

THE KIOWA INDIAN AFFAIR

1871-1875

by

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A THESIS

Approved:

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THE KIOWA INDIAN AFFAIR

1871-1875

A THESIS

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by

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Purpose

The purpose of this study was to examine the underlying and directing motives of the Indian policy of the federal and state governments in the case of the Kiowa Indians during the years 1871-1875. Three major areas concerning the Indian problem were investigated: (1) treaties and laws, (2) the "Peace Policy," and (3) public opinion and action concerning the Indian problem.

Methods

The historical method of investigation was used in collecting information for this study. Primary sources were examined at the State Archives in Austin. Secondary works were obtained at Sam Houston State Teachers College and the University of Texas. Newspapers of the period were referred to at the State Archives and at the Houston Public Library.

Findings

The facts presented in this study indicate that the following conclusions appear to be in order:

1. An effort was made to care for the Indians when the white men encroached upon the land that had been their home land, but this did not satisfy the Indians.

2. The Indians were not to be excused for their wrong deeds, but some white men must be made to bear part of the blame.

3. Laws were made to protect the white settlers, but many of the provisions were not enforced until public opinion demanded their enforcement.

4. Advocates of the "Peace Policy" did much to encourage the Indians to live peacefully on the reservation, but they had to agree that some of the Indians could not be changed by kind treatment and that severe punishment which could best be administered by military forces was needed.

5. The Salt Creek Raid marked a turning point in the philosophy of dealing with the Indians, for the leaders of this raid were the first Indians to be tried and convicted in a civil court. At this time a precedent was established by which future marauders were punished.

6. Public opinion was the directing force in the formation and application of policies dealing with the Indians.

Approved:

Supervising Professor

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CHAPTER I

INTRODUCTION

Statement of the Problem

It is a well-established fact that the policy of the United States government has been inconsistent as it applied to Indian affairs, but the reasons for this inconsistency are not well understood. These vacillating policies and their causes were clearly revealed in the Kiowa Indian affair of 1871-1875, but before they could be understood a thorough study was necessary. The result of the study is presented in this thesis.

Danger from the Indians increased until it became the most momentous problem of the forward settlements on the northern frontier of Texas. To combat this problem the federal government made laws to protect the settlers, and treaties to provide for the Indians whose homeland was being encroached upon by white men. These treaties--because they were violated--and these laws--because they were not enforced--failed to bring the desired peace to the frontier; then the benevolent, civilizing "Peace Policy" was initiated by the government in an effort to control the Indians.

On May 18, 1871, a group of Kiowa Indians were led

by the chiefs Satanta, Satank, and Big Tree in the Salt Creek Raid. This raid was followed by a brief period of relentless activity of United States troops, directed by General William T. Sherman, who captured the Indian chiefs, arrested them and had them tried in a civil court for their crime. The jury, composed of frontier citizens well aware of the danger from the Indians to their part of the country, found the Indians guilty of murder in the first degree.

No sooner had the death sentence been pronounced than a reversal of the policy of the federal government was evidenced. The Indian Agent of the Fort Sill Reservation and the Superintendent of Indian Affairs, at Larned, Kansas, persuaded the Governor of Texas, Edmund J. Davis, to commute the sentence to life imprisonment. Pressure from the Kiowas, who assumed a hostile attitude toward the whites holding the chiefs and from government officials who wanted to maintain peace, finally forced the governor to parole the prisoners to the Fort Sill Reservation.

During the following year there was a sharp increase in the number of depredations by the Indians, and once again the government troops relentlessly and successfully dealt with them. By spring 1875, the government troops had captured or accepted the surrender of all the Kiowas; they then followed the precedent established after the Salt Creek Raid and arrested and imprisoned the leaders of the

raids. The peaceful Indians were returned to their reservation, where they remained under strict supervision. The trouble between the settlers and the Indians north of the Red River was over, and immigrants could come to the Texas frontier to settle. The policies of the government had at last been successful in removing the Indian threat to the frontier, thereby allowing that area to be open for civilization.

Purpose of the Study

The purpose of this study was to examine the underlying and directing motives of the Indian policy of the federal and state governments in the case of the Kiowa Indians during the years 1871-1875. Three major areas concerning the Indian problem were investigated: (1) treaties and laws, (2) the "Peace Policy," and (3) public opinion and action concerning the problem of the Indians. Treaties were examined to determine the effort made by the government to compensate the Indians adequately for their loss of land and to adapt him to the white man's civilization. In the area of laws, the length and limitations of allowable actions were considered. President Grant's "Peace Policy" was studied as one of the general motivating forces in overcoming the Indian problem. Public opinion and action

as a directing force in the policy was then considered. This study shows how these three areas, interacting, determined the course that the government followed in clearing the Indians from the Texas plains, making that territory safe for the ever-increasing number of settlers.

Limitation of the Study

The research for this study was limited to the examination of the Indian policy of the government concerning the Kiowa Indians during the years 1871-1875. There was no intention of developing the life story of Satanta beyond that part which is pertinent to this study. This has already been done, although the book [by Wharton] is neither footnoted nor documented.¹

¹ Clarence R. Wharton, Satanta.

This study is wider in scope than the fine history by Carl Rister concerning the Jacksboro Trial, during which Satanta and Big Tree gained the dubious honor of being the first Indians tried and convicted in a civil court.²

² Carl C. Rister, "The Significance of the Jacksboro Affair, 1871," Southwestern Historical Quarterly, XXIX.

This study is meant neither as a condemnation nor

approval of these governmental policies which resulted in clearing the Indians from the Texas plains and ensuring the ultimate safety of the settlers from the savages. Policies which would have accomplished this task more quickly or more slowly than the ones adopted are not considered. The facts are merely presented and the conclusion drawn from these facts.

Method of Investigation

The historical method of investigation was used in collecting information for this study. Internal and external criticism was used in evaluating all information to ascertain whether the information applied to the problem being considered or to some remote but similar problem.

The library at Sam Houston State Teachers College provided some secondary works. Many primary sources, such as those in the Library of Congress, were unobtainable because of distance and expense involved. Facts brought out in secondary works where the primary sources could not be obtained were not used unless they could be substantiated from other sources.

One book, Our Red Brothers and the Peace Policy of President Ulysses S. Grant, by Lawrie Tatum, which was invaluable to the whole study, especially in the chapter on the "Peace Policy," was obtained through a loan from

the University of Texas. Newspapers of the period were examined at the Houston Public Library and the State Archives.

The complete file of the correspondence of Governor Edmund J. Davis was made available through the kind cooperation of the staff of the State Archives in Austin. In this correspondence this writer found Governor Davis' reply to General Sherman's abusive letter. Inasmuch as General Sherman's letter is included in almost every secondary work on this subject, but Governor Davis' answer is not even mentioned, this writer is of the opinion that this letter must have been overlooked by researchers, and he has included a copy of it in the appendix of this study.

CHAPTER II

THE KIOWA INDIAN AFFAIR

1871-1875

Tradition located the Kiowas at the headwaters of the Missouri River at a very early period of their history, but much better established is the fact that they later lived on the Upper Arkansas and Canadian rivers in Colorado and Oklahoma. They were driven southward by the Cheyenne and Arapahoe, and upon reaching the Arkansas River, they found their passage blocked by the Comanche, who claimed the territory south of that stream. Tribal warfare followed, but was concluded when the two tribes formed a lasting confederacy. They carried on constant warfare against the settlements of Mexico and Texas, and were more predatory and blood-thirsty--probably killing more white men in proportion to their number--than any of the other prairie tribes of Indians.¹

¹ Grant Foreman, The Last Trek of the Indians, 304.

As an attempt to establish friendship and understanding, the first treaty between the United States and the Kiowas was concluded on May 26, 1837; other treaties followed in 1853, 1865, and 1867. The last two of these

were signed by Satanta, a chief of the Kiowas; therefore it may be assumed that he understood the terms by which the United States provided a home and sustenance for the Kiowas, and the penalty that the Indians would have to pay for violation of the treaties.

Pictures of Satanta indicate that he was tall, strong, and had a commanding appearance; records of his actions leave no doubt that he was crafty, cruel, and "deeply imbued with resentment against the whites for encroaching on the hunting grounds of his people."²

² William B. Morrison, Military Camps and Posts in Oklahoma, 166.

District Attorney Lanham, who prosecuted Satanta at the Jacksboro Trial, described Satanta as follows:

. . . the arch fiend of treachery and blood, the sinning Cataline--the promoter of strife--the breaker of treaties signed by his own hand--the inciter of his fellows to rapine and murder--the artful dealer in bravado while in the pow-wow, and the most abject coward in the field, as well as the most canting and double-tongued hypocrite where detected and overcome.³

³ Clarence R. Wharton, History of Texas, 383.

This, then, was Satanta: the Indian who was feared on the frontier of Texas, the enemy who was pursued by Army forces,

the savage whose trial set a precedent for the future prosecution of marauders, and the criminal whose final imprisonment brought peace to the Texas frontier.

On May 18, 1871, a group of Kiowas, led by their chiefs Satanta, Satank, and Big Tree, attacked a wagon train owned by Henry Warren as it passed through the Salt Creek Prairie about nine miles from the present city of Graham in Young County, Texas. Of the twelve teamsters with the wagon train, seven were killed and their bodies badly mutilated. One man was burned to a cinder, having been chained to the wheel of a wagon which was set afire. One man was badly wounded but later made his way to Jacksboro to report the raid; four others escaped injury during the attack by fleeing and hiding in some nearby timber. The Kiowas looted the wagons, burned them, and returned to the Fort Sill reservation, taking the mules and as much merchandise as they could carry.⁴

⁴ J. W. Wilbarger, Indian Depredations in Texas, 556-557, and Sam Houston Dixon, Romance and Tragedy in Texas History, 318, both give incomplete lists of the teamsters involved, but by comparing the two accounts the names of the twelve teamsters may be obtained. Among the dead were John Mullins, Nathaniel S. Long, James S. Elliot, M. J. Baxter, James Williams, Jessie Bowman, and Samuel Elliot, whose body was burned. Thomas Brazeal was wounded, and R. A. Day, Charles Brady, Hobbs Carey, and Dick Motor were the four who escaped. Cliff D. Cates, Pioneer History of Wise County, 210, states: "All the teamsters but two were murdered," but this seems erroneous in view of the other two reports.

Satanta and Big Tree arrived in Jacksboro on May 27, and were confined awaiting trial. They were ably represented by two lawyers, Thomas Ball and J. A. Woolfork, who, during the trial, "took advantage of every legal technicality and conducted their defense with excellent judgment and decided impressiveness."⁵ On July 8, the jury returned

⁵ J. W. Wilbarger, Indian Depredations in Texas, 562.

the verdict of guilty of murder in the first degree, and the Indians were sentenced to be hanged.⁶

⁶ Clarence R. Wharton, Satanta, 186.

The Jacksboro Trial was of immense interest to the inhabitants of that vicinity--and to the whole nation--for they realized that the manner of capture, the proceedings of the trial, and the execution of these Indians might well set a precedent by which future Indian marauders would be punished. Government officials were greatly concerned, for although they had approved of the proceedings they did not know what effect this punishment would have on the Indian tribes.

The Superintendent of Indian Affairs, Enoch Hoag, feared that if Satanta and Big Tree were executed their

tribe would wage war against the settlers of Texas and Kansas. Consequently he wrote to President Grant, who had a political interest in the case, beseeching him to do all in his power to save Satanta and Big Tree from the gallows. Lawrie Tatum--instrumental in the apprehension of these Indians--was a Quaker, and was naturally opposed to the death penalty for any crime. He argued quite persuasively, and to the right people, that one trait of the Indians was to seek revenge; consequently he believed that should the sentence be carried out the Indians of the Fort Sill Reservation would endeavor to avenge the death of their chiefs. He also pointed out that the Indians did not fear death, but dreaded imprisonment; and urged that the sentence be commuted to life imprisonment, which would actually be a worse punishment, and would not create a desire for reprisals.

These men aroused public opinion to the point that Governor Davis was forced to commute the sentence to life imprisonment; and Satanta and Big Tree were consequently confined in the penitentiary at Huntsville, Texas.

The imprisonment of Satanta and Big Tree seemingly restrained the Indians from raiding Texas settlements for a while, but the Kiowas were persistent in their demands that the chiefs be released. In 1872, tribes of the Kiowa, Comanche, Cheyenne, Arapahoe, and Apache became so menacing

in their attitude and actions that the Indian Agents urged them to select a delegation of their chiefs to go to Washington for a conference with President Grant. The Kiowas reluctantly agreed to this only after they received the promise that Satanta and Big Tree would be allowed to confer with them before they arrived in Washington. This wish was complied with, and the two Indians were taken from a convict gang which was extending the H & T C Railroad line to Dallas from Millican, where it had stopped when the Civil War started. They conferred with their tribesmen at St. Louis, and then were returned to the convict gang.

The Indian delegation arrived in Washington and conferred with the Commissioner of Indian Affairs who, without consulting the governor of Texas, implied that he would release Satanta and Big Tree in return for the promise to cease all warfare. When the Indians gave their promise, he immediately started trying to convince other officials that the two Indians should be paroled. In order to facilitate this he called for a conference to convene at Fort Sill, in the Indian Territory.

At the Fort Sill Conference in October, 1873, Governor Davis was persuaded to save the good name of the federal government by agreeing to the promise to parole the prisoners. In return he received the guarantee of the government to regiment the Indians on the reservation more

closely, and to maintain peace on the frontier. The two Indians were paroled to the Fort Sill Reservation, knowing that if they broke this parole, or were caught raiding, they would be returned to prison.

The release of Satanta and Big Tree had the bad effect that the people on the frontier had prophesied. During the two years that they had been in confinement there was comparative peace, but during the next year more than sixty people on the frontier were killed, wounded, or captured. It was during this episode that General Sherman wrote the vitriolic letters to the Secretary of Interior and to Governor Davis, rebuking them for releasing the Indians that he had risked his life to capture. The people of Texas were also aroused by the renewed Indian activity and urged the government to take action against the Indians. The government complied by providing an army force large enough to cover the entire frontier in their search for warring Indians. By spring, 1875, the Indians were tired of running and tired of warfare. Many of those not killed or captured willingly surrendered to escape the vengeance of the soldiers.

Satanta and Big Tree held out till late in the year, and then surrendered to the Cheyenne Agency at Darlington. Big Tree was exonerated of any part in the raids; but Satanta was charged with breaking his parole and was

returned to the penitentiary at Huntsville. Some of the other Indians involved in the raids were arrested according to the precedent established by the Jacksboro Trial, but the peaceful Indians were returned to their reservation.

During his second imprisonment Satanta became very morose, sullen, and broken in spirit. He spent long hours gazing through the bars of his prison cell toward the hunting grounds of his people. In October, 1878, Satanta decided to end his life, so he cut the blood vessels in his neck and legs. His condition was discovered by a prison attendant, who took him to the infirmary on the second floor, stopped the flow of blood, and then left him alone. The determination to die could not be so easily abated; and he hurled himself to the ground below, where sometime later his broken and lifeless figure was found. His family did not have enough money to send for his body; so it was buried on the prison compound, where it remains unmarked and unlocated today.

Before the passing of Satanta we had the passing of an era of Indian depredations that kept the frontier of Texas unsafe for white settlers. The federal government had experimented with treaties, laws, the "Peace Policy," and military might. These, combined and used when directed by public opinion, succeeded in clearing the frontier of the undesirable Indians, in caring for the Indians who would

submit to a peaceful life on the reservation, and in opening the plains of Texas for the immigration of white men who continued moving westward, fulfilling their "manifest destiny."

CHAPTER III

TREATIES AND LAWS

During the first half of the nineteenth century venturous Americans pressed beyond the Mississippi to begin the conquest of a new frontier. This adventure required adaptation to new and strange environments, and facing new and strange foes--the Plains Indians.

The presence of buffalo accounted for the character of the Indians that the frontiersmen encountered when they entered the Great Plains. These shaggy beasts reproduced so rapidly that millions existed, wandering in great herds covering as much as fifty square miles of prairie; and they were poorly equipped to defend themselves, for their poor eyesight, clumsy gait, and awkward movements made them easy prey for hunters. From them could be secured all the necessities of life: meat, clothing, bedding, tents, skin boats, and even fuel in the form of dried dung or "chips." With plentiful food assured them, the grassland Indian tribes lived nomadic lives rather than follow the sedentary agricultural pursuits of natives east of the Mississippi. Their natural roving tendency was accentuated during the seventeenth century when Spanish traders supplied them with horses. By 1800, horses were in general use among Plains Indians, who developed a remarkable riding skill which

encouraged them to roam widely in pursuit of game or on war expeditions.

The natives' absolute dependence on the buffalo for food, shelter, and clothing, and their use of horses, not only marked them as a distinctive cultural group but made them formidable foes. No longer could white men strike at red men by destroying their crops; now the tribes must be fought on equal terms, with the Indians equipped to do battle or run away as circumstances dictated. Their villages consisted of buffalo-hide teepees which could be folded quickly when an enemy approached, loaded on an A-shaped travois or carrying frame made from the teepee poles, and spirited away behind fast ponies before an attack was possible.

Until the introduction of the Colt revolver and the repeating rifle, the Plains Indians enjoyed a marked advantage over the white men; a mounted warrior could send half a dozen arrows against his opponent while a frontiersman was cramming one bullet into his muzzle-loading gun. For about a generation the Great Plains were looked upon as a barrier standing between the Mississippi Valley and the fertile areas beyond, to be passed over as quickly as possible. Then came some settlers who were so attracted to this part of the United States that they decided to stay and face the foes. They called upon the United States

government to control the Indians so that the fertile plains could be made productive, and white man's civilization could be extended into the area.

In conjunction with the policy of attempting to obtain and maintain peace on the frontier, United States Indian Agents met with the representatives of the Kiowa-Comanche confederacy, and concluded their first treaty on May 26, 1837. This treaty stated that there should be perpetual peace between the United States and the confederacy, and that all previous injuries and hostilities were to be forgiven and forgotten. The Indians agreed to let the citizens of the United States pass through the Indian Territory without being molested, and promised that, should some of the Indians not adhere to this agreement, the tribe would pay for any property they damaged. The government agents agreed that the United States would pay them for any of their property destroyed by United States citizens passing through the territory. The treaty further provided that should any crimes be committed by some of the Indians, the rest should interpose to apprehend the guilty, and also that the government of the United States might take such measures as it deemed necessary to accomplish this. It was further provided that since the Indians had freely and willingly entered into this treaty--their first with the United States--they were to receive presents as a donation from the United

States, which asked nothing in return except that the Indians should remain at peace.¹

¹ Charles J. Kappler (ed.), Indian Affairs, Laws and Treaties, II, 489-490.

Thus the first treaty between the United States government and the Kiowas attempted to establish friendship and understanding. It provided gifts for the Indians, and clearly stated that the United States government would take such measures as it thought necessary to secure peace and safety for the settlers. This was not just idle talk, for Congress had passed a law on June 30, 1834, which provided:

The Superintendent, agent, and sub-agent shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, and of all other persons who may have committed crimes or offences within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing and terminating hostilities between any of the Indian tribes.²

² Kappler, Indian Affairs, I, 19.

This was the authority by which General W. T. Sherman entered the Kiowa reservation in 1871 for the apprehension

of Satanta and others guilty of the Salt Creek Raid.

The federal government, after making it clear to the Indians that no further violence would be tolerated, also made it clear that it was interested in the welfare of the Indians. Therefore, another treaty was made with the Comanches, Kiowas, and Apaches at Fort Atkinson, Indian Territory, on July 27, 1853. Article Six stated that for losses which these Indian tribes might sustain by reason of the travel of the people of the United States through their territory and for their better support, and the improvement of their social conditions, the United States agreed to pay the tribes an annual sum of \$18,000 for a ten year period, to be extended for five additional years should the President so desire. This amount was to be received in goods, merchandise, provisions, or agricultural implements, or in such form as may be best adapted to their wants.

Article Eight of the same treaty provided that should any of these Indian tribes violate any of the conditions, provisions, or agreements, or fail to perform any of their obligations, then:

the United States may withhold the whole or a part of the annuities mentioned in the sixth part of this treaty, from the tribe so offending, until, in the opinion of the President or the Congress of the United States, proper satisfaction shall have been made, or until persons amongst the said Indians offending against the laws of the United States shall have been delivered up to justice.³

³ Kappler, II, 601.

Furthering the friendly but strict policy of the United States, which endeavored to provide for the Indian as well as the white man, commissioners for the United States made another treaty with the Comanche and Kiowa tribes on October 18, 1865. The commissioners were John B. Sanborn, William S. Harvey, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth and John Steele. In article I, government and the Indians agreed to perpetual peace. Article II stipulated:

in case hostile acts or depredations are committed by the people of the United States, or by the Indians on friendly terms with the United States, . . . such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints through their agents to the President of the United States, and there upon an impartial arbitration shall be had under his direction, and the award thus made shall be binding on all parties interested, and the Government of the United States will in good faith enforce the same.⁴

⁴ Ibid., 892-893.

This same treaty provided a reservation for the Indians who were parties to the treaty, and stated that they were not to leave their reservation except for specified purposes, and unless they had written permission from the agent or

other authorized persons. The treaty continued:

It is further agreed by the Indian parties hereto, that when absent from their reservation, they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the Government of the United States; that they will not while so absent encamp, by day or night, within ten miles of any of the main traveled routes or roads through the country to which they go, on the military posts, towns or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages. . . . and the Indian parties hereto, on their part, agree, in case crimes or other violations of the law shall be committed by any person or persons members of their tribes, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian Affairs, or to other proper authorities, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.⁵

⁵ Kappler, II, 893-894.

This treaty is of utmost importance to this study, since its provisions were violated in a number of ways:

- (1) the perpetrators of the Salt Creek Raid did not have written permission to be absent from the reservation;
- (2) they camped overnight much closer than the stipulated ten miles to a main traveled route; (3) the treaty provided that any perpetrator of a crime should be delivered to his agent or other authorized person, upon written request; (4) it stipulated that the person or persons guilty of a crime

might be punished according to the laws of the United States; (5) it was violated again in that Satanta and other Indians were again absent from their reservation without written permission at the time of the fight at the Wichita Reservation in 1874; and, (6) this treaty was signed by Satanta, Satank, and twenty other Indian chiefs and headmen of the Kiowa and Comanche tribes.

On October 21, 1867, the United States entered into a treaty with the Kiowas and Comanches by which the Indians were assigned a reservation in the Leased District of the Indian Territory. This was accomplished by the celebrated Peace Commission authorized by Congress on June 20, 1867, which met with five thousand Indians at Medicine Lodge Creek in Southern Kansas.

This treaty, after reiterating the sentiment that all wars should cease and peace should be maintained, stated that if bad men among the whites committed any wrong, the United States would proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the Indians for the loss sustained.⁶ Chapter IV of this thesis gives several

⁶ Kappler, II, 977.

instances in which this portion of the treaty was violated

by white men who were Indian traders. The government made an effort to keep its part of this treaty, but it was never entirely successful.

This same treaty gave the boundaries of the reservation, but stipulated that other arable land would be added if it were needed. Other provisions were: Indians were to be supplied with seeds, agricultural implements, and agricultural teachers; ten prizes--amounting to a total of five hundred dollars--were to be given each year to the Indians who grew the most valuable crops; clothing such as worn by white men was to be given to the Indians; one school house and one teacher were to be provided for every thirty children; education was to be compulsory for all children between the ages of six and sixteen; and a doctor was to be furnished by the federal government. The reservation was to be a permanent home, one on which the Indians would be educated and prepared to take their place in the white man's world.

In return the Indians agreed to withdraw all opposition to railroads, built, being built, or to be built. They agreed not to attack any person at home or traveling, nor would they molest or disturb any wagon-trains, coaches, mules or cattle belonging to the people of the United States. They further agreed not to kill or capture white men, women, or children.

This treaty, like the one preceding it, was signed

by Satanta and nine other Kiowas, and by ten Comanches. When they signed the treaty--assuming that it was fully explained to them, and that they understood the terms--it appears that they should have been willing to abide by it. This seems especially true if they had considered that the United States was endeavoring to provide a home and an education for their people.

Two more laws, passed before the Salt Creek Raid, have a bearing on this study. The first one was passed on March 2, 1867, and stated:

No money or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe, which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefore by Congress.⁷

⁷ Kappler, I, 11.

The other law, dated April 10, 1869, backed up these provisions by stating:

No deliveries of goods or merchandise shall be made to the Chiefs of any tribe, by authority of any treaty, if such Chiefs have violated the stipulations contained in such treaty upon their part.⁸

⁸ Kappler, I, 11.

After 1871, Lawrie Tatum applied the principal set forth in these laws with good temporary results. During the confinement of Satanta and Big Tree, some of the Kiowas went into Texas, murdered Mrs. and Mr. Lee, captured their four children, and brought them back to the Fort Sill Reservation. For this act Tatum withheld the tribe's ration of sugar and coffee. The women and children, who especially liked these commodities, and who were eager to have these products again, persuaded the braves to turn the children over to the authorities, without ransom.

Tatum's plan of withholding rations from a tribe or band that held white captives until they were delivered to proper authorities, though lawful, was new and experimental. No one knew if it would work well or not, but Tatum thought it was the right thing to do. Paying a ransom for captives provided an inducement for the Indians to obtain captives, whereas in Tatum's procedure there was no such inducement.

Another time when the tribes were contemplating a raid into Texas, Tatum informed them that their rations would be withheld. Apparently in defiance, some immediately went on the raid. When Tatum informed the government of his contemplated action, he was ordered to continue issuing the

rations until further notice. This lack of agreement on the proper means of restraint for the Indians conveyed to them the idea that the government was willing to pay them for their promise of good behavior, for they believed that fear of more raids on Texas was the reason for the rations being continued. This point of view was expressed by the Indians to Mr. Tatum, for he wrote:

A prominent chief told me that if Washington--i.e., the President--did not want his young men to raid in Texas, then Washington must move Texas far away, where his young men could not find it. One motive for raiding was to get an increase of annuity goods and rations. They told me that when they made their last treaty they got a large amount of annuity goods and a liberal supply of provisions. Since then they had not got so much. They told me a number of times that the only way that they could get a large supply of annuity goods was to go out onto the warpath, kill some people, steal a good many horses, get the soldiers to chase them awhile, without permitting them to do much harm, and then the Government would give them a large amount of blankets, calico, muslin, etc., to get them to quit.⁹

⁹ Lawrie Tatum, Our Red Brothers and the Peace Policy of President Ulysses S. Grant, 130.

Lack of a determined Indian policy and vacillation in plans of procedure was bad, for they created misunderstandings, destroyed the Indian's respect for orders from the agents, and added to the perplexity of the Indian problem. These treaties, because they were broken, and these laws,

because they were not consistently enforced by a young nation facing such an unusual problem as that presented by the Indians, failed to bring the desired peace to the frontier. Yet, they played an important part in the overall strategy, for the nation changed its policies when necessary, profited by mistakes, retained the good features, and eventually provided for the Indians and secured peace on the Texas frontier.

CHAPTER IV

THE PEACE POLICY

The United States provided through treaties a home for the red men, and passed laws that demanded that they stop their raids upon the white settlers, but the Indians found it easy to steal down into the settlements and carry out their forays. The laws were not enforced diligently enough to instill respect in the hearts of the Indians. There were additional troubles.

The belt of country lying between the frontier settlements of the whites and the reservation of the Indians had been for many years infested by bands of horse thieves and other desperate characters who had fled from civilized society to escape from the justice that their crimes merited. These desperadoes continually prowled about in secret, committed crimes in the frontier towns and outlying settlements, sold whiskey, arms, and ammunition to the Indians, and stole large numbers of Indian ponies. Under the false title of Indian traders, they would sell the ponies at public auction far from the scenes of their crimes. These actions had two effects upon the Indians; it gave them an excuse to retaliate against the whites for the loss they sustained at the hands of the thieves, and it gave them an incentive to steal goods from the settlers that they could trade for the whiskey,

ammunition, and guns. Colonel S. H. Starr, in a report to the Post Adjutant of Fort Richardson, Jacksboro, Texas, on November 20, 1868, stated that the Wichita reserve was a "resort of rascals from all sections, who by purchasing their plunder and otherwise encouraging the Indians to steal horses and take them there for sale, make it profitable."¹

¹ C. C. Rister, "The Significance of the Jacksboro Indian Affair of 1871," Southwestern Historical Quarterly, XXIX, 184.

Major General N. B. Hazen, who was stationed in this region, said, in replying to the criticism of the plunder by the Indians, that "the purchase of captives and plunder had been the principal incentive to the many crimes committed by the Indians."²

² Ibid.

In addition to these causes for dissatisfaction on the part of the Indians, the irregular trade carried on by some white traders in the region north of the Red River increased their resentment of the white people. One newspaper of the time, Flake's Daily Bulletin, of Galveston, on October 30, 1867, carried the story of D. A. Butterfield, who sold the Indians some infantry coats which cost him one

dollar and twelve cents apiece, for eleven dollars, and blankets that cost him thirteen dollars apiece for twenty-three dollars.. According to this article, Butterfield made an agreement with the Kiowas to rob his train in order that he might put in a claim against the government for his losses, and the agreement was carried out. According to the same source dishonest traders sold to the Indians rusty plows and soft-iron spades, which could not be sold elsewhere. The Indians cannot be excused for their wrong deeds, but some white men must be made to bear part of the blame.

In the spring of 1871, the United States again made an effort to ameliorate conditions that existed between the Indians and the whites. Some of these men engaged in illicit trade were rounded up and punished, and the Indians were to some extent compensated for their losses. Then a delegation of the Arapahoe, Cheyenne, Comanche, and Kiowa were invited to visit the President and see some of the eastern cities. The Commissioner of Indian Affairs thought that when the Indians saw the power and wealth of the United States they would be impressed, and more inclined to remain peaceful. The Kiowas and Comanches refused to go on this trip; instead, they were persuaded by Indian traders and half-breeds to go on a raid into Texas. It was while on this raid that the Indians perpetrated the notable Salt Creek Raid.

Many people believe that the Indians are largely what the white people have made them; and claim that they learned and practiced many of the vices and few, if any, of the virtues of the civilized nations. Before Lawrie Tatum took charge of the Fort Sill Agency in 1869, and brought a knowledge of religion to the Indians, there were about 2,500 Comanches, 1900 Kiowas, 500 Apaches, and 1200 of the Wichita and affiliated bands. The latter were partially civilized and were not addicted to raiding, but preferred to spend their time in agricultural pursuits. They believed, and with evidence, that their peaceful pursuits had led the government to take their land away from them and give it to the warring tribes in exchange for promised peace. Tatum was cognizant of this, and wrote:

Before they had a home assigned to them, the Kiowas and Comanches frequently brought my attention to the Wichitas as being poor and without a reservation because they would not fight the soldiers. They fought and got a large tract, about sixty by one hundred miles in extent, assigned to them by treaty. They seemed confident that they not only had their reservation, but were treated better and commanded more respect, on account of their fighting the soldiers. A proof of it was the Wichitas.³

³ Lawrie Tatum, Our Red Brothers and the Peace Policy of President Ulysses S. Grant, 56.

That this was Satanta's thinking when he was asked

if he had led the Salt Creek Raid is evident from his answer:

Yes, I led in that raid. I have repeatedly asked for arms and ammunition, which have not been furnished. I have made many other requests which have not been granted. You have not listened to my talk. . . . On account of these grievances, a short time ago I took about a hundred of my warriors to Texas. . . . We found a mule train, which we captured, and killed seven of the men. Three of our men got killed, but we are willing to call it even. It is all over now, and it is not necessary to say much more about it.⁴

⁴ Tatum, Our Red Brothers, 116-117.

When some of the Indians raided in Texas, agents informed the Indians that remained on the reservation that it would be necessary for them to turn the raiders over to them, or to supply them with hostages--an innocent person for a guilty one. The Indians resented this and could not understand this kind of thinking among the whites. The treacherous and unreliable Lone Wolf summed up the thinking of his people in regard to this matter:

If the Indians go to Texas and get killed, I think that is all right. If they kill white people there, I do not want the white people to come upon us here, for this is a country of peace. Catch them there; kill them there. If those foolish young men have killed any of the people in Texas they are dead. Some of those young men have been killed; they are dead. Let it all pass; do not let it make trouble among the living.⁵

⁵ Ibid., 179.

This policy was not acceptable to the people of the frontier, for they wanted to live in peace and safety.

The young men of the Kiowas were not anxious for peace, so fond were they of raiding. They let it be known that they would agree to peace only when Satanta and Big Tree were released from the penitentiary, when all the military posts had been removed from Indian Territory, and their reservation lines extended to the Rio Grande River.

The young Indians were encouraged in their misdeeds by the treatment they received from the other members of the tribe. Mr. Tatum told of being present at an Indian village when a raiding party that had been absent for about four months returned to the Kiowa camp, bringing two scalps, a few blankets, and some very inferior mules and ponies. As they approached the camp they started singing the "Song of Triumph," moving slowly forward, occasionally varying the song with a war-whoop and the discharge of firearms--a signal that they had killed someone. Soon the women and maidens came out from the camp to meet the party, and conducted the raiders royally to camp, treating their "heroes" with the greatest honor they were capable of bestowing. In this manner the whole camp encouraged the forays of the young braves.

As a consequence of the misdeeds by the Indians the great majority of the people of the United States became

very prejudiced against them. The excitement ran so high about the time of General U. S. Grant's election to the presidency as to manifest itself in a very extensive clamor for a war of extermination against the whole race. In the wake of this manifestation of public opinion, President Grant was faced with another problem. The Civil War was over and reconstruction was well in hand. Therefore it was no longer expedient for the United States to continue to pay for the services of a large army, and orders were given to reduce the army from forty-five regiments to twenty-five. General Grant was reluctant to see many of the men with whom he had been in uniform released from the army which was the only means of livelihood that they knew. He knew that many of these men had gained invaluable knowledge in their dealings with the Indians while on frontier duty after the war; consequently he ordered sixty-eight of the top ranking officers who were to be released to report to the Commissioner of Indian Affairs for appointment as Indian Superintendents and agents. Because these positions were usually held by civilian appointees, this move by President Grant was unpopular with members of congress, who believed that the power to appoint civilians to these positions was their prerogative.

These congressmen passed a law on July 15, 1870, which prevented the President from using Army officers to

supervise Indian affairs. Because of this controversy, which was well publicised, President Grant was visited by a delegation of Quakers who suggested to him that he consider the propriety of appointing religious men for Indian Agents, who would secure religious employees whom, they thought, would have a better influence on the Indians. They believed that the Indians should have religious agents, acquainted with the practical duties of agriculture and horticulture, and religious teachers and other employees, for they believed that "the religion of the Lord Jesus is the only efficient and permanent civilizing influence."⁶

⁶ Tatum, Our Red Brothers, 202.

President Grant was disappointed that he could not use soldiers to administer the Indian program, but he was impressed with the plan presented by the Quakers, and decided to put it into operation. To the members of congress, he said:

Gentlemen, you have defeated my plan of Indian management, but you shall not succeed in your purpose, for I will divide these appointments up among the religious churches, with which you dare not contend.⁷

⁷ William T. Sherman, Memoirs of General William T. Sherman, II, 437.

in good faith, we will stand better before the civilized nations of the earth and in our own conscience for having made it.⁸

⁸ James D. Richardson (ed.), Messages and Papers of the Presidents, VII, 221.

The fact that President Grant was well pleased with the operation of the "Peace Policy" was well pointed out in his fourth annual message to congress, on December 2, 1872, when he stated:

The policy which was adopted at the beginning of this administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expense of their management, decreased their forays upon the white settlements, tended to give the largest opportunity for the extension of the great railroads through public domain and the pushing of settlements into more remote districts of the country, and at the same time improved the conditions of the Indians. The policy will be maintained without any change excepting such as further experience may show to be necessary to render it more efficient.⁹

⁹ Ibid., 200.

Lawrie Tatum, one of the first Quaker agents sent out by President Grant, sought faithfully to put into force what was known as the "Peace Policy." He was said to be a conscientious man, God fearing, and sincere in his effort to deal fairly with the Indians and with the white men.

Tatum found it necessary, in the execution of his duties, to face many hostile Indians, yet he never carried a gun or any other weapon, not even when he went into camps of hostile Indians to enumerate them, to help them with problems, or to apprehend them for crimes. On one occasion he stated:

It seems remarkable how the Lord has protected the non-combatant Friends from hostile Indians. From the day of William Penn to the present time I believe there is no record of a Friend being massacred by Indians, although their near neighbors have been killed by them. To the Lord be all the praise.¹⁰

¹⁰ Tatum, Our Red Brothers, 172.

Once when the Indians were in an ugly mood about goods and guns they were not getting in the quality and quantity they wanted, they presented their grievances to the agents. All the Indians and white men, except Tatum, argued loud and harshly over the matter. As the argument reached a climax, the Indians got out their knives and strung their bows, and the white men loaded their guns. Only Tatum sat quietly. Suddenly Lone Wolf approached Tatum, and thrust his hand into Tatum's shirtfront to feel his heart to see if its beat indicated that he was frightened. Tatum's heart beat indicated perfect composure. Upon being told by Lone Wolf that Tatum was not afraid,

the chiefs gathered about him in admiration and listened to what he had to say.¹¹

¹¹ Clarence R. Wharton, Satanta, 190-191.

Lawrie Tatum exhibited a friendly feeling for the Indians; this played a great part in his successful handling of the trouble that arose on the reservation while he was their agent. About the time of the Salt Creek Raid, United States troops recaptured forty-two ponies and two mules which had been stolen from the Kiowas by the Sioux Indians, and turned them over to Tatum, who in turn delivered them to the Kiowas, much to their surprise. This friendly act did much to further the good relations between the agent and the Indians.

Mr. Tatum, in an effort to ensure the good behavior of the Indians, informed them that any chief who went on a raid would no longer be recognised by the government as a chief. Displacing chiefs seemed to have a restraining effect; they evidently came nearer realizing than they had ever previously done that the government could and would control them. On one occasion, Big Bow, whom Tatum had displaced as chief because he went on a raid, urged Tatum to reinstate him. Tatum refused, stating that he would have no raiding chiefs, and that if they went on raids he would

not recognize them as a chief. Explaining his reason, he further stated:

Washington (the government) was doing a great deal for the Indians in feeding them and clothing them. The people in Texas and all the white people help to bear the expense, and it was very wrong for the Indians to be raiding on the people who were helping to feed and clothe them.¹²

¹² Tatum, Our Red Brothers, 170-171.

About the time that the Council was held at the Wichita agency and the Kiowas left to go into Texas on the Salt Creek Raid instead of listening to the more peaceful intent of many of the Indians there, Mr. Tatum wrote the following message to the Committee on Indian Affairs:

I think the Indians do not intend to commit depredations here this summer, but from their actions and sayings they intend to continue their atrocities in Texas. I believe affairs will continue to get worse until there is a different course pursued with the Indians. I know of no reason why they should not be treated the same as white people for the same offence. It is not right to be feeding and clothing them, and let them raid with impunity in Texas. Will the Committee sustain me in having Indians arrested for murder, and turned over to the proper authorities of Texas for trial?¹³

¹³ Ibid., 115-116.

The idea of arresting Indians and treating them the

same as white people for the same offences was not a new idea, for it had been provided for in the Treaty of October 18, 1865, which ironically, was signed by Satanta, who was destined to be the first Indian so punished. As has been explained in Chapter II of this study, Satanta returned to the Fort Sill Reservation after the Salt Creek Raid and readily admitted to Lawrie Tatum that he had led the Indians in this raid. Tatum turned Satanta and Big Tree over to General Sherman, who had the Indians taken to Jacksboro, near the scene of the crime, to stand trial in a civil court for their crime. There they were found guilty of murder in the first degree and sentenced to die.

As soon as the death sentence was pronounced on the Indians, Enoch Hoag, the Quaker Superintendent of Indian Affairs, began urging the president to intervene and save Satanta and Big Tree from the gallows. He believed that if the sentence were carried out a devastating war would surely follow.

Lawrie Tatum, religious man that he was, naturally opposed the death sentence, but he based his judgment on more than his religious convictions. He pointed out that two traits of the uncivilized Indians were to seek revenge, and to dread imprisonment. Therefore he felt that imprisonment would be worse punishment, and would give less cause for reprisal. On May 29, 1871, he wrote to General W. T. Sherman:

Permit me to urge, independent of my conscientious views against capital punishment, as a matter of policy, it would be best for the inhabitants of Texas, that they be not executed for some time, and probably not at all, for the reason that if they are kept as prisoners the Indians will hope to have them released and thus have a restraining influence in their actions. But if they are executed the Indians will be very likely to seek revenge in the wholesale murder of white people.¹⁴

¹⁴ J. W. Wilbarger, Indian Depredations in Texas, 568.

A similar letter was written by Tatum to Mr. Lanham, the district attorney, expressing the same argument against the death sentence. It should be noted that Tatum, while opposed to the death sentence, was not of the opinion that the Indians should be pardoned; in fact, he advised against it. His knowledge of the Indians and his well thought out views in regard to this matter were accepted by those that had to make the decision about the death sentence, for Mr. Tatum writes:

After the trial the judge wrote me that he would request the governor to commute the sentence, which was done. They were sent to the penitentiary for life. It seemed remarkable to me that General Sherman, Colonel Grierson, and the judge on the bench should all so heartily cooperate with my views and judgment in connection with the disposal of those Indians. General Sherman assured me that so far as his influence and authority extended he would have my requests

carried out.¹⁵

¹⁵ Tatum, Our Red Brothers, 122.

The arrest, trial, and imprisonment of Satanta and Big Tree appeared to have the desired effect upon the rest of the Kiowas, and for a while comparative peace prevailed upon the frontier of Texas. Tatum said:

. . . they were never so effectually subdued before. I see much in the Kiowas and all of the other Indians to confirm me that it was right to have them arrested, and I see nothing to make me feel doubtful about it. It has probably saved the lives of many Texas citizens.¹⁶

¹⁶ Ibid.

The peaceful conditions were not to continue, for soon the Indians got over the shock of the arrest and imprisonment, and began to go on small raids, and threatened to go on bigger ones if their chiefs were not released. Soon the Indian reservation was seething with discontent. Satanta, from behind the walls of the prison at Huntsville, claimed to be the principal chief, not only of the Kiowas, but of all the nations in the three agencies in the southwestern part of the Indian Territory, and asserted that if he were released he would keep all the Indians of that area

from raiding.

Public opinion, that had at one time clamored for the arrest and death of the Indian raiders, now feared reprisals for this act. In order to secure the peace and safety of the frontier, the people started favoring a policy of placating the Indians, even if this required the pardon and release of Satanta and Big Tree. The Friends Indian Committee felt very hopefully that it would be right to release the chiefs and thereby obtain peace on the Texas frontier. The authorities in Washington looked upon the idea with favor.

Tatum, who was actually much closer to the Indians and the entire train of events, opposed this thinking. He knew that Satanta was not chief of the whole area of Indians, and consequently could not keep them from raiding; and Tatum believed that he would not do so even if he could. Tatum said:

To my mind the effect on the Kiowas of the promise of the release of Satanta, a daring and treacherous chief, was like a dark and rolling cloud in the Western horizon, and when he should be restored to his people in freedom, it might burst like a tornado upon innocent and unsuspecting parties. Had some other raiding Indians been sent to the Penitentiary instead of releasing Satanta, it would have been in accordance with my judgment.¹⁷

¹⁷ Tatum, Our Red Brothers, 160.

Tatum was of the opinion that to give the Indians cause to believe that their raiding had compelled the white people to release their chiefs would only be a stimulus to them to continue hostilities, and keep the white people so afraid of them that they would yield to all their demands. Rather than this policy, which seemed to indicate a weakness in the government and a strength in the Indians, he favored sending the leaders of all raids to the penitentiary, and in that way stopping their unprovoked hostilities. This opinion was not in agreement with the opinions of the Friends Committee, or a large number of the settlers of the frontier, who were willing to secure the promise of peace at any cost.

A delegation of the chiefs of the Kiowa, Comanche, Cheyenne, Arapahoe, and Apache Indians was sent to Washington to confer with President Grant with the hope that a peace settlement could be agreed upon. In Washington, the Commissioner of Indian Affairs, without consulting the governor of Texas, implied that he would agree to the release of Satanta and Big Tree in return for a promise from the Indians that they would cease all warfare on the frontier settlements. When this promise was received from the Indians, he immediately started using his influence to convince all concerned that this was the proper course to follow.

His opinion differed greatly from that of Tatum, whose knowledge and judgment in this matter were not favorably received now as they had been in the matter of changing the death sentence to life imprisonment. Tatum was weary after more than three years of conscientious and discouraging effort to civilize the Indians. He realized that he had had much success in his work, but he felt that the release of the two Indians would lead to bad results, and he knew that it was hardly probable that he would have much further control over the Indians in view of the vacillating policy of the government. It seemed clear to him that it would be right to resign his position so that he could be replaced by some person who thought he could control the Indians with that kind of management. In this regard he wrote:

The Committee of Friends who nominated me were no doubt as much disappointed as I was, that with kindness and fair dealing the Indians would not be brought into subjection and cease their almost continuous depredations in Texas during the spring and summer. They were reasonably quiet in the autumn and winter, when their ponies were too poor for hard riding. Had the kind and honorable treatment that they were receiving by almost every person, except horse thieves and illicit traders, caused a manifest decrease in their depredations, the government could have afforded to bear with them; but when they were evidently growing worse, then firm restraint was the kindness that I thought was needed. . . . We were all sadly disappointed that those "spoiled Indians" would not be brought

into subjection by peaceable means.¹⁸

¹⁸ Tatum, Our Red Brothers, 165-166.

Tatum's resignation took effect on March 31, 1873, and Agent Harworth took charge of the Fort Sill Reservation on the next day. In two months from that time the Kiowas had the promise of having Satanta and Big Tree released from the penitentiary and returned to the reservation. With the exception of a raid by Lone Wolf and his son, in which the son was killed, the Kiowa chiefs had restrained their young men and had stopped a band of Comanches from going on a raid. About the time set for the return of these chiefs from prison, the agent received word from Washington that on account of the Modoc tragedy of 1872--in which a band of Modoc Indians of the Northwestern part of the United States savagely attacked a group of white men at a council which was attempting to negotiate peace with them--the order for the release of Satanta and Big Tree had been countermanded. The Kiowas had never before heard of the Modocs, and could see no reason why anything that they had done should affect them. Neither could Agent Harworth see why that should be cause for the government to break the promise to the Kiowas. He related instances when the Kiowas refused to join the Cheyennes in a raid on the agencies in that section, and of their restraining their braves, as well as some of the

Comanches, from going on raids. Harworth wrote to Washington and pointed out that the Kiowas had kept their promise to the government; consequently, he felt, the government officials should keep their promise to release the Indians. His letter caused Washington to agree to the release of the Indians if the consent of the Governor of Texas could be obtained.

On June 10, 1873, during the suspense over the return of the chiefs, the government restored to the Indians about a hundred of their women and children that they had held as prisoners. This caused great joy among the Indians, for nearly every tribe had members among the returned captives. Captain McClermont, who conveyed them to the agency, had difficulty in passing through nearly three hundred miles of Texas, where there had been much suffering from Indian raids and where it was the custom to shoot an Indian on sight if possible. The returned prisoners reported that they had been fed well and treated kindly. The chiefs shook hands with the Captain, and some gave him the warm salutation of an Indian hug. That was the first time that the Captain had ever met an Indian in friendship. He told the agent that he was a convert to the "Peace Policy."

The chiefs seemed to vie with each other in their strong assurance of good behavior. They promised that should any of their young men steal horses or mules in

Texas, these should be taken from them as soon as they were brought to camp and turned over to the agent to be restored to their owners. They also stated that there would be no further occasion for war between the two races. Captain McClermont was very hopeful that this signified the complete success of the "Peace Policy," and the end of Indian warfare.

There were other signs on the reservation that the "Peace Policy" was meeting with good success. Many, but not all, of the Indians were accepting the white man's civilization and the white man's God. One good example is Howling Wolf, who in 1878 stated:

When a young man, while rambling around and raiding with my comrades, I used to sometimes think that I was doing wrong in some things, for I knew a little about God, but I did not think it wrong to raid and to fight, which I now believe to be wrong, for I was an Indian and thought and acted as an Indian. I wanted to be a leader and went into sin, for which I was taken a prisoner, and with others sent to St. Augustine. There I learned much more about the Great Spirit, who caused me to realize that I had done very wrong. I wanted to throw away all of my bad deeds. I asked God to take away my bad heart, and give me a good heart. The Great Spirit heard me, and gave me a good heart. Then I felt happy. I often got tired of my confinement, and felt very uncomfortable. When feeling thus I sometimes took the Bible, and held it open before me, and that gave me comfort, although I could not read it.

I threw away my old road, and took the road of the Bible, which I believe is God's road. Now I am holding onto that good road. Since coming here to the school to work I talk to the boys and girls, urging them to take the good Bible road. I also talk to the people at camp

about God's road. I urge all the Indians to take the Bible road that they also may be happy.¹⁹

¹⁹ Tatum, Our Red Brothers, 196-197.

On May 3, 1875, Kicking Bird died. Although he was only in middle life at the time of his death he was the leading chief of the Kiowas, and for at least six years previous to his death his influence had always been on the side of peace. He lived to see the hostile element of his tribe brought into subjection, and all of the Indians in the Indian Territory on friendly terms with the government. However, this happy situation came only after the final Indian uprising in 1874.

On October 3, 1873, Satanta and Big Tree were released from the prison at Huntsville, and paroled to the Fort Sill Reservation. The autumn and early winter of that year were unusually favorable for Indians to procure buffalo meat and hides. With robes made from the hides, they could purchase many desired articles from the authorized traders; and the hostile Indians could purchase revolvers, ammunition, and whiskey from the illicit traders. They made preparations for more than the usual number of forays, well armed and well fortified by the whiskey. This was a matter of great concern to the Indian Agents, and the people on the frontier.

To make matters worse, a Quahada Comanche claimed that he had miraculous power to raise the dead; to go up into heaven and converse with the Great Spirit; to produce from his stomach any quantity of cartridges; and to affect the cartridges of soldiers and white people so that they could not injure the Indians even though they might be standing right in front of the guns when they were fired. This newly claimed power made the Indians more anxious for war, for now they had great hope of obtaining a victory over the white men. A large number of the Comanches, Kiowas, and Cheyennes decided to go on the warpath to measure their strength against the government troops. Satanta went with them. It is not possible to determine just what part he played in the raid, but it is evident that he could not or did not try to prevent it.

Public opinion once again clamored for the cessation of hostilities on the frontier and the protection of the settlers. The Governor of Texas reminded the federal government of the promise of protection it gave at the Fort Sill Conference. Members of Congress thought it time for the soldiers to stop the raiding, since it had not been accomplished by peaceful means. A portion of the Executive Committee of Friends on Indian Affairs went to Washington, and proposed that before any change be made some of the Committee have a meeting with the Southeastern Indians in

an effort to obtain peace. Accordingly it was arranged for Dr. James E. Rhodes, Thomas Wister, and Marduke C. Cope to visit them to see if they could be prevailed upon to behave without the harsh measures that were in contemplation. These men reminded the Indians of their broken promises, and warned them that if they were turned over to the soldiers they would find that "Washington's hand would be as heavy as his heart had been kind."²⁰ One of the

²⁰ Tatum, Our Red Brothers, 184.

young braves addressed the Committee of Friends as follows:

It matters not what the chiefs said in council with the whites. We, the young men, are the warriors, and shall not listen to them or any one else. We shall do as we please. Washington may be a big chief among the white people, but he is not our chief, and he has nothing to do with us. We shall not be controlled by him.²¹

²¹ Ibid., 187.

This opinion seemed to be prevalent among the young Indians. The Friends recognised in this attitude the need for the termination of the "Peace Policy" and the need for the harsh methods which could best be administered by military forces.

CHAPTER V

THE END OF THE AFFAIR

Throughout the years the government--vacillating from one policy to another--gained experience in dealing with the Indians, and was always laying the groundwork and building the structure that would eventually remove the red man's threat to the white man's expansion and progress. In order to achieve this result, public opinion, which had much to do in determining the general policy that had been followed, had to grow in strength until it could demand the cessation of hostilities by directing the activities which finally resulted in the suppression of the Indian threat to the frontier.

In order for the people of the frontier to make their opinion more powerful, it was necessary for them to grow in number. That this was done in the years shortly after the Civil War was attested to in the newspaper which printed, under the caption "State Item," the information that "Immigrant wagons are rolling through the towns of Northern Texas at a lively rate."¹ The fertile lands of

¹ The Daily State Journal (Austin, Texas), July 18, 1871.

Texas attracted many people from other parts of the United States, but Texas was no haven for the traveler or settler, for in addition to the Indian menace on the border there were internal troubles.

Texas had not played as active a part in the Civil War as had some of the other Confederate States, but it certainly had its troubles during the reconstruction period. This was clearly brought out in an editorial entitled "A Frontier Policy," which stated:

Since the war Texas has been greatly harassed by Indians, but its white murderers and thieves and desperadoes have kept all the powers that be busy in attempting to restore internal order and law. While a hundred people lost their lives at the hands of the savages a thousand fell the victims of violence, ambuscade, or drunken brawls. We could not hide this picture from the civilized world. We were judged by the facts and the Indian seemed a mild mannered and harmless creature to the white desperado and mid-night Ku Klux. The murder of innocent people, the mobbing of courts and burning of school houses and churches made up a record of violence and crime that made the civilized world to shudder.²

² The Daily State Journal, August 1, 1873.

The people of Texas apparently felt that they could cope with the lawlessness of other whites; and they felt just as strongly that they needed help in coping with the Indians who were wards of the federal government, protected

on reservations, fed, clothed, and supplied with equipment with which they raided the settlers on the frontier. The people on the frontier knew that every group of people would be most concerned with the problems that most directly affected them; and they realized that throughout the whole State there were many problems, but they were mainly concerned with the Indian problem. They were agitated by the efforts of the government to control the Indians by peaceful means which had no effect on them, and wanted to see a new policy started that would guarantee peace and security. They knew that few Indians had a concept of gratitude for the kind treatment they had been receiving, for they continued stealing and murdering, and then not only acknowledged these evil deeds but boasted of them. This was very clearly presented to the readers of a Houston newspaper in an article entitled, "A Horrible Record."

Troops have been quartered freely all over the South, and but a month ago a bill was passed to allow the use of the army against the imaginary Ku Klux, but there are comparatively no troops and no protection against an enemy who have killed one hundred and nine in one county alone. . . . China slew, not Americans, but foreign citizens, and the United States protests at once and indignantly against such a breath [sic] of faith, and canvasses the necessity for harsher measures; England must account for her conduct during the war; everywhere else American life and property must be respected, save in Texas, where the barbarous savages are allowed

privileges and immunities granted no nation on the globe.³

³ The Daily Telegraph (Houston, Texas), May 20, 1871.

The settlers realized that the problem had its solution only in the triumph of the white men or of the Indians. They knew that the more timid settlers must leave the frontier; the bolder, remain to be annihilated or to chastise the Indians.

The Indians certainly realized that they, too, were facing a struggle for their very existence, and did all they could to drive out the white settler. A newspaper reported that in Jack County, from August, 1859, until April, 1871, Indians killed more than 109 people, wounded three, and captured three others. Besides this they burned many houses and drove off a large number of livestock. Many of those killed were women, "murdered in the most fiendish barbarity, many an infant having its brains dashed out by some fierce warrior."⁴

⁴ Ibid.

The Waco Register printed a story of Indian treachery on May 11, 1871, which was reprinted in another newspaper as follows:

John B. Guthrie, 1st Lieutenant of the 11th Infantry, is in the city, on his way to Iowa, being on six months leave of absence. He informs us that some two weeks ago Indians were in the vicinity of Fort Richardson, and attacked a party of cow herders, catching one of them and taking his scalp, also shooting arrows into his body, leaving him for dead. But strange to say, the wounded man died two days afterward. He informed those attending him that fifteen Indians were in the attacking party.⁵

⁵ The Daily Telegraph (Houston, Texas), May 23, 1871.

The people of Texas were greatly agitated by these events, and although they looked to the state government for protection, they realized that not much help could come from that source unless the federal government would authorize such action. This was clearly demonstrated by an editorial in a Houston paper:

Not only has the United States been furnishing the Indians with clothing and provisions, and indirectly with arms and ammunition, but it has sheltered them from the righteous vengeance of the borderers and virtually tied the hands of the state government. It has claimed these murdering savages as the wards of the nation, has insisted that they were at peace with the government and yet taken no adequate steps to preserve this peace. The Indians have asserted that they did not believe that Texas belonged to the United States, and that they did not consider it a crime against the latter government to raid upon her, and no wonder, considering the worse than apathy and neglect which has been shown toward this persecuted State.⁶

⁶ The Daily Telegraph, May 20, 1871.

In June of 1870 a law had been passed requiring all male citizens up to the age of forty-five to register for state militia service, exempting those already in the military service and those who had completed five years of active service, as well as ministers, college professors, school teachers, judges, justices of the peace, policemen, and those who would pay fifteen dollars a year for exemption. However, money was so scarce that the government could not supply arms and equipment for the troops that might be called to duty, and on May 31, 1871, the seven existing companies of the Texas Rangers were mustered out of service. The adjutant general explained this action:

The discharge of the frontier force was found necessary from its proving too expensive; furthermore, the bonds issued for the frontier expense could not be disposed of nor hypothecated, except at low figures, their value being greatly depreciated by scurrilous and unwarranted attacks made upon them by parties opposing their issuance.⁷

⁷ C. L. Douglas, The Gentlemen in the White Hats, 74.

The whole frontier country was kept in a continual state of excitement and many settlers left that area, either for a more protected center of Texas or for their homes in

the east. A Belton newspaper published the sentiments of many of the frontier people:

The Belton Journal learns that the frontier troops are to be disbanded because there are no funds to pay the troops. It anticipates a dark future for the unprotected frontier.⁸

⁸ Reprinted in The Daily Telegraph, June 7, 1871.

The terrible tragedies enacted upon the frontier made warriors out of many men, women, and children who were previously not adept in the use of the revolver or the rifle. They resolved to challenge the Indians just a little while longer before they gave up the fight and the land. But just at this time a very significant series of events were transpiring. These, in their final result, aided materially in bringing ultimate peace to the harried land.

The frontier rejoiced over the news that General William T. Sherman was about to visit Texas to study the Indian problem for the United States government. General Sherman was not held in very high esteem by the average Southerner at the close of the Civil War. His march through Georgia left its impression upon the Southern people, and they agreed with him that "war is hell." The intervening six years had not changed their opinion of war

or of Sherman, but the Texans on the frontier were willing to welcome Sherman to their area, and then to judge him anew by the manner in which he carried out his new assignment.

On May 17, 1871, General Sherman and his party passed over the exact spot on which seven men were to lose their lives the very next day to Satanta and his followers, during the Salt Creek Raid. On May 19, a delegation of citizens from Jack and Parker Counties who had heard of the Salt Creek Raid visited General Sherman to tell him of the raid and to request immediate action and protection from the federal government.⁹

⁹ J. W. Wilbarger, Indian Depredations in Texas, 554. This delegation included the following men, according to Wilbarger: W. W. Duke, R. J. Winders, J. E. Robinson, W. M. McConnell, Peter Hart, and H. H. Gaines.

These men advised:

unless decisive action was taken to suppress Indian depredations, Northwest Texas would soon become depopulated and the accumulation by toil and industry would be lost, families scattered, important interests sacrificed, society ruined, a delightful and improving country given over to the blight of the Indians.¹⁰

¹⁰ S. H. Dixon, Romance and Tragedy of Texas History, 318.

An account of the actions of General Sherman in capturing and bringing to trial the Indians guilty of murder in the attack at Salt Creek has been related in Chapter II. By his intrepid actions General Sherman won the friendship and the respect of the men and women on the frontier. The opinion of the frontier public was very well expressed by S. W. T. Lanham, who was the District Attorney at the Jacksboro Trial and later was the twenty-second Governor of Texas, serving from 1902 to 1904. During the trial Mr. Lanham remarked:

For many years, predatory and numerous bands of these pets of the government have waged the most relentless and heartrending warfare upon our frontier, stealing our property and killing our citizens. We have cried aloud for help; as segments of the grand aggregate of the country we have begged for relief; deaf ears have been turned to our cries, and the story of our wrongs has been discredited. Had it not been for General W. T. Sherman and his opportune journey through this section--his personal observation of the debris of this scene of slaughter, the ensanguined corpses of the murdered teamsters, and the entire evidences of this dire tragedy--it may well be doubted whether these brutes in human shape, would even have been brought to trial; for it is a fact, well known in Texas, that stolen property has been traced to the very door of the reservation, and there identified by our people, to no purpose.¹¹

¹¹ Wilbarger, Indian Depredations, 564.

The trial of Satanta and Big Tree for the Salt Creek Raid was a matter of national concern for it was realized

that the case might become a precedent by which other cases would be tried, and it was not known just what effect this summary punishment of these notorious raiders would have on the Indian tribes in the north. A jury of "twelve intelligent and conscientious" men was chosen.¹² The

¹² Wilbarger, Indian Depredations, 562. The names of these jurors is given by Wilbarger as Thomas W. Williams, John Cameron, Everett Johnson, H. B. Vernon, S. Cooper, William Hensley, John H. Brown, Peyton Lynn, Peter Hart, Daniel Brown, L. P. Bunch and James Cooley.

prisoners were ably represented by lawyers Ball and Woolfork, who "were faithful to their clients. They took advantage of every legal technicality and conducted their defense with excellent judgment and decided impressiveness."¹³

¹³ Ibid.

During the trial Mr. Lanham pointed out that the federal government had fostered and protected the Indians upon reservations given to them by treaties which the Indians had broken, and that they had raided the white settler unmercifully. Then he continued with these words:

It speaks well for the humanity of our laws and tolerance of this people, that the prisoners are permitted to be tried in this Christian land, and by this Christian tribunal. The

learned court has, in all things, required the observance of the same rules of procedure--the same principles of evidence--the same judicial methods, from the presentment of the indictment down to the charge soon to be given by his honor, that are enforced in the trial of a white man. You, gentlemen of the jury, have sworn that you can and will render a fair and impartial verdict. Were we to practice lex talionis, no right of trial by jury would be allowed these monsters; on the contrary, as they have treated their victims, so would it be measured unto them.¹⁴

¹⁴ Wilbarger, Indian Depredations, 565.

The jury required only a little time for their deliberations, so overwhelming was the evidence presented against the Indians by the court and the principal witnesses, Lawrie Tatum, General MacKenzie, and Thomas Brazeal. When they returned and rendered the verdict of guilty of murder in the first degree, fixing the punishment at death, there was an indescribable silence for an instant and then a shout of rejoicing from the entire audience. Public opinion had demanded that the Indians pay with their lives for the lives they had taken, and the courts had upheld this decision.

Under guard furnished by General Reynolds the Indians were taken to the State Penitentiary at Huntsville, Texas. There, for reasons explained in Chapter II (page 12), the death sentence was commuted to life imprisonment.

During the imprisonment of the Indians comparative peace extended over the frontier. The frontier settlers hoped that at last they could have a peaceful future on the frontier. A Houston newspaper reported the progress made by the railroads:

The middle countries are jubilant over the rapid extension of the Central and International, the eastern counties are waiting impatiently for the coming of the Houston and Great Northern, Austin and the counties above Travis are hurrying up the western branch of the Central, while the West is working to secure an early extension of the BBB & C or SA & MG roads, or of both. Iron horses are at a considerable premium over the mustang.¹⁵

¹⁵ The Daily Telegraph (Houston, Texas), May 19, 1873.

The year after the imprisonment the Indians renewed their raids, and finally became so menacing in their war operations that the Indian Agents urged them to select a delegation of their chiefs to go to Washington for a conference with the President of the United States. Many of the tribes agreed to this trip, but the Kiowas held back, and reluctantly consented only upon the condition that their imprisoned chiefs should be allowed to meet and confer with them at some point along the way. This was agreed to, and the delegation left for their first stop, St. Louis. Satanta and Big Tree were taken from a convict gang near

Millican, where they were working on the construction of the H & T C Railroad line, sent to St. Louis to see their tribesmen, and then returned to the convict camp. The delegation went on their way to Washington, where they conferred with the Commissioner of Indian Affairs, who implied that if they would cease their warfare on the Texas settlements, their captive chiefs would be released if the consent of the Governor of Texas could be obtained. The Indians got the implication that the Governor, being a Republican, would not present too much trouble in this regard to the Republican federal administration. Mutual promises having been made, the Indians returned to their reservation to await the release of their chiefs.

In order to obtain the consent of the Governor, a conference was called by Mr. Delano, Secretary of the Interior, to meet at the Fort Sill Reservation on October 5, 1873. The federal government was to be represented by the Honorable Edward P. Smith, United States Commissioner of Indian Affairs.

On August 29, 1873, a meeting of the citizens of Jack County adopted a set of resolutions clearly stating their contentions in regard to the release of Satanta and Big Tree, pointing out that in their opinion the people of the Texas frontier would not sustain the Governor in releasing the Indian chiefs without first obtaining from

all the Indians adequate security for their future good behavior. To settle for less, they pointed out, would be a gross injustice to the gallant white men, women, and children who had lost their lives at the hands of the Indians. Having no confidence in the word of the Indians, they believed that the only adequate security for peace would be the dismounting and disarming of the Indians, and the daily issuance of rations. And finally, they believed that the Indians should return all stolen property then in their possession, and to agree to restitution, to be taken from their annuities. The citizens requested that these conditions be met before the Governor agree to the release of the chiefs. A copy of this resolution was then sent to Governor Davis.¹⁶

¹⁶ Ball, Robinson, and Wiley to Davis, September 1, 1873, E. J. Davis Papers, Texas Archives.

The proposal to release the prisoners was encouraged by the people of the North and East who were farther removed from the scenes of their crimes, but it met strong opposition in Texas. The Thirteenth Legislature of the State voted to ask the Governor not to grant any request for the freeing of the Indian chiefs. An editorial in a Houston newspaper stated, under the heading "The Fort Sill Conference":

If Governor Davis insists upon his terms, and they are acceded to, and the United States executes them in good faith, there will be one act at least of the Davis Administration for which the people will feel grateful. It is more likely though that the conference will prove but a shallow farce. We shall hear next that Satanta and Big Tree have been turned loose again, with the "scalp" knives restored, and that Governor Davis, instead of relief to the Texas frontier, has got a promise of being well cared for at Washington when Federal appointments are to be made.¹⁷

¹⁷ The Age (Houston, Texas), October 10, 1873.

On October 6, 1873, the important council convened at Fort Sill. The Governor demanded that the Indians must settle down on farms near the agency with a white man in every camp to watch the Indians and report their behavior to the agent. They must draw their rations in person, instead of from the chief as had been the custom, and daily instead of every three days. They must answer to roll-call; cooperate with the army in arresting all law-breaking Indians; dispense with the use of their guns, horses and mules; and take up agricultural pursuits like civilized Indians. If the Indians agreed to these conditions, Satanta and Big Tree were to be kept in the guard-house at Fort Sill under the charge of the Post Commander until it could be ascertained that the Indians were carrying out their part of the agreement. Then, if they were to be released, they

were to be paroled, not pardoned, subject to rearrest and imprisonment at any time.

The Indians expressed their willingness to agree to all of the terms presented by the Governor, provided only that the chiefs would be immediately released. The Governor refused, and the meeting, at a stalemate, adjourned for the day. Kicking Bird expressed the feeling of many of the Indians when he stated:

My heart is stone. There is no soft place in it. I have taken the white man by the hand, thinking him to be a friend. Government has deceived us. Washington is rotten.¹⁸

¹⁸ Lawrie Tatum, Our Red Brothers and the Peace Policy of President Ulysses S. Grant, 175.

The agent saw the threat to peace, and urged the Commissioner to manage in some way to fulfil the promise to release the chiefs. It seemed evident to some who were acquainted with the Kiowas that they were going to have their chiefs released peacefully if they could, but if not, then by force. When the situation was explained to Governor Davis, he called another meeting for the following morning. The Indians came to the meeting with the determination that if the chiefs were brought into the council they would not be returned to the guard-house. They had arranged for some braves to be on horses in a position to

shoot the Governor and the guards if the chiefs were ordered to return to the guard-house; and two extra horses were ready for the prisoners to mount for flight.¹⁹

¹⁹ Tatum, Our Red Brothers, 175.

Strong pressure was brought to bear upon Governor Davis at this time. It was pointed out that his refusal to release the chiefs would surely result in immediate tragedy; and it would cause the Indians to lose faith in the federal government, which would have disastrous effects upon future policies. Not to be intimidated by the predicament that the federal government found itself in, unless he could improve the situation on the Texas frontier for the people of his state, Davis demanded and received the promise of full cooperation from the federal government.²⁰

²⁰ See Appendix A, Davis to Smith, December 9, 1873, Texas Archives.

Only then did the Governor authorize the parole.

The release of Satanta and Big Tree caused a bitter storm of protest from the people of the frontier, and from the military men familiar with the situation. When it became known that Secretary of the Interior Delano had committed himself to the release of the Indian chiefs, General

Sherman wrote to him:

I hope that when Satanta is released and when he is actually killed at the head of a raiding party off his reservation (as certain as next year comes), you will simply decree that the Kiowas are outlawed, their property confiscated, and their most valuable reservation restored to the public domain. I believe Satanta has done fifty murders. Indeed, my idea is that the Indian by nature can't help it. He should no more be tempted by a horse or a convenient scalp than a child should with candy.²¹

²¹ Sherman to Delano, April 23, 1873, in C. C. Rister, "Significance of the Jacksboro Affair," Southwestern Historical Journal, XXIX, 195.

This statement of General Sherman's was not the last of his vitriolic utterances, for when he appeared before the House Military Committee, he made some derogatory statements about Governor Davis. Sherman stated that Satanta and Big Tree were unwisely released by Governor Davis and were on the reservation ready to start out on more murderous raids. If, Sherman continued, they should scalp Governor Davis, he would not shed many tears. This led to an exchange of letters which is revealing and amusing.

On February 7, 1874, Governor Davis wrote to General Sherman, pointing out that President Grant had promised the release of the Indian chiefs, without the consent of the Governor of the state under whose jurisdiction the

chiefs had been committed; and he continued:

After the conference, Mr. Commissioner Smith, present at the conference, appealed to me on behalf of the Washington authorities, both verbally and in writing to save the pledged faith of the President and the United States Government, assuring me that unless I yielded, it would be impossible to avoid a general Indian war. . . .

The Indian tribes referred to, have not behaved any better since that conference than before--rather worse, I think, if anything. But I am not disappointed thereat. I did not expect them to comply with their promises any further than they should be compelled to do so. I am only disappointed by the failure of the United States Authorities to comply with their engagements. If they had kept faith nobody would longer be in danger of scalping, as justly no one ought to be scalped unless it is the man who has forgotten the injunction of his school-book lesson to think twice before speaking once.²²

²² Appendix B, Davis to Sherman, February 7, 1874, in the Daily State Journal, February 10, 1874.

On February 16 General Sherman had his reply to Governor Davis ready. It read, in part, as follows:

Sir--I have your letter of February 7th and accept the issue you make, and relieve you promptly of any impression that I only thought once before I spoke the words to which you take exception. I thought of the subject a hundred times and when the Military Committee makes its report you will find it in print. It was not a voluntary statement but was called out by questions of the committee. . . .

I believe in making the tour of your frontier with a small escort, I ran the risk of my life, and I said to the military committee what I now say to you, that I will not again volun-

terily assume that risk in the interest of your frontier; that I believe that Satanta and Big Tree will have their revenge, if they have not already had it, and that if they are to have scalps, that yours is the first that should be taken.²³

²³ Appendix B, Sherman to Davis, February 16, 1874, in the Daily State Journal, February 23, 1874.

On the twenty-first of February Governor Davis had his last letter of this series ready for the General. His closing remarks were:

I must close this correspondence by an allusion to your promise not again to risk your life on our frontier. Disclaiming the purpose to say a sharp thing I assure you, General, that there are thousands of poor fellows on our frontier who are risking, and have for years risked, their lives and property without hope of receiving your large compensation per annum, or any other reward or honor for such risk, and they make no talk about it.²⁴

²⁴ Appendix B, Davis to Sherman, February 21, 1874, in the Daily State Journal, February 23, 1874.

The wisdom of Governor Davis' reluctance to free the Indian chiefs, and of General Sherman's regret that the release was accomplished is evident from the casualty reports: 1873, 16 killed, 2 wounded, 4 captured; 1874, 60 killed, 5 wounded, 1 captured. On December 16, 1873, Henry Warren, owner of the wagon train that had been destroyed in the Salt Creek Raid, wrote to Governor Davis

stating that he could get a muster of seventy-five men to form a new company if the state would commission them.

"Immigration in this part of our state is seriously retarded by the Indian problem, and I am sure state troops properly put in the field will do a vast deal of good."²⁵

²⁵ Warren to Davis, December 16, 1873, E. J. Davis Papers, Texas Archives.

Governor Davis had another idea. He had tried to sell state bonds previously to obtain money with which to pay state militia, and had failed. He remembered times that the United States had claimed control of the Indians and had refused the state permission to use their militia against them, and he recalled the terms of the release of Satanta and Big Tree. He wrote to Commissioner Smith on December 9:

I consented, at your urgent request, to the release of Satanta and Big Tree, so as to save the President and your Department from the appearance of bad faith to the Kiowas, accepting your guarantee in lieu of my possession of those chiefs.

May I therefore trust that the U. S. Government will strictly comply with the stipulations you entered into.²⁶

²⁶ Appendix A, Davis to Smith, December 9, 1873, E. J. Davis Papers, Texas Archives.

The evidence of the increase of raids, and the appeal of Governor Davis helped to determine the military authorities to administer summary punishment to the Indian raiders. Orders were given to hunt out the Indians, and chastise them wherever found. General Augur made every effort to put into the field all the available forces at his command. General MacKenzie was sent to scout the country along the fresh water fork of the Brazos; Lieutenant-Colonel Davidson was sent west from Fort Sill; and Lieutenant-Colonel Buell campaigned in the vicinity of Wanderers Creek. General Miles cooperated with Buell, and Major Price marched from Fort Union along the Canadian River as far as Antelope Hills. As a result of these converging military expeditions, the Indians were severely punished. They were given no rest, night or day, summer or winter. So vigorous was the campaign that in the middle of the summer of 1874, many of the tribes sought to escape the vengeance of the troops by surrendering; but the only term that the troops would accept was unconditional surrender. The captured braves were put in prison, and the chiefs were put in irons. The authorities at Washington ordered the friendly Indians to go to their agencies to be registered, and to camp where ordered, and instructed that they were not to mingle with the war element.

A serious fight took place at the Wichita agency on

August 22, 1874. Satanta had gone to the agency and had been enrolled as friendly, but he had left without permission, and he was at the Wichita agency at the time of the fight, during which a number of soldiers and Indians were killed. He fled to the Cheyenne and Arapahoe agency and was apprehended there and arrested. As he had been paroled on his and his tribes' good behavior, and inasmuch as he had broken that parole, he was returned to the penitentiary at Huntsville, where after several years imprisonment he committed suicide. Big Tree did not violate his parole. He became a "Christ-man" and spent the remaining days of his life on a ranch not far from Lawton, Oklahoma.

All the Kiowas had come in and surrendered by the spring of 1875. As these various tribes came in and surrendered to the troops, the precedent which had been set following the Salt Creek Raid by the arrest of Satanta and Big Tree was again followed. Seventy-five of the leaders of the recent raids were arrested and sent to Saint Augustine, Florida, where some of them later became the nucleus of the celebrated Indian school at Carlisle, Pennsylvania. Twenty-two of the young Indians wanted to remain in the East and attend school. As there were no government funds applicable for the education of those Indians, benevolent parties who had become interested in them furnished the necessary money. Seventeen of them were placed in the

Hampton School at Hampton Roads, Virginia, and five more were placed in other schools. Some of the incorrigible Kiowas, Comanches, and Cheyennes of four years previous, who had been brought under restraint, separated from their tribal influence and kindly corrected, wished to remain in civilization rather than to return to their people. They were encouraged in this because of the idea that in order to get civilization into the Indian, the Indian must be brought into civilization.

The war against the Indians was so successfully pursued by the United States troops, and the Indians so severely chastised, that for the first time the Texas frontier had nothing further to fear from the Indians. Ranch property soon doubled and trebled in value. People who had abandoned their homes soon returned to them, and in the short space of a few years prosperity swept along the whole frontier. Those who had borne with such patience and fortitude the privations and trials of the terrible ordeal felt the invigorating influence of peace purchased by long suffering, as well as by the blood and tears of many people who had fallen victims to arrows, lances, and scalping knives of the red man. The last Indian war-whoop was still vivid in the memory of many when the welcomed whistle of the locomotive pierced the frontier countryside and announced a civilized dominion.

CHAPTER VI

SUMMARY AND CONCLUSIONS

Summary

During the first half of the nineteenth century, adventurous Americans passed westward over the Mississippi River to face the hostile Indians who proved to be problems to the white men and their government for many years. The white men felt that they had a right to settle on the land and improve it. The red men felt just as strongly that the land was theirs, and they resented the encroachment by the white men upon it. This was the problem the government faced: how to secure the land for the white men, and how to care for the red men after the land was taken from them.

The Indians, by nature, were accustomed to roving, hunting, and fighting. The presence on the Great Plains of large herds of buffalo--from which the Indian could secure all the necessities of life--accounted for their nomadic character to a large extent. Also, the Indians enjoyed a marked advantage over the white men until the introduction of the Colt revolver and the repeating rifle, for a mounted warrior could send a half dozen arrows against a frontiersman while his opponent was cramming one

bullet into his muzzle-loading gun.

In an effort to obtain peace on the frontier and to care for the Indians, the government made several treaties with the Indians. By the terms of these treaties the red men received a reservation home, food, clothing, merchandise, doctors, and teachers. These things did not satisfy all of the Indians, for many of them continued raiding the frontier settlements and killing people there.

The government passed laws to restrain the Indians. One of these laws stated that the presidents of the United States might direct the army to apprehend hostile Indians. Provision was also made that hostile Indians might be punished according to the laws of the United States.

The Indians cannot be excused for their wrong deeds, but some white men must be made to bear part of the blame for the struggle. White traders often encouraged the Indians to steal goods which could be traded for whiskey, ammunition, and guns; and these traders often sold merchandise to the Indians at outrageous prices. They often sold the Indians defective equipment that was of no use elsewhere. By these actions they encouraged the Indians to steal and plunder and gave them an excuse to retaliate against the whites for the loss they sustained in the trading transactions.

On May 18, 1871, a group of Kiowas, led by their

chiefs Satanta, Satank, and Big Tree, attacked a wagon train as it passed through the Salt Creek Prairie. Seven of the twelve teamsters were brutally murdered. By leading this raid Satanta, who was one of the signers of two of the treaties between the government and the Kiowas, was destined to be one of the first Indians to be tried and convicted in a civil court.

The frontier settlers were very interested in the trial, and they pointed out that the Indians must be chastised if the frontier was to be safe for settlers. After a fair trial, at the end of which the Indians were found guilty of murder in the first degree, they were taken to the penitentiary at Huntsville, Texas.

The advocates of the "Peace Policy" immediately started trying to get the sentence changed to life imprisonment. This was accomplished, but the Indians on the Fort Sill Reservation were not completely satisfied, for they wanted their chiefs released, and their actions became menacing toward the whites who held them prisoners. To placate them, a delegation was sent to Washington, D. C. to confer with the Commissioner of Indian Affairs. There, the Indians gave their promise of continued peace on the frontier and received the promise of the return of their chiefs.

At a conference held at Fort Sill, Governor Davis

was persuaded to agree to the release of the Indian chiefs in order to save the good name of the government, and he received, in return, the promise that the government would regulate the Indians to the extent that the people on the Texas frontier would be safe.

The release of the chiefs had the bad effect that the people of Texas had expected. During the two years that the chiefs had been in confinement, there was comparative peace on the frontier, but during the next year more than sixty people were killed, wounded, or captured. The people of Texas persuaded the federal government to use the army troops to chastise the Indians. When they surrendered, they were tried according to the precedent established by the trial of Satanta. The hostile Indians were sent to institutions for correction, but the friendly Indians were allowed to return to their reservation to live in peace. The war against the Indians was so successfully pursued by the United States troops, and the Indians were so severely punished, that for the first time the Texas frontier had nothing further to fear from the Indians.

Conclusion

The facts presented in this study indicate that the following conclusions appear to be in order:

1. An effort was made to care for the Indians when

the white men encroached upon the land that had been their home land, but this did not satisfy the Indians.

2. The Indians were not to be excused for their wrong deeds, but some white men must be made to bear part of the blame.

3. Laws were made to protect the white settlers, but many of the provisions were not enforced until public opinion demanded their enforcement.

4. Advocates of the "Peace Policy" did much to encourage the Indians to live peacefully on the reservation, but they had to agree that some of the Indians could not be changed by kind treatment and that severe punishment which could best be administered by military forces was needed.

5. The Salt Creek Raid marked a turning point in the philosophy of dealing with the Indians, for the leaders of this raid were the first Indians to be tried and convicted in a civil court. At this time a precedent was established by which future marauders were punished.

6. Public opinion was the directing force in the formation and application of policies dealing with the Indians.

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APPENDIX A

LETTER FROM GOVERNOR DAVIS TO

HON. E. P. SMITH

Austin, December 9, 1873

Sir:

Your letter of November 29th inst., giving extracts from a communication from Mr. Haworth, Indian Agent at Fort Sill, and also from Col. Denman, Surveyor of the Indian Reservation, has been received.

In regard to the Texans, who are alleged to have stolen horses from the Indians, I can only say that I will answer any requisition made for them, and turn them over for punishment in the Indian Territory. You are aware, however, that for such a requisition somebody must commence a prosecution against them, and the prosecution should be inaugurated in the Indian Territory. I, of course, cannot arrest parties unless criminally charged in due form of law.

So much in that regard.

While I do not propose to excuse any Texan in wrongdoing, yet it must be evident to you, that so long as the Indians continue their raids on our Frontier, constantly sweeping off the cattle and other property of the settlers, it is expecting more than human nature is capable of, to suppose that those settlers will not retaliate or will not screen bad men who attempt reprisals by way of theft or otherwise.

Since our Fort Sill conference, the Indian troubles on our Northwestern frontier have not sensibly abated. Indeed, even making allowances for exaggerations and false reports concerning the Indians, maliciously and industriously spread abroad to injure me during the recent Gubernatorial canvass (of which there was a number circulated by our political enemies) yet in fact, the raids have been, if anything, more frequent than they were before.

But little of the stock heretofore stolen by the Indians, and provided at our conference to be returned, has yet reached the possession of the owners, and it is noticeable generally that such, as has been surrendered by the

Davis to Smith, December 9, 1873--Page 2

Indians, is not the best of that stolen.

I am satisfied from information (and my own observation at Fort Sill), that the two tribes, Kiowas and Comanches, have now in their possession not less than from 2500 to 3000 head of horses and mules stolen in Texas since their treaty of 1868.

You will recollect that you agreed at Fort Sill on the part of the United States Government, as an inducement for me to relieve that Government from the predicament they had gotten into, by having unauthorizedly promised the pardon of Satanta and Big Tree, that the Government of the United States would guarantee as follows:

- 1st--Either to return those chiefs (or others equal to them) into my hands, if at any time, the Kiowas should misbehave.
- 2nd--To have a roll call of every male member of the mounted tribes on the Reservation over sixteen years of age, such roll call to be subject to "my" inspection and made to be a satisfactorily reliable evidence as to the daily whereabouts of the Indians.
- 3rd--To compel the surrender to me for trial in this state of at least five of the leading Comanches that have been raiding in Texas, and to punish all other guilty parties.
- 4th--To increase the U. S. Posts and patrol of troops between the frontier settlements and the Indians.
- 5th--To, at once, cause the return, by the Indians, of all property and captives stolen in Texas.

You will recollect (see my letter to you of October 8th) that all these stipulations were to be "immediately" complied with.

Now if any of them have been carried out, I am not aware of it, although two months have elapsed since they were made.

There has been no roll call of those tribes made to my satisfaction or otherwise.

Nothing substantial has been done in the way of returning property. This could only be effected thoroughly by an inspection of all the stock held by the Kiowas and Comanches, taking from them, those having Texas brands or marks.

Davis to Smith, December 9, 1873--Page 3

None of the Comanches raiding in Texas have been arrested and turned over to me.

No additional forces of troops has been established between our frontier and the Indians. On the contrary, I have been compelled myself to call out six companies of State troops as a protection against those Indians.

The issue of rations to the Indians is, I suppose, going on in the same manner as before, at any rate I judge from the communications of Messrs. Haworth and Denman, that there is no surveillance whatever over the Indians. The inference from Mr. Denman's communication is, that the Indians are in a distant part of the Reservation, and this gentleman seems to have been in considerable trepidation as to the friendliness even of the Kiowas.

I consented, at your urgent request, to the release of Satanta and Big Tree, so as to save the President and your Department from the appearance of bad faith to the Kiowas, accepting your guarantee in lieu of my possession of those chiefs.

May I therefore trust that the U. S. Government will strictly comply with the stipulations you entered into?

Very respectfully

Edm'd J. Davis
Governor

Hon. Edw. P. Smith
Commissioner of Indian Affairs
Washington D. C.

APPENDIX B

LETTER FROM GOVERNOR DAVIS TO
GENERAL SHERMAN

Austin, Texas, February 7, 1874

Sir,--In the Associated Press dispatches of the 31st instant appears the following as stated by you when before the House Military Committee. Speaking of the Indians, Satanta and Big Tree, you are reported as saying that they "were tried, convicted, and sentenced to be hanged, but the influence of humanitarians, who regarded murder on the part of the Indians as a mere exhibition of moral insanity, had induced Governor Davis of Texas, who ought to have known better, to commute the sentence of Satanta and Big Tree, and the same influences at Washington finally restored them to freedom, and they were now on the reservation ready to start out on more murderous raids. If they should scalp Governor Davis the next time Gen. Sherman intimated that he would not shed many tears."

If, in making this allusion to me, you have not forgotten the dignity of your position, and yielded to temptation to indulge in a witty squib at the expense of a man whom it may be supposed has no equal means of reaching the public, then you have merely made a misstatement of facts which a little time devoted to inquiry will induce you to correct.

The "influence of humanitarians" for the commutation of sentence, to which you refer so contemptuously, came from (among others who requested it) your chiefs, President Grant and Attorney General Ackerman, but had in fact no very material weight towards inducing me to commute the sentence of Satanta and Big Tree, from hanging to imprisonment for life. As far as concerns that part of my treatment of those Indians, I was mainly influenced by a consciousness that the so-called "trial" in a county subject to Indian raids, and where the officers of the court and jurors were all white men and all had more or less of grievances to avenge against the race, could only (whether the Indians were guilty or not) result, as it did, in a conviction, and their execution could, under the circumstances, have no effect upon the tribe, which already regarded them as dead. The District Judge, who presided at that trial, may have had a similar consciousness, as he (July 10th, 1871) recommended that commutation of the sentence.

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But this matter of your discontent that I did not hang the two Indians, suggests the question of why you failed to do that yourself, when you seized them within the reservation and clearly within the jurisdiction of a military commission? The U. S. Government claims exclusive control over these tribes, and if you will look at the treaty made with the Kiowas you will find that the only reasonable construction to be given it, would require the trial by the United States authorities of all violations of the treaty by Indians of that tribe. Certainly, if their trial and punishment was to serve as an example to their brethren, it was essential that this should take place in the presence of the tribe, and not at a distance of several hundred miles within Texas?

In regard to the releasing of Satanta and Big Tree, which took place at the Fort Sill conference in October last, Gen. James W. Davidson, U. S. A., commanding at Fort Sill at the time, and fully cognizant of most of the following facts, can, if you desire it, correct your erroneous impression. After I reached Fort Sill there was sprung upon me a written authority from President Grant (through the Department of the Interior) to the Indian Agent, to the effect that he might unqualifiedly promise the Kiowas that if their behavior continued good up to April 15, 1873, the above two Indians would be released. The President seemed to have forgotten that the Indians were under the control of the State authorities. This unqualified promise appeared to have been written some months previous to that date, but had not been communicated to me, and was without my consent or concurrence, though Mr. Secretary Delano had, about the 22d of March, 1873, written me to the effect that the President asked my concurrence in the release, provided my "judgment in all respects approved such pardon." I therefore, in the conference which followed, told the assembled Indians and their agents that I could not be bound by it. After the conference, Mr. Commissioner Smith, present at the conference, appealed to me on behalf of the Washington authorities, both verbally and in writing to save the pledged faith of the President and the United States Government, assuring me that unless I yielded, it would be impossible to avoid a general Indian war. As a further inducement he offered on the part of the United States Government to guarantee that substantially the following arrangements for the security of the frontier would be immediately enforced.

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First, additional military posts and patrol of troops placed between the Texas settlements and the Indians.

Second, the Comanches and other Indians that had been raiding within Texas would be arrested, tried and punished.

Third, all property and captives stolen from Texas by the Indians belonging to the reservation, whether Comanches, Kiowas or others would be collected and returned.

Fourth, all those tribes would be placed on that part of the reservation which they were permanently to cultivate and own, and a roll call of all males would be made and rations issued at such intervals as might satisfy me that none of them could leave the reservation.

Fifth, if any of the Kiowas should again misbehave, Satanta and Big Tree would be re-arrested and returned to Texas.

Now, sir, will you please bear in mind that the United States Government, you yourself speaking for it, has more than once, during my term of office, intimated to me (when I had at my disposal, and proposed to use, State forces to protect the frontier and suppress the Indians) that I was not to be allowed to do so, in the only effective manner possible, by pursuit of the marauders to their nests, whether on the reservation or elsewhere.

With, then, the alternative presented me of a general Indian war, for which I was to be held responsible, but which I had then no force to meet, and of which the United States authorities, including yourself, excluded me from effective control, even if I could raise the troops, are you prepared to assert that if in my place you would not have accepted those guarantees and maintained the good faith of the President by the release of the Indians? Further, are you prepared to say, that if the guarantees made me had been faithfully carried out they would not, from any point of view, have proved for the Texas frontier a more servicable disposition of the two Indians than returning them to the penitentiary or hanging them?

In fact, however, the engagement thus entered into under circumstances so peculiarly requiring prompt good faith, has not, in any particular, been carried out. I, in accepting the guarantees saved the faith of the United States Government, but no faith has been kept with me. Who is to blame, therefore, I am not informed.

The Indian tribes referred to, have not behaved any better since that conference than before--rather worse, I

Governor Davis to General Sherman, February 7, 1874--Page 4

think, if anything. But I am not disappointed thereat. I did not expect them to comply with their promises any further than they should be compelled to do so. I am only disappointed by the failure of the United States Authorities to comply with their engagements. If they had kept faith nobody would longer be in danger of scalping, as justly nobody ought to be scalped unless it is the man who has forgotten the injunction of his school-book lesson to think twice before speaking once.

Very respectfully,

Edmund J. Davis.

General W. T. Sherman,
Commanding U. S. A. Washington, D. C.

LETTER FROM GENERAL SHERMAN TO
GOVERNOR DAVIS

Headquarters Army of the U. S.,
Washington, D. C., Feb. 16, '74.

Hon. Edmund J. Davis, Austin, Texas:

Sir--I have your letter of February 7th and accept the issue you make, and relieve you promptly of any impression that I only thought once before I spoke the words to which you take exception. I thought of the subject a hundred times and when the Military Committee makes its report you will find it in print. It was not a voluntary statement but was called out by questions of the committee.

I endeavored to relate why I went in person to your frontier, to ascertain the facts touching the constant incursions into Texas of the Kiowas and Comanches of the Reservation at Fort Sill--of Satanta's confession to me openly and boastingly of having been at the head of the party of Indians that murdered the seven out of twelve teamsters on the road between Forts Richardson and Griffin, one of which murdered man was found burned and lashed to a wagon wheel; of the arrest of four of them and of my sending the survivors of them to the locality where they did the murder, for trial according to the law.

You are in error in supposing that I had any authority whatever to execute them at Fort Sill, or to order their trial by a Military Court or Commission. I had authority to do exactly what I did, with the assent and approval of the agent Tatum on the spot, to send them to the jurisdiction of the court having authority to try and punish. Once there they passed under a Texas court and under your authority as the Governor of the State. Without the interposition of your authority these murderers would have been hung, as a matter of course, but you remitted them to the penitentiary and afterwards set them free.

I believe in making the tour of your frontier with a small escort, I ran the risk of my life, and I said to the military committee what I now say to you, that I will not again voluntarily assume that risk in the interest of your frontier; that I believe that Satanta and Big Tree

General Sherman to Governor Davis, February 16, 1874--Page 2

will have their revenge, if they have not already had it, and that if they are to have scalps, that yours is the first that should be taken.

I can make all allowances to the kind gentlemen of Philadelphia, who were so busy in accomplishing the release of those two murderers, but I was amazed that you, who felt the constant inflictions of these Texas raids, should have yielded.

As to the promises made you at Fort Sill at the time of releasing Satanta and Big Tree, I know nothing at all, and leave the civil agents of the government to reconcile their action with their promises as they best can.

I have the honor to be your obedient servant,

(Signed) W. T. Sherman,

General.

LETTER FROM GOVERNOR DAVIS TO
GENERAL SHERMAN

Austin, Texas, Feb. 21st, 1874.

Sir--Your letter of the 16th inst. required acknowledgment; though it does not prove that you have the nerve to confess error in statement to the prejudice of another, even when the error is pointed out to you. Want of this kind of nerve was not what I had reason to expect from your character as hitherto understood. But now I suppose I must accept the situation as without remedy. You have said it and you will stick to it.

Your reply states nothing new, save in the last paragraph but one, where you mention the risk of your own life from the raid of Satanta and Big Tree, as an explanation perhaps of the special feeling you have against those two savages, and promise that you "will not again voluntarily assume that risk in the interest of your (Texas) frontier."

I can appreciate your indignation that those scamps should have had the impudence to imperil even your life. But they are not alone in rascality. Every other male Indian of their tribe, over eighteen years of age, has probably at some time or other, since Texas was annexed to the United States, been guilty of murder and robbery on the Texas frontier, and is therefore equally entitled to hanging.

Satanta and Big Tree and their party are specially condemnable only because their exploits happened to scare the General-in-Chief of the United States Army. On the other hand, the frontiersmen may have cause to thank those Indians for thus bringing home to the General-in-Chief a realizing sense of the dangers and outrages they have so long suffered. An experience of more than twenty-six years in Texas--more than half of which has been passed on that frontier--has convinced me of the necessity for just such an occurrence. The elevated officials from Washington, who sometimes did the frontier the honor of a hasty inspection, took such good care of themselves that they met no Indians, and accordingly went home convinced, or pretending to be so, that our complaints were but "the old cry of wolf."

Governor Davis to General Sherman, February 21, 1874--Page 2

I must close this correspondence by an allusion to your promise not again to risk your life on our frontier. Disclaiming the purpose to say a sharp thing I assure you, General, that there are thousands of poor fellows on our frontier who are risking, and have for years risked, their lives and property without hope of receiving your large compensation per annum, or any other reward or honor for such risk, and they make no talk about it.

Very respectfully,

Edmund J. Davis.

General W. T. Sherman.
Commanding U. S. A., Washington, D. C.

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