

CHEROKEE INDIANS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Information relative to outrages lately committed in the Cherokee nation.

JANUARY 28, 1846.

Read, and referred to the Committee on Indian Affairs.

WAR DEPARTMENT,
Washington, January 26, 1846.

SIR: In compliance with the resolution of the House of Representatives of 17th instant, requiring the Secretary of War to communicate to the House a copy of all documents and papers in his department illustrative of the daring acts and outrages which have been lately committed in the Cherokee nation by the advice or with the consent of the dominant party, resulting from domestic strife and feuds which now exist among the Cherokees, I have deemed it proper to transmit copies of all the communications received from official men, and some others in the vicinity, relative to the recent occurrences in the Cherokee country. By these documents it will be perceived that these transactions have relation to similar preceding scenes in that distracted nation. There is now, as formerly, a dispute among the parties implicated as to the authors and first instigators of these atrocious acts. All the evidence in this department, as to the persons or party who are responsible for the recent outrages, is contained in the papers herewith transmitted, and I forbear to express an opinion upon that point.

I have the honor to be, with great respect, your obedient servant,
W. L. MARCY,
Secretary of War.

Hon. J. W. DAVIS,
Speaker of the House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 22, 1846.

SIR: In answer to the resolution of the House of Representatives of the United States of the 17th inst., referred by you to this office, I have the
Ritchie & Heiss, print.

honor herewith to enclose to you copies of certain papers, marked A, B, and C, relative to the murders and outrages recently committed in the Cherokee nation.

Very respectfully, your obedient servant,

W. MEDILL.

Hon. Wm. L. MARCY,
Secretary of War.

A.

FLINT, CHEROKEE NATION,
November 11, 1845.

DEAR SIR: This will inform you how matters stand in this country. Last Sunday, 9th instant, some little time after sunrise, a party of Cherokees, headed by John Potatoes, a lieutenant of the police company, and some twenty or thirty men, came to the house of James Starr, shot him down in his porch, and killed him instantly. Three little boys, his sons, ran; they were followed by the company, two making their escape, and one named Buck was wounded with four rifle balls whilst running; he is not yet dead, but it is feared that he will not live. The company tried to kill two more little boys, one five and the other eight years old, but through the prayers of their mother and sister they were spared. The same company, or a great part of them, then went to the residence of J. M. Woods; one of the company went in the kitchen, took hold of Ellis Rider, dragged him out into the yard, and then some ten men fired at him; he ran a few yards and fell; one of the company then went up to him and stabbed him with a butcher knife. James Starr and his nephew, Ellis Rider, were buried at the same time yesterday. The company then proceeded to the house of Bleuford Rider: he got the news of their coming, and left home; the company saw him, ran him some distance, but, having the fastest horse, made his escape into the State of Arkansas. On the same morning a company of eleven came to the house of Washington Starr, a son of James Starr, no doubt with the intent to kill; they came very near him, and commenced firing; he took the bush, but was shot through the arm whilst running, but made his escape to Evansville, Arkansas: there were also five bullet holes through his hunting shirt. The news came this morning that Joseph Starr, also a son of James Starr, was visited by the Cherokees, and was wounded—we know not to what extent. All these crimes were committed in broad daylight, without any provocation: there was not even a word passed. Whenever the companies came to the aforementioned places, and their victim came in sight, they would commence shooting from their horses.

Many others of the old settlers and treaty party made their escape across the line into the State of Arkansas, and where we will have to remain until we receive succor from the United States government. Our lives are no longer safe; no, not even near the line in Arkansas. It is feared they will come across the line and follow up their scenes of assassination.

Mr. Mayfield and G. W. Harnage returned yesterday from their prairie expedition, on account of ill health. The main company, some forty, went

on; they were within 130 miles of their journey's end, and will be looked for here in about a month.

We remain your friends,

GEO. H. STARR.
JOSEPH M. STARR.

To Capt. JOHN RODGERS and WM. DUTCH,
Washington City, D. C.

B.

CHEROKEE NATION,
Agency of Cherokees west of the Mississippi, Nov. 23, 1845.

SIR: Serious disturbances have lately occurred among the Cherokee people, which have caused a general excitement and disquietude, also a considerable alarm among a great portion of these people.

I consider that duty requires me to explain why I have not made a communication to the department in relation to those aggressions, at an earlier day. The delay has been caused from a wish to obtain as correct information as was in my power as to the facts and circumstances connected with those aggressions. I regret to have to say, that after having spent the last two weeks partly at the council ground, (the council and committee being in session) and partly on or near the line of the Cherokee nation, where the excitement and alarm have been greatest, it is difficult to arrive at satisfactory conclusions on some points connected with the affair, owing to the diversity of representations made by the different parties in regard to the same occurrences. It is believed, however, that the main facts can be stated with sufficient certainty to enable the head of the department to form a pretty correct opinion of the state of affairs.

I will proceed to state the material facts, as they are admitted to have occurred, and the circumstances connected with them, according to the information I have received.

On the night of the first or second of this month, a party of armed men, five or six in number, came to the house of Mr. Meigs, who is the son-in-law of Mr. John Ross; they knocked at the door and requested him to open it; he declined opening the door, but opened a window; having a candle in his hand, he discovered the men were armed and disguised by having their faces blacked: they insisted on his opening the door, which he refused, and considering himself in danger, escaped through a door on the other side of the house. Those men, or some of them, ran round the house towards the door through which Meigs escaped, and fired at him when he had got a short distance from the house. He, however, was not injured, and made his escape in the dark. His wife and children were not at home. His house, which was a comfortable brick building, was set on fire and consumed, with its contents. It seems to be the prevailing opinion that those incendiaries supposed Mr. Meigs had a large sum of money in his house—public funds belonging to the nation. In this it appears they were mistaken, as he states he had no money in his dwelling-house. Two days after the burning of the house, two young men, who were neighbors to Mr. Meigs, and personal friends, both full-blood Cherokees, were found murdered in a most shocking manner, I think about two miles from Mr. Meigs's residence, where his house was burnt. One of them was named Crawfish, and the other Fox, or Black Fox. From the signs about where they were

killed, and other circumstances, it is believed they were murdered on the same evening on which Mr. Meigs's house was burnt. The murder of these two obscure young Cherokees is thus accounted for: It is believed that they came accidentally upon the company who designed to rob and burn Meigs's house, where they had secreted themselves during the day, and lest they should be discovered, and their designs frustrated, they determined to murder them. I was attending at the council ground when those two young Cherokees were found and brought in. This occurrence seemed to produce considerable excitement among the people generally, and among the members of the council in particular. I discovered that those outrages were pretty directly charged upon a portion of the Starr family, and their associates, familiarly known in the nation as the *Starr boys*. Perhaps it may be proper to remark, in justice to the Starr family, that a part of them are reputed and admitted to be honest, honorable, and respectable citizens, against whom no charge has been alleged; but with others of the same family the case seems to be different. It appears that Tom Starr and Ellis Starr have been outlawed by an act of the Cherokee council, and a proclamation issued by Mr. John Ross, chief of the nation, offering a reward of \$1,000 for the apprehension of each, and authorizing them to be taken, dead or alive. I refer to this proclamation only as collateral matter, but with a view that it may account, in some degree, as I suppose, for the unlawful and extraordinary manner in which the Starrs were proceeded against a few days after the murders and house-burning I have mentioned took place. About four or five days after those two young Cherokees were brought to the council ground and interred, I received information that there was much mischief doing, and great excitement and alarm prevailing near the line, and in the neighborhood where the Starrs live, and that some of the Starrs, and others, their connexions, had been murdered, and that the treaty party were generally fleeing across the line into the State of Arkansas for refuge, and that an express had been sent to General Arbuckle, at Fort Smith, by those people who had fled, asking his protection by sending out military succor and aid. I immediately went on to the seat of disturbances, but called at the council ground for the purpose of obtaining any information I could in relation to the outrages and murders which were going on. I was informed by Major Lowry, the acting chief, that the information I had received in regard to the murders and depredations on the line was substantially true, and that the council had created and organized a light-horse company, and sent them out to the scene of disturbances, to prevent further aggressions and to endeavor to allay the great excitement which was then prevailing in the Starr neighborhood. It is admitted on all hands that the Starrs and Starr connexion, which is very extensive in the nation, with but few exceptions, are of the treaty party, and that the national council is composed, as I understand, of the Ross or administration party. The chief and members of council, however, assured me, in the most positive manner, that the attack and violence committed on the Starr family had no connexion with the political sentiments or party feelings of the nation; that it occurred without their knowledge or approbation; and, as above stated, they had taken measures, by raising and sending out this light-horse company, to prevent further aggressions. They took occasion to give it as their opinion, however, that these aggressors on the Starr family (and the killing of Rider, a connexion) were concerned in the burning of Meigs's house, and the murder of the two young Cherokees, together with former aggressions of a sim-

ilar character ; and, moreover, that Jim Starr, who had been killed, was the father of the notorious outlawed Tom Starr, and the uncle of Ellis Starr, who is outlawed by proclamation ; and if the elder Starr was not actually engaged in those aggressions, he counseled with, harbored, and concealed his son and others that did the mischief. On closing this interview, I went on to the scene of disturbances near the line, and arrived about the time Captain Boon arrived with a company of dragoons from Fort Gibson, with instructions to afford protection to all or any who might require it, without regard to their political feelings or party prejudices. On our arrival we found the excitement great, the alarm considerable, and many had fled across the line with their families, believing they were in imminent danger, having left the most of their property in the nation.

The facts and circumstances relating to the outrages committed on the Starrs and in that vicinity, according to the best information I have obtained, are as follows : About sunrise on the morning of the 9th of this month, a company of armed men rode up to the house of Mr. Starr, (Jim Starr ;) he was in the act of washing his face ; on approaching within twenty or thirty yards they fired without hesitation ; two balls took effect, one of which was mortal ; he fell at the fire of the guns, and instantly expired. One of his sons, a lad about thirteen or fourteen years of age, was pouring water on his father's hands ; on seeing his father fall, he attempted to make his escape ; the company fired several guns at him as he ran, and four balls appear to have struck the lad, one in the hip—the wound of which is serious ; another near the hip, the wound of which is not considered so dangerous ; and two balls appear to have struck the right arm near the shoulder, which appear to have shivered the bone to pieces and badly lacerated the flesh and sinews ; his recovery is very doubtful—at least, I consider the chances of recovery against him. The company then proceeded with the expedition to a house where Sewel Rider was, about half a mile from Starr's ; Rider was pulled out of the house into the yard, when the company shot five balls into him ; he did not fall, however, but attempted to run back into the house ; he was pursued and stabbed with a large knife, and immediately expired ; Rider was a connexion of the Starr family. The company then proceeded to Washington Starr's, who lived about half a mile from where Rider was killed. Washington Starr happened to be a small distance off from his house. When he returned, found them assembled in the yard ; he spoke to the company generally, being personally acquainted with some of them. As he spoke, however, they levelled their guns ; and seeing they intended to shoot, he broke and ran. They first fired six guns at him, but none taking effect, they fired four more as he ran ; he received a wound in the arm from the last fire, but made his escape ; the bone is not broken, but the flesh is much torn, and the sinews badly cut ; several balls passed through his clothes, but only one penetrated the skin ; those outrages were committed in quick succession. The number engaged in the commission of these violent and unlawful acts is differently stated, ranging, I should think, between twenty and forty. I have talked with no person, however, who undertook to give the precise number. On my arrival at the seat of the greatest excitement, I learned that Tom Wattie had been murdered about two miles from the place where those murders were committed which I have last mentioned. After committing those acts of murder and violence I have described, those actually engaged in those acts, with others who were their friends and supporters, assembled on a mountain to the number of two or three hundred,

all armed ; the mountain where they thus assembled is about a mile and a half from where Starr and Rider were murdered ; they seemed not to be disposed to give any satisfactory information as to their object or design in assembling to such a number. With a view to learn their object, and with a desire to get them persuaded to peace and order again, I took an interpreter and went to one of their encampments on the top of the mountain. I advised them to return to their respective homes, and allow those who had fled across the line for safety to return also ; I added, among other things, that their nation would go to destruction if they kept up this internal warfare of killing each other, and used such other reasons as I thought most likely to reconcile them. They, however, justified the acts they had done on the score of necessity, alleging they had been provoked to it by the acts and deeds of the Starrs and their friends ; they went on to say they would return home, if I would deliver over to them Tom Starr and Ellis Starr. I told them I could not, as they were not in my power ; they then told me that George Starr and Jo Starr (or more commonly called Noon Starr) might return home, and they should not be interrupted. Those two Starrs are spoken highly of by all parties. I then inquired if there were no others who had fled across the line who might return in safety, particularly the women and children ; to this inquiry they declined giving me any answer. They informed me that they were not prepared to talk any more ; that I might go away and return in four days, and they would talk to me again. On receiving this answer, I wrote to Major Lowry, the acting chief, informing him of the substance of my interview, and suggested the necessity of his sending out some of the most influential men of the nation to meet me on the mountain at the time designated by the Indians, and suggested to him the imperious necessity, as I believed, for the chief and council to take some efficient means to restore peace again, if possible, and stop those acts of murder and violence ; for I could see nothing that the light-horse company had done towards allaying the excitement, or restoring tranquillity. On the day appointed, I was met by four of their principal men, sent out by the chief with written instructions, requiring this committee to use every means in their power to persuade those assembled on the mountain to return home in peace and quietness. The committee informed me, the day we met on the mountain, that they were not prepared to give me a definite answer on that day, but would at 10 o'clock next day ; when they proposed to meet me at Colonel Adair's spring. The committee then informed me that they had succeeded in persuading the Cherokees to disperse from the mountain and return in peace to their homes. There were about fifty collected at the spring when I met the committee, and among them I recognised several of those I had seen on the mountain. This assemblage on the mountain consisted, with very few exceptions, of full-blooded Cherokees. After I had first visited these people on the mountain, and before I returned the second time at which I was met by the committee, additional murders were committed in the nation. Joseph Swimmer and Millboy were murdered in the Greasy valley, six or eight miles from this encampment on the mountain. I complained to the committee of these additional outrages ; they, however, utterly disavowed having any knowledge of the transactions, nor did they admit that those on the mountain were cognizant of the acts, or in any way concerned in their commission, but rather insinuated that it might be the acts of the fleeing party, or some of their friends, to keep up the excitement, and for political effect.

This insinuation, though knowing, as we all did, the acts committed by some of those on the mountain, appeared to me more like a subterfuge than any thing real, or even probable. While at the seat of these disturbances I was frequently informed, and had no doubt of the fact, that the Cherokees assembled on the mountain were killing the fat cattle and pork hogs of those who had fled across the line for refuge, and in that way furnished their camp with an abundant supply of rations; besides that, they went into the fields of those who had fled, and carried off as much provender as they needed for their horses.

In the course of my interview with the committee sent out, I took occasion to remark that those who had fled across the line complained greatly of the privations they had been subjected to, on account of leaving their homes and their daily means of subsistence. To this the committee replied, that those thus complaining had abandoned their homes without a reasonable or sufficient cause to do so; that they might have remained in perfect safety, but that they chose to retreat across the line for effect, and to induce the government of the United States to take some speedy action by which they would be benefited. Some who have fled across the line for safety say they never will return again, under any circumstances—that they have no confidence in the promises, professions, or statements of the administration party, more commonly called the Ross party. They all further say, that the declaration that those murders and disturbances are unconnected with and uninfluenced by the party politics and party prejudices of the nation is idle and fallacious—that woful experience in the selection of their victims has demonstrated the fact to be otherwise.

It seems to me that, at this time, there mutually exists between the parties in the Cherokee nation a most deep-rooted jealousy, a most acute and systematic distrust, and a total absence of confidence in each other. When this state of things may change, or what may be the final result, I apprehend no one can yet tell. I am inclined to the opinion, that the fact of these full-blooded Cherokees, who were armed and assembled on the mountain, dispersing and returning to their respective homes, will allay the excitement to some extent, and in the course of a few days perhaps considerably, if no more murders or house-burnings are committed. But those who have fled for safety are by no means satisfied; they have required me to demand of the acting chief, Major Lowry, that those who committed the recent murders should be arrested and tried by the laws of the nation; to this demand I have not yet received an answer. I have seen a communication from General Arbuckle to the acting chief, in which he also demands the arrest and trial of those offenders. General Arbuckle has sent out an officer to furnish those across the line, and who refuse to go back into the nation, with rations for subsistence, and has notified the chief that those rations will be furnished at the ultimate expense of the Cherokee nation.

I am not in possession of such data as would enable me to inform the department, with any degree of accuracy, as to the number of Cherokees who are across the line, and for whom rations are to be furnished under General Arbuckle's instructions.

For the information of the department, it may be proper to state that Crawlfish and Fox, or Black Fox, the two young Cherokees who were murdered near Mr. Meigs's, were considered to be of the administration or Ross party.

James Starr, Sewel Rider, Thomas Wattie, Joseph Swimmer, and Millboy,

who were killed, also Washing. Starr, and the lad Buck Starr, who were wounded, were of the treaty party.

Any instructions the department may please to give me, appertaining to my duty in relation to those unfortunate occurrences in the nation, will be most thankfully received. I have but just entered on the duties of agent, and from the fact of Governor Butler, the late agent, not having yet returned from his tour to Washington city and South Carolina, it has been out of my power to receive any instructions from him; besides, Colonel Armstrong, the superintendent, is absent in Mississippi on business—consequently I can receive none from him.

I regret that this communication has, necessarily as I suppose, extended to this length; I would have been glad to have curtailed it, but presumed a pretty full history of the late disturbances in the nation would be required by the department.

Col. Armstrong, the superintendent, and his clerk, are both absent on business; I have, therefore, taken the liberty (which I hope will be pardoned by the department, under the circumstances) to forward this communication direct, to avoid further delay.

Very respectfully, your obedient servant,

JAS. McKISSICK,

Cherokee agent, west of the Mississippi.

To WILLIAM MEDILL, Esq.,

Commissioner of Indian Affairs,

Washington City, D. C.

C.

CHEROKEE AGENCY,

Cherokee Nation, December 15, 1845.

SIR: Since my communication to the department, under date 23d ult., I have been almost all the time absent from the agency and mixing among the different parties of the Cherokees in the nation, and with those who had fled across the line for refuge.

On the 26th ult. I received a communication, signed by about forty of the treaty party and old settlers, who had assembled at old Fort Wayne, in Beattie's prairie, requesting me to go on to that place to see them; they representing in that communication that they were constrained to undergo hardships and inconveniences in leaving their homes and assembling at that place as a measure of necessity, as they alleged, to protect themselves against imminent danger, or an attack from the Ross party, about one hundred of whom, they represented, had assembled within four or five miles of them; but for what purpose they did not profess to know, but were apprehensive the design of this assemblage was hostile towards them.

On my arrival at old Fort Wayne, I found that some had fled across the line, and about forty or fifty had assembled in the old fort. Those in the fort seemed to be pretty much under the control of *Starr Wattie*. Mr. Wattie assured me, however, his design, or object, was merely to act on the defensive; that he had no intention of making any offensive movement. It appeared that those of the Ross party, as they are commonly called in the nation, who had assembled in that vicinity, had dispersed before I arrived.

I found, however, that the excitement in that section of the nation was

very considerable; some had moved across the line for safety, leaving their houses and household furniture, corn, stock, &c., without protection; others had sent out their most valuable household furniture, but had not moved with it. They seemed to be adopting this course under the apprehension that their buildings and furniture would be destroyed by fire. I endeavored to quiet their apprehensions and allay the excitement as much as I could. I thought, indeed, their fears and apprehensions were stronger than I could see sufficient cause for. I took pains to inform them that the acting chief, Major Lowry, as well as the members of the council, repeatedly expressed to me their wish to put a stop to the murders and aggressions committed; and being committed, in the nation; but the mutual want of confidence in the professions of each other renders it difficult, if not impracticable, to make any material impression upon the authority of professions. The fleeing or weaker party claim, and require, that as most of those who were engaged in the murder of James Starr, Sewel Rider, Swimmer, Millboy, and Thomas Wattie, and the wounding of two other Starrs, could be identified, the authorities of the nation ought to arrest and punish those offenders according to the laws of the nation. So far as I am advised, no steps have yet been taken to punish those offenders, or institute an inquiry in regard to the facts and circumstances connected with those cases.

I have heard of no additional murders since the date of my former communication. I am informed, however, that the dwelling-house of Samuel Bell, who belongs to the treaty party, with all his household furniture, was burnt a few days ago. As yet there is no evidence by whom this mischief was done. It appears that Mr. Bell had left home several days before the occurrence, and gone to Beattie's prairie for refuge; the balance of his white family were also absent at the time.

A few days after, of those Cherokees who had assembled on the mountain near Evansville, (to which I fully adverted in my former communication,) a portion of them, perhaps fifty or sixty, reassembled at the same place, and resumed their depredations by killing and eating the hogs and cattle of those who had fled for refuge; also, hauling off their corn, &c. Those thus assembled excuse or justify their reassemblage upon the ground that Starr Wattie had gone to Fort Wayne, and that a company had joined him, in consequence of which they were apprehensive that he (Wattie) meditated an attack upon them—at least, upon those who had killed Starr, he being a relation of Wattie. I am advised, however, and believe the fact to be so, that this reassemblage have again dispersed. It may be proper to observe, that these depredations upon the property of the weaker and fleeing party appear to have been committed in divers instances in the nation.

General Arbuckle has ordered three companies of dragoons to be stationed on the Cherokee line, between Evansville and Beattie's prairie; which I hope may have a salutary effect. He has also ordered rations to be furnished, for the time being, to those who have fled out of the nation for refuge.

Upon the whole, I consider the excitement has subsided to some extent for the present. Whether it may soften down, or spring up again with increased violence from some accidental or premeditated occurrence, no one knows; though I hope for the best.

Any information the department may be pleased to afford me in relation to my duties generally, or in relation to the particular crisis of affairs in the nation at this time in particular, will be thankfully received.

I am inclined to doubt whether the agent has any authority to demand the apprehension and punishment of those who killed the elder Starr and others, inasmuch as the Cherokee people have a code of laws for their own government, under which they can, if they wish, try and punish all offences committed on their own soil. I would be pleased to be advised on this point, as the friends of those who have been killed in the late excitement have pressed me to demand the apprehension and trial of the offenders.

I have the honor to be, with great respect, your obedient servant,
 JAS. McKISSICK,
Agent for Cherokee nation west.

WILLIAM MEDILL, Esq.,
Commissioner of Indian Affairs, Washington city.

List of the copies of letters and documents taken from the records of the Adjutant General's office, under the resolution of the House of Representatives, dated the 16th instant, relative to domestic strife among the Cherokees, &c.

First series.—Instructions of the Secretary of War, communicated by the Adjutant General to Brigadier General Arbuckle, commanding 2d military department:

- No. 1. Adjutant General to Brig. Gen. Arbuckle, dated December 3, 1845.
- No. 2. Same to same, December 13, 1845.
- No. 3. Same to same, December 30, 1845.
- No. 4. Same to same, January 8, 1846.

Second series—

No. 1. Letter from Governor T. S. Drew, of Arkansas, to Secretary of War, dated December 5, 1845; 1 enclosure, (letter of Colonel Kelly, of November 22, 1845.)

No. 2. Answer of Secretary of War, dated December 29, 1845.

No. 3. Letter of Governor Drew to President of the United States, dated December 8, 1845.

No. 4. Letter of Hon. A. Yell, of House of Representatives, to Secretary of War, dated January 6, 1846; 1 enclosure, (letter of R. Armstrong and A. Whiney, of December 11, 1845.)

Third series.—Communications from Brigadier General Arbuckle:

No. 1. Brigadier General Arbuckle to Adjutant General, dated November 19, 1845, (5 enclosures.)

No. 2. Same to same, dated November 22, 1845, (8 enclosures.)

No. 3. Same to same, dated November 29, 1845, (3 enclosures.)

No. 4. Same to same, dated December 6, 1845, (4 enclosures.)

No. 5. Same to same, dated December 12, 1845, (7 enclosures.)

No. 6. Same to same, dated December 20, 1845.

WAR DEPARTMENT,
Adjutant General's Office, Washington, Dec. 3, 1845.

GENERAL: In obedience to the instructions of the Secretary of War, I herewith enclose a copy of a letter, dated Flint, Cherokee nation, Novem-

ber 11, this day referred to the War Department, giving the particulars of the murder of several persons of the treaty party, or western Cherokees, said to have been committed by the dominant or Ross party of the nation. I enclose, also, an extra of the "Arkansas Intelligencer," of November 12th, giving some account of the "great excitement" among that people, in which it is stated that, on receiving information of the state of affairs, you immediately despatched Major Bonneville from Fort Smith, and that Captain Boone's company of cavalry had been ordered to the scene of action. No report, however, has been received from your headquarters, or from the commanding officer at Fort Gibson.

The object of this letter is to communicate the President's instructions to employ, if necessary, the force under your command to put down domestic strife among the Cherokees, and to protect the weaker party; and if in your judgment the military force should prove to be inadequate for the purpose here indicated, that you be authorized, and you are hereby accordingly required, in such contingency, to call upon the authorities of the adjoining State for such militia force as may be needful.

The instructions which have heretofore been communicated to you, and so often reiterated from the War Department, relative to the Cherokee Indians, need not be repeated; and it is not doubted you have promptly adopted all proper measures to meet the case, and that in due time your reports will be received at the headquarters of the army. Such, generally, are the conflicting accounts and *ex parte* statements of these frequent acts of bloodshed and murder in the Cherokee country, which first reach the seat of government, that it is very desirable your reports be full and circumstantial, and all the facts be well authenticated. This I am particularly desired by the Secretary of War to impress upon you.

I am, general, very respectfully, your obedient servant,

R. JONES,
Adjutant General.

Brigadier General M. ARBUCKLE,
Commanding 2d Department, Fort Smith, Arkansas.

ADJUTANT GENERAL'S OFFICE,
Washington, December 13, 1845.

GENERAL: Your brief despatch of the 19th ultimo, with a copy of Major Bonneville's voluminous report, and other papers relative to the recent disturbances in the Cherokee country, were this day received, (*via New Orleans*), and laid before the General-in-chief and Secretary of War. It is regretted that your communication had not been sent *direct* to the headquarters of the army, as heretofore properly practised, the more especially in this instance, as you will perceive, by my letter of the 3d instant, that the Secretary of War has been particularly anxious to obtain speedy information upon the subject of the recent murders by the dominant party of the Cherokees, as well as the murders committed by, or ascribed to, the other party during the present year, &c.

In communicating information based upon reports, in detail, received from juniors, as a general rule it is desirable that the general, or other commander, should embody in his own report, by way of extract, or otherwise, all that may be necessary to communicate to the higher authority,

rather than transmit the same information spread out in divers papers and statements, much of the contents of which are often not necessary for the War Department or headquarters of the army; and to this point I am desired by the Secretary of War to request your attention.

Touching your correspondence direct with this office, I respectfully refer you to the Regulations of the War Department, of April 16, 1844, announced in "General Orders" No. 17, of that year.

I am, general, with great respect, your obedient servant,

R. JONES,
Adjutant General.

Brig. Gen. M. ARBUCKLE,
Commanding 2d Department, Fort Smith, Arkansas.

ADJUTANT GENERAL'S OFFICE,
Washington, December 30, 1845.

GENERAL: The perusal of the Secretary of War's letter of yesterday's date to Governor Drew, of Arkansas, herewith enclosed, will apprise you of the views entertained by the authorities of that State with respect to the recent difficulties in the Cherokee country, and of the apprehensions for the safety and protection of the frontier inhabitants of that Commonwealth. You will perceive from the tenor of the Secretary's reply, it is not supposed that the state of affairs on the *frontiers of Arkansas*, or in the Cherokee nation, have been, or are likely to be, such as to render it necessary for you to call for aid from the militia. With regard to any protection needed by the citizens of Arkansas residing near the line at this time, or danger apprehended by them from any of the Cherokee people, the first intimation of such danger was seen in a letter from Colonel Kelly, of Maysville, to Governor Drew. In tendering the services of his regiment, Colonel Kelly says: "It is on our own border our citizens are alarmed, not only for the safety of themselves and their friends, but for their property also." As your official reports make no reference to the apprehended molestation of the citizens of Arkansas, it is hoped that the alarm was but temporary; but if otherwise, it is believed that the accession of the two dragoon companies, drawn from Fort Washita, will afford adequate protection to the frontiers. Acquainted as you must be with the actual state of things, it is not doubted that you will extend ample protection to the citizens of Arkansas, and if *necessary* for this object, act upon the discretionary authority already conferred with respect to the militia.

I am, general, very respectfully, your obedient servant,

R. JONES,
Adjutant General.

Brig. Gen. M. ARBUCKLE,
Commanding 2d Department, Fort Smith, Arkansas.

ADJUTANT GENERAL'S OFFICE,
Washington, January 8, 1846.

GENERAL: Since my communication of the 30th of December, transmitting a copy of the Secretary of War's letter of the 29th to his excel-

lency Governor Drew, respecting the reports and statements of the Cherokee difficulties, as represented and brought to the notice of the War Department by the executive of Arkansas, derived from resident citizens on the border of the State, other accounts of like import have been received. These representations of the state of affairs, whether with regard to the domestic strife among the Cherokees at this time as represented, or the danger with which some of the frontier inhabitants suppose themselves to be threatened, and of the inadequacy of the military protection afforded by the government, as alleged, seem to require attention, although the instructions of the War Department, already communicated to you, fully meet the case, so far as regards your authority to employ the force under your command, or to augment it if necessary, for the purpose of affording adequate protection to the inhabitants of Arkansas, as well as to restore peace and harmony among the Cherokees.

For your further information I send herewith copies of a note from the Hon. Mr. Yell to the Secretary of War, dated the 6th, with a copy of the one to him from two of his constituents at Maysville, Arkansas, (R. Armstrong and A. Whiney,) of the 11th December; from the latter of which you will see what has been reported to the seat of government from Beattie's prairie with respect to the present belligerent attitude of the opposing parties. In view of this aspect of affairs, as presented to the Secretary of War, he deems it expedient that an officer of rank should repair to Beattie's prairie and to the frontiers of Arkansas, there remain, and on the spot see and converse freely with the writers of these letters and other citizens, make inquiry, and resort to all reliable sources of information for a true state of the dangers said to be apprehended by the border settlers, &c., &c. Should you not deem it necessary to repair to the frontiers in person, you will please to order Lieut. Colonel Mason, with such additional force as you may deem requisite, with authority to increase the same on his arrival, if found to be necessary to afford that protection which the writers of the letters from Maysville seem to think can only be provided by calling out some regiments of militia.

The presence of an officer of rank, to remain and converse freely with the citizens, and to whom applications and representations could be made on the spot, would have a salutary influence, and no doubt be gratifying to the border inhabitants of Arkansas. I send also, for your information, a copy of Colonel Kelly's letter to Governor Drew, dated November 22, referred to in my letter of the 30th ultimo.

Should you order Lieut. Colonel Mason to the frontiers of Arkansas, you will please to furnish him with copies of the letters referred to in this communication.

I am, general, very respectfully, your obedient servant,

R. JONES,
Adjutant General.

Brigadier General M. ARBUCKLE,
Commanding 2d Department, Fort Smith, Arkansas.

EXECUTIVE OFFICE,
Little Rock, Arkansas, December 5, 1845.

SIR: Accompanying this you will receive Colonel Kelly's communication to me of the 22d ultimo, in relation to disturbances in the

Cherokee country, on the western border of this State. The facts set forth by Colonel K. are fully substantiated by other letters I have received from respectable gentlemen on the line. I have promised him to write to the War Department, and asked him to hold his regiment of militia in readiness for any emergency that may occur.

I presume you have already been advised by General Arbuckle of these difficulties. Our people have been advised to keep as quiet as the circumstances may justify; but it must be borne in mind that the sympathies of the whites are on the side of the treaty party, who, they believe, have been long oppressed by the dominant faction of that nation; and the circumstance of Stand Wattie and his small band (for it must be borne in mind that a great portion of the leaders of the old treaty party have been absent for months on a western exploration) having taken refuge in Benton county, may cause the threatened collision to take place in the midst of the whites; hence the alarm. Should the President require it, I can concentrate sufficient force to that point, in ten days, to dissipate the belligerent spirit on our border.

The services of the militia of this State are hereby made a standing tender.

I have the honor to be, &c., &c.,

THOS. S. DREW.

HON. WM. L. MARCY,
Secretary of War.

[Enclosure of Governor Drew's letter of December 5, 1845.]

MAKESVILLE, *November 22, 1845.*

I take this method to inform you that I have a company of volunteers ready to do service for the country at any time when required. There is great excitement on the line. Thomas Wattie is killed; Stand Wattie is within the picketing of old Fort Wayne, two miles from this place, with about sixty men only. The Ross party have about two hundred men embodied in this vicinity. There *must* be a fight in a few days between the treaty party and old settlers combined, against the Ross party. It is on our border our citizens are alarmed, not only for the safety of themselves and families, but for their property also. The agent of these people is unable, as far as I can learn, to quiet the difficulty. The available dragoons of the United States in this region consist of one scanty company. In this service foot infantry can do no good.

Should you deem it prudent, we tender to the State, or United States through you, our services, and hope to be received. The Cherokee people are continually fleeing across the line for safety, and thereby alarming our citizens.

In my opinion there is bound to be a fight with the belligerent parties of the Cherokee people. Where or when it will end, God only knows.

Let me hear from you soon; and I am, dear sir, (a citizen of Benton county,) yours, &c.,

T. J. KELLY.

His Excellency T. S. DREW.

WAR DEPARTMENT,
December 29, 1845.

SIR: I have received your excellency's communication of the 5th inst., with the letter enclosed, in relation to recent disturbances in the Cherokee country between the parties into which that nation is unhappily divided, and making a tender of the services of the militia of Arkansas, should this department desire an additional force to preserve peace in that quarter.

In reply to your communication, I have the honor to inform you that, immediately on receiving intelligence of the murders recently committed in the Cherokee country, pursuant to my instructions, the Adjutant General promptly despatched orders to Brigadier General Arbuckle, the responsible officer commanding in that quarter, to employ his whole force, if necessary, to put down domestic strife among the Cherokees, and to protect the weaker party. General Arbuckle's despatches, subsequently received, show that he had adopted prompt and efficient measures in anticipation of his special instructions; and his last reports inform the department that the excitement had greatly subsided, and there was no apprehension of any collision between armed bodies of the two parties.

In the instructions from the Adjutant General's office of the 3d of December, General Arbuckle was authorized to call upon the authorities of the State of Arkansas for such militia force as, in his judgment, might be needed; and no doubt he will in due form make his application on your excellency, should he decide that the force at his command is inadequate to restore peace and quiet among the Cherokees, and afford protection to the frontier settlements.

Colonel Kelly, of Maysville, who tenders the services of his regiment of militia, is mistaken in supposing that there is but one troop of cavalry in the Cherokee country, for General Arbuckle reports that he had ordered two other efficient troops into the nation, which most probably had arrived at the date of your excellency's letter.

Very respectfully, &c.,

WM. L. MARCY,
Secretary of War.

His Excellency THOMAS S. DREW,
Governor of Arkansas, Little Rock, Arkansas.

EXECUTIVE OFFICE,
Little Rock, Arkansas, December 8, 1845.

SIR: A few days since I had occasion to address the Secretary of War upon the subject of the Cherokee disturbances; at the same time enclosing a communication from Col. Kelly, of the Arkansas militia on the western frontier, detailing many facts. I am just in receipt of a further communication from the Hon. Geo. W. Paschal, a gentleman of distinction in that part of the State bordering on the Indian line. Judge P. is of opinion that things cannot long remain in their present position without more or less endangering the peace of the frontier.

I presume General Arbuckle has notified you of these difficulties, and that you have taken, ere this, proper measures to secure peace and safety to the white settlements in this State in the vicinity of these Indians. The demonstrations of the dominant faction of the Cherokee nation have been

such as to induce the weaker party to cross the line and take refuge in Arkansas. And I presume you have been notified of the sympathies entertained by the whites for the old treaty party. Should any hostile demonstrations be made by the stronger party on this side the line, it cannot be doubted that our people will take part in repelling it. And, until your views and wishes can be ascertained, I, as the executive of this State, have no disposition to cause these unfortunate Indians to be driven off, when the probability is, many of them would be butchered by the ruling party in their own nation.

It is true, their presence amongst us, under such circumstances, affords good cause of alarm among the citizens of Benton and Washington counties; but it is believed this is the only safe position these Indians had it in their power to take for the moment, to screen them from an almost indiscriminate butchery.

The very small number of troops at Fort Smith precludes the idea of resistance, on the part of General Arbuckle, to any inroads these Indians may contemplate making into our settlements; without noise, I shall address letters to all the commandants of regiments of militia in that quarter, urging a thorough organization, and preparation for service at a moment's warning.

I have the honor to be, respectfully,

THOS. S. DREW.

His Excellency JAMES K. POLK,
President of the United States.

HOUSE OF REPRESENTATIVES,
January 6, 1846.

Enclosed I send a letter from two of my constituents, worthy and respectable men, detailing the difficulties in the Cherokee nation.

As you have declined re establishing Fort Wayne, I shall not press the subject, as I believe, in a very short time, the war between the Ross and treaty parties will require more troops to quell them than you have now on the Arkansas frontier. The refusal to station a company on the line at that or some other position will eventually cost the government more than the establishment of the post. If nothing is done soon, I shall make an effort in Congress to raise a ranging company for the frontier, on the re-establishment, by law, of Fort Wayne.

Very respectfully, your obedient servant,

A. YELL.

HON. WM. L. MARCY.

[Enclosure of Hon. A. Yell's letter of January 6, 1846.]

MAYSVILLE, December 11, 1845.

DEAR SIR: We, the undersigned, citizens of Benton county, do most respectfully beg leave to present to you the following communication, which we ask you to lay before the Executive at as early a period as possible.

Inasmuch as the government of the United States has promised protec-

tion to the citizens of their western frontier, against the numerous tribes of Indians located west, and to preserve peace and good order among the Indians themselves, we are induced to show as follows :

The government having promised us protection, and offered us lands upon reasonable terms, we have been induced, with our families, to settle in the country on the border, with expectation of security from violence on the part of our Indian neighbors.

Although there are many good citizens among these people, with whom we have friendly intercourse, and which we are disposed to cultivate for the mutual benefit of both parties, yet there is a large proportion of the Cherokees, known as the Ross party, who have been raised in the mountains, who are still inclined to adhere to their old savage habits, and from whom we have to dread all that frontier people have ever experienced from hostile Indians—more particularly from their later acts of stealing, robbing, house-burning, and murdering, which have taken place to a great extent within the last few weeks, and which have been the means of causing upwards of 200 of the most respectable families of the old settlers and treaty party to fly for safety from the nation and claim protection from the citizens of the State.

A gang of desperadoes, who, it is said, number about two hundred, belonging to the Ross party, are stationed in the nation near Evansville. A part of a troop of the first regiment of United States dragoons, housed under canvass, under the command of that brave and meritorious officer, Captain Boone, are there watching their movements. The Indians are employed by the Ross party at the rate of one dollar per day, and it is said that they threaten to assassinate every one of the old settlers and treaty party they may fall in with. They have murdered one of the Watties, and seek the life of Stand Wattie, his brother, and many other respectable citizens of the nation who are absent with the exploring party, and say that nothing will stay their deeds.

Stand Wattie, a brave Indian chieftain, with a band of sixty well-trained warriors, belonging mostly to the treaty party, have been for some days quartered at the late old fort Wayne. A few weeks ago the fort was abandoned by the government, and the public property sold ; which post, in our humble opinion, ought to have been kept up for the protection of the citizens, living near the line. Stand Wattie is acting altogether on the defensive. Numbers of warriors are coming to his assistance, and it is believed he will be in command of 200 chosen men by Tuesday last.

In the present condition of affairs it is absolutely demanded that a sufficient force be employed by the government, or to allow Governor Drew to call into service an efficient force, to put a stop to all such proceedings, and would recommend [Colonel Whiney] to be placed in command, as he is well versed in military tactics ; and rest assured that it will require both officers and men of nerve and energy to quell the disturbance.

Stand Wattie, by all means, ought to command his own men. Should he ever have occasion to fall in with his enemies, we are convinced his conduct will tell well, as he is a cautious and prudent warrior, and will look well to the interest of his men.

Our worthy and indefatigable agent, Col. James McKissick, has been busily employed, and deserves great credit, as a government officer, for the prompt manner in which he has performed his duty.

News reached us this morning of the property of Samuel Bill having been destroyed by fire. He is a good, peaceable citizen, and is a treaty man.

It will afford us a source of real pleasure to hear from you, and we will avail ourselves of communicating with you when anything of importance takes place.

With sentiments of respect, we have the pleasure to remain your obedient servants,

ROBERT ARMSTRONG.
A. WHINEY.

Hon. ARCHIBALD YELL,
Washington City.

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 19, 1845.

SIR: I enclose herewith, for the information of the government, documents from 1 to 5: the first, a report from Major Bonneville; second, a letter from George W. Adair, G. H. Starr, and others; third, a copy of a letter from Lieutenant Colonel Mason, the commanding officer of Fort Gibson; fourth, a copy of my letter to the acting principal chief of the Cherokee nation; fifth, a department order for the removal of troops. These documents will advise the government of all that I know at present in relation to the unfortunate state of affairs in the Cherokee nation, and the measures I have taken to give security to the inhabitants of that nation.

I hope that no further acts of violence will be committed by the Cherokees on each other; yet nothing, at present, can be said with certainty as relates to the termination of the commotion in that nation.

I will, by the next mail, write to you fully in relation to the above subject.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,
Brig. Gen. U. S. A.

Brig. Gen. R. JONES,
Adjutant General, Washington City.

[Enclosure No. 1—General Arbuckle, of November 19, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 11, 1845.

SIR: Herewith I hand you the copy of a statement from judge Paschal relating to disturbances in the Flint district, Cherokee nation.

The information this paper conveys has induced the General to direct you to the scene of those disorders, in order to investigate the facts in the case, and to allay, as far as possible, any excitement that may exist, by the interposition of your personal and official influence. You will accordingly proceed immediately, taking a soldier with you.

A dragoon force has been ordered from Fort Gibson, the commander of which will be instructed to confer with you.

I have the honor to be, sir, your obedient servant,

JAS. H. PRENTISS,
Assis't Adju't General.

Major B. L. E. BONNEVILLE,
6th Infantry, commanding Fort Smith.

HEADQUARTERS, FORT SMITH,
November 15, 1845.

SIR: In obedience to the above instructions, I proceeded to Evansville, located immediately upon the State line, about forty miles from this. On the route and at that place I found parties of Cherokee Indians who had fled that nation in great alarm. Upon my arrival I assembled these people in council, and received the following statement from them, viz: George Starr's statement:

"James Sanders told Jesse Mayfield, jr. to leave the council ground; that he did not want his hands stained with blood. On the next morning an armed body of men rode up to the house of James Starr and shot him dead, without saying one word to him; they at the same time shot Buck Starr, son of James, who was pouring water for his father to wash, breaking his arm; he then ran into the orchard; they pursued him and shot him in the hip, and left him for dead. They then went to the house of Mrs. Woods, and dragged Ellis Rider out of the kitchen and pushed him from them, and shot him five times, and then stabbed him, and he died immediately. A company went to the house of Washington Starr and met him a short distance from his home; he spoke to them, saying, good morning; they replied by shooting at him; five balls passed through his hunting shirt, two through his arm; he succeeded in making his escape to this place. The two wounded boys are now lying at Evansville."

Next morning I ascended the mountain, where I heard a large body of Indians had assembled. At the house of James Downing I found a company of light-horse, consisting of one captain, one lieutenant, and about 20 or 30 privates. I asked them where the remainder of their company was; they replied, at Dave Downing's, about a mile off.

They handed me a paper, of which the following is a copy:

"Be it enacted by the National Council, That a company of light horsemen be organized consisting of 26 persons, for the purpose of searching after and bringing to punishment all persons charged with murder and house burning, and who are now at large and endangering the peace and lives of the citizens of this nation.

"Be it further enacted, That the principal is hereby authorized to appoint and commission a captain and lieutenant, who shall immediately select and organize a company of twenty-four men, besides themselves, and command them for the purposes set forth above, and are required to use all exertions and vigilance in ferreting out and bringing all such violators of law and personal security to condign punishment; and in case of refusal to submit, or resistance on the part of such offenders, it shall be justifiable to kill them, or any person aiding them, or resisting the enforcement of the laws of this nation.

"Be it further enacted, That the captain shall receive a compensation for his services at the rate of \$20 per month, the lieutenant \$15 per month, and each private \$10 per month; and a reasonable allowance shall also be made for all necessary expenses while in service, such as horse shoeing, provisioning, forages, ferriages, ammunition, &c., and shall be reported to the Executive, certified to by the officers of the company.

"Provided further, That the Executive may dispense with the services

of the light-horse company when, in his judgment, the quiet of the country and safety of the citizens may justify.

A. CAMPBELL,
Speaker of the Council.

E. HICKS,
Clerk of the National Committee.

TAHLEQUAH, C. N., November 8, 1845.

The national committee concur in the above act, with this amendment, that the lieutenant shall receive for his pay \$18 per month, and each private \$15 per month.

WM. S. COODEY,
President of the National Committee.

E. HICKS,
Clerk of the National Committee.

Concurred :

JOHN SHEPPARD,
Speaker of Council.

D. M. FOREMAN,
Clerk of Council.

Approved : GEORGE LOWRY.

I certify that the above act is a true copy of the act as recorded in the office of the national committee, this 11th November, 1845.

After much exertion I succeeded in bringing together four of the company of light-horse and three of those who had fled their homes. They met on the State line, and after much talk separated without producing any of the happy results I could have wished. The commencement of these difficulties was the burning of the house of Meigs ; two Indians soon after were found dead in the woods ; then the deeds of blood, as detailed in the statement given me at Evansville. The uncertainty of who might be the next victims created so great an alarm, that at least one hundred men have crossed into the State for safety.

The light-horse company will not cross our boundary under any pretence ; they understand the serious consequences of such a step.

The wife of James Starr says the party that killed her husband was about 50 strong. Among them she recognised—first, Tayleeski Tuckwa ; second, Wm. Gour John ; third, Bean Outrunner ; fourth, Anderson Ben ; fifth, John Downing ; sixth, Lewis Nelham. The same party shot her son, Buck Starr, a lad of about 12 years old ; this took place on the 9th November, about sunrise ; between 7 and 8 A. M., same day, Wash Starr met the party who shot him ; they were about 11 strong ; he recognised—first, Joe Chuck ; second, John Downing ; third, Lewis Nelham ; fourth, Aaron Wilkinson ; fifth, old man Tuckwa ; sixth, his son Tayleeski Tuckwa ; seventh, Order Lifka, i. e. James Foster.

I would add, that before I left the mountain I brought the captain and lieutenant of the light-horse together, (their names were Brown,) and read to them the above statement of George Starr, commencing from the

word *morning*, on the eleventh line, page 1; this statement, they said, is correct.

I remained at Evansville until this morning at 9 A. M.; supposing the company of dragoons may have received counter orders, I returned to this post.

Was handed to me by those who have taken refuge with our citizens the enclosed paper, which they desire to place, through you, into the hands of the honorable Secretary of War. They hope, that being well acquainted with them and their present deplorable condition, you will add remarks calculated to draw from them his favorable consideration.

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

B. L. E. BONNEVILLE,

Major 6th Infantry, commanding post.

Capt. JAS. H. PRENTISS,

Assist' Adjt. Gen. 2d Military Dept., Fort Smith, Arkansas.

[Enclosure No. 2—Gen. Arbuckle, of November 19, 1845.]

EVANSVILLE, Arkansas, November 15, 1845.

SIR: The undersigned have been appointed a committee on the part of such members of that branch of the Cherokee family, known as the treaty party, as have had time to concentrate at this place, to represent, through you, to the United States, the condition in which we find ourselves involved. We feel ourselves relieved of much of the task, which would otherwise devolve upon us, from the fortunate circumstance that you, so opportunely, sent your able, efficient, and courteous officer, Major Bonneville, to the scene of the late tragedies; and, from the careful investigation which he has given, we doubt not but he will officially report to you the circumstances which have so lately overwhelmed us. He will advise you of the facts connected with the murder of James Starr, Ellis Rider, and the wounding and maiming of Washington Starr and Buck Starr, the latter a boy of only twelve years of age.

On Sunday morning last, the 9th inst., an armed party, supposed to be about fifty in number, soon after sunrise, approached the residence of James Starr, in the Cherokee nation, who was at the time peaceably in the bosom of his family, unconscious, we venture to assert, of having violated the laws of any nation on earth, or any great rule of propriety. He was, without a moment's warning, or any resistance on his part, fired upon by some nine or ten of the belligerent party. Two of the balls pierced his body, and the unconscious man fell, speaking no other word than an ejaculation of "run for your life!" to his infant son, Buck Starr, who was at the time pouring water for his father to wash. That word was his last, and, alas! it came too late. The assassins fired at the boy and broke his arm in two places before he fled; he was followed into the orchard, and shot through the hip. The truculent fiends returned, and reported him dead. The poor boy yet lingers, but no hope of his recovery is entertained. Another infant son (an idiot) we are confident was only saved by an aunt throwing her body between the unoffending victim, incapable, by the laws of God and man, of crime, and the blood-thirsty wretches, who have thus proven themselves ruthless assassins without regard to age or sex. Passing three miles further,

to house of Washington Starr, they met him, unarmed and unconscious of danger, near his house. When at the distance of only six paces, they discharged ten or twelve rifles at him. Five or six bullets passed through his clothes, and two through his arm. The distance and the deadly aim considered, his escape with his life can only be regarded as one of those miracles which prove that an all-seeing Providence often interposes in favor of innocence, to thwart the purposes of wicked man. The wounded man fled under the fire, and fainting, reached this place, where the whites have, for the time, protected a life so eagerly sought. During the same hour an armed party entered the house of the mother of Ellis Rider, regardless of her cries and her sick-bed struggles, drew him, a youth just budding into manhood, from his mother's embrace, and, thrusting him from her door before her eyes, they pierced him with five rifle balls, and, with still more savage brutality, stabbed him with a bowie knife. Thus ended the tragical scenes of the Sabbath morning, so far as we know. But from the continued organization of these armed assassins, and the well accredited rumors through the country, we are convinced that many more had been marked as victims, and were only saved by timely flight. A son of Jesse Mayfield, only ten years old, we are sure was saved by a faithful negro slave. Many of the leaders of the treaty party have been kindly warned, by one who marched with the marauders during the day, that the only hope for their lives would be found in their immediate flight.

Armed companies, our enemies do not deny, have gone in search of others equally innocent and equally unconscious of wrong. Indeed we are certain that there are none who have chanced to differ from the ruling powers, or have dared to complain of wrong, who are safe. A victim has only to be marked, and he falls by a ruthless hand.

It is not, sir, for us to speculate upon the motives which have prompted our cruel enemies to act over the cruel scenes of 22d June, 1839—unparalleled atrocities, distinguished only by the different names of the victims. That each and every one of the fallen are as innocent of the offence against the murderers, their aiders and abettors, as were the spirits of our fallen chieftains, the Ridges and Boudinot, we feel quite certain. We challenge the fullest investigation into the truth of this assertion. It will be apparent to every one that the children, whose lives have been attempted, and whose blood has been so freely shed, could have committed no crime; yet neither their age nor their innocence could protect them. Will our enemies tell your government that other outrages had recently been perpetrated in the nation; that other homicides had been committed, and that the house of R. J. Meigs, son-in-law of John Ross, had been burned, and that a son of James Starr, who had been "outlawed" by the Cherokee council, was accused of being a perpetrator of the horrid deed? And has it come to this, we would ask, that innocent relatives, without regard to age, are to be slain in cold blood, because of the supposed crimes of sons or brothers? Too often, heretofore, when urging our complaints to your government, have we been pointed to the Cherokee laws and the "constituted authorities," and told that they afford protection to life, liberty, and property. But is this the protection which is thrown around us? First, men are, contrary to every principle of civil liberty, "outlawed" for supposed crimes, and then their relatives slain out of revenge. Of course we cannot speak with certainty of the authority under which these murders have been committed; we are told that it is by virtue of a law of the nation-

al council, authorizing the arresting and bringing to condign punishment the perpetrators of certain crimes. But this is mere mockery. It is making an armed mob the judges of crime, and the executioners of the accused, without trial. And if, under this law, and the direction given by its framers, the aged, the young, the idiot, and the innocent may be shot down, then the law itself is an open declaration of war, and we have no appeal but to arms; no redress but to die like men, rather than to be cruelly murdered in the bosom of our families.

Let us, sir, for a single moment, ask who James Starr was? He was about one-fourth Cherokee, and three-fourths white. He was one of those brave Cherokees who espoused the cause of the United States, and at the battle of the Hillabee was among the first to peril his life in defence of the army of the brave general who has so lately gone to receive the reward due to the true soldier, who fights not for revenge, but for love of patriotism. He won the esteem and regard of your great Jackson, and his name appears to that treaty (the treaty of 1835) which, to his last day, the venerable chief of the Hermitage regarded as the only boon which could save the Cherokees, then overwhelmed by a white population. That treaty has already been sealed with the blood of his compeers, Major Ridge, John Ridge, Elias Boudinot, and John Fields. Another also, Achilla Smith, was condemned to the gibbet by an usurped power, after the merest mockery of a trial. Only a few others now remain; one of them is now with a party of some forty of our friends in the great prairies of Texas, hunting some spot of earth where an oppressed and persecuted party may escape the revenge of those who have ever opposed, yet been enriched by that treaty. With the money wrongfully paid Mr. Ross and his followers, they build up a power, arm a "police," and slay whom they please with impunity.

We need not, sir, advert to our sufferings since our arrival in this country. They are familiar to you. And, through you, we would point our great father, the President, to the many memorials and papers so often sent to your government in our behalf since June, 1839. A history written in blood cannot be soon forgotten. The cries of widows and orphans, made such by premeditated murders, may for the time be stifled; but the blood of those to whom the United States are pledged for protection cries from the ground unavenged; and should your government again turn a deaf ear to our complaints, the Great Avenger will not be unmindful of his denunciations against the "land which covereth up blood." Shall we be pointed to the laws of the Cherokee nation, for the punishment of the murderers of the fallen Starr and Rider? This would be to add mockery to crime. We should not pass through a trial until it would be written that there was not a friend or relative to "tell the tale." By that treaty which promises us protection, by the laws of civilization and humanity, by that guardianship which the United States have ever exercised over their untutored red children, we call upon you, as the representative of your government, to avenge the blood of our friends and relations; of him who was always a friend of your nation, fighting your battles and doing the will of your government; and to protect those who are powerless. The crisis has arrived—the decree of blood has gone forth—the sanguinary spirit which overwhelmed our country in 1839 is again abroad. "Domestic strife," civil war in its worst form, are among us. We cannot live with our brethren; we have collected our men, and we are collecting our families into the hospitable neighborhood of Arkansas. Here we will make a stand,

where, if life is lost in self-defence, we may at least hope for a fair trial; that we shall soon be put to the test, we entertain serious apprehensions. We are even now menaced with a hostile party, under the pretext of searching for "refugees"—refugees from the carnage and the slaughter. But here will we stay until your government provides for us a district separate from our oppressors, or puts an end to our hopes, and leaves us to desperation. Here we beg of you rations, to save us for the time from starvation and want. We will not believe that our prayer will be unheeded; we know the difficulty of convincing those, whose business it is to act, of our necessities. But do they want other proofs? Do any ask that the Ridges, Boudinot, the Wests, Fields, Rider, and Starr, should rise from their graves? Shall we be told that some of our party, at least, are safe? If there be no safety for children, and those to whom God has denied reason, where is the safety for men whose influence or arms may be found? Our wisest and bravest men are already gone. They have fallen for an act of your government. In the names of their widows and orphans—in the names of our sires and our children, driven from their homes without food, without shelter, trembling upon the border of the State, hourly expecting to see the fearful tragedies, the savage barbarities, re-acted, we appeal to your government for relief. We cannot make a war of aggression upon our brethren, in blood. We see, that for any act of self-defence on our own parts, our children, our wives, our mothers, would fall in the carnage. It is not for us to point out the remedy. That belongs to our great father, the President. Our tale is told; we shall wait an answer.

We are, respectfully, your obedient servants,

GEO. W. ADAIR,
G. H. STARR,
J. M. STARR,
JESSE MAYFIELD,
G. W. HARNAGE,
J. M. SMITH,
JOHN RIDER,
E. G. SMITH,
JOHN GLASS,

Committee of the Treaty Party.

Brig. Gen. MATTHEW ARBUCKLE,
*Second Military Department, Western Division,
United States Army, commanding.*

[Enclosure No. 3—General Arbuckle, of November 19, 1845.]

HEADQUARTERS, FORT GIBSON,
November 14, 1845.

SIR: Your letter of the 11th, with its enclosure, was received here yesterday between eleven and twelve a. m., and Captain Boone's company immediately put in march, agreeably to the general's instructions.

I was absent from the garrison when the express arrived, and had been since the 10th instant. I returned last evening after the dragoons had marched, and immediately instructed Captain Boone to follow on, this morning, and join his company. I directed the captain that if, upon his arrival at Park Hill, he should receive any information which might, in his judg-

ment, seem more to require the presence of his company in a direction other than Flint district, to immediately proceed to that point, and remain out as long as circumstances required his presence among the Cherokees.

I left here on the 10th, and have been up as far as Beattie's prairie; every thing was quiet in that quarter, and the people, as far as I could judge, all at home, though apparently much alarmed.

James Starr and his son William, alias Buck, a boy twelve or thirteen years of age, were both killed by a large party of armed men; at their own house, in broad day-light; an attempt was made at the same time to kill two children of James Starr's, one about ten or eleven years of age, the other about five or six; they were saved by the courage of their mother and sister placing themselves between them and the murderers. Washington and Joseph, sons of James Starr, were both wounded and made their escape; Ellis Rider, a nephew of James Starr, was killed at his mother's house. All this is said to have been done by the national police companies of the Cherokee nation, some of them having got their horses shod and otherwise equipped at Tahlequah, preparatory to committing these murders, and that it was done with the knowledge of the council; but that Major George Lowry, the acting principal chief, to his lasting honor and credit be it spoken, did all in his power to prevent and put a stop to such horrid barbarities. A party, it is said, have gone into Arkansas, near the line, to kill John West, and that the orders are to kill all the descendants of Caleb Starr, with the exception of Joseph Starr, (commonly called Noon Starr,) Geo. Starr, and Starr Bean, the son of John Bean. I further learned that Standing Deer, one of the members of the council, had been heard to say that this time the business would be well done; that they had sent out men who were not afraid.

The foregoing is about the amount of the reports I heard during my absence; I could not in any way ascertain their truth, and only give them to the general as I got them.

I hear that large numbers are collected and collecting at Tahlequah and Park Hill. I am this moment informed by Mr. J. V. McNair, who arrived last night from the vicinity of the Grand Saline, that there are large numbers collecting at Lewis Ross's, who lives at the Saline. Mr. McNair calls on me for protection for the treaty party, and states that himself and various others are threatened, and preparations are making to carry those threats into execution; that the party recently gone to look for a country in Texas he thinks will be met by a large party from this nation and overpowered—that he hears that such is the intention. I shall send out one or two officers with the view of obtaining correct information, and will keep the general constantly advised. I hope the general will pardon me for suggesting that both the dragoon companies from Washita be ordered to this post *forthwith*; they might leave their sick and heavy baggage, and be replaced by two infantry companies from Towson. They could fall back to their own post after the excitement is allayed, if indeed such a fortunate turn in affairs should soon take place; and if not, their baggage could follow them at some future time. I think there is likely to be more serious difficulty now among the Cherokees than at any time I have known.

I am, respectfully, your obedient servant,

R. B. MASON,

Lieutenant Colonel 1st dragoons, commanding.

Capt. JAS. H. PRENTISS,

Assistant Adjutant General, 2d Military Department.

P. S.—There is no doubt of the murders reported having been committed.
R. B. M., *Lt. Col.*

[Enclosure No. 4—General Arbuckle, of November 19, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 16, 1845.

SIR: On the 11th instant I received intelligence of the recent commotion in the Flint district of your nation. In order to learn the exact facts in the case, and to quiet the disorder if possible, I immediately despatched an officer of rank and experience (Major Bonneville) to the scene of disturbances. His report is now before me, and, greatly to my surprise and regret, I learn from it that the murder of Starr and Rider, and the wounding of two of Starr's sons, and the consequent disturbance in the Cherokee nation, have resulted, directly or indirectly, from resolutions of the national council, or orders issued in pursuance thereof.

It appears from the evidence in my possession, (acknowledged to be correct by the captain and lieutenant of the light-horse company which committed the murders) that no resistance was made on the part of any of the victims; in fact, nothing was done in the remotest degree to justify these outrageous proceedings. That a lad of twelve or thirteen years of age was pursued, and dangerously if not mortally wounded, proves that the "police" must have had some other object in view besides the vindication of the laws. Agreeably to the law, resisting, or aiding or abetting, &c., only, authorized the light-horse to take violent measures. No resistance was offered, yet the light-horse went to the extreme of committing murder, in violation of the very law of the nation under which they claimed to be acting. If the object of the Cherokee government was merely the arrest of criminals, I can only say the authority was intrusted to rash and indiscreet hands.

The result of these proceedings has been to drive from their homes, into the State of Arkansas, more than one hundred men. From the reckless proceedings of the light-horse, or police, they fear, and I think very justly, to return; having no guarantee, however innocent they may be, that they may not fall victims, like their friends, to the illegal and savage acts of an armed and irresponsible body.

These people, deprived of their ordinary means of support, must be provided for, in their distressed circumstances, by the United States government; but I take leave to say it will doubtless be done at the ultimate expense of the Cherokee nation. Should the families of the individuals referred to be molested in their persons or property, and they also be compelled to leave the nation, the expenses of their support, as well as all losses and damages they may sustain, will also be a charge against the nation.

The acts of the national council, or rather the manner in which they have been carried out, have created a general suspicion among the refugees of the justness of their government. They hesitate to place themselves again in its power, lest some summary process be instituted against them, without an opportunity being afforded of proving their innocence. They fear to return, because, although nominally they live under a government of laws, there is no law, or it is disregarded; (as the recent acts of its agents too

plainly show,) and they are at all times liable to be shot down, without judge, jury, or any manner of hearing. Every crime committed in the nation is (as they represent) at once attributed to them or their councils, and therefore they live under a constant apprehension of violence.

This state of things is extremely detrimental to the interests of the government of the United States, as well as to that of the Cherokee nation, and I have great reason, therefore, to urge that the Cherokee national council take immediate measures to allay the excitement, and give assurances to the refugees that they will be protected in their persons and property, if they return to their homes. Some positive act of the Cherokee government alone can give confidence to the refugees, and induce them to return.

The light-horse must be disbanded at once, and the persons concerned in the murder of James Starr and Rider arrested. Nothing short of this would be becoming a country of law: the guilty individuals must be tried for murder; otherwise the Cherokees must cease to think they live under a government of law.

The peace of the Cherokee nation must be secured; and I am determined to adopt all proper measures to effect this cherished object of government. In pursuance of which, I have already sent a company of dragoons to the disturbed district, for the purpose of preserving order, and, should it become necessary, an additional force will be placed in that quarter.

I desire that you will submit this communication to the national council, and inform me, as soon as may be, of the measures taken to secure peace to the nation.

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,

Brigadier General United States Army.

GEORGE LOWRY,

Acting Principal Chief Cherokee nation.

[Enclosure No. 5—General Arbuckle, of November 19, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 17, 1845.

Orders—No. 22.

I. Brevet Major Andrews's company, and one other of the 6th infantry at Fort Towson, to be designated by the commander of the regiment, will proceed immediately to Fort Washita.

II. On the arrival of the infantry at Fort Wishita, the two companies of 1st dragoons there stationed will, without delay, proceed to Fort Gibson.

By command of Brigadier General Arbuckle.

JAS. H. PRENTISS,
Assistant Adjutant General.

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 22, 1845.

SIR: I wrote to you on the 19th instant, and sent my letter *via* division headquarters. The present I shall send direct, wishing to put the govern-

ment in possession of the contents of the accompanying papers as soon as possible. The two communications ought to reach you about the same time.

The documents which I now submit, in continuation of the history of the existing commotion in the Cherokee country, are, 1st, a report from Lieutenant Colonel Mason, of the 19th instant, covering sub-reports from Captain Boone and Lieutenant Nelson; 2d, a report from the Cherokee agent near Evansville, of the 20th, (it was only last evening I received the first positive information that he was not at or near Fort Gibson, through which channel my letters have been sent to him, or actually where he was;) 3d, my second letter to the acting principal chief, dated the 20th inst.; 4th, my letter of the 21st to the agent; 5th and 6th, letters of instruction to Lieutenant Colonel Mason and Captain Boone, both of the 20th. I also enclose a column of the "Cherokee Advocate," of the 13th instant.

From these papers it will be perceived that the state of excitement and alarm in the nation is very great and general, and that the inhabitants of Arkansas near Evansville partake, in some measure, of these feelings. I shall endeavor, with the dragoons, to prevent the "light-horse," or others acting with them, or independently, from crossing into the State in pursuit of fugitives; indeed, I can hardly believe so rash a design is entertained on the part of any. I hope, too, something beneficial will result from the influence and action of the committee of the council, mentioned in the agent's report accompanying this, in inducing the armed force to disband itself and disperse. In this I may be deceived; but if it so results, it will be owing to their fears of retaliation, in consequence of having murdered their neighbors. Those who seek refuge in the State will be strongly advised not to take any measures of retaliation, but to rest their case upon their own laws, and the justice of the government of the United States; otherwise they may risk the lives of their women and children, and their property, and forfeit the protection they now enjoy. In the distressed condition of these refugees, I have felt it my duty to order provisions to be furnished to such as cannot, in the opinion of the officer in command on the spot, return to their homes without great danger. They have represented their situation to me, and applied for this assistance.

The number of individuals murdered, as far as ascertained, is five, besides two badly wounded—thought mortally. It is believed that some of these, or all, were killed or wounded by others than the "light-horse." Great numbers are reported to be leaving the nation, in all directions, for fear of their lives.

Captain Boone's company has been ordered to remain in the disturbed district; and should the excitement continue, and no effectual measures be taken by the council to allay it, (although I have my doubts whether *any* pledge now given by the Cherokee authorities would induce many of the refugees to return, since they seem to have lost all confidence in their government, and attribute to it all the evils they are now suffering under,) I shall send the two companies, (already ordered from Fort Washita,) to aid in restoring the nation to quiet, if practicable. Twenty-five or thirty infantry may be ordered, on an emergency, from this post. From Fort Gibson I deem it inexpedient, under present circumstances, to detach any larger force than is at present absent.

In conclusion, I would express my apprehension that, should the refugees retaliate by murdering any of the dominant party, it might lead to a war of extermination between the latter and the treaty party and old settlers, and

endanger the peace of the frontier of Arkansas and Missouri. I sincerely hope such an event may not occur; but in case there should seem to be imminent danger of it, I may be obliged to call upon the governor of Arkansas before I can hear from Washington, to hold a sufficient force of volunteers in readiness, (without pay until called into service,) to meet the emergency. The fact, alone, of such a force being held in readiness, would, I believe, have a happy effect in giving quiet to the Cherokee nation.

Since writing the above I have received a letter of this date from Captain Boone, a copy of which is herewith enclosed, marked No. 7.

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,
Brigadier General U. S. A.

To the ADJUTANT GENERAL of the Army.

[Enclosure No. 1—General Arbuckle's letter November 22, 1845.]

HEADQUARTERS, FORT GIBSON,
November 19, 1845.

SIR: I have just read your communication of the 16th instant, and its enclosures.

A few days since I sent Lieut. Nelson up in the neighborhood of the Grand Saline with a view of obtaining correct information of the state of things in that quarter. I herewith forward you a copy of his report, also a copy of a letter I last night received from Captain Boone, of yesterday's date. I to-day sent Captain Boone eight days' rations from the 21st instant, with instructions to remain as long among the Cherokees as, in his judgment, circumstances might require.

On Saturday night last, a Mr. Latta, an intelligent citizen of Washington county, Arkansas, in the employment of the quartermaster's department at this post, states that he was on his way, just after tattoo, from the quartermaster's stables to the sutler's store; that just as he entered the upper end of the lane that runs past the hospital, near Sergeant Preston's quarters, three Cherokees sprang out of the corner of the fence and stopped him, and immediately three others came from the opposite direction on the other side of the entrance of the lane. They were all armed, and one of them asked, in English, if he had not come out of that house—meaning Sergeant Preston's quarters—and further asked if he knew who was in it, and if Mr. Robert Battie was not in there? (this Mr. Robert Battie is a white man of the old settler party, who had come in from the nation for protection, and was then staying at Preston's,) swearing that if they caught him, and some others whom they named, they would cut them into inch pieces. Mr. Latta says that the moon was up, and that he could distinctly see (as he was close to them) the shams around their heads, and that they were Cherokees, and that they all spoke to one another in Cherokee after leaving him. I questioned Mr. Latta, myself, on this subject, and he tells so plain a story, and is so positive and certain in his assertions, that I can but believe all he says. This, then, would seem to indicate that there are others besides the "Starrs,"

whom the dominant party are disposed to have put aside, and that the fears of Mr. B., which drove him in for protection, were not groundless.

I am, respectfully, your obedient servant,

R. B. MASON,
Lieut. Col. Dragoons, Com'g.

Capt. JAMES H. PRENTISS,
A. A. Gen. 2d Dept., Fort Smith, Arkansas.

[Enclosure No. 2—General Arbuckle's letter November 22, 1845.]

NEAR EVANSVILLE, *November 20, 1845.*

DEAR GENERAL : I came on to this place in company with Captain Boone, on last Sunday, for the purpose of ascertaining the extent of the excitement which prevailed among the Cherokees in the vicinity of this place, and to afford any aid in my power which might have a tendency to allay the excitement. I had an interview with those embodied on the mountain, near this place, on the day we arrived ; they, however, gave me but little satisfaction in this interview, but set this day to hold another talk with me. I, in the interim, sent a despatch to the chief and council, suggesting the necessity of their sending on some of their most influential men for the purpose of aiding to allay the excitement ; and, according to my request, or from their own views of the propriety and necessity of the measure, Mr. William S. Coodey, Mr. Stephen Foreman, Mr. Thorn, and Mr. Hicks, as a committee, attended on the mountain. This committee had written instructions from the chief, directing that they should use their influence in endeavoring to allay the excitement, and persuade those congregated on the mountain to return in peace to their respective homes, which instructions, they say, they will fulfil to the extent of their influence. They utterly disavow that these late disturbances have had any connexion with, or are in any influenced by party feelings or prejudices. They say their object was to take and punish certain outlaws and offenders against the laws of the nation. They say, also, that those who have crossed the line for refuge might have remained in perfect safety at home without molestation. They proposed to meet me on to-morrow, at Colonel Adair's, and inform me whether or not they succeeded in getting those assembled and armed on the mountain to agree to return to their respective homes in peace. They allege that those assembled on the mountain had no knowledge of and no participation in the three last murders that are known of, particularly Jo. Swimmer and Stawana, who were murdered in the Greasy Valley. As to the murder of Tom Wattie, I think they did not speak so positively. I think proper here to remark, that all the Cherokees with whom I have conversed, who have fled across the line, as well as some who have not fled, say that they have not the least confidence in those professions and avowals. They say it is all deception and duplicity. Of this fact, they allege that they have abundant evidence to convince them, and that their opinions cannot be changed. Thus stands the matter between them as to sincerity and veracity.

Those who have fled across the line complain that the other party are in the habit of sending out detachments every day, who kill their pork hogs and beef cattle, go into their fields and carry off their corn, and by this pro-

cess those congregated in the mountain are abundantly supplied with rations and forage.

I am particularly requested by Mr. Washington Adair and Mr. John Harnage to mention to you, that they confidently believe a company has been formed and sent out to intercept the exploring company of Cherokees on their return home, and cut the whole of them off. These gentlemen request me very respectfully to desire, that if it be in your power, and not inconsistent with your duty, to make some arrangement for the protection of this company on their return home.

Captain Boone, with his company of dragoons, is here.

With great respect, your obedient servant,

JAS. McKISSICK,
Agent for the Cherokee nation.

General ARBUCKLE, *Fort Smith.*

[Enclosure No. 3—General Arbuckle's letter November 22, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 20, 1845.

SIR: Since my last letter to you, the Cherokee Advocate of the 13th instant has fallen into my hands. It is much to be regretted that such sentiments are published to your nation; the effects must be most unfortunate.

You have a case of recent house burning, and of the murder of two men. From this the whole nation is called upon to rise, and lawless butcheries are palliated. All who have enemies, however innocent, may be marked as suspected persons, and become victims.

It is understood there are two or three outlaws from your nation. These, no doubt, have a few bad men associated with them; they may have been at the burning of the house of Meigs, and committed many other outrages upon your people. Such men certainly deserve the severest penalty of the law, and it is but just that they should be apprehended and punished if found guilty, and all those strongly suspected of participating in these highly criminal outrages; but this number cannot be so great that the sheriff cannot at any time command a posse sufficient to apprehend any offender or offenders. No resistance, so far as I have heard, has been offered to even these lawless bands prowling about the country, murdering those they suspect of having committed a crime, and perhaps those they dislike. Much less would be the prospect of resistance to a sheriff and his posse in carrying out the laws of the nation. Then why this general proscription—this call upon the nation to turn out and kill? Many have already fallen victims, and these armed bands are even now threatening to destroy those who are unwilling to join them in the murders. These assassinations have cast a terror among a large class of your people; they cannot be all evil doers, murderers, and house burners, but they have all fled from this state of things. And is it certain a single one of those who put fire to the house of Meigs, or committed any other offence, has been killed?

Your council cannot approve of such acts; they are of a character too lawless to meet the approbation of men in official stations—of men who do not sacrifice all justice, all love of country and of good order, to inveterate

and blind passion. I call upon you as the chief, as the head of the nation, to put a stop to this state of unheard of proceedings, and restore the calm that has so violently been disturbed. As the first step to the return of confidence and good order, and to show that these things have not emanated from the council of the nation, it becomes the duty of that body to give you aid to apprehend at once, and bring to punishment, the ringleaders of these cold blooded murderers.

I have directed Captain Boone, with his company of dragoons, to remain near Evansville, and to notify all the refugees not to cross into the nation for the purpose of violence; that such a step on their part would forfeit for them the protection they now enjoy. It is not probable that many of these are guilty of any crime against your nation, and I hope you will not delay to furnish me a list of the suspected persons, that all others may return to their homes in safety.

Although the military force in this vicinity is limited, I had hoped that the company sent to the State line would have been sufficient to check these disorders; but from recent acts, it appears that this murderous business is still going on. So certain as this continues, I must not forget the obligation made upon our government by the 6th article of the treaty of 1835, and call for a volunteer force to put an end to this violence and bloodshed, which it appears must be without the shadow of excuse at this time, as all those who have committed crimes punishable by *your laws* have, no doubt, left your nation before this.

I shall expect to hear from you by the return of the bearer.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,
Brig. Gen. U. S. Army.

TO GEORGE LOWRY,
Assistant Principal Chief, Cherokee nation.

[Enclosure No. 4—General Arbuckle's letter November 22, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 21, 1845.

SIR: I wrote to you a few days since in relation to the very unpleasant state of affairs in the Cherokee nation, and hope to hear from you by this evening's mail.

You will receive herewith a communication from me to the acting assistant principal chief of the Cherokee nation. After reading it, I desire that it will be sealed and handed to him by yourself, if you are at the council ground, or if it may be convenient for you to do so. Otherwise, it will be delivered by the officer who will hand it to you.

You are probably informed that Joseph Swimmer, Millboy, and Thomas Wattie have been killed within a few days past.

I desire that you will at an early period inform me if it is probable that the present disorders in the Cherokee nation can be put down by your authority and the interposition of one or two additional companies of dra-

goons. If not, I request that you will give me your views fully on this subject, and state the additional force you consider necessary.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,
Brigadier General U. S. A.

Colonel McKISSICK,
Cherokee agent, Cherokee agency.

[Enclosure No. 5—General Arbuttle's letter November 22, 1845.]

HEADQUARTERS 2^D MILITARY DEPARTMENT,
Fort Smith, November 20, 1845.

SIR: It is my intention to issue rations to such Cherokee Indians as have taken refuge among our citizens. Captain Boone has been directed to select from these those who stand in need of such subsistence. You will keep the dragoons' force supplied from your post; you will immediately send Lieutenant Wharton—and in case of his sickness a judicious officer—who will proceed to Captain Boone's camp, at Evansville, and whom you will instruct to enter into a contract for the issue to these people of rations of fresh beef, flour or corn, or corn meal, and salt; this contract to be for such numbers and for such a period as Captain Boone may deem necessary, not exceeding two months. After the first issue, this officer will be sent to his post. The dragoons may be supplied with fresh beef from the same source; also such other articles as may be found less expensive by being furnished there than from your post.

I herewith enclose a communication for the assistant principal chief of the Cherokee nation. I leave it open for the perusal of the agent of the Cherokees, from whom I had expected a communication before this. Send this by an officer, to be delivered to the assistant principal chief sealed, after the agent shall have read it.

I have heard that Joseph Swimmer and Millboy were killed yesterday morning, and this not the act of the light-horse company. Tom Wattie is also killed. This was done several days since.

I am, sir, &c., &c.

M. ARBUCKLE.

P. S. *November 21st.*—I have this moment received your letter of the 19th instant, and the papers accompanying it. The letter I now send to the assistant principal chief I desire will be handed to him by the agent, Colonel McKissick, if he is at the council ground, or at his agency, and may find it convenient to do so. I also send unsealed my letter to the agent, which you will read and send to him sealed.

M. ARBUCKLE,
Brigadier General U. S. A.

Lieutenant Colonel R. B. MASON,
1st regiment dragoons, commanding Fort Gibson.

[Enclosure No. 6—General Arbuckle's letter November 22, 1845.]

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 20, 1845.

CAPTAIN: You will retain your present position until further orders, and do every thing in your power to allay the excitement now upon the frontier by requiring all armed Cherokee bands in your neighborhood, who have voluntarily organized themselves for the purpose of killing suspected persons, to return to their homes. At the same time, you will notify all such as have taken refuge among our citizens not to cross into the nation for the purpose of revenge or depredations of any kind. Make them aware that any other course on their part will deprive them of the protection they now enjoy.

You will also notify the opposite armed parties that under no pretence will they cross into the State.

I have already written to the national council, and will do so again to-day, and hope that in a day or two I shall have it in my power to relieve from apprehension many who have fled from their homes.

I have required Lieutenant Colonel Mason to have supplies forwarded to you; also, to send out an officer to furnish rations to such Cherokees as have just cause to apprehend danger by returning to the nation; after the first issue, you will relieve this officer by one of your command. These issues will be made under your direction, and from a list of such as you may deem unsafe in the nation, and who, in your judgment, stand in need of such assistance. A contract will be made for the furnishing of the Cherokees.

You will keep me very frequently advised of your movements and of the state of things around you. Your present force will be increased shortly.

M. ARBUCKLE, &c. &c.

Captain N. BOONE,

First Dragoons, Evansville, Arkansas.

[Enclosure of enclosure No. 6.]

DRAGON CAMP, NEAR EVANSVILLE,
November 18, 1845.

SIR: On my arrival at this place I found things very different from what I had expected. I found great excitement and alarm among the people of the State of Arkansas. A great number of the Cherokee citizens have left their houses and moved into the State, and some have taken refuge in Evansville.

The Cherokees have embodied, and are encamped within one and a half mile of Evansville to the number of two hundred.

I took up my encampment nearly on the line, one-half mile north of Evansville, and about one and a half mile from the Indian encampment.

Major Bonneville had left here on Saturday morning for Fort Smith. I did not get to the line, nor did he leave any instructions. I am told the major visited the Indians encamped before he left this place, and that they gave him but little satisfaction. Colonel McKissick, the Cherokee agent, who accompanied me, had been to see the Indians at their encampment and

advised them to disperse and return to their homes. They did not give the agent any satisfaction; they told him that they would give him an answer on next Thursday. There has nothing been done by this party of Indians since my arrival in the neighborhood except killing of hogs, I suppose to live on. This is done at the farms of the Cherokee citizens who have left their farms.

It is said that they have threatened the destruction of Evansville, where the two wounded Starrs have taken refuge, as well as many others of the Cherokee citizens. My opinion is, that these people keep themselves embodied in self-defence, from fear of being arrested for what they have already done.

Major Lowry, the acting chief, assured me, in the presence of the agent, that measures had been taken which would put a stop to the killing of any other person, and that all would be quiet in a few days. What these measures were, I am unable to say.

The citizens here say that they expected Major Bonneville here last night, but he has not arrived. Should I be compelled to remain here any length of time, my provisions will run out on the 21st instant, and I have no commissary funds with me.

I hope to hear from you. I shall remain here, unless my presence may be required elsewhere, until I receive further orders.

Very respectfully, your obedient servant,

NATHAN BOONE,
Captain Dragoons.

Lieut. Col. R. B. MASON,
Commanding Fort Gibson.

[Enclosure of enclosure No. 6.]

FORT GIBSON, *November 19, 1845.*

SIR: In obedience to instructions received, I proceeded up Grand river about fifty miles. I found the people in the highest degree of excitement, caused by the recent murder of old man Starr and others. I called at Lewis Ross's, and found his house protected by a strong guard. He informed me that he also placed guns in the hands of his wood-choppers during the night. He thinks that this outbreak is aimed at a particular set, the "Starr boys," and their friends and connexions that have been so long harboring them, and does not believe that the old settlers and treaty party have any cause for alarm.

He supposes the recent murders to have been committed by men who, becoming exasperated at the murder of their friends and relations at various times, had united for the purpose of ridding themselves of a notorious public nuisance—the "Starr boys," and their aiders and abettors.

Should the "Starr boys" attempt to avenge the death of their father, Mr. Ross says he does not know what the consequences may be.

Mr. Nicholas McNair, a treaty party man, and much the most intelligent of the opposition party I met, is of the opinion of Mr. Ross, that the old settlers and treaty party have not been aimed at in the recent murders—only the "Starr boys" and their backers. He thinks if no further violence is committed, that matters will become quiet; but should the "Starr boys"

attempt to avenge the death of their father, then a blow will be made at the whole opposition party. He is the only one of the party I saw who does not think the whole opposition has not been struck at by these recent murders. All of the old settlers and treaty party with whom I conversed are fully persuaded that the national council authorized the murders that have taken place, and so apprehensive are they that several of them had left home for safety; and, indeed, such is the state of anxiety and suspense, that Mr. Clem McNair, of the Ross party, was also afraid to stay at home. The excitement is of the most feverish kind; every vague rumor and report is seized upon with the utmost avidity, while every one seems to be watching coming events with the most intense and restless anxiety.

Should no further outrage be committed, I have no doubt that things will become quiet; but the first violence perpetrated will cause an outbreak which will have no parallel in any thing that has gone before.

I am, sir, very respectfully, your obedient servant,

A. D. NELSON,
2d Lieutenant 6th Infantry.

Lieut. Col. MASON, *commanding.*

[Enclosure No. 7—General Arbuckle's letter November 22, 1845.]

DRAGOON CAMP, NEAR EVANSVILLE, ARK.,
November 22, 1845.

SIR: Your instructions of the 20th instant were received last night. The armed band of Cherokees which have been embodied on the mountain near this place had agreed, on yesterday, to disperse and go to their homes. I sent an officer to their camp this morning; they had not, and said they did not know when they would go. One of the parties is at the house of a man of the name of Downing, who is said to be the man who killed old Starr. I think this party is now afraid of the consequences, and keep embodied until they see what course will be taken towards them. As far as I can learn, this party have embodied themselves without authority from the nation, and this is the party who killed Starr and Rider, and wounded the two Starrs.

The organized company, commanded by Captain Brown, of the Cherokees, is said to have no hand in the murders. It is said that there have been upwards of two hundred armed men encamped on the mountain. I do not think that there is anything near that number at this time. I think they are leaving in small parties. There was a committee sent up from Tahlequah, on the 20th, to prevail on this mob to disperse, and they promised to do so.

There are a number of Cherokee citizens crossed into the State, and are encamped and housed up in this neighborhood—supposed to be between two and three hundred souls. On yesterday I received information that the people about Beattie's prairie were embodying, both treaty and Ross parties; the treaty party taking refuge in Fort Wayne. This information you will likely receive before this, as a delegation* from Beattie's prairie

* Fort Smith, 22d.—This delegation have not yet presented themselves.

has gone down to see you. So far as I can learn, the treaty party are determined to lie still, depending on the general government for redress.

Very respectfully, your obedient servant,

NATHAN BOONE,
Captain 1st Regiment Dragoons.

General M. ARBUCKLE,
Commanding 2d Military Department.

[“Column of the Cherokee Advocate,” referred to in Gen. Ar buckle’s letter of Nov. 22, 1845.]

[Extracts.]

TAHLEQUAH, CHEROKEE NATION,
Thursday, November 13, 1845.

James Starr, sr., and Suel Rider, killed.—We have been informed that on Sunday morning last a party of Cherokees killed James Starr, sr., and Suel Rider, and wounded William Starr and Washington Starr—the latter slightly, and the former severely.

James Starr was the father of the notorious outlaw, Thomas Starr, and was, doubtless, the ringleader of the gang of desperadoes that has so long infested this country. Suel Rider and Wash. Starr were once tried for assisting in the murder of Thornton, and were both, there is every reason to believe, actively concerned, not only in the outrages mentioned last week, but also in others equally fiendish. The killing of these men is contrary to law, and as such is to be regretted, although it seems to have been absolutely necessary. The number and daring of these wicked men were such, that nothing but the most prompt and summary mode of dealing could stay them in their deeds of stealing, robbing, house-burning, and murdering. The safety of life and property required that an end should be put to them; that evil-doers might be struck with terror, and our country be freed from those who have so long and so frequently perpetrated the most diabolical acts. This has been done in part, and the party, which numbers many of our most respectable and valued citizens, is still in pursuit of others, whom, it is devoutly hoped, they may early succeed in arresting or punishing.

A Light-horse Company.—The national council has passed a bill organizing a light horse company. The company is to be composed of a captain, lieutenant, and twenty-four mounted horsemen. It will be their duty to pursue and arrest all fugitives from justice. In the present condition of affairs such a company is absolutely demanded, and it will be a most efficient supporter of law and order. The assistant principal chief has approved the bill, and appointed Robert Brown first, and John W. Brown second in command; both men of nerve and energy.

By reference to another article in our columns it will be seen that the forbearance of the people has been tired out, and that they have risen up for the security of the lives of themselves and those most dear to them. A determined effort will be now made to rid the country of those heartless

villains who have perpetrated, for the last few years, so many acts of fiendish atrocity. Nor should this effort be confined to the few. It concerns all; and every honest man, whatever may be his individual notions about national matters, should feel that it is as much his duty as his neighbor's to spare neither expense nor labor to make that effort successful. All have much at stake, and there will be no confidence and security so long as a single outlaw is permitted to be harbored and remain in the country. The deeds of horror which have so often shocked our citizens show, then; what each one may anticipate as the portion of himself or friends. Let all, then, unite in the effort that is now being made to take and punish the numerous and increasing gang of robbers, incendiaries, and assassigators that prowl about in the country.

In this effort, also, it behooves the good citizens of Arkansas to co-operate with the Cherokees. They have not less at stake. And the ability to fly across the line should no longer secure immunity to those who murder and rob, indiscriminately, white and red, rich and poor.

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, November 29, 1845.

SIR: I enclose herewith, for the information of the government, papers (copies) marked 1, 2, 3, relating to the existing troubles in the Cherokee nation; the first being a document furnished by Lieutenant Colonel Mason, commanding Fort Gibson; No. 2, the statement of James C. Fooy, a Cherokee, made on the 25th instant; No. 3, a letter from Captain Boone, under date of 27th November.

It will be seen, from Captain Boone's report, that the excitement in the vicinity of Evansville is gradually diminishing, and I entertain the hope that, in a few days, it will in a great measure be allayed, not again to be aroused without some further strong provocation. The armed mob in that vicinity have, in great part, agreed to disperse, and I expect Captain Boone will be able to prevail on them all to go home as soon as (if not before) he is reinforced by the companies from Fort Washita, which may be expected to join him by the 3d or 4th proximo.

The refugees over the line, who now number between four and five hundred souls in the neighborhood of Evansville, besides sixty or seventy about here, are perfectly quiet, and promise to adopt no measures calculated to produce further trouble in the nation. Many of them, however, seem determined never to return to their homes to reside.

The exploring party referred to by Captain Boone is not expected to return for two or three weeks. I have already taken measures to have them duly informed of the state of their nation, and shall not fail to take the necessary steps to check any disposition, on their part, further to embroil their country.

My only intelligence from the Beattie prairie district is, that some fifty or sixty men, under Stand Wattie, have occupied Fort Wayne for mutual protection. One individual residing there has written to me that he had been compelled to seek safety in the State, as his life had been threatened.

Documents Nos. 1 and 2 are enclosed, that the government may be informed of the state of feeling in the nation, and the opinion entertained by

intelligent individuals of the minority parties. I advise, for the safety of the writers, that these papers be considered confidential.

The Cherokee agent informs me, by letter, that the authorities of the nation disavow any agency in, or knowledge of, the perpetration of the recent outrages, and have, again and again, informed him that the light-horse company which was organized *was raised for the express purpose of putting a stop to those outrages and disturbances.*

On this point, I desire to call attention to Major Bonneville's report; a copy of which was enclosed in my letter of the 19th instant. In it is embodied the act of the national council, creating the light-horse company. I would also refer to the column of the Cherokee Advocate newspaper, enclosed in my letter of the 22d instant. It must be remembered that this paper is published at Tahlequah, and is wholly under the influence of the government and its adherents. A reference to these documents will enable you to judge of the truth or falsity of the disclaimer put forth by the authorities of the nation. If further evidence were wanting on this subject, I might add, that I have it from undoubted authority that the president of the national committee was heard to say that he justified the recent outrages, &c., and another influential member of the government said, about the same time, and in the committee room, referring to those outrages, "The war is now begun, and I hope it may not stop until all matters are settled," or words to that effect.

I have, as yet, received no reply to my two communications, addressed to the acting chief of the nation, (except a verbal message that I should receive an answer to the first through the agent,) nor have I any intelligence that the national council have ordered the arrest and trial of the perpetrators of the recent murders, or adopted any other measures towards restoring confidence, and inducing the return of the refugees.

I have the honor to be, sir, very respectfully, your obedient servant,
 M. ARBUCKLE,
Brevet Brigadier General.

The ADJUTANT GENERAL of the Army.

[Enclosure No. 1—General Arbuckle's letter of November 29, 1845.]

CHEROKEE NATION, *November 14, 1845.*

RESPECTED SIR: We have much reason to thank you for your well-timed interference in our favor, although it was too late to prevent the shedding of innocent blood; yet it had the effect of arresting the indiscriminate massacre of many families noxious to the dominant party, (rendered so by the exertions of some of their members for the relief of their long-suffering party from the thralldom imposed on them by their too powerful brethren,) and I hope the day is not far distant when we may express our thanks for favors from you, or any other government officers who may fearlessly perform their duties, in carrying out the intentions of the parent government without fear; and not have it imputed as a crime to us, involving the loss of life, or exile from our homes.

My distance from the scene of action prevents my knowing, accurately, all that has been done; but, from what I can learn, you have taken measures to keep yourself well informed of all that takes place; and yet there

are some of those measures ill calculated for your objects. I allude to the sending of officers to ascertain from the leaders their object. Now there is not an officer in your command that I can doubt, for a moment, of any conduct derogatory to their character as officers, nor do I doubt for a moment their fitness for the duty you required of them, believing them to have sufficient tact and discernment for all *ordinary duties*; yet, as this was not a common one, and they were sent to men who have all the external appearance of gentlemen, educated and polished in manners, but who, for years, have been studying all the arts of diplomacy, and particularly the one of hiding their designs, and obtaining time for their execution, by all manner of specious speeches, and who have a particular interest in blinding all inquirers who cannot pronounce the Shibboleth of their party, and who were well aware of the object of the visitor, and knew that, above all others, he should be led astray, as a knowledge of their designs would be followed by their frustration—all this I suppose to have been practised on the officers who, measuring the character of their *entertainers* by the acknowledged standard of morals, honor, and gentility, supposed them incapable of deception, and took for granted all that was said, never thinking for a moment that men so accomplished, so apparently honest and upright, could be so depraved, so lost to every human feeling, as to plan the destruction of the innocent and helpless. The consequence of this is, that you are as much in the dark as ever, and, after all, have to depend on many-tongued rumor; which is in general as correct as can be, if garbled carefully of the extraneous matter gathered in its progress. I hope you will pardon the freedom of my remarks, as they were called forth by my believing them to be true, and that they might serve as a hint, *if needed*.

I have striven, by every means in my power, to obtain correct information of the proceedings of some secret committees, said to be sitting; and who direct the movements of the lawless bands who have murdered Mr. Starr and the Riders; and were it not that I have it from good authority, I would doubt its existence. As it is, some of their acts, or resolutions, have got out, and it causes much uneasiness and disquiet amongst the old settlers, who, notwithstanding their firm reliance on the faith and promises of the United States, look for nothing but injuries to their families, and death to themselves, if this state of things be longer permitted. They see a constitution that was forced on them openly violated with impunity, and if not by the direct, yet by the tacit consent of the authorities, and find themselves, in effect, without laws to protect them from violence, exposed to the mercy of men whose acts prove but too truly that neither age, virtue, innocence, nor sex can be a shield from their malice and their unprovoked vengeance; and find themselves too weak to defend themselves and their families, besides being fettered by a promise not to engage in a quarrel, but to depend entirely on the United States. All this is done under the ostensible plea of ridding the country of a set of men whose cold-blooded murders, and other criminal acts, render them objects of detestation and abhorrence to all good men; and surely it will be allowed that there are good men and true amongst the treaty and old settlers' party—at least, they disavow these acts, and would gladly see the perpetrators brought to justice. Let them profess to belong to what party they please, I am satisfied that our party would, as soon as satisfied of their guilt, read their doom from the "code of Draco." It truly is strange that a party who arrogate to themselves all the intelligence, refinement, virtue, and good that is in the tribe, should emulate and

outdo the deeds of men they affect to condemn, and turn the vengeance due to these men on others, whose natures are opposed to the crimes, and neither know nor harbor the perpetrators. Yet are they held as criminal, because they hold the same political creed as the reputed criminals. I say reputed, as there never has been any direct evidence that they (the Starrs) have committed the crimes laid to their charge; but crimes that they were charged with have been repeatedly traced to other men, who have suffered the penalty. For this reason, we think they have not been so criminal as they are reputed to be; yet, as their lives are valued at a price sufficient to tempt the cupidity of many, they have no chance to clear themselves—besides being obliged to bear the crimes of all who may have the address to escape detection; and the treaty and old settlers' party have to bear the burden of both.

You may be sure that to no other person but yourself would I commit myself so far as I have done, knowing as I do that what I have written is sufficient to cause me to lose my life, if I were known to the powers that be as its writer; but as I have implicit faith in your honor, I speak fearlessly, knowing you at least will not betray me; and as a strong proof of my confidence in your honor, I am about to give you information that you may already be possessed of; but as you may not, and it will show why the old settlers and treaty men do not believe the Starrs to be so criminal, and their reason for viewing the Ross party with such distrust, it will serve a good purpose, while it puts my life in your hand.

You are, I expect, well aware of the unfortunate events that occurred at our last general election, that resulted in the death of Messrs. Bushyhead and Wests, and has served as a pretext to drain the public treasury and deprive the unborn of the funds guaranteed for their maintenance and education, as also the present generation of unfortunate orphans, while it fills the coffers of Mr. Ross's brother, sons-in-law, and the few influential supporters of his measures. You may not be aware, however, of some things that were hinted at at the time, but so mixed up with other matter, to suit the purposes of Messrs. Ross and their clique, as to cause the whole to have a different aspect.

After Mr. Jacob West and his son John were taken prisoners, it was rumored that it was the intention of his guards to kill them without a trial, and then to massacre *all* the old settlers; and this course was counselled by W. S. Coodey and John Benge, with some few others. This at the time being firmly believed, all men of that party expected it, and prepared accordingly for resistance to the last. At this stage of excitement, runners came from the Starrs and some others apprizing them of a plan to rescue the Wests and turn the tables on their purposed destroyers, by taking certain men *prisoners*, and re-establishing the old government. They were promised the aid of 350 white men, to be painted and dressed as Indians, from the neighboring States, and a sufficiency of ammunition to maintain themselves after the first surprise. A certain day was named, and a list of all in favor, and who were willing to aid in the cause, was taken, and rendezvous assigned to each. Two days before the one appointed for the rising, John Ross was informed of it, and the night before the rising was to take place the Vore family were burnt up; although they (the Ross party) pretend to have been aware of it two whole days before the murder, and had sent to warn John Benge, a neighbor of Mr. Vore's, of danger, and the very night of the murder Elijah Hicks, a brother-in-law of John Ross, told John Reaper at his house, distant 50 miles, that he (Hicks) knew that

that night the Vore family would be murdered; and they were, sure enough. Comment is hardly necessary, as the facts speak for themselves; yet I cannot forbear remarking that nothing was better calculated to destroy the confidence and support of the white allies than this cold-blooded and atrocious murder; so that, for that very reason, it may be supposed that the Starrs did not do *that murder*; and they, it is said, could have proved an alibi, had it not been for the compromising of so many of their friends. On the other hand, it is believed that John Ross, or his party, suggested the murder as a means of destroying the hopes of the rising. It may seem uncharitable to speak of the Ross party in this way; and it would be so, if their acts and common talk did not warrant it, as they seem to think that, however unsanctified, the means of destroying the power and popularity of the anties are justifiable in the attainment of the end. With you they are in their saintly garb. We, however, see them as they are, without disguise; bad enough as it is, but much worse when seen through our eyes, prepared as we are to see all their acts in the very worst light, discolored as they are by our morbid feelings. I have told you this much with the view of letting you know the main secret of the hostility against the Starrs, and why there are so few believe them to be as criminal as they are represented to be by the Ross party; believing that zeal for the public good has less to do with it than the interests of the party, and spleen at their attempt of a rescue; and they would not care whether they could prove their innocence of the murders or not, so be it they had them in their power, as then they could be convicted of treason, and powerful enemies of the party would be legally removed, and no noise made in the world. To effect this object, they have determined to kill all the connexions, and, they say, every one they suspect of harboring the Starrs, and trouble and molest no others; yet Mr. Jack Ross has been heard to say that all the white men in the nation not of their party should be killed, under the pretext of their supporting the Starrs. This is hard counsel from a *white man*; yet, as he is a near relation of John Ross, it is not surprising; yet it is a hardship that the whites are exposed to without redress. Ever since the decision of Judge Johnson the sacred name of American citizen is no longer a protection from outrage, even in an integral part of the United States, as all Indian territories are said to be, and he is liable to punishments for crimes unknown to the constitution. Who, I may ask, is exempt from suspicion, if malice chooses to point them out as an object? and at what point will these murders cease when there are executioners so ready to pounce on the unsuspecting victims of arbitrary power? Have the United States no will in this matter—no power to protect her proteges? or must they fly from their homes, at the risk of their lives, and seek safety in the holes of the earth, leaving their property as a spoil to the rapacity of their enemies? What crimes have the “old settlers” committed, that the United States government should withdraw the protection pledged to them through the most sacred act of a government—treaty stipulations? or has our great father become weary of his guardian care, and left us to be a prey to the vultures he sent among us? Does his obligation cease, that he permits this breach of the public faith, so solemnly pledged? What, I ask, will become of us? They made a long oration lately on the demoralizing effects of a garrison on the Indian character, expecting to enlist the sympathies of the would-be philanthropists in the Union, so as to insure their co-operation in carrying out their favorite measure of removing the troops, so that they might be able to oppress us

without fear of interruption ; and time—a short time only—has proven the necessity of augmenting their numbers, as the authorities pay no respect to the expressed wish of the President, or their immediate head, the Secretary of War, but disregard it ; and even, to effect their purpose, suspend the operation of the laws and constitution in a manner not provided for.

You may now ask, why this agitation and excitement?—what purpose does it answer? I will tell you the manner of our understanding it, and, as it is the only apparent solution of the questions, it may be as satisfactory to you as it is to us. John Ross commenced his career amongst us as a merchant, and continued as such through a long period, while he was mixed up with all the troubles that agitated the nation, yet never for a moment letting his patriotism interfere with his interest, but rather making his patriotism *subservient* to his interest ; calling to his aid in the furtherance of his object all the cunning and deep calculation of his nature, for which his father's people are so famous, and accordingly shaped his course—a course he has never been known to deviate from. That *course*, his subsequent history, and of course the history of our people, has been proven to be self-aggrandizement and the making of money, regardless of all sacrifice of the people. To attain this object, caused the delays and vexatious policy adopted by him in 1835 ; and the result proved the accuracy of his calculations, while it has entailed, as a consequence, on the people, all the misery and discord that have occurred. Still there are funds nominally and actually in the possession of the Cherokees, that with common address he can make available to his own benefit or that of his family, and still work the machinery of the plan unseen, if not unsuspected. To do this it is necessary to have confederates, who must necessarily share the spoil ; but as his own family is large, its various members have their part allotted to them, and this accounts for the unity of their movements ; but as it is absolutely necessary to have others engaged, those are selected from his immediate friends, or persons whose acuteness were so keen as to render it impossible to blind them without compromising the success of the plan, or perhaps the safety of the party ; and as a bribe, they have a share in the business for their benefit. Now, who are these persons, and in what manner are they benefited? Why, they are all merchants—Lewis Ross, Mr. Meigs, a son-in-law of John Ross, David Vaun, and in fact almost every merchant in the nation ; and the first step taken by them was to influence the councillors to pass a resolution to request that no more licensed traders be permitted to reside in the nation ; and the late agent was so base as to betray his trust and sell the interests of the poorer class of Indians, although he must have known the motive to have been monopoly, and known that he had no right to give up a privilege the collective wisdom of the United States had reserved for itself. But this part of that man's conduct is in keeping with his reckless character, as we mainly attribute to him much of our difficulties, although it seems he succeeded in justifying his course to the Indian commissioners by giving plausible and seemingly good reasons. They, however, succeeded in their object through the perfidy, and, I doubt not, the cupidity of their ductile instrument ; and as all competitors were removed from the field, they set about removing the only obstacle in the way of their object, by creating a pretext to draw the funds from the national treasury ; and this was of course the more necessary to their operations, as it was well known that they were destitute of money and much in want of clothing and other comforts, so that any plan by which they could

be obtained without manual labor they knew would be eagerly listened to, and its expediency not questioned.

The opportunity soon offered itself in the unpremeditated and impulsive quarrel that took place between George West and David Vaun, and which ended in the death of T. Bushyhead, although under ordinary circumstances the affray would have been looked on as every other occurrence of the same description; yet was this eagerly seized on as a party concern, involving the safety of the nation, and consequently all persons of the party in power were called on to act as guards, or an army of public safety; and these men were to be paid a per diem out of the public treasury, made transferable to the merchants, who shaved the certificates $33\frac{1}{2}$ per cent., and took them to the national treasurer, and were paid dollar for dollar. By this means have \$68,363 $34\frac{1}{2}$ been lost to the general and orphan school fund, besides the other moneys that ought to have been in the public treasury from the annuity and other sources. And every cent of this has found its way into the hands of the Ross family, and dependencies, and benefited the party generally; so here you find a premium paid on excitement, although out of the pockets and at the expense of the anti-Ross party. So it is not surprising that the persons deriving a certain benefit from this state of things should concert their schemes well and keep them secret, but rather is it surprising that there are such few crimes committed, and so little excitement; and this speaks better for the Cherokee character than whole volumes could express.

This construction of the case is the only feasible one it will admit of, and is the opinion of hundreds not so well versed in the ways of the world as we are; and it seems to be borne out by very stubborn facts, such as the general disposition to peace previous to the fall of '43, and the immediate adoption of the measures referred to as soon as the traders were notified to leave the nation, as also the rumored assassination of men, the origin of which rumors was only known to the party in power, and the inconsistent policy of affording armed protection alone to the members of the Ross family, although no more entitled to it than others—drawing the men from their families, who were left perfectly defenceless; and yet it was said there were parties organized for the purpose of murder and incendiarism; but they well knew they were humane murderers, and would not burn the houses of the men in their absence, and leave the women and children houseless, although they had threatened to kill the old settlers, women and children, as the only course left them for safety, then take the garrison; and, after killing its inmates, burn it up. This is no idle speech on my part, got up for the sake of effect, but a fact susceptible of proof.

The above statement will, by appliance, refer to the present excitement, although now they have no legal excuse, fearing the effects of it after the letter received from his excellency the Secretary of War; yet it is said the second chief intimated his desire that the course followed should be the one adopted, and that it had his consent. This, it is true, was said in an equivocal manner, so as to secure a retreat; yet knowing the impression was taken as meant, there was no mistaking his meaning. It now remains for us to see whether or not the Secretary's letter was dead in effect, and merely given for show, or given in good faith, and with the intention of being fulfilled to the letter.

This is a long, and I fear an uninteresting letter; but knowing your desire to be informed of even the thoughts of the people you are directed to

protect, I have been somewhat minute in detailing what I know to be the opinion of the greatest portion of the old settlers; and as you have evinced a determination to carry out the intentions of your government in regard to our people, I am desirous of letting you know our reasons for distrusting the Ross dynasty, and scanning their motives as they appear to us. I well know the impossibility of pinning any manufactured opinions to your sleeve, and for that reason expect nothing here written to have any impression on your understanding, unless it may be supported by the evidence of your own senses, or by solid proofs. In reasoning which, you, from habit and education, are better qualified to apply than I am; so I leave you to draw your own inferences, and take this opportunity of thanking you for your patience in reading this far, assuring you of my devoted attachment to your government, and of my unfeigned respect for yourself, regretting only my inability to furnish more solid proofs of both.

Very respectfully, your most obedient servant,

Lieutenant Colonel MASON,
Commanding Fort Gibson, Cherokee nation.

[Enclosure No. 2—General Arbuckle's letter November 29, 1845.]

[Received 25th November.]

SIR: When the commissioners of the United States, of which General Jones was president, were in session, about January or February, 1844, I presented myself as wishing to signify to the commissioners the actual state of things among us. After signing the paper I started home, and having gone some three or four miles, I met the Rev. Stephen Foreman, (now one of the associate judges of the supreme court of the Cherokee nation,) who accosted me in these words: "*You have signed your death warrant; have you?*" I replied, "I have, sir, if it may be considered so." About two months since I called at the judge's house, when the conversation turned upon the signing of the paper before the above named commissioners, when he declared that act treason upon the Cherokee nation; that the Cherokee people were a sovereign and independent nation, and any citizen who appealed to the United States, or any other government, for protection or safety in time of internal difficulties, was a traitor.

On the 21st instant, for the first time I learned that a *decree* (which is held as above all law) was passed about three years ago, of this import: Any person or persons who should, in time of national difficulty, apply to any foreign power for protection, should be deemed guilty of *treason*, and shall be punished with death.

On the 20th instant I met a friend, who advised me to leave the nation—that my life was in danger; that they had just killed two of his neighbors, honest and peaceful men, who could have committed no offence, to his knowledge, but signing that paper; (these were Swimmer and Millboy;) and that I had better get out of the way as soon and in the best way I could.

These are the reasons why I have left the nation. No one will suspect me of being connected with outlaws or criminals of any kind. This will

also account why so many Cherokees, truly respectable, have taken refuge beyond the limits of our nation.

I am, sir, respectfully, your obedient servant,

JAMES C. FOOY.

General ARBUCKLE.

[Enclosure No. 3—General Arbuckle's letter November 29, 1845.]

DRAGOON CAMP, NEAR EVANSVILLE,
Washington county, Arkansas, November 27, 1845.

SIR: Yours of the 25th instant has been duly received. As respects the murder of Baldrige, I had heard nothing of it until the receipt of your letter, nor have I heard anything of Pettit being in this neighborhood. I have at all times particularly charged those Cherokees who have fled into the State for safety to be particularly cautious about doing anything which might produce further excitement in the nation, and all whom I have conversed with appear inclined to adhere to it. The excitement in this neighborhood is not now so great as when I arrived here, and appears to be dying away every day. Every one who has fled from the nation with whom I have conversed appears to be determined never to return to the nation to live.

There are about fifty-two or fifty-three families who have fled from the nation now in this neighborhood, amounting to between four and five hundred souls. A contract has been let out this day for the furnishing them with rations. The issue is to commence on the 1st of December next.

There are many wealthy men among those who have fled to the State, and who have good farms and property in the nation; still those persons have left their grain and much of their stock on their farms, a great deal of which has been destroyed and is still subject to be destroyed. The most of these persons have found shelter amongst the citizens of the State, and are sufficiently near this place to draw rations. They are perfectly quiet, placing their whole dependance on the general government.

Yesterday morning I sent Lieut. Radford up to the armed mob which is assembled on the mountain to ascertain whether they had dispersed agreeably to what they had promised; there were still about sixty remaining in the party. They received Lieut. Radford very friendly, and conversed very freely, assuring the lieutenant that they were assembled for their own safety, and the safety of the families which were living there, and that they had mostly dispersed a few days past, but that they had heard of a party raising in Evansville to attack the house they were then at. As they had ascertained from the lieutenant that this was not the case, they would disperse, with the exception of ten or twelve. I expect to visit this party to-morrow, and shall again urge them to go to their homes if they are still remaining there. This party assured Lieutenant Radford that they had no connexion with the police company, and that they had assembled there of their own accord.

It is said that there is a considerable number of the old settlers and treaty party assembled at Fort Wayne, Beattie's prairie. I shall send Lieut. Radford up to Beattie's prairie to-morrow, for the purpose of ascertaining

the true state of affairs there, and again urging upon them the necessity of keeping quiet. It is said Stand Wattie heads this party.

Permit me to suggest to you the propriety of some United States officer having an interview with the leading men of the exploring party before they reach their home. It is generally believed here that when they return something will be done there immediately which will involve the nation in a war. I shall try and see Adair to-morrow, and give him the information as directed.

On the return of Lieut. Radford, I shall without delay inform the general as to the true state of affairs at Beattie's prairie.

Very respectfully, your obedient servant,

NATHAN BOONE,

Captain 1st Regiment Dragoons.

Captain JAMES H. PRENTISS,

Assistant Adjutant General, Fort Smith.

HEADQUARTERS 2D MILITARY DEPARTMENT,

Fort Smith, December 6, 1845.

SIR: I have at length received an acknowledgment of my letters of the 16th and 20th ultimo, addressed to the acting principal chief of the Cherokee nation. A copy of this letter is herewith enclosed, marked No. 1.

When the present disorders in the Cherokee nation broke out, I was un-informed whether Col. McKissick was at his agency. The case was urgent, and I accordingly deemed it my duty to despatch an officer to the scene of disturbance, to gain information, and also to order out a troop of dragoons to prevent, if possible, the further effusion of blood. On Major Bonneville's report I predicated my remonstrance to the chief. The information contained in this report left no doubt on my mind that the murders of Starr and Rider were committed by the company of *light-horse*, which had been called into service by an act of the national council passed on the 8th November.

On reaching the encampment of the light-horse, near Evansville, Major Bonneville found from twenty to thirty men embodied under a captain and lieutenant by the name of Brown. By law the company should have consisted of twenty-four men besides the officers; but being asked by Major Bonneville where the rest of the company were, they replied, "at Dave Downing's, about a mile off." Who they could have referred to, unless the armed mob, I cannot conjecture, since it appears they must have had their complement of men with them. Further, Major Bonneville read to the Browns the statement of George Starr, detailing the circumstances of the murder of Starr and Rider and the wounding of two other Starrs, and they told him *the statement was correct*. The inference from this is not unreasonable, that some of the light-horse had a hand in those murders, or were strangely familiar with all the circumstances attending them.

The acting principal chief, in a letter dated the 26th ultimo, to the agent, and published in the Cherokee Advocate, denies that the killing of Starr and Rider, and the wounding of others, were directly or indirectly caused by resolutions of the national council, or orders issued in pursuance thereof. He also declares the charge against the light-horse to be equally unfounded.

On this subject, I have as yet discovered no reason to induce me materially to change the opinion I have before expressed.

The national council were aware of the great excitement that had been caused by the burning of Meigs's house, the murder of two Cherokees near the same place, and the exposure of their mangled corpses to public view in Tahlequah. Did the council (then in session) take any measures to allay this excitement, and assert the supremacy of the laws? Quite the contrary; they suffered armed bodies of their adherents to organize, with the object of pursuing and killing suspected persons. From reliable information, I am induced to believe that a simultaneous rising of the dominant party took place, to a great extent, in the eastern portion of the nation. Influential members of the council were heard to use very intemperate language, of a character to create commotion; and on the 8th of November an act was passed by the council, raising a company of light-horse, which was calculated to increase the prevailing excitement, and encourage acts of lawless violence.

The murders of Starr and Rider took place on the 9th November. The chief says the officers of the light-horse were appointed and commissioned on the 11th; but he does not say that none of those who composed the company on the 13th were concerned in those murders. The officers are said to have left Tahlequah on the 11th with ten or twelve men, yet Major Bonneville found a complete company near Evansville, distant 35 or 40 miles, on the morning of the 13th. May they not have recruited their ranks, in the mean time, from the armed mob? This would seem the more probable, as they were (as I have before mentioned) very familiar with all the circumstances attending the murders; and although they were addressed by Major Bonneville in a manner that admitted of no doubt that he considered them implicated, they never once denied it, but, on the contrary, acknowledged the statement of the opposite party regarding the murders to be correct.

To bring the subject fully before the government, and to avoid repetition, I beg leave to refer you to my previous communication relative to this matter.

You will observe, by the chief's letter, that he is not altogether pleased with the tone of my communication to him. Had the light-horse company denied to Major Bonneville any participation in the murders of Starr and Rider, I should have couched my first letter in different terms; but with the evidence before me, I deemed it necessary to express myself in a very decided manner.

You will also receive herewith the copy of a communication from assistant surgeon Coolidge to Lieut. Col. Mason, (marked No. 2) in relation to the state of affairs in the Cherokee nation; also copies of two letters received by myself from the Cherokee agent, (Nos. 3, and 4.) In compliance with the suggestion of the agent, I have ordered Captain Boone to despatch a company of dragoons to Beattie's prairie, as soon as he is joined by the squadron from Fort Washita.

Respecting the appraisalment of the property of the refugees, I have informed the agent that I thought such a course would have a bad tendency, as encouraging the inhabitants to leave their farms, which I desire to prevent if possible.

I have instructed Captain Boone to charge the officer sent in command to Beattie's prairie to endeavor to prevail on the people there not to leave the nation—at any rate, not to remove their families. Upon their presence

mainly depends the safety of their property ; besides, the absence of the women and children might have a tendency further to endanger the peace of the nation. In this endeavor, however, I am by no means sanguine of success. I have not yet ordered the issue of rations to any persons in the neighborhood, nor shall I do so until I am better satisfied it is fear alone that induces them to leave their homes.

I heard from Captain Boone last evening. He informs me that the excitement in that vicinity is subsiding. A small armed party of Cherokees still remains on the "mountain."

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,
Brigadier General U. S. A.

The ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

[Enclosure No. 1—General Arbuckle's letter December 6, 1845.]

TAHLEQUAH, CHEROKEE NATION,
November 27, 1845.

SIR : I have to acknowledge the receipt of your two communications dated 16th and 20th instant, and which have been referred to the national council in accordance with your desire. In the mean time, however, I have addressed the United States agent on the subject of your charges and denunciations of the national authorities. Our views and information are so entirely at variance in reference to matters alluded to by you, and the unmerited terms of abuse and threats bestowed upon us, it is not desirable on our part to enter into a controversial discussion with the military officers of the government.

It would have afforded us some satisfaction to have an opportunity of being heard before deciding upon the course which you have seen proper to take relative to the disturbances in our country ; but, from the tone of your communications and very positive condemnation of the authorities of the nation, we shall be content with the only alternative left, and furnish, through the United States agent, such facts as may be necessary for our defence before the government of the United States. The information furnished you is partial and erroneous ; and it is much to be regretted that important questions, so vitally connected with the peace and well-being of our nation, should be so hastily disposed of,* to the imminent danger of accomplishing that for which you have expressed a wish. The Cherokees are not insensible of their dependance upon your government, and their duties as a people and as citizens ; and in the discharge of the duties devolving upon the Executive, I shall endeavor to the utmost of my ability to maintain the friendly relation subsisting between the United States and Cherokees, and to observe that courtesy towards the officers of your government which has heretofore characterized the conduct of our chiefs.

I am, sir, very respectfully, your obedient servant,

GEORGE LOWRY,
Acting Principal Chief.

Maj. Gen. M. ARBUCKLE,
United States Army, Fort Smith, Arkansas.

* NOTE BY GENERAL ARBUCKLE.—The meaning of the rest of this sentence is not apparent.

[Enclosure No. 2—General Arbuckle's letter December 6, 1845.]

FORT GIBSON, CHEROKEE NATION,
November 29, 1845.

SIR: In obedience to your orders, I have visited Captain Boone's camp near Evansville, Arkansas, and prescribed for the few who needed my services. On the 27th the command was in perfect health. I have also made some inquiries and observations relative to existing Cherokee disturbances, and will class their results under three heads. 1st. As relates to the views and feelings of those who have abandoned their homes and fled to Arkansas. 2d. The sentiments expressed by the Cherokees assembled at Samuel Downing's, near Evansville. 3d. The apparent feeling of members of the Ross party whom I met at Tahlequah.

1st. At the camp, and in Evansville, I saw and conversed with many intelligent men, members of the treaty party and old settlers, who had abandoned their homes. The belief that the recent outrages were committed with a party object was universal, as was also the *assertion* that no act of the United States government or of the Cherokee council could restore their confidence or assure them of safety in returning to their homes. Their object is undoubtedly to obtain a separate country; and in case this is refused them by the United States, they hold out the prospect of a civil war. There was a manifest desire to revenge the murder of Starr and Rider, but they would do nothing to forfeit the protection of the United States till they heard from Washington.

2d. On the 26th, Lieutenant Radford, 1st dragoons, and myself, visited the Cherokees, in number not over 60, assembled at Downing's, near Evansville. Their statements were in substance as follows: Their assembling together was unknown or unauthorized by the council—in their own words, "the council had nothing to do with it." They killed James Starr because he instigated the crimes committed by his sons and others, and participated in the booty, and Rider because he had killed some man. They denied positively having any design upon the lives and property of any but *four men*, and all others might go home in safety. *These four* are the same who are advertised in the Cherokee Advocate, and for whom a reward of \$3,000 has been offered, viz: Thomas Starr, Ellis Starr, Ellis West, and Samuel McDaniel. They were afraid to disperse lest they should be secretly assassinated, and they remained together solely for mutual protection; most of them had gone off the day before, as they had promised Captain Boone, but reassembled on account of a rumor that Starr Wattie, with 100 men, was to attack and burn Downing's and massacre the few left as a guard for the sick. I told them Captain Boone could not afford them protection from the secret assassin, but he would prevent any armed force from attacking them, and advised them to go to their homes, and to assemble at each other's houses in parties of 10 or 12 for protection at night. In doing this they would allay excitement, which they were now constantly renewing by their nightly foraging parties. This they promised to do, and I have reason to believe they did separate, leaving 15 men to guard the sick and protect Downing's property. I omitted to state that they positively denied any participation in the murder of the two men in Greasy Valley.

3d. At Tahlequah the public feeling evidently countenanced the killing of James Starr and Rider; no measures had been taken to apprehend their

murderers; on the contrary, I was informed that some of the men concerned in these outrages were at Tahlequah on the 23d instant.

I can add nothing to the statements of the acting principal chief, published in the Cherokee Advocate of the 27th instant, relative to the time of organization of the police company, and the date of the captain's commission, further than it is corroborated by old settlers now at Tahlequah.

I am, sir, with great respect, your obedient servant,

RICHARD H. COOLIDGE,
Assistant Surgeon U. S. A.

Lieut. Col. RICHARD B. MASON,
1st Regiment Dragoons, commanding post.

[Enclosure No. 3—General Arbuckle's letter December 6, 1845.]

BEATTIE'S PRAIRIE, *December 1, 1845.*

SIR: On last Wednesday night I received a communication signed by about forty Cherokees, principally citizens of this vicinity, representing that a party consisting mostly of full-blooded Indians, to the number of a hundred or thereabouts, of the Ross party, as they style them, had assembled within five or six miles of this place, but the object of their assemblage those who signed the communication did not pretend to know; they stated, however, that those thus assembled had committed no overt acts of violence, or evinced any hostile motives. Those who wrote to me also stated to me that they had been induced to assemble merely for the purpose of acting on the defensive, in case of exigency or necessity; they seemed, however, to desire my presence—I presume for the purpose of advising as to the most proper course to pursue, they appearing to consider themselves unsafe if they remained at home. On this suggestion I came on to this place, though the weather was excessively cold. On my arrival I found no acts of aggression had been committed; besides, those styled the Ross party, who had been assembled, had nearly dispersed before I got to this place.

There are about forty or fifty of the treaty party and old settlers who have taken shelter in the old Fort Wayne, though they say they have no intention of any offensive movement, and only intend to act on the defence in case of necessity. Whether these people be really in danger or not, they certainly must, from their acts, think they are unsafe at home, in consequence of which many have crossed the line with their families as a refuge from real or supposed danger; some who have valuable improvements and comfortable dwellings are abandoning them, under the apprehension that their farms and houses will be burnt and destroyed.

The administration or Ross party disavow any motive of hostility or aggression towards those who have fled across the line. Whether the administration party be sincere or otherwise, the other party appear to be wholly unwilling to rely on their professions; the consequence of this fear and apprehension is, that the number to be furnished with rations will amount to upwards of fifteen hundred.

I have been requested by Mr. Thomas L. Rogers and others, who have

left valuable improvements, to suggest to you, if it should meet your views of propriety, that they are very desirous that their improvements should be valued by a government officer. They predicate this request on an apprehension that their farms and improvements will be intentionally destroyed by fire, soon after they leave them. These fears and apprehensions appear to me extravagant, though they may be well founded.

With great respect, your obedient servant,

JAS. MCKISSICK,
Agent for Cherokee nation.

General ARBUCKLE,
United States Army, Fort Smith.

[Enclosure No. 4—General Arbuckle's letter December 6, 1845.]

BEATTIE'S PRAIRIE, *December 2, 1845.*

SIR: An additional or new excitement has sprung up among the Cherokees to-day, who are here and in the vicinity of this place, of the treaty and old settler's party. I have learned from them, for two or three days past, that all or nearly all of the Cherokees of the Ross party who lived in this section of the country were moving somewhere, with their families, out of this neighborhood; that report and impression seemed general, though I could not discover that it created any material uneasiness; but to-day these people have received information, which they say they can rely on, that the Ross party have again assembled on the mountain near Evansville, to the number of two hundred, and are still collecting. They seem to apprehend, too, that there is a body collecting somewhere with the intention of making a sudden attack upon those in this neighborhood. These apprehensions, whether ill or well founded, have produced considerable excitement and uneasiness among those people this evening. I have heard so many of those exciting reports latterly, that I have become disposed to discredit a great portion of them, and have suggested to those people that the present reports were perhaps much exaggerated; they, however, are decidedly inclined to give credit to them, and have urged me to communicate to the military department, setting forth the danger they considered themselves exposed to, and to require a military force to be ordered as soon as practicable for their protection. The gentlemen who have made this communication to me, and request, are T. L. Rogers, James Allen Thompson, John Williams, Joel M. Bryant, and Alfred Hudson, and others.

They express a great desire that at least one of the companies from Fort Washita should be ordered to this place.

Very respectfully, your obedient servant,

JAS. MCKISSICK,
Agent for Cherokee nation.

General ARBUCKLE, *Fort Smith.*

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, December 12, 1845.

SIR: I enclose herewith the number of the Cherokee Advocate newspaper, of the 4th instant, containing the report of a select committee of the national council of the Cherokees, concerning the present disturbances in their nation.—(See p. 64.)

I have not been surprised at the appearance of this document. It is of the same character with many articles that accompany or have preceded it in the same newspaper. The object of all of which is, by one-sided representations, to relieve the Cherokee government and its most influential adherents from the responsibility and odium of having produced, by their counsels, encouragement, and countenance, the present disordered state of affairs in their nation, and to elicit sympathy from abroad. It is a desperate effort to impose upon the government, and deceive the people of the United States, and to secure from just punishment those who have been guilty of the recent outrages, and their aiders and abettors, from the public indignation they so richly merit. For these reasons, as well as to vindicate my own conduct, I cannot refrain from making some comments on this paper. The committee preface their report with a recital of events which occurred more than two years ago, and a statement of facts (as they assert) relative to the conduct of "certain men," &c.

It is to be regretted that, while the committee were making researches into the past history of their nation to find cause of justification for the conduct of the dominant party, if not the government, *as such*, in connexion with recent events in their nation, by the citation of individual acts of barbarity, they did not commence at the *beginning*, and relate all the circumstances attending the assassination of the Ridges and Boudinot—the fact, that immunity was granted to the assassins, and that the crime was finally justified by the authorities of the nation! If it was meant that just inferences should be drawn, why not tell the whole story, and not refer to past events only so far as they suit a certain purpose? But why introduce these events at all? Is it any justification that, because individuals in the nation commit acts of rapine and murder, some of "the most respectable and valued citizens"* should be countenanced and justified in the commission of similar acts? Would the authorities of the nation, or any of its "most respectable and valued citizens," wish to be considered as placing themselves on a level with stealthy murderers? I should hope not! Yet this is not an overstrained inference from the committee's report, and the indignant articles which have appeared in the organ of the Cherokee government; I mean the Cherokee Advocate. Following up the *preface*, we arrive at the *Gore* tragedy. This, in connexion with many other deeds of blood and plunder, is laid to the charge of "certain individuals," (for whose arrest two thousand dollars reward has been offered by the principal chief;) and the dying confession of one of these persons is referred to in support of the charge. Now, as I understand the matter, a large and respectable body of the nation have never believed that those individuals murdered the Vore family; and as to the dying confession of one of them confirming the charge, my information, received from respectable sources, both white and Indian, is directly the reverse; he having denied, (as they

* See Cherokee Advocate of 13th November.

say) on his death bed, that he, or the others publicly charged with the crime, had any hand whatever in committing that murder. I will, however, inquire further into this matter. I do not mean to be the apologist of these men; they have, in all probability, been guilty of many crimes, and deserve severe punishment. At the same time it may be doubted whether the act of *outrawry*, passed (contrary to all law) against them after the Vore murder, has not rendered them desperate, and reckless of all consequences; the more so, if they be truly innocent of that crime. The committee, in justification, it would seem, of the recent conduct of the authorities, or as evidence that they ought not to be suspected even of being guilty of the acts with which they are now charged, refer to the commission appointed October 18, 1844, "to examine into the cause and extent of the discontent and difficulties among the Cherokees." The committee go on to quote from the instructions given to the commissioners, that they were to inquire into every alleged act of "violence, oppression, and deprivation of the possession of property, &c., since the arrival of the 'Ross party' in the Cherokee country west in 1838." On this point I have but two remarks to make. 1st. That it is a well known fact that, if the commission did inquire into all the alleged acts of violence, &c., since 1838, they did not *report* upon all. The dark transaction which involved the lives of the Ridges and Boudinot is not touched upon at all in the report of the commission. I mean no reflection on the commissioners; they, doubtless, had their reasons for the course adopted. 2d. The commission had one set of alleged grievances to investigate—mostly of long standing. I have to do with matters which have since and but recently arisen, almost before my very eyes. What, then, the object of partially connecting the past and present, unless for mere effect?

The committee next refer to the course of General Taylor, on a previous occasion of "alarm" in the country. And I would ask, what similarity is there between that alarm and the present disturbance? Was all criminal process suspended, and the power of life and death committed to the hands of light-horse or armed mobs? Was there a general rising of the party in power, and were companies formed of the "most respectable and valued citizens" at or in the immediate neighborhood of the seat of government, and while the council was in session, not to arrest, but to hunt down and kill suspected but unresisting persons? Did children fall a sacrifice to the blind passions of a mob? On the contrary, the law was permitted to take its course, and nothing comparable to the recent commotion occurred. Why, therefore, has the law been put aside on this occasion? The council was in session, and had ample time, had they been so disposed, to take measures to quell the rising tumult, and give a proper tone to public opinion. But, leaving the council out of view, could not the party (composed, in part, of the "most respectable citizens,") that went in pursuit have as easily arrested as slain those who were sacrificed? for it appears they made no resistance whatever. The committee state that no information was sought by me from either the agent or chief. The reason I did not apply to the latter, must be obvious to any one at all conversant with the circumstances. As to the agent, I was not certain where he was. The whole nation was in commotion, and therefore no time was to be lost.

In addressing the chief, I had little expectation that my counsel would be followed by the authorities. My only hope was, that they would thereby be induced to pause and reflect upon the consequences that might accrue

to the nation, if they did not immediately take decided measures to put a stop to the disorders. I had before ordered a company of dragoons into the disturbed district, and I congratulated myself for having done so, for I truly believe an intestine war in the Cherokee nation, if not also a collision with the border inhabitants of this State, has been thereby prevented. The committee lay great stress on the fact that the agent did not call upon the military, &c. What the views of the agent were at the moment referred to I cannot say, but certain it is, he has since applied, at the request of the people at Beattie's prairie, for one of the *additional* companies from Washita to be stationed in that district.

The committee next advert to the charge, that the murders of Starr and Rider "emanated from the national council."

At the risk of much repetition, it is necessary I should here refer to many circumstances concerning which I have before addressed you, and recapitulate facts which, from time to time, in the progress of this business, have been brought to my knowledge.

The first official information I received, as to the recent state of affairs in the Cherokee nation, was from the report of Major Bonneville, dated the 15th of November. In conversation with me, on his return from Evansville, he mentioned several remarks that were made to him in his interview with the light-horse on the "mountain," which he did not think necessary to put in his report, as the matter appeared perfectly plain without them, and the fact of the agency of the authorities in bringing about the disturbance indisputable. At my request, Major Bonneville has since informed me in writing, that, among other circumstances, when on the mountain, "Brown, the lieutenant of the light-horse company, told me (him) that at the time I (he) came among them, they were counselling whether they should pay a visit to Evansville or not. Upon which I (he) represented to them, in the strongest terms, the evil consequences of such a step," &c. That such a plot was on foot, I have received confirmatory evidence from several respectable Cherokees, who have informed me that on Friday, the 14th November, *Thomas Lee*, one of the dominant party, came to Greasy valley, Flint district, to notify the people that they must go to Downing's, on the mountain, with the object of crossing into the State of Arkansas, to the town of Evansville, to kill James Starr's sons; and, also, to surround the house of John West, likewise in the State, where it was thought the body of the refugees were collecting, and kill all the inmates. Such an occurrence would have been nothing new in the conduct of the present dominant party; and my conviction is that, but for the timely arrival of the dragoons on the line, this plot would have been consummated.

It seems not a little remarkable that the Cherokee authorities, in all their printed documents, have made no allusion to the murders, in Greasy valley, of *Swimmer* and *Millboy*, of the treaty party. Against these young men no charge existed, so far as I am informed. They were murdered by a portion of the armed mob, and, as is believed by a number of respectable Cherokees, their neighbors, solely in consequence of having refused to join the mob in the plot above referred to—the life of one of them having been threatened for that very reason. Still no disposition has, to my knowledge, been manifested by the national authorities to arrest and punish the murderers; and I am informed that the council has adjourned.

There is a passage in my letter to you of the 22d November, which calls for a remark in explanation. I there state: "It is believed that some of

these (the killed and wounded in the disturbance,) or all, were killed or wounded by others than the light-horse." This remark was based on the report of Captain Boone, of the 22d ultimo, which first led me to think that the light-horse, *as such*, might not have committed the murders referred to. But it did not shake my belief that, as individuals, some of the company, as organized when Major Bonneville visited the "mountain," had been concerned in those murders. In fact, the light-horse company was so mixed up with the mob, and they appear to have been influenced by motives so similar, that it is impossible to distinguish their separate acts.

In this connexion I beg leave to refer to my letter of the 6th inst., and to the articles contained in the Cherokee Advocate of the 13th November. In addition to the evidence they afford, I will add some circumstances which have since come to my knowledge, or been more fully confirmed. A respectable citizen of the United States, residing within a few miles of Tahlequah, has personally informed me that he was told, on the morning that Starr was murdered, that he would be killed that day. This was more than thirty miles from the scene. From another, and I believe a credible source, I learn that eight armed men were seen to leave the council ground (Tahlequah) on the 8th November, whose object was, as stated by a committee-man, to kill James Starr. The said committee-man at the same time stated that the act had been determined upon, as he believed, in a secret session of a portion of the council, and that he did not mean to have his hand stained with blood, and was therefore going home. That a portion of the council did hold secret meetings, I have pretty good reason to believe, and this for several nights previous to the murders of Starr and Rider. Of course it can never be ascertained *positively* what measures were then decided on. A tolerably correct inference as to their character may, however, be drawn from the expressions used and opinions uttered in relation to the recent outrages, by those of the council who are known to be amongst the most influential of that body. As showing the feelings which must have influenced the council, or the governing portion of it, it matters not whether the language was used before or after the murders took place in Flint district.

In a previous letter I quoted from memory the language of some of those individuals above referred to, as heard in conversation with one of my informants. I will now repeat them as communicated to me in *writing*, by persons of undoubted veracity, who were at Tahlequah soon after the murders of Starr and Rider. They state that they found great excitement prevailing at Tahlequah, even among the head men of the nation. They visited the assembly room of the national committee, where most of the members were collected for business, and while there heard *Elijah Hicks*, clerk of the committee, in speaking of the recent murders, say, in an audible voice, that "the work had again commenced, for the second or third time, and he hoped it would be carried on until the matter was settled one way or the other." Meeting also *W. S. Coodey*, speaker of the national committee, in company with others, but not in committee room, they heard him express himself (referring to the recent murders) in the following manner: that "the awful fiat had gone forth, and he had no disposition to stop it." They further state as follows: "Suffice it to say, that we were credibly informed, by trustworthy persons on the council ground, that on Saturday morning, the day previous to the murders, several persons had been heard to say that the Starrs and Riders would be killed on Sunday morning, the

next day ; so this matter was not a profound secret. From our statements we leave you to draw your own inferences."

The committee state, "His (Gen. Arbuckle's) sanction is given to disguise, as a party matter, the killing of Starr and Rider, and evidently wishes to hold the authorities of the nation responsible," &c.

That the government of the United States ought to hold the authorities responsible, is my firm conviction. But I cannot admit that my letters to the chief have any reference to party. They sanction no disguise whatever, but speak plainly as to the matters at issue. I have required no pledges from the authorities, except that they should assure security to the persons and property of such of the refugees as should return to their homes ; (excepting, of course, those who are charged with crimes.) I have only called upon them to take some measure to restore confidence, and induce the refugees to return. It is idle for the Cherokee authorities to affect to believe that the refugees have been influenced by "imaginary fears," or a "consciousness of criminality," in seeking safety beyond the limits of the nation. There are now perhaps six or seven hundred of these people in the State and the Choctaw nation ; many of them men of property and character, who have left every comfort at home, to expose themselves and families, in camp, during the most inclement weather that has been experienced in this country for many years. Some of them remained at their homes several days after the murders of Starr and Rider, and did not leave until advised by kind friends that they were in danger, or until suspicious persons were seen lurking about their houses. It is altogether probable that some indigent and indolent individuals have left the nation with the sole object of being fed ; but this is an evil which, under the circumstances, could not be wholly avoided. I have already taken means to correct this, and shall give further instructions on the subject.

The committee also refer to the troops being stationed on the State line. With what object I have placed them there, and of the propriety of that measure, I leave the government to judge from the evidence I have furnished.

In reference to the very touching and indignant appeal with which the committee close their report, I will remark that it is but a poor return for the exertions I have heretofore devoted to the object of restoring peace and good will amongst the different parties, and which resulted in giving to the nation a period of quiet, extending through about eighteen months ; the only actual repose it has enjoyed since June, 1839. My exertions on that occasion drew from all parties an expression of their thanks ; I refer to my agency in bringing about the union entered into in June, 1840. From that period to the commencement of the present difficulties, I have had little or no correspondence with the Cherokee authorities.

I have this afternoon, and since writing the greater portion of this communication, been visited, at my request, by Mr. Wheeler, a gentleman who has long lived with the Cherokees, and has, as I understand, been employed for many years as a printer at the Park Hill mission, in the Cherokee nation. He is, by marriage, a brother of the late Mr. Boudinot. I have known him for many years, and in times of trouble in the nation, and I have every confidence in his uprightness. In conversation he stated much, which, at my request, he has put in writing. His communication (a copy of which I herewith enclose, marked A) has an important bearing upon

several matters adverted to in this communication, and I desire to refer to it in support of what I have said on those points.

I enclose a copy of a letter from Capt. Boone, of the 10th inst., (marked B,) received to day. I trust his apprehensions are not well founded; and as evidence that they probably are not, I enclose also a letter from G. W. Adair, a Cherokee, (C,) who is respected, I believe, by all parties, and is a man of influence and intelligence. I do not think he would hide from me any such plot as the captain speaks of.

The exploring party have not yet returned, and I shall be sure to see them before they join their people.

I intend to send Major Bonneville, in a few days, along the line as far as Beattie's prairie, to look into the condition of the refugees, with reference to the propriety of continuing the issue of rations to them, and I shall direct him also to inquire into the rumors referred to by Capt. Boone. I shall request the Cherokee agent to join Major Bonneville in the performance of this duty.

I enclose also an extract from a letter just received from the Cherokee agent, (D,) and copies of two others from the same gentleman, (E and F,) of previous dates, but which I have not before thought it necessary to transmit.

The two companies of dragoons from Washita were to have left Fort Gibson on the 8th, and doubtless they are now on the line.

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,

Brig. General U. S. Army.

ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

NOTE.—This is my sixth letter to you on this subject, to wit : dates 19th, 22d, 29th November ; 6th and 12th December.

[Enclosure marked A.—General Arbuckle's letter December 12, 1845.]

FORT SMITH, *December 12, 1845.*

DEAR SIR: In accordance with your wish, I make the following statement in regard to the late disturbances in the Cherokee nation. I was at Park Hill during the session of the council at Tahlequah, a distance of about five miles. On Sunday, November 9, I attended church at Park Hill; several persons were present from Tahlequah; among them was Mr. William P. Ross, editor of the Advocate, who appeared very much agitated, so much so that it attracted my attention; also Johnson Foreman, who, I perceived, was armed with knife and pistols. I boarded with Mr. Stephen Foreman at that place. Johnson Foreman remained after church, and took dinner at the house of Stephen Foreman. Before dinner, Stephen asked Johnson to walk out with him, as he wished to speak with him. They went out, and soon came back. After dinner Johnson left, and Stephen Foreman told me that Johnson had said that Anderson Springston, a member of the committee, left the council ground, at Tahlequah, on the day before, and that he (Springston) had told him that the council had passed a law creating a light-horse company, and that there would be more

trouble, and that he was going home. Soon after Johnson Foreman left, the news of the killing of Starr arrived. I think the news of the murder must have arrived in about six or eight hours at Park Hill, a distance of more than thirty miles. On the same evening, Alexander Foreman, a brother of Stephen Foreman, who is a member of the committee, came from Tahlequah, and while in conversation with me he said that he believed the company that were killing the men in Flint district would not stop for the line.

Some time afterwards I had some conversation with Jay Hicks, formerly a judge of Flint district, and he said that the perpetrators of these murders said they were ordered to do so, as I understood, by the council.

From my knowledge of Cherokee matters, having resided among them for several years, and from the opinions I have heard expressed by a great number of respectable Cherokees, I have no hesitancy in saying that I believe the killing of Starr and others emanated from the council—not in the form of a written law, but as many such things do in Indian councils.

In addition to the above, (I had forgotten these facts,) I learned Mr. Meigs had attacked a Mr. Williams, who keeps a tavern at Tahlequah, two or three days previous to the killing of the persons referred to, and had charged Williams with harboring the Starr boys, as they are termed; and that he, Meigs, said to Williams that if these matters of burning houses, &c. were not put a stop to, he would be butchered. And on Saturday, the 8th, Dr. Butler, a missionary, was at Tahlequah, and in the evening came to Park Hill, to the house of the Rev. Mr. Worcester, and told him that he believed, from what he had heard that day, that the Cherokees would resort to their old custom of killing without law.

As to the case of the murder of Mr. Vore by the Starrs, John Brown, a grandson of Major Lowry, told me he was in the company that killed Bean Starr; and that while Bean was on his death bed, he denied their (the Starrs) having any hand in the murder of Vore and his wife.

I was in the neighborhood of Tahlequah during the council, and saw persons almost every day from that place; and among others in attendance was the Rev. Evan Jones, who is well known to be the writer for Mr. Ross, and no doubt the person who penned some of the late reports of the Cherokees that have been published in the Cherokee Advocate.

I have heard it repeatedly stated, in the Cherokee nation, that the lieutenant and several of the members of the light-horse were in the mob who killed Starr and Rider.

I have the honor to be yours, respectfully, &c.

JOHN F. WHEELER.

Gen. M. ARBUCKLE, U. S. A.

[Enclosure marked B—General Arbuckle's letter December 12, 1845.]

DRAGOON CAMP, NEAR EVANSVILLE,
December 10, 1845.

SIR: I have the honor to acknowledge yours of the 5th instant; also a letter directed to Colonel McKissick, Cherokee agent. I expected the agent would have been here on his return to his agency. Should he not arrive to-day, I shall send it by express.

I herewith send the general a copy of the contract for furnishing rations to Cherokee fugitives. I had supposed that Lieutenant Wharton, 6th infantry, who made the contract, would have sent the general a copy before this. There have been rations issued under this contract to about 500 souls, commencing on the 1st and ending on the 10th December, amounting to about 5,000 rations. On the first return, I made no distinction as to age, having no instructions on that point. Hereafter I shall class them, and have the issues made according to the general's instructions of the 5th instant.

Things appear to be quiet in this neighborhood at present; but things have leaked out lately which give me great reason to fear that it will not remain so longer than until the return of the exploring party.

On the 4th instant I had a conversation with Starr Wattie, who had come down here to see the Cherokees who had fled from the nation. I informed him what were the wishes of the general, and urged upon Wattie the necessity for him and his party to lie still and do nothing that would produce further excitement. His reply was not very satisfactory, but amounted to this: that his party had concluded to do nothing till the exploring party got back, and then they should determine how to act.

It is since whispered about that Wattie intends making an attack on the opposite party, whether the exploring party agree to it or not, and I fear that there is a party in this neighborhood making up to join Wattie. I shall see the most of these people to-morrow, and shall give them to understand that if they were to attempt, or do any thing to produce further excitement, rations should be stopped from them and their families.

I again repeat that *there is much to be feared from the old settlers and treaty party* about Beattie's prairie, and I fear these people are encouraged by many citizens of Arkansas. It is here said that Wattie, when down here, said that one regiment of militia volunteers were ready, and that if he (Wattie) would begin, they would be with him, orders or no orders.

Should any thing of this kind occur, (that is, an attack made by the treaty party,) I should be at a loss how to act; and I seriously believe, if any thing now is done, that it will be brought on by the treaty party.

I have the honor to be, your obedient servant.

NATHAN BOONE,
Captain 1st regiment dragoons.

JAS. H. PRENTISS,
Assistant Adjutant General, Fort Smith.

[Enclosure marked C—General Arbuckle's letter December 12, 1845.]

EVANSVILLE, ARKANSAS,
December 6, 1845.

DEAR SIR: In a communication you have made to Capt. Boone, I learned that you had received information that Washington Pettit had killed a Ross man by the name of Baldrige. I have made every inquiry relative to the matter, and find that Pettit did stab an Indian man by the name of Oostill-lee, and that the last account from him was that he was going about and recovering fast from the wound, which was but slight. It was a drunken affray which took place between Pettit and him. Pettit is not amongst us

that are here, across the State line, for protection. We shall secrete and protect no offenders from the other side of the State line. We are determined to demean ourselves according to strict rules of propriety and justice, while here, depending on a stronger arm than ours for redress of wrongs and the punishment of offenders.

There is yet a band of those fellows remaining on the mountain near Evansville, and committing depredations, such as killing of stock, hauling off corn, and plundering the houses of those that have been forced to leave their homes. This should not be permitted; yet we cannot help ourselves, as the authorities of the nation appear to acquiesce in the matter. The council of the nation seems to be disposed to content itself with an effort to make the officers of the United States government believe that they discountenance the killing of Starr and Rider, and the many depredations committed and are committing daily. They say these acts are in violation of law, yet they make no effort to disband them or bring them to justice for committing these foul deeds. Such a course of conduct should speak in a voice like thunder against our oppressors.

I am, sir, with due respect, your humble servant,

GEO. W. ADAIR.

General M. ARBUCKLE,

United States army, commanding at Fort Smith.

[Enclosure marked D—General Arbuckle's letter December 12, 1845.]

[EXTRACT.]

FAYETTEVILLE, *December 6, 1845.*

SIR: I this evening received your communications under dates 27th and 28th ultimo. They were forwarded from Fort Gibson by Colonel Mason, by a messenger to this place. I got my riding horse badly crippled by a kick at Beattie's prairie, in consequence of which I was compelled to borrow a horse and come home to get another, which is the cause of my being here at this time.

Since I have been here, I have seen some persons who live between Cane hill and Evansville; and from the information I have received, I am induced to believe the rumor about which I addressed you from Beattie's prairie was greatly magnified. I presume, if a menacing attitude is assumed by a new and formidable collection again on the mountain near Evansville, that Captain Boon will apprise you or Colonel Mason of the fact. There is no doubt, however, but they collected to a considerable number after they had once dispersed, and again commenced depredations by killing the pork-hogs, and hauling off the corn of those who had fled for refuge across the line. When I left the agency for Beattie's prairie, I called at the council ground, and informed the acting chief and several of the members of the council, that aggressions of that kind could not and would not be submitted to; that if the Cherokee authorities did not put an immediate stop to such depredations, I would be compelled to call for aid that would. The chief, and some of the members of council who were present, utterly disavowed the act—said it was highly improper, and that they would take immediate steps to stop it. I duly appreciate the intima-

tion you gave me of the great uncertainty of arriving at facts or satisfactory conclusions between these opposing parties of the Cherokee people. It far exceeds any thing I had anticipated; and if facts be as some of the fleeing party allege, I think, with you, that it ought to place some of their men in authority in a very reprehensible view. * * * * *

I had not heard of the case of Pettit killing or wounding Baldrige, before you mentioned it in your letter. I have learned, since I left the agency, that the chief or a committee had answered some of your communications, through me as agent, and forwarded the document to the agency since I left. I am not informed of the purport of its contents. So soon as I return, if it is made through me, I will examine its contents and report to you immediately.

I expect to leave this place to-morrow, and return by the way of Beattie's prairie, to the agency. If the council is still in session, I will call and have an interview with the authorities, and inquire what steps or measures the authorities of the nation contemplate taking in reference to the existing disturbances.

I have thought that those people who have fled across the line, in the vicinity of Beattie's prairie, had made the calculations for rations somewhat too large, by counting children; though of this I am not certain, nor am I informed as to what age Indian children would be entitled to rations.

I have the honor to be, with great respect, your obedient servant,

JAMES McKISSICK,
Agent for the Cherokee nation.

General ARBUCKLE,
United States army, Fort Smith.

[Enclosure marked E—General Arbuckle's letter December 12, 1845.]

CHEROKEE AGENCY, *November 22, 1845.*

SIR: I received your communication, on the subject of the disturbances and excitement in the Cherokee nation, on the road, as I returned from the line, near Evansville, in the vicinity of which the excitement has been very great; nor has it yet subsided. It has not been confined to the vicinity of Evansville alone, but has pretty generally pervaded the nation.

When I addressed you from the line two or three days ago, I mentioned the aspect affairs seemed to present up to that time, embracing the interviews I had held with those Cherokees who were assembled on the mountain near Evansville; also the then progress of the intercourse with the committee sent on by the acting chief to meet and confer with me on the mountain, where this body was assembled. According to the understanding which the committee and myself agreed to, we met at Colonel Adair's spring at ten o'clock on last Friday. This committee then informed me that they had succeeded in persuading those Cherokees who were assembled on the mountain to disperse and return quietly to their respective homes. I presume there were about fifty Cherokees assembled at the spring when I met the committee, and among them I recognised several whom I had seen on the mountain.

My opinion is, that the fact of those assembled on the mountain dispersing will, in some degree, allay the excitement which prevailed in that

vicinity, and perhaps will have some influence over all who were apprehensive of danger, though I do not believe that it will be by any means satisfactory to those who have fled across the line for refuge; some say they never will return, because they always consider their lives in danger.

I have had frequent conversations with Major Lowry, the acting chief, and with divers numbers of the council and committee, on the subject of those late aggressions; they all disavow any agency or knowledge of the perpetration of those acts, and have reported to me again and again that this light-horse company, which was organized and put under the command of Captain Brown and Lieutenant Brown, was raised for the express purpose of putting a stop to those outrages and disturbances. They utterly deny, too, that the depredations which have been committed had, on their part, (to wit: the Ross party) any connexion with the political sentiments and prejudices of the nation. They seem to think that Major Bonneville was led to a misapprehension of their views, from the proper distinction between the object and design of this light-horse company not being satisfactorily or correctly explained to him, whereby he was induced to believe that this horse company was co-operating with instead of restraining and checking this mob assembled on the mountain—as they say, without their knowledge or approbation.

I think proper to remark, on the other hand, that those who have fled for refuge across the line, from their positive assertions, seem not to have the least shadow of confidence in the statements and professions of the dominant, or what is commonly called the Ross party. They say if these aggressions are unconnected with party politics and design, how happens it that these depredations have been committed entirely on the weak and treaty party, with the exception of the two young Cherokees who were first murdered near Mr. Meigs's? They admit that in those cases suspicion might readily attach to the treaty party as being the aggressors. I am informed, however, by some of the treaty party, that a circumstance or circumstances have come to light, which have changed the opinion of some in regard to that transaction; the circumstances, whatever they may be, I have not been put in possession of, therefore can form no opinion whether or not they might be entitled to any consideration. Those who have fled across the line have required me to inform the acting chief that they required him to have the murderers of Jim Starr and Sewel Rider, also those concerned in wounding Washington Starr and the younger Starr, apprehended and punished according to law. I made the communication to the chief, but have not yet received any answer.

In regard to a company being organized and sent out, or intended to be sent out, to intercept the exploring company on their return, I have no information further than when I wrote you last. I can gather no additional information with the means I can venture to use, indicative of such an operation being on foot. Those people who ought to understand the designs of each other much better than I do seem to apprehend that such a measure is in contemplation;—suspicions on both sides, however, are unbounded.

With great respect, your obedient servant,

JAS. McKISSICK,

Agent Cherokee nation.

General ARBUCKLE,

United States Army, Fort Smith.

P. S.—I have not heard of any additional depredations being committed since I wrote to you.

J. M.

[Enclosure marked F—General Arbuckle's letter December 12, 1845.]

CHEROKEE AGENCY, November 26, 1845.

SIR: Your communication under date 21st instant came to hand at this place, accompanying which was your communication to the assistant acting chief of the Cherokee nation. I was engaged at the time in making out a lengthy report to the Commissioner of Indian Affairs, on the subject of the late outrages and disturbances in the nation. Not receiving it at the council ground, and being particularly engaged, after reading the communication I sealed it, and requested the officer bearing it to deliver the paper to Major Lowry, the acting chief, according to your instructions.

I had heard of the murder of Thomas Wattie, Joseph Swimmer, and Millboy, (or Stawana) while at the seat of the greatest excitement on the line near Evansville, and in my interview with the committee sent out by the chief to meet me on the mountain, where the body of Cherokees were assembled, I remonstrated against the continuance of those most extraordinary murders and outrages of law and order. The committee, however, utterly disavowed any knowledge of those latter acts; said they were doing all in their power to allay excitement and restore order. They were not willing to admit, nor did they admit, that those assembled on the mountain had any agency in the perpetration of those last acts of aggression; indeed, they insinuated that these acts might have been committed by the fleeing party, or some of their friends, for the purpose of keeping up the general excitement, and thereby producing some political effect by which they might be benefited. I presume that their allusion was, that the keeping up those disturbances might induce some speedy action of the general government. I considered that mode of accounting for the last murders but a flimsy subterfuge, at least.

I have not heard of any additional murders or outrages since I left the line on the 21st instant, and hope they may have ceased. If those lawless outrages should appear not to have subsided, or should again appear, some energetic measures, it seems to me, will be absolutely necessary; and in estimating the military force that may be required in the event of new aggressions, I presume we will have to be governed by the circumstances and facts that may present themselves.

In endeavoring to restore tranquillity to the nation, and preventing other aggressions, I will be happy to receive your counsel and co-operation at any time.

With great respect, your obedient servant,

JAS. McKISSICK,
Cherokee Agent west.

Brigadier General ARBUCKLE,
United States Army, Fort Smith.

From the "Cherokee Advocate" of December 4, 1845.

The Disturbances.—Official.

The following report and resolutions, submitted by a special committee, to which were referred the two communications of General M. Arbuckle concerning the disturbances in the nation, have been unanimously approved and adopted by the national council:

The committee to whom were referred two communications from Brigadier General Arbuckle, and other papers relative to the excitement and disturbances in the country, beg leave to remark: That the origin of this excitement is to be sought in events which took place more than two years ago, and that a brief statement of facts relative to the conduct of certain men, at that time, will be necessary, in order to set this matter in its proper light. In the summer of 1843, as is well known, a conspiracy was formed for the purpose of subverting the government of the nation, the first overt acts of which were the destroying of the election papers of Saline district, the murder of Isaac Bushyhead, and the brutal maltreatment of David Vann. Jacob and John West, parties to that conspiracy, were apprehended and tried. During the progress of the trial another conspiracy was formed to rescue the prisoners out of the hands of the officers of the law. At the same time, and by the same parties, was matured a regular system for murder, robbery, house burning, horse stealing, and other depredations. The first victim was Kelly, a citizen of the United States, murdered in cold blood, for the sake of a few dollars. Mr. Vore and his family, and a traveller staying with them for the night, all white people and citizens of the United States, were the next victims of the operations of this horrid confederacy. This family was murdered, the house and store robbed, and the buildings burnt, together with the bodies of the dead. Among the immediate agents in these inhuman deeds were Tom Starr, Ellis Starr, and Bean Starr. The murder of the Vore family was but a part of an extensive plot against the lives and property of a number of our most valuable and peaceable citizens; but the further prosecution of which was happily defeated by disclosures made by individuals of their number, by which it was ascertained that the master spirit in originating, planning, and directing this plot, as well as the general system of rapine and blood, was the notorious James Starr. All which was confirmed by the dying testimony of his own son, Bean Starr.

To protect the community against the outrages of this desperate gang, and, if possible, to apprehend and bring them to justice, police companies, for one year, were organized in the fall of 1843, and in 1844 were continued for another year. On the 18th of October last their term of service expired, and there was no police company in the nation. No sooner was this ascertained than these desperadoes started from their hiding places, became emboldened in their career of crime, and on the 1st of November perpetrated some of their most daring acts of butchery, robbery and arson, in the very face of the national council, still in session.

It is to be borne in mind that it was not the sympathy and alarm produced by these fresh acts of outrage that roused the people at once to take arms against this banditti. It was the long suppressed, concentrated feeling of indignation, exasperated by the continued series of butcheries which they had practised on our citizens, and the facilities afforded them by their friends and advisers for the further perpetration of crime, and the evasion of the penalties of the law.

We are far from justifying rashness and violence, under any circumstances, but there may be cases in which are many and strong palliating circumstances. If in any case the maxim of the committee of the "treaty party," so called, in their complaints to the late United States commission, that "*necessity became a law*," can be admitted, that of the death of Starr and Rider is surely one. Thousands and thousands of dollars had been expended in efforts to procure the arrest and trial of these men, not only

without success, but without checking the progress of their work of blood among our citizens; and all of this chiefly by the management of James Starr.

But all this is said to be a *party matter*. It may be well to inquire who made it so. Did any act of the national authorities make it a party matter? Have they enacted laws to punish any course of conduct not criminal? Let the laws be examined for an answer. But the Starrs, and the Wests, and the Riders, it is said, are treaty men; then let those who recognise murderers, and horse thieves, and house burners to be of their fraternity, bear the responsibility of such recognition. The authorities of the nation, and the people sustaining the authorities, are not to be held accountable for their acts. Do those who call themselves the "treaty party" wish to be considered as keeping up this gang of maulraiders, to prey upon and kill their countrymen who differ from them in opinion? Let the advocates of these worthless, blood-thirsty wretches answer.

The committee, to illustrate more clearly the absurdity of the charges lavished upon the authorities of the nation, and efforts making to prejudice public sentiment abroad, would call the attention of the national council to the report of the commission appointed on the 18th October, 1844, "to examine into the cause and extent of the discontents and difficulties among the Cherokees." It will be recollected that the "treaty party," in the most positive and imposing form, had repeatedly sent up their complaints to the government of the intolerable oppressions practised upon them by the "Ross" or dominant party; these were represented as being so grievous that "they could not enjoy their liberty, property, and lives, in safety, and that it was impossible for them to live in peace in the same community with their alleged oppressors." The commission was specially instructed to inquire into every alleged act of "violence, oppression, or deprivation of the possession of property," &c., since the arrival of the "Ross party" in the Cherokee country west, in 1838. The treaty party appointed a committee of twenty-four persons, (Ezekiel Starr, chairman,) to set forth and substantiate their complaints. Numerous specific charges were preferred by them, and all their energies concentrated in their support. After a full, fair, and patient investigation of all matters, the commissioners terminated their labors by an elaborate report to the Secretary of War, dated at Fort Gibson on the 17th of January, 1845. In reference to these charges they say:

"The complainants have not shown in any case that life has been taken or endangered by the Cherokee authority since the 'act of union,' except in the administration of wholesome laws. It cannot be denied that human life in the Cherokee country is in danger—great danger. But the danger lies in the frequent and stealthy incursions of a desperate band of banditti—'half-breeds'—notorious in the nation as wanton murderers, house burners, and horse stealers, but whose *fraternity are not of the dominant party*, nor are the dangers from these outlaws most dreaded by the parties who send up their complaints of the insecurity of life. Since the commission has been in the nation, not less than three or four wanton Indian murders have been committed; two within the line of a conterminous State. In view of all these ascertained facts, the allegation, that they cannot live in peace in the same community with their alleged oppressors, is of little weight, and ought not, in the opinion of the commissioners, to be entertained." "The commissioners have discovered, that even while on the

spot, where they are able in most cases to elicit the truth, complaints have come up either frivolous in the extreme, or not true. And it is believed that the 'old settlers,' and 'treaty party,' enjoy, under the 'act of union' and the constitution of the Cherokee nation, liberty, property, and life, in as much security as the rest of the Cherokees."

Not a single charge or allegation by the "party" was established. Wearied with complaints and agitation, the people were anxious for repose, and for a brief space the elements of discord and crime were apparently lulled. It was the stillness which precedes the storm. The illusion passed away in another terrible outbreak of the banditti, horrible in its character, and designedly insulting to the authorities of the nation. A portion of the people, feeling that the laws had failed in the object of protection to the innocent and punishment of the guilty, acting upon a cherished maxim of the friends of lawless vagabonds, that "necessity became a law," punished some of the wicked instruments of these continued outrages. When lo! the whole country is convulsed; a martial display of United States troops; the *authorities* of the nation *officially* charged with high crimes, and denounced in language of threat, by Brigadier General Arbuckle. All upon wild rumor, or supposed facts.

On a former occasion, in September, 1843, when the country was thrown into a state of much alarm by the discovery of certain plots, before adverted to, and consequent murders, General Taylor, then in command of the 2d military department, writes to the principal chief, and says: "The recent murder of Vore's family has given rise to many rumors, from which it is difficult for me, *in the absence of the agent*, to gather *authentic* matter for a report to Washington. I will thank you to communicate whatever information you may deem proper to impart in relation to the outrage, and all the circumstances attending the pursuit of the individuals supposed to have committed it, as well as any other intelligence calculated to correct the erroneous and mischievous impressions too often derived at Washington from the crude representations of the public prints." Again, in October following: "It is only necessary for *the agent* to represent to the commanding officer of Fort Gibson that military force is required, to have it promptly furnished." "There is, I fear, too much reason to believe that much of the excitement in the Cherokee nation has proceeded from evil disposed people in the State; and that to the same cause may perhaps be traced many of the recent robberies and murders in the nation." In the same month the assistant Adjutant General issued a special "order," (No. 24,) in reference to these outrages and the employment of military force, and is particular to restrict the commandant of Fort Gibson, in sending out troops, that it be done "*when called upon by the Cherokee agent, or acting agent,*" (see 2d, 3d, and 4th sections.)

General Taylor was desirous of obtaining authentic information from the United States agent, or, in his absence, from some other reliable, responsible source; and that military action should be based on information furnished by *the agent*. No information was sought by General Arbuckle from either the agent or chief. Why it has become necessary now to pursue a course of policy at variance with that practised in 1843, we are left entirely to conjecture. The agent was at Tahlequah, and saw the mangled bodies of two peaceable citizens; was apprized of a recent act of house burning; repaired to Flint district when informed of the death of Starr and Rider, and arrived simultaneous with a company of United States troops,

not called for by him, or sent to aid in arresting or punishing the confederacy of fiends who prey alike upon the lives and the property of both citizens of the United States and Cherokee nation. The agent was upon the ground, but did not deem it necessary to call upon the military. General Arbuckle was at Fort Smith, (in the State) and did think military action all-important. Who was most competent to judge of the necessity, others may decide.

The killing of Starr and Rider is regarded by General Arbuckle as emanating from the national council. The authorities of the nation have been put upon trial, and, in his own language, "condemned," "without judge, jury, or any manner of hearing." And almost in the same breath in which high crimes are imputed to them, they are called upon to adopt measures "to allay the excitement" caused by these acts, and to do other things which are dictated. The course of this officer cannot be viewed otherwise than as most extraordinary, and highly detrimental to the interests and peace of the Cherokees. His sanction is given to disguise as a party matter the killing of Starr and Rider, and evidently wishes to hold the authorities of the nation responsible. He requires that pledges shall be given by the national council to individuals who have fled across the State line from imaginary fear, or a conscientiousness of criminality by too close an intimacy with the bandits. He has stationed the military within the State's line to protect these individuals, and invites all who entertain fear to take refuge under the stars and stripes of the United States; and we are notified that subsistence will be furnished them at the expense of the nation! If the United States troops are not sufficient for his purpose, we are informed that the militia of the State will be called into the service.

If the past conduct of this officer affords an index of the future, may God save us from his protection. It were well for us to know our fate. If the mere *ipse dixit* of a military officer, in the absence of any offending cause, can substitute his discretion in violation of treaties and the immutable principles of justice, it may well be inquired, what is left to bind our confidence in the government, or what tie of friendship may not be severed by the sword?

The committee, in the discharge of the duty assigned them, respectfully submit the above as the result of their labors, with the accompanying resolutions.

W. S. COODEY,
JOHN BENGE,
C. V. McNAIR.

TAHLEQUAH, C. N., December 1, 1845.

Resolved, That we deprecate the course of General Arbuckle, in regard to the recent disturbances in this nation, as unauthorized and detrimental to the peace of the frontier.

Resolved, That we protest against the invitation and inducements offered to our citizens to leave the country, under a promise of protection and subsistence at the expense of the nation.

Resolved, That we do not recognise in the military a right to interfere or dictate in the legislation of the national council.

Resolved, That our confidence in the justice and integrity of the government of the United States continues unshaken.

Resolved, That a copy of the above report and resolutions be furnished

by the chief to the United States agent, and forwarded, also, to the delegation at Washington city.

The above report and resolutions were read, considered, and unanimously adopted, by the national committee.

And, on motion, sent to the council.

A. FOREMAN,

President of the National Committee, pro tem.

E. HICKS,

Clerk of the National Committee.

Concurred:

A CAMPBELL,

Speaker of the National Council.

D. M. FOREMAN,

Clerk of the National Council.

TAHLEQUAH, December 1, 1845.

HEADQUARTERS 2^D MILITARY DEPARTMENT,
Fort Smith, December 20, 1845.

SIR: My last letter is dated the 12th instant. Captain Boone informs me, under date of the 14th instant, that those of the refugees in the neighborhood of Evansville who had purposed joining Stand Wattie had, through the influence of himself and G. W. Adair, (Cherokee,) and others, been induced to give up any such intention. I heard that some three or four in this neighborhood talked of joining him, but they have also promised to remain quiet.

I do not apprehend any movement of the refugees before the determination of the government respecting them is made known, unless further irritation be produced by the conduct of the dominant party—of which, I regret to say, I have some fear; some of them having been making visits at night to the house of Broken Canoe, who lives about four miles from this place.

I sent Captain Hoffman (6th infantry) to the house, and into the neighborhood, to inquire into the truth of the report; and I find that armed parties have been about Broken Canoe's house all night on two recent occasions—the 15th and 18th instant. Although they approached so near as, on one occasion, to hitch a horse to a log of the house, they said nothing to the inmates. Canoe escaped on their first appearance.

Such visitations have a great tendency to keep up the excitement in the nation, and prevent the return to their homes of any of the refugees; and there is no excuse, that I can see, to justify them.

Lieutenant Johnston's company D of the 1st dragoons, is now at Beattie's prairie, and Captain Steen's E near Evansville, Arkansas. I have given Captain Boone command of all three, for "the maintenance of order on the frontier, and for the prevention of further commotion in the Cherokee nation."

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,

Brigadier General U. S. A.

THE ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.