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Letter from the Secretary of War, in answer to a Senate resolution of June 4, 1879, accompanying information in relation to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation

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LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A Senate resolution of June 4, 1879, accompanying information in relation to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation.

JUNE 20, 1879.—Referred to the Committee on Indian Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 17, 1879.

The Secretary of War has the honor to transmit to the United States Senate, in answer to the resolution of that body of the 4th instant calling for information of the circumstances which led to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation, also for copies of any orders or instructions given for the arrest of any Cherokee citizens in any part of the Cherokee Nation, copies of certain papers and correspondence containing all the facts in relation to the subject the War Department is able to furnish.

The Adjutant-General states that the persons referred to were removed from a portion of the Indian Territory west of 96° which, under Articles XV and XVI treaty with the Cherokees, is not considered open to settlement or occupation, except in the manner therein provided (pages 803 and 804, Statutes at Large, vol. 14).

It is probable that the Interior Department may be able to give more definite information on the subject than can be obtained from these papers.

G. W. McCrARY,
Secretary of War.

The PRESIDENT *pro tempore*
of the United States Senate.

[Telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1879.

Brig. Gen. JOHN POPE,
Commanding Department of the Missouri,
Fort Leavenworth, Kans.:

Senate resolution of June 4 calls on the Secretary of War for information of circumstances which led to arrest and removal of J. M. Bell and

2 REMOVAL OF J. M. BELL ET AL. FROM CHEROKEE NATION.

other Cherokee Indians from Cherokee Nation, of what offense accused, and by what authority their arrest and removal have taken place; also any orders or instructions which have been given for arrest of any Cherokee citizens in parts of Cherokee Nation over which, by treaty of 1866, such nation retains jurisdiction. Secretary desires early and full report on the subject.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 5, 1879.

TO ADJUTANT-GENERAL U. S. A.,
Washington, D. C.:

Your telegram received, calling for information of expulsion of Bell from Indian Territory. Some of the facts are here; the others have been telegraphed for, and as soon as received reply will be made.

JOHN POPE,
Brevet Major-General, U. S. A., Commanding.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 6, 1879.

TO ADJUTANT-GENERAL U. S. A.,
Washington, D. C.:

Report in case of Bell forwarded by mail to-day through headquarters division.

General Pope left for West Point yesterday.

E. R. PLATT,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Fort Leavenworth, Kans., June 6, 1879.

ADJUTANT-GENERAL OF THE ARMY:

[Through headquarters Military Division of the Missouri.]

SIR: In the absence of the department commander, I have the honor to forward the inclosed papers, and to make the following report, in response to your telegram of the 5th instant, calling for report on the subject of the alleged expulsion of one J. M. Bell and other Cherokee Indians from the Cherokee Nation.

The papers inclosed are (1) copy of report of Sergt. J. M. Warren, in command of scouting party sent out from Arkansas City, Kans., to seek for unauthorized intruders into the Indian Territory; (2) copy of communication, dated May 23, 1879, from Lieutenant Barrett, commanding detachment at Arkansas City, relating to Bell; (3) copy of letter, dated May 29, 1879, reporting the return of scouting party (inclosure No. 1 is the report of the sergeant referred to in this letter); 4 and 5 are copies of all the instructions which have been given from these headquarters on the subject of expelling persons from the Indian Territory.

These papers contain all the information received at these headquarters relating to the matter in question and all the instructions issued here bearing at all on the matter. The commanding officer at Arkansas City has been called upon for copy of the letter of instructions, dated May 25, under which Sergeant Warren reports that he acted, and also for a report of what was done in the matter of Bell on his being taken to Arkansas City. It is perhaps proper to add that your telegraphic inquiry was received so soon after the receipt of the reports in this case that there had been no time for any action in the case by the department commander after the matter had been brought to his knowledge.

Very respectfully, your obedient servant,

E. R. PLATT,
Assistant Adjutant-General.

REMOVAL OF J. M. BELL ET AL. FROM CHEROKEE NATION. 3

DETACHMENT UNITED STATES TROOPS,
Wichita, Kans., June 1, 1879.

To the ASSISTANT ADJUTANT-GENERAL,

Department of the Missouri, Fort Leavenworth, Kans. :

SIR: I have the honor to transmit herewith report of scout made in the Indian Territory, rendered by Sergt. J. M. Warren, Company B, Fourth Cavalry, commanding scout, received this day from the commanding officer United States troops at Arkansas City, Kans.

Very respectfully, your obedient servant,

C. E. MORSE,

Captain Sixteenth Infantry, Commanding Post.

Official copy.

E. R. PLATT,

Assistant Adjutant-General.

CAMP ON ARKANSAS RIVER,
COMPANY B, FOURTH UNITED STATES CAVALRY,
May 30, 1879.

To the COMMANDING OFFICER,

United States Troops:

[Through commanding officer Company B, Fourth Cavalry.]

SIR: I have the honor to submit the following report of a scout made in the Indian Territory south of this station, pursuant to instructions contained in letter from the commanding officer United States troops this station, dated May 25, 1879:

Left camp 6.10 a. m. May 26; marched $3\frac{1}{2}$ miles to Chetockey Creek, and found ranch occupied by a man named Smithia; ordered him to report to the commanding officer at Arkansas City; crossed Chetockey Creek 7.30 a. m. and watered stock; wood plenty, water very good, grazing excellent; continued my march southwest on new trail to the Ponca Agency road, crossing several water holes, thence south to the agency, arriving at agency at 4.40 p. m.; wood in abundance on both sides of main road, $1\frac{1}{2}$ to 2 miles off, water plenty for stock, but very brackish, grazing excellent; but very little rolling country on line of march, until with about $2\frac{1}{2}$ miles of agency; very heavy rain in afternoon from 5.15 p. m. to 6.30 p. m. and from 10 p. m. to 1 a. m.; camped on Salt Fork of Arkansas, $\frac{1}{2}$ of mile from Ponca Agency; water very good, grazing excellent, wood in abundance, all oak. The country around the agency for farming purposes cannot be surpassed, and all the hillsides covered with black oaks. Distance traveled 36 miles.

May 27, left camp 6.30 a. m., marched west on the north side of the Salt Fork $3\frac{1}{2}$ miles to Burdock Creek; good running water; plenty of timber (elm, ash, and cottonwood); struck trail at creek mentioned to the Chikaskie River, crossing several water sluices; thence up the Chikaskie River to Duck Creek; compelled to march up Duck Creek about 2 miles to find a crossing for wagon, passing through very heavy timber (white oak, ash, walnut, and cottonwood); thence over to Chikaskie River again and up stream about 5 miles, where I made camp at 1 p. m. in order to allow the detail dry their blankets and clothing. Distance marched, about 17 miles. In passing through the heavy timber mentioned, came upon a log cabin which to all appearances had just been deserted upon our approach; water and grazing excellent, no rolling country visible.

May 28, left camp 5.10 a. m., marched up east side of the Chikaskie River about 4 miles and found wagon-trail crossing river; crossed and marched up west side of river about 2 miles and found settlement, claiming to be a Cherokee settlement, under the leadership of one J. M. Bell; arrived at settlement at 8 a. m. Notified the settlers to get ready to accompany me to Arkansas City; at first they hesitated, but upon hearing portion of my order read agreed to go.

I was compelled to lay over until 11.30 a. m. for the parties to gather in their stock and pack up, then marched up west side of river to old Kickapoo crossing; thence up east side of river to old Kickapoo Agency, now Gatliff and Dixon's ranch, on Bitter Creek, $1\frac{1}{2}$ miles from its mouth and 2 miles from crossing on river, where camp was made at 5 p. m.; water and grazing good; wood in abundance; country west side of river slightly rolling; east side flat; distance marched 13 miles. Names of parties in settlement, J. M. Bell, George W. Gardenhir, George W. Burnett, George W. Davis, Joshua McLaughlin, T. J. Jordan and wife, claiming to be Cherokees, and M. Conroy, O. M. Codman, wife, and daughter, Houston Hamilton, M. J. Welsh, David Lawler, and William Lawler, claiming to be whites. In marching along west side of Chikaskie River, came upon several wagons in the timber, loading with saw-logs for Wellington; ordered them to desist and return. In some places the best of the timber had been cut down and cut into saw-logs. At Gatliff ranch ordered Gatliff and Dixon to remove at once.

4 REMOVAL OF J. M. BELL ET AL. FROM CHEROKEE NATION]

May 29, left camp on Bitter Creek 6. 30 a. m. and took old Kickapoo trail north-east to Kansas State-line, and went into camp at Chustee's ranch on Chitokey Creek at 11.30 a. m. Found at Chustee's ranch, in camp, six wagons (emigrants), that intended going to the colony that I had in arrest; notified them to leave, which they agreed to do; also notified Mr. Chustee to at once report to the commanding officer at Arkansas City, he being within the Territory-line. Left camp on Chitokey Creek at 1.30 p. m. and marched into Arkansas City and reported with emigrants, consisting of 13, and 8 wagons, arriving at Arkansas City at 4 p. m. Distance traveled, 20 miles; total distance traveled, about 86 miles.

Very respectfully, your obedient servant,

J. M. WARREN,

Sergeant Company B, Fourth Cavalry, in charge of Scouting Party.

Official copy.

E. R. PLATT,

A. A. General.

ARKANSAS CITY, KANS., May 29, 1879.

Captain C. E. MORSE,

Commanding U. S. Troops, Wichita, Kansas:

SIR: There is an educated and intelligent half-breed Cherokee, who calls himself Col. J. M. Bell, who receives letters here marked "If not called for, to be returned to Indian Territory Colonization Society, Chetopa, Kansas." He is some 25 or 30 miles from here, and has some whites with him, I think, who claim to be part Indian. He claims to be on Cherokee lands. The scouting party I sent out will probably run across him.

I am, very respectfully, your obedient servant,

W. W. BARRETT,

First Lieutenant Sixteenth Infantry, Commanding U. S. Troops.

Official copy respectfully furnished for the information of the assistant adjutant-general, D'epartment of the Missouri.

CHAS. E. MORSE,

Captain Sixteenth Infantry, Commanding United States Troops.

WICHITA, KANS., May 30, 1879.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

Fort Leavenworth, Kans., June 6, 1879.

Official copy.

E. R. PLATT,

Assistant Adjutant-General.

ARKANSAS CITY, May 29, 1879.

Capt. C. E. MORSE,

Commanding United States Troops, Wichita, Kans.:

SIR: I have the honor to report that the scouting party I sent out Monday morning returned this evening. They found Col. J. M. Bell and his colony on the right bank of the Chikaskie, some few miles below the old Kickapoo crossing, some 35 miles from here, and brought them to my camp. The outfit consisted of some dozen families—about twenty souls in all; seven wagons and some stock was not brought along. They have permission to bring out their stock. I told them under whose orders I was acting, what my instructions are, and warned them of the consequences of returning. The sergeant will be sent you to-morrow; there is not time for him to complete it before his mail closes.

I am, very respectfully, your obedient servant,

W. W. BARRETT,

First Lieutenant Sixteenth Infantry, Commanding United States Troops.

Official copy respectfully furnished the assistant adjutant-general, Department of the Missouri, for his information.

CHAS. E. MORSE,

Captain Sixteenth Infantry, Commanding United States Troops.

WICHITA, KANS., May 31, 1879.

Official copy.

E. R. PLATT,

Assistant Adjutant-General.

REMOVAL OF J. M. BELL ET AL. FROM CHEROKEE NATION. 5

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., May 12, 1879.

Captain C. E. MORSE,
Wichita, Kans.:

Instruct the officer at Arkansas City to move his detachment to the point where the road crosses into the Indian Territory, and there go into camp, and prevent intrusion into the Indian Territory of unauthorized parties intending to settle there. If any such have already entered the Territory and can be reached, he is to send after them and remove them from the Territory.

E. R. PLATT,
Assistant Adjutant-General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., May 12, 1879.

Captain C. E. MORSE,
Wichita, Kans.:

In answer to your inquiry, inform officer at Arkansas City that he is to remove trespassers from the Territory, and if they return to it after once being expelled, then, if he finds them within Territory, he is to destroy their outfit.

The question as who is to command after cavalry joins will be decided by the rank of the officers.

PLATT,
Assistant Adjutant-General.

[1st Indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, June 9, 1879.

Respectfully forwarded to the Adjutant-General of the Army.
In absence of the lieutenant-general commanding.

WM. D. WHIPPLE,
Assistant Adjutant-General.