REPLY
OF
GOVERNOR EVANS,
OF THE
TERRITORY OF COLORADO.
TO THAT PART REFERRING TO HIM, OF THE REPORT OF "THE
COMMITTEE ON THE CONDUCT OF THE WAR," HEADED
"MASSACRE OF CHEYENNE INDIANS."

EXECUTIVE DEPARTMENT.
AND SUPERINTENDENCY OF INDIAN AFFAIRS, C. T.,
DENVER, Aug. 6th, 1865.

To the Public:

I have just seen, for the first time, a copy of the Report of
the Committee on the Conduct of the War, headed "Massacre
of Cheyenne Indians."

As it does me great injustice, and by its partial, unfair, and
erroneous statements, will mislead the public, I respectfully ask
a suspension of opinion in my case until I shall have time to
present the facts to said committee, or some equally high authority, and ask a correction.

In the meantime, I desire to lay a few facts before the public,
The Committee on the Conduct of the War, as shown by the
resolution of the House of Representatives heading the Report,
had power "to enquire into and report all the facts connected
with the late attack, by the Third Regiment, Colorado Volun-
teers, under Col. Chivington, on a village of the Cheyenne tribe
of Indians, near Fort Lyon."

They had no power to enquire into my management of Indian
affairs, except in so far as it related to this battle; and the
Chairman of the Committee assured me that they would not
enquire into such general management. Having no connection
whatever with the battle, and, at the time, knowing nothing of
the immediate facts connected therewith, I so stated to the
Committee, and relying upon the above assurance of the
Chairman, addressed myself to another committee, which had
been appointed to investigate the management of Indian affairs
generally, in the United States. Of this committee, Senator
Doolittle was Chairman, and to it, I believe, I have rendered a
satisfactory account of my stewardship.

The Committee on the Conduct of the War, however, have
seen fit to go beyond the scope of their powers, and to enter
into a hasty and general investigation of Indian affairs in this
Superintendency, and in their report attack matters occurring
at remote periods from, and entirely disconnected with, the sub-
ject matter of investigation.

Under these circumstances, having been censured unheard, I
claim the privilege of presenting proof of the falsity of their
charges, in order that, so far as it can be done, the Committee,
or equally high authority, may repair the great injury done me.
And I pledge myself to prove, by official correspondence and
accredited testimony, to their satisfaction, and that of all fair-
minded men, the truth and justice of my complaint.

I do not propose to discuss the merits or demerits of the
Sand Creek battle, but simply to meet the attempt, on the part
of the Committee, to connect my name with it, and to throw
discredit on my testimony. I shall not ask the public to take
my assertions, except so far as I shall sustain them by un-
doubted authority, a large part of which is published in Gov-
ernment documents, by the authority of the honorable body
of which the Committee are members. The Report begins:

"In the summer of 1864, Gov. Evans, of Colorado Territory, as acting
Superintendent of Indian Affairs, sent notice to the various bands and tribes of
Indians within his jurisdiction, that such as desired to be considered friendly
to the whites should repair to the nearest military post, in order to be pro-
tected from the soldiers who were to take the field against the hostile Indians."

This statement is true as to such notice having been
sent, but conveys the false impression that it was at the
beginning of hostilities, and the declaration of war. The
truth is, it was issued, by authority of the Indian Department,
months after the war had become general, for the
purpose of inducing the Indians to cease hostilities, and to
protect those who had been, or would become friendly, from
the inevitable dangers to which they were exposed. This
"Notice" may be found published in the Report of the Com-
missioner of Indian Affairs, for 1864, page 218.

The report continues:

"About the close of the summer, some Cheyenne Indians in the neigh-
borhood of the Smoky Hill, sent word to Major Wynkoop, commanding at Fort
Lyons, that they had in their possession, and were willing to deliver up, some white captives they had purchased of other Indians. Major Wynkoop, with a force of one hundred men, visited those Indians and recovered the white captives. On his return, he was accompanied by a number of the chiefs and leading men of the Indians, whom he had brought to visit Denver, for the purpose of conferring with the authorities there in regard to keeping the peace. Among them were Black Kettle and White Antelope, of the Cheyennes, and some chiefs of the Arapahoes. The council was held, and these chiefs stated that they were friendly to the whites and had always been.

Again they say:

"All the testimony goes to show that the Indians under the immediate control of Black Kettle and White Antelope, of the Cheyennes, and Left Hand, of the Arapahoes, were and had been friendly to the whites, and had not been guilty of any acts of hostility or depredations."

This word which the Committee say was sent to Major Wynkoop, was a letter to U. S. Indian Agent, Major Colley, which is published in the Report of the Commissioner of Indian Affairs, for 1864, page 283, and is as follows:

CHEYENNE VILLAGE, August 28th, 1864.

"TO MAJOR COLLEY:

"We received a letter from Bent, wishing us to make peace. We held a council in regard to it. All come to the conclusion to make peace with you, providing you make peace with the Kiowas, Camanches, Arapahoes, Apaches and Sioux. We are going to send a messenger to the Kiowas, and to the other nations, about our going to make peace with you. We heard that you have some prisoners in Denver. We have seven prisoners of yours which we are willing to give up, providing you give up yours. There are three war parties out yet, and two of Arapahoes. They have been out some time and expected in soon. When we held this council there were few Arapahoes and Sioux present. We want true news from you in return. That is a letter.

BLACK KETTLE, And other Chiefs."

Compare the above extract from the report of the Committee, with this published letter of Black Kettle, and the admission of the Indians in the council at Denver.

The Committee say, the prisoners proposed to be delivered up were purchased of other Indians. Black Kettle, in his letter, says: "We have seven prisoners of yours, which we are willing to give up, providing you give up yours."

They say nothing about prisoners whom they had purchased. On the other hand, in the council held in Denver, Black Kettle said:

"Major Wynkoop was kind enough to receive the letter, and visited them in camp, to whom they delivered four white prisoners—one other (Mrs. Snyder), having killed herself; that there are two women and one child yet in their camp, whom they will deliver up as soon as they can get them in: Laura Roger, 16 or 17 years; Ambrose Asher, 7 or 8 years; Daniel Marble, 7 or 8 years; Isabel Ubanks, 4 or 5 years. The prisoners still with them [are] Mrs. Ubanks and babe, and a Mrs. Norton, who was taken on the Platte. Mrs. Snyder is the name of the woman who hung herself. The boys were taken between Fort Kearney and the Blue."

Again, they did not deny having captured the prisoners, when
I told them that having the prisoners in their possession was evidence of their having committed the depredations when they were taken. But White Antelope said: "We (the Cheyennes) took two prisoners west of Kearney, and destroyed the trains." Had they purchased the prisoners, they would not have been slow to make it known in this council.

The Committee say the chiefs went to Denver to confer with the authorities about keeping the peace. Black Kettle says: "All come to the conclusion to make peace with you, providing you will make peace with the Kiowas, Camanches, Arapahoes, Apaches and Sioux."

Again, the Committee say:

"All the testimony goes to show that the Indians under the immediate control of Black Kettle and White Antelope, of the Cheyennes, and Left Hand, of the Arapahoes, were, and had been, friendly to the whites, and had not been guilty of any acts of hostility or depredations."

Black Kettle says, in his letter: "We received a letter from Bent, wishing us to make peace." Why did Bent send a letter to friendly Indians, and want to make peace with Indians "who had always been friendly?" Again, they say, "we have held a council in regard to it." Why did they hold a council in regard to making peace, when they were already peaceable? Again, they say, "all come to the conclusion to make peace with you, providing you make peace with the Kiowas, Camanches, Arapahoes, Apaches and Sioux. We have seven prisoners of yours, which we are willing to give up, providing you give up yours. There are three war (not peace) parties out yet, and two of Arapahoes."

Every line of this letter shows that they were and had been at war. I desire to throw additional light upon this assertion of the Committee that these Indians "were and had been friendly to the whites, and had not been guilty of any acts of hostility or depredations;" for it is upon this point that the Committee accuse me of prevarication.

In the council held at Denver, White Antelope said: "We (the Cheyennes) took two prisoners, west of Kearney, and destroyed the trains." This was one of the most destructive and bloody raids of the war. Again, Neva (Left Hand's brother) said: "The Camanches, Kiowas and Sioux have done much more harm than we have."

The entire report of this council, which is hereunto attached, shows that the Indians had been at war, and had been "guilty of acts of hostility and depredations."

As showing more fully the status and disposition of these Indians, I call attention to the following extract from the report of Major Wynkoop, published in the report of the Commi-
sioner of Indian Affairs, for 1864, page 234, and a letter from Major Colley, their agent; same Report, page 290. Also statement of Robert North; same report, page 224.

FORT LYON, C. T., September 18th, 1864.

SIR:—

"Taking with me, under strict guard, the Indians I had in my possession, I reached my destination, and was confronted by from six to eight hundred Indian warriors, drawn up in line of battle, and prepared to fight.

"Putting on as bold a front as I could, under the circumstances, I formed my command in as good order as possible for the purpose of acting on the offensive or defensive, as might be necessary, and advanced towards them, at the same time sending forward one of the Indians I had with me, as an emissary, to state that I had come for the purpose of holding a consultation with the chiefs of the Arapahoes and Cheyennes, to come to an understanding which might result in mutual benefit; that I had not come desiring strife, but was prepared for it if necessary, and advised them to listen to what I had to say, previous to making any more warlike demonstrations.

"They consented to meet me in council, and I then proposed to them that if they desired peace, to give me palpable evidence of their sincerity by delivering into my hands their white prisoners. I told them that I was no authorized to exclude terms of peace with them, if they acceded to my proposition, I would take what chiefs they might choose to select, to the Governor of Colorado Territory, state the circumstances to him, and that I believed it would result in what it was their desire to accomplish—'peace with their white brothers.' I had reference, particularly, to the Arapahoe and Cheyenne tribes.

"The council was divided—undecided—and could not come to an understanding among themselves. I told them that I would march to a certain locality, distant twelve miles, and await a given time for their action in the matter. I took a strong position in the locality named, and remained three days. In the interval, they brought in and turned over four white prisoners, all that was possible for them at the time being to turn over, the balance of the seven being (as they stated) with another band far to the northward.

"I have the principal chiefs of the two tribes with me, and propose starting immediately to Denver, to put into effect the aforementioned proposition made by me to them.

"They agree to deliver up the balance of the prisoners as soon as it is possible to procure them, which can be done better from Denver City than from this point. I have the honor, Governor, to be

"Your Obedient Servant,

"E. W. WYCKOFF,

"Major First Can. Col., Comd'y Fort Lyon, C. T.

"His Excellency JOHN EVANS, Governor of Colorado, Denver, C. T."

FORT LYON, COLORADO TERRITORY, July 28th, 1864.

SIR:—

"When I last wrote you I was in hopes that our Indian troubles were at an end. Col. Chivington has just arrived from Larned, and gives a sad account of affairs at that Post. They have killed some ten men from a train, and run off all the stock from the Post.

"As near as they can learn, all the tribes were engaged in it. The Colonel will give you the particulars. There is no dependence to be put in any of them. I have done everything in my power to keep the peace; I now think a little powder and lead is the best food for them.

"Respectfully, Your Ob't Serv't,

"S. G. Colley,

"United States Indian Agent.

Hon. JOHN EVANS, Governor and Superintendent Indian Affairs.
The following statement by Robert North, was made to me:

November 18th, 1893,

"Having recovered an Arapahoe prisoner (a squaw) from the Utes, I obtained the confidence of the Indians completely. I have lived with them from a boy, and my wife is an Arapahoe.

In honor of my exploit in recovering the prisoner, the Indians recently gave me a "Big Medicine Dance," about fifty miles below Fort Lyon, on the Arkansas River, at which the leading chiefs and warriors of several of the tribes of the plains met.

"The Comanches, Apaches, Kiowas, the northern band of Arapahoes, and all of the Cheyennes; with the Siouxs, have pledged one another to go to war with the whites as soon as they can procure ammunition in the spring. I heard them discuss the matter often, and the few of them who opposed it were forced to be quiet, and were really in danger of their lives. I saw the principal chiefs pledge to each other that they would be friendly and give them all the whites, until they were armed with ammunition and guns, so as to be ready when they strike. I also saw that the plan is to get guns, and then go out to the whites at the head of their settlements early in the spring. They wanted me to join them in the war, saying that they would take a great many white women and children prisoners, and get a heap of property, blankets &c.; but while I am connected with them by marriage, and live with them, I am yet a white man, and wish to avoid bloodshed. There are many Mexicans with the Comanches and Apache Indians, all of whom urge on the war, promising to help the Indians themselves, and that a great many more Mexicans would come up from New Mexico for the purpose in the spring."

In addition to the statement showing that all the Cheyennes were in the alliance, I desire to add the following frank admission from the Indians in the council:

Gov. Evans explained that smoking the war pipe was a figurative term, but their conduct had been such as to show they had an understanding with other tribes.

"Several Indians—We acknowledge that our actions have given you reason to believe this."

In addition to all this, I refer to the appended statement of Mrs. Ewbanks. She is one of the prisoners that Black Kettle, in the council, said they had. Instead of purchasing her, it will be observed that they first captured her on the Little Blue, and then sold her to the Siouxs.

Mrs. Martin, another rescued prisoner, was captured by the Cheyennes on Plum Creek, west of Kearney, with a boy nine years old. These were the prisoners of which White Antelope said, in the council, "We took two prisoners west of Kearney, and destroyed the trains." In her published statement, she says, the party who captured her and the boy, killed eleven men and destroyed the trains, and were mostly Cheyennes.

Thus I have proved by the Indian chiefs named in the Report, by Agent Colley and Major Wynkoop, to whom they refer to sustain their assertion to the contrary, that these Indians had been at war, and had committed acts of hostility and depredations.

This documentary evidence could be extended much farther, but enough has been produced to show the utter recklessness of
their statements, and because I would not admit, in the face of these published facts, that these Indians "were, and always had been friendly, and had not been guilty of any acts of hostility or depredations," the Committee accuse me of "prevarication." They say that I prevaricated "for the evident purpose of avoiding the admission that he was fully aware that the Indians massacred so brutally at Sand Creek, were then, and had been, actuated by the most friendly feelings towards the whites."

I had left the Indians in the hands of the military authorities as I shall presently show—there were many conflicting rumors as to the disposition made of them. I was absent from the Territory, and could state nothing positive in regard to their status after the council.

In regard to their status prior to the council at Denver, the foregoing public documents which I have cited, show how utterly devoid of truth or foundation is the assertion that these Indians "had been friendly to the whites, and had not been guilty of any acts of hostility or depredations." Ignorance of the facts contained in the Report of the Commissioner of Indian Affairs, for 1864, is inexusable on the part of the Committee, for I particularly referred them to it.

I am obliged to the Committee, however, for stating wherein I prevaricated, for I am thus enabled to repel their gross attack on my character as a witness, by showing that they were mistaken and I was correct in my testimony.

The next paragraph of the report is as follows:

"A northern band of the Cheyennes, known as the 'Dog Soldiers,' had been guilty of acts of hostility; but all the testimony goes to prove that they had no connection with Black Kettle's band, and acted in spite of his authority and influence. Black Kettle and his band denied all connection with, or responsibility for, the Dog Soldiers, and Left Hand and his band were equally friendly."

The Committee and the public will be surprised to learn the fact that these Dog Soldiers, on which the Committee throw the slight blame of acts of hostility, were really among Black Kettle's and White Antelope's own warriors, in the "friendly" camp to which Major Wynkoop made his expedition, and their head man, Bull Bear, was one of the prominent men of the deputation brought in to see me at Denver. By reference to the accompanying report of the council with the chiefs, to which I referred the Committee, it will be observed that Black Kettle and all present, based their propositions to make peace upon the assent of their bands, and that those Dog Soldiers were especially referred to.

The Report continues:

"These Indians, at the suggestion of Governor Evans and Col. Chivington, repaired to Fort Lyon and placed themselves under the protection of Major Wynkoop."
The connection of my name in this is again wrong. As will be seen by the accompanying report of the council, to which I referred in my testimony, I simply left them in the hands of the military authorities, where I found them, and my action was approved by the Indian Bureau.

The following extracts from the accompanying report of the council will prove this, conclusively. I stated to the Indians:

"Another reason that I am not in a condition to make a treaty, is, that the war is begun, and the power to make a treaty of peace has passed from me to the great War Chief."

I also said: "Again, whatever peace they make must be with the soldiers, and not with me."

And again, in reply to White Antelope's enquiry, "How can we be protected from the soldiers on the plains?" I said: "You must make that arrangement with the military chief."

The morning after this council I addressed the following letter to the agent of these Indians, which is published in the Report of the Commissioner of Indian Affairs for 1864, page 220:

COLORADO SUPERINTENDENCY INDIAN AFFAIRS,

DENVER, September 29th, 1864.

Sir:—

The chiefs brought in by Major Wynkoop have been heard. I have declined to make any peace with them, lest it might embarrass the military operations against the hostile Indians of the plains. The Arapahoe and Cheyenne Indians being now in a state of war with the United States government, must make peace with the military authorities. Of course this arrangement relieves the Indian Bureau of their care until peace is declared with them; and as these tribes are yet scattered, and all except Friday's band are at war, it is not probable that it will be done immediately. You will be particular to impress upon these chiefs the fact that my talk with them was for the purpose of ascertaining their views, and not to offer them anything whatever. They must deal with the military authorities until peace, in which case, alone, they will be in proper position to treat with the government in relation to the future.

I have the honor to be,

Very Respectfully, Your Obedient Servant,

JOHN EVANS,

Governor C. T., and ex officio Sup't. Indian Affairs,

Major S. G. COLLEY, U. S. Indian Agent, Upper Arkansas.

That this course accorded with the policy of the military authorities, was confirmed by a telegram from the Department Commander, sent from Headquarters at Leavenworth, to the District Commander, on the day of the council, in which he said: "I fear Agent of Interior Department will be ready to make presents too soon. It is better to chastise, before giving anything but a little tobacco to talk over. No peace must be made without my directions."

It will thus be seen that I had, with the approval of the Indian Bureau, turned the adjustment of difficulties with hostile Indians entirely over to the military authorities: that I had instructed Agent Colley, at Fort Lyon, that this would relieve
the Bureau of further care of the Arapahoes and Cheyannees, until peace was made, and having had no notice of such peace, or instructions to change the arrangement, the status of these Indians was in no respect within my jurisdiction or under my official inspection.

In the face of all these facts—matters of public record—the Committee attempt to make me responsible for the care of these Indians at the time of the battle.

It may be proper for me to say, further, that it will appear in evidence that I had no intimation of the direction in which the campaign against the hostile Indians was to move, or against what bands it was to be made, when I left the Territory last fall, and that I was absent from Colorado when the Sand Creek battle occurred.

The report continues:

"It is true that there seems to have been excited among the people inhabiting that region of country, a hostile feeling towards the Indians. Some had committed acts of hostility towards the whites, but no effort seems to have been made, by the authorities there, to prevent these hostilities, other than by the commission of even worse acts."

"The people inhabiting that region of country!" A form of expression of frequent occurrence in the reports of exploring expeditions, when speaking of savages and unknown tribes, but scarcely a respectful mode of mention of the people of Colorado.

"Some had committed acts of hostility towards the whites!" Hear the facts: in the fall of 1864, a general alliance of the Indians of the plains was affected with the Sioux, and in the language of Bull Bear, in the report of the council, appended, "Their plan is to clean out all this country."

The war opened early in the spring of 1864. The people of the East, absorbed in the greater interest of the Rebellion, know but little of its history. Stock was stolen, ranches destroyed, houses burned, freight trains plundered and their contents carried away or scattered upon the plains; settlers in the frontier counties murdered, or forced to seek safety for themselves and families in block-houses and interior towns; emigrants to our Territory were surprised in their camps, children were slain, and wives taken prisoners; our trade and travel with the States was cut off; the necessaries of life were at starvation prices; the interests of the Territory were being damaged to the extent of millions; every species of atrocity and barbarity which characterizes savage warfare was committed. This is no fancy sketch, but a plain statement of facts of which the Committee seem to have had no proper realization. All this history of war and blood—all this history of
rapine and ruin—all this story of outrage and suffering on the part of our people—is summed up by the Committee, and given to the public, in the one mild sentence, "Some had committed acts of hostility against the whites."

The Committee not only ignore the general and terrible character of our Indian war, and the great sufferings of our people, but make the grave charge that "no effort seems to have been made by the authorities there to prevent all these hostilities."

Had the Committee taken the trouble, as they certainly should have done before making so grave a charge, to have read the public documents of the Government, examined the records of the Indian Bureau, of the War Department and of this Superintendency, instead of adopting the language of some hostile and irresponsible witness, as they appear to have done, they would have found that the most earnest and persistent efforts had been made, on my part, to prevent hostilities. The records show that early in the spring of 1863, U. S. Indian Agent Loree, of the Upper Platte Agency, reported to me in person that the Sioux under his agency and the Arapahoes and Cheyennes, were negotiating an alliance for war on the whites. I immediately wrote an urgent appeal for authority to avert the danger, and sent Agent Loree as special messenger with the dispatch to Washington. In response, authority was given, and an earnest effort was made to collect the Indians in council. The following admission, in the appended report of the council, explains the result:

"Gov. Evans—* * * Hearing, last fall, that they were dissatisfied, the Great Father at Washington sent me out on the plains to talk with you and make it all right. I sent messengers out to tell you that I had presents, and would make you a feast, but you sent word to me that you did not want to have anything to do with me, and to the Great Father at Washington that you could get along without him. Bull Bear wanted to come in to see me, at the head of the Republican, but his people held a council and would not let him come."

"Black Kettle—That is true.
"Gov. Evans—I was under the necessity, after all my trouble, and all the expense I was at, of returning home without seeing them. Instead of this, your people went away and smoked the war pipe with our enemies."

Notwithstanding these unsuccessful efforts, I still hoped to preserve peace.

The records of these offices also show that in the autumn of 1863, I was reliably advised from various sources, that nearly all the Indians of the plains had formed an alliance for the purpose of going to war in the spring, and I immediately commenced my efforts to avert the imminent danger. From that time forward, by letter, by telegram, and personal representation to the Commissioner of Indian Affairs, the Secretary of War, the commanders of the Department and District; by
traveling for weeks in the wilderness of the plains; by distribution of annuities and presents; by sending notice to the Indians to leave the hostile alliance, by every means within my power, I endeavored to preserve peace and protect the interests of the people of the Territory. And in the face of all this, which the records abounding show, the Committee say: "No effort seems to have been made by the authorities there to prevent these hostilities, other than by the commission of even worse acts."

They do not point out any of these acts, unless the continuation of the paragraph is intended to do so. It proceeds:

"The hatred of the whites to the Indians would seem to have been inflamed and excited to the utmost. The bodies of persons killed at a distance—whether by Indians or not is not certain—were brought to the capital of the Territory and exposed to the public gaze, for the purpose of inflaming still more the already excited feeling of the people."

There is no mention in this of anything that was done by authority, but it is so full of misrepresentation, in apology for Indians, and unjust reflection on a people who have a right, from their birth, education, and ties of sympathy with the people they so recently lost behind them, to have at least a just consideration. The bodies referred to were those of the Hungate family, who were brutally murdered by the Indians, within twenty-five miles of Denver. No one here ever doubted that the Indians did it, and it was admitted by the Indians in the council. This was early in the summer, and before the notice, sent in June, to the friendly Indians. Their mangled bodies were brought to Denver for decent burial. Many of our people went to see them, as any people would have done. It did produce excitement and consternation, and where are the people who could have witnessed it without emotion? Would the Committee have the people shut their eyes to such scenes at their very doors?

The next sentence, equally unjust and unfair, refers to my proclamation, issued two months after this occurrence, and four months before the "attack" they were investigating, and having no connection with it or with the troops engaged in it. It is as follows:

"The culpity was appealed to, for the Governor, in a proclamation, calls upon all, either individually, or in such parties as they may organize, to kill and destroy, as enemies of the country, wherever they may be found, all such hostile Indians; authorizing them to hold, to their own use and benefit, all the property of said hostile Indians they may capture. What Indians he would ever term friendly, it is impossible to tell."

I offer the following statement of the circumstances under which this proclamation was issued, by the Hon. D. A. Chever.
It is as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.

August 21st, 1865.

I, David A. Chever, clerk in the office of the Governor of the Territory of Colorado, do solemnly swear, that the people of said Territory, from the Purgatory to the San Luis Ponds rivers—a distance of over two hundred miles—and for a like distance along the Platte River, being the whole of our settlements on the Platte, were thrown into the greatest alarm and consternation, by numerous and almost simultaneous attacks and depredations by hostile Indians, early last Summer; that they left their unreeved crops, and collecting into communities, built block houses and enclosures, for protection, at central points throughout the long line of settlements; that those living in the vicinity of Denver City fled to it, and that the people of said city were in great fear of sharing the fate of New Ulm, Minnesota; that the threatened loss of crops, and the interruption of communications with the States, by the combined hostility, threatened the very existence of the whole people; that this feeling of danger was universal; that a flood of petitions and depositions poured into this office, from the people of all parts of the Territory, praying for protection and for arms and authority to protect themselves; that the defects of the militia law and the want of means to provide for defence, was proved by the failure of this Department, of all the efforts endeavors, to secure an effective organization under it; that reliable reports of the presence of a large body of hostile warriors at no great distance east of this place, were received, which reports were afterwards proved to be true, by the statement of Eldridge G. C., page 211, Report of Commissioner of Indian Affairs for 1864; that repeated and urgent applications to the War Department, for protection and the authority to raise troops for the purpose, had failed; that urgent applications to the Department and District commanders had failed to bring any prospect of relief, and that in the midst of this terrible consternation, and apparently defenseless condition, it had been announced to this office, from District Headquarters, that all the Colorado troops in the service of the United States had been peremptorily ordered away, and nearly all of them had marched to the Arkansas River, to be in position to repel the threatened invasion of the rebels into Kansas and Missouri; that reliable reports of depredations and murders by the Indians, from parts of all our extended lines of exposed settlements, became daily more numerous, until the simultaneous attacks on trains along the Overland Stage Line was reported by telegraph, on the 5th of August, described in the letter of George W. Woods, Superintendent of Overland Stage Line, published on page 211, of Report of Commissioner of Indian Affairs for 1864. Under these circumstances, on the 11th of August, the Governor issued his proclamation to the people, calling upon them to defend their homes and families from the savages; that it prevented anarchy; that several militia companies immediately organized under it, and added in inspiring confidence; that under its authority, no act of improper property has been reported, and I do not believe that any occurred; that it had no reference to, or connection with, the Third Regiment, one hundred days men, that was subsequently raised by authority of the War Department, under a different proclamation, calling for volunteers, or with any of the troops engaged in the "Sand Creek Affair," and that the reference to it in such connection, in the report of the Committee on the Conduct of the War, is a perversion of the history and facts in the case.

DAVID A. CHEVER.

TERRITORY OF COLORADO.

ARAPAHOE COUNTY.

CITY OF DENVER.

Subscribed and sworn to before me, this 21st day of August, A. D. 1865.

ELI M. ASHLEY, Notary Public.

I had appealed by telegraph, June 14th, to the War Department, for authority to call the militia into the United States service or to raise one hundred days troops—also had written to our Delegate in Congress to see why I got no response, and had received his reply to the effect that he could learn nothing
about it; had received a notice, from the Department Commander, declining to take the responsibility of asking the militia for United States service—throwing the people entirely on the necessity of taking care of themselves.

It was under these circumstances of trial, suffering and danger on the part of the people, and of fruitless appeal upon my part to the general government for aid, that I issued my proclamation of the 11th August, 1864, of which the Committee complain.

Without means to mount or pay militia—and failing to get government authority to raise forces—and under the withdrawal of the few troops in the Territory—could any other course be pursued?

The people were asked to fight on their own account—at their own expense—and in lieu of the protection the government failed to render. They were authorized to kill only the Indians that were murdering and robbing them in hostility, and to keep the property captured from them. How the Committee would have them fight these savages, and what other disposition they would make of the property captured, the public will be curious to know. Would they fight without killing? Would they have the captured property turned over to the government, as if captured by United States troops? Would they forbid such captures? Would they restore it to the hostile tribes?

The absurdity of the Committee's saying that this was an "appeal to the courage," is too palpable to require much comment. Would men leave high wages, mount and equip themselves at enormous expense—as some patriotically did—for the poor chance of capturing property, as a mere speculation, from the prowling bands of Indians that infested the settlements and were murdering their families? The thing is preposterous.

For this proclamation I have no apology. It had its origin and has its justification in the imperative necessities of the case. A merciless foe surrounded us. Without means to mount or pay militia,—unable to secure government authority to raise forces, and our own troops ordered away, again I ask, could any other course be pursued?

Captain Tyler's and other companies organized under it, at enormous expense, left their lucrative business, high wages and profitable employment, and served without other pay than the consciousness of having done noble and patriotic service; and no act of impropriety has ever been laid to the charge of any party acting under this proclamation. They had all been disbanded months before the "attack" was made that the committee were investigating.

The Third Regiment was organized under authority from
the War Department subsequently received by telegraph, and under a subsequent proclamation issued on the 13th of August, and were regularly mustered into the service of the United States about three months before the battle the Committee were investigating occurred.

Before leaving this subject, I desire to call attention to the following significant fact: the part of my proclamation from which the Committee quote reads as follows:

"Now, therefore, I, John Evans, Governor of Colorado Territory, do issue this, my proclamation, authorizing all citizens of Colorado, either individually or in such parties as they may organize, to go in pursuit of all hostile Indians on the Plains, scrupulously avoiding those who have responded to my call to rendezvous at the points indicated. Also to kill and destroy, as enemies of the country, wherever they may be found, all such hostile Indians."

The language which I have italicised, in the foregoing quotation, shows that I forbade, in this proclamation, the disturbance of the friendly Indians and only authorized killing the hostile.

The Committee, in their censorious mention of the proclamation, omit this sentence which I have italicised, although they quote the language immediately in connection with it, and add the exclamation, "what Indians he would ever term friendly it is impossible to tell." Had they not suppressed this sentence their exclamation would have been awkward. Had they not suppressed it, its appearance in its proper connection would have answered one of their most serious charges against me.

Why is this? Does it not look like a persistent determination on their part to place me before the public in an improper and unjust position? If such a thing is possible, from so high a source, where is there any safety for the character of public men?

Before closing this reply, it is perhaps just that I should say that when I testified before the Committee, the chairman and all its members except three were absent; and I think when the truth becomes known, this report will trace its parentage to a single member of the Committee.

I have thus noticed such portions of the report as refer to myself, and shown conclusively that the Committee in every mention they have made of me, have been, to say the least, mistaken.

First—The Committee, for the evident purpose of maintaining their position that these Indians had not been engaged in the war, say the prisoners they held were purchased. The testimony is to the effect that they captured them.

Second—The Committee say that these Indians were and always had been friendly and had committed no acts of hostil-
ity or depredations. The public documents to which I refer, show conclusively that they had been hostile, and had committed many acts of hostility and depredations.

Third—They say that I joined in sending these Indians to Fort Lyon. The published report of the Commissioner of Indian Affairs, and of the Indian council, show that I left them entirely in the hands of the military authorities.

Fourth—They say nothing seems to have been done by the authorities to prevent hostilities. The public documents and files of the Indian Bureau and of my Superintendency show constant and unremitting diligence and effort on my part to prevent hostilities and protect the people.

Fifth—They say that I prevailed for the purpose of avoiding the admission that these Indians “were and had been actuated by the most friendly feelings towards the whites.” Public documents cited show conclusively that the admission they desired me to make was false, and that my statement, instead of being a prevarication, was true, although not in accordance with the preconceived and mistaken opinions of the Committee.

Those who read this will be curious for some explanation of this slanderous report. To me it is plain. I am Governor of Colorado, and as is usual with men in public position, have enemies. Many of these gentlemen were in the City of Washington, last winter, endeavoring to effect my removal, and were not particular as to the character of the means they employed, so that the desired result was accomplished. For this purpose, they conspired to connect my name with the Sand Creek battle, although they knew that I was in no way connected with it. A friend in that city, writing to me in regard to this attempt, and mentioning the names of certain of these gentlemen, said: “They are much in communication with —— a member of the committee charged with the investigation of the Chivington Affair.” These gentlemen, by their false and unscrupulous representations, have misled the Committee.

I do not charge the Committee with any intentional wrong. My charge against the Committee is that they have been culpably negligent and culpably hasty. Culpably negligent in not examining the public documents to which I called their attention, and which would have exonerated me, and saved them from many serious, unjust and mistaken representations. Culpably hasty, in concluding that I had prevaricated, because my statement did not agree with the falsehoods they had embraced.

If my statement did not agree with what they supposed to be the truth, my position was such as to demand that they should at least go to the trouble of investigating the public documents to which I called their attention, before publishing a report containing charges of so grave a character.
That the Committee on the Conduct of the War should have published a report containing so many errors, is to be regretted. It is composed of honorable gentlemen—members of the Congress of the United States—to whom have been entrusted duties of the gravest character, and from whom is expected, first, thorough investigation, and then careful statement, so that their reports may be relied upon as truth, so far as truth is ascertainable by human means.

This report, so full of mistakes which ordinary investigation would have avoided; so full of slander, which ordinary care of the character of men would have prevented, is to be regretted, for the reason that it throws doubt upon the reliability of all reports which have emanated from the same source, during the last four years of war.

I am confident that the public will see, from the facts herein set forth, the great injustice done me; and I am further confident that the Committee, when they know these and other facts I shall lay before them, will also see this injustice, and, as far possible, repair it.

Very Respectfully Your Obedient Servant,

John Evans,
Governor of the Territory of Colorado, and ex officio Supt. Ind. Affairs.
REPORT
OF COUNCIL WITH CHEYENNE AND ARAPAHO CHIEFS AND WARRIORS, BROUGHT TO DENVER BY MAJOR WYKOOPO, TAKEN DOWN BY U. S. INDIAN AGENT SIMON WHITELEY AS IT PROGRESSSED.

CAMP WELD, DENVER, Wednesday, Sept. 25, 1864.


Black Kettle, leading Cheyenne Chief.
White Antelope, Chief central Cheyenne band,
Bull Bear, leader of Dog Soldiers (Cheyenne.)
Neva, sub-Arapahoe Chief, (who was in Washington.)
Rosie, 32.
Heap of Buffalo, Arapahoe Chief.

The Arapahoes are all of Left Hand, Chief of the Arapahoes, and are sent by him in his stead.

John Smith, Interpreter to the Upper Arkansas Agency, and many other citizens and officers.

His Excellency Gov. Evans asked the Indians what they had to say.

Black Kettle then said: On sight of your circular of June 30th, 1864, I have held over the matter, and have now come to talk to you about it. I told Mr. Bent, who brought it to me, that I accepted it, but it would take some time to get all my people together—many of my young men being absent—and I have done everything in my power, since then, to keep peace with the whites. As soon as I could get my people together, we held a council, and got a half-breed who was with them, to write a letter to inform Major Wykooop, or other military officer nearest to them, of their intention to comply with the terms of the circular. Major Wykooop was kind enough to receive the letter, and visited them in camp, to whom they delivered four white prisoners—one other (Mrs. Snyder,) having filled herself; that there are two women and one child yet in their camp, whom they will deliver up as soon as they can get them in:

Laura Roper, 30 or 17 years; Annabella Asher, 7 or 8 years; Daniel Marble, 7 or 8 years; Isabella Ubanks, 4 or 5 years. The prisoners still with them [are] Mrs. Ubanks and baby, and a Mrs. Morton, who was taken on the Platte. Mrs. Snyder is the name of the woman who hung herself. The boys were taken between Fort Kearney and the Blue.

I followed Maj. Wykooop to Fort Lyon, and Major Wykooop proposed that we come up to see you. We have come with a small band, following his handful of men, like coming through the fire. All we ask is that we may have peace with the whites. We want to hold you by the hand. You are our father. We have been traveling through a cloud ever since the war began. These brave who are with us are all willing to do what I say. We want to take good tidings home to our people, that they may sleep in peace. I want you to give all these chiefs of the soldiers here to understand that we are for peace, and that we have made peace, that we may not be mistaken by them for enemies. I have not come here with a little wolf bark, but have come to talk plain with you. We must live near the buffalo, or starve. When we came here we came free, without any apprehension, to see you, and when I go home and tell my people that I have taken your hand, and the hands of all the chiefs here in Denver, they will feel well, and so will all the different tribes of Indians on the plains, after we have eaten and drank with them.
Gov. Evans replied: I am sorry you did not respond to my appeal at once. You have gone into an alliance with the Sioux, who were at war with us. You have done a great deal of damage—have stolen stock, and now have possession of it. However much a few individuals may have tried to keep the peace, as a nation you have gone to war. While we have been spending thousands of dollars in opening farms for you, and making preparations to feed, protect, and make you comfortable, you have joined our enemies and gone to war. Hearing, last fall, that they were dissatisfied, the Great Father at Washington sent me on the plains to talk with you and make it all right. I sent messengers out to tell you that I had presents, and would make you a feast, but you sent word to me that you did not want to have anything to do with me, and to the Great Father at Washington that you could get along without him. Bull Bear wanted to come in to see me, at the head of the Republican, but his people held a council and would not let him come.

Black Kettle—That is true.

Gov. Evans—Yes, I was under the necessity, after all my trouble, and all the expense I was at, of returning home without seeing them. Instead of this, your people went away and smoked the war pipe with our enemies.

Black Kettle—I don’t know who could have told you this.

Gov. Evans—No matter who said this, but your conduct has proved to me that I was mistaken.

Several Indians—This is a mistake. We have made no alliance with the Sioux or any other one.

Gov. Evans explained that smoking the war pipe was a figurative term, but their conduct had been such as to show they had an understanding with other tribes.

Several Indians—We acknowledge that our actions have given you reason to believe this.

Gov. Evans—So far as making a treaty now, is concerned, we are in no condition to do it. Your young men are on the war path. My soldiers are preparing for the fight. You, so far, have had the advantage; but the time is near at hand when the plains will swarm with United States soldiers. I understand that these men have been opposed to the war all the time, but that their people have controlled them and they could not help themselves. Is this so?

All the Indians—It has been so.

Gov. Evans—The fact that they have not been able to prevent their people from going to war in the pest spring, when there was plenty of grass and game, makes me believe that they will not be able to make a peace which will last longer than until winter is past.

White Antelope—I will answer that after a time.

Gov. Evans—The time when you can make war best is in the summer time; when I can make war best is in the winter. You, so far, have had the advantage; my time is just coming. I have learned that you understand that as the whites are at war among themselves, you think you can now drive the whites from this country. But this reliance is false. The Great Father at Washington has sent men enough to drive all the Indians off the plains, and whip the rebels at the same time. Now the war with the whites is nearly through, and the Great Father will not know what to do with all his soldiers, except to send them after the Indians on the plains. My proposition to the friendly Indians has gone out; I shall be glad to have them all come in, under it. I have no new propositions to make. Another reason that I am not in a condition to make a treaty is, that war is begun, and the power to make a treaty of peace has passed from me to the great War Chief. My advice to you is, to turn on the side of the government, and show, by your acts, that friendly disposition you profess to me. It is utterly out of the question for you to be at peace with us, while living with our enemies, and being on friendly terms with them.

Inquiry made by one Indian—What was meant by being on the side of the government?

Gov. Evans—The only way you can show this friendship is by making some arrangement with the soldiers to help them.

Black Kettle—We will return with Major Wynkoop to Fort Lyon; we will then proceed to our village, and take back word to my young men, every word you say. I cannot answer for all of them, but think there will be but little difficulty in getting them to assent to help the soldiers.
Major Wynkoop—Did not the Dog Soldiers agree, when I had my council with you, to do whatever you said, after you had been here?

Black Kettle—Yes.

Gov. Evans explained that if the Indians did not keep with the U. S. soldiers, or have an arrangement with them, they would be all treated enemies. You understand, if you are at peace with us it is necessary to keep away from our enemies. But I hand you over to the military, one of the chiefs of which is here to-day, and can speak for himself, to them, if he chooses.

White Antelope—I understand every word you have said, and will hold on to it. I will give you an answer directly. The Cheyennes, all of them, have their eyes open this way, and they will hear what you say. He is proud to have seen the chief of all the whites in this country. He will tell his people, and his people will go to Washington and get medals, and now the soldiers do not shake hands, but seek to kill me. What do you mean by us fighting your enemies? Who are they?

Gov. Evans—All Indians who are fighting us.

White Antelope—How can we be protected from the soldiers on the plains?

Gov. Evans—You must make that arrangement with the Military Chieftains.

White Antelope—I fear that these new soldiers who have gone out, may kill some of my people while I am here.

Gov. Evans—There is great danger of it.

White Antelope—When we sent our letter to Major Wynkoop, it was like going through a strong fire blast, for Major Wynkoop's men came to our camp; it was the same for us to come to see you. We have our doubts whether the Indians south of the Arkansas, or those north of the Platte, will do as you say. A large number of Sioux have crossed the Platte, in the vicinity of the Junction, into their country. When Major Wynkoop came, we proposed to make peace. He said he had no power to make peace, except to bring them here and return them safe.

Gov. Evans—Again, whatever peace they make, must be with the soldiers, and not with me.

Gov. Evans—Are the Apaches at war with the whites?

White Antelope—Yes, and the Camanches and Kiowas as well; also a tribe of Indians from Texas, whose names we do not know. There are thirteen different bands of Sioux who have crossed the Platte and are in alliance with the others named.

Gov. Evans—How many warriors with the Apaches, Kiowas and Camanches?

White Antelope—A good many. Don't know.

Gov. Evans—How many of the Sioux?

White Antelope—Don't know, but many more than of the southern tribes.

Gov. Evans—Who committed the depredation on the trains near the Junction, about the last of August?

White Antelope—Do not know—did not know any was committed. Have taken you by the hand, and will tell the truth, keeping back nothing.

Gov. Evans—Who committed the murder of the Hunsaker family, on Running Creek?

News—The Arapahoes; a party of the northern band who were passing north. It was Medicine Man, or Roman Nose, and three others. I am satisfied from the time he left a certain camp for the north, that it was this party of four persons.

Agent Whiteley—That cannot be true.

Gov. Evans—Where is Roman Nose?

News—You ought to know better than me. You have been nearer to him.

Gov. Evans—Who killed the man and boy at the head of Cherry Creek?

News—After consultation—Kiowas and Camanches.

Gov. Evans—Who stole soldier's horses and mules from Jimmy's Camp, twenty-seven days ago?

News—Fourteen Chyenne and Arapahoes, together.

Gov. Evans—What were their names?

News—Powder Face and Whirlwind, who are now in our camp, were the leaders.

Col. Shu[p]—I counted twenty Indians, on that occasion.

Gov. Evans—Who stole Charley Autobee's horses?

News—Raven's son.

Gov. Evans—Who took the stock from Fremont's Orchard, and had the first fight with the soldiers this spring, north of there?
White Antelope—Before answering this question I would like for you to know that this was the beginning of war, and I should like to know what it was for, a soldier fired first.

Gov. Evans—The Indians had stolen about forty horses, the soldiers went to recover them, and the Indians fired a volley into their ranks.

White Antelope—This is all a mistake. They were coming down the Platte, and found one horse and one man. They returned one horse before they got to Garry's, to a man, then went to Garry's, expecting to turn the other one over to some one. They then heard that the soldiers and Indians were fighting, somewhere down the Platte; then they took fright and all fled.

Gov. Evans—Who were the Indians who had the fight?

White Antelope—They were headed by the Fool Badger's son, a young man, one of the greatest of the Cheyenne warriors, who was wounded, and though still alive he will never recover.

Nee—It is good for me to say something. It makes me feel bad to be talking about these things and opening old sores.

Gov. Evans—Let him speak.

Nee—Mr. Smith has known me ever since I was a child. Has he ever known me commit depredations on the whites? I went to Washington last year—received good council. I hold on to it. I determined to keep peace with the whites. Now, when I shake hands with them, they seem to pull away. I came here to seek peace and nothing else.

Gov. Evans—We know that they have, by their stealing and murdering, done us a great damage. They come here and say they will tell me all, and that is what I am trying to get.

Nee—The Comanches, Kiowas and Sioux have done much more injury than we have. We will tell what we know, but cannot speak for others.

Gov. Evans—I suppose you acknowledge the depredations on the Little Blue, as you have the prisoners then taken, in your possession.

White Antelope—We (the Cheyennes) took two prisoners, west of Fort Kearney, and destroyed the trains.

Gov. Evans—Who committed depredations at Cottonwood?

White Antelope—The Sioux. What band, we do not know.

Gov. Evans—What are the Sioux going to do next?

Bull Bear—Their plan is to clean out all this country. They are angry, and will do all the damage to the whites they can. I am with you and the troops to fight all those who have no ears to listen to what you say. Who are they? Show them to me. I am not yet old—I am young. I have never hurt a white man. I am pushing for something good. I am always going to be friends with the whites—they can do me good.

Gov. Evans—Where are the Sioux?

Bull Bear—Down on the Republican, where it opens out.

Gov. Evans—Do you know that they intend to attack the trains this week?

Bull Bear—Yes. About one-half of all the Missouri River Sioux and Yankton, who were driven from Minnesota, are those who have crossed the Platte. I am young and can fight. I have given my word to fight with the whites. My brother (Lemon Bear) died in trying to keep peace with the whites. I am willing to die in the same way, and expect to do so.

Nee—I know the value of the presents which we receive from Washington. We cannot live without them. That is why I try so hard to keep the peace with the whites.

Gov. Evans—I cannot say anything about these things, now.

Nee—I can speak for all the Arapahoes under Left Hand. Raven has sent no one here to speak for him. Raven has fought the whites.

Gov. Evans—Are there any white men among your people?

Nee—There are none except Keith, who is now in the army at Fort Larned. Col. Chivington—I am not a big war chief, but all the soldiers in this country are at my command. My rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority. They are nearer Major Wynkoop than any one else, and they can go to him when they get ready to do that.

The Council then adjourned.

I certify that this report is correct and complete; that I took down the talk of the Indians in the exact words of the Interpreter, and of the other parties as given to him, without change or phraseology, or correction of any kind whatever.

Simon Whitney.
APPENDIX

Statement of Mrs. Ewbank, giving an account of her captivity among the Indians. She was taken by the Cheyennes, and was one of the prisoners proposed to be given up by Black Kettle, White Antelope and others, at the Council at Denver.

Mrs. Lucinda Ewbank states that she was born in Pennsylvania; is 24 years of age; she resided on the Little Blue, at or near the Narrows. She says that on the 8th day of August, 1864, the house was attacked, robbed, burned, and herself and two children, and her nephew and Miss Roper, were captured by the Cheyenne Indians. Her eldest child, at the time, was three years old; her youngest was one year old; her nephew was six years old. When taken from her home, was, by the Indians, taken south across the Republican, and west to a creek the name of which she does not remember. Here, for a short time, was their village or camping place. They were traveling all winter. When first taken by the Cheyennes, she was taken to the lodge of an old chief whose name she does not recollect. He forced me, by the most terrible threats and menaces, to yield my person to him. He treated me as his wife. He then traded me to Two Face, a Sioux, who did not treat me as a wife, but forced me to do all menial labor done by squaws, and I was treated mercilessly, and the Indians generally treated me as though I was a dog, on account of my showing so much destitution towards Black Foot. Two Face traded me to Black Foot (Sioux) who treated me as his wife, and because I resisted him his squaws abused and ill-used me. Black Foot also beat me mercilessly, and the Indians generally treated me as though I was a dog, on account of my showing so much destitution towards Black Foot. Two Face traded me to Black Foot, and that is the Sioux, that is, the Sioux gave me more treatment. When with the Cheyennes, I was often hungry. Her purchase from to eat. When with the Cheyennes, I was often hungry. Her purchase from to eat. Two Face would not let them have me. During the winter we were living on the North Platte, the Indians were killing the whites all the time and running off their stock. They would bring in the scalps of the whites and show them to me and laugh about it. They ordered me frequently to wear my baby, but I always refused; for I felt convinced if he was weaned they would take him from me and I should never see him again. They took my daughter from me just after who had her—his name is Davenport. He lives in Denver. He received her from a Dr. Smith. She was given up by the Cheyennes to Major Wynkoop, but from injuries received with the Indians she died last February. My nephew also was given up to Major Wynkoop, but he, too, died at Denver. The Doctor said it was caused by bad treatment from the Indians. Whilst encamped on the North Platte, Eslyn came to the village, and I went with him and Two Face to Fort Laramie.

I have heard it stated that a story had been told by me, to the effect that I have no knowledge of any such thing, and I think if my life had been in danger he would not have troubled himself about it.

Lucinda Ewbank.


JULIUSFORD, C. T., June 22, 1895.

The State Historical Society of Colorado