismissed with no reason given or further details provided.⁷⁹ The Logan newspaper which reported on the various phases of the case last mentioned the case in an April 18th items that stated: "The first district court calendar: State of Utah vs. John W. Nelson. Set for April 24."⁸⁰ Then it too was silent on what happened. We are left to speculate what happened and why. There are several possibilities, but only a few of the most likely will be postulated briefly. First, maybe the all-telling witness was found and testified in person or by disposition confirming Jack's account of how he came to possess the wheat in question, and this was strictly a case of an innocent man being charged due to his reputation. Second, a witness came forward supporting Nelson's story with false sworn testimony (perjury), allowing the defendant to beat the due process of the law of the legal system. Third, a likelihood that the crucial witness was never found and after two months of continuance and no star witness, the defense remained unrelenting in their contention that the case could not fairly precede without the star-witness and the prosecution decided it wasn't worth the expense to pursue the case further. Perhaps a factor was financial wherein the case came to the point where it was no longer worth the cost as the wheat Nelson sold at Honeyville was worth only \$48.75. Whatever, Jack's luck seemed to play in his favor once again. If the folklore is true concerning Lawyer Rich firing his client Nelson, it would have involved a time when Rich had Nelson as a client. They had a

sharp disagreement in 1910 as reported earlier; if the firing took place at that time, then Rich would have had to back off from his stand to no longer represent Nelson for in December of 1915 he became Nelson's lawyer again. However, the unusual firing could have come from something in the short 1916 case, and if so, the most likely difficulty was the witness issue. Lawyer Rich had helped devise Jack's alibis in both the 1910 and 1916 cases, and probably was not opposed to bending or stretching the truth a bit at times, but if it came to outright perjury, it could have been outside this lawyer's self-imposed parameters and caused the sharp break between lawyer and client.



◀< *The Nelson family shortly before they left Newton.*

Standing behind the burro – Emma Andersen Nelson and John W. Nelson with their three children—sons on the burro from the left, Matthew and Wallace with Isabella in front of burro.

Picture taken in the mid to late 1910s and probably not taken in Newton but at his brother's ranch in Benson.

Picture courtesy of Eileen H, Clarke.

Much of the research on this article came from newspaper reports, government and Church records, a few letters either written by or for Jack Nelson while in prison, some family and friends' recollections and a couple of brief histories or references in historical works. The Cache County and Newton records have been researched the most thoroughly. The information from the Cache County records has been the source for much of Jack's legal troubles described above. From the Newton Town records "J. W. Nelson" was mentioned a few times but never in connection with his stealing. Apparently he had a complaint concerning a levee and/or water problem north of his lots in town wherein water conveyed to the eastern most portion of town traversed a levee across a low area and seepage impacted his northern most lots. In July of 1911 the town corrected the problem by having the levee repaired. Sometime in 1910 the town asked Nelson if they could extract gravel for town streets from a small pit at his farm land. Negotiations continued for several months until April of 1911 when he offered to lease the "reported gravel pit" for two years for \$75. The town board turned Nelson's offer down and countered that it would lease the pit for five years for \$75. The gravel pit situation remained unresolved for over six months when in early October of 1911 the committee on Newton streets was "instructed to make the best arrangement possible for gravel with J. W. Nelson." The later town minutes do not reveal the final outcome on the gravel. It is very likely a deal was struck for the town needed gravel and Jack always needed money. Confirmation of this would have been in the Newton financial records but unfortunately these records have been discarded. Other than these incidents in 1911, the Newton records reveal one other time that "Jack Nelsen" was cited. On December 6, 1917, the town marshal reported collecting \$5.50 in fees from the estray pound as follows: "Jack Nelsen \$.25, Andrew Petersen \$.75, Geo. Clarke \$.50, David Rigby \$1.25, Geo. Rigby \$2.00, Heber Beck \$.50, Frank Griffin \$.25."⁸¹ The low fine suggests one of Nelson's animals had strayed for a short

period. During Jack's time in Newton the town had a problem retaining their town marshal with numerous resignations, and replacements and the town being without a marshal for nearly a year.

Perhaps more information and insights into John W. Nelson remain undisclosed or wrapped in family remembrances and stories unavailable to the general public. Another source of information, especially of the last three decades of Nelson's life, is the oral reports of people who personally knew Jack and had some dealings with him, and in one form or other, developed into a sequence of stories, tales and rumors to comprise the Black Jack folklore. Probably the best written collection of this folklore came in a 1955 speech to the Cache Valley Historical Society by Marybelle Pike which consisted of a series of interviews she made with older residents of the valley and a portion dealt with individuals who had known Jack Nelson and told of what they knew of his activities. A typescript copy of Pike's speech is a good source of information on Jack and several of his escapades. One of these interviews related an incident in the 1890s, after the establishment of Cache Junction, with more than one saloon and personally involved the person telling the account. Jack Nelson met this man who he knew at the railroad point one night and offered to buy him a drink at the nearby saloon. The invited man (identified only as "C. J.") later recalled he thought it best to accept Jack's offer and they went to the saloon and found it closed due to the late hour. Not being deterred by this obstacle and determining in some way that the barkeeper was inside the saloon asleep, Jack "shot through the door to awaken him." This accomplished the objective, and the two men went inside and had their drink and "Whisky Jack" bade the man a "cheerful good-night." Jack was known for carrying his Navy colt revolver in his coat pocket and he knew how to use it for effect. The way the man related this personal experience perhaps gives some insight as to how many people reacted to Jack—better to agree even if a late night drink was not desired rather than refuse the offer and be subject to Jack's anger.

Pike's interviews cited another source ("A.W.G.") saying of Jack that "He ran a saloon in Newton for awhile. Goodsell played solo with him." This reference of Jack running a saloon at Newton, plus other oral tales concerning the same, helped keep alive the tale into a much later written account wherein one writer suggested that Jack was attempting to leave the "outlaw trail for a respectable trade." The stories about this drinking house in Newton never stated the precise time but assumed it took place after Jack established his home in Newton about 1903 or 1904 and he was not on the 1900 census. The best help in dating the Newton saloon comes from the above reference that "Goodsell played solo with him," and the man mentioned was most assuredly the very talented entertainer Alfred Goodsell and he died in July of 1898. Most likely sometime in the late 1890s Jack rented a place in Newton and set up a drink house that could accommodate only a few drinkers and even with entertainment was probably neither profitable nor lasted long. However, this portion of his life may have helped establish the "Whisky Jack" nickname for him. This timing dovetails with the selling of the Nelson homestead near Trenton in 1897 when A. C. Simmonds went to Newton and had a drink with Jack and closed the deal as recorded earlier. Furthermore, unless it came before Jack married Emma and began raising a family and hosting a mother-in-law and a stepson while caring for another son from a previous marriage, there was not much room for such an establishment in the small log house in Newton that came to be known as Jack's place. It went out of business before Jack's last marriage due to lack of profit and not because Newton passed a town ordinance in 1911 outlawing the sale of liquor within its limits. The town's action was primarily designed to stop the sale of liquor at the stores. Another acquaintance ("H.W.") recalled Jack as a "dark stocky man" who for a period of time "lived in Newton part time and in Weston part time." This source connected the two residences with Jack's wheat stealing trips saying "On the north trip he made flour in Weston Mill from the wheat collected, and the south trip in Trenton Mill from wheat acquired."

In more of Pike's interviews, the man who had the late night drink with Jack in Cache Junction told the interviewer that Jack "robbed a stage near Oxford" [Idaho], but other than the saloon experience he knew of Jack's "exploits only by hearsay." Possibly this robbery was an oblique reference to the failed attempt to rob a stage in 1873 by Jack and Colyer. Another person ("L. G.") recalled that it was said that Jack robbed the stage "on Collinston Flat just before it crossed Bear River at Hamptions's [sic – Hampton's] Ford." On this occasion, so the story went, Jack pulled off the robbery by himself by planting "dummies" in the sagebrush nearby the site of the holdup at dusk and calling the attention of the stage driver and others to his supposed partners partially visible from the stage. This interview said Jack garnered \$20,000 for his efforts and he buried the holdup money near Molly's Nipple west of Newton. According to this same source the cache of buried money served as Jack's bank, for whenever he was pressured by his creditors for payment, Jack would give them a date on which he would pay them, then he disappeared and returned with the needed payment, presumably dug up from the stashed loot. This report was followed by a story of another theft of a team of horses. But he was pursued closely and in a desperate endeavor to escape, Jack shot the two horses "as they went over a bank." This attempt failed as the pursuers found the horses, caught Jack and he served prison time. So far, the stage robbery using dummies, the killing of the stolen horses and

prison time haven't been tied to any known and better documented incidents. Leaving open two other choices, either they were made up in the expanding of Black Jack's reputation or they were a confounding, blending, mixing of various escapades drawn from original hearsay accounts. Mrs. Pike's interviews provided insight on Jack personally, describing him as short and heavy set with a dark complexion with fascinating dark eyes that ranged from "large and penetrating" to "small piercing black eyes." At times he was full of gibberish talk and liked to boast of his feats with some embellishment. He bragged of shooting an Indian in Weston Canyon on one occasion and the Indian's companions "cornered him in a cave . . . but he held them off until they got tired of trying to get him and left." One last report from the 1955 interviews came from another man ("A. W. G.") who stated that Jack was "a regular grain stealer when farmers left their grain in sacked piles after the thresher" [sic-thresher]. The latter accusation was almost universal throughout Cache Valley in regard to Jack.⁸²

One of the choicest tidbits about Jack concerned his relationship with his lawyer, George Q. Rich. The oldest written account from the 1955 interviews simply stated: "George Q. Rich, his attorney, fired him." Over two decades later a writer considerably dressed out the details, citing no other source except the 1955 account and then went so far to place the firing in 1904 and how it was accomplished. Furthermore, this time the reasons prompting the firing were given. Lawyer Rich, a "fine legal mind," had grown tired of his client's frequent legal troubles, especially since closed mouth Jack told his attorney little except denying his guilt, leaving Rich to do the detective work of coming up with reasons or alibis for how Jack couldn't have been there or done what he was accused of doing. Finally, Lawyer Rich reached the point wherein "quitting didn't seem strong enough. So he wrote Jack a note which read simply, 'You're fired!'" The actual and unusual discharging of a client by the lawyer probably happened whether orally or by written note, but it came much later than the 1904 date. There are no known illegal activities by Jack in that year that required legal assistance, and by that date Jack had just moved back into Utah from Idaho. The circumstances support the 1910 period or the 1916 court case as described earlier. We can only speculate as to why it occurred, maybe Jack's timing was bad with the two back-to-back robberies in 1910, or possibly outright perjury by the witness in 1916; either way, there may have been another factor playing a part in Nelson's compensating his attorney or lack thereof, as Jack was struggling financially during much of his time in Newton. Perhaps if Lawyer Rich had actually thought a written note was needed and wanted to make an even more noteworthy issue on discharging his client, he could have taken the ultimate step of adding the note that John Nelson need not call on this attorney anymore to his many advertisement of services available in the Logan newspaper. George Q. Rich had been practicing law in northern Utah and southern Idaho from his Logan office since at least 1890 and would continue well into the late 1920s. He was involved in land sales, mining properties and politics as well, and he was far from a legal bumpkin assigned by the court to defend someone.⁸³

Three of the most enduring tales of Black Jack during his time in Newton deal with the earlier stolen treasure supposedly cached near Molly's Nipple west of town, his frequent stealing of wheat and the repeated times the sheriff came seeking him. The first became a local fable with the buried money enticing folklore, unsubstantiated and improbable as it was not provable either way. The second item dealt with his theft of grain, usually related along the general line of how Jack would repeatedly leave Newton with an empty vehicle (wagon or sleigh depending on the weather) at night and arrive the next morning at Weston and sell a load of sacked wheat. Sometimes following this out-bound operation, after resting up at Weston during the day, he would leave that evening with an empty vehicle and arrive at Trenton or Cache Junction with another full load of wheat to sell. Lastly, the numerous visits by the law officers to Newton with warrants for his arrest became almost legend. In time it was expanded in a published account wherein the sheriff's office almost wore out their horses traveling to Newton for Black Jack as County Sheriff N. W. Crookston rode from Logan to Newton "almost continuously from 1881 to 1909" with warrants "for Jack's arrest."⁸⁴ While not challenging the notion that there were too many trips, it was painting with a broad brush where specific references were not available. Factually, Nickolas W. Crookston was only sheriff a fraction of the twenty-eight year period mentioned, serving as sheriff from 1882 to 1890 and then again from 1909 to 1912. While five other sheriffs served during the stated time, John W. Nelson was unavailable to receive such warrants during all of the 1880s except for a short time as he was serving lengthy terms in the penitentiaries in Nevada and Utah, and in the 1890s he lived primarily in Idaho. It probably would be a fair bet that the number of these law officers' trips to Newton would have been closer to a few than the stressed great many with the vast majority being to investigate accusation of stealing, seeking evidence rather than with warrants for Jack's arrest. This aspect, like much of the better known tales of Jack's ventures, were stretched and exaggerated in the numerous retellings to make the story livelier and turn the saga into something close to a myth.

Additional enlightenment and information on Black Jack Nelson was sought from discussions and interviews with several old time residents of Newton in the period from 1965 to 1969 (some 45 years after Nelson left the town) as Newton approached its centennial with a published history and later in further inquiries on local history and family stories. Many of those interviewed were living in Newton while John W. Nelson resided there, most knew of Black Jack Nelson either by sight or reputation. Their central contention was that Jack was foremost a thief, who stole anything of value that included rustling stock, stealing wheat, lucern seed and committed armed robbery of stagecoaches. Practically everyone knew the story of Jack hiding some of his stolen treasure near Molly's Nipple. Some believed the story and others didn't. Among the believers there were different opinions, some felt that Jack had retrieved his cache while a few thought some of the buried fortune was still there. No one had a direct personal experience wherein they lost something which Jack took or could have taken, and they were primarily retelling tales they had heard from another source. Some suggested that Jack did not steal wheat within the town of Newton with different reasons expressed for this, ranging from it did not fit his standard operating procedure of selecting isolated locations where eye witnesses were not available to not wanting to irritate a tenuous situation in the community where he resided.⁸⁵

Three notable examples of information from the late Newton interviews will be cited, with all possessing deep connections to that town and the last two lived there when Jack did. The first to be discussed came from George E. Benson from his Grandfather Marinus Petersen's side of the family. During Nelson's last years in Newton, the Petersens possessed half of the block on which Jack owned most of the other half. The Petersen's occupied two of the three houses on the block while a close relative lived just across the street from them, and from their locations they could observe much of what went on about their neighbor's lots. The family stories from this source relate that George's Uncle Francis and his cousin across the street, while at a young age (between 9 to 11), took upon themselves the task of watching and attempting to follow Black Jack, hoping to catch him stealing during Jack's last year or two in Newton. Although their attempts to follow and catch were quite naïve and unsuccessful, their families saw County Sheriff John H. Barker, Jr., officially call at the Nelson place several times and on a couple of occasions found Jack "hiding in a pit." Sheriff Barker had lived in Newton and Cache Junction with deep ties and connections to Newton, thus he was able to keep updated beyond his own personal knowledge of the situation at Newton. Perhaps on the initial visit the sheriff was told Jack was not home but found all the horses in the corral and knew Jack had to be around, and after a thorough search found him hiding in the pit. The latter was the small pit (or mini cellar) located under the 1904 addition to Jack's house, which was much later enlarged into a full cellar under the house that remains to this day.⁸⁶ As the pit was accessed through an opening inside the house, the neighbors' observations could have involved the sheriff searching the Nelson lot for the owner, the law bringing him out the eastern back door of his house in an unusual manner and then learning by the grapevine of what took place in the house in finding Nelson. Very likely the mid-November of 1915 arrest encounter between Sheriff Barker with his deputy and Nelson as cited earlier, was viewed by the neighbors. Apparently law enforcement officers from the county sheriff, deputies and town constables had occasions to call at Jack's place, sometimes with accusations or checking out suspicions or reports. Their first problem was finding Jack, who seemed to make himself scarce when the law came to call. Failing to find stolen goods on his property, the officers questioned him, letting Jack know that he was being closely watched and warned of the possibility of legal action.

The other two sources both lived in Newton while Jack resided there and could recognize him on sight. One was Alvin Christiansen born at Newton in 1895 and lived there his entire life except two brief times, and he purchased the old Jack Nelson home and property in that community in the 1920s. The other was Maud Barker Jorgensen (a younger sister to Sheriff Barker) born at Newton in 1899 and remained in the town until Jack had left. Neither claimed any first-hand knowledge of Black Jack's stealing other than the numerous reports and accusations of Nelson's stealing of wheat while residing in Newton. In addition, they were acquainted with most of the better known tales of Jack's alleged outlaw activities. Both emphasized that in Newton John W. Nelson, Jr. was known only by the name of Jack or Black Jack Nelson, and only those in some official capacity such as town and county officers, census taker, tax assessor and postmaster probably knew him as John W. Nelson. They stated that his notoriety proceeded his moving into the town and focused on his being a thief and hiding some of his loot west of town. They explained that some from town had searched the area seeking the supposed buried treasure, and how he was accused of stealing anything missing in the area and the rumor of Jack's death. Both Newton sources gave a more personal glimpse of Jack as a resident of the town and maintained he had little involvement with the town and its people, yet he was often the talk of the town. He, for the most part, made no outward display in action or conversation except when lubricated with alcohol, as only then did he find a comfort level with Newtonites to talk much. He went to the stores and post office and his children attended the school, but did

not participate in church, celebrations, and dances or seem concerned about town situations such as fearing the dam might break, the current price for grain, etc. Apparently Jack had minimal contact even with his closest neighbors; Jack and his wife being for the most part loners. Neither of these two sources recalled any personal experience wherein they heard Jack express himself at length, but from community hearsay there were times when Nelson displayed a definite trait of loving to talk and was not averse to chatting about himself. If Jack's comfort level was crucial before he opened up orally, it may not have come often in the small Mormon community where Jack was possibly the only non-Mormon, and where he was the most closely watched person in town. Both Mr. Christiansen and Mrs. Jorgensen related the oft-told tale of Jack leaving Newton with a team and empty wagon (or sleigh) and winding up at Weston to sell a load of wheat.⁸⁷

The most memorable and colorful recitation of this particular serial escapade came from Alvin Christiansen, who was a born storyteller, and repeated many times since the Christiansens were living in Jack's old Newton home. The earliest remembered recounting came in the mid-1940s (perhaps ten years before Mrs. Pike's written interviews with old-timers) and for over a decade repeated with queries causing it to expand and be fill out beyond the bare-boned sketch. A general summation of Alvin's version had Jack leaving Newton late at night with an empty conveyance (team and wagon weather permitting, otherwise a sleigh) most often bound for Weston, Idaho, some twelve to twenty miles away depending on the route. Here questions to the story-teller brought out the multiple ways to reach Weston from his point of origin using alternate county routes, farm roads and lanes to isolated granaries full of grain. Besides the many ways to Weston the key to success was to know where there was grain stored that could be stolen the easiest and safest for the thief. Thus when Jack started each trip he was knowledgeable enough or had scouted about to know where the best picking could be found for in his line of work he had a limited amount of night hours to do his work. Plus the resourceful thief carried some necessary tools of the trade such a hammer, saw and crowbar to get into granaries nailed closed or secured with locks, and carried a cover to place over the stolen sacks of grain. The wheat-stealing season began with the threshing which put the grain in sacks where the grain shocks or head had been stacked in the fields. The sacks of wheat were piled temporarily here until they could be transported to the granaries or other storage facilities. An opportunist could strike here or wait until after threshing and steal the stored grain. In Cache Valley in the period from 1890s through 1920 there were many people living out on their farms and some had stored grain at some distance from their homes. But more and more there were old section houses either abandoned or used only during farming season while their granaries and sheds were filled with their grain until it was sold. Many of these people lived on the eastern side of the valley or in the nearby towns and only checked on their stored grain occasionally. Under these conditions, Jack left his home town and moved toward Weston with a grain elevator by the railroad tracks and before daylight he had a full load of sacked wheat to sell. Sometimes he spent the day in Weston resting for his night return working trip where he again sold a full load of grain at Trenton or Cache Junction and went to his home. The oral tale implied that this was a regular venture that Jack had honed down to skilled thievery wherein he was often accused but rarely convicted of stealing while living in Newton.⁸⁸

The story of Jack's death came from these two 1960s Newton sources with no date to it but occurring much later than 1913 assigned to it by one writer due to personal experiences in their lives. They recalled that sometime after Black Jack left Newton reports came back to the community that Jack had been accidentally killed while in the act of stealing sacks of wheat. The oblong sacks of grain were piled high one upon one another without any interlocking to put them into a stable stack. The Nelson in getting his take, tried to pull out one of the sacks from the lower portion of the stack, causing the pile to fall crushing him to death, or so goes the story.⁸⁹ In addition to Mrs. Jorgensen's oral discussions and interviews, she also wrote the following in a letter:

Of course I remember hearing stories of him as told of his escapades . . . but my memory of him is just as a quiet peaceful resident of Newton. He used to drive around in a sturdy one seat topless rig with his team. Since I lived right by the stores I often saw him—with his wife and 2 small boys who sat on the floor at their parents' feet. I don't know how to describe it, but in the early days before good roads and traffic it was quiet and peaceful at night for miles around and in the darkness (or moonlight) you could hear the moving of a wagon and horses for miles if you stepped outside late, even midnight, and if we heard an outfit we used to joke and say that must be Jack Nelson out stealing wheat.⁹⁰

Mrs. Jorgensen recalled that a married daughter of Jack Nelson—Nettie Hannikel, with a question on the spelling of the last name—used to come to Newton on short visits. Mrs. Jorgensen had the name close, but the lady was Nettie Haneke the daughter of Emma Andersen Nelson and not Jack. She also

remembered that when she was in school that one of the Nelson boys lived with another family in Cache Junction and came up to Newton for his last year in school. While small towns like Newton were aware of people coming in and going out, Newton was especially alert to the time when this Nelson family left.⁹¹

By way of summation, whenever a tale comes from two difference sources there are bound to be differences, additions to an earlier story or event or other modification. To cite an example, let us consider the accounts of Jack Nelson leaving Newton as cited by Mrs. Pike in 1955 and A. J. Simmonds who wrote more in detail on Jack in the 1970s. The earliest written account based on old-timer interviews was brief and apparently from a person cited by initials as “A. W. G.” who, after describing Jack Nelson’s physical appearance and describing him as “a regular grain stealer,” passed on some hearsay concerning Jack’s leaving. It covered only one sentence: “It is said he went to Oregon from Cache Valley and was reputed to have been killed when stealing grain from the bottom of the stack, the top sacks fell on him.” Twenty years later the second writer expanded this and added a date to the departure with these words: “In 1913 Jack left the Big Range for the wilder country of Oregon that he’d seen forty years before One rumor drifted back to Newton that Jack had been killed one night by falling sacks of grain while he was stealing” While the basic story may have been true, this time the date of leaving Cache Valley was definitely wrong.⁹² Jack Nelson did not leave Newton in 1913, and there are serious questions about Jack being in Oregon forty years earlier.

When the Fourteenth Census was taken in 1920 John W. Nelson and his family were enumerated in Newton, Utah. Their names were enrolled on the 19th and 20th days of January. The head of the family was listed at that age of 70 (actually 74) and still claiming to have been born in Missouri but corrected the data having both parents born in Scotland. Under the occupation column—“Trade, profession or particular kind of work done”—the words “Retired Farmer” had been written with a line through them and “None” written above the crossed out portion. The status of his home remained the same as during the earlier census ten years ago—he owned his home with a mortgage. Also listed were wife “Emma A.” (age 53) and children—Isabella (age 14), Wallace (age 13) and Mathew (age 12). The 1920 assessment roll in Newton for John W. Nelson’s three town lots (#4, 5, 6) had lot #4 with the house having \$150 worth of recent improvement on it. As to the reason or reasons for leaving Newton sometime after the 1920 census was taken in January, there seems to be a central theme—mortgages due, taxes not paid and debts. In June of 1908 John W. and Emma Nelson entered into a mortgage that was renewed in December of 1910 and again in December of 1913. The mortgage was either extended or a new mortgage entered into with a new lender in March of 1917. Then some of the property tax on the Newton town lots was not paid and the land was placed on the Cache County tax sale in early January of 1918 and redeemed in mid February of 1918. In January of 1922 the lot and house in Newton were placed on the Cache County tax sale and finally redeemed May 19, 1923, by August Sjostrom, the last mortgager of the Nelson property. On the same date the court ordered an administrative deed granted to the mortgagor with a notation that the previous owner was “Deceased.” This mortgagor sold the place to the Christiansens. In his life, in spite of considerable financial assistance from his family, in-laws, inheritances, a house and land obtained through his last wife and his frequently stealing, Jack never seemed to be able to get ahead and become even comfortably established.⁹³

With the serious financial troubles, perhaps Jack was getting restless after his lengthy sojourn at Newton wherein he knew he was being closely watched; possibly he thought it best to start again in eastern Oregon. The only known reference to Jack’s leaving Newton came in a very general remark from the Simmonds family that Black Jack visited A. C. Simmonds, the man he sold the land north of Trenton to, “before he left the valley.” Perhaps influencing the decision to relocate in Oregon was the fact that Emma’s oldest son, Leo Anderson, had moved there and enumerated on the 1920 census in LeGrande Precinct of Union County. He had lived in the same house with his mother and Jack for a number of years, and now was a fireman on the railroad with a wife and two young children. Sometime after the Nelsons moved to Oregon, a rumor reached Newton telling of the accidental death of John W. Nelson. Most genealogical records placed John W. Nelson’s death on March 17, 1921, at Elgin in Union County, Oregon, when he had reached the age of seventy-five. However, there exists some questions and confusion in some of the genealogical records over two persons who apparently went to Oregon as some researchers noted a John Wallace Nelson and others a John Williamson Nelson, Jr. In some instances both names have been ascribed to the same person so the problem remains. A quick review of John Williamson Nelson’s last family reveals the following: In or about 1925 in Oregon daughter Isabella at age 20 married Roy G. Lewis, who had been born in North Carolina. On the 1920 census the young man at age 22 was a single lodger working as a “Camp-tender” for the Panda Sheep Company in nearby Baker County, Oregon. A son Roy G. Lewis, Jr. was born in the Lewis family in 1929 with the father born in North Carolina and the mother born in Utah. Shortly thereafter the Lewis family moved to southern California in Los Angeles

County in the area of Green Meadows where the father was a foreman of a sheep ranch. The 1930 census for this same California area gave the family's data with wife Isabell (without the "a" on her given name) now at age 25 and born in Utah with her father born in Missouri and her mother born in Utah. In addition to the head of the family, wife and young son at one year, there was the mother-in-law to the head of household listed as Emma Nelson at the age of 63 and a widow who had been born in Utah with her parents born in Europe. The Lewis family and Emma Nelson moved from Oregon to California after living some time together in Oregon.⁹⁴

When the Nelsons left Newton in 1920 their old log house was almost hidden when viewed from the nearby street due to trees and a thicket of brush, and in their absence the condition grew worse. After the Christiansens bought the Nelson log house and moved in, they removed many trees and much brush and undergrowth around the house and in the yard. Even after they chopped down much and cleaned up, there were still two rows of poplar trees on the south and west sides of the house. They never found any buried treasure on the property, but did discover one peculiar thing about the house. Under the west room of the addition to the house that Jack had made in 1904 there had been dug a small pit with access via a hidden trap door in the floor. Its restricted size allowed the storing of some root crops, and occasionally provided a hiding place for Jack Nelson. Today the story and legend of Black Jack's time in Newton is nearly forgotten, but his old log house remains, now covered by siding with assorted improvements over the years with another remodeling and surrounded by a fine yard. Possibly a couple of passing reflections could be made on John W. Nelson's lifestyle. First, an assessment concerning Jack's stealing in this latter part of his life—was it just an ingrained habitual action or was it now out of more desperate economic wants since he had a home, a mortgage, a wife and children with needs? Next, family impressions and stories passed down to the present day Nelson family members are interesting. They include that Jack's siblings did not regard him as the least desirable or "Blackest sheep" in the family, and if any family member was wished out of the family it would have been his younger brother Brigham. Most readily admit Jack's love of spirituous drinks with one member in writing down family stories maintaining Jack was never in prison just primarily a drunkard. Lastly, that Jack Nelson, while he had his shortcomings as a father, still maintained good relations with most of his children who remained near where Jack resided.⁹⁵

The riddle of Black Jack Nelson hasn't been fully explained and possibly might never be, but perhaps the present work will be a step in the right direction. Many unknowns remain with a few mysteries. Only a full-blown romantic of the anti-hero mode would try to make Jack a folk hero shrouded with some mystique like a Robin Hood. Instead he was self-serving and a loner out of step with his closest Mormon neighbors and most Americans as he seemed to have heard a different drummer. Like the song, "Raindrops keep falling on my head", they repeatedly fell on his head and sometimes surely poured. Perhaps he liked it for he kept doing things which caused the stormy outcomes. In his last fifteen to twenty years in Newton, while not turning over a new leaf by way of reform, he slightly adjusted his ways or possibly time and age tamed him to a degree. Yet through it all, he remained frequently unlawful and was repeatedly accused, warned and occasionally seriously called to account for his actions. If he was modestly successful in his stealing ventures, the gain was temporary and soon disappeared and the only thing that grew was his bad reputation. Possibly he did not care about the latter or maybe it gave him the recognition, notoriety and attention as he enjoyed being Black Jack Nelson, aka "the original 'Jack Nelson.'" Possibly in his view there was little difference between being famous and infamous. At first or last glance of this riddle, one might think of the word unbelievable, for what other word better describes the life and legend of Black Jack Nelson.

¹ Mormon Immigration Index, A Family History Resource File database on a CD. Mormon Pioneer Overland Travel, 1847 – 1868, John S. Higbee/James W. Bay Company (1852) database available on Internet. Letter of Eileen H. Clarke (2nd great granddaughter of John and Catherine Nelson, Sr. and family historian) to the author from Logan, Ut. dated Sept. 21, 2009.

² Cedar City: Utah Bishops' Report and Coal Creek Ward (LDS Family History Center (FHC) microfiche 6051208). *The Standard* (Ogden, Ut.), Aug. 3, 1888, *The Standard*, July 23, 1902. *The Salt Lake Herald* (Salt Lake City, Ut.), July 22, 1902. *Isaac Sorensen's History of Mendon: A Pioneer Chronicle of a Mormon Settlement* (Salt Lake City: Utah State Historical Society, 1988), 383.

³ 1860 United States Federal Census for Cache County in Utah Territory. 1856 Utah Census Returns (FHC film #050913. Endowment of the Living, 1851-1884, Church of Jesus Christ of Latter-day Saints, Endowment House, (Vol. C, Mar. 1857 to Apr. 1861, FHC film #1149525). Sealings of couples, living and by proxy, 1851-1889, Church of Jesus Christ of Latter-day Saints, Endowment House, (Vol. A34, sealings, 1853-1855, FHC film #0183380.)

⁴ Sealing of couples, living and by proxy, 1851-1859 LDS Church Endowment House, (FHC film # 1149514). Utah Territorial Militia Muster Rolls, 1849-1870, Cache Military District (FHC film #0485554). Assessment Rolls Cache County (Utah) Assessor, 1869-1879 (FHC film #0431097), 1880-1882 (FHC film #0431098, 1882-1885 (FHC film #0431099, 1886-1887 (FHC film #0431100, 1888-1890 (FHC film #0431101), 1891-1893 (FHC film #0431102). Cache County – County Book "A" (Original on file in Cache County records, typescript and Internet copies available), on typescript copy pages 8,13,24,33.

⁵ *Deseret News Weekly* (Salt Lake City, UT), Aug. 6, 1862, Jan. 18, 1865, Aug. 5, 1868, March 11, 1874 and Dec. 2, 1874. Cache County – County Book "A" – December 5, 1864 (p. 51 on typescript copy).

⁶ *Deseret News*, Dec. 10, 1862, March 25, 1863, June 24, 1866. A. J. Simmonds, "A Legend Named Black Jack," *Cache Valley: Essays on Her Past and People* (Logan, Ut.: Logan City Bicentennial Committee, 1976), 78-79.

⁷ *The Utah Journal* (Logan, UT.), May 30, 1885. Salt Lake County Probate Court Civil and Criminal Cases, in case of The People vs. Butcher & Nelson, Dec. 26, 1864, Series 373 in The Utah State Archives. *The Deseret News Weekly*, Dec. 28, 1864, Jan. 4 and 11, 1865.

⁸ County Book "A," June Term of Court 1866 (p. 76). Utah Territorial Governor Papers, #2714-2715 and Territorial Pardons (Series 242), Utah State Archives.

⁹ Territorial Governor, Utah Territorial Papers (nos. 2714-2716) and in Territorial Governor, Executive Record Book "B" Series 514, Oct. 30, 1866. Simmonds, "A Legend Named Black Jack," 79-80.

¹⁰ Cache Valley High Priests Quorum, Minutes, Feb. 8, 1867, March 22, 1867, and Roll of Members, 1868 (Manuscript in the Special Collections of Utah State University Library, Logan, Ut.). Internet Genealogical records and family group sheets for John Nelson and Marion McNeil Nelson. *The Deseret News*, June 19, 1872. F. Ross Peterson, *A History of Cache County* (Utah State Historical Society, 1997), 143-145. Added to the father's troubles, his son Edward shot a man and went to court in May of 1866 charged with intent to kill and heavily fined with bonds to keep the peace (*The Deseret News*, June 14, 1866).

¹¹ 1870 U. S. Federal Census for Utah and Idaho (Ninth Census). 1870 U.S. Federal Census for California, Stoney Creek Colusa County. Internet Family Group Sheet for John Williamson Nelson and Jane Laird. Letter from Eileen H. Clarke, Sept. 21, 2009.

¹² Divorce file for Maryette Nelson vs. John Nelson in The Cache County Probate Court, Civil case files (Series 23726) filing date Dec. 14, 1877, in the Utah State Archives. Cache County Township Plats in the Cache County Records Collection in the Special Collections at Utah State University.

¹³ *Deseret Evening News* (Salt Lake City, UT), Aug. 20, 1872, *The Deseret News Weekly*, Aug. 28, 1872.

¹⁴ *The Deseret News* (Weekly), May 6, Aug. 5, 1868. *Daily Corinne Reporter* (Corinne, Ut.), May 20, 1873.

¹⁵ Maybelle Pike, "Cache Valley's West Side," (A Talk to the Cache Valley Historical Society on March 23, 1955—Typescript copy in the Special Collections & Archives at Utah State University Library), 35-36. Simmonds, "A Legend Named Black Jack," 88. *Salt Lake Daily Tribune*, July 19, 1873. *Corinne Daily Reporter* (Corinne, Ut.), July 18, 19, 1873.

¹⁶ *Tri-Weekly Statesman* (Boise City, Idaho) July 29, Aug. 5, 1873. Frederick M. Huchel, *A History of Box Elder County* (Utah State Historical Society, 1997), 14, 358-367. To this point a search for the reward circular in the Wells Fargo archives, Idaho State Archives and the files of the Idaho State Historical Society has fail to find a copy. A typical poster carried the note of a reward with the amount, the name of Well Fargo & Co., the robbery location and date along with short description of the thieves. Only occasionally when dealing with well-established bandits was the wanted person's image on these posters.

¹⁷ *Deseret News Weekly*, Aug. 10, 1873 and Dec. 30, 1874. *Tri-Weekly Statesman*, Aug. 9, 1873.

¹⁸ *Tri-Weekly Statesman*, Aug. 5, 9, 1873.

¹⁹ *Ibid.*, Nov. 27 and Dec. 4, 1873; June 5, 1875. *Inmates of the Idaho Penitentiary 1864-1947: A Comprehensive Catalog* (Published by the Idaho State Historical Society, 2008), 7.

²⁰ *Report of The Exploring Expedition to The Rocky Mountains In The Year 1842, And To Oregon*

- And North California In The Years 1843-44*, by Brevet Captain J.C. Fremont, of The Topographical Engineers, (Printed by the Senate in 1845), pp. 120-121. Simmonds, "A Legend Named Black Jack," 82-83. Logan Book Teachers Quorum, (MS in the LDS Church Archives No. 17844). *The Deseret News*, March 18, 1874.
- ²¹ John W. Nelson prison file, which consists primarily of his and others letters to the Nevada State Pardons Board, which reveal some on his trial and sentence, all, furnished the author as photocopies by the Nevada State Archives.
- ²² *The Utah Journal*, May 30, 1885. Simmonds, "A Legend Named Black Jack," 82-83.
- ²³ Ninth District Court Records for the case of The State of Nevada vs. John W. Nelson for indictment through sentencing of Defendant at the District Court of Elko County, Nevada from October of 1875 through March 21, 1876 (From microfilmed copy at the Elko County Courthouse and furnished in 87 pages of court record to the author.)
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*
- ²⁶ *Ibid.* *Daily Elko Independent* (Elko, Nevada), March 17, 1876. *Weekly Elko Independent* (Elko, Nevada), March 22, 1876.
- ²⁷ Ninth District Court Records for the case of The State of Nevada vs. John W. Nelson. 1863-1972 Index of Nevada State Prison Inmates from the Nevada State Archives.
- ²⁸ 1863-1972 Index of Nevada State Prison Inmates from the Nevada State Archives.
- ²⁹ Divorce file for Maryette Nelson vs. John Nelson.
- ³⁰ Internet sources such as Nevada State Prison and Nevada State Prison: Exploring Nevada - The Capital and Prison.
- ³¹ 1880 Federal Census for Carson City, Nevada. 1910 and 1920 Federal Census for Newton, Cache County, Utah.
- ³² John W. Nelson prison file, which also contains material from the *Biennial Report of the Warden of the Nevada State Prison for the years 1883 and 1884*; as well as two copies of Nelson's "Conduct Record" while imprisoned.
- ³³ Merrill D. Beal, *The Utah and Northern Railroad Narrow Gauge* (Idaho State University Press, 1980), 3-28. *Ogden Morning Herald*, (Ogden, Ut.), Dec. 10, 1887.
- ³⁴ John W. Nelson prison file, Nov. 6, 1882 letters to Nevada Board of Pardons.
- ³⁵ *Ibid.*
- ³⁶ *Ibid.*, letters of C. C. Goodwin, H. W. Lawrence, Wesley Johnson, George Kingston, H. C. Street and Samuel Moser.
- ³⁷ *Ibid.*, letter of Catherine W. Nelson.
- ³⁸ *Ibid.*, letter signed by Arthur L. Thomas and H. W. Lawrence.
- ³⁹ *Ibid.*, page 41 of the *Biennial Report of the Warden of the Nevada State Prison for the years 1883 and 1884*. The *Salt Lake Tribune* never mentioned in its issues the cause of Nelson, for even the vociferous sheet knew that many in Utah, especially the north part, knew John W. Nelson, Jr. to be far different from the non-Mormon "saint" held in the Nevada Prison.
- ⁴⁰ *The Standard*, Nov. 26, 1890. Bureau of Land Management Records, Utah, Township 11N Section 21 Salt Lake Meridian and Base.
- ⁴¹ *The Utah Journal*, May 30, 1885.
- ⁴² *Ibid.*
- ⁴³ *The Deseret News*, Aug. 19, 1885, Oct. 21, 1885. *The Utah Journal*, June 13, Aug. 19, 1885. *The Southern Utonian* (Beaver City, UT.), Aug. 21, Sept. 18, Oct. 16, 1885.
- ⁴⁴ Utah State Commitment Register, Dept. of Corrections, Series 80388, Utah State Archives.
- ⁴⁵ Pardons Granted Record Book, Secretary of State, Series 329, Utah State Archives.
- ⁴⁶ *The Deseret News* (Weekly), Nov. 24, 1874, June 13, Aug. 3, 1888, *Ogden Morning Herald*, Aug. 4, Dec. 10, 1887. *The Standard* (Ogden, Ut.), Nov. 26, 1890. *The Journal* (Logan, UT), Sept. 22, 1894.
- ⁴⁷ 1870 U.S. Federal Census, Stony Creek, Colusa County, California. Genealogical records, Individual and Family Group sheets from the Internet. Letter from Eileen H. Clarke, Sept. 21, 2009. The Western States Marriage Index BYU Idaho Special Collections #3693, #221001. Nelson family sources state: "Hans is the only child of John's that didn't keep Nelson as their surname."
- ⁴⁸ Western States Marriage Index, #221125. 1900 Census Record for Cleveland Precinct in Bannock County, Idaho. Letter of Eileen H. Clarke, Sept. 21, 2009.
- ⁴⁹ *The Standard*, July 28, 29, 1893. *The Journal*, Nov. 12, 1896.
- ⁵⁰ *Deseret News Weekly*, Aug. 13, 1898. *The Clipper* (Lander, Wyoming), June 18, 25, July 2, 1897, June 17, July 1, Aug. 5, 8, 12, 1898, and June 16, 1899.
- ⁵¹ *The Journal*, Feb. 29, 1896.
- ⁵² *The Journal*, Mar. 11, Nov. 12, Dec. 8, 1896 and May 30, 1885. Pike, "Cache Valley's West Side," 35.
- ⁵³ *The Journal*, Mar. 11, 13, 1897 and Jan. 8, 1898.
- ⁵⁴ Simmonds, "A Legend Named Black Jack," 81, 82, 84-85.
- ⁵⁵ Pike, "Cache Valley's West Side," 35.
- ⁵⁶ Beal, *The Utah and Northern Railroad Narrow Gauge*, 56-58. Simmonds, "A Legend Named Black Jack," 84. Oneida County Marriage Book "A", p. 143, Oneida County, Idaho, Courthouse, Malad, ID. Western States Marriage Index,

Marriage Id.#221001 (citing Cache Co. marriage records Vol. 1, p. 260); Marriage Id.#221125 (citing Cache Co. marriage records Vol. 1, p. 323).

⁵⁷ *Utah State Gazetteer and Business Directory 1900*, R. L. Polk & Co. (Tribune Printing Co. Salt Lake City, Utah). 363, 384. Assessment Roll, Cache County, For the Year 1900, (originals archived in Special Collections, Utah State University Library). *The Standard*, July 23, 1902. *The Salt Lake Herald*, July 22, 1902.

⁵⁸ *Deseret Evening News*, June 9, July 29, 1903. *The Journal*, March 5, 1892. Mormon Immigration Index, 1859. United States Census, Box Elder County, 1870; Newton, 1880, 1900 and 1910. *Utah State Gazetteer and Business Directory 1900*, 377. Newton School District Records (Originals archived in Special Collections, Utah State University Library & Internet copy available on GenWeb Cache County, Utah site under "Town" link to Newton. On all the early documentation the surname was always given with the Danish ending, Andersen, but later recording of the name frequently had the "son" ending. The wife's name was always Hanna (Hannah) Marie and the "Stasme" came from someone's interpretation of the name from the hard to decipher name on the 1910 census.

⁵⁹ *The Ogden Standard* (Ogden, Ut.), June 14, 1904. Cache County (Utah) County Clerk, Birth Register (Series 83781, Entry 2964, page 68 entry #1541), 68. Cache County Tax Assessment record P 0012 for Lots 4, 5, 6 Block 30 Plat "A" of Newton, Utah (in the Cache County Archive stored in the Special Collections Utah State University Library). The same assessment records note that later this same house was "Alvin Christinsen" [sic- Christiansen] residence.

⁶⁰ Cache County land records and Assessors files pertaining to Township 13 North Range 1 West Block 30 Plat "A" Newton City Survey.

⁶¹ *The Journal*, Jan. 6, 1894, Oct. 17, 1894, Feb. 13, 1896, Mar. 11, 13, 1897, Nov. 27, 1897 and Jan. 8, 1898.

⁶² District Court Information Record "1" 1898-1938, Jan 31, 1910, 146-147, (in the Cache County Archive stored in the Special Collections Utah State University Library). Criminal case files from the District Court (First District: Cache County), Series 13841, Criminal Case No. 133 that includes the Supreme Court of the State of Utah decision on the case, (Utah State Archives). *The Salt Lake Herald-Republican* (Salt Lake City, Ut.), Feb. 5, 1910. *The Journal*, Nov. 25, 1909, Feb. 5, 1910.

⁶³ *Ibid.* *The Journal*, Mar. 8, 1910.

⁶⁴ *Ibid.* *Deseret Evening News*, March 11, 17, 19, 1910. *The Journal*, March 12, 15, 22, 1910.

⁶⁵ Criminal case files from the District Court (First District: Cache County), Utah State Archives, Series 13841, Criminal Case No. 133.

⁶⁶ *Deseret Evening News*, Oct. 31, 1910. *Salt Lake Herald-Republican*, Oct. 30, 1910.

⁶⁷ *Ibid.* *The Journal*, Oct. 29, 1910.

⁶⁸ Pike, "Cache Valley's West Side," 36. Simmonds, "A Legend Named Black Jack," 85. Letter dated Nov. 22, 2009 from Alan Barnett, Reference Staff at Research Center of the Utah State Archives, after researching the First District Court Records (Civil and Criminal Case Index 1895-1923 - Series 3676; and Criminal Case Files, 1895-1971 - Series 13841, wherein Rich was the Nelson's attorney on the appeal case.

⁶⁹ Letter of Alan Barnett, Utah State Archives and Research Center, Nov. 22, 2009. District Court Information Record "1" 1898-1938, checked for a preliminary hearing from October 1910 through 1911 without success.

⁷⁰ 1910 United States Federal Census, Cache County, Newton, Utah. World War I Draft Registration Cards, 1917-1918 for Salt Lake, Utah. (Photocopy on Internet at Ancestry.com.)

⁷¹ *Ibid.*

⁷² *Box Elder News* (Brigham City, Ut.), July 22, 1909, Dec. 29, 1910. United States Federal Censuses, 1880 for Logan, Utah, 1900 and 1910 for Newton, Utah.

⁷³ Criminal Case No. 264 First District Court records per the Civil and Criminal Case Index, 1895-1923 (Series 3676) and Criminal Case Files, 1895- 1971 (Series 13841) in the Utah State Archives.

⁷⁴ *The Journal*, Nov. 16, 1915.

⁷⁵ Criminal Case No. 264 First District Court records.

⁷⁶ *Ibid.* District Court Information Record "1" 1898-1938, (Official Cache County court record now archived at Special Collections at Utah State University), 282-283.

⁷⁷ "Demurrer" of Jan. 5, 1916 in Criminal Case No. 264 First District Court records Criminal Case Files, 1895-1971 (Series 13841). *The Journal*, Jan. 6, 1916.

⁷⁸ "Affidavit for Continuance," Feb. 11, 1916, in Criminal Case No. 264 First District Court records Criminal Case Files, 1895-1971 (Series 13841) Utah State Archives.

⁷⁹ *Ibid.* The Register of Action for First District Court at the Utah State Archives and an e-mail from the Research Center of the Utah State Archive & Utah State History, Jan. 20, 2010 to the author. *The Journal*, April 18, 1916.

⁸⁰ *The Journal*, April 18, 1916.

⁸¹ Minutes of the Newton Town Board, Jan. 6, Feb. 1, April 5, July 5, Oct. 4, 1911 and Dec. 6, 1917. Original records of Newton Town Board held in the safe at the Newton Town Building; and a typescript copy in the Newton Library (Librarian

Cleo Griffin furnished the author with copies from 1900 through 1920).

⁸² Pike, "Cache Valley's West Side," 35-36. Simmonds, "A Legend Named Black Jack," 84-86.

⁸³ Ibid, *The Journal*, Sept. 6, 1890, Jan. 7, 1891, July 10 1897. *The Deseret Evening News*, April 11, 1900. *The Box Elder News* (Brigham, UT.), May 18, 1917. In Simmonds' account there was a slight source difficulty on this firing, as note #29 was missed in the text but shown in the Endnotes.

⁸⁴ Simmonds, "A Legend Named Black Jack," 84-85.

⁸⁵ Interviews and personal knowledge of Larry D. Christiansen, author of the centennial history entitled *A New Town in the Valley* published in 1969, and subsequent interviews by this author.

⁸⁶ Telephone interview with George Benson at Richland, Washington Aug, 1, 2009. The cellar under the Nelson home was made by the next resident owner, Alvin Christiansen, by soliciting the help of one of his sons and a young neighbor by suggesting that in the digging they might find some of Jack's treasures.

⁸⁷ Many stories by and interviews with Alvin Christiansen regarding Black Jack Nelson with his stories beginning in the mid-1940s, and the questions and interview more serious in the 1950s and 1960s. Interviews and discussions on Newton history with Maud Barker Jorgensen in the late 1960s and resumed by letters in the 1980s until her death. Research and interviews by the author in the 1960s for a centennial history of Newton published in 1969.

⁸⁸ Stories by and interviews with Alvin Christiansen of Newton, Utah from mid-1940s to 1960s. The author was the youngest son of Alvin Christiansen.

⁸⁹ Stories and interviews with Alvin Christiansen and Maud Barker Jorgensen.

⁹⁰ Letter of Maud Jorgensen in Mesa, Arizona to author in North Carolina, Sept. 12, 1991.

⁹¹ Stories and interviews with Alvin Christiansen and Maud Barker Jorgensen.

⁹² Pike, "Cache Valley's West Side," 35-36. Simmonds, "A Legend Named Black Jack," 86.

⁹³ Cache County land records and Assessors files pertaining to Township 13 North Range 1 West Block 30 Plat "A" Newton City Survey. Assessment Roll, Cache County, For the Year 1920, (originals archived in Special Collections, Utah State University Library).

⁹⁴ United States Federal Census for 1920, Utah, Cache County and Newton. A. J. Simmonds, "Cache Valley hosts several ghosts," *The Herald Journal*, Cache Magazine, October 29, 1989. United States Federal Census for 1920, Oregon State and Baker County and Union County. United States Census for 1930, California and Los Angeles County, Huntington Town. Letter of Eileen H. Clarke, Sept. 21, 2009.

⁹⁵ Stories and interviews with Alvin Christiansen. E-mails and telephone interviews with Eileen H. Clarke (The best historian and collector of data on the Nelson family found by the author.), Sept, 21, 22 and Oct. 10, 2009.