

CHAPTER III

THE VOLUNTEERS OF THE CIVIL WAR, 1861-1865 (CONCLUDED)

INDIAN AFFAIRS IN COLORADO TERRITORY 1861-1864—GOVERNOR EVANS' COUNCIL WITH INDIAN CHIEFS—SITUATION AT FORT LYON, SUMMER AND FALL, 1864—CALL FOR VOLUNTEERS AND ORGANIZATION OF THE THIRD COLORADO CAVALRY VOLUNTEERS—REGIMENT LEAVES DENVER FOR FORT LYON—COLONEL CHIVINGTON'S REPORT ON THE BATTLE OF SAND CREEK—REGIMENT'S RETURN TO DENVER AND MUSTER OUT—HOME GUARD COMPANIES NO'S. 1 AND 2—SERVICES OF THE COLORADO VOLUNTEERS.

Before taking up the history of the remaining regiment (the 3rd Cavalry) of Colorado Volunteers, let us review briefly the condition of affairs in Colorado Territory at this time with respect to the Indians. On February 18, 1861, at Fort Wise, Colorado Territory, (later Fort Lyon, C. T.), Arapahoe and Cheyenne Indian chiefs made a treaty with the United States government which ceded all the territory claimed by the southern branches of these tribes except a triangular tract bounded on the west, practically, by meridian 28° 30' west of Washington, on the north-east by the Big Sandy, and on the southeast by the Purgatoire. The treaty also stated that the tribes were very desirous of adopting an agricultural life, made the necessary provisions for such a change, and finally provided that right of way should be had across their lands for "all roads and highways laid out by authority of law". This treaty was at once repudiated by the warriors of the two tribes who wanted no railroads built through their lands because it would inevitably drive off the buffalo and other game, and they threatened to kill their chiefs if the treaty was not abrogated. When the building of the Kansas Pacific railroad was begun directly through their country the hostile feeling was greatly intensified, and the chiefs of the two tribes did not dare to enforce the provisions of the treaty on their followers. This caused trouble with the whites, and the Cheyennes began committing minor offenses in the summer and fall of 1861. No punishment was meted out for these offenses, and, gradually growing bolder, talk of open war with the whites began to be heard throughout the tribe. Governor Evans endeavored to treat with the Cheyennes but without success, and during the winter of 1863-1864 word was received from spies in the Indian camps that a coalition was being formed among all the plains tribes to drive the whites out of the country. The correctness of this information was fully exemplified in the spring and summer of 1864 when the Arapahoes, Cheyennes, Comanches, Kiowas, and Sioux took the war path and engaged in active hostilities. Stages were attacked, emigrant trains cut off, settlements raided, and the whole territory terrorized. The overland trains, on which the settlements depended for their supplies, were deterred from crossing the plains, and famine became an impending menace. Isolated families were attacked, the men murdered, and the women carried off to a fate worse than death itself.¹ On June 14, 1864, the Governor applied for authority to call the militia into the

¹ An example of Indian warfare was brought home to the people of Denver by the attack on the Hungate ranch on Running Creek about thirty miles south-east of Denver on June 11, 1864, in which Hungate and his entire family were murdered and scalped. Their mutilated bodies were brought to Denver and when exhibited, horrified the citizens and called forth demands for revenge. Scores of men who were afterwards to form a part of the Third Cavalry viewed the bodies—and remembered. The massacre of the Eubanks family and the carrying off of Mrs. Eubanks into the horrors of Indian captivity occurred also during this period.

United States service or to raise a regiment of one hundred days' volunteers. Neither of these requests were granted, and on August 11 he was forced to issue a proclamation calling upon the people of the territory to organize for self-defense. This resulted in the formation of several companies which were considered effective enough to protect the settlements but not to punish the Indians nor protect the stages and trains. In the meantime Governor Evans had requested the War Department to send troops to protect the territory from the Indians, but the seriousness of affairs in the East precluded this, and in sheer desperation he again entreated the Secretary of War for authority to raise a regiment of one hundred days' volunteers, which after some delay, was granted.

Colonel Chivington, commanding the district of Colorado, meanwhile had made every effort with the small force at his disposal to protect the settlements and trains, but without reinforcements his task was well-nigh hopeless, and, at best, all he could hope to do was protect the more important settlements and let the outlying ones look after themselves. On the 1st of September, 1864 the Indian agent at Fort Lyon received a letter from Black Kettle, Cheyenne chief, in which the subjects of peace negotiations and exchange of prisoners was broached. This letter was a virtual acknowledgement of the hostility of the Cheyennes, and of the various outrages that had been perpetrated by this same tribe. However, winter was coming on, and inasmuch as they had gathered much plunder and scalps during the summer's depredations it was now high time to make peace, particularly so since they had been informed of the raising of more troops to curtail their activities. A conference was arranged as a result of the letter, and on the 28th of September Black Kettle and other chiefs met Governor Evans at Camp Weld, Denver, in a formal council.



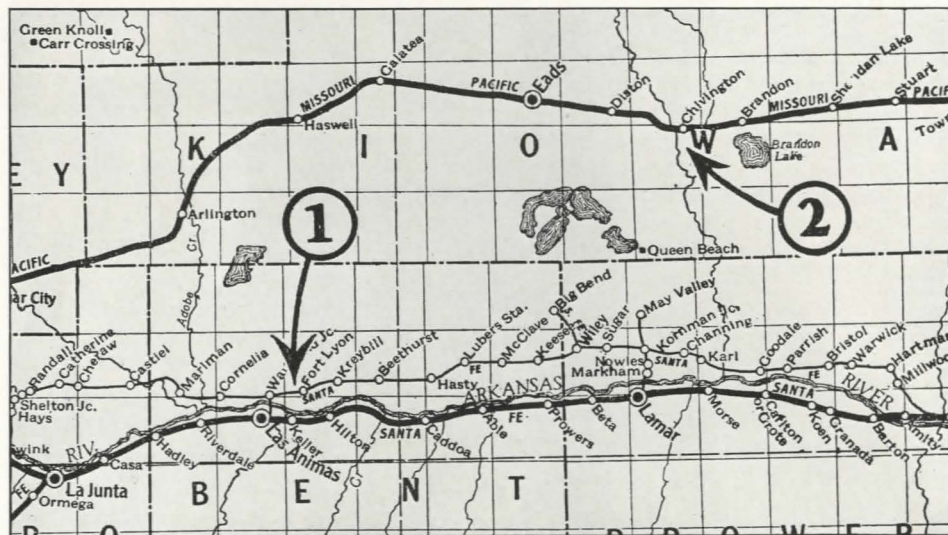
Indian Chieftains Arriving in Denver, September, 1864, for Council with Governor Evans

The upshot of the council was that it achieved nothing definite. Governor Evans told the Indians that his previous efforts to treat with them had met with scorn and contempt and the matter had now been turned over to the military and was out of his hands. The governor having thus disposed of the affair, Colonel Chivington, to whom it was relegated, declared his intentions as follows: "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—the Indians—are nearer to Major Wynkoop than any one else, and they can go to him when they get ready to do that".

Black Kettle returned to his encampment on the Arkansas, and later, according to the evidence of Majors Wynkoop and Colley before the Committee on the Conduct of the War, moved his entire village near Fort Lyon and placed himself under the protection of the military. However, Major Anthony testified before the same committee that when he arrived at Fort Lyon to relieve Major Wynkoop

he found *only Left Hand and Little Raven and their bands of Arapahoes* numbering in all about six hundred people, encamped about a mile away from the post. Quoting from Major Anthony's testimony, "I talked with them, and they proposed to do whatever I said. I told them I could not feed them because there were positive orders against it, nor would I permit them to come into the post. At the same time they might remain where they were and I would treat them as prisoners of war, if they remained, but they must as such prisoners of war first surrender all their arms and turn over all stolen property * * *". These terms the Indians accepted, but on the turn-in of arms they merely surrendered a few worthless firearms that they had no use for, and the stolen property returned amounted to some twenty head of stock, mules and horses. They then left their encampment near the post and Little Raven and his band moved to Camp Wynkoop and Left Hand with about forty of his band joined Black Kettle at his encampment on Sand Creek thirty-five to forty miles north-east of Fort Lyon.



Map of a part of South-east Colorado—1. Fort Lyon. 2. The Sand Creek battlefield. (Map, courtesy of State Highway Department, Colorado).

Continuing Major Anthony's testimony we learn, "A delegation of Cheyennes, numbering, I suppose fifty or sixty men, came in just before the Arapahoes left the post. I met them outside of the post and talked with them * * * I told them I had no authority from department headquarters to make peace with them, that I could not permit them to visit the post and come within the lines; * * * but told them they might go out and camp on Sand Creek and remain there if they chose to do so". As before stated, the Cheyennes had already established their camp on Sand Creek, and on November 6 there was not a Cheyenne at Fort Lyon. In fact they were never prisoners, as has been claimed, and they were at no time disarmed. They had no promise of immunity, and General Curtis, the department commander, in all of his communications to Colonel Chivington emphasises the fact of the hostility of the Cheyennes and directed that no peace was to be made with them without his consent. This consent, by the way, was not given at any time before the battle of Sand Creek. In fact the last telegram received by Colonel Chivington from General Curtis before starting out on the Sand Creek expedition was as follows; "Pursue everywhere and punish the Cheyennes and

Arapahoes; pay no attention to district lines. No presents must be made and no peace concluded without my consent''.

This then was the condition of affairs in the territory when the authority to raise a regiment of one hundred days' men was received.

Immediately upon receipt of the authority for the raising of a regiment of cavalry for service against the Indians, Governor Evans published a proclamation in the Colorado newspapers calling for volunteers. These were immediately forthcoming, and, to quote the Hon. Frank Hall, "no better or more intelligent material was ever collected for the field than composed the rank and file of this regiment. They had enlisted for the single purpose of putting an end to a war which was blighting all the industries of the country, feeling that they could well afford to devote three months to the work if in the end the disturbances could be suppressed". The regiment was designated as the "Third Regiment of Colorado Cavalry Volunteers", and its field officers were George L. Shoup, Colonel; Leavitt L. Bowen, Lieutenant Colonel; William F. Wilder, Samuel M. Logan, and Hal Sayre, Majors. The companies of the regiment were raised in Denver, Central City, Boulder, Colorado City and adjacent mining towns, and were commanded as follows: Company A, Captain Theodore G. Cree; Company B, Captain Harper M. Orahoad; Company C, Captain William H. Morgan; Company D, Captain David H. Nichols; Company E, Captain Jay J. Johnson; Company F, Captain Edward Chase; Company G, Captain Oliver H. P. Baxter; Company H, Captain Thomas E. McDonald; Company I, Captain John McCannon; Company K, Captain Adam S. Shock; Company L, Captain Phillip J. Freeman; Company M, Captain Presley Talbot. Mustering in to the United States service was accomplished at Denver, Colorado, between August 20th and September 21st, 1864, and, after some delay, the regiment was armed and equipped and then moved to a rendezvous point on the Bijou. Here it was joined by Colonel Chivington, 1st Colorado Cavalry, then in command of the District of Colorado, and under his orders commenced the march for Fort Lyon. The subsequent operations of the regiment are clearly set forth in Colonel Chivington's report to Major General S. R. Curtis, commanding the Department of Kansas (of which the District of Colorado was a part), hence we shall let Colonel Chivington tell the story in his own words:

Headquarters District of Colorado

Denver, Colorado Ter. December 16, 1864.

General:

I have the honor to transmit the following report of the Indian expedition under my command, of which brief notice was given you by my telegram of November 29, 1864:

Having ascertained that the hostile Indians had proceeded south from the Platte and were almost within striking distance of Fort Lyon, I ordered Col. George L. Shoup, Third Regiment Colorado Volunteer Cavalry, 100-days' service, to proceed with the mounted men of his regiment in that direction. On November 20 I left Denver, and at Booneville, Colo. Ter., on the 24th of November, joined and took command in person of the expedition, which had been increased by a battalion First Cavalry of Colorado, consisting of detachments of Companies C, E, and H. I proceeded with the utmost caution down the Arkansas River, and on the morning of the 28th ultimo arrived at Fort Lyon, to the surprise of the garrison of that post. On the same evening I resumed my march, being joined by Maj. Scott J. Anthony, First Cavalry of Colorado, with 125 men of said regi-

ment, consisting of detachments of Companies D, G, and K, with two howitzers. The command then proceeded in a northeasterly direction, traveling all night, and at daylight of 29th November striking Sand Creek, about forty miles from Fort Lyon. Here was discovered an Indian Village of 130 lodges, comprised of Black Kettle's band of Cheyennes and eight lodges of Arapahoes with Left Hand. My line of battle was formed with Lieutenant Wilson's battalion, First Regiment, numbering about 125 men, on the right; Colonel Shoup's Third Regiment with about four hundred and fifty men, in the center, and Major Anthony's battalion, numbering 128 men, First Regiment, on the left. The attack was immediately made upon the Indian camp by Lieutenant Wilson, who dashed forward, cutting the enemy off from their herd, and driving them out of their camp, which was subsequently destroyed. The Indians, numbering from 900 to 1,000 though taken by surprise, speedily rallied above the village, stubbornly contesting every inch of ground. The commands of Colonel Shoup and Major Anthony pressed rapidly forward and attacked the enemy sharply, and the engagement became general. We were constantly driving the Indians, who fell back from one position to another for five miles, and finally abandoned resistance and dispersed in all directions, and

were pursued by my troops until night-fall. It may perhaps be unnecessary for me to state that I captured no prisoners. Between 500 and 600 Indians were left dead upon the ground; about 550 ponies, mules, and horses were captured, and all their lodges were destroyed, the contents of which have served to supply the command with an abundance of trophies, comprising the para-

phernalia of Indian warfare and life. My loss was 8 killed on the field and 40 wounded, of which two have since died. Of the conduct of the Third Regiment, 100-days' service, I have to say that they well sustained the reputation of our Colorado troops for bravery and effectiveness, were well commanded by their gallant young colonel, George L. Shoup, ably assisted by Lieut. Col. L. L. Bowen, Maj. Hal Sayre, and Capt. Theodore G. Cree, commanding First, Second and Third Battalions of that regiment. Of the conduct of the two battalions of the First Regiment, I have but to remark that they sustained their reputation as second to none, and were ably handled by their commanders, Major Anthony, Lieutenant Wilson and Lieut. Clark Dunn, upon whom the command devolved after the disabling of Lieutenant Wilson from wounds received. Night coming on the pursuit of the flying Indians was of necessity abandoned and my Command encamped within sight of the field.

On the 1st instant, having sent the wounded and dead to Fort Lyon, the first to be cared for, the last to be buried upon our own soil, I resumed the pursuit in the direction Camp Wynkoop, on the Arkansas River, marching all night of 3rd and 4th instant, in hopes of overtaking a large encampment of Arapahoes and



(Remington Sketch)

CAVALRY CHARGE ON INDIAN CAMP

Cheyennes under Little Robe (Little Raven), but the enemy had been apprised of my advance, and on the morning of the 5th instant, at 3 o'clock precipitately broke camp and fled. My stock was exhausted. For 100 miles the snow had been two feet deep, and for the previous fifteen days (excepting on November 29 and 30) the marches had been forced and incessant. Under these circumstances, and the fact of the time of the Third Regiment being nearly out, I determined for the present to relinquish the pursuit. Of the effect of the punishment sustained by the Indians you will be the judge. Their chiefs, Black Kettle and White Antelope, One Eye, and Knock Knee were among the killed, and their bands almost annihilated. I was shown the scalp of a white man found in one of the lodges, which could not have been taken more than two or three days previous. For full particulars and reports of the several commanders, I respectfully refer you to the following copies herewith inclosed: Col. George L. Shoup, Third Regiment, December 6, 1864; Col. George L. Shoup, Third Regiment, December 7, 1864; Lieut. Col. L. L. Bowen, Third Regiment, November 30, 1864; Maj. Hal Sayre, Third Regiment, December 6, 1864; Capt. Theodore G. Cree, Third Regiment, December 6, 1864; Maj. Scott J. Anthony, First Regiment, December 1, 1864; Lieut. Clark Dunn, First Regiment, November 30, 1864; Lieut. J. J. Kennedy, First Regiment, November 30, 1864.²

If all companies of the First Cavalry of Colorado, and the Eleventh Ohio Volunteer Cavalry, stationed at posts and camps near here, were ordered to report to me, I could organize a campaign which, in my judgment, would effectually rid the country between the Platte and Arkansas Rivers of these red rebels. I would respectfully request to be informed, if another campaign should be authorized from here, whether I could employ 100 or 200 friendly Utes (Indians), furnishing them subsistence, arms, and ammunition for the campaign.

I cannot conclude this report without saying that the conduct of Capt. Silas S. Soule, Company D, First Cavalry of Colorado, was at least ill-advised, he saying that he thanked God that he had killed no Indians, and like expression, proving him more in sympathy with these Indians than with the whites. The evidence is most conclusive that these Indians are the worst that have infested the routes on the Platte and Arkansas Rivers during the last Spring and Summer. Amongst the stock captured were the horses and mules taken by them from Lieutenant Chase, First Cavalry of Colorado, last September; several scalps of white men and women were found in their lodges; also various articles of clothing belonging to white persons. On every hand the evidence was clear that no lick was struck amiss.

I am, with much respect, your obedient servant,

J. M. Chivington,
Colonel First Cav. of Colorado
Comdg. Dist. of Colorado.

Having abandoned pursuit of the Indians, as noted in the report above, Chivington ordered the Third Colorado Cavalry to return to Denver for muster out. The march back was uneventful, and the regiment was mustered out December 28 to 31, 1864. Much bitter and acrimonious debate, and volumes of invective have been poured forth from both sides in the controversy that followed the fight at Sand Creek, and it is no easy matter, even at this late date, to steer clear of the bitter prejudices that made it almost impossible to get an unbiased account of the whole affair. It is not my province nor intention to enter into any

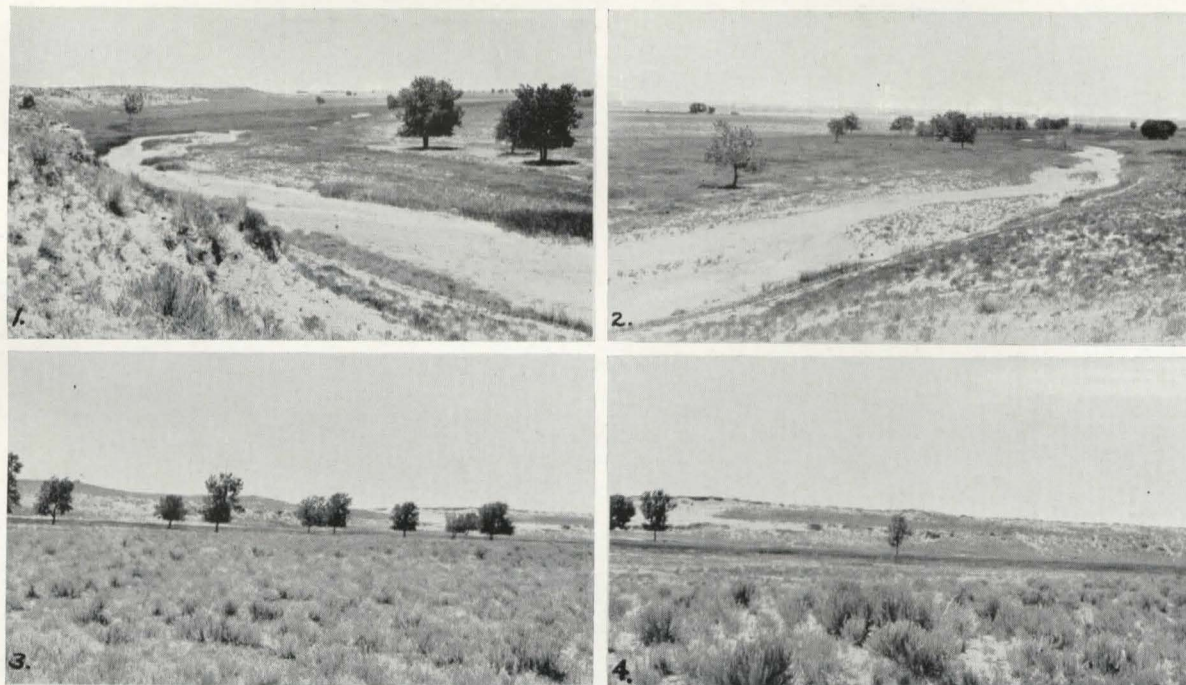
² These reports are omitted from this history, but may be found with the muster-out rolls of the First Colorado Cavalry on file in the Adjutant General's Office, Denver, Colorado.

discussion of the merits of either side of the controversy, and I have merely endeavored to sketch the course of events as presented in official documents and the writings of such historians as Hall, Dunne, Howbert, Smiley and Stone.³

To complete these chapters on the Colorado Volunteers of the Civil War period mention must be made of two separate companies of Denver Home Guards, designated as No. 1 and No. 2, and commanded respectively by Captain Joseph Ziegelmuller and James W. Iddings. These companies were mustered in to the United States service at Denver, Colorado Territory, in August and September, 1861, served their entire six months of service at Denver and Camp Weld, and were mustered out on March 24th and April 1st, 1862.

In concluding this brief review of the work of the Colorado Volunteers of this period I shall quote the following from, "The Union Army", Vol. IV, (Federal Publishing Co., Chicago): "The volunteers of Colorado were a potent element in holding in check the disloyal elements within the territory, who were never able to perfect any effective military organization in aid of the Confederacy. To the heroic achievements of Colorado men is largely due the credit for defeating the bold and comprehensive scheme of the Confederacy to acquire possession and control of all the vast southwestern region of our country, including a passage to and a foothold on the Pacific coast. In the short, sharp and decisive campaign of 1862, which drove the Confederates from New Mexico across the Rio Grande, defeated and demoralized, the wavering allegiance of the inhabitants of this great region was finally determined, and the dream of the South to add to their slavery empire was forever dissipated. The services of Colorado troops in holding the Indian tribes in check were also of vast moment, as were their brilliant performances in Indian Territory, Missouri, and Kansas."

³ Quoting from Smiley's "History of Denver": "Putting aside all questions of its justification or of its military necessity, all discussion of the right or wrong of meeting the red man with his own shocking savagery, the Sand Creek affair was an impressive lesson to the Indians, and undoubtedly relieved Denver of the appalling danger which had immediately menaced it from every side. True it infuriated them to the highest pitch and made them wild for revenge, but it caused them to fear and avoid attacking the community from which had gone forth the men who had visited upon them a retribution so awful. Never before in their experience had the white men made upon them such warfare as that."



THE SAND CREEK BATTLEFIELD AS IT APPEARS TODAY

Location Shown in Cuts is About Five Miles South of Chivington, Colorado, on State Highway No. 96

1. Looking Northeast from Bluffs on West Bank of Creek. 2. Looking Southeast from Bluffs on West Bank.
- 3 and 4. Looking West Towards Bluffs from East Bank.

(NOTE: The Sandy Channel of the Creek is Clearly Shown in Cuts 1 and 2.)