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# NATIONAL REGISTER OF HISTORIC PLACES MULTIPLE PROPERTY DOCUMENTATION FORM

New Submission     Amended Submission

## A. Name of Multiple Property Listing

Whoop-Up Trail of Northcentral Montana

## B. Associated Historic Contexts

1. The Whiskey Trade of Northcentral Montana, 1865-1880
2. Establishment of Mercantile Capitalism in Northcentral Montana, 1865-1890

## C. Form Prepared By

name/title: Dr. Margaret Kennedy  
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## D. Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this documentation form meets the National Register documentation standards and sets forth requirements for the listing of related properties consistent with the National Register criteria. This submission meets the procedural and professional requirements set forth in 36 CFR Part 60 and the Secretary of the Interior's Standards for Archaeology and Historic Preservation. (  See continuation sheet for additional comments.)

Margaret Kennedy    MSHP    2-25-93  
 Signature of certifying official    Date

MONTANA STATE HISTORIC PRESERVATION OFFICE  
 State or Federal agency and bureau

I, hereby, certify that this multiple property documentation form has been approved by the National Register as a basis for evaluating related properties for listing in the National Register.

Antoinette A. Clee    4/15/93  
 Signature of the Keeper of the National Register    Date

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### WHOOOP-UP TRAIL OF NORTHCENTRAL MONTANA

#### E. Statement of Historic Contexts

##### Introduction

The Whoop-Up Trail was for over two decades one of the most important transportation arteries in northcentral Montana (1869-1890). Outward over the 230 mile length of its corrugated track across the native prairie passed the ideas and material goods of an expanding western American frontier. Back down its route were siphoned off the rich natural resources of the northwestern plains, the desire for which had led white traders into the northern reaches of Montana and southern Alberta in the first place, resulting in the carving out of this notorious prairie highway.

##### The Whoop-Up Trail.

During the brief era of the American whiskey trade in Canada (1869-1874) the whoop-Up Trail opened up what is now southern Alberta to American economic and social influences.

There are two cultural perspectives underlying the significance of the Whoop-up Trail. First, in light of the Euroamerican impetus to settle and exploit the resources of all the North American land continent, the Whoop-Up trail served as an important transportation and trade corridor that contributed to the growth of an international economy, particularly after the route came into use as a freighting road to supply the North-West Mounted Police and early towns in southern Alberta after the close of the whiskey trade. Second, there is the Native American framework for understanding the impact of the trade associated with the Whoop-up trail. The trade system based upon the trade of buffalo robes for whiskey and small industrial items resulted in one of the most powerful blows to Plains Indian culture in the later half of the 19th Century. The large scale use of liquor to coerce Native people to trade the hides of the buffalo, the animal that was central to their subsistence and life traditions, worked to undermine the cultural framework of the Native tribes on two fronts simultaneously.

Today much of the physical evidence of the trail has been obliterated through cultivation or modern road systems. However, a number of extant segments are worthy of nomination to the National Register because of their position within a virtually unchanged landscape which accents their potential to evoke a feeling of historical time and place.

##### Themes and Contexts

The Whoop-Up Trail takes its historic significance from its association with two themes:

- 1) Development of a Transportation Network Within the 19th Century Northcentral Montana Landscape
- 2) Development of Commerce in Post-Civil War Northcentral Montana

These themes provide the foundation upon which historic contexts of the Whoop-Up Trail may be discussed, these being:

- 1) The Whiskey Trade of Northcentral Montana 1865-1880
- 2) Establishment of Mercantile Capitalism in Northcentral Montana 1865-1890

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The theme of transportation is vital to Montana history. The unfolding of Montana's economic and social institutions across the landscape was intricately tied into the existing network of trails and roads which crossed the territory in the 19th century. Many early non-native transportation routes had their origin in Native trails and indeed some highways are 20th century manifestations of aboriginal routes. However, as various government institutions such as Army forts and Indian agencies were developed across Montana Territory, an increasingly complex web of trails and roads grew to accommodate the interconnecting communication and supply lines necessary for their survival.

Trails were the backs upon which were carried the goods and ideas that sustained the early non-native settlements and outposts in Montana Territory of the 19th century. In this way trails were the most distant and final extensions of an integrated transportation system stretching across the continent from the manufacturing centers of northeastern North America to the towns, forts and trading posts of the frontier West. It was by this transportation network that prevailing ideas, technology and goods originating in the East were overlaid on the nascent settlements of the West.

The Whoop-Up Trail was a very important component in the transportation network of 19th century Montana. It serviced an ever-expanding American entrepreneurial frontier that, by 1874, extended deeply into the "British Possessions" (Canada, specifically southern Alberta). For the period of the American whiskey trade in Canada (1869-1874) and for approximately ten years following the cessation of the American trade there due to the arrival of the North-West Mounted Police in 1874, the Whoop-Up Trail opened southern Alberta and northern Montana to the commercial empires of both the United States and Canada and provided most of the necessities to southern Alberta prior to construction of the Canadian Pacific Railway across the Canadian prairies in 1878-85.

The Whoop-Up Trail is also closely linked to the theme of development of commerce. Fort Benton, a major entrepot in the northwestern plains in the 19th century and anchor point for the Whoop-up Trail, provided the setting for a number of merchant houses that flourished during the heady days of 19th century white expansion. It was a center for the final stages of mercantile capitalism in the United States at a time when industrial capitalism was reigning supreme in the East. The two themes mesh closely in this study of the Whoop-Up Trail. Transportation was the key to the foundation of the prosperity of two of Fort Benton's biggest merchant houses--T.C. Power and Brother and I.G. Baker and Company. The rapid development of river steamboats and railways in the post-Civil War era allowed them to monopolize trade on the southwestern Canadian prairies.<sup>1</sup>

### **E. HISTORIC CONTEXT #1**

#### **The Whiskey Trade of Montana and Southern Alberta, 1865-1880**

The Whoop-Up Trail's first use beginning in 1869 was as a transportation corridor connecting the merchant houses of Fort Benton with trading posts of southern Alberta, Canada, during a brief-lived phenomenon known as the whiskey trade.

This phenomenon was actually a concluding chapter to the once dominant fur trade industry of the North American West, which had exploited the fur-bearing animal resources there for some two centuries and had been responsible for some of the earliest concerted contact between Native and non-native populations. Indeed the whiskey trade was a final blow to traditional Plains Indian lifeways and contributed to cultural dissolution and suffering by those Native people affected by it.

The traditional American fur trade of the western plains had identified the beaver and other fine small animal pelts as the target of exploitation (although bison became increasingly sought after 1830 for their hides and meat) and had been

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<sup>1</sup> den Otter 1990.

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conducted by various companies organized in the eastern states. By 1826 however, one company--the American Fur Company--virtually monopolized the fur trade of the upper Missouri region. Under the leadership of the powerful Chouteau family, the American Fur Company managed to outprice or absorb any of their rivals and established a vast, efficient trading post network throughout the northern plains of the United States.

By the 1850s the fortunes of the American Fur Company were flagging. The Native peoples upon whom the company depended for trade in the upper Missouri area had been ravaged by vicious epidemics of smallpox and other diseases. Competition from smaller organizations was becoming increasingly stiff. The entire nature of the fur trade for monopolies such as the American Fur Company was shifting in response to a changing economic market. The company finally bowed out in 1864. In that year Pierre Chouteau, Jr., sold the upper Missouri River posts and assets to the newly formed Northwestern Fur Company. The era that had been dominated by the American Fur Company was now over.

The fur trade that continued after the withdrawal of the American Fur Company was different in several ways from the earlier industry. Most importantly, the upper Missouri was no longer a theatre solely for fur traders and trappers and the Native people whose territory it was. White settlers were arriving in increasing numbers in Montana Territory by the 1860s. The discovery of gold at various locales in western Montana had lured thousands of prospectors in 1862 and '63. New government installations such as Army forts and Indian agencies were creating new foci of white presence on the frontier. Individuals participating in the fur trade had to adapt to these irreversible changes to the physical and social landscape in which the old trade had so successfully operated.

As a result, a new entrepreneurial system developed in which the old fur trade monopolies operating out of headquarters in St. Louis or further east were replaced by independent merchants located directly in the western frontier (operating out of Fort Benton). Although some of these merchants were to become very powerful on the commercial trade of the Northwest, the days of fur trade monopolies were over. The free or independent trader came into his own.

### E.1.1 Nature of the Whiskey Trade and Its Impact on Native Cultures

To identify and isolate the trading activities of the late 1860s and 1870s in northern Montana and southern Alberta as the "whiskey trade" is a bit misleading. In actuality, liquor had always been an important component of the fur trade in both the U.S. and Canada. Indeed it was liquor that finally helped win the American traders' entry into previously closed Blackfoot country when, upon the inauguration of Fort Peigan built by James Kipp in 1831 on the Marias, 200 gallons of whiskey flowed from the trading counters.<sup>2</sup> Liquor was the most powerful commodity traders could employ in competition with each other. During the buffalo robe trade of the 1860s and '70s in the northwestern plains, however, the trade in liquor became virtually uncontrolled. In the contemporary parlance of Montana, this descendant form of the fur trade became quickly identified as the "whiskey trade."

The Native groups most affected by the whiskey trade in northcentral Montana in the 1860s and '70s were those people of the Blackfoot Confederacy, which was an alliance of three closely-related Algonquin-speaking tribes: the Piikani or Peigan, the Siksika or Blackfeet and the Kainai or Blood. Sometimes affiliated with the Blackfoot (particularly the South Peigan, also called the Blackfeet) were the Atsina or Gros Ventre. To the north, the Athabaskan-speaking Sarci could be found in association with the Blackfoot Confederacy. The Assiniboine, Crow, and various Sioux groups were also affected, although they tended to be involved with the trade further east along the Missouri and its junction with the Milk, Musselshell and Judith rivers.

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<sup>2</sup> Ewers 1976, p. 58.

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The most sought-after commodity in the whiskey trade was the robe of the bison -- an animal which was absolutely central to Plains Indian life in all its facets. The increasing emphasis on the killing of bison for the trade caused numerous shifts in traditional Native attitudes and social and political organization. While large-scale culling of buffalo herds through activities such as annual buffalo drives and pounds had been a traditional practice of the Plains people, the increasing demand since the 1850s by white traders for buffalo hides and meat introduced an imbalance into the exploitation of this animal, leading to rapid decrease in its numbers. (White hide hunters encouraged this decimation of the once vast herds and would finish off the few remaining bison groupings in the late 1870s.) Furthermore, participation in the fur trade had altered traditional structures of rank and status amongst Native groups. Formerly minor chiefs now had the potential through their involvement in the trade to become powerful and wealthy middlemen. New avenues of wealth and possessions were open. Polygamy became enhanced, as the more wives a man had, the more buffalo robes they could work, and hence more wealth would accrue. Without Native women to scrape and tan the hides, the entire profit base of the robe trade would have collapsed for the whites prior to the development of an efficient and economical commercial tanning process after 1871.

Robes were exchanged for "whiskey" (actually highly adulterated alcoholic concoctions which could cause instantaneous death) and a variety of trade goods produced in the factories of the developing industrial American Northeast. These goods included items such as blankets, cotton and wool fabrics, brass and glass beads, buttons, butchering knives, axes, arms and ammunition among others.

Liquor, however, became the commodity most sought after by the Native people. Unfortunately, white traders used liquor like a weapon in their cut-throat competition with other traders, and pushed it flagrantly in the trading exchange. The drive to acquire more and more liquor resulted in the loss of personal possessions, even family members amongst the Native people. Blankets, food, guns, horses, buffalo robes were traded away for a fraction of their worth when a Native person was under the poisonous influence of the traders' whiskey. This left many individuals destitute, as the following two quotes exemplify:

Our country is filled with wagon traders from Fort Benton, peddling whiskey among the Indians. These traders go to the camps of the Indians and there dispose of their goods, never taking anything with them to feed the Indians. The result is, the Indian will exchange his furs for their whiskey and nic nacks, and when winter sets in they come to me poor, to be taken care of.<sup>3</sup>

[The parties trading at Fort Whoop-Up in the British Possessions] traffic the villanous stuff [whiskey] to our Indians whose insatiable and uncontrollable thirst therein causes them to travel long distances, and to swap their robes, furs, horses, and everything they possess to obtain it.<sup>4</sup>

The drive to acquire robes with which to trade for whiskey and other goods had especially deadly consequences during the repeated epidemics of smallpox that swept the plains. In 1870 in particular, smallpox was making its virulent path through Native and non-native camps alike in the northwestern plains. Large numbers of the buffalo robes collected by the traders and merchants were infected, indeed filled with shed smallpox scabs from the unfortunate previous owners who had used

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<sup>3</sup> Abel Farwell, Fort Peck, to Messrs. Durfee and Peck, October 15, 1869.

<sup>4</sup> Letter, A. J. Viall, Superintendent Indian Affairs, to Hon. E. J. Parker, Commissioner Indian Affairs, April 6, 1871. Reel 491, p.549, Montana Superintendancy Indian Affairs.

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the robes as bedding or clothing. Yet despite repeated warnings from authorities, the traders continued to collect the robes. This then put no stop to the desire of some Native people to acquire robes to trade and sometimes led to the removal of robes from the burial sites of individuals who had died from smallpox. This only served to renew the deadly virulence amongst the Native groups.<sup>5</sup>

Efforts to relieve the pressure on Native groups caused by the illegal activities of the whiskey traders were made by parties such as some Indian Agents and their appointed Special Detectives. However, they were greatly outnumbered by the traders, and were seldom successful in catching the illegal trade in operation. The role of Fort Benton as an Indian agency up until the year of 1869 was entirely inappropriate for the hope-for cessation of the trade, as it was almost entirely occupied by those engaged in the trade:

There is a white element there which for its rowdy and lawless character cannot be excelled in any section, and the traffic in whiskey in the Territory is carried on to an alarming extent. This frequently causes altercations between whites and Indians, resulting often in bloodshed, and as they occur in sections where the civil authorities acknowledge themselves to be powerless to act--nothing but military force can at present put a stop to it.<sup>6</sup>

As the Blackfeet came to Fort Benton to receive supplies from the agency, they would encounter the traders.

These transactions are conducted during the night, and no direct proof of the same can be obtained by me, as [nine-tenths] of our inhabitants are sympathizers of this traffic.<sup>7</sup>

The Indian agents were constantly pressed to petition the Army for assistance in tracking down the whiskey traders, but the troops supplied were too few and too infrequent and the territory too vast. Furthermore, the soldiers were no match for the trader.

Unless the soldiers are under the direction of a vigilant officer, they can accomplish but little, for the whiskey traders are alert and cunning too much so to allow themselves to be caught by a company of men in an permanent encampment.<sup>8</sup>

If the authorities were successful in arresting illegal traders, they were seldom able to make a conviction stick. Many of the traders were "backed by rich men, who employ the best counsel in the Territory for their defense when arrested, and against whose talents the abilities of the United States attorney, single-handed, are not effective."<sup>9</sup> Convictions were more easily reached when Native testimony was given. However, it was more difficult to persuade Native people to testify

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<sup>5</sup> Various letters on the problem of merchants receiving smallpox-infected robes can be found in RG 393, U.S. Army Continental Commands, 1821-1920, especially Boxes 9 and 10, 1870.

<sup>6</sup> Letters received by the Office of the Adjutant General [Main Series} Roll 711, 1869, p. 97.

<sup>7</sup> Unnamed major, 7th Infantry Fort Benton to AAG, Dept. of Dakota, St. Paul, July 29, 1873, RG 393 Pt. V.

<sup>8</sup> Andrew Dusold, Special Detective, U.S. Indian Dept. to John Wood, U.S. Indian Agent, June 30, 1875. Blackfeet Agency Records.

<sup>9</sup> Report of A. J. Viall, Montana Superintendancy, Sept. 15, 1871, Report of the Secretary of the Interior.

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because of the threats made against them by the accused. For example, in the case of the attempt to convict six men trading illegally within the Blackfeet Reservation,

the Indians were very reluctant to give testimony against them because of threats and intimidation were [*sic*] made by the above accused white men who caused the Indian to believe they [had] the power to have them imprisoned and punished if they appeared in court against them. This renders the task of procuring the necessary testimony difficult and delayed the progress of any action against them very much.<sup>10</sup>

The Indian Agents encouraged the active participation of Blackfeet chiefs in the confiscation of illegal liquor from traders. For example, in 1873 the Peigan leader Mountain Chief destroyed ten gallons of liquor, seized from an unnamed trader. Mountain Chief let the man go because it was his first offense, but warned the trader that the next time he would escape with only his clothing.<sup>11</sup>

On Badger Creek in 1874, Bay Chief sent one of his men to a party of whiskey traders with a paper forbidding them to come near his camp with whiskey. The paper was given to Bay Chief by the Indian agent, and authorized the Chief to destroy the liquor, seized property, arrest the traders and bring them to the agency. The two traders read the document and immediately departed from the vicinity.<sup>12</sup>

The Blackfoot Confederacy chiefs and elders as a whole despised what the whiskey trade brought upon their people. Assisting the agents in seizing illegal liquor and property was one way in which they could attempt to fight it. Relaying information about trading activities to the white authorities was another. This became one result for Native people opposed to the trade on either side of the International Border.

### E.1.2 Native People and Reservations in the Whiskey Trade

The existence of the Whoop-Up Trail was intricately linked with specific pieces of legislation operative in Montana in the 19th century, particularly those dealing with the establishment of Indian reservation boundaries and trade with Indians on those reservations. To understand the historical process that resulted in the movement of American traders north into Canada and establishing the Whoop-Up trail itself in 1869 and after, it is necessary to examine Indian policy in Montana Territory in the 19th century.

The first treaty negotiated with the Blackfoot Confederacy (Judith River Treaty, 1855) was arranged prior to intense settlement of Montana Territory by Euro-Americans. This treaty gave the Blackfoot a huge area of Montana for hunting, from the mouth of the Milk River to the Rocky Mountains and from the general course of the Musselshell River north to the International Boundary.<sup>13</sup> By the early 1860s, white pressure on the southerly portion of the identified "Hunting Lands" was severe and created escalating friction between white and Native. Thus, two treaties were arranged with the

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<sup>10</sup> Letter, Andrew Dusold, Special Detective U.S. Indian Dept. to John Wood, U.S. Indian Agent Blackfeet Agency, June 15, 1875. Blackfeet Agency Records

<sup>11</sup> Montana Superintendency Indian Affairs, Dec. 31, 1873, M234, Roll 498, p. 409.

<sup>12</sup> Letter, Andrew Dusold, Special Detective to Major R. F. May, Blackfeet Indian Agent, Oct. 31, 1874. RG 393 Records of U.S. Continental Command, Letters Received Fort Benton Box 1, 1969-76.

<sup>13</sup> Royce 1971, p. 815; Farr 1984, p. 5.

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Blackfoot in 1865 and 1869 to relinquish lands south of the Missouri and Teton rivers. Neither of these treaties was ratified. By the time of the 1873 Executive Order that removed the southern border of the reservation to the Sun River, the Blackfoot were losing their ability to resist white encroachment because of disease, massacres, the whiskey trade, and loss of the buffalo. In 1874, the southern boundary was moved further north to Birch Creek and the Marias.

While the decisions made by the American government to repeatedly decrease the area of the reservation assigned to the Blackfeet were unilateral, they were not met without protest by the Native people. In 1874, chiefs from the Blackfeet, Bloods, and Peigan signed a document entitled, "[A] Protest Against the Provisions of an Act of 'Congress' to Establish a Reservation for Certain Indians in the 'Territory of Montana' approved April 15, 1874." This document was a concerted plea against further erosion of Indian land.

[This is the country] in which our tribes, and our Ancestors have lived, since a time when no man can remember

[where] our families have been reared and taught the traditions of our great warriors, many seasons before the white man was heard of by us, and here our ancestors are buried . . .

our winter hunting grounds, and in the name of justice we now offer our united protest against being driven from this, into the deep and frozen lands north of Marias, or still further away--to starve.<sup>14</sup>

The marks and names of 88 chiefs follow the protest. It, like other protests, went unheeded.

The move of the southern reservation boundary to the Marias was not to be the last move in the disenfranchisement of the Native people from their traditional lands.

### E.1.3 The Intercourse Act

There existed clearly stated laws about what whites might and might not do in Indian Country. The Intercourse Act is central to an appreciation of how the whiskey trade operated in Montana. This act, first formulated in 1790 and reenacted twice more in 1802 and 1834 (with various subsequent amendments) became the basic vehicle by which Indian-white relations were regulated in the U.S.<sup>15</sup>

The Intercourse Act prohibited trade with Indians in "Indian Country" without a license from Indian Affairs and also set out various penalties for anyone caught illegally selling or trading liquor with Indians. The exact interpretation of what constituted "Indian Country" became a contentious issue between Indian Affairs, the courts and the traders. Traders argued that if they were not on the actual reservation, they were not subject to the laws of "Indian Country." The legal authorities, in an attempt to combat the rampant trade in whiskey, declared that "Indian Country" was a designation to refer to all areas where men approach reservations and places inhabited or frequented by Indians.<sup>16</sup> However, traders

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<sup>14</sup> Blackfeet Agency Records, August 1, 1874.

<sup>15</sup> Washburne 1973, p. 2172.

<sup>16</sup> As paraphrased by Andrew Dusold, Special Detective, U.S. Indian Dept. in letter to John Wood, U.S. Indian Agent, June 30, 1875, Blackfeet Agency Records.

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continued to locate themselves on the south side of rivers that formed boundaries for the Blackfeet Reservation, in the belief they were within the law. Others were more bold and conducted trade directly on the reservations. One way in which they did this was by cohabiting with or marrying Native women. Once settled on the reservation, they then began to conduct trade in liquor.

Although the authorities were constantly challenged by the illegal trade, their efforts to suppress it did have some impact on the traders. In 1872 the Superintendent of Indian Affairs for Montana reported that the trade had "been reduced to very inconsiderable dimensions."<sup>17</sup> Although both Indian Affairs and the U.S. Army suffered from insufficient manpower to combat the trade, it is clear the traders were feeling pressure. In part this pressure was responsible for the establishment of the whiskey trade in southern Alberta.

### E.1.4 The American Whiskey Trade in the British Possessions

For traders tired of being hassled by the law, the British Possessions across the line provided ideal territory. The American whiskey trader exodus to the British Possessions is conventionally dated to 1869, the year that John J. Healy and Alf Hamilton established the first Fort Whoop-Up (Fort Hamilton) at the junction of the Oldman (then known as the Belly) and St. Mary Rivers. However, it is clear that many individuals who eventually participated in the whiskey trade had visited southern Alberta in the 1860s, ostensibly on gold prospecting forays, although no doubt trading took place too.

Healy and Hamilton settled along the Belly River with the understanding on the behalf of the resident Native groups that traders were there only temporarily.<sup>18</sup> It seems likely that some form of negotiation--in the case of Healy and Hamilton it appears to have been marriage by one of them with the daughter of a Blood chief--formed an agreement to allow the presence of the white traders in Native wintering ground.

News of the success of Healy and Hamilton's first winter across the border (\$50,000 profit) spread quickly in Fort Benton. The following winter many more American traders made the trip north to trade whiskey and cheap trade goods for buffalo robes with the Blackfeet groups. By 1874, over 50 posts had been established in the British Possessions at one point or another by American traders.

Southern Alberta was a prime arena for the operation of illegal activities such as the whiskey trade which was initiated south of the border. In 1869, the Hudson's Bay Company transferred its control of Rupert's Land (western Canada, composing that area of the Hudson Bay drainage basin) to the Dominion Government. However, the latter was not yet prepared to foster settlement and development of the vast area newly acquired. Therefore, there were no instituted forms of federal law and authority in the region. Traders did not need permits or licenses to trade with the Indians in the British Possessions, as was required in Montana Territory. As long as they could successfully smuggle their liquor across the Blackfeet Reservation, they were safe. Although resident Native groups harassed many of the traders to the point of attacking and burning the posts, the American traders met no resistance from Canadian legal authorities to their migration into the British Possessions until the arrival of the North-West Mounted Police in fall of 1874.

The trade, as it had been in Montana, was markedly seasonal. Buffalo robes and other furs were at peak quality during winter. Extant inventories, letters and rare daily journals sourced to the whiskey trade indicate that the trade ran from

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<sup>17</sup> Viall, J.A., Superintendent of Indian Affairs for Montana, Annual Report for 1872, pp. 658-659; M234.

<sup>18</sup> Personal communication, Wallace Manyfingers 1991.

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around October to May, with most traders returning to Montana for the summer. The initial fall shipments of supplies north appear to have been the largest, although it is clear wagon trains ran fairly continuously to the northern posts.

### E.1.5 Whiskey Posts

Most trading establishments of the whiskey trade were called "forts" by their owners, but few legitimately deserved that label. In reality, the whiskey trade was conducted out of a variety of structures, the majority of which were simply crude shanties quickly erected for a winter season. However, some, like Fort Whoop-Up in the British Possessions and Juneaux's Post on Milk River could truthfully be called forts because of their large size, rectangular plan with buildings along two or three walls, bastions, palisades and other defensive features. Smaller versions of this style of fort consisted of log buildings on two or three sides of a small yard connected by a stockade but minus the other typical fort defensive measures or size.

More commonplace than either of the above, however, were shanties or cabins which could be quickly erected at little cost and were easier to sacrifice if Indians or the U.S. marshall wanted to burn them down. It would seem plausible that whiskey trade establishments located in high-risk locales such as the Blackfeet Reservation or near the International Boundary would have been of the shanty-type.

Finally, a certain portion of the trade was conducted from wagons. Individuals would drive to Native camps, conduct their business, then leave before the situation became too volatile. Camp trade of this sort is almost invisible in the historical and archaeological records.

At least 60 whiskey posts have been identified by Kennedy (1991) in northern Montana. In northcentral Montana, they were located on the rivers feeding into the upper Marias (e.g. Two Medicine, Badger, and Birch creeks), along the Marias (particularly Willow Rounds and junction of the Dry Fork where the Whoop-Up Trail crossed) and the Sweet Grass Hills. This was all part of the Blackfeet Reservation prior to 1888.

The westerly posts located on Two Medicine, Badger, and Birch creeks were accessed by the Riplinger Trail, which was later used as the mail road from Fort Shaw, Montana Territory, to Fort Macleod in the British Possessions.

Many of the posts operating throughout "Whoop-Up Country" (northern Montana, southern Alberta) were owned by the big merchants of Fort Benton, including T.C. Power and Brother, I.G. Baker and Company, Kleinschmidt Company, Wetzel and Company, J.H. McKnight. The merchant would stake the trader who would then get a percentage of the profits after expenses were subtracted. Other posts were established by independents.

### E.1.6 The Whoop-Up Trail

The primary transportation route connecting the posts and other establishments with Fort Benton on the Missouri River was the Whoop-Up Trail. This became a broad, deeply rutted prairie highway well-known to frontier travellers. James W. "Diamond R" Brown, a well-known freighter who participated in the whiskey trade, dated the establishment of the Whoop-Up Trail to 1871.<sup>19</sup>

Leaving Fort Benton, the Whoop-Up Trail headed northwest toward the benchland above the Teton River. Approximately nine miles northwest of Fort Benton, the trail crossed the Teton and ran along it for another seven or eight miles at which

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<sup>19</sup> Brown, J. W., in Fergus County Argus, July 26, 1926.

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point it reached Captain Nelce's stopping house. From there, the trail left the Teton and angled northwest to the Marias. (Some travellers chose to continue further west on the south side of the Teton before crossing. If so, they could camp at Eight Mile Springs [eight miles west of Benton] then cross the Teton opposite Captain Nelce's.)

Captain Nelce (Narcisse Vielleux) was a French Canadian trader who ran a stopping house in the river bottom on the north side of the Teton (Section 27, Township 25N, Range 5E).<sup>20</sup>

The Methodist missionary and author John McDougall recorded his stay at the Teton while travelling north on the Whoop-Up Trail in 1873. Whether or not they were staying at Captain Nelce's is not known.

That night we took shelter at a ranch on the Teton, and the proprietor gave us a little 7x9 shack for the night. We had a small chimney fire, and made ourselves as comfortable as we could. During the evening one of the men to whom the shack was no doubt allotted as a sleeping-place came in and began to "redd up" a bit. He swept the little room, and, gathering all the debris and dirt towards the chimney, sent it in to burn. It seems that on the floor were quite a number of cartridges, and, either through ignorance or intent, he sent these into the fireplace with the accumulated dirt. Presently the small room became the scene of some excitement. . . . As we did not know how many cartridges there were, the monotony of the evening was broken by our watching for the explosions.<sup>21</sup>

From the Teton, the trail led east of the East Knee, a stopping place for freighters. On Harry Stanford's 1929 unscaled map of the Whoop-Up Trail, a branching road skirting the West Knee is depicted, although not in as heavy a line as the easterly route, perhaps reflecting its minor significance.<sup>22</sup> G. Berry named this "the Middle Road" in his 1950 M.A. thesis. The trails linked up in the north end at Yeast Powder Flat.

[REDACTED] (with Flat Creek). This also provided good camping. Northwest of Pondera Coulee stretched "Yeast Powder Flats," so called because freighters had spilled soda or baking powder there.<sup>23</sup> These flats stretched for 18 miles.

Finally the trail left the flatland and wound its way down the steep coulees to the [REDACTED] and [REDACTED] Township 30N, Range 1W).

Fort Conrad was apparently built by Sol Abbott and Henry Powell (both traders) in 1875 and sold later to John J. Healy and Alf Hamilton.<sup>24</sup> Schultz described Fort Conrad as "not much as a fort, just two rows of connecting log cabins with stables and a corral at the west end of them, the whole thing forming three sides of a square."<sup>25</sup> It was stockaded,

<sup>20</sup> Personal communication, Bill Reichelt; Conrad Independent-Observer, May 3, 1984.

<sup>21</sup> McDougall 1911, p. 77.

<sup>22</sup> Stanford map, Mansfield Library, University of Montana.

<sup>23</sup> Harry Stanford in Montana Backgrounds, 1956.

<sup>24</sup> *Ibid.*

<sup>25</sup> Schultz 1973, p. 319.

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according to Charlie Powell, son of trader Henry Powell<sup>26</sup>. It was widely patronized by freighters on the Whoop-Up Trail and soldiers on summer patrol duty.<sup>27</sup>

There were other trading posts established in this important locale. For example, John Power was given a license in 1871 to trade with the Blackfeet at the mouth of the Dry Fork.<sup>28</sup> Sol Abbott operated a saloon on the south bank of the Marias where he also established a ferry. His place, just opposite the Blackfeet Reservation, became "a general rendezvous [sic] for traveller, traders and Indians."<sup>29</sup> Also, a Trevanian Hale was keeping a house in 1871 at "Abbott's Crossing."<sup>30</sup> The latter was also known as the Second Crossing. The trail could ford the Marias either upriver at Fort Conrad or slightly downstream at Abbott's.

A traveller along the trail in July 1879, Rev. Alexander Sutherland, recorded his arrival at the Marias:

On this river there is a scow and rope ferry [Abbott's ferry] by which means of which a passage was effected with considerable ease. In the cabin of the man who manages the ferry there is a store, containing supplies of various kinds; and here we found an unlooked-for luxury - a pail of iced water.<sup>31</sup>

Lt. Greene of the Northern Boundary Survey left this description of the Whoop-Up Trail in the Fort Conrad vicinity, when he travelled it during the summer's work of 1874:

Struck the Whoop-Up road in the bottom and followed it to Riplinger's old post and thence crossed the Marias and camped on south side.<sup>32</sup>

Not being able to find any feasible road up the bluffs on the south side, was obliged to recross the river to the North, go back to the Whoop Up road and follow it to the East; crossed the Marias about 1 mile east of camp and thence across a bottom to the mouth of Dry Fork - a ravine similar in character to that of the Marias and almost as large but containing no water. . . . Followed the Whoop-Up road for over 5 miles before we were clear of the ravines and bad lands running to the Dry Fork.<sup>33</sup>

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<sup>26</sup> Hamaker 1984, p. 20.

<sup>27</sup> Conrad Independent-Observer, May 3, 1984.

<sup>28</sup> M234 Reel 491.

<sup>29</sup> Letter, Andrew Dusold to John Wood, June 30, 1875, Blackfeet Agency Records.

<sup>30</sup> Letter, Major [name illegible] to Acting Assistant Adjutant General, District of Montana, October 29, 1871. RG 393 Pt. V, Entry 1, Vol. 4.

<sup>31</sup> Sutherland 1881, p. 37.

<sup>32</sup> Lt. Greenes's 1874 Journal, Northern Boundary Survey, RG 76 E 159 National Archives, Washington, D.C. Entry for Sept. 5, 1874.

<sup>33</sup> *Ibid.* Entry for Sept. 6, 1874.

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The trail split into multiple branches to exit the [redacted]. It could either climb up narrow coulees directly opposite Fort Conrad or Abbott's Ferry, or move slightly to the west where it ran up Medicine Rock Coulee (where the Burlington-Northern is now located). [redacted]

[redacted] It left the bench upon which [redacted] now sits and descended onto [redacted]. This appears to be the trail surveyed in on the first edition township plans. The westerly road may have connected with the dry weather road up the alkali flat northwest of present-day Shelby, however maps do not record this.

This long coulee could be used in dry weather, although even then heavily loaded wagons could become mired. In wet weather, when the [redacted] contained a long marshy lake, the freighters used a route on the bench to the east.<sup>34</sup> Here the trail crossed Black, Green and J.O. coulees before coming to the Red Wagon Coulee, where the road traversed the alkali flat south of the present town of Kevin, and climbed up the ridge on the west side.<sup>35</sup> This road does not appear on historic maps.

The trail now followed up the valleys and hills of an area known as Rocky Springs. This was a good camping area for freighters and travellers on the trail, due to the number of natural springs found here. It was also half-way to the posts on the Oldman River in the British Possessions. Reverend Alexander Sutherland, who travelled up the trail in 1879, described his impressions of Rocky Springs:

Three separate springs issued from openings in the hillsides and joined their waters a rod or two below, went leaping down the slope, clear, bright and sparkling; while in the adjacent valleys good pasturage was found for the horses. . .<sup>36</sup>

Two wolfers were apparently buried at Rocky Springs in the 1870s, according to Harry Stanford.

At the foot of the ridge, to the northeast were the graves of Buckshot and Polite, two wolfers who were killed there by Assiniboine in '71. When found their lodge was down and their bodies pierced by arrows until they looked like porcupines. The weather was so cold that the freighters had to burn the lodge to thaw the ground so they could bury the bodies.<sup>37</sup>

The next natural landmark crossed by the trail was Red River, a tributary of the Milk River. "Diamond R." (James W.) Brown gave the following historical background to the naming of this watercourse:

From Rocky Spring Ridge [the trail] ran on north to what is known as Red River or Dry Gulch. This name, the Indians told me, at the time, dated from a fight there between two big war parties of Sioux and Crows who were attacked or vice versa, by Piegans, Blackfeet, and Bloods. The battle was fiercely waged, and when it ended the creek ran red as if full of blood, and it has been called Red river ever since.<sup>38</sup>

<sup>34</sup> Conrad Independent-Observer, May 13, 1984.

<sup>35</sup> Ibid.

<sup>36</sup> Sutherland 1881, pp. 37-38.

<sup>37</sup> Harry Stanford in Montana Backgrounds, 1956.

<sup>38</sup> Fergus County Argus, July 26, 1926.

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Halfway between Rocky Springs and Red River was the Split Rock, a site important in Blackfoot legend. According to a Peigan legend Old Man (Napi) was once chased there by a grizzly bear. Just in time a bull bat swooped down and split the rock so Old Man could crawl inside to escape.<sup>39</sup>

\_\_\_\_\_ marked the general location of the International Boundary line, which was only in the process of being surveyed during the time of the whiskey trade. North of the border, the Whoop-Up Trail intersected \_\_\_\_\_ a favored camping area. \_\_\_\_\_ was a wolfer known for his strength and for the huge collection of wolf skins he kept piled at his place.<sup>40</sup> After crossing the \_\_\_\_\_ the road passed by \_\_\_\_\_. The most important destination point on the trail and the first major whiskey post to be reached on the Canadian side was \_\_\_\_\_. From there the trail wound its way up the \_\_\_\_\_.

A northerly extension of this trail ran north to posts in the area of what is now Calgary, and was the early route of the \_\_\_\_\_.

### E.1.7 Forms of Transportation

The most common form of transportation used in the whiskey trade was the bull train. Gerald Berry (1953) gave the following comprehensive description of bull trains:

Each team was made up of six to twelve yoke (pair) of oxen, the usual team consisting of eight yoke. The record team was supposed to have been a seventeen yoke outfit out of Bismarck. Each team pulled a load of three big wide-gauged [sic] wagons, the guage [sic] generally being five feet. The wagons were spaced with stub tongues, and a "rough lock chain" served as a brake. Heavier trade goods were loaded on the first wagon, while lighter, bulkier articles were loaded on the other two. The wagons were called the lead, swing, and trail wagons, with average loads respectively of five, three and two tons, although loads up to fifteen tons were recorded. The oxen, in order from the wagons, were called the wheelers, first, second, third, fourth pointers, and first, second and third wings. The average speed of these outfits was only ten to fifteen miles a day, the trip from Fort Benton to Fort Whoop-Up taking about fourteen to twenty days. Under pressure, greater distances could be covered, and some drivers would drive their animals mercilessly night and day. The organized freighting companies did not approve of this, however, as the oxen were comparatively expensive. A good yoke would cost up to \$300, so they were worth caring for.<sup>41</sup>

Upwards of 40 wagons and carts might travel together for mutual protection.

For heavy freight, the Murphy wagon was favored. Manufactured by Joseph Murphy in St. Louis, this brightly painted wagon (when new--red running gear, white top and blue box) would be common on the Whoop-Up and other trails. The

<sup>39</sup> Conrad Independent Observer, May 3, 1984.

<sup>40</sup> Harry Stanford in Montana Backgrounds, 1956.

<sup>41</sup> Berry 1953, p. 59.

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Murphy wagon had a sixteen-foot bed, six-foot high sides and seven-foot rear wheels and was built of well-seasoned wood.<sup>42</sup>

Schuttler wagons made by convict labor would also be used. Joel Overholser has made the point that Montana, being remote, received all manner of makes and types of wagons driven in from other locations.

Horses or mules could also be used, although they needed grain for feed, which took up valuable space, whereas oxen could subsist on prairie grass.<sup>43</sup> Mules were far more expensive than oxen, but were favored by some freighters for their strength. "A good yoke of oxen cost only \$300 in the eighties, but a team of mules usually sold for \$500 or \$600. At the height of the freighting season, a mule team and wagon sometimes brought as much as \$800."<sup>44</sup> Horses tended to be used more for pulling stages.<sup>45</sup>

The harness on mules and horses was more complicated than for oxen:

They were usually driven with a jerk-line. This hook up consisted of a long line to the bit on the near or left side of the left leader. This horse was checked (tied back) on his right side as was the other leader. The right leader was tied to the left by a "jockey stick" from his bit to the left leader's hames. A steady pull on the line turned the team to the left. Jerking caused the horse to throw his head up against the check of his right side and thus would turn him right. The jockey stick forced the other leader to turn with him. The teamster either rode the nigh wheeler or on the wagon seat. The brake was pulled by a rope.<sup>46</sup>

### E.1.8 The Freighters

The movement of goods and supplies to all the diverse frontier settlements - be they trading posts, army forts, gold rush towns or Indian agencies - was the domain of the freighter. Business such as that of the whiskey trade depended totally upon the efficient delivery of staple goods at its remote outposts and the return transportation of the thousands of buffalo hides taken on the frontier. A thriving and competitive industry grew up amongst freighting outfits as they took up the challenge of keeping the Montana frontier supplied.

With the rapid population growth caused by the lure of gold in 1863, freighting as an industry burgeoned in Montana Territory. Whereas individuals had previously handled the limited amount of business available, the gold rush was the opening for the growth of firms--a few of which became huge concerns by the late 1860s.

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<sup>42</sup> Madsen and Madsen 1980, p. 50.

<sup>43</sup> Overholser 1987, p. 164.

<sup>44</sup> Sharp 1978, p. 189.

<sup>45</sup> Overholser 1987, p. 164.

<sup>46</sup> Nanton and District Historical Society 1975, p. 13.

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One of these was the Diamond R Transfer Company (prior to 1865 known as John J. Roe and Company) which found good profit in the Utah-Montana freighting business. In 1868 after some restructuring this firm gained new partners, including E.G. Maclay, George Steell, Matthew Carroll and Colonel C.A. Broadwater and assumed a new name - E.G. Maclay and Company (although the well-recognized Diamond R insignia was maintained) (Madsen and Madsen 1980:49).

By 1868 Diamond R was the biggest freighting company in Montana. However, it soon faced competition that eventually displaced it from its dominant position. By the late 1860s both of Fort Benton's most prominent "Merchant Princes", I.G. Baker and T.C. Power had established their own freighting companies. Along with Murphy, Neel and Company, and E.G. Maclay and Company (agents for Diamond R), the Baker and Power concerns formed the "big four" of freighting operations involved with the Missouri River/Fort Benton carrying trade.<sup>47</sup> These companies, along with the other smaller firms, and contractors who leased their outfits to the larger companies, were responsible for the care of many thousands of oxen, mules and horses, as well as wagons. In addition were the extensive number of stables and warehouses needed for animals and goods, and the lodging necessary for the teamsters and freighters. The T.C. Power Company estimated that a single wagon train required a \$25,000 to \$30,000 investment.<sup>48</sup>

### E.1.9 Changing Use of the Whoop-Up Trail after 1874

#### 1.9.1 Close of the Whiskey Trade

In Montana, both Indian Affairs and the U.S. Army had been actively attempting to suppress the whiskey trade. Their efforts were assisted by the migration of hundreds of traders north across the international border in the years between 1860 and 1875. However, with the abolition of the trade in the British Possessions after the arrival of the North-West Mounted Police there in fall 1874, authorities noted an increase in the trade in northern Montana:

Fort Peck Agency  
Montana Ty.  
March 1st 1875

Sir:

Driven out of the British territory, north, by the Mounted Police, many of these traders from Whoop-Up and Woody Mountains, appear to be establishing themselves and pursuing their villanous avocations along the southern border of this Reservation from the headquarters of the Marias River to the vicinity of Fort Peck. . . .

Very Respectfully,  
Your obt. Servant  
Wm. W. Alderson  
U.S. Indian Agent<sup>49</sup>

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<sup>47</sup> Overholser 1987, p. 164; Madsen and Madsen 1980, p. 155; Sharp 1987, p. 185.

<sup>48</sup> Sharp 1978, p. 184.

<sup>49</sup> Letter, Alderson to Hon. Edward P. Smith, Commissioner Indian Affairs. RG 18 Vol. 8  
File 490-1875, Public Archives of Canada.

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The trade would continue on in pockets of northern Montana until the late 1870s.

The North-West Mounted Police were formed in response to reports making their way back to eastern Canada about the lawless activities occurring in the West. The massacre of a band of Assiniboine Indians by American whiskey traders in the Cypress Hills in 1873 caused the Canadian government to accelerate its plans. In summer of 1874, the new force made its way across the Canadian prairies to put a stop to the rampant behavior of the American traders.

### 1.9.2. Summary, Effect of the Whiskey Trade on Native Cultures

The whiskey trade era can be viewed as a final assault on the self-sufficiency and preservation of Plains Indian traditional culture. It created greater dependence by Native people upon non-native institutions and goods through eradication of the buffalo. Liquor became a scourge amongst Native peoples--if it did not cause immediate death (as early as 1874, for example, it was estimated that no less than 25% of the Blackfoot Confederacy had died from the effects of liquor) it contributed to the breakdown of family structure and the traditional cultural system.

Years after the whiskey trade concluded and the Native people were reduced to starvation on reservations, some former traders looked back and debated their role in it. Those who had sympathized with the plight of the Native groups felt their actions were nothing as severe as those unleashed by the Indian agents and missionaries, for the traders maintained they never wished to acculturate the Native people nor alter their traditional lifestyle. Many of these men married into the Blackfoot Confederacy and moved onto the reservations both in Montana and Southern Alberta where their names continue today.

Regardless of the sincerity of such after-thoughts, it is still amazing, when one looks at the odds faced by Native people in the late 19th century, that so many strains of traditional Native culture survive and flourish today.

### 1.9.3. Uses of the Trail After the Whiskey Trade

The Whoop-Up Trail did not fade into obscurity with the closing of the whiskey trade in southern Alberta. In many ways it was just entering into some of its most profitable years as a freighting route after 1874. The new police force in southern Alberta and the now starving Blackfoot Indians required food and supplies. Since there was not yet a railroad traversing Canada, the most logical and efficient transportation ties were to Fort Benton to the south.

The merchant house selected to supply the police force was I.G. Baker and Company. This was no random choice. When the police first arrived in the west in fall, 1874, they became lost, unable to locate Fort Whoop-Up. With men and horses all in pitiable condition, help was much needed. A small party of officers and men turned south to [REDACTED]. There I.G. Baker welcomed them warmly and supplied them with both information and goods. An I.G. Baker man, Charlie Conrad, and the intrepid Metis guide Jerry Potts personally accompanied the police to the location that became Fort Macleod. In appreciation, the police contracts for supplies were given to I.G. Baker and Company.

Enormous quantities of supplies were freighted up the Whoop-Up Trail to Fort Macleod and environs. Joel Overholser, historian at Fort Benton, has prepared estimates of this freight both north and south. (He takes it to 1883, the year the Canadian Pacific Railway reached Calgary and freighting from Fort Benton slowed.) As he himself comments, the figures are highly conservative.

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| <u>Year</u> | <u>Tonnages</u> |              | <u>Comments</u>                           |
|-------------|-----------------|--------------|---|
|             | <u>North</u>    | <u>South</u> |   |
| 1874        | 90              | 75           | 6000 robes south                          |
| 1875        | 475             | 125          | 10,000 robes south                        |
| 1876        | 585             | 380          | 25,000 robes south<br>100 tons coal south |
| 1877        | 1200            | 500          | 25-50,000 robes south                     |
| 1878        | 1200            | 440          | 30,000 robes                              |
| 1879        | 1600            | 275          | 14,000 robes (last)                       |
| 1880        | 2000            | 100          | coal south                                |
| 1881        | 2000            | 100          |   |
| 1882        | 2000            | 100          |   |
| 1883        | 100             | 100          | C.P.R. arrives                            |

Of interest in the table is not only the increasing amount of freight going north (probably much higher than shown) but also the disappearance by 1880 of buffalo robes going south. The estimated 14,000 robes of 1879 represented the last of the herds in southern Alberta.<sup>50</sup> An enterprising freighter, faced with no bills of lading south in 1875 due to the loss of buffalo, had turned to the new coal mine on the Oldman River and started a return business of shipping coal to Fort Benton. T.C. Power took advantage of this trade to prevent wagons from returning empty--a very costly prospect.<sup>51</sup>

In addition to the heavy freighting use of the Whoop-Up Trail in the years following the cessation of the Canadian whiskey trade, the Whoop-Up Trail also carried stage lines and various other forms of cart and wagon vehicles.

Eventually, the dependable Concord coaches would wheel their way north along the Whoop-Up Trail to its new terminus, Fort Macleod. Unfortunately for many passengers, however, the early years of stage travel were not quite as sophisticated. The I.G. Baker company provided a link between Fort Benton and the Canadian stops by way of the "Benton, Macleod and Calgary Stage Company". This company, which advertised regularly scheduled departures of "four horse coaches" in reality transported their passengers two or three times a month in an open wagon drawn by four mules.<sup>52</sup> Archdeacon Times recorded his first journey north from Fort Benton to Canada in 1883:

At Fort Benton I had to stay six days until the I.G. Baker Express (an open wagon drawn by four mules) was ready to make its bi-monthly trip to Macleod. . . . From Fort Benton . . . it was an eight day journey in an open wagon to Macleod. On the fourth day, another Sunday, we reached Rocky Springs, about half way, and here we were met by another wagon and team that had come out from Macleod to meet the Express. . . . Another four days journey brought us to Macleod, then a small place situated on an island in the Belly River.<sup>53</sup>

<sup>50</sup> Overholser 1987, p. 368.

<sup>51</sup> Sharp 1978, p. 185.

<sup>52</sup> Sharp 1978, p. 186-87; Berry 1953, p. 69.

<sup>53</sup> Archdeacon J. W. Times quoted in Berry 1953, pp. 68-69.

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By the mid-1880s, Concord coaches were more common on the northern trails. The Concord was a highly preferred vehicle for travel on rough Montana roads before the era of bridges and hard top. The most important construction feature of the Western Concord stagecoach was its thoroughbrace construction "which gave a fore-and-aft as well as lateral motion to the coach body that resembled somewhat the gentle roll of a ship on the ocean."<sup>54</sup> This eased the strain on the horses, and allowed transport of the greatest load with increased ease.

The stagecoaches carried mail and other supplies in addition to passengers and thus its arrival at towns was a highly anticipated event. Until the Canadian Pacific Railway crossed into Alberta, mail to and from southern Alberta passed through Fort Benton, via I.G. Baker's stagecoaches.

Fort Conrad became a post office on July 10, 1884, with bi-monthly mail service.<sup>55</sup>

The well-known western personality and author J.W. Schultz, recalled how the mail service became especially important to the officers of the North-West Mounted Police:

Every time the mail went north, by special arrangement, I put two gallons of whiskey in kegs in a mail sack, one for Colonel Macleod, one for Captain Winder. The North-West Mounted Police patrols could not touch the sacks. The postmaster at the fort quietly sneaked the kegs to the officers. They both made frequent trips to Fort Benton always stopping overnight with us.<sup>56</sup>

The use of the Whoop-Up Trail as a stagecoach route necessitated the development of stopping houses (stage or home stations) and "swing" stations where teams could be changed. On the Montana Trail between Salt Lake City and Helena, the stage stations were approximately forty to fifty miles apart, with swing stations spaced more closely at ten to twelve miles.<sup>57</sup> Most of these stations, established originally by Wells Fargo, became the core of ranches and farms established by the station agents.

Three established stopping places are known for the Whoop-Up Trail in Montana. One was run by Narcisse Veilleux on the north side of the Teton crossing of the trail. The second was "Froggie's" at Pondera Coulee. The third was Fort Conrad, which was established in 1875 at the commencement of heavy freighting commerce with Canada. Fort Conrad was well patronized by all the heavy summer traffic on the trail. It provided a store, bar, dining room and sleeping quarters.<sup>58</sup> Rocky Springs would appear to have been a favored stopping area, but no formal station there has been identified in the historic records, nor in conversations with local informants (e.g. Wayne Gillespie, Kevin; Carl Dahlen, Kevin, Jack Hayne, Dupuyer). If Rocky Springs did have a station, it would complete the average span of forty to fifty miles between stations.

Swing stations may have been established at existing ranches. None has been identified to date.

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<sup>54</sup> Madsen and Madsen 1980, p. 111.

<sup>55</sup> Pondera History Association n.d., p. 11.

<sup>56</sup> Schultz 1962, p. 64.

<sup>57</sup> Madsen and Madsen, 1980.

<sup>58</sup> Schultz 1962, p. 64.

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Although the date of the last bull train to traverse the Whoop-Up Trail is in dispute, it appears that by 1885, major freight movement had diminished significantly.<sup>59</sup> (Some sources say 1892.)<sup>60</sup> By 1890 the Whoop-Up Trail and its traditional forms of transportation were becoming obsolete. The Canadian Pacific Railway, which had reached Calgary in 1885, had provided a more efficient link with eastern North America. In 1890, the Great Falls and Canada narrow-gauge railroad was completed from Lethbridge to Great Falls and replaced the Whoop-Up Trail. As a wagon and freight road, the Whoop-Up Trail had reached its conclusion. However, parts of it have been kept in use by vehicular and farm traffic, especially where it crosses rivers and climbs adjacent coulees.

In 1962 the Boy Scouts embarked on a project to relocate the old trail and mark those extant sections. Some ten "W"s set in a circle were marked out with rocks at those sections (Marias north) that were still visible.<sup>61</sup> Three large monuments were erected: one at the international border, one at the site of Fort Conrad, and a third on Highway 2 just east of Shelby on a one-acre parcel of land on which the trail is preserved, donated by Jessie M. Pingel to the Marias Museum of History and Art and the Northcentral Montana Council, Boy Scouts of America.<sup>62</sup>

### E. HISTORIC CONTEXT #2

#### Development of Mercantile Capitalism in Northern Montana, 1865-1890

The Whoop-Up Trail was a significant component of a vast continent-wide colonial entrepreneurial system of the post-Civil War era. It was the outermost extension of a transportation network linking the remote frontier West with the mills, foundries and factories of the eastern seaboard, the St. Lawrence valley, and Europe. The key to understanding the development of commerce in northern Montana of the 19th century is to appreciate that control over transportation was essential to success. The "Merchant Princes" to be discussed below--T.C. Power, I.G. Baker and others--appreciated this fact and hence became leading business figures in the Northwest.

The fur trade of the first half of the 19th century provided a base by which commerce in the form of exchange of goods was enacted in Montana Territory. However, the fur trade was almost totally controlled by business interests outside of Montana (for example, from headquarters in St. Louis, Mo.). It was not until the 1860s that a true business infrastructure was established in Montana Territory, where merchants and other independent entrepreneurs operated directly in the Territory from centers such as Fort Benton and Helena.

The increasing presence of various American installations such as Army forts, missions and Indian agencies in Montana Territory encouraged the development of home-grown commercial enterprises. Demands for foodstuffs, implements, supplies and services allowed for their development. The single most important factor in the early growth of Montana commerce, however, was the gold rush of the early 1860s, which drew thousands of prospectors into the Territory and created a ready consumer market. Although many of the towns that flourished during the gold rush have since disappeared, others such as Helena and Butte grew to become major centers. Furthermore, the gold rush indirectly sponsored the growth of agriculture in adjacent valleys by prospectors who stayed on to become farmers.

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<sup>59</sup> Great Falls Tribune, May 1, 1932.

<sup>60</sup> Shelby History Group n.d.; Pondera History Association n.d.

<sup>61</sup> Personal communication, Wilber Werner, Cut Bank, former District Chairman of Boy Scouts.

<sup>62</sup> Whoop-Up Trail brochure, Shelby History Group n.d.

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Fort Benton, at the head of navigation on the Missouri River, became the focus of commercial activity in northcentral Montana and southern Alberta in the 1870s. Today it is a quiet and scenic little town, yet one hundred and twenty years ago it was the raucous, hard-driven capital of the Montana frontier, bustling with saloons and whiskey shops.

Some of Fort Benton's earliest merchants had been formerly in the employ of the American Fur Company, which had originally established the fort in 1847. For example, Matthew Carroll and George Steell left the American Fur Company and set up the first independent business in Fort Benton in 1864.<sup>63</sup> I.G. Baker, soon to become one of the most powerful of the Fort Benton merchants, also started in the American Fur Company.

Baker, like almost all of the non-native people employed on the frontier, was born east of the Mississippi (in Connecticut in 1819).<sup>64</sup> In 1864 he became manager of the American Fur Company in Fort Benton,<sup>65</sup> but left that position two years later after sale of that company to the Northwestern Fur Company to set up his own mercantile business, in partnership with his brother George. Two young men, Charles and William Conrad from Virginia found clerking jobs with Baker's firm upon their arrival in Fort Benton in 1868.<sup>66</sup> In 1873, the two brothers became partners, then took over George's interest in 1874, at which point the firm became known as I.G. Baker and Company.<sup>67</sup> I.G. Baker himself, apparently satisfied with the business acumen of the Conrads, left Fort Benton to look after the firm's business in St. Louis.<sup>68</sup>

Baker's biggest competitor during the early 1870s was the T.C. Power and Brother Company. T.C. Power, a staunch Republican, arrived in Fort Benton in 1867 armed with a stock of goods ready to trade with the thousands of goldminers in town.<sup>69</sup> With his brother John, Thomas Power quickly and ruthlessly built a huge economic empire out of his Fort Benton foothold.

Joining the Baker and Power concerns in the 1870s were merchants such as J.H. McKnight (affiliated with T.C. Power), Kleinschmidt Company, W. S. Wetzel (sometimes associated with J.D. Weatherwax), Murphy, Neel and Company, and Carroll and Steell. Durfee and Peck, and A.C. Leighton and Company were more influential in eastern Montana Territory along the Missouri River.

These firms epitomized the role of the old-time general merchant at a time when the latter position was being replaced in the industrialized East by manufacturers' agents and travelling salesmen. Mercantile capitalists were absolutely instrumental in the unfolding of the early American economy and the stabilization of towns and new frontier agricultural communities.

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<sup>63</sup> Berry 1953, p. 27; James H. Bradley papers MC 49, MHSLA.

<sup>64</sup> Klassen 1985.

<sup>65</sup> Chouteau papers, Missouri Historical Society.

<sup>66</sup> Murphy 1983.

<sup>67</sup> Klassen 1985, p. 43; Halvorson 1971, pp. 58-59.

<sup>68</sup> Flanagan papers, MHSLA.

<sup>69</sup> Sharp 1978, p. 213.

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They coordinated the flow of goods, allocated capital to farmers and manufacturers through the extension of credit, backed improvements in transportation and served as primary economic integrators, at least through the Civil War years.<sup>70</sup>

The role of the specialized independent merchant was greatly diminished by the emergence of modern manufacturing. After 1850, the rise of the factory and mass production (in the eastern U.S. mostly) considerably enlarged the amount of goods produced by a single firm. During the maturing process in which manufacturers learned how to synchronize output with existing demand (a period of ups and downs for manufacturers), some firms adopted their own system of distribution, and the role of the independent middleman/merchant was undercut.<sup>71</sup> As the nature of the markets changed (i.e., became more concentrated), many manufacturers became their own wholesalers.

Not all industries were suited to handling their own marketing however. "Throughout the complex of industries in which a variety of simple, standard items was sold through many thousands of retailers--in the grocery, drug, hardware, jewelry, liquor, furniture and dry goods business--the jobber continued to assemble and dispense goods through these diffuse markets."<sup>72</sup>

The western frontier formed just such a diffuse market. The kinds of goods most depended upon for the Indian trade were low in unit price and often undifferentiated (as opposed to the more technologically complex and specific products such as early electrical apparatus, office machines, harvesters etc. that were likely not in large use on the Montana frontier of the 1860s and early '70s) and it was in the assembling and distribution of these multitudinous goods that the wholesale merchant continued to play an important role.<sup>73</sup> Therefore mercantile capitalism was prolonged due to the development of the frontier even while industrial capitalism had supplanted it in the manufacturing centers of the East.<sup>74</sup>

In the late 1860s and 1870s, the Fort Benton merchants profited considerably from their participation in the whiskey trade, supplying traders with goods and whiskey that were exchanged with Native people for buffalo robes and other pelts. Although they would come to deny their participation by the time of the arrival of the North-West Mounted Police in 1874, it is quite clear that both the T.C. Power and I.G. Baker firms were deeply involved in the whiskey trade, to the point of almost monopolizing it.<sup>75</sup>

The whiskey trade was too volatile for stable business development. It was a short-term and uncertain form of financial gain, one which had to cope with long transportation hauls over sometimes treacherous trail sections, with stiff competition, with the elements. Rot-gut whiskey disoriented Native customers, making them potentially violent. The trade upset Native political structures--enriching some, impoverishing others. Whether or not the traders appreciated the moral dimension of their actions upon the Native population, they certainly recognized that the whiskey trade was a finite

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<sup>70</sup> Porter and Livesay 1971, p. 8. (See Atherton 1971 for an excellent treatment of the frontier merchant.)

<sup>71</sup> Porter and Livesay 1971, p. 10; Vatter 1975, p. 172.

<sup>72</sup> Porter and Livesay 1971, p. 12.

<sup>73</sup> Vatter 1975, p. 173.

<sup>74</sup> Kennedy 1991, pp. 112-113.

<sup>75</sup> Fragments of business papers dealing with the period still survive in the valuable T.C. Power collection at the Montana Historical Society; the bulk of the I. G. Baker and Company papers appear to have been discarded in the Missouri River in the 1930s.

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venture. By 1873 both Power and Baker had seen the writing on the wall. Both made concerted efforts to give the impression to authorities that they were not involved in the whiskey trade. So successful were they that a report by Lieutenant Governor Alexander Morris of the North-West Territories in April 1874 stated "two American firms from Fort Benton which trade there [in the North-West] do not use Liquor in their dealings with the Indians."<sup>76</sup>

The arrival of the North-West Mounted Police in western Canada came at an opportune time for Fort Benton merchants. Although the whiskey trade was still healthy in both northern Montana and southern Alberta, the overall economic climate in Fort Benton was not. The town had been in an economic slump since the decline of the gold rush in Montana.<sup>77</sup> Added to this was the general economic depression being experienced by the whole nation beginning in 1873, and continuing until 1879.<sup>78</sup> The new North-West Mounted Police business out of Fort Macleod in the British Possessions stimulated a rapid recovery in the fortunes of the I.G. Baker and T.C. Power companies.<sup>79</sup>

I.G. Baker had favorably impressed the North-West Mounted Police when, lost and low on supplies on their trek west, they had turned to him in Fort Benton for assistance, which he happily provided. In appreciation, the police granted Baker the supply contract for the fiscal year 1875.<sup>80</sup> This was a significant coup for Baker and provided an ideal opportunity for new investment.

The expanded trade with the police in the north required a corresponding development of the merchants' resources in Fort Benton. The most visible area of growth for both Baker and Power was in transportation. Both Baker and Power had early on invested in steamboats to facilitate the transportation of goods in and hides, gold, silver, and other products out of Fort Benton. (Indeed the two collaborated in the Fort Benton Transportation Company until the late 1870s when Power bought out Baker's interest. Power continued to expand the line until railroads brought an end to steamboat transportation.)<sup>81</sup>

Overland transportation was also an enormous part of both companies' investment. By 1881 I.G. Baker's freighting business over the Whoop-Up Trail to Fort Macleod had become a huge enterprise. The company owned dozens of wagons, over 200 oxen and mules and employed over 200 bull whackers and mules skinners. The capital invested by I.G. Baker and Company in draft animals alone was over \$40,000.<sup>82</sup>

The efficient overland transportation route along the Whoop-Up Trail (and also the Riplinger Trail, the mail route from Fort Shaw to Fort Macleod) allowed the dominant position of the American merchants in southern Alberta. The Hudson's

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<sup>76</sup> Memorandum of Information given by Mr. Johnstone to Lt. Governor Morris, April 20, 1874 RG 18, Public Archives of Canada.

<sup>77</sup> Klassen 1985, p. 43.

<sup>78</sup> Hacker 1947; Gras 1971.

<sup>79</sup> Klassen 1985, p. 43.

<sup>80</sup> Malone and Roeder 1976, pp. 56-57.

<sup>81</sup> Finding Aid to T. C. Power Collection MC 55 MHSLA.

<sup>82</sup> Klassen 1985, p. 45.

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Bay Company, longtime ruler of the fur trade in the north, was simply unable to match either the efficiency or the lower prices offered by Baker and Power (something approaching ten dollars lower per 100 pounds).<sup>83</sup>

The Benton merchants were even able to outcompete the Hudson's Bay Company in the movement of goods produced in eastern Canada. This is an interesting facet to the overland carrying trade conducted by Baker and Power, and one that was significant in the overall development of national economies in both the U.S. and Canada.

T.C. Power tapped into the eastern Canadian market in a unique way, one which had significant ramifications for the future of both his and I.G. Baker's interests in western Canada. Prior to 1876 Power had been unable to break into the Canadian robe market in the East. In that year, however, the American government placed tariffs on robes entering the States. In a clever move, Power pressured his friend in Washington, Major Martin Maginnis, to help him secure a permit to ship robes in bond through the U.S. to eastern Canada, where Power's business associate John Reiplinger, of the North-West Buffalo Robe Company in Montreal, marketed them.<sup>84</sup> (Reiplinger is likely the same individual after whom the Riplinger Trail was named.)

The use of bonded freight was put to even greater use by both Power and Baker starting in 1879, the year in which Canada implemented its National Policy which had a strong protectionist tariff system. (The National Policy basically treated the Canadian West as a gigantic breadbasket tied to industrial central Canada by a transcontinental railway.) Both Benton merchants acquired permission to move goods manufactured in England or eastern Canada through the United States into western Canada. This action indicates that the American merchants were actively trying to incorporate the western Canadian prairies into the economic fold of the U.S. profiteers, rather than carrying out larger imperialistic designs and objectives. As one historian has noted, "even if the Fort Benton merchants were drawing Canada's Whoop-Up country into the American economy, they themselves were being integrated into the empire of the St. Lawrence."<sup>85</sup>

The construction of the Canadian Pacific Railway across the Canadian prairies between 1878 and 1885 did not immediately result in the withdrawal of the Fort Benton merchants from southern Alberta. Both Baker and Power took advantage of the new rail line, and indeed by 1883 the I.G. Baker company was bringing most of the goods to its Calgary store by rail.<sup>86</sup> The railway did destroy the cost advantages that the overland Whoop-Up Trail had alone provided for over a decade. The Hudson's Bay Company was now finally able to compete due to reduced freight rates offered by the CPR.<sup>87</sup> The role of the Whoop-Up Trail diminished significantly after 1883.

Contracts to provide beef rations for the starving Canadian Native people after the bison herds were decimated, and new consumer demands created by the new Canadian ranching industry in the West helped both Baker and Power for a while in the early 1880s. Competition from new Canadian businesses became too stiff, however. In a move to consolidate their stance against competition, Baker and Power "negotiated a merger of all their operations in everything but name."<sup>88</sup>

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<sup>83</sup> Sharp 1978; den Otter 1983; Klassen 1985.

<sup>84</sup> den Otter 1990, p. 7; T. C. Power collection MC55 MHSLA.

<sup>85</sup> den Otter 1990, p. 8.

<sup>86</sup> Klassen 1985.

<sup>87</sup> den Otter 1983; Klassen 1985.

<sup>88</sup> den Otter 1990, p. 12.

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Basically, Baker took control of all Canadian police, Indian and other government contracts in Canada, and left all similar Montana contracts to Power. Power's Fort Benton Transport Company set its rates for both firms at one dollar less per ton than for any other merchant. They set freight rates for each other's business within the territories and determined not to carry government freight for any other company. At the end of each year, each firm was to give the other one-quarter of all profits earned on tenders. These agreements helped the Benton merchants survive in Canada a few more years.<sup>89</sup> Gradually, however, the merchants withdrew from the Canadian prairies, and turned to other business interests in the U.S., including ranching, banking, politics, real estate, hotels, mining, lumbering, agricultural implement sales and a host of other activities.

Thus for just over a decade the Whoop-Up Trail had fostered the growth and financial success of two of Montana's largest merchant concerns, as well as a small number of other companies. It survived through shifts in commercial activity of northern Montana, carrying first wagon trains with goods headed for remote whiskey posts, and hide wagons loaded with buffalo robes for Fort Benton. Next came wagon trains filled with goods for the police posts newly established in the British Possessions, and stagecoach lines carrying passengers and mail. It was a connecting link between the western fringe of American colonial powers and the hinterland of western Canada. While for a few quick years it opened southern Alberta entirely to American influence, the Whoop-up trail was not intended as a road of conquest. Rather, the use of the Whoop-up trail was born of the desire for quick profits and business opportunities. And, the legal and illegal commerce along the Whoop-up trail did provide profits in large measure for the merchants and traders of Fort Benton for some 12 to 15 years.

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<sup>89</sup> den Otter 1990, p. 13; Klassen 1985.

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### WHOO-UP TRAIL OF NORTHCENTRAL MONTANA

#### F. ASSOCIATED PROPERTY TYPES

##### F.1. Trail Segments

###### F.1.1 Physical Description of Trail Segments

Trails are linear corridors which resulted from movement of non-motorized forms of transportation, including foot travel, horse (or mule) travel and wheeled vehicles drawn by horses, mules or oxen.

The primary manifestation of trail segments as treated in this nomination is the ruts left from repeated movement of wheeled wagons and stages over the landscape. Not surprisingly, these ruts can fan out across the land rather than conform to two rigid parallel tracks. As the trails were not on formally prepared beds, travellers were constrained only by the landscape itself as to a given route. Soft ground caused by springs, rain, ungulate wallows, etc., forced travellers to detour and choose a firmer track, and it is in this way that multiple ruts originated. Thus the geographical setting played an important role in original placement of the trail and must be considered while assessing integrity of the individual trail segment.

Freighting outfits were by nature cumbersome affairs, and hence the trains (and trails) followed the path of least resistance. Therefore, the physical location of extant trail segments will be critical in determining their significance, as will the qualities of feeling, and association evoked by the landscape of a specific trail segment.

Other evidence associated with freighter trails could include multiple trail ruts, vegetation changes, wells and springs and associated camping sites, fords, stopping houses and artifactual material.

The Whoop-Up Trail was also used by stagecoaches by 1880. Physical evidence associated with stagecoach use could include, in addition to the ruts themselves, stopping houses, mail stations, wells and springs, fords and ferries, campsites and artifactual material.

Although the Whoop-Up Trail is prominent in written and oral history, it is unfortunately poorly preserved on the ground. Agricultural use of the land it originally traversed has been the largest single cause of its eradication, although reuse by modern vehicular traffic in certain locales has also contributed to its disappearance. Soil deposition and vegetation is slowly reclaiming untouched segments. In Montana, likely 80 to 90% of the trail has been lost in the modern era.

There are, however, a number of parcels in which ruts are still clearly assignable to the Whoop-Up Trail. These are highlighted in the following discussion of the Whoop-Up Trail.

Between Fort Benton and the Teton River, there are no preserved signs of the trail. In 1971 it was indicated to Carly Stewart of Lethbridge that a small portion of the trail was still visible south of the Teton in Section 1, T24N, R8E.<sup>89</sup> The present landowners, Larry and Ella Mae Kilne, contacted by phone in June 1991, were not aware of any such sections.

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<sup>89</sup> Personal communication, Carly Stewart.

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Preservation of the trail is slightly better north of the crossing of the Teton, although different impacts are present here. The south branch which apparently crossed the Teton to join the main route at Captain Nelce's in Section 27, T25N, R5E is all cultivated, and no track was visible from the air in May 1991, nor has any track been noted by local landowners.<sup>90</sup>

There evidently were numerous branches of the trail in the vicinity of the [REDACTED]. The landowner, Mr. Bill Reichelt, is very knowledgeable about local history and the Whoop-Up Trail. He drove Kennedy around all the coulees and hills where the trail might possibly have exited the river valley. Some possible cuts were observed, but no distinct ruts. It appears that the modern road paralleling the [REDACTED] on the north edge of the valley overlies or parallels the old trail. The [REDACTED] valley segment of the trail is included in a National Register nomination.

Approximately two and a half miles north of [REDACTED] in Section [REDACTED] is a piece of pasture land across which trail marks are clearly visible. They connect with trail marks that were visible before the land between this section and the river were cultivated some 8 years ago and which have always been identified locally as belonging to the Whoop-Up Trail.<sup>91</sup> The ruts are approximately three-quarters of a mile long and run in a northwest-southeast direction. This segment is included in a National Register nomination.

North from here, the land is cultivated all the way to the [REDACTED] with only minor exceptions.

The trail is usually recorded as passing east of the East Knee, although no doubt it branched to the West Knee as well. These prominent topographic features have been cultivated right to their base; the West Knee has even been cultivated on top. Communication received in Fort Benton<sup>92</sup> indicated that a camping area may have been located at a spring supposedly found at the East Knee, although available stories by traders participating in business along the Whoop-Up Trail mention that water was not available north of the [REDACTED].

Pondera Coulee, at the junction [REDACTED] has not been cultivated on its banks. However, the area displays heavy vehicular use across the coulees and creeks. Ruts from the Whoop-Up Trail were visible in the past according to local residents (eg. Mrs. M. Stordahl), but today it is hard to separate them out.

In the [REDACTED] locale, a number of isolated segments are still visible. One is on the flat uplands just south of the deep coulees running north into the [REDACTED]. It has been marked with a [REDACTED]. Various trails descend down the coulees to the [REDACTED]. These are evident on early 1948 aerial photography, yet even then the tracks appear to have been re-used by modern vehicles as they are today.

Ascending the coulees north of the [REDACTED] there are again sections of probable Whoop-Up Trail origin. For example, in [REDACTED] gullies are possible trail ruts. The Marias River valley and adjacent uplands in the vicinity of the trail are included in a National Register nomination.

On the flatlands above the Marias on the edge of a cultivated field is a very small piece of preserved track, which has been marked with a stone "W".

<sup>90</sup> Personal communication, Bill Reichelt.

<sup>91</sup> Personal communication, Mr. Bill Reichelt.

<sup>92</sup> Personal communication, Mr. Jack Lepley.

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A one acre parcel of land owned by Mrs. Jessie Pingel was given to the Marias Museum of History and Art and the Northcentral Montana Council of Boy Scouts of America in 1968 because the trail was preserved here. This land is located in [REDACTED]

Between Shelby and the Rocky Springs area the trail is difficult to detect, either because of cultivation or the overlay of modern tracks on the alkali lake bed soils that obscures any original ruts. In one pasture section (Section 29, T33N, R2W) the recent placement of a stock watering trough and resultant cattle tracks has destroyed any evidence there may have been of the trail there.

The Rocky Springs area provides the best preserved segments of the Whoop-Up Trail in all its Montana passage. This area west of Kevin is characterized by high isolated rimrock, separated by grassy valleys punctuated by numerous small springs (now largely dried up, due to modern cultivation and resultant ground water changes). South of [REDACTED] is one good area of pasture in which the trail is still extant [REDACTED]. Throughout the broad valley north of the Gillespie and Dahlen ranches [REDACTED] the trail is well preserved. Multiple rut tracks are visible from [REDACTED]. From here north, the land has been totally cultivated. At the time of the Boy Scout survey, some small sections of track were visible in the grassy verges at the end of fields; these have since been plowed under. The next visible section of track is on the Canadian side of the international border.

### F.1.2 Significance of Trail Segments

Trail resources eligible under Criterion A must be an important link in the regional transportation network, particularly in the transportation of goods and people. Specifically, use during the era of mercantile capitalism (particularly during the whiskey trade) would imbue trails with significance.

Freighter and stagecoach trails provided the platform upon which the economic underpinnings of the northwestern frontier were built. Early centers of white activity in Montana and the northwest depended for their survival upon trails, which brought supplies to them in possibly remote areas and allowed more efficient transportation to other such centers. In this way trails helped expand the communication network of 19th century Montana (and beyond) by allowing the ready movement of mail and people around the landscape.

Except in only a few circumstances is the Whoop-Up Trail overlain by a road of recent construction. So thoroughly changed are the destinations and objectives of today's inhabitants of northcentral Montana (and southern Alberta) that it is somewhat surprising so many people are still familiar with the trail. The Whoop-Up Trail belongs completely to the 19th century--to that era's modes of transportation and communication needs. For a brief period from 1871 to ca. 1890 it was one of the most important transportation corridors in northcentral Montana.

The trail originated to serve the needs of traders acting out the last days of the once dominant fur trade. The whiskey trade of northcentral Montana and southern Alberta/southwestern Saskatchewan was short-lived, yet left a significant impact on the natural, social and economic landscapes. The trade in whiskey and trade goods for buffalo robes resulted in the near extinction of bison in the northwestern plains. This, in combination with increasingly repressive actions against traditional native lifestyles by whites in the 19th century resulted in severe cultural attenuation of the native people of the plains. The whiskey trade was the last interaction between whites and natives in which the latter could still freely practice traditional lifeways.

The whiskey trade was also an outlet for endless numbers of manufactured goods being churned out of the new factories and hearths of the American northeast. Through the push of traders into ever more remote areas of northern Montana

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Preservation of the trail is slightly better north of the crossing of the Teton, although different impacts are present here. The south branch which apparently crossed the Teton to join the main route at Captain Nelce's in Section 27, T25N, R5E is all cultivated, and no track was visible from the air in May 1991, nor has any track been noted by local landowners.<sup>90</sup>

There evidently were numerous branches of the trail in the vicinity of the Teton River. The landowner, Mr. Bill Reichelt, is very knowledgeable about local history and the Whoop-Up Trail. He drove Kennedy around all the coulees and hills where the trail might possibly have exited the river valley. Some possible cuts were observed, but no distinct ruts. It appears that the modern road paralleling the Teton on the north edge of the valley overlies or parallels the old trail. The Teton River valley segment of the trail is included in a National Register nomination.

Approximately two and a half miles north of the Teton River in Section 16, T25N, R5E is a piece of pasture land across which trail marks are clearly visible. They connect with trail marks that were visible before the land between this section and the river were cultivated some 8 years ago and which have always been identified locally as belonging to the Whoop-Up Trail.<sup>91</sup> The ruts are approximately three-quarters of a mile long and run in a northwest-southeast direction. This segment is included in a National Register nomination.

North from here, the land is cultivated all the way to the Marias, with only minor exceptions.

The trail is usually recorded as passing east of the East Knee, although no doubt it branched to the West Knee as well. These prominent topographic features have been cultivated right to their base; the West Knee has even been cultivated on top. Communication received in Fort Benton<sup>92</sup> indicated that a camping area may have been located at a spring supposedly found at the East Knee, although available stories by traders participating in business along the Whoop-Up Trail mention that water was not available north of the Teton until Pondera Springs were reached.

Pondera Coulee, at the junction of Pondera and Flat Creeks, has not been cultivated on its banks. However, the area displays heavy vehicular use across the coulees and creeks. Ruts from the Whoop-Up Trail were visible in the past according to local residents (eg. Mrs. M. Stordahl), but today it is hard to separate them out.

In the Marias River locale, a number of isolated segments are still visible. One is on the flat uplands just south of the deep coulees running north into the Marias (Section 22, T30N, R1W). It has been marked with a "W" in a circle of rocks by the Boy Scouts in 1963. Various trails descend down the coulees to the Marias. These are evident on early 1948 aerial photography, yet even then the tracks appear to have been re-used by modern vehicles as they are today.

Ascending the coulees north of the Marias, there are again sections of probable Whoop-Up Trail origin. For example, in Sections 4 and 5, T30N, R1W in the gullies are possible trail ruts. The Marias River valley and adjacent uplands in the vicinity of the trail are included in a National Register nomination.

On the flatlands above the Marias on the edge of a cultivated field is a very small piece of preserved track, which has been marked with a stone "W".

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<sup>90</sup> Personal communication, Bill Reichelt.

<sup>91</sup> Personal communication, Mr. Bill Reichelt.

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A one acre parcel of land owned by Mrs. Jessie Pingel was given to the Marias Museum of History and Art and the Northcentral Montana Council of Boy Scouts of America in 1968 because the trail was preserved here. This land is located in Section 26, T31N, R1W.

Between Shelby and the Rocky Springs area the trail is difficult to detect, either because of cultivation or the overlay of modern tracks on the alkali lake bed soils that obscures any original ruts. In one pasture section (Section 29, T33N, R2W) the recent placement of a stock watering trough and resultant cattle tracks has destroyed any evidence there may have been of the trail there.

The Rocky Springs area provides the best preserved segments of the Whoop-Up Trail in all its Montana passage. This area west of Kevin is characterized by high isolated rimrock, separated by grassy valleys punctuated by numerous small springs (now largely dried up, due to modern cultivation and resultant ground water changes). South of Highway 215 there is one good area of pasture in which the trail is still extant (Section 2, T34N, R4W). Throughout the broad valley north of the Gillespie and Dahlen ranches (Sections 25 and 26) the trail is well preserved. Multiple rut tracks are visible from Section 35 to Section 11, T35N, R4W. From here north, the land has been totally cultivated. At the time of the Boy Scout survey, some small sections of track were visible in the grassy verges at the end of fields; these have since been plowed under. The next visible section of track is on the Canadian side of the international border.

### F.1.2 Significance of Trail Segments

Trail resources eligible under Criterion A must be an important link in the regional transportation network, particularly in the transportation of goods and people. Specifically, use during the era of mercantile capitalism (particularly during the whiskey trade) would imbue trails with significance.

Freighter and stagecoach trails provided the platform upon which the economic underpinnings of the northwestern frontier were built. Early centers of white activity in Montana and the northwest depended for their survival upon trails, which brought supplies to them in possibly remote areas and allowed more efficient transportation to other such centers. In this way trails helped expand the communication network of 19th century Montana (and beyond) by allowing the ready movement of mail and people around the landscape.

Except in only a few circumstances is the Whoop-Up Trail overlain by a road of recent construction. So thoroughly changed are the destinations and objectives of today's inhabitants of northcentral Montana (and southern Alberta) that it is somewhat surprising so many people are still familiar with the trail. The Whoop-Up Trail belongs completely to the 19th century--to that era's modes of transportation and communication needs. For a brief period from 1871 to ca. 1890 it was one of the most important transportation corridors in northcentral Montana.

The trail originated to serve the needs of traders acting out the last days of the once dominant fur trade. The whiskey trade of northcentral Montana and southern Alberta/southwestern Saskatchewan was short-lived, yet left a significant impact on the natural, social and economic landscapes. The trade in whiskey and trade goods for buffalo robes resulted in the near extinction of bison in the northwestern plains. This, in combination with increasingly repressive actions against traditional native lifestyles by whites in the 19th century resulted in severe cultural attenuation of the native people of the plains. The whiskey trade was the last interaction between whites and natives in which the latter could still freely practice traditional lifeways.

The whiskey trade was also an outlet for endless numbers of manufactured goods being churned out of the new factories and hearths of the American northeast. Through the push of traders into ever more remote areas of northern Montana

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and southern Alberta, these goods became part of the material landscape. New demands and desires were fostered by the availability of these goods, particularly amongst native people. Change was at hand.

The movement of goods through the whiskey trade and the supplying of early settlements in Montana in the late 19th century spurred the profitable growth of Montana's merchants. The Whoop-Up Trail was lined with gold for the merchants of Fort Benton for whom it carried the rich natural resources of the distant frontier. This trail was no random composition of peripheral paths and tracks, but was a road with purpose and direction. It was to allow efficient, large-scale movement of freight between Fort Benton and the British Possessions. It was to lessen the "distance friction" between distant points. This trail was built for profit.

The whiskey trade flourished in Canada because western Canada could provide what Montana couldn't - the absence of legal authorities. The Whoop-Up Trail was a culprit in assisting this trade to grow during the early 1870s. With the arrival of the law in the form of the North-West Mounted Police in 1874, the Whoop-Up Trail became a legitimate facilitator of trade between Montana Territory and the British Possessions. Without the supply lifeline provided by the trail and the merchants of Fort Benton, the early white settlements of southern Alberta would have been hard-pressed for their subsistence needs.

In consideration of the above, the Whoop-Up trail may be viewed as a resource of not only local, regional and national significance, but of international stature. It bridged two nations and helped foster the development of a shared economy in "Whoop-Up Country" of northern Montana and southern Alberta. American and Canadian markets merged in the common ground serviced by the Whoop-Up Trail. Fort Benton merchants were able to supply the settlements with goods from both the eastern U.S. and eastern Canada. This new consumer frontier helped not only the growth of mercantile capitalism in the west but also industrial capitalism in the east.

The decline of the Whoop-Up trail marked an end of an era. New forms of transportation, particularly the railroad, and new styles of business and finance helped mark the close of the trail's short yet potent history. Although use of the trail as a transportation route between Montana and southern Alberta declined, use of specific segments continued. This is particularly evident in river valley sections, which have been incorporated into modern day tracks. The continued use of the trail only serves to emphasize its significance as a transportation route which was through repeated use, keenly adapted to its immediate landscape.

In summary, the Whoop-Up Trail contributed to the development of commerce during first the whiskey trade 1869-74, in its role as transportation corridor linking remote frontier posts with the merchant houses of Fort Benton. A second period beginning in 1874 with the arrival of the North-West Mounted Police in Canada saw the trail used as a legitimate freight road, along which grew various smaller commercial ventures such as stopping places (Froggie's, Captain Nelce's, Fort Conrad), trading posts (Fort Conrad, Abbott's Saloon) and post offices (Lucille [Froggie's], Fort Conrad, Valleux [Captain Nelce's]). In addition, these small nuclei of settlement attracted the ranching and farming industries. The trail's link to the areas of transportation and communication has an even longer history, in that parts of the trail are still in use today. Between 1871 and 1890, the trail formed the most important transportation and freighting route in northern Montana. It served as an integrative mechanism between the isolated points of the frontier and the entrepot of Fort Benton. Finally, after 1890, the trail has continued to serve as a local access route to river valleys.

The few extant segments of the trail are significant in their evocative quality of times past. Fortunately some land owners are proud to possess a piece of the trail and have accepted responsibility for its maintenance and preservation. Nomination to the National Register will reinforce their efforts to preserve one of the most important transportation corridors in northcentral Montana.

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### F.1.3 Registration Requirements of Trail Segments

Segments of the Whoop-up Trail are eligible for listing in the National Register when preserved sets of ruts representing the passage of 19th-century wagons and draft animals exist in a preserved setting. Also eligible are those trail segments which have continued in use for modern vehicular traffic, as they represent similar patterns of movement and travel shared by different eras. These segments of the Whoop-up Trail that have been in continuous use must also be located in preserved settings in order to meet the registration requirements. These continuously used trail segments are most evident in river valleys and on the exit/access points on the river valley coulees. Ineligible are those trail segments now incorporated into formally prepared, elevated roadbeds, where all sense of historic association is lost. Also, much of the length of the Whoop-Up Trail now exists within plowed fields. All evidence of the wagon ruts have been destroyed and the historic landscape has been dramatically altered. Portions of the trail obliterated by modern agriculture, of course, do not qualify for Register listing.

The integrity of the historic landscape must be considered in relation to the retention of historic setting, feeling and association. For example, a trail segment in a small patch of natural prairie grass situated in a flat sea of cultivated fields will likely retain more distinct physical ruts than a similar segment located at a river crossing that has provided access into the modern era for motorized vehicles (and hence has obliterated the wagon ruts by modern use), yet the qualities of setting, feeling and association may be higher in the latter river setting than on the flat featureless plain. Therefore, where the trail is preserved in landscapes that are relatively undisturbed by modern cultivation, fencing, roadways and other impacts, and which are good examples of topography with which 19th century freighters had to negotiate to find paths of least resistance, the values for nomination are highest. These are exactly the kind of landscapes that contribute to the aesthetic qualities of feeling and association, since the physical setting is little changed from the historic period of use and would lend itself to appreciation of the challenges faced by 19th-century travellers.

In settings such as flat, featureless plains, the delineation of boundaries for the nomination should account for both the linear 'foresight' perspective (i.e., the extent of the linear ruts from point A to point B) and the contextual perspective of the surrounding landscape. For the first qualification, it would be ideal if a segment was at least as long as the viewer's scope of the horizon on a flat plain, or was extant for most of the area of a particular natural feature which it crossed (e.g., up most of the side of a hill or coulee). For the contextual perspective, (i.e., the width of the nominated segment), it is preferable to include any distinctive topographic features which provided definition to that trail segment (e.g., the ridge beside which the trail runs, the coulee or creek it followed). Thus if the trail was constricted by topography, then the most salient landscape features immediately adjacent to the trail segment should be included in the nominated segment since these features were a natural component of that trail's course and setting.

Boundaries for trail segments may also include associated property types such as trading posts, stopping houses, springs, etc. (to be described below) should the criteria for assessing their significance and integrity be satisfied.

### **F.2 Trading Posts and Stopping Houses**

#### F.2.1 Physical Description of Trading Posts and Stopping Houses

Trading posts were composed of a diverse range of structures, from full-sized forts to small log shanties lacking formal defensive construction. Although these sites might differ in site size and complexity, they shared similar construction material (cottonwood logs) and locational preferences (generally on lower terraces adjacent to rivers and creeks.) The use of soft cottonwood usually meant that most were uninhabitable after 15 to 20 years unless maintained.

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Trading forts along the Whoop-Up Trail were structures similar to the plan of American fur forts. Generally they would be rectangular or square in plan, with buildings placed on the outside walls, leaving a hollow core in the middle. Usually the outer walls of these buildings were incorporated into the stockade which would form at least three sides of the fort. The fourth would be enclosed by a strong gate. Some forts included bastions on two opposing corners. In addition to a trading room, a fort would include storerooms (some with excavated cellars), dwelling rooms, kitchen, stables, blacksmith and carpentry rooms. Usually the only structures external to the forts would be corrals and hay sheds.

Palisaded posts were small-scale versions of trading forts. They would lack bastions and would be simpler in plan. Possibly only one subdivided building with a stockaded yard would be used as a trading post.

Many of the impressive-sounding "whiskey forts" were nothing more than crude cottonwood shanties or cabins lacking any palisade. These were a particularly useful form of trading establishment for traders who lacked strong financial backing or who were trading illegally in areas patrolled more intensively by the law. It would appear likely that many of the posts operating in northwestern Montana were of this type.

No original whiskey post structure associated with the Whoop-Up Trail still stands today. Archaeologically, if undamaged by looting, erosion or modern development, these sites are visible by the low cobble mounds representing former fireplaces, the rounded depressions of cellars, and the linear depressions of palisade trenches. Artifacts such as window and bottle glass, tin can fragments, square nails, cartridge cases and trade goods (beads, buttons, copper wire, knives, etc.) may be visible in exposures.

The era of the fur trade when dominated by huge monopolies like the American Fur Company had seen a number of forts and outposts built along the rivers of Montana before the second half of the 19th century. By the time of the free traders in the last half of that century, an even larger number of posts appeared to service the Indian trade. These were located largely along the rivers of Montana, and those which dealt illegally in whiskey tended to be located next to Indian Reservations but on the opposite side of the river which formed the reservation boundary (in the mistaken belief that they were adhering to the Intercourse Act). At least 60 posts associated with the whiskey/Indian trade have been identified in the documentary record by Kennedy for the northern half of Montana.

Three stopping houses are known in the historical and local oral record: Captain Nelce's on the Teton, "Froggie's" on Pondera Coulee, and Fort Conrad on the Marias. In all three examples, the sites were characterized by functions beyond that of simply stopping houses. Fort Conrad also operated as the focus of ranching and settlement. Froggie's was a small hamlet with various activities represented. Captain Nelce's was an operating ranch. Therefore, at each site a more complex pattern of structures and activities might be discernible than at whiskey fort sites. For example, spatially these stopping house/ranch/settlement sites would be more extensive than forts where most of the white traders' activity was concentrated within one structure. At these multipurpose stopping house sites, a possible range of structures would include residence(s), outbuildings such as outhouses, sheds, barns, corrals and structures such as windmills, cisterns, water holes, garbage mounds. Likely all were constructed of wood.

On the Whoop-Up Trail, the most prominent trading post was Fort Conrad, built in 1875 by Sol Abbott and Henry Powell. It appears to have been a palisaded fort, with two rows of connecting log buildings with stables and a corral, enclosing three sides of a square. The fourth was stockaded, likely with a gate. (No plans of the fort exist.) By 1884 the site had become a focus for ranching and settlement, in addition to its trading function. Various other structures were present at

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the site, including frame buildings, a large store building, a large barn and house, and likely corrals and fences. Fort Conrad became widely patronized by freighters on the Whoop-Up Trail and soldiers on summer patrol duty.<sup>93</sup>

Although the location of Fort Conrad is well documented, the precise position of the fort's buildings is difficult to discern today. The river bottom on which the fort was located has been the scene of a large-scale construction project of the Great Northern Railroad (line and bridge) and has as well suffered extensively from severe flood erosion. The landowner feels that nothing of the original site remains because it has been extensively "potted" by people using metal detectors. The nature and extent of subsurface deposits need to be assessed by archaeological testing.

Trading posts could also serve as stopping houses for travellers on the trails. However, there were a small number of establishments set up along side the trails specifically to serve that function. Stopping houses provided lodging for travellers, shelter and food for their draft animals and services such as blacksmithing and wagon repairs. Stopping houses would have been situated strategically along trails, and the distribution of them along a trail would reflect average distances travelled by horse-drawn vehicles in a day. Likely they would be located in areas providing good quantities of hay and water.

The foundation of "Froggie's" stopping house is on the Stordahl family ranch on the north side of Pondera Coulee. Only a few stones from the structure's foundation are still evident. The stopping place became the heart of a small community called Lucille, which had a post office (1883-1901), a school, a house, a barn and a windmill.<sup>94</sup>

Captain Nelce's was located at the back of the river bottom against the coulee walls on the north side of the Teton in Section 23, T25N, R5E. The foundations were filled in some years ago. Only a small dug-out area in the coulee wall, possibly belonging to a former barn or shed, still survives.<sup>95</sup>

No structures stand today at any of these three sites. Physical evidence today of stopping houses consist of mounds and depressions marking foundations, artifacts and debris resulting from possible blacksmithing activity, and artifacts representing residential activity (subsistence items).

### F.2.2 Significance of Trading Posts and Stopping Houses

In order to be eligible in the area of transportation under Criterion A, trading posts and stopping houses must have been associated with the transportation of goods and people in the frontier West and have provided structure to the networks of transportation and communication that developed there. To be eligible in the area of commerce, these property subtypes need to have been related to the growth of commerce in the territory, particularly as it hinged upon the exploitation of developing transportation networks.

Trading posts were highly significant features in that they were the conduits by which the material goods of the east were diffused onto the landscape of the frontier West. They were a meeting place for two different cultures (native and Euro-American). Posts were the nodes which defined trail systems. Because they represent the last era of mercantile capitalism

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<sup>93</sup> Conrad Independent-Observer, May 3, 1984.

<sup>94</sup> Cheney 1990, p. 173; personal communication, Mrs. M. Stordahl.

<sup>95</sup> Personal communication, Mr. Bill Reichelt, July 1991.

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in the West and also the last concerted dealings by whites with the native people while the latter still practiced traditional ways, they are highly significant, at a state and possibly a national level of significance.

Stopping houses gain significance because of their association with a specific period and form of transportation history. Once motorized vehicles came into use, the era of stopping houses began to dwindle. Stopping houses fulfilled a unique role in the history of early (non-native) trails by providing services available nowhere else along the trail's route.

The archaeological significance of trading posts and stopping places rests with the potential information these properties may provide about the material culture of the trade enterprise (including the whiskey trade) and the kinds of activities engaged in by the traders. Surface indications at Froggie's and Captain Nelce's delineate site extent, site configuration (i.e., number, location and function of individual structures and associated features, such as garbage dumps) and quality and quantity of associated material culture.

Activity areas at trading post sites can be easily divisible into "inside" (i.e. relating to the discrete fort site itself) and "outside" (relating to areas outside the fort walls where things like woodcutting, garbage dumping and a number of as yet unrecognized activities might have occurred). Stopping houses, since they were also part of active ranch settlements, will have widely dispersed activity areas, of diverse nature. However, similar kinds of activity may be evident at both: residential/subsistence (e.g., shown by kitchen-related artifacts such as tin cans, glass containers, ceramics, cutlery, etc., faunal materials, personal items of clothing and adornment, furniture-related items), animal care (harness and horseshoes), blacksmithing (all related artifacts), agriculture (implements). Trading posts also contain categories of artifacts relating to the Indian trade (eg. glass and brass beads, musket balls, cartridge cases, knives, buttons, brass wire, etc.).

### F.2.3 Registration Requirements of Trading Posts and Stopping Houses

There are three main qualifications that should be met by examples of trading posts/stopping house sites along the Whoop-Up Trail. These are 1) representativeness of site type, 2) site integrity and, to qualify for the National Register listing under Criterion D, 3) the potential ability to answer research questions. All three qualifications can be evaluated by a surface examination of the site, and in some cases may be augmented by subsurface remote sensing and/or archaeological testing. The need for subsurface investigation will vary according to the nature of the site in question, and should be employed where surficial evidence of trading post/stopping house is minimal or ambiguous. For example, Fort Conrad has been inundated by seasonal flooding and has evidence of extensive "pot hunting." Subsurface investigation at Fort Conrad must be extensive enough, both horizontally and vertically, to indicate subsurface structural or archaeological assemblage preservation in order to evaluate the site's eligibility under Criterion D. In instances where the surface features of an archaeological trading post/stopping house site remain sufficiently intact and evident to make it possible to discern the basic configuration and integrity of major site features, subsurface investigation is likely not necessary in order to assess the site's potential to yield significant information from the material culture and the functional attributes of the site components.

Also of consideration for the eligibility of trading posts and stopping houses are their association with and proximity to preserved trail segments, thus emphasizing the integration of individual "nodes" with the dynamic "network" (trail) with which they interacted.

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### F.3. Campsites

#### F.3.1 Physical Description of Campsites

Informal outdoor campsites at prominent topographic areas such as springs, river crossings, or developed wells were commonplace on trails in the 19th century. For example, a trip from Fort Benton to Fort Whoop-Up could take up to 20 days. Oxen only travelled around ten miles a day, therefore there would have been a number of camping places needed. There were one or two stopping houses closer to Fort Benton on the trail but none further out. Lay-overs at campsites allowed travellers and teams to rest and carry out maintenance activities. Hence, physical evidence of such sites would include hearths, food refuse, artifact scatters, possible vegetational changes and the trail ruts themselves. Structural features are not presumed to have been part of these sites. Therefore archaeological remains will likely occur as concentrations of sheet refuse--low densities of a fairly limited range of artifacts. These would most probably appear as palimpsests, resulting from repeated reoccupation of a general site area by the freighters on each trip through Rocky Springs.

The physical landscape may be significant for the location of campsites. Shelter, water, and firewood would likely be critical factors. Hence, setting is a necessary variable in consideration of these resources.

#### F.3.2 Significance of Campsites

In order to be eligible in the area of transportation under Criterion A, campsites must have been associated with the transportation of goods and people in the frontier West and have provided structure to the networks of transportation and communication that developed there.

Campsites may be of local and/or state significance, in their association with a significant transportation system. Such lay-over places, often located at wells or springs, are characteristic of a specific period in transportation history and may as archaeological sites give a unique perspective on life on the trail.

Open air campsites are characteristic of historical settings prior to the development of faster forms of transportation (that could allow travel between points of settlement within the space of one day, based on the speed of draft animals) and, in the same vein, the appearance of settlements and towns along the trail so open-air camping was unnecessary. Obviously, these two points would in themselves negate the use of a trail like the Whoop-Up Trail, therefore camping sites can be closely associated with draft animal transportation.

Camping sites provide another facet of the integrated system of trail and associated nodes. As archaeological sites, camping spots can potentially give a unique perspective on life on the trail. Although these sites must have been ubiquitous, their archaeological visibility today is extremely low. Therefore, their rareness enhances their significance.

#### F.3.3. Registration Requirements of Campsites

Campsites are identified as archaeological sites, likely consisting of scattered artifactual remains and hearths, and vegetational changes. Character and quality of campsites may be evaluated through both the documentary and archaeological records. In not all cases will historical records exist, however, for these informal types of sites. Hence, the weight for integrity will be placed on the site characteristics themselves and the quality of site context. Those campsites that are best preserved and for which extant portions of contemporary trails are associated, will be eligible for nomination.

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Due to the minimal surface indications at campsites along the Whoop-Up Trail, subsurface investigation using metal detectors, limited test excavation or other means to detect subsurface materials will be necessary to establish the parameters of the area of use and the potential information value of the subsurface deposits under criterion D.

### F.4 Fords and Ferry Crossings

#### F.4.1 Physical Description of Fords and Ferry Crossings

Fords and ferry crossings are typical forms of 19th century river crossings prior to the construction of bridges. Fords were simply points on a river affording ease of crossing with the lowest running water. These spots were invaluable to any traveller--from heavily loaded wagon trains to the individual horse and rider. Early surveyors almost always noted fords on their plats.

Physical evidence of fords include multiple ruts entering and exiting the river valley. Other resources such as campsites and stopping houses may have been associated with fords.

Ferry crossings were more formal arrangements than fords for crossing rivers. They might have consisted of simply flat bottomed scows attached to a rope run across the river which the pilot pulled by hand. Or, the ferries may have been cable or "swing" ferries, which involved high cable towers on either side of the river. The cable between the towers was fitted with traveller pulleys attached to two steering pulleys anchored to the deck of the scow.<sup>96</sup> The only known ferry crossing on the Montana section of the Whoop-Up Trail was Abbott's Crossing at Fort Conrad.

Physical evidence today associated with ferries might include trail ruts, trees deeply scarred from cables being attached to them, cables, artifact scatters (from camping activities might be left tin cans, cartridge cases, faunal material, possibly ox and horse shoes) and possibly the archaeological evidence of establishments such as trading posts or stopping houses.

#### F.4.2 Significance of Fords and Ferry Crossings

Fords and ferry crossings to be eligible must be associated with the development of the Whoop-Up Trail transportation network in the frontier West. Fords and ferry crossings may be of local or state significance, depending upon their relationship to a significant transportation system. These site types facilitated movement along the early trails, and were locales that likely attracted settlement and commerce.

Fords were likely a primary factor in determining the route of the Whoop-Up Trail at its intersection with rivers (particularly since most rivers in northern Montana crossed by the trail flow more or less east/west). A traveller's preference for a particular ford on the Whoop-Up Trail (related perhaps to the season and height of river level) seems to have been responsible for multiple branching of the trail. For example, one could either cross the Teton approximately nine miles northwest of Fort Benton then travel eight miles to Captain Nelce's before turning north onto the prairies, or one could stay south of the Teton and cross at Captain Nelce's. At the Marias, the trail branched south of the river, with (at least) two possible fords, one of which involved a ferry. The location of the ford may have also been determined by the quality of the trail entering the river bottom. If, for example, it was extremely churned up through overuse, the freighter may have chosen an alternate coulee leading to an entirely different crossing point.

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<sup>96</sup> Haestie 1986, p. 19.

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Abbott's Ferry crossing, if its exact location is ever determined, would be of a state level of significance. Ferry crossings of this era are rare.

### F.4.3 Registration Requirements of Fords and Ferry Crossings

Fords and ferry crossings were fixed points upon trail systems. Thus, the physical surroundings were a major factor in the selection for the river crossing. Because of this, location, feeling, and association will be important values in site assessment. The location should be relatively free of modern disturbances, so that one can experience the historic landscape context without too much imaginative effort. A feeling of time and place should be evident.

The character and quality of fords and ferry crossings may be verified by two means. One is by historical documentation, which will assist in locating, naming and providing additional historical detail on the crossing. The second method is by the physical remains themselves, which might include ruts, cables, cable foundations, camp debris such as tin cans, faunal material. These artifacts must display integrity of preservation and provide information on the context of site use.

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### WHOO-UP TRAIL OF NORTHCENTRAL MONTANA

#### G. GEOGRAPHICAL DATA

The Whoop-Up Trail, ca. 1870 to ca. 1890, was located within [REDACTED]

On the Montana portion of its route, the trail passed through these present-day counties [REDACTED]. Leaving [REDACTED] the trail angled [REDACTED] over flat benchland towards the [REDACTED] where it crossed at a point north of the present town of Carter. Leaving the Teton, the trail angled northwest across flat prairie, passing east of the [REDACTED] in the northwestern corner of [REDACTED]. It crossed the winding and broken coulees of [REDACTED] then headed northwest to the deep valley of the Marias just east of the present railroad siding known as Naismith. From there it climbed out of the [REDACTED] and again angled northwest, passing just to the east and north of [REDACTED]. Leaving the flat upon which [REDACTED] is now located, it descended onto [REDACTED] in wet weather, held to the bench on the east. The trail angled north from here, passing through an area west of [REDACTED] known [REDACTED]. Leaving this area of rimrock, valleys and natural springs, it again gained fairly level prairie and headed north to today's [REDACTED].

Northcentral Montana, through which the Whoop-Up Trail crosses, is considered part of the Northwestern Plains physiographic region. Short grass prairie, typified by grama and buffalo grasses, is the characteristic natural vegetation regime there. It provided a rich natural fodder for buffalo and later for oxen of the bull trains. In the river valleys can be found ribbons of cottonwood and willow, which provided shelter for buffalo and native people alike, and a ready supply of building material (cottonwood) for whites.

The area of northcentral Montana has been formed from a vast apron of sediments that eroded down from the Rocky Mountains during their uplift some ten million years ago. Streams arising in the heights of the mountains to the west gradually slowed as they reached the more gentle grades to the east, and had to shift from side to side as they worked their way through the enormous quantities of gravels, sands, clays and silts that mantled the land. Eventually the area became extensively eroded (and the northern section including the International Border and areas north being significantly altered by glaciation), leaving an area marked by terraced plains, wide river valleys and isolated mountainous islands including the Bear's Paw Mountains and Sweetgrass Hills.

Major rivers intersected by the Whoop-Up Trail in [REDACTED]

[REDACTED] They presented a challenge to ford due to their width and depth, but small water obstructions such [REDACTED] and the numerous seasonal boggy sloughs found especially in the alkali area northwest of [REDACTED] were also a problem.

In the [REDACTED] where the Whoop-Up Trail crossed to the northwest is a deep, wide river valley that contains little water. Some geologists believe this to have been the original course of the [REDACTED] until its river valley was flooded by Glacial Lake Great Falls some 15,000 years ago. Continuing north, the Whoop-Up Trail crossed over a geological feature known as the [REDACTED] which is characterized by many oil and gas fields.

In terms of climate, the area is characterized by low precipitation, (ca. 10" per year), pronounced daily and seasonal temperature ranges, low relative humidity, high rates of evaporation, frequent droughts, abundant sunshine and a distinctive

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high velocity wind known as the Chinook. Winters can provide especially fierce storms in this area, with extremely low temperatures and driving winds. This was a consideration for use of the Whoop-Up Trail, particularly during the whiskey trade era of the early 1870s, which was conducted in the fall to spring seasons. Various contemporary accounts survive written by traders and freighters who were caught out on the open prairie on the Whoop-Up Trail during vicious winter storms, for example, Diamond R. Brown's account of being caught in a tremendous snowstorm in 1871 at Rocky Springs:

the cold was almost unendurable, whiskey froze,  
coal oil became thick slush, our horses chewed  
the wagon boxes and consumed a dozen brooms.  
Many of the animals froze to death.<sup>97</sup>

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<sup>97</sup> Diamond R. Brown quoted in Conrad Independent-Observer, May 10, 1984.

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### WHOO-UP TRAIL OF NORTHCENTRAL MONTANA

#### H. SUMMARY OF IDENTIFICATION AND EVALUATION METHODS

##### H.1 Administration

Sponsored by the State Historic Preservation Office of the Montana Historical Society, this study of the Whoop-Up Trail was initiated by means of a contract between the Montana Historical Society and Margaret Kennedy and Brian Reeves. Kennedy was responsible for the documentation and nomination of the Whoop-Up Trail. All research, field assessment and report preparation for this trail was completed by her.

##### H.2 Objectives

The objectives of the Whoop-Up Trail Multiple Property study as set by the Montana State Historic Preservation Office were as follows:

1. To determine the level of field examination needed to evaluate integrity and National Register eligibility of trail segments and associated features.
2. To define appropriate boundaries for trail segments through a variety of terrain.
3. To come to terms with associated archaeological sites when there is not enough money available for thorough on-the-ground survey and subsurface testing. To determine the archaeological site qualities that support registration.
4. To experiment with utility of helicopter reconnaissance.

In order to meet these objectives the project was divided into five research components:

1. Archival Search - historic cartographic and documentary records
2. Aerial Photograph Analysis - to locate extant sections of trail and assess status of modern land use
3. Overflight of route - to assess trail's integrity and locate extant segments worthy of on-site visitation
4. Oral informant interviews with individuals knowledgeable of local history, especially the Whoop-Up Trail history
5. Ground verification and recording.

##### H.3 Data Collection and Methodology

The Whoop-Up Trail is a fairly well-recognized entity in the regional history of northcentral Montana. Although its use faded after 1890, the memory of the trail has been kept alive by historical treatments such as Paul Sharp's Whoop-Up

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Country (1978) and Berry's The Whoop-Up Trail (1953), within local histories and by local oral tradition. The relocation and trail demarcation program conducted by the Boy Scouts in 1963 helped to revive recognition of this once prominent trail. During this project, troops of Boy Scouts followed along a route selected from U.S. Army and other maps and marked out visible portions with large circles in the middle of which they placed the letter "W", all in rocks.

In 1971, Mr. Carly Stewart of Lethbridge, Alberta, retraced the trail on county soil conservation base maps, prior to his filming of the trail for a 16mm movie for the Chinook Country Historical Society, Alberta.

Roads such as the Whoop-Up Trail, however, defy straight-forward categorization. By nature, these trails were flexible affairs prior to the era of prepared road beds and motorized vehicles. The freight and carriage traffic which travelled along them were not bound to one set track. Any number of factors could induce the travellers to choose an alternate route, either slightly to the side, or off in an entirely new direction. Boggy ground, lack of water, deep ravines or steep hills, poor condition of draft animals, wind - all could affect the final route chosen by the teamster or stagecoach driver. This is best witnessed by the access to river valleys such as the Marias or Teton, where it appears that alternate coulees may have been used other than the main one identified on survey plans. To recognize these alternate routes, which were adjacent to the main trail, nomination boundaries in both cases were expanded to include them.

Branches of the Whoop-Up Trail mentioned briefly in historic documentation such as the one that apparently skirted west of present-day Shelby north of the Marias were impossible to locate. They were not shown on surveyed plans, nor identified by local informants. Therefore, even though it is highly possible that minor branches existed for the Whoop-Up Trail, they are invisible in the historical and oral records. The trail identified on the General Land Office survey plans was that chosen for scrutiny and nomination.

A combination of resources proved to be most effective in identifying properties. For the trail, the 19th century General Land Office surveys plus the map of the Whoop-Up Trail based on the 1963 Boy Scout survey were most helpful in identifying trail segments to the proper quarter section. Surprisingly, only a handful of historical maps depicted the Whoop-Up Trail, and often this was on too small a scale (or free-hand sketched) to be tremendously useful. They are:

- Harry Stanford's sketch map of the Whoop-Up Trail, 1929 (*Mansfield Library, University of Montana, Missoula*)
- Map of Part of the North West Territories, Dept. of the Interior, Canada 1877 (*Glenbow-Alberta Institute, Calgary*)
- Geological Map of the Bow and Belly Rivers. George Mercer Dawson, Geological Survey of Canada 1884 (*Glenbow-Alberta Institute, Calgary*)
- Dominion Land Surveys to 30 June 1891 James F. Macleod (*M776 Maps File 13 Glenbow-Alberta Institute, Calgary*)
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Specific sites such as the stopping houses and Rocky Springs camping spot were generally discussed in some early newspaper accounts, but never given a specific location. A few maps gave approximate locations for Fort Conrad and Captain Nelce's, but it was local informants and landowners who pointed out specific locations and gave details on site histories.

Reminiscences were particularly useful for information on the trail and stopping places along it. These were:

McDougall, John, On Western Trails in the Early Seventies, Toronto: William Briggs.

Sutherland, Rev. Alexander, Notes of a Tour through the North-West Territory, Toronto: Methodist Book and Publishing House, 1881.

Harry Stanford's reminiscences as quoted in "Montana Backgrounds 315," Office of the County Superintendent of Schools, 1956. (Montana Historical Society, Whoop-Up Trail file).

Harry Stanford's reminiscences as reprinted in the Conrad Independent-Observer, May 3 and May 10, 1984. (Originally printed in the Great Falls Tribune, May 1, 1932) (Whoop-Up Trail file, Montana Historical Society).

James W. "Diamond R." Brown's reminiscences as printed in the Fergus County Argus, July 26, 1926 (Montana Historical Society, Whoop-Up Trail file).

### Oral Informants

Landowners in areas where the preservation status of the trail was uncertain were contacted by phone. (Owners of known extant sections were visited in person.) Other individuals knowledgeable of local history and the Whoop-Up Trail were also consulted. These included:

Joel Overholser, Fort Benton  
Jack Lepley, Fort Benton  
Wilbur Werner, Cut Bank  
Dorothy Floerschinger, Conrad  
Carly Stewart, Lethbridge  
Jack Hayne, Dupuyer

### H.3.1 Correlating the Data

Certain portions of the trail proved difficult to correlate between the historical cartographic record (township plans especially) and the documentary and oral records (first-hand historical accounts of trail route). Troublesome sections included the actual route out of Fort Benton (there were apparently two - one that angled up to the Teton, one that stayed south until the traditional crossing of the Teton); the routes in and out of the Marias River valley (not shown on township plans, as there were obviously multiple routes used); and the dry weather vs. the wet weather routes in the Shelby area. Two first-hand historical accounts describe the two branches, but only one (the dry weather route) was formally surveyed. The Rocky Springs area also seemed to induce the use of multiple branches, due to its more rugged topography as opposed to the rest of the trail.

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Landowners were very helpful during visitation to extant trail segments. Most were from families that had resided for considerable time in the area, and were knowledgeable about the trail and associated sites for the immediate vicinity. Visitation to trail segments involved driving and walking along segments, photographing in 35mm (black and white and color slide), and preparing sketch maps of associated property types. Artifacts related to use of the trail were also sought in surface reconnaissances.

Overall, very little of the Whoop-Up Trail has survived in Montana. Cultivation has been the biggest threat to the trail's preservation. Re-use and modification of the original trail by local ranchers in motorized vehicles has also obliterated the wagon ruts. This caused special concern for considerations of site integrity as will be discussed below.

### H.4 Historic Contexts

The relevant historic contexts applied in the nomination are derived from the Whoop-Up Trail's significance as a historic transportation corridor. In selecting relevant historic contexts, the Guidelines for Applying the National Register Criteria for Evaluation was followed.

The properties relate to two historic contexts that conform with the two major themes that best subsume the Whoop-Up Trail: 1) Development of a Transportation Network within the Northcentral Montana Landscape, post-Civil War era and 2) Development of Commerce in Post-Civil War Northcentral Montana. The property types are those physical resources with circumscribed, definable limits, i.e., finite trail segments, discrete activity areas such as river crossings and campsites, and independent properties such as stopping houses that were spaced at fairly regular intervals along the linear length of the trail. The property types have been selected based upon their function and association characteristics.

The key factor in assessing integrity of the resource was location. Wagon trails were extremely sensitive to the vagaries of the landscape and responded minutely to geographic challenges such as ravines, hills, boggy or alkaline areas. Specific locations demanded specific reactions from the traveller, according to size and weight of wagon load being transported, condition of stock, severity of weather, etc. Trails utilized by non-motorized vehicles, in their close dependence upon the natural landscape, are imbued with strong qualities of setting, feeling and association. These qualities must still be present for the property types to be considered as possessing integrity. Thus, those properties selected for nomination to the National Register are those for which the surrounding environment can still maintain a strong sense of setting, feeling and association.

There were basically three levels of preservation for the Whoop-Up Trail:

- 1) none - obliterated through cultivation or modern construction (e.g., between Teton and Marias)
- 2) trail as palimpsest - trail has been re-used by motorized vehicles, ruts largely obliterated although track may be more or less original (e.g., south side of Marias up coulees)
- 3) complete - ruts have not been overlain by modern usage and surrounding landscape is largely natural (e.g., Rocky Springs extant section)

The boundaries of the nomination segments have been principally designed to protect the significant sites and segments of the trail and to retain the significant visual qualities associated with these cultural resources. The qualities of setting, feeling and association are contributed by perspective of the landscape that is unimpeded by modern disturbances. Hence the boundary had to be set flexibly enough so as to incorporate these aesthetic qualities. This is best done if the

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boundaries are composed of natural topographic features that defined the route taken by the trail (e.g., include adjacent hills if trail follows a swale or low area; include slough if trail swung around to avoid it). Since modern development had dislocated the trail into finite, easily delimited segments, it was decided that a minimum as opposed to maximum length requirement needed to be set. The minimum requirement was that the trail had to extend to the horizon from the viewer's perspective (if on a fairly flat grade) or had to complete its traverse across or around a feature, if in more broken terrain.

The Whoop-Up Trail nomination includes historic archaeological sites that are significantly associated with the historic use of the trail. These are stopping places and campsites. Nomination boundaries for these cultural resources are set in accordance with the overall scheme devised for the trail. As with trail segments, the location of such sites was intricately tied to the character of the landscape. For example, camping places would be found in protected areas or near water bodies or springs. Stopping houses would also likely be located near water and were on prominent geographic breaks along the trail. Trading posts were almost always located on river bottoms, often at the confluence of streams or rivers. Therefore, inclusion of adjacent natural landscape was important to their nomination as well.

### H.5 Limitations on Identification and Evaluative Methods

One of the limitations encountered in this study was the minimal allowance of time and financing for on-the-ground verification and investigation. Distillation of information from both the documentary and oral sources allowed the identification of specific sites to be subjected to ground verification. The helicopter overflight proved extremely useful to this identification and elimination process. Kennedy then travelled to all eligible trail segments and associated properties. She visited these sites with the landowners, completed rudimentary sketch plans of the sites and recorded them on film. Surface examination was done of each associated property to identify exposed cultural remains. This, however, was the limit of assessment. Subsurface testing was beyond the parameters of this study. Therefore, even though sites such as Froggie's Stopping House or the Rocky Springs campsite appear to bear strong potential for quality archaeological information and eligibility under Criterion D, based on comparison with other sites investigated by Kennedy of a similar nature, their eligibility cannot be assessed without testing. Testing is identified in each case as a recommended future activity.

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