

Extract

Proceedings of a board of survey convened at Fort Simcoe W.T. by virtue of the following order:

Order No. Headquarters Fort Simcoe W.T. February 16, 1857

A board of survey will assemble at this post tomorrow at 11 o'clock A.M. or as soon thereafter as practicable to report upon certain subsistence stores which are damaged and for which 2nd Lieut J. Allen 9th Infy is responsible. Detail for the board: 1st Lieut I.W. Frazer, 9th Infy; 1st Lt John C. Howard; 2nd Lt. Wm. Myers, by order of Captain Woodruff. Signed Jesse K. Allen, 2nd Lieut 9th infy Post adjutant Fort ~~Simcoe~~ Simcoe W.T. July 17th 1857. The board met pursuant to the above order present all the members. The board then proceeded to examine certain subsistence stores and presented by 2nd Lt. J.K. Allen, A.A.C.S. and finds as follows:

3rd- 1457 pounds of hard bread unfit for ..mouldy The above hard bread was packaged in sacks and exposed to the weather during last summer's expedition.

The board recommends that the above hard bread be sold. The board attach no blame to Lieut J.K. Allen 9th Infy A.A.C.S. for which stores he was responsible. There being no further business before it, it adjourned "sine die."

Signed Wm Myers 2nd lieut infy. recorder. Signed J.W. Frazer, lieut 9th infy. president. Signed John C. Howard, 1st lieut 9th infy. Approved signed D. Woodruff, capt. 9th infy. commanding post.

I certify that the above is a true extract of the original
Signed: Jesse K. Allen, 2nd Lieut 9th infy. post adjutant. Fort Simcoe W.T. June 00 13, 1857. Sir: I have the honor to inform you that the hard bread was sold to Company C 9th Infy agreeable to the

proceedings of the board of survey dated February 17, 1857. A copy of which is prefixed. I have the honor to be sir, very respectfully your obedient servant, Jesse K. Allen, 2nd Lieut 9th Infy A.A.C.S.
To Major A.S. Garnett, 9th infy. Commanding Post.

Fort Simcoe, W.T.

May 28, 57

Major:

I present herewith charges against several men of my command for desertion and by that a general court martial for their trial may be ordered to meet here at the earliest practicable moment. The impunity with which this crime has been committed by the men of this regiment during its service in the territory or rather the difficulty hitherto encountered in getting together courts empowered to inflict an adequate punishment has seriously impaired in my judgment its discipline.

It cannot be expected that discipline ~~xxxx~~ can be maintained among troops when this legal means ^N of punishing crimes are withheld.

The following are the officers at his post... for this service: viz
Maj R.S. Garnett, 9th infy. comd of officers

Capt J.J. Archer 9th infy

Capt H.M. Black 9th infy.

1st Lieut IW or J.W. Frazer, 9th infantry

1st lt. G.W. Carr, 9th infy

1st lieut J.C. Howard, 9th infry .

2d Lieut W. Myers 9th infry.

2nd Lieut J.K. Allen 9th infry AA.C.S. and A qm

2 lieut . B.S. Alexander 9th infry post adj.

Asst. surgeon A. Hegar, med dept.

The officers of Capt. Woodruff's company are in daily expectations of going on service with the Northwestern Boundary commission.

I am sir, very respectfully, your obt servt. R.S. Garnett, maj 9th infy
comd. post. To W.W. Mackall, asst. adj. genl U.S. Army, Benecia, Cal.

Major:

I have the honor to acknowledge the receipt from Col. Wright 9th Infy. of a copy of a communication addressed to him by you under date of the 16th ult. conveying to him the instructions of the Dept. commander in relation to a letter addressed by me to yourself on the 31st May, as also the return through the same channel of that letter.

I am greatly pained and surprised to learn from your letter to Colonel Wright that the purpose of my letter of the 31st May has been so widely misunderstood by the Genl.

It was certainly very far from my wish to "arraign" the general's successors in command before him on account of their acts and I have been unable myself to ^{discover} ~~discuss~~ in the letter that its terms indicate such a purpose. Had such been my purpose I should have pursued the ordinary course followed in the service that of offering specific charges against them.

It was my wish in writing that letter to present clearly to the general what I conceived to be the utter want of grounds for the sweeping opinion given in relation to the building of this post and by expressing the magnitude of their error and by laying before him the actual facts of the case to prevent the general from embracing similar views.

In saying as early as March 16 that the number of extra duty men employed at this post in building ought to have finished their labor was but another way of saying that all subsequent employment of these men for this purpose was unnecessary, or a thing that might and ought to have been avoided by other arrangements.

If that statement were just and true the comdy officer of this post since the 16th of March has stands and still stands in the attitude of being the cause by his own inefficient or bad management of the

of the expenditures of every cent of money which the govt. has since that time paid out for this purpose and it may still have to pay out.

There cannot, in my judgment, be a more reasonable or fairer deduction drawn from that statement; and it ought not to be thought less reasonable that an officer under such circumstances should hasten even with some temper to relieve his official character from expressed or implied censures so unjust and so wide of the facts.

To my mind it will ever remain a matter of profound mystery how such an opinion as that in relation to the extra duty men could have been entertained, and I believe that this will also be the conviction of every ~~practicable~~ practical man who will take the pains ~~and~~ and patience carefully to examine the details of the case.

If I have understood the Genl's action correctly my letter of the May 11 57 has been returned because ~~it did not~~ it did not pass through the same channel as my letter of Sept. 10, 56. It certainly would have been forwarded through Col. Wright had I known that such was the wish of the Genl' or had I imagined that there was any necessary connection between the two letters. I have not a copy of my letter of Sept. 10 though - have a copy--and communicated direct. I think by you of Gen Wool's action in the case, but my recollection is that that letter was written in California with a certain paragraph of Regs and sent through the colonel. I presume for the reason that my action in that and similar cases had been taken under orders but recently issued by him. That action having been approved by Genl. Wool I did not see that any future reference to Col. Wright in such matters was necessary. As other direct correspondence between the post and Dept. Hd Qrs. has not been returned also, nor any exception taken to it, I am a little embarrassed to ~~there~~ know exactly what the Genl' desires, whether I should forward all correspondence through the Col. or only such as refer to him. I have ^{presumed} ~~presumed~~ the letter ~~of the~~ latter

to be his intention and shall act upon that presumption until convinced I am wrong

In the assurance which the Gen'l gives me that my estimates and requisitions will be duly examined and acted upon in the usual way I shall presume that so far he has approved my plans and action for completing the building here, though I would have preferred to receive the Gen's wishes in more distinct terms.

I am sir, very respectfully , your etc.

R.H. Garnett

Maj. 9th infy. commanding post

to W.W. Mackall, asst. Adj; Genl U.S.A.

San Francisco, Calif.

Fort Simcoe, W.T.

July 28, 1857

Major:

I deem it proper again to urge upon General Clarke the necessity of ordering ~~anxiously~~ general court martial at this post. The number of prisoners now under charge of the guard exceed that of the guard itself and though as many of them as I could obtain irons for are heavily ironed they have within a month made three bold and well executed attempts at escape each of which was near proving successful. They ... the full penalty of the law and that too, speedily. If these men escape punishment the discipline of the post in my opinion will ~~be~~ injured

I am sir, very respectfully, your obt servant

R.S. Garnett

maj. 9th infantry, comd post.

Major W.W. Mackall,

Asst U.S.A.

The company fund of Company I, ninth infantry in account with Captain Archer

1857

June-For garden seed and vegetables \$5.50

June & July-For 14 dozen white .. gloves--\$49.00

For amt. paid for flour 4.00

July and Aug- onions(??) 34 doz \$8.50 & 125 lbs \$18.25

For 1 year subscription Times & Herald \$5.00

Hardware \$44.87

for table and kitchen furniture. Earthenware \$17.31. Tin ware \$50.

total \$112.18

For pepper and mustard \$9

For 1 watering pot and 3 brooms \$7.00

For 10 bushels potatoes \$22.50

For 3 brooms \$3.00

----- \$243.43

1857-1st May By amount on hand \$87.88 1/2

Pounds of salt 250 lbs ~~00000~~ ^{bacon} at 20 1/4 and 14 lbs candles at 47

\$57.20 . Due the company for June and July \$10.92

31 August by amount due from commissary. pork 165 lbs, bacon 15 lbs
candles \$58.14. By ~~500~~ Amt of table .. sold to Co G \$19.75.. \$224.59

Balance due Capt. J.J. Archer \$18.53

\$243.43

I certify that the above account is correct. J.J. Archer, Capt. 9th
Infantry.

Fort Simcoe, W.T. August 1, 1857

Respectfully submitted

R.S. Garnett

Maj. 9th infy.

Commanding post

Archer, J.J. Capt. 9th Infy.

Remonstrates upon decision of Garrison court
martial

Rec. Dept. Pac August 9, 1857

Fort Simcoe, W.T.

1st August, 1857

To Major William W. Mackall, asst. adt. Gen'l. Dept. of the Pacific
Sir:

I have the honor to submit for the consideration and action of the commanding officer of the Department a copy of the "proceedings of a garrison court martial held at Fort Simcoe W.T. by virtue of postorders No. 50 dated 23 July, 1857

The post from which the sentinel was called in by the prisoner named in the same proceedings was not occupied after reveille, and reveille was the time when he was called in--the only form furnished by the regulations" for relieving sentinels is embraced in paragraphs form No. 377 to 384 inclusive and is very full and particular--explaining the minutest action of the corporal and of the sentinel relieving and of the sentinel relieved--but ~~since~~ seems applicable only to the case of one sentinel relieved by another sentinel succeeding him at his post.

It is not applicable to the case of a sentinel called in at reveille from a post that is no longer to be occupied, and when there are, consequently no orders to be turned over. Paragraph 379 commenced with the words "during the time of relieving the sentinels and calling in the small posts," by the words, "calling in the small posts, it is supposed are means to be included such temporary posts as the one under consideration; and while such minute directions are given for delivering sentinels at posts to be continuously occupied, and in

the absence, from the regulations, of any specific form or direction whatever, for calling in "small posts" or sentinels who are not to be succeeded by other sentinels, a corporal under the circumstances of the prisoner might well be supposed to have been inavertently ignorant of the existence of , or atleast of the paramount obligations of the long established custom alluded to by the commanding officer of the post-- and might well have thought that no more was necessary than the observance of paragraph No. 403 which directs that "sentinels will not take orders or suffer themselves to be relieved except by an officer or non-commissioned of their guard party , etc. etc."

The guilt or innocence of the prisoner was not supposed in this case to depend upon the knowledge of or sanction of the present commanding officer of the practice at the post; hence it is , that court took no pains to inform itself on that subject.

The court no doubt committed a great error of form in finding the prisoner guilty of the charge and attaching no e..... theretobut I beg to submit to the commanding officer of the department, whether such error of form or any such other errors, as may appear to have been committed by the court in this case, authorize the commanding officer of the post to insult, as he has, the members of the court and to attempt to punish them by attaching to each and all of them the stigma of unworthiness to set at any further trials.

I have the honor to be

Respectfully

Yr Obt. servt

J.J. Archer

Capt. 9th Infantry.

Fort Simcoe W.T.

August 18, 1857

Major:

I present herewith a copy of a communication received on the 8th inst. by the act asst. q master of this post from the Dept. qd mr. genl of the Dept. and a copy of a letter which I deemed it my duty to address to him in reply to it.

I do this for the reason that I am not assured that the matter to which they refer has been brought to the notice of the Department commander and there are interest of the service involved in the case in my judgment of sufficient importance to render it proper that it should be.

I understand by Gen'l Clarke's endorsement of my letter of June 3d. that it was his intention to act himself upon the requisition and estimates from this post and such a course would seem to be contemplated by the regulations though they do not say so in words.

If the requisition in question was duly submitted to the general and the action in conformity with his wishes or instructions I am content but it is a very proper custom in our service if not ...indispensable one, for the staff officer to state the authority of the action.

I am sir, very respectfully, your obt. servt. R.L. Garnett,

Major 8th Infy.

Maj. W.W. Mackall

Asst. Adt. Genl U.S.A.

San Francisco, Calif.

Fort Simcoe, W. Ter

Sept. 2d 1857

Sir:

I have the honor to apply for a leave of absence of sixty days with persupption to a ply for an extension of four months.

I am sir

Very Resp.our obt's servt.

Capt. 9th Infy.

To. Bvt. Maj. W.W. Mackall

Asst. Adjt. U.S.A.

Hd. Qrs. Dept of Pacific, San Francisco, California.

Fort Simcoe, W.T.

September 15, 57

Major:

I request that I have again to trouble the general commanding the department with an application for a general court martial at this post.

On the very day after the adjournment sine die of the court ordered here by Special Orders No. 111 of the 10th Sept. three of my men deserted. Two of them stole horses to make their escape and the remaining one stole the sum of \$116 from one of the citizen carpenters employed at the post. They were apprehended by a party under Lieut. Allen after a tedious search and pursuit of them five days .

I am anxious to have them properly and adequately punished.

I am sir, very respectfully

Your obt. servt.

~~R.S.~~ R.S. Garnett

major 9th infy. comdy. post

Major W.W. Maskall

Asst. adjut. genl.

Hdqtrs dept. of Pacific.

Fort Simcoe, W.T., Oct. 21st, 1857

Major:

In consideration of the uniformly good conduct of private Francis Jordan of Company G 9th Infy in confinement of which I have been a close observer since May last, I would respectfully recommend a remittance of the unexpired portion of that part of his sentence which ~~xxx~~ relates to "hard labor with ball and chain in charge of the guard and a forfeiture of \$5 pf his pay per month for six months as promulgated in Special Orders No. 34 Hqrs Dept of the Pacific San Francisco Cal. Sept. 14, 1857

Very respectfully, your obt. servt

H.M. Black, Capt 9th infry. comd'g Co. G

Major W.W. Mackall

Asst. Adjt. Genl USA, Hqrs Dept of the Pacific San Francisco, Calif