

Volunteers- -Mustering in Washington Volunteers. No of companies

p 146, War of Rebellion, ~~xxxxxx~~ Series L, Vol 1, pt II  
Vancouver, Oct 2, 1862

Have received orders.. Captain Crowninshield's Company of Fourth  
California Volunteer Infantry to San Francisco.

Request, as I did on the 19th of July that the general commanding will  
not direct any more companies of California volunteers being removed  
from this district. There are now but 16 companies in it. Two companies  
of the Fourth California Volunteers remain, viz Captain Fitch's at Fort  
Dalles and Captain Scott's at Fort Yamhill. If anything in the internal  
condition or demoralization of Company E at Fort Steilacoom renders  
its removal desirable, I desire to say that I know nothing of the kind  
in reference to the other two companies.

The frontiers of this district are nearly as extensive as California  
with a much smaller population, therefore it would not be out of place  
for California Volunteers to remain in Oregon/

On the 17th ultimo as shown in my special Orders No 67  
of the date forwarded to you, the organization of Captain W.V. Spencer's  
company (F) First Washington Territory Volunteer Infantry was  
completed and it was mustered into service. But little progress  
(twenty-seven recruits last date) is made with the company attempted  
to be raised in Oregon (p 147) at Olympia and the last tri-monthly  
report from Fort Walla Walla does not report any raised there,  
as it was proposed.

Benj Alvord

p 147

Special Orders 175

San Francisco Oct 3, 1862

Captain William M. Dowling's company, Washington Territory Volunteers will proceed on the next steamer to Fort Vancouver..whence it or some other company of the same regiment will be sent to Fort Dalles to relieve the company of the Fourth Infantry California Volunteers. When relieved the latter will be sent at first opportunity to Benicia, Calif.

R and C. Drum..by order of Brig. Gen  
Wright.



Click Relander

War of the Rebellion, Series 1, Vol. L, in 2 pts. pts. II, Wash. D.C. 1897

( Strength at Northwest posts and forts) 1862 p. 146..

Headquarters District of Oregon, Fort Vancouver, Wash Ter. Oct 2, 1862

Acting Assistant Adjutant General.

Headquarters Department of the Pacific, San Francisco, Cal.

Sir: I have today received the Special Orders No. 168 of the 23rd ultimo, from department headquarters, ordering Captain Crowninshield's company of Fourth California Volunteer Infantry to San Francisco. I desire again respectfully to request, as I did on the 19th of July, that the general commanding will not direct that any more companies of California volunteers will be removed from this district. There are now but sixteen companies in it. Two companies of the Fourth California Volunteers remain, viz, Captain Fitch's at Fort Dalles and Captain Scott's at Fort Yamhill. If anything in the internal condition or demoralization of Company E at Fort Steilacoom renders its removal advisable, I desire to say that I know of nothing of the kind in reference to the other two companies. The frontiers of this district are nearly as extensive as California, with a much smaller population therefore it would not be out of place for California Volunteers to remain in Oregon. On the 17th ultimo, as shown in my Special Orders, No. 67 of that date, forwarded to you, the organization of Capt. W.V. Spencer's company (F) First Washington Territory Volunteer Infantry, was completed and it was mustered into service. But little progress (twenty-seven recruits last date) is made with the company attempted to be raised at Olympia, and the last tri-monthly report from Fort Walla Walla does not report any raised there as it was proposed.

I have the honor to be very respectfully, your obedient servant

Benj. Alvord.

Brig. General U.S. Volunteers, Commanding District.

P.S. In a few days I shall send a detailed report on Indian affairs showing that on account of the occupation by the whites of that country the establishment of a post near Fort Boise next spring will be desirable.

War of the Rebellion, Series 1, Vol L in 2 pts. pts. II Wash DC, 1897.

Fort Dalles

P. 147

Special Orders No. 175. Hdqrs. Department of the Pacific

San Francisco, Cal. Oct 3, 1862.

1-Capt. William M. Dowling's company, Washington Territory, Volunteers, will proceed on the next steamer to Fort Vancouver, Wash. Ter. whence it or some other company of the same regiment will be sent to Fort Dalles, to relieve the company of the Fourth Infantry California Volunteers. When relieved the latter will be sent by the district commander by first opportunity to Benicia, Cal. The quartermaster's and commissary departments will provide the necessary transportation and subsistence.

By order of Brigadier-General Wright.

Richd. C. Drum

Assistant Adjutant General.



War of the Rebellion, Series 1, Vol. I in 2 pts. pt. II, Wash. D.C. 1897

(Nez Perce. Fort Dalles)

p. 153. Headquarters, District of Oregon, Fort Vancouver, Wash. Ter.  
October 4, 1862

Assistant Adjutant General. Headquarters, Dept. of the Pacific, S.F. Cal.

Sir: By your letter of instructions of the 11th of July quarters at Fort Walla Walla for four companies of Oregon cavalry and two companies of infantry were directed to be placed in readiness. There are five companies of Oregon cavalry in that vicinity. Unless I receive orders from your office to the contrary I propose to order one of those orders from your office to the contrary I propose to order one of those companies after they reach Fort Walla Walla on the 1st of November to take post at Fort Dalles. Preparations for it have been made at that post. I shall probably order Major Rinearson of First Oregon Volunteer Cavalry, to command at that post, the company under his command at Camp Lapwai, near Lewiston, accompanying him thither. The Nez Perce Indians near his camp are very restive under the occupation of their reservation by the whites. There are many dissatisfied spirits among them, under Eagle of the Light. Congress having appropriated \$10,000 to enable the Indian Department to extinguish the Indian title that some satisfactory arrangement may eventually be made with that tribe. Major Rinearson appears to have made strenuous efforts, but with little success to break up the sale of liquor to the Indians. The chiefs have a very creditable desire to prevent the traffic.

Benj. Alvord.

Brigadier General U.S. Volunteers, Commanding District.

[I, L, D]

emigration, Series L, Vol 1, pt ii p 154

No of 1862 emigration

Fort Vancouver, Avord to San Francisco

Sir Copy of ~~old~~ dispatch from Lieut Col R.F. Maury, First Cavalry Oregon Volunteers, commanding expedit on upon the emigrant road. He was encamped on Bruneau River, about forty miles from Salmon Falls. You will preceive that he proposes to start on the 28th ultimo on his return.

So far as I can learn theemigrants who kept the old roadsouth of Snake River have had littl trouble from Indians. Those who crossed Snake River above Fo t Hall and kept north of that river trying to get to the Salmon Livermine have been in some instances attacked by the Snakes who have also attacked tr velers east of Fort Hal .

Col Maury and Captain Crawford , commanding the expedition of seventy-five men enrolled in Nebraska Territory have naturally kept the old emig ant road. You will notice that Colonel Maury reports an emigration this autum ofabout 1,300 wagons and 10,000 people.



War of the Rebellion, Series 1, Vol L, in 2 pts. Pts. II, Wash. D.C., 1897

(Visalia)

P 156.

Headquarters Camp Babbitt, Near Visalia, Oct. 8, 1862.

Lieut. Col. R.C. Drum, Assistant Adjutant General, U.S. Army,  
San Francisco, Cal.

Colonel: I have the honor to report that pursuant to instructions from headquarters, Department of the Pacific, I have this day selected a permanent camp in the neighborhood of Visalia. Said camp is situated about one mile north of the town of Visalia and has been by me named subject to the approval of the general commanding, Camp Babbitt, in honor of the deputy quartermaster general of the Pacific Department, Lieut. Col. E.B. Babbitt. I have further to report pursuant to said instructions that flour can be purchased at \$5 per 100 pounds, barley at 2 cents (per pound) hay from \$20 to \$25 per ton, according to quality; wood from \$3 to \$4 per cord and beef at 5 cents per pound, and that all such articles can be procured from loyal citizens. All supplies other than those mentioned will have to be shipped by way of Stockton.

Respectively your obedient servant.

George S. Evans

Lieut. Col. Second Cavalry, California Volunteers, Comdg.

Click Relander

War of the Rebellion, series 1, Vol L, 2 pts. part II, Wash. D.C. 1897  
( Colville. Nez Perce, Donation Act.)  
pp. 158-60

Headquarters District of Oregon, Fort Vancouver, W.T. Oct. 8, 1862

J.J. McGilvra, Esq. U.S. Attorney for Washington Territory, Walla Walla

Sir: I have to acknowledge the reception of your communication of the 27th ultimo. I have not in any instructions from this office designed to interpret the laws for any other department of the Government but the military. Any interpretation which the civil officers of the Government may place upon them is in their power to carry out. I did not deem it advisable as a practical question that the military should originate or institute proceedings in certain impracticable cases under the act of 13th February, 1862. It is the first duty of the military to defend the frontiers. It should also, as far as it can, aid the civil <sup>authority.</sup> ~~authorities~~. If you in the discharge of your duty choose to institute any proceedings under the laws and if the marshal in obeying the mandate of the magistrate cannot get a sufficient civil posse, and calls upon the military we are bound to assist him. This is the general rule. Any exceptions would grow out of extraordinary circumstance. It was reported to me by the inhabitants that the commanding officer at Fort Colville had arrested a white man in whose possession liquor was found, who was passing through the country of Spokane. It became a question whether I should authorize a conflict with the Territorial authorities who had organized a county and extended their laws over it. I knew that Judge O'Dell Oliphant had held court at Colville. I said to Major Rumrill "as we do not undertake to prevent the transit and mining of the whites, it is idle to prevent liquor being sent or sold to them. The laws of the Territory must govern in these matters." I meant by this perfect submission to the laws of the land. If the laws of the Territory are in conflict with the laws of Congress or the Constitution of the United States, they are null and void and are, in point of fact, no laws. I did not dream of putting these laws superior to the laws of Congress.



I have enjoined in the strongest terms the enforcement of the laws against the sale of liquor to Indians and the destroying of liquor in the hands of those who sell to them. The act of 13th February applies in that respect to the whole territory, leaving no ground to raise the question of what is "Indian country." I have notified the commander that they (p 159 ) had this opinion in stopping the sale of liquor to Indians, to make complaint either under the laws of the Territory or under the laws of Congress. My object in this was only to increase the chances of efficient action. Of course, if any competent judicial authority decides that the laws of the Territory are null and void, or cannot be enforced for want of jurisdiction upon an Indian reservation, nobody would resort for such purposes to the Territorial magistrates. It would seem reasonable that ~~whenever~~ wherever the whites go in the Territory of Washington they must carry with them all the laws of the land for their own safety and protection. And this brings us to the main point at issue in this subject. We must either prevent the whites going in any way, except for mere transit, into that country, or we must suffer them to carry on the ordinary commerce of the country. The first step is the false step. ~~The settling on~~  
~~and based on the protection of the~~

The government has an undoubted right under the treaty to prevent settling on the Nez Perce Reservation. On the 7th of July last I was placed in command of this district and what was then the state of things? There were 10,000 or 15,000 people either on that reservation or beyond it, compelled to look to Lewiston for supplies. I am not informed whether any branch of the Government attempted to prevent the whites going on it. The miners commenced going on it two years ago. I know of no call ~~for the military~~ upon the military being made to remove them. I have been notified by C.H. Hale, esq. superintendent of Indian affairs for "Washington" territory, that Lewiston and the mining towns have been "excepted from the strict provisions of the



the treaty by the Indians themselves." I have not been informed what was the exact date of said arrangement, but think it was made more than a year ago. Of course this arrangement encouraged the whites to continue to enter the country. Lewiston seems an absolute necessity as a depot of supplies to the large mining population. Florence is also on the Nez Perce Reservation. Having admitted the possibility of keeping the miners in search of gold from that country, it seems but natural and expedient to ~~search~~ let all trade which follows be regulated by the laws <sup>As</sup> commerce for all the wants of the people in the nature of things will inevitably exist the remaining practical question is, whether it shall be wholly unregulated, or shall the laws of the Territory be permitted to control and restrain it.

You, as a law officer of the Government, should be ready to construe with tolerance all action of the military having for its purpose to leave the people in the enjoyment of the laws and of civil government. Unless the necessity is irresistible, the military should leave the whites to their own self government. Military rule is always odious. It is for this reason I would not wish to storm the formation of counties where the whites are suffered to go. <sup>A</sup> more fearful responsibility than an Indian war might follow any other course on the part of the military authorities. As to the Colville country, the donation act was in operation up to the 1st of December, 1855, and whites were invited under it into that region. By an act of Congress of 17th of July, 1854, and by the act of 29th of May, 1858, all the provisions of this donation act were extended to the country east of the Cascade Mountains (see Brightly's Digest pp 574 and 1105.) By an order dated the 31st of October, 1858, issued by <sup>General</sup> Harney, then commanding the Department of Oregon, it was directed:

As it appears that citizens are prevented from locating near some of the military posts in this department, the general commanding directs that hereafter every encouragement will be given them to do so,



provided no infringement is made upon either the military or Indian reservation. 160.

When I came to Oregon in 1852 the Indian title had not been extinguished. At Salem, the very seat of government, the Senate having refused to ratify the treaties. An attempt was made by Mr. Parrish an Indian agent to prevent the introduction of liquor at Salem for sale to the whites. As chief justice of Oregon Territory, then embracing Washington Territory (I think it was Judge Williams) decided that the Indian intercourse act of 1834 was not applicable there in respect to the introduction of liquor for sale to the whites. The act of the 5th of June, 1850 extended the Indian intercourse act "so far as applicable" over Oregon Territory. But he argued that Congress having by the donation act invited the settlement of the country by the whites, that portion of the intercourse law was not applicable. It is certain that the preemption law does not authorize settlements where the Indian title had not been extinguished. But it is unfortunately too true that the whole early settlement of this country, both before and after the organizing of a Territorial government and the passage of the donation act, was in utter neglect of the Indian title. I lament this state of things, and know that it probably caused the former Indian wars and may cause another. I have instructed the military commanders to protect the Indians in the most efficient manner, to the extent of their power, from all aggression and violence and from all encroachment on their grazing and agricultural lands. Our Indian relations in their present attitude, are not according to my wishes. Far from it. They grew out of the policy of the Government in stimulating the early settlements of this country and are also due to the gold mines and the irresistible spread of the whites in the search for gold.

I might here close, but I shall add a few words as to my personal history. In the spring of 1853 I was captain, Fourth Infantry and brevet major in command at Fort Dalles, I declared the country east of the



Cascades Mountains not open for settlement. I sought repeatedly from the Government, in the most earnest manner, a decision as to whether that was not the Indian country under the act of 1834. The act says that the President shall when he thinks proper, order the execution of said act. I never got any decision from Washington. I was not sustained. The only effect of my movement was the passage of the act of 17th of July, 1854, extending all of the land laws east of the Cascade Mountains. Major Lugenbeel says he repeatedly sought from higher authority and from Washington a decision as to whether the country around Fort Colville, where he then commanded, was the Indian country, but he never received a reply. My instructions to Major Rinearson, commanding at Camp Lapwai, have received the approval of my immediate commander General George Wright at San Francisco, commanding the Department of the Pacific. I shall most cheerfully obey any orders on this subject which I shall receive from higher authority. I desire to add, also that I have felt a strong personal interest in the Nez Perce Indians. From their evidences of dawning civilization and their past unwavering attachment to our people and adhesion to our Government amidst every temptation, they have merited not only justice but the kindest and most generous treatment at our hands. It is melancholy to reflect that the march of events should have caused them to have received such rough usage and to have been placed in a position so trying to their loyalty. I hope they will look favorably upon the recent offer of Congress to purchase a portion or the whole of the reservation. I am sir, etc.

B. Alvord

Brigadier General U.S. Volunteers, Commanding District.



Nez Perce..population etc. Indian titles, Donation 180 act etc

INC  
Relations  
Abuses

Nez Perce, ~~Donation~~ ~~Open~~ Series 1, Vol 1 pt III Pg 159

158-159

J.J. McGilvra, U.S. Attorney for Washington Territory at Walla Walla..

On July 7th, 1862, Nez Perce reservation, there were 10,000 to 15,000 people either on that reservation or beyond it, compelled to look to Lewiston for supplies.

The miners commenced going on the reservation two years ago. I know of no call made upon the military being made to remove them.

Florence is also on the Nez Perce Reservation/

As to the Colville country, the donation act was in operation up to the 1st of December, 1855 and whites were invited under it into that region.

By an act of Congress of 17th of July 1854 and the act of the 29th of May 1858 all provisions of this donation act were extended to the country east of the Cascade Mountains (Brightly's Digest pp 574-and 1105)

By an order dated the 31st of October, 1858, issued by General Farney, then commanding the Department of Oregon it was directed

"The encouragement to citizens to locate near some military post provided no infringement is made upon either the military or Indian reservation.

When I came to Oregon in 1852 the Indian title had not been extinguished at Salem, the very seat of Government, the Senate having refused to ratify the treaties

It is certain that the pre-emption law does not authorize settlements where the Indian title has not been extinguished. But it is



unfortunately too true that the whole early settlement of this country both before and after the organization of a Territorial government and the passage of the donation act was in utter neglect of the Indian title. I lament this state of things and know that it probably caused the former Indian wars and may cause another/ I have instructed the military commanders to protect the Indians in the most efficient manner to the extent of their power, from all aggression and violence and from all encroachment on their grazing and agricultural lands.

Our Indian relations in their present attitude, are not according to my wishes. Far from it. They grew out of the policy of the government in stimulating the early settlement of this country, and are also due to the gold mines and the irresistible spread of whites in search of gold.

personal history: In the spring of 1853, then captain Fourth Infantry in command at Fort Dalles, I declared the country east of the Cascade Mountains not open to settlement. I sought repeatedly from the Government in the most earnest manner a decision as to whether that was not the Indian country under the act of 1834. The act says that the President shall, when he thinks proper, order the execution of the act. I never got any decision from Washington. I was not sustained. The only effect of my movement was the passage of the act of 17th of July 1854 extending all of the land laws east of the Cascade Mountains. Major Lugenbeel says he repeatedly sought from higher authority and from Washington a decision as to whether the country around Fort Colville, where he then commanded, was the Indian country, but he never received a reply. My instructions to Major Rinearson, commanding at Camp Lapwai have received the approval of my immediate commander, General George Wright at San Francisco commanding the Department of the Pacific



(Nez Perces) it is melancholy to reflect that the march of events should have caused them to have received such rough usage and to be placed in a position so trying to their loyalty. I hope they will look favorably upon the recent offer of Congress to purchase a portion or the whole of the reservation (\$40,000) new figure quoted

B. Alvord, Brig gen

U.S. Volunteers command district

Indian abuses

Series I, Vol L, pt II p 161

Office Indian Affairs Northern District of California, San Francisco,  
Oct 9, 1862

Brig Gen G. Wright-Receipt of letters from supervisor of the

Indian Reservation at Round Valley and two from others elaborating.  
some of the settlers in that valley have in a clandestine manner from  
time to time during the growing season opened the fences on the Indian  
farms and turned in cattle, hogs and horses until entire crop  
of corn, over 100 acre and nearly all wheat, oats and barley  
except 500 bushels destroyed, whereas there should be many thousand in  
aggregate.

Settlers told the Indians that they had ~~no~~ no provisions  
now to last them through the winter so they must steal or starve; thus  
alarmed they induced two entire tribes to leave, the Con Cows and Flat  
Creeks and went ~~with~~ with them part of the way. The supervisor had no  
troops to assist him, compelled to submit, expects now every day they  
will drive away the remaining.

proposes new reserve in mountains unsuited to white settlers,  
northeast corner of Mendocino County adjoining Tehama. Major Curtis  
at Camp Lincoln stationed midway between the settlements and the  
Indians... George M. Hanson, superintending agent Indian Affairs Northern  
District of California.

Oct 9, 1862--Curtis to Drum..reports 400 Indians escaped from  
Smith's River Valley Reservation.

Oct 10, 1862 Hanson to Wright.. "The truth is there are not 10 good  
Union men in the Valley except my employees as the several elections  
show.

(other communications on following pages)



"ez Perce, Lewiston State affairs

Series 1, Vol L, pt ii, p 168

Lewiston, October 11, 1862 to Colonel Steinberger, Walla Walla

At meeting in the town the citizens drew up a series of resolutions and also a memorial which they have forwarded to His Excellency the Governor Pickering requesting ~~0000~~ or urging upon him the necessity of continuing the troops now at Lapwai at or near Lewiston during the coming winter; also for an additional force of 200 muskets to protect themselves..greatly feared there will be an outbreak among the Indians. They have commenced to show signs of hostility already, and I am authorized by them to notify you of the facts... R. Bailey, secretary

Indian abuses            Secessionists

Series 1, Vol I, pt II, pps 168-69

Fort Humboldt, Oct 13, 1862 to Drum..

Visited Round Valley, Fort Bragg and Camp Lincoln near Smith's River...

reservation in Round Valley in urgent need of amilitary force. The settlers in the valley, soe eighty o ninety n number, nearly all of whom are open sece sionists determined to break up the reservation. Four of them squatted upon 1,080 acres of it and refused to get off.

Driven of 400 to 500 Con Cows and the Hat Creeks..r mainder of some 1,500 threatened, starving Indians out, crops destroyed etc.

Few weeks since some twenty two Indians, including men and children, were killed by settlers in cold blood. These w re not reservation Indians, belonged to a tribe of "ylackies that had taken refuge on the reservation from a band of white kidnapers that were in pursuit of them.

Pretext for the massacre was that some forty head of cattle belonging to the settlers had disappeared, ground to be supposed they had been killed. Afterward turned out the cattle had only wandered into another pasture and they were all brought in safe and sound. Knew the Indians had ot taken cattle.

Francis J. Lippitt, Colonel Second Infantry California Volunteers  
Commanding Humboldt Military District.



(Fort Boise.) p. 172

Headquarters District of Oregon Fort Vancouver, Wash. Ter, Oct.  
14, 1862. /

Assistant Adjutant General, Dept. of the Pacific, San Francisco, Cal.

Sir: I am satisfied that a post ought to be established at or in the vicinity of Fort Boise next summer and it is the object of this communication to recommend that authority be obtained from the War Department for it. P 173.

And I will accordingly respectfully request that this letter may be forwarded to the headquarters of the Army and I confidently ask General Wright to concur in the recommendations as made he made two years ago, when in command of the Department of Oregon. His dispatch on that subject was dated Oct. 10, 1860. Every consideration which then called for it now applies with tenfold force. The whole route from Walla Walla to Fort Boise, 250 miles, is being settled with either farmers or miners. First comes Grande Ronde Valley containing some inviting agricultural land, where there is considerable settlement. Next Powder River. On this river the gold mines have attracted many people and a large share of the emigration this fall. Auburn, on Powder River, twenty five miles west of the emigrant road, contains now 300 houses. Next comes the mines on Burnt River and lastly the recently discovered and very inviting gold mines on Boise River. I am satisfied from personal inquiry of reliable persons whom I met in Portland that there have been discovered such attractive mines ~~on that river~~ on that river, that there can be no doubt but be a rush of thousands in that direction next spring. ..

Two years ago the main object in the establishment of a post in that vicinity was the protection of the annual emigration from the Mississippi Valley. Now it is also needed for the protection of the settlements, for, as the general commanding the department well knows, the Snake



Indians are very hostile. They have made several attacks this season, killing several persons as for instance the emigrants who unfortunately leaving the old road, crossed the Snake River above Fort Hall and kept north of that River. About the 9th of August they made an attack on Boise River on a train, the captain of which was named Zimmerman. The same party had been attacked on the 9th of July near Soda Springs.

.....p 174

I concur in the recommendation in the dispatch of the 10th of October, 1860, that the garrison at Fort Boise should consist of three companies of infantry and two of cavalry. The latter for the first winter could return for shelter and subsistence to Fort Walla Walla. After the first winter plenty of forage would be grown for the supply of the post, by the inhabitants of that neighborhood. I respectfully request that you will please direct Lieutenant Colonel Babbitt, deputy quartermaster's department general in estimating for the funds needed for the qm department for the fiscal year ending 30th June, 1864, to include sufficient for the establishment of Fort Boise. After all the companies of Col. Steinberger's regiment of Washington Territory volunteers shall have been raised, I shall need to accomplish the purpose above set forth, three or four additional companies, say one of cavalry, and the remainder of infantry.

I may ask in the spring that they shall be sent from California, especially as I am satisfied it will be necessary next season to establish a permanent post at or near Camp Lapwai, on the Nez Perce reservation.

I am etc.

Benjamin Alvord, Brig. Gen. U.S. Vols. Commanding district.