

15 Oregon. 1856 Oregon Territory. Jany. 11/56 Gov L. Curry,  
Governor transmits copies of dispatches reporting operations of the  
1st Reg. Oregon ... Vols. (2 enclosures) O 36 March 1, 1856. Ref'd  
March 3, 1856.

Territory of Oregon

Executive Office

Salem, Jan. 19, 1856

Hon Jefferson Davis

Secretary of War

Sir:

I herewith transmit the enclosed copies of dispatches reporting the successful operations of the 1st regiment of Oregon Mounted Volunteers called into service by my proclamation of the 11th October last for the repression of Indian hostilities upon our Northern frontier. It is my purpose to recall the Volunteers and discharge them from the arduous service in which they have so honorably distinguished themselves so soon as the regular troops shall have taken permanent occupation of the country bordering our settlements in that quarter, now the scene of active operations.

I am , very respectfully, your obedient servt.

George L. Curry,

Governor of Oregon.

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Colonel Kelley's Official Dispatch

Head Quarters Left Column

1st Regt. Oregon M. Volunteers

E.M. Oasmum, Asmum (???)

Adt. General:

Sir:

On the evening of the 8th inst. I gave you a hasty report of our battle with the Indians up to the close of the second



day's fight--and then stated that at a future time I would give you a more detailed account of all the transactions that occurred since the march from the Umatilla river. Owing to active engagements in the field and in pursuit of the Indians I have not hitherto had leisure to make that report. As soon as dark in the evening of the 2d I proceeded with my command from Fort Henrietta to Walla Walla having left a detachment of twenty five men under command of Lieut Sword to protect the former post.

On the evening of the 3rd we encamped on the bank of the Walla Walla river about four miles from the fort and proceeded to the latter place I found it had been pillaged by the Indians, the buildings much defaced and the furniture destroyed.

On the morning of the 4th a body of Indians was observed on the opposite side of the Columbia apparently making preparations to cross the river with a large amount of baggage. Seeing us in possession of the fort they were deterred from making the attempt, and I sent a small detachment down to a bar .... into the Columbia immediately below the mouth of Walla Walla and opposite to where the Indians were with directions to fire upon them and prevent the removal of the packs of provisions. The width of the river at this place is about two hundred and fifty yards and a brisk fire was at once opened upon the Indians which was returned by them from behind the rocks on the opposite shore. No boats could be procured to cross the river in order to secure the ~~provisions~~ provisions or attack the body of Indians and while engaged in firing a report came from camp that a body of Indians numbering fifty made their appearance on a hill south of Walla Walla who after surveying our encampment started off in a north easterly direction. I at once determined to follow in pursuit of them the following day. Early on the morning of the 5th I dispatched Major ~~Ex~~ Chism with one hundred and fifty men to sort the luggage



escort  
and pack trains (S~~outh~~ maybe) 3

to the mouth of the Touchet there to await my return with the remainder of the forces under my command. On the same morning I marched with about two hundred men to a point on the Touchet river ~~river~~ about twelve miles from the mouth with the view of attacking the "alla Walla Indians who were supposed to be encamped there. When I was near to and making towards the village Peu Peu Mox Mox the chief of that tribe with six other Indians made their appearance under a flag of truce. He stated that he did not wish to fight, that his people did not wish to fight and that on the following day he would come and have a talk and make a treaty of peace. On consultation with Hon. Nathan Olney, Indian agent, we concluded that this was simply a ruse to gain time for removing his village and preparing for battle. I stated to him that we had come to chastise him for the wrongs he had done to our people and that we would not defer making an attack upon his people unless he & his five followers would consent to accompany and remain with us until all difficulties were settled. I told him he might go away under his flag of truce if he chose but that if he did ~~wax~~ so we ~~would~~ would forthwith attack his village. The alternative was distinctly made known to him and to save his people he chose to remain with us a hostage for the fulfillment of his promises as did also those who accompanied him. He at the same time said that on the next day he would accompany us to his village and that he would assemble his people and make them deliver up all their arms and ammunition restore the property which had been taken from the white settlers or pay the full value of that which could not be restored and that he would furnish fresh horses to remount my command and cattle to supply them with provisions to enable us to wage war against other hostile tribes who were leagued with him. Having made these promises we refrained from making the attack thinking as we had him in our power that on the next day his promises would be fulfilled. I also permitted him to send one of the



men who accompanied him to his village to apprise the tribe of the terms of the expected treaty so that they might be prepared to fulfill ~~it~~ it. On the 6th we marched to the village and found it entirely deserted but saw the Indians in considerable force on the distant hills and watching our movements. I sent out ~~with~~ <sup>in</sup> a messenger to induce them to come but would not do so. And I will here observe that I have since learned from a Nes Perses boy who was taken at the same time with Peu Peu Mox Mox that instead of sending word to his people to make a treaty of peace he sent an order for them to remove their women and children and prepare for battle. From all I have since learned I am well persuaded that he was acting with duplicity and that he expected to entrap my command in the deep ravine in which his camp was situated and make his escape from us. We remained at the deserted village until about one o'clock in the afternoon and seeing no hope of coming to any terms we proceeded to the mouth of the Touchet with a view of going from there to some spot near Whitmans Station where I had intended to form a permanent camp for the winter.

On the morning of the 7th companies N and K crossed the Touchet leading the column on the north to Whitmans valley and when found on the plain was joined by Company B. A few persons in front were driving our cattle and a few were on the flank of the companies and near the foot of the hill that extends along the river. These persons as well as I can ascertain were fired on by the Indians. Immediately all the companies except A & F who were ordered to remain with the baggage commenced an ~~engaged~~ <sup>eager</sup> chase of the Indians in sight, a running fight was the consequence, the force of the Indians increasing every mile. Several of the enemy were killed in the chase before reaching the farm of Lay Rogue which is about two miles from the mouth of the Touchet. At this point they made a stand their left resting on the river covered with trees and underbrush,







and in the surrounding hills. This day Lieut Pillow with Co. A and Lieut Hanson with Co. H were ordered to take and hold the brush skirting the river and the sage bushes on the plain. Lieut. Fellows with Co F was directed to take and keep possession of the point at the foot of the hill. Lieut Jeffries with Co. B Lieut Hand with Co I and three Capt. Connoyer with K were posted on ~~these~~ several points on the hills with orders to maintain them and to assail the enemy on other points of the same hills. As usual the Inds. were driven from their positions although they fought with (p. 6) some bravery and skill. On the 9th day they did not make their appearance until 10 o'clock in the morning and then in somewhat diminished numbers.. As I had sent to Ft. Henrietta for companies T (?) and E and expected them on the 10th I thought it best to act on the defensive and hold our positions which were the same as on the 8th until we could get an possession(?) of our force sufficient to enable us to assail their rear and cut off his retreat. An attack was made during the day upon Companies A and H in the bushwood and upon B on the hill both of which were ~~rep~~ repulsed with great gallantry by these companies and with considerable loss to the enemy. ~~Companies~~ Companies F, J(or I) and K also did great honor to themselves in repelling all approaches to their positions although in doing so one man in Company F and one in Company J (or I) were severely wounded. Darkness as usual closed the combat by the enemy retiring from the ~~fight~~ field. Owing to the enclemency of the night the companies on the hill were withdrawn from their several positions. Company B abandoning its rifle pits which were made by the men of that company for its protection. At early dawn on the next day the Inds. were observed from our camp to be in ~~possession~~ possession of all points held by us on the hill on the preceding day. Upon seeing them Lt. McAliff of Co R gallantly observed that his company had dug those holes and that after breakfast they



would have them again and well was his declaration fulfilled for in less than half an hour the enemy was driven from the pits and fled to an adjoining hill which they had occupied the day before. This position was at once assailed. Captain Connoyer with C H and a portion of Co. J (or I) ~~was~~ being mounted, gallantly charged the enemy on his right flank while Lt. McAliff with Co D dismounted rushed up the (p7) hill in face of a heavy fire and scattered them in all directions. They at once fled in all directions to return to the battle field no more and thus ended our long contested fight. I have already given you a list of the killed and wounded on the first two days of the battle. On the last two days we had only three wounded whose names you will find .... to the report. J. T Cumming (?) of Co A before reported only mortally wounded has since died. I am happy ~~to~~ however to say that Private ~~xxxx~~ Casper Snooks (?) of Company H reported by me to be mortally wounded is in a fair way to recover. The surgeon informed me that all the wounded in the hospital are doing well. The loss of the enemy in killed during the four days I estimate at about 75. 39 dead bodies have already been found by the volunteers and many were carried off the field by their friends and comrades so that I think my estimate is about correct. The number of their wounded must of course be great. In making my report I cannot say too much in praise of the conduct of the officers of the several companies and most of the soldiers under their command. They did their duty bravely and well during those four trying days of battle. To Major Chinn who took charge of the companies on the bush by the river credit is due for his ~~good~~ bravery and skill. Also to Asst. Adj. Monroe Atkinson for his efficiency and zeal as well in the field as in the camp. And here while giving to the officers and men of the regiment the praise that is justly due I cannot omit the name of Hon. Nathan Olney although he is not one of the volunteers.



Having accompanied me in the capacity of Indian agent, I requested him to act as my aid on account of his admitted skill in Indian warfare (p 8) and and to his wisdom in council and daring courage on the field of battle I am much indebted and I shall ever appreciate his worth.

Companies D and E (?) having arrived from Fort Henrietta on the evening of the 10th on the next morning I followed with all the available troops along the Nez Perce trail in pursuit of the Indians. On Mill Creek about 12 miles from here we passed through their village numbering 196 fires which had been deserted the night before. Much of their provisions were scattered by the wayside indicating that they had fled in great haste to the north. We pursued until it was too late to follow their tracks of their horses when we encamped on Cossenyai (? very indefinite and difficult to translate or transcribe) creek. On the 12th we continued the pursuit until we passed some distance beyond the station of Brooks Noble and Rumford on Touchet where we found the chase was only in ~~xxxxxx~~? vain as many of our horses were completely broken down and the men on foot. We therefore returned and arrived in camp on yesterday evening with about 100 head of cattle which the Indians left scattered along the trail in their flight. On the 11th while in pursuit of the enemy I received a letter from Narcissie Raymond by the hands of ~~OO~~ Tin tin mety (?) a friendly chief which I enclose asking protection of the French and friendly Indians under his charge. On the morning of the 12th I dispatched Capt. Cornoyer to their ~~OOOOTO~~ relief. Mr. Olney who accompanied them returned to camp this evening and reports that Capt. Cornoyer will return tomorrow with Mr. Raymond and his people who now feel greatly relieved from their critical situation. Mr. Olney learned from these friendly (p 9) Indians what we before ~~OOO~~ strongly believed that



that the Pelouses, Walla Wallas, Umatillas, Cayuses and Stock  
 Whitley's band of Des Chutes Indians were all engaged in the late  
 battle on the Walla Walla. These Indians also informed Mr. Olney  
 that after the battle the Pelouses, Walla Wallas and Umatillas have  
 gone partly to Grand Round and partly to the country of the Nez Perces  
 and Stock Whitley disgusted at the manner in which the Cayuses  
 fought in the battle has abandoned them and gone to the Yakama country  
 to join his forces with those of Kamiakin. We have now the undisputed  
 possession of the country south of Snake River and I would suggest the  
 propriety of retaining this possession until such time as it can be  
 occupied by the regular troops. The Indians have left much of their  
 stock behind which will doubtless be lost to us if we go away. The  
 troops will not be in a situation for some time to go to the Palouse  
 country as our horses at present are too much jaded to endure the journey  
 and we have no boat to cross the Snake river nor timber to make them  
 nearer than this place but I would suggest the propriety of following  
 up the Indians with ~~at~~ all possible speed now that their hopes are  
 blighted and their spirits broken. Unless this can be done they  
 will fresh up ... ? again. Today I received a letter from Gov.  
 Stephens dated yesterday which I enclose. You will see that he is in  
 favor of a vigorous prosecution of the war. With his views I fully  
 concur. I must earnestly ask that supplies may be sent forward  
 to us without delay.

For the last three days now of (sic) the volunteers except  
 the two companies recently from Fort (p.10)

Henrietta have had any flour (sic) none is here and but 2,000  
 pounds at that post. We are now living on beef and potatoes which  
 were found in caches and the men are becoming much discontented  
 with this mode of living.

Clothing for the men is much needed as winter approaches. Tomorrow



we will remove to a more suitable point where grass can be obtained in greater abundance for our worn out horses. A place has been selected about two miles above Whitmans station on the same (North) side of Walla (sic) consequently I will abandon this fort named in honor of Captain Bennett of Co. F who now sleeps beneath it ... whose career of unselfishness and bravery were so sadly but nobly closed.

Very Respectfully

Your Obed't Servt.

J (or I) K. Kelly

Lieut. Col. Commanding

Left column

Signed.



Territory of Oregon, Head Quarters

Dalles, Feb. 15, 1856

Thos. R. Cornelius, comdy. 1st Regt. O.M.V.

Colonel:

Your several communications to the 2nd inst. have been received. The account of your command consisting of four companies numbering 400 men is now en route. I position ??(difficult writing) is beyond amt. the remainder at this point. They will be finished forward with the utmost dispatch. You will find the whole four well mounted ~~officers and equipment~~ officered and equipped. Subsistence and adequate transportation for .. during sixty days will be at your disposal and it is not for a moment doubted that you will immediately yourself with energy (sic) activity and succeed the campaign in which your gallant command is engaged.

Relying with confidence upon your skill and ~~prudence~~ prudence the plan of operations for the achievement of the object developed in general orders will be submitted mainly to your direction as it must necessarily be more or less influenced by circumstances ever changing and constantly occurring. So far as practicable the plan you will adopt will be controlled by the following suggestions:

The dis.... and exhausted condition of the enemy from the hardships of operations and disasters they have encountered during the winter therefore, will probably disincline them to engage the force under your command in a pitched battle. Detachments in sufficient force to maintain themselves successfully against any considerable body of the enemy and not so distantly removed in the field of their operations from each other as to enhance the ordinary danger of the service will be calculated to promote efficiently the issue. After crossing the Snake river and before reaching the mouth of the Pelouse, the main body of the Indians on the south side of the



the Columbia may be drawn into a general engagement by a display of but a portion of your force, the remainder being kept in reserve to act as ~~xxxxxx~~ circumstances may ~~indicate~~ indicate. At the mouth of the Snake river, or in its vicinity, the Columbia may be crossed advantageously and the country occupied by the Yakima and other Indians, on the north side of the Columbia successfully penetrated. It is anticipated that the United States troops will be in the field about the middle of April. But perhaps and before that time it is confidentially expected that the volunteers will have achieved the purpose for which they were called out and be ready to return to their long suspended peaceful pursuits. When satisfactorily informed that the United States troops are in the field and in a position to maintain the advantages ~~xxxxxxx~~ <sup>Oregon</sup> ... by the volunteers you will adopt such p... .... as may be required to bring your command to the Dalles where regulations will be made with view to mustering out of the service. If practical it is directed that before the return march shall be ... the Yakima valley shall be penetrated far enough to break up any encampments of the enemy in this section of the country. There is a trail from the mouth of the Yakima to the Dalles along the north bank of the Columbia river available at all seasons of the year which you may find it convenient to employ on your return march. The successful operations of your command are so far dependant upon the departments of supply and transportation that the ~~xxxxxx~~ quartermaster ~~contingent~~ ....??? and commissary departments in the field should receive vigilant attention in order to ~~insure~~ insure regularity, safety and efficiency to those departments.... and accuracy in their accounts are equally important .. that no avoidable embarrassment in that particular may be incurred, it is desired that no changes should be made in the arrangements organized by the chiefs of those departments



and render the administration of their commanding officers at depots and in the field.

The imperfection of the present system are inseparable from an entirely new organization. To promote its successful development it is earnestly desired that by every possible means the ~~in~~ utmost harmony may be .... between the commanding officer and the officers of the subordinate departments.

In furnishing scouts to trains etc. as experience ~~has shown~~ has shown the duty to be an enviable one among the volunteers, it will be well so far as practicable to draw them in equal proportions from ~~all~~ the several companies of the regiment as they may be required and upon all cases upon them under charge of a commissioned officer. The post at Fort Henrietta you will constantly maintain with a force of not less than 30 men to be absent under no circumstances while the regiment remains in the field, instructing the officers in command to scour the country in its vicinity thoroughly as the safety of the trains passing to and from the Dalles as well as the property of the post, must as far as possible completely assured. From time to time you will ~~report~~ report your movements and for the better regulations of the service maintain accordance with military usage, address your reports to the commander-in-chief at head quarters With earnest wishes for the prompt and successful ... of the service in which you are ~~entirely~~ engaged

I am very respectfully

signed Geo. L. Curry

Governor of Oregon

Orl. May 1856



Proceedings of court martial held at Camp Cornelius, Whitman Valley, Washington Territory by virtue of the following order.

Head Quarters 1st Regt. <sup>O.M.</sup>... Vols

Camp Cornelius W.Ty Feb. 16, 1856

Special order?

A court martial to consist of seven members (a greater number cannot be detailed without manifest injury to the service) will assemble at Camp Cornelius, Washington Territory on the 17th inst. at the hour of eight o'clock a.m. for the trial of a certain Nez Perce Indian called Te-pe-al-an-at-he-kek. The court will consist of:

Capt. Hiram Wilber Co. D

1st Lieut John P. Hibler, Co. E

2 Lieut Charles R. Pillow Co. A

2 Lieut. W. H. H. Myers Co. D

2 Lieut. John H. Smith Co. D

2 Lieut. Wm. G. Haley Co. H

2. Lieut J. J. Griffin Co. E

Maj. Wm. H. Farrar, judge advocate

W. H. Farrar, adjt. regt.

per order T. ? Cornelius

Col. Commandg. 1st Regt. O.M. Vols.

Feb. 17, 1856

The court met pursuant to the foregoing order.

Present: Capt. Hiram Wilber. 1st Lieut. John P. ~~Hibler~~ Hibbler (sic)

2 Lieut. Charles B. Pillow; 2 Lieut. W. H. H. Myers, 2 Lieut.

W. G. Haley; 2 Lieut. John H. Smith; 2 Lieut. J. J. Griffin. Major

Wm. H. Farrar judge advocate.

The judge advocate informed the court that at his suggestion the Col. Commanding Regt. had requested Lt. Wright Co. E to act



as counsel of the prisoner. The court was duly sworn, in the presence of the prisoner, who was previously asked if he had any objections to the members named in the order, and answered in the negative. Peter M. Lafontaine and Antoine Placie were sworn as interpreters (Lieut. Wright asked the interpreters before the court was sworn, had informed the prisoner that he might object to such of the members of the court as he desired) The prisoner being duly arraigned the court proceeded to the trial of Te-pe-al-an-at-ke-kek, a certain Nez Perce Indian, on the following charges and specifically preferred against him by Lt. Thos J. Small, Co. K

Charge- Prisoner is a spy and as such came into an encampment of the volunteers.

Specification -In this that the said Te-pe-al-an-at-ke-kek, a certain Nez Perce Indian, on the morning of the 15th day of February, A.D., 1856, without permission first obtained so to do, came within the limits of Camp ~~Cummins~~ Canons where there was ~~an encampment~~ encamped Co. K 1st Regt. O.M. Vols, in the character and capacity of a spy, for the purpose and with the deliberate intention to obtain information of the situation and condition of said camp and of the number and disposition of the troops therein, and of the plans and movements of the whites, with ~~the~~ intent to convey the same to the enemy for their information and advantage.

Charge 2--That he was, and is an agent and emissary of Kamaiaiken, war chief of the hostile tribes of Yakimas, Walla-Walla, Cayuse, Umatilla, DeShutes, Tish and Pelouse Indians.

Specification --In this that he was employed and acted in the months of September, October, November and December, 1855 and in February, 1856, by Kamaiaiken, war chief of the Yakima and other tribes of Indians in fomenting active hostilities to the Americans and destroying their property.



The charges and specifications were read and interpreted to the prisoner to all which he pleaded not guilty.

Lt. Thomas J. Small, Co. K, 1st Regt. O.M. Vols a witness for the prosecution being duly sworn, says--On the 15th of Feby. inst. I had command of Co. K 1st Regt. O.M.Vols and was encamped at Camp Canon. My company consists of half breeds, French and a few Americans. I was encamped ten or twelve miles from the main body of the Regt. There are several French families encamped at the same place---some ninety persons in all. There are from one hundred and thirty to one hundred and fifty Indians encamped there, who claim to be friendly to the whites. I am encamped there to afford protection to those settlers and Indians and relation has existed since the ~~1st~~ 17th or 18th of December, 1855. I did not see the prisoner until his arrest by my men. He had not previously been in my camp. He had no authority or permission to come into the camp or its vicinity.

Question of the Judge Advocate -Whether or not you saw the prisoner immediately after his arrest?

Answer . I did, Soon after his arrest.

Question by the Judge Advocate--Whether or not you had any conversation with him then, and if ydd yea (sic) state the same fully?

Answer-I had but little conversation with him. He was not inclined to talk. I asked him where he was from, and he answered that he was from the Nez Perce country. I asked him if he had a pass from Col. Craig, the Indian Agent, to come down. He said no. I asked him how long he had intended to remain in or near our camp. He replied he meant to have slept there two nights and then go off. He said he was a Nez Perce and that I knew they were friends of the whites. I told him I should keep him a prisoner.



Question by the Judge Advocate - Did he make any reply when you informed him you should detain him a prisoner, and if yea, what was it?

Answer- He did not.

Question by the Judge Advocate--State if you know where he was first found or seen, after he had got into camp?

Answer--One of the guard discovered him in one of the friendly Indian lodges, and took him into custody.

The judge advocate requested the court to allow Lt. Wright counsel for the prisoner to examine the witness, and all the witnesses who might be produced against or for in behalf of the prisoner--to which the court assented.

No question on the part of the prisoner.

Antoine Placie, a settler on the public lands in the Walla Walla Valley, a witness for the prosecution being duly sworn says:-----

I am not a member of any volunteer company or connected with the service. For a long time I have resided in the Walla-Walla country, and am well acquainted with the Indian tribes of this region. I have before seen the prisoner. First saw him last summer, on the north side of the Columbia at the mouth of the Yakima River, in the camp of the Walla-Walla chief, Peu-peu-mox-mox. It was about the time of Major Haller's battle with the Yakimas. Peu-peu-mox-mox's band was then camped at the mouth of Yakima River. I went there at request of Nathan Olney, the Indian agent, to get Peu-peu-mox-mox to come over to Mr. Brook's house to have a conference with Mr. Olney, but he would not go to see Olney. Peu-peu-mox-mox told me it was the intention to go to war with the whites. He had about 100 of his warriors with him. There was talk of going to join Kamaiaken. The day I reached there, the news came in that Kamaiaken had had a battle with Major Haller in the Simcoe. The scalp of a white man was brought into camp that day, and that night the Indians



a scalp dance over it. Five of Peu-peu-mox-mox's warriors brought the news of the battle. The head one of the five was a nephew of Peu-peu-mox-mox. I saw them when they arrived. Peu-peu-mox-mox told me they were all in the fight with Haller. That night or the next morning the prisoner and fifteen other Indians left the camp to join Kamiaiken. This party was composed of Nez Perces and Palouses.

Question of the Judge Advocate-- If, as you state, it was the intention of Pee-pae-mox-mox (plainly written this time, it is written Pee-Deu-pue- Mox-mox) and his tribe at that time to go to war with the whites, how was it that you were not killed or detained?

Answer--I am a half breed, have been long in the country; know them well; knew Pee-pue-mox-mox well and his son was very friendly to me. He did once, soon after, detain me in his camp, but his son took me away and let me go.

Question by the Judge Advocate --"hen and where did you next see the prisoner?

Answer-- At Camp Canon, and on the day of his arrest as a spy.

Question by the Judge Advocate --"hether or not you had any talk with the prisoner last evening?

Answer-- A little. I asked him if he knew what he was arrested for. He said you had told him that you were going to give him a trial.

Question by the Judge Advocate-- What did he say he was in custody for?

Answer-- He did not tell me. I did not ask him.

Question by the Judge Advocate-- "hether or not he ~~it~~ said anything to you last evening respecting the burning of Lloyd Brook's house?

Answer-- Yes sir. He told me he was there when it was burned.

Question by the Judge Advocate-- "here was Brook's house situated and when and by whom was it destroyed?



Answer--It was in the Walla Walla valley. I don't recollect the date it was burned. The Indians have often told me it was destroyed by Indians who are now with the war party. It was burned after I went to Pee-pue-mox-mox's camp for Olney.

Question by the Judge Advocate--Can you state whether the volunteers then were or had been in the Walla Walla country?

Answer--They had not been here then.

Question of Lt. Wright--When you saw prisoner at Camp ~~XXXXX~~ Casson (sic and apparently clear this time, tilda written over first SS or RR) did you at once recognize him as having seen him in Pee-pue -mox-mox's camp?

Answer--I did.

Question by Lt. Wright--Did you then tell him you saw him there?

Answer-- I did tell him so last night and he told me he recollected seeing me there.

Question by Lt. Wright-- Did Pee-peu (sic) -mox-mox at the time you went to the camp for Olney say anything more than you have already stated about Olney?

Answer -- The morning after the scalp dance, Pee-peu (sic) mox mox said if Olney had come to his camp that the Palouses then in camp said they would have killed him.

Peter M. Lafontaine, a white man, a witness for the prosecution being duly sworn says--I have lived between the Dalles and the Nez Perces country for the last five years. I have known the prisoner for the last three years; he is a Nez Perces; I have frequently seen him in the camp of Red Wolf, one of the chiefs of that nation; that is his home; he is a medicine man and owns a great deal of property. Last night he said he wanted to talk to you. I told him you would not talk to him, and then he wanted I should go to you and ask you if you would not go and hear what he had to say. I told him ~~XXXXXX~~ he could



tell me what he wanted to say to you and I would tell you. He said he heard long before the battle of Major Haller with Kamaiaiken that there would be a war with the whites. Then afterwards he heard that Major. Haller had gone from the Dalles with his soldiers to fight Kamaiaiken, and he further said he went over there to learn if Kamaiaiken could break the soldier's guns and keep the bullets from hitting him, that he got there ~~jxxx~~ about the time Kamaiaiken had defeated Haller and drove the soldiers out of the country; that Kamaiaiken and the prisoner talked together, that Kamaiaiken told him to come over into this (Walla Walla) country and burn Brook's house, that Kamaiaiken told Cushman and the prisoner to go to the Walla Walla's Cayuses, and Nez Perces and tell them he had begun the war, had beaten the soldiers and that they must all fight till they had killed all the whites, and fight every year.

That prisoner then said that he, , Cushman and a good many other Indians came into the Walla Walla country, burned Brook's house and then had a big smoke around the fire; that Cushman and himself went to the camp of the Cayuses on the upper Umatilla river; that a war council was held there; that he (the prisoner) did not talk any but that Cushman did; that Cushman told them what Kamaiaiken had done and the message he had sent them; and wanted them to move across the country to Mill Creek in Whitman's valley, so as to be ready for war. That the Cayuses moved camp, came into Whitman valley and camped on Mill Creek where they had the big war camp at the time of the battle of Walla Walla, last December..

Question by the Judge Advocate-- Whether or not he told you to tell me anything as to his connection with the battle at Walla Walla?

Answer- He said that a large party of which he was one left the big war camp of the Cayuses, and were on their way to Fort Walla Walla when an express from Pee-peu-mox-mox met them, and told them the Bostons



{whites) were coming; that they went a little farther and then held a council; that they then went on; that most all the Cayuses and Walla Wallas were in the battle; that he was in it; that they fought close at times, and that at one time when they were running the Bostons, and he was close to them, he had his horse shot under him, and then he went back to the big camp and as he had a poor gun, he did not fight any more. That when the battle was over he went with the war party over Snake river, remained there until the ddadded severest of the cold weather was over and then went into the Nez Perce country to Looking Glass, the chief; that Tou-hi-tee's son went with him and they two concluded they would come down where the Bostons were; that they started; that Tou-hi-tee's son got alarmed and not (sic) come farther, and went to the war camp again; that he thought he would come, and stay two nights and then go back, and if you will let him go he will not fight any more.

Question by Lt. Wright- Did he tell you whether he assisted in burning any of the other houses of the settlers in this valley?

Answer-He told me the only house he aided to burn was ~~the~~ Mr. Brook's. That the other houses were burned by Pee- peu-mox-mox and his men, the Cayuses and DeShutes Indians.

Question by Lt. Wright-- Did he tell you he supposed would be done with him? (sic)

Answer-He said he had supposed ~~he~~ if he came down that the Americans would try him and let him go back, but now he knew their chief was going to hang him, and that was the reason he wanted to talk to Adjutant Farrar and tell him all he had done.

Howlish Wampool--An Indian chief of that portion of the Cayuses who had remained friendly was called as a witness for the prosecution.

Lt. Wright objected to his being sworn on the ground that he did not know the nature and obligation of an oath. The Judge Advocate



proposed to submit him to an examination on this point. The court directed him to be examined touching his acquaintance with the nature, efficacy and solemnity of an oath.

Question by the Judge Advocate- What is your name?

Answer- Howlish Wampool.

Question by the Judge Advocate- Of what nation, people or tribe are you?

Answer- I am a Cayuse. I was not born a chief but now that our people are at war have fled the country, and are not the white man's friend, I am the chief of those who remain and make no war.

Question by the Judge Advocate- Have your people ever had any missionaries among them?

Answer- Yes.

Question by the Judge Advocate-- Did you ever see a white man's court before?

Answer-- yes.

Question by the Judge Advocate- You have seen the witness today hold up their hands to be sworn--do you know what it is to be sworn?

Answer- Yes, he must tell the truth.

Question by the Judge Advocate-- Suppose you are sworn as the white man is, what will you have to do?

Answer-Talk Speak the truth to you.

Question by the Judge Advocate- Suppose you should tell a lie to any question put to you, what would be the consequences? What would be done to you?

Answer- God would be angry. I should be punished.

Question by the Court- Who has taught you that you would be punished if you told a lie?

Answer- The missionary--the white man.

Question by the Court- Would you be punished for it after you die?



Answer-Do you think I am a fool? God would punish me if I told a lie.

The court decided that the witness, Howlish "ampool, should be sworn and he being duly sworn says---

Question by the Judge Advocate-- Do you know the prisoner?

Answer-Yes.

Question by the Judge Advocate- Where is his home and to what nation does he belong?

Answer-He belongs to the Nez Perces; his home is at Red Wolf's Creek.

Question by the Judge Advocate- What do you know of his connection with the war?

Answer-He is a bad man. He was not at the ~~robbery~~ robbery of Fort Walla Walla . Pee-peu-mox-mox stole the goods from the Fort. This man was at the burning of Brook's house. I know he went over into Kamaiaken's camp; then he came back; he came back in the evening; he went to Freezee's lodge. He did not talk much there as Freezee is a praying man; he got a good many of our people and went back to Brook's house and burned it; I did not know before they fired it that they had meant to burn it; a great many went with him; I went to the Priest's house that day; was there a little time and saw the flames; I took my horse and went there fast; the house was burning; a good many horses were there; I met two little persons; I went right to the fire; plenty persons there; they talked very bad to me; they told me not to speak that they would not listen to me; a good deal was said; I was alone to talk to them, they had everything divided among them. Tallman a white man was there; he had his load to carry away; I got from my horse; I told them they had got to put all the goods in a pile and leave them and it was done. I drove them off. They came back, they were too many; I had none to help me; they stole the goods and carried them away. He (the prisoner) was there, he came from Kamaiaken and robbed the house and stole the goods. He was not the principal.



Wild Cat was the head man, and he got thirty five sacks of flour for his portion of the stolen goods.

Question by the Judge Advocate-- Do you know anything of Five Crows ~~sending~~ having sent an express to the Nez Perces?

Answer-- Yes; he sent a messenger there.

Question by the Judge Advocate-- When was it?

Answer-- It was last season.

Question by the Judge Advocate-- Do you know where the volunteers were then?

Answer-- No.

Question by the Judge Advocate-- At the time Five Crows sent the messenger into the Nez Perces had the volunteers come up as far as the Umatilla?

Answer-- No.

Question by the Judge Advocate-- Can you not tell me about where this was.

Answer-- No. I can't remember the time; it was last season.

Question by the Judge Advocate-- Had you at that time heard anything about volunteers or soldiers coming to this country?

Answer-- No.

Question by the Judge Advocate-- What was the message Five Crow sent to the Nez Perces?

Answer-- He sent Too-toy-na-tosh-watish to tell them that the whites and Indians were going to have a war, that Olney had been to the Umatilla and killed an Indian; that the Indians had plenty of powder & balls and wanted the Nez Perces to come down and join them, and that Kamaiaken had defeated the soldiers in his country.

Question by the Judge Advocate-- At the time Five Crow (sic) sent the messenger to the Nez Perces had the prisoner returned from Kamaiaken's country?



Answer-Yes.

Question by the Judge Advocate -- Had he seen Five Crow (sic) since he came back?

Answer-Yes.

Question by the Judge Advocate - Was Five Crow's heart good toward the Americans before the soldiers came up here?

Answer--No. His heart was very bad toward them.

Question by the Judge Advocate-- Did he at that time talk of fighting the Americans?

Answer- Yes, his heart was for war.

Question by the Judge Advocate- State whether yooo or not it was the intention of a large part of your tribe to go to war before the prisoner went to the Cayuse Camp on the Upper Umatilla with a message from Kamaiaken?

Answer- Stickus was not for war. ~~Five~~ Ten-tin-mit-see and I were not for war. The chiefs were for war. Most of the young men were for war. I tried to talk with them; they would not listen to me; their hearts were bad.

Stickus -- A Cayuse Indian was called by the Judge Advocate as a witness for the prosecution.

Lt. Wright, for the prisoner, objected to his being sworn by reason of his want of knowledge of the nature of an obligation of an oath. The court decided that the witness be examined on this point.

Question by the Judge Advocate- You heard me ask Howlish Wampool if he knew the obligation of an oath. Are you willing to be sworn?

Answer- Yes and will talk straight.

Question by the Judge Advocate-- Do you know why the white man holds up his hand when he is sworn?

Answer- Yes; he points to the Great Father and tells him he will talk with one tongue.



Question by the Judge Advocate--What do you suppose the Great Father would do to the white man if he told a lie then?

Answer-- He would be angry. He would punish him.

Question by the Judge Advocate--If you are sworn as the white man is sworn, and should tell a lie, do you suppose the same punishment would be inflicted on you as on the white man?

Answer-- Yes the Great Spirit is the father of us all.

The court decided to admit the witness whereupon Stickus being duly sworn says---:

Question by the Judge advocate--Do you know the prisoner?

Answer--Yes. He is a Nez Perces. Last year he came to our council from Kamaiken; he talked there; he talked bad, very bad; he did not speak to those of us who were friendly to the whites as his heart was for war. A band of five Indians came from Kamaiken who were to follow Kamaiken's talk.

Question by the Judge Advocate--At the time the prisoner was at the council on the Umatilla, had Brook's house been burned?

Answer--Yes, he told us Kamaiken had told him to burn the house, he told the other Indians (why the ....two pages duplicated in film, leading off why the white man)... had burned the house.

Question by the Judge Advocate--At the time of the war council of the Cayuse and Umatilla Indians, did you hear any talk with the prisoner?

Answer-- I asked him how his heart was today. I asked told him I liked horses and goods. I told him that he had done bad; that his burning house and taking the whites' goods made me sick, that when I had a horse who strayed off and was lost it made my heart sick, and he, the prisoner, laughed at me. That is all I told him, and that is all I know.

Question by the Judge Advocate-- What news did he bring the Cayuses from Kamaiken?



Answer--He brought us word that we all had to fight in every place, all must go to go (sic) this was what Kamaiaken said.

Question by the Judge Advocate--Where have you camped this winter?

Answer-- With Howlish Wampool, Pierre and Tentimutsee, you know where.

Question by the Judge Advocate-- Have there been any soldiers camped with you since the battle on the Touchet?

Answer--Yes , some of your people.

Question by the Judge Advocate--Are all the friendly Cayuses and Walla Wallas camped together?

Answer-- Yes, where I told you.

Question by the Judge Advocate-- Has the prisoner a family in this camp?

Answer--No

Question by the Judge Advocate--Had he any business there?

Answer-- No. We don't want those who belong to the war party to come near us.

Question by Lt. Wright-- Do you suppose he came into camp to know who was there, so as to tell all he could find out to the war party?

Answer--I can't say. I donot know what he came for. He is a bad man.

The evidence for the part of ~~xxxx~~ the prosecution here closed.

Lt. Wright announced that he had no witnesses for the defense and that he would submit the whole subject to the court without further remark.

The court being cleared and the whole of the proceedings read over to the court by the Judge Advocate, the following finding and sentence were pronounced:

The court after mature deliberations on the testimony adduced find the evidence: To-pe-al-an-atike-kek, a Nez Perce Indian, guilty of the specifications and guilty of the charges preferred against him, and sentence him to be hanged by the neck until he be dead--the



sentence to be carried into execution within twenty-four hours after its approval by the colonel commanding. The court adjourned sine die (Signed) Wm. H. Farrar. Signed. Hiram Wilbur, capt. Co. D  
judge advocate

1st Regt. O.M. Vols. president

Head Quarters, 1st Regt. O.M. Vols.

Camp Cornelius, March 6, 1836

By a court martial of which Capt. Hiram Wilbur, Co. D is president, was tried a certain Nez Perces Indian called Te-pe-al-an-at-ke-kek on charges and specifications preferred against him by Lt. Thomas J. Small, Co. K 1st Regt. O.M. Vols. to all which the prisoner pleaded not guilty. The court after mature deliberations on the testimony adduced, find the prisoner guilty of the specifications and guilty of the charges and sentence him to be hanged by the neck until he be dead--the sentence to be carried out within twenty-four hours after its approval by the commanding colonel.

The commanding colonel approves the finding and sentence of the court martial and orders the sentence to be carried into effect at the hour of 9 o'clock tomorrow morning.

By order of T.R. Cornelius

Signed: W.H. Farrar, adjt. regt.

Col. Commanding 1st Regt.  
O.M. Vols.