war Dept. Letters Recid.

Executive Office Washington Ty.

Olympia February 23, 1858

2 1/2 o'clock AMM.

Lieut. Col. Silas Casey
Commanding Fort Steilacoom
Sir:

I am just in receipt of a letter by express from the sheriff of Pierce County informing me that he called upon you last evening and requested you to furish him to day with sufficient guard to protect him in the discharge of his duty in the executing of the Indian Leschi who is now a prisoner confined at Fort Steilacoom and condemned to death.

He further informs me that your answer to him was that if you were formerly requested by some person having authority that you might, or you might not furnish such guard.

I have therefore respectfully to request that you furnish such guard to George Williams, the sheriff of Pierce County as shall be necessary to protect him in the execution of his duty in the hanging of Leschi.

I am sir, very respectfully, your obedient servant
(Signed) Fayette McMullin

Governor of Washington Territory.

2916 A 124 Washington/58 File with 46. Washington March 22/58
Hon Isaac tevens in relation to communication from Col. Casey with
regard to Indian Chief Leschi, submitted by Adjt. en. 2inst-which
this is to accompany L ii5 March 22,1858 Adjt. enl. Rec. July 19,1858

Washington, March 22nd 1858

Hon John B. Fløyd, Secretary of War Washington, D.C.

Sir.

I have examined the letter of Col. Casey of the 23rd

January in regard to the Indian Chief Leschi and beg leave, in allowance report [?]

of an official **transation** (very bad writing) which may be expected the next steamer from the next steamer from the governor of the territory in regard to the interference of certain parties with the orders of the court directing the execution of the said Leschi; to submit briefly the following points misapprehended by Col.

Casey.

1-Leschi is under sentence of court for an offense against the laws of the erritory, by and by the organic act, the pardoning power is vested in the governor.

2-Col. Wright in an official communication to the executive of the Territory in the fall of 1856 stated expressly that he had made no arrangement whatever with Leschi and other hostile bodies, guarantying to them immunity from punishment for their evil acts.

3-Leschi in his trial had the benefit of able counsel and was tried for murder, not for deeds committed in war.

4-The witness on whose testimony Leschi was convicted was unimpeached and unimpeachable and his evidence was strongly contradicted by J (or G) M. Tolmie to whom Lt. Col. Casey refers.

5-There was a most outrageous interference with justice in ... of the sheriff on a ... visit One of the officers of the garrison

is is alleged, acted as an...,,, marshal (?) in the arrest (or event) and the warrant was issued by the sutler at Ful (must be Fort)

Steilacoom in ins capacity as U.S. commissioner. (very poor writing)

6-The whole matter afternance demands investigation. The truth or falsity of the charge that several gentlemen of the garrison at

Fort Steilacoom combined (?) and engaged in the attempt of a bogus(?) visit to defeat the ... of justice and bring the... of the court into contempt should be established.

(no action be had in this matter

I am very respectfully
Your most (scribble)
Isaac I. Stevens

(The situature, really the only plan words in entire letter which required 25 minutes to attempt to make out. Then Stevens looks like "Hiuns."

Executive Office, Olympia Washington Ty.
April 23, 1858

Hon John B. Floyd, Secretary of War Sir:

Hearing that there is an effort being made by certain parties in this Territory to misrepresent in the city of Washington to the injury of the courts, the juries and myself the facts in connection with the trial and execution of the notorious murderer the "Indian Leschi" I feel myself impelled by a sense of public duty to send you a brief succint statement of the facts as they occurred.

lst Leschi was first tried at Steilacoom on the 17th day of November, 1856 before Judge F.A. Chenoweth of the District Court. Upon this trial the jury disagreed 9 being for conviction and 3 for acquittal.

2d-He was again tried at Coveland in the Second Judicial District before Chief Justice Edward Lander at the March term in 1857, found guilty as charged in the indictment and there sentenced to be hung at or near Steilacoom in the County of Pierce on the 10th of June, 1857.

3d The case was then taken to the Supreme court on a writ of error and tried at the December term of 1857 where the Judgment of the lower court was confirmed and it was ordered that he should be hung on the 22d of January, 1858 but which order was not carried into execution on account of obstruction of process by certain persons at the fort and town of Steilacoom for the particulars of which and the universal indignation of the people thereat, you are referred to the enclosed copy of the "Pioneer and Democrat" of January 29, 1858.

4th-Before the day of execution ærrived at the urgent solicitation of the counsel for the prisoner I did what probably no other "executive" ever has done by going to Steilacoom and hearing their (sic) argument in Leschi's favor without any counsel appearing for the Territory to the end that the pardoning power of the executive be exercised in behalf should sufficient cause appear

to warrant my so doing. But upon a careful investigation I found that I could not interfere without a gross violation of justice and the law to take its course.

5th. On the non execution of the law on the 22d of January the Legislature (then in se sion by a special act called a term of the Supreme Court which convened at this place on the 4th day of February, 1858 when Leschi was again sentenced and hung in pursuance thereof on the 19th of that month.

I attended the indignation meeting at this place not for the p rpose of participating in the proceedings of the meeting but for the purpose of satisfying the people of this county that the majority of the citizens of Pierce county were not justly anserable for this failure in the execution of the law in the case of Leschi. After the meeting had been organized Genl. Maxon (a member of the Council of the Territory) called upon me to address the meeting but upon my declining to do so he wiknessed his call . but after the meeting had been addressed by Mr. Secretary C.H. Mason Mr. Surveyor Genl. Tilton and apt. Jas M. Hunt on a renewal of the call of enl. Maxon to have me address the meeting being unanimously adopted I did do so. It is true that I participated somewhat in the excitement of the occasion and indulged in some very strong language of censure upon col. Casey and the officers of the garrison at Fort Steilacoom but qualified it with the provision that if what had been said by those preceeding me should be true had received a letter from the Sheriff of Pierce County warks narrating a conversaion which wh had occurred between him and Col. Casey and which I regarded as an official communication. You will see by the sheriff's letter that col. asey has thought proper to cast a grave imputation upon the courts, the Jury and the executive of this Territory (See Sheriff's letters in Pioneer and Democrat enclosed herewith) I regretted the cause of the excitement and still regret it.

J.M. Bachelder the suttler at Fort Steilacoom and a U.S. commissioner issued a warrant on thetestimony of an Indian for the arrest of Sheriff "illiams on the day of the execution of Leschi and the warrant was placed in the lands of a young man named Kautz (a brother of Lieut A. Kautz of the U.S. Army at Fort Steilacoom) who summoned Lieut. D. B. McKibben to assist him in making the arrest which he did and it was thus by the wireworking of one Frank Clark (an attorney for Leschi) and Jas. M. Bachelder and perhaps one or two others that the laws of the Territory and the ends of justice were defeated. Bachelder, Clark, McKibbon, "illiams and Kautz were brought before the supreme court last February to enswer each and all of them for contempt of court and obstruction of process. They all purged themselves of the charge on oath. "achelder has since then rema been removed by Judge Chenoweth from Gld his office of U.S. commissioner and I have no hesitation in saying that he ought also to be removed from his position as suttler. "t the last term of the District Court both Bachelder and McKibben were indicted by the rand Jury for perjury growing out of txisxmeth their oaths of purgation for contempt. I regret to say that there has been a bad state of feeling on the part of Col. Wright and Casey and some of the army officers in this territory toward Gov. Stevens, the citizens and the civil authorities generally ever since the late Indian war and it seems as if now they are determined to hunt me down if possible. I herewith endose two anono ous abusive sheets published in Steilacoom which report says were gotten up in part by the military officers there, from them you can draw your own conclusions as to their feelings toward the people of this territory and myself in particular. I am decidedly of the opinion that if you wish as doubtless you do to see the people of this 'erritory move along quietly with a union of feeling and concert of action between the military and the civil authorities that the best

and only plan will be to send Cols. Wright and Casey and Lieuts.

Kautz, wckibbon and Schaaf to serve in some other portion of the union/

I feel restrained from mix delicacy and other considerations from saying all that might be said on the subject indeed it is only from a stern sense of public duty that I can compel myself to call your attention to this unfortunate state of affairs.

With sentiments of high regard

Very respectfully

Layfette McWullin

Gov. Washington Territory.

War Dept. Letters Rec'd 54-58
Olympia W.T. May 4, 1858

Dear Sir:

Complying with therequest made in your note of the 30th ulto have carefully examined the communication addressed by you to Hon.

Jno B. Floyd secretary of War, in which a statement of the facts connected with the trial and execution of the Indian Chief Leschi is made, and will freely give you my opinion in regard to their correctness.

without entering into the minute details of the case, you have given its true general history fr m the time it came beforethe courts in a very concise manner. You mix might have added with perfect propriety that no criminal of any age, sex or color ever had a fairer trial than Leschi. The investigation was deliverate, impatrial and complete. His senior council is the oldest attorney in our Territory and ranks one of the ablest criminal pleaders on the facific Coast. His junior was as active and energetic as the sequel proved him to be unscrupulous and dishonest. The former permitted no laches (?) in the investigation and did all for his client that a correct upright attorney could have done. The latter took all advantage offered by loop-holes in the law, as that could have been practiced by the most artful pettifogger. But this is the inference naturally drawn from your statement of the case as it stand upon the record. It is mermany unnecessary for me to add one any thing further than my full endorsement of that statement.

Yours truly
Butler P. Mderson.

Fayette McMullin

Gov. of W. Ty. Olympia W. T.

Executive Office, Olympia, "ash. Terry.
May 5th, 1858

Hon John B. Floyd Secretary of War

Sir:

I started in my communication to you of April 22d that the Grand Jury had found an indictment against Jas. M. Bachelder and Lieut. D.B. McKibbon for perjury, which was a mistake. Bachelder add McKibbon were indicted by the grand jury for obstruction of lawful process, and Bachelder was also indicted for perjury, which crime he is charged with having committed in his sworn answer to the interrogatories propounded to him when charged with the contempt.

I also stated in regard to the first trial of Leschit hat the Jury had disagreed, 9 having been for conviction and 3 for acquittal. This information I received from a reliable but not an official source.

I have the honor also to transmit herewith to you a note from Mr. Butler P. Anderson, our "Prosecuting Attorney(and a brother of I. Patten Anderson our late delegate to Congress) to myself it being an expression of his opinion called for by me in regard to the ownership of my letter to you of April 22d.

Very Respectfully

I have the honor to be truly yours

Lafayette McMullin

Gov. Wash. Territory.

175.C Fort Simcod W.T. May 20, 1858 Elisha E. Camp 2nd Lieut 9th Infantry. Acknowledges and accepts commission.

Fort Simcoe, N.T.
May 10, 1958

Dir:

I have the honor to acknowledge thereceipt of my commission as 2d lieutenant 9th regiment of Infantry and accept the same.

Your obdt. servt.

Flisha T. Camp

2nd Lieut 9th infy.

Colonel Samuel Cooper
Adjutant General U.S.A.
Washington, D.C.

Simcoe, W.T. 1858 January 30,1858 G19. Garnett R.S. Major 9th Infy Comdy. Encloses letter addressed to the adjt. genl. for transmittal & post treasurer's statement for the 4 months ending Dec. 31,1857. Disapproved and respectfully forwarded. Headquarters of the Army March 27,1858, respectfully forwarded by commd. McDowell. Respecty. referred to the quartermaster general S. Cooper March 28 /58

Fort Simcoe W.T.

May 20th (Jany 20th ?)1858

Major:

I present herewith a communication addressed to the adjutant general of the Army for transmittal through your office. Also the post ... statement for the four months ending Dec. 31,1857.

It should have been forwarded by the last mail.

I am sir, very r spectfully.

Respt. yeur obt. servt.

R.S. Garnett

Major 9th Infy, comdy post

Maj. W.W. Mackall Asst. Adt. Genl

Wah, D.C.

Resp ctfully returned to the adt. General. Major Garnett is wrong in recard to cooking stoves. I enclose a copy of the communication on which the appropriation for stoves was made by Congress-a limited number of stoves was authorized for warming the quarters of officers (working) and soldiers but they were stoves for washing quarters, but for cooking the quarter masters department has no means of furnishing anything for cooking except fuel and camp kettles and no account for cooking stoves can... because there is no appropriation to pay for them.

(Name undecipherable looks like MA Jehip)

Jakx

May 26/58

Fort Simcoe, W.T. January 20, 1858

Colonel:

In the last Army ap proriation bill congress appropriated the imm sum of twenty thousand dollars for the purchase of stoves for the quarters of officers and soldiers of the Army. As this provisio was approved in general terms, I did not presume that congress intended to restrict its beneficance in the matter of the use of any particular lot of stovesbut to extend to the army all those comforts which are commonly derived from these conveniences in civil life at the present day.

Under the belief I caused to be forwarded in November last a requisition from the Deputy Quartermaster General serving in this Department for six cooking stoves for the use of the officers stationed at this post.

In a letter addressed by him to the A.A.Q.M. of this post under date of ecember 7, 57, he states that "as the quartermaster general pro-

hibits the purchase of cooking stoves for any purpose, the six called for by you for officers quarters cannot be sent."

I beg leave to say that if this decision of the quartermaster General is permitted to stand, the act of Congress will be restircted in a very essential degree in its object.

It is not perhaps for me to question the authority of the quartermaster General to make this decision but this communication is written for the purpose of requesting that the matter may be submitted to the Hon. Secretary of War and I may receive his authority for ordering the purchase of the stoves.

I consider them very conducive to the comfort and convenience of the officers of this post and what the act of congress fully contemplated they should have.

Your Obdt. Servt.

R.S. Garnett

Major 9th Infany. Comdy. Post.

Col. S. Cooper
Adt. Gen. U.S. Army,
Washington, D.C.

New York City, Oct. 16, 58

Colonel:

absence granted me by special Order No. 152 from the head quarters of the Department of the Pacific until thesailing of the California steamer of May 5, 59

It is proper to say that the order above granted only authorized me to apply for an extension of two months, but I have not hesitated to ask for a greater extension under the conviction that General Clarke would willingly have authorized it under the circumstances of my case had he been asked to do so, and for the additional reason that were I to start for my post I should be prevented by the snows on the Simcoe Mountains from making raching it earlier than the end of May.

f remain very respectfully your etc.

R.S. Garnett, Maj. 9th Infy.

ol. L. Thomas,

Asst. Adit. General.

294, 1858. R.S. Garnett, major 8th infy. applies for an extension of leae of abs. until May 5, 1859. Hdqs. the Army. Dec. 19, 1858. Approved by the general in chief and respectfully forward d to the adjutant general L. Thomas, asst. Adj. General. A-722. Ecember 15, 1858. That the leave of absence for 60 days absence recently granted to him by his department commander may be extended as to authorize him to leave New York for his station (Fort Simcoe W.T * by the steamer of the 5th of May next. His application is approved by the general in chief. Resc. E.D. Townsend, A.G. Office, Dec. 15, 58, Asst. Adt. Genl.

Head Quarters Department of Oregon
Fort Vancouver, W.T., October 28,1858

Dear Sir:

The general commanding instructs me to say that he most cordially approves of your proposition to visit the Coeur d'Alene Mission this winter for the conceives the happiest results from your presence among the Indian tribes of that vicinity.

He has directed that every facility be furnished you to enable you to perform in safety the inclement and trying journey you are about to undertake. A copy of his instructions is herewith enclosed.

The general desires you to impress upon the Indians you are to counsel the strong necessity existing for them to live up to the convictions to which they have so lately subscribed in the treaties they have made. More especially in the surrender of such persons as were demanded of them. Two of these persons, Kamiakin & Schloom, it is reported, have gone among the Flat Heads, but that circumstance must not prevent the tribes concerned from using every endeavor to obtain possession of them for the purpose above indicated.

While informing the Indians the government is always generous to a fallen foe, state to them it is at the same time determined to protect its citizens in every part of its territory and that they can only expect to exist by implicitly obeying the commands they receive.

The same troops are permanently stationed in the country who met them in the field the past summer and these will most assuredly be placed upon their trail in the spring, with instructions to give no quarter, should they again turn a deaf ear to what has been told them.

Head Quarters . The best wishes of the general will attend you in the holy mission of charity to which you have directed yourself in so generous a manner. YOUD am father, most respectfully, your etc.

A. Pleasonton, captain 2d dragoons, A. **** Asst. ** Adt. Genl

To Reverand Father P.J. Desmet, Chaplain etc. Fort Vancouver, W.T.

Head Quarters Dept. of California
San Francisco, Cal. October 29,1858

Sire

In my report of the 10th inst. I promised to the Department my views on the Indian relations of Washington and Oregon.

Relieved from the command in those territories I hesitated as to the propriety of speaking further on the subject.

After reflection suggested that it was a proper was suplement to to the work lately done and that having been in command for some time in these territories and for as long a time having had these affairs under consideration it would not be a work of superorogation policy to state to the Department the fasting I thought ought to be pursued and the military means by which that policy could be made effective.

Some time since I was persuaded that the treaties made by

Governor Stevens, superintendent of Indian Affairs for those territories,

with the Indian tribes east of the Cascade Range, should not be

extered confirmed.

Since the circumstances have changed and with them my views.

The Indians made war and were subdued; by the former act they lost some of their claims to consideration and by the latter the Government is enabled and justified in taking such steps as may give the best security for the future.

The gold discovered in the north with in the past year will carry a large emigration along the foot hills of the eastern slope of the Cascades and not improbably gold will be mined from every stream issuing from these mountains.

This emigration must graze and cultivate the valleys of these rives or draw supplies from long distances at great expense and at time with great suffering.

That the country will soon be filled with emigrants led on by the

irresistable temptation of mining admits of no ama doubts, and as little, that the Indians will then be dispossed by force if not by Treaty.

The pacification now made to be lasting must now be complete, the limits of the Indians should now be drawn not to be again disturbed.

Influenced by these views I decided to urge on the Department the immediate confirmst ion of these treaties or of modification of them, the payment of the stipulated price made and the opening of the lands to settlers.

I was prepared to summon a council of all the tribes at Walla Walla in the spring, notifying them that the tribes not sending delegates would be considered as enemies; when assembled I intended to make known to them the views of the Government and show them my sufficient means to enforce them.

The force I proposed to assemble was a regiment of infantry, one company of artillery and four of Dragoons; this force I proposed to assemble at Fort Walla Walla previous to the time of assembling the Indians and to make it the winter garrison of that post.

Had the Indians refused compliance with the demands of the Government I would then have been fully prepared to enforce them.

If on the other hand they fendered compliance & would have sent one command portion of the armanant to cover the roads party to Fort Benton and at the same time to visit the fishing and camas grounds of the Coeur d'Alene, Okanes and Palouze, another to observe the emigrant route toFort Hall and relieve and protect the emigration; and a third consisting of the garrisons of the Dalles and Simcoe to skirt the western bank of the Columbia and the slopes of the Cascades as far north as the 49th parallel.

These means are simple and I believe would be sufficient. The march of the columns would cost nothing and the expe exercise (would be)

They give kamear larger forces at the points requiring and are better for discipline and instruction wk and much more economical.

The system of small posts necessary on some of our frontiers is here unmixed evil.(sic)

hen, if ever again the tribes unite for war small posts if even found self sustaining are useful for offense.

On the frontier we must have pace or extensive combinations requiring prompt suppression by a respectable force.

Better means than these proposed may suggest themselves to others; these are the result of my reflection, and on these I would have fully relied for the quiet of the frontier.

I recommend the establishment of a large post between Fort Laramie and Fort Walla Walla for the better protection and relief of emigrants.

On the route the emigration is likely to be large and the security should be as perfect as may be.

I am very respectfully
N. ? Clarke
? ? ? ? (undecipherable)

Lieut. Col. L. Thomas,

Asst. Adjt. eneral USA,

d. Qrs. of the Army,

New York.

ead warters Expedition Against Northern Indians
Camp Near Fort Walla Walla W.T. Oct. 7,1858

Sir:

Your communication of the 28th ulto was received yesterday. The right wing of the 3rd arty. will march for Fort Dalles on Saturday the 9th and the left wing will follow as soon as the transportation can be provided. The whole battalion will probably reach Fort Vancouver before the 22 od the month.

I brought to this place about thirty men, women and children belonging to the Coeur d'Alene, Spokane & Pelouse nations of Indians, most of them as hostages for the future good conduct of their respective nations and a few of them were the men who commenced the fight with Lt.

Col. Steptoe contrary to the wishes of their chiefs—all these people were perfectly willing to come with me, and remain as long as we desire. I have no apprehension of their attempting to escape, and I have not deemed it necessary to place any of them in close confinement.

The commanding officer of this post has been instructed to supply them with camp equipage as may be absolutely necessary for their comfort, and also to issue one ration per day to each adult, one half a rationtto each child.

I should have been hap py to have complied with the wish of the general for me to visit the Colville valley during my late expedition but I could not do so without sacrif cing more important objects of the campaign—and further, I found that the services of Captain Kirkham were indispensable, necessary both as quartermaster and commissary beyond the Touchet river, ad after that he could not return until the close of the campaign/

Very Respectfully etc.

G. Wright, Col. 9th Infy, Comdy.

Maj. W.W. Mackell, Asst. Adjt. General Head Quarters Dept of the Pacific Fort Vancouver, W.T.

Head Quarters Despedition Against Northern Indians
Camp on Fort Walla Walla ,W.T.Oct. 8th, 1858

Sir:

During my late expedition against the Northern Indians my attention has been specially given to the material of the army, in order practically to list its ecovincableness (?) (difficult writing) and adaptation in the field. The result of my observation are:

ever seen in the hands of a foot soldier. It is of the right length and weight, and well suited for any (or army) field, prese particularly for the service in which the army is habitually employed. Indian warfare.

The defects noticed in the rifle are only such as can easily be remedied; the guide saik sight and bayonet stude must be more strongly made; many of them are wan now broken off---many months since I addressed a communication through Department Head Quarters asking that the 9th infantry might retain their rifles instead of using the maken new rifle-musket and my best officers have confirmed me in the opinion then expressed.

2d--The rifle-muskets which were placed in the hands of the battalion of the 3rd artillery, at the moment of taking the field, have a long range and shoot with great accuracy, but they have many defects; they are uninecessarily long, they have not a sufficient weight of metal; the boards are too thich to admit of their being converted into rifles without danger of bursting--severel have burst during the campaign, they are not near as good as a weapon as the rifle of the 9th.

32d-The India Rubber and gutta parche canteens are worthless. Very strongly made tin canteens are the only kind required.

3th-Great complaint is made of the boets, some of them would not last a man three days march. The leather is bad, the thread 860

Fort Simcoe W.T.
May 11, 1859

Sir:

I have the honor to report the reduction of the garrison at this post by the transfer this day of Company G mf 9th Infy. and to present herewith a special post return to date.

I am very respectfully
Your obdt servt.

J.J. Archer, capt. 9th infy.
commanding

To Colonel S. Cooper,

Adt. General U.S.A., Was ington, D.C.

Regiments. C and I, 9th infy. Aggregate 166. Total aggregate 266 (266)

Record of events: Company G 9th Infantry 2 officers and 74 enlisted

men transferred to Fort Dalles, Oregon, 11th May, 1859

by special order No. 136 dated April 14,1859, Hdqrs. Dept. of Oregon.

Commissioned officers present and accounted for by name

1-Cuntain James J. Archer, capt. 9th, I

2-Anthony Heger, asst. surgeon med. dept.

3-John W. Frazer Capt. 9th C

4-J.B. S. Alexander, 2d lt. 9th G

5- Charles XX G. Harker (?? ery indistinct) 9th C, joined from absent without leave May 6.1859.

absent on detached service

1-George W. Carr, 1st 1t.xxxxx 9th I. On recruiting service and rgt. orders 16 dated Hd 9th Infy. Fort Dalles, O.T. June 11, 1858.

Left company June 11, 1858.

2-William Myers 1st 1t. 9th . Absent on detached service, coast survey and special orders No. 117 Hd. qrs of the Army West Point New York, Sept. 8,1857, left Company Oct 22nd, 1857.

3-Philip A. Owen, 1st lieut Sth C, absent on detached service at Ft. Dalles, O.T.as rgt. adt. since January 17,1858.

4-Elisha E. Camp 2nd lt. 9th I. Absent on detached diddisservice sent with detachment for company arms.

With lave

1-Robert S. Garnett, Major, 9. Left Post Oct. 16,1858 on
60 days leave of absence on special order No. 152 dated Hd Dept of the
Facific Fort Vancouver, W.T. September 28th,1858. Leave of
absence extended until the sailing of the California steamer
from New York on the 5th of May, 1859. Special orders No.
179 dated Nam War Dept. Adjt. en. Office, Washington, Dec. 15,
1858.

Post return of Fort Simcoe, W.T.farpart of the month of May, 1859.