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## HARMFUL PRACTICES OF INDIAN TRADERS OF THE SOUTHWEST, 1865-1876

C. C. RISTER

FROM the time our earliest colonists came in contact with the Indians of the Atlantic sea-board until the disappearance of the last frontier, trade relations between the two races have been accompanied with irregularities. White traders have capitalized on the Indian's ignorance of trade values to the extent of ruthless exploitation. When the Indian traded valuable furs, dressed buffalo robes, or other commodities which he had, for beads, cutlery, colored cloth, guns and ammunition, which the trader might have in stock, he had very little understanding of relative values.

Colonel Richard Irving Dodge, who spent many years as an army officer on our Western plains, relates an incident in which a Sioux Indian came to Fort Sedgewick, having in his possession an elaborately painted buffalo robe. Several of the officers at the post were anxious to acquire it, and offered in exchange various amounts in cash. All these the owner refused. They then tempted him by seeking to exchange for it coffee, flour, and other things to the value of twenty dollars, but these, too, he refused. Just as it seemed that he was determined to keep the robe, a sergeant chanced to pass by, holding in his hand a piece of paper upon which were some cubes of cut-loaf sugar. He gave two or three of these to the Indian who ate them. He was so pleased that he offered to exchange his robe for the re-

maining cubes. The trade was made and shortly thereafter he devoured the entire quantity, seemingly satisfied that he had made a good trade.<sup>1</sup> Colonel Dodge relates another incident in which a Lipan Indian at Fort Martin Scott, Texas, traded five beautifully dressed wildcat skins for a box of matches, after which he seated himself near a large stone, and struck one match after the other, curiously watching the flame of each, until all within the box were gone.<sup>2</sup>

The white trader of the Southwest, during the period of frontier development, was a part of the jetsam of the turbulent sea of border life. As a rule he could not bear the restraints incident to the orderly processes of civilization. He drifted about as his love for adventure, desire for profit, or freedom from arrest led him; and in some respects followed a policy which in the end added to the hardships and trials of frontier people. Many of these characters were devoid of principle or honor, and ruthlessly took advantage of the helpless frontier in plying their trade.<sup>3</sup>

From the beginning of Anglo-American penetration in the Southwest until the latter part of the nineteenth century, irregular trade activities were carried on with the Indians. It is purposed in this discussion, however, to review such relations during the period in which they reached their maximum development—from 1865 to 1876, although the earlier period will be reviewed in order to lay the basis for an approach to the later one.

Before Texas became a state of the American union the legislative body of that republic enacted a law regulating trade. Its salient features were as follows: (1) five trading-posts were to be established on a line between the Indian country and the frontier; (2) traders were forbidden to sell arms and ammunition to the Indians; and (3)

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1. Richard Irving Dodge, *Our Wild Indians*, 262-263.

2. *Ibid.*

3. Reports of both army officers and Indian agents stationed on the frontier at this time frequently referred to the dishonest activities of the traders.

Indians were not to be allowed to pass from the Indian country behind the line of trading-posts to the area occupied by the settlers.<sup>4</sup> In accordance with the provision of this act first mentioned only one trading house was established—that of Messrs. Torrey on the Brazos; and it was placed one hundred miles below where the law required it to be.<sup>5</sup> The Commissioner of Indian Affairs for 1849, in commenting on the act, stated that although the law prohibited the introduction of warlike stores among the red men, yet “these traders have furnished wagon loads to the Indians.”<sup>6</sup> He also stated that Warren’s trading house on the north side of the Red River, about sixty miles above Fort Washita, was engaged in the same trade.

For a time after Texas became a state of the Union, Indian relations in that part of the nation were exceedingly difficult to manage, for Texas reserved her public lands on entering the Union; and no federal treaty with her Indians could be made which would provide for reservations or hunting ranges until after the Texas legislature passed an act in 1854, offering the federal government land for such purposes.<sup>7</sup> At that time the superintendency of Indian Affairs for the Western territory included all the tribes south of the line of the Saint Louis superintendency, and as far west as the Rocky Mountains, and north of the line of New Mexico and Texas. In this area were several hostile tribes, among which were the Arapaho, Cheyenne, Comanche, Kiowa, Wichita, and Lipan.<sup>8</sup> These savages frequently raided the Texas frontier, and carried away into captivity men, women, and children, which necessitated the payment at times of large sums of money for ransom.<sup>9</sup> This practice of taking captives and holding them for ransom had

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4. *Annual Report of the Commissioner of Indian Affairs for 1849*, p. 973.

5. *Ibid.*

6. *Ibid.*

7. F. N. Thorpe, *The Federal and State Constitutions, etc.*, VI, 3545.

8. *Annual Report of the Commissioner of Indian Affairs for 1845*, p. 455.

9. *Ibid.*

been brought over from Spanish times,<sup>10</sup> and was as alluring to the Indians as stealing horses and mules.

Relative to the difficult task of controlling the Indian trade in the Southwest during this early period, Alfred J. Vaughan, sub-agent of the Osage, said that "for many years past the reports of superintendents, agents, and sub-agents, have teemed with complaints on the subject of whiskey selling to the Indians. To defeat a course followed by unprincipled white men—squatters on the Indian border—seems to be, indeed, a hopeless task." In fact, there were three irregular features of this Indian trade, all of which affected the frontier adversely: (1) the traders sold to the Indians spiritous liquors in violation of federal law; (2) they sold them guns and ammunition, and in many instances encouraged them to depredate on the frontier settlements; and (3) they remunerated the Indians for their depredations in that they bought horses and mules stolen from the settlers.<sup>11</sup>

Throughout the plains area, during this period, there were hundreds of traders engaged in business with the Indians. Concerning them, G. C. Matlock, Indian agent of the Upper Missouri Agency, wrote on October 17, 1847; as follows: "There are about five hundred white men in this district of country, the greater portion of whom are foreigners by birth, and many who never were citizens of the United States." He stated that, although they had trading houses from which they operated, they usually disposed of their goods by "hawking and peddling" them over the country.<sup>12</sup> In the same year Commissioner Medill, in making his report to the Secretary of War, W. L. Marcy, stated that a part of the depredations on the Santa Fe trade was from New Mexico and that some of the attacks were instigated, if not participated in, by white persons.<sup>13</sup> James S. Calhoun, Indian Agent in New Mexico, helps to establish the culpa-

10. R. E. Twitchell, *The Spanish Archives of New Mexico*, item 839, p. 288; "Letter to the governor of New Mexico asking for a statement of the amount of alms collected for the ransoming of captives among the hostile Indians."

11. For source of quotation above given see *Annual Report of Indian Affairs for 1846*, p. 307.

12. *Annual Report of the Commissioner of Indian Affairs for 1847*, p. 848.

13. *Ibid.*, p. 744.

bility of the white traders, when on June 25, 1850, he said that "the constant and unrestricted intercourse of traders with the Indians of this territory, is, perhaps, the greatest curse upon it."<sup>14</sup>

One of the most persistent opponents of the outlaw traders of the Southwest at this time was Robert S. Neighbors, United States Indian Agent in Texas. In 1848, he wrote:

"I would respectfully call the attention of the Commissioner to the great necessity of making some arrangements for the regulation of trade and intercourse with the Indians of Texas. At present every one who has a few articles to dispose of, or a few gallons of whiskey, and can come in contact with a party of Indians with a few skins, are anxious to trade; and there is no law to punish persons for introducing whiskey among the Indians. The traders from east of the Red River, a short time since, opened a trading-post at the Keechie village on the Brazos River, which is in the very heart of the Indian country, and are supplying as much whiskey as they can sell. They keep it constantly on hand as a regular article of trade."<sup>15</sup>

Agent Neighbors did not stop here, but continued in later reports to call the attention of the Commissioner to the illicit sale of liquor, arms, and ammunition, and warned that dire consequences would follow if such practices were not stopped. Writing in 1856, he said: "there has been a very extensive trade carried on during the summer. It can be proven by Indians here, that at one time Jesse Chisholm and other traders introduced and traded to those bands (Comanche) 75 rifles, ammunition, etc., of which they have since used in depredating on our frontier."<sup>16</sup> Indeed, he became more bold in his report of the next year and charged that an Indian agent on the Arkansas River

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14. James S. Calhoun to Orlando Brown, in *Official Correspondence of James S. Calhoun*, 105, ed. by Annie H. Abel.

15. Report of Robert S. Neighbors, Special United States Indian Agent, in *Annual Report of the Commissioner of Indian Affairs for 1848*, p. 592.

16. Robert S. Neighbors, Supervising Agent of the Texas Indians, in *Annual Report of the Commissioner of Indian Affairs for 1856*, p. 175.

was distributing among the Comanche and Kiowa, arms and ammunition, thus encouraging them in their raids on the Texas frontier. He stated that he had called the attention of the Commissioner to this deplorable state of affairs in other reports but that nothing had been done to correct the evil; and that he would not refer to the matter again were he not compelled to do so from a sense of duty.<sup>17</sup>

These harmful trade relations continued in the Southwest until the outbreak of the Civil War, and neither the Department of the Interior nor the Department of War made serious efforts to correct them. Through the period of conflict which followed, confusion was added to chaos in our Indian affairs, and no constructive policy was followed. Just as soon, however, as peace dawned, again the government turned its attention to the Indian problem. The outlaw traders also reappeared in the Indian country and took up again their illicit trade with the hostile tribes of the plains.

On January 4, 1867, Captain Ashbury, stationed at Fort Larned, wrote that white traders were engaged in selling war materials to the wild tribes, and that such practices would undoubtedly encourage them to depredate on the frontier.<sup>18</sup> Nine days later, Major Douglas, commanding at Fort Dodge, Kansas, also complained of such practices. He said that D. A. Butterfield had sold several cases of arms to the Cheyenne and Arapaho; and that Charles Rath, another trader who lived at Zarah, armed several bands of Kiowa with revolvers and completely overstocked them with powder. He said that the Indians were so well armed that if trouble came in the spring, they would be ready for it. He further stated that he believed some of the Indian agents were in league with the traders.<sup>19</sup>

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17. *Annual Report of the Commissioner of Indian Affairs for 1857*, p. 264.

18. H. Ashbury to Assistant Adjutant-General, Division of the Missouri, MS., file No. 115-M-1867, Old Records Division, Adjutant-General's Office, War Department, Washington, D. C.

19. *Ibid.*, N. Douglas to the Assistant Adjutant-General, Division of the Missouri.

General W. T. Sherman, who had command of the Division of the Missouri, immediately acted on these reports and instituted an investigation into the activities of the traders. On January 26, 1867, having established the accuracy of them, he addressed the following letter to General U. S. Grant:

The inclosed papers are so important that I ask for them your special attention. The sale of arms and ammunition to the Indians is the most delicate operation conceivable. The recent dispatches passed between us have been sent to my department commanders for their government, but of course I expect the sale to be controlled by Post Commanders and limited in quantity to powder and lead absolutely needed by the Indians known to the local commanders and for the purpose of killing meat for food.

Now it seems the aggregated Indian agents and commissioners for the Comanches, Kiowas, and Cheyennes and Arrapahoes (all bold, daring and active Indians, inclined all the time to break out into open warfare) have given unlimited authority to Mr. D. A. Butterfield and to other regularly licensed Indian traders to sell arms and ammunition to any Indians that are at peace with and receiving annuities from the United States Government.

The theory seems to me so monstrous that I would not credit it, unless I had the papers well authenticated before me, and I have ordered General Hancock to disregard it, and to restrict the sales to small quantities, which alone are compatible with the present attitude of things on the vast plains, and which is the most difficult problem I have ever had to handle, to make comparatively secure. If the Indian agents are to be intrusted with the matter, I may have to withdraw our troops, for it is even now almost impossible to protect the trains going to and fro. Those Indians are only nominally friendly, and for buffalo robes can buy the best carbines, revolvers, and guns of all kinds with the ammunition to match. It is absurd to suppose a trader, who makes money by each sale, and generally much profit by Indian wars will be prudent in their sales, and I call your attention to the fact that the commissioned agents, who might be construed as to have some interest in the peace of the frontier—have surrendered all control of the matter to the licensed traders.

I beg you to show this and its enclosures to the President with this conclusion of mine—that the trader for a profit of ten dollars, the pistol, will involve us in a war that will cost the treasury millions of dollars.<sup>20</sup>

As soon as General Sherman was convinced that such practices were carried on he issued orders to his post commanders to restrict the sale of arms and ammunition to the friendly tribes, and then only to the amount necessary for them to kill their game supply. He ordered that no war materials of this kind should be sold or given the hostile tribes. Even this policy, however, was criticised by the peoples of the frontier, because it was maintained that the Indians always used the bow and arrow in hunting the buffalo.<sup>21</sup> The action of General Sherman did not stop the bartering of the traders. Indeed, it is difficult to see how this could have been done. So vast was the area involved and so few the federal troops stationed in the Indian country, it would have been difficult indeed to have prevented all of these criminal practices.

In New Mexico the problem of trader control was more difficult than in other areas involved. Here the terrain of the country was mountainous and semi-arid. In this region collected the riff-raff of two nations—Mexico and the United States, and the lack of cordial relations between the two republics made it an easy matter for illicit traders to find safety south of the Mexican boundary when hard pressed by American peace officers.

When A. B. Norton arrived in New Mexico in 1866 to take charge of his work as Superintendent of Indian Affairs, he found that an unrestricted trade, involving thousands of cattle which were driven from Texas by the

20. Sherman to Grant, accompanying Annual Report of the commander of the Department of Texas for 1867, on file in the Old Records Division, Adjutant General's Office, War Department, Washington, D. C.

21. A correspondent of the *Austin Daily Republican* of December 5, 1868, raises this interesting point, and then bitterly assails the federal government for allowing any materials which might be used for war purposes to be sold or given to the hostile tribes, either by agents or traders.

Comanche, was being carried on.<sup>22</sup> With these conditions existing, he immediately gave orders for the cancellation of all trade permits and forbade any one to trade with these Indians unless they had a license duly signed by the Commissioner of Indian Affairs at Washington.<sup>23</sup> This by no means put a stop to the illicit traffic, for the commissioner granted licenses to four different citizens who sublet their privileges to others until matters were as bad as before. John Hitson, a Texas ranchman, voiced the complaint of the Texas cattle raisers in 1873 when he stated that cattle stealing, or "lifting" in Texas and New Mexico had become an intolerable nuisance, paralyzing trade, driving away settlers, and causing endless bloodshed and disorder. He said that hundreds of thousands of horses, cattle, and mules had been driven from Texas since 1869; scores of ranches burned, and many valuable lives lost in useless defense.<sup>24</sup>

About this time, Governor Richard Coke of Texas stated that he had abundant proof that a large part of the frontier troubles of his state could be traced to these traders. He said that white men on or near the reservations were always ready with guns, ammunition, blankets, and other things desired by the Indians to trade for stolen stock and other plunder taken from Texas.<sup>25</sup> Superintendent Norton not only confirmed this statement, but added that many times when the traders visited the camp of the Comanche to purchase horses and found none, they encouraged them to renewed forays by furnishing them with guns, ammunition, and animals to ride, and by promising to purchase all stolen

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22. *Annual Report of the Commissioner of Indian Affairs for 1867-1868*, part i, p. 194. Norton stated that "the territory was filled with Texas cattle."

23. The policies of the departments of Interior and of War, made the permit problem a very discouraging one. Both maintained the right of granting trade permits, with the consequence that much confusion prevailed. Representatives of one branch of service sought to condemn the other for trespassing on forbidden ground. The War Department maintained that in as much as it held the police power over the area it should control the outlaws, but the Interior Department contended that its agents were more directly in contact with the daily activities of the Indians and should therefore control all trade intercourse with them.

24. *San Antonio Daily Express*, Sunday, January 12, 1873.

25. Found in *Journal, 14 Legislature, 2nd Session*, January, 1875, p. 37.

horses brought back.<sup>26</sup> Indeed, the practice of stealing cattle by the Indians had come to be so common, that little was thought of it. Agent Labadi, of Santa Fe, spoke of the Comanche as being "good at heart," and yet in the same paragraph he stated that "they have Texas cattle without number, and almost every day bring in more."<sup>27</sup>

General Augur, commanding the Department of Texas in 1872, in commenting on this traffic between New Mexico cattle thieves and Comanche Indians, said: "The western line is exposed to outrages from the bands of Indians living permanently in Mexico and others who make Mexico a base of operations against frontier settlements, and by short lines, a refuge from pursuit and market for their plunder . . . . In addition to these outrages the frontier is also subjected to the inroads of organized cattle thieves from New Mexico on the western line."<sup>28</sup>

This intolerable situation was brought to a climax when on March 25, 1872, Sergeant Wilson, with a detachment of troops from Fort Concho, pursued a band of depredating Indians, and took a Mexican lad as prisoner. In giving an account of himself, the boy said that he was one of about fifty men from New Mexico who were employed by certain New Mexicans to come to Texas and steal cattle. He gave the names of his employers and mentioned the wages he received, alleged that there were camps of Indians between Fort Concho and New Mexico, and said that the Indians worked in conjunction with the outlaws. Under compulsion of his captors, he related his experiences from the date of his connection with the thieves to that of his capture. He told the surprised soldiers that the stealing of Texas cattle had been a lucrative business for his employers. In connection with this point he stated—what was hardly credited at

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26. *Annual Report of the Commissioner of Indian Affairs for 1867-1868*, part i.

27. *Ibid.*

28. *Annual Report of General Augur, Department of Texas, 1872*, MS., Old Records Division, A. G. O., War Department, Washington.

the time—that there was a wagon road across the plains with plenty of permanent water and grass and that all the stolen cattle were driven over it to New Mexico.<sup>29</sup>

When a report of this startling story was brought to the attention of General Augur, he directed that steps be taken immediately to verify it. A force was sent out from Fort Concho under the command of Colonel MacKenzie. A temporary camp was to be established on the “Fresh Water Fork of the Brazos,” from which the troops were to operate against the Indians.<sup>30</sup>

Colonel MacKenzie started out with the Mexican as his guide, and in his operations discovered the road which the lad had spoken of. Its appearance indicated that large herds of cattle had passed over it, although because of recent rains, it was impossible to judge how long before. Colonel MacKenzie determined to follow it in order to find its terminus, and if possible to recover some of the cattle. It led him directly across the plains and along the route he found plenty of grass and water, as far as Alamogordo, New Mexico. After striking the settlements the road gradually broke up into small trails which promised no results from further advance. He endeavored to find those charged with being responsible for the traffic but they had found safety in flight. It is fair to say that when the more responsible citizens of New Mexico living in the vicinity of the area involved heard of the affair, they attempted to aid MacKenzie in rounding up the thieves.<sup>31</sup> On the return to Texas, General MacKenzie took the route from Fort Bascom to the

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29. *Medical History of Fort Concho*, vol. 205, pp. 58-59. This is one of many large volumes containing the medical records, transfer of troops, and brief accounts of happenings about the post, which are on file in the Old Records Division of the Adjutant General's Office of the War Department, Washington.

30. *Ibid.* The name of this stream is misleading. In 1869, Major Brown, with a small detachment of troops from Fort Concho, while scouting in the plains region, found a stream of fresh water west of the Double Mountains which was not indicated on the available maps. He designated it as “Fresh Water Fork of the Brazos,” thinking that it was one of the forks of the Brazos River. The stream, however, had been previously discovered by Capt. R. B. Marcy on his trip across the plains, and was named Catfish Creek, because of the abundance of catfish found in it.

31. Annual Report of General Augur for 1873.

headwaters of the Red River, and thence to the camp on the "Fresh Water Fork of the Brazos." Of the route going out, he said: "This route has permanent and excellent water across the plains and no distance of more than thirty miles between water. All the water runs into the Red River." Of the trail via the Palo Duro Canyon, which he took on his return journey, he said that it had permanent spring water. He also said that there was good grass by both routes, and that in almost every respect they were better than the Pecos trail and could be made safe for legitimate cattle drivers.<sup>32</sup>

One of the most sensational events incident to the irregular activities of traders was the Belknap scandal. On March 2, 1876, Representative Clymer of Pennsylvania, chairman of the committee on expenditures in the War Department, caused a sensation in the House of Representatives by submitting a report of his committee to the House in which he charged "that they found at the very threshold of their investigation such evidence of malfeasance in office by General William W. Belknap, then Secretary of War, that they find it their duty to lay the same before the House." Acting on the findings made by this committee the House preferred charges against the Secretary of War before the Senate, on March 2 of the same year.<sup>33</sup>

A general review of events which led up to this affair is well set forth in the following article taken from the *New York Tribune* of February 15, 1872:

Army officers stationed at forts in the West complain of the extortion practiced by the post-traders, and of the gross abuses practiced under the law which authorizes their appointment. Those traders are given the exclusive privilege of selling goods upon the military reservations to the officers, soldiers, Indians, and emigrants. The privilege is so

32. *Ibid.* This trail, followed by MacKenzie in going to New Mexico, came to be known as the MacKenzie Trail. From the "Fresh Water Fork of the Brazos" it ran eastward along the Double Mountain Fork of the Brazos to Fort Griffin. This road is shown in Pressler and Laragerman's *Map of Texas*, 1879.

33. *Proceedings of the Senate Sitting for the Trial of William W. Belknap, Late Secretary of War, on the Articles of Impeachment Exhibited by the House of Representatives*, 44th Cong., 1st sess., 1.

valuable that it is obtained by political or family influence at Washington by men who never go to the posts or engage in the business, but farm out the privilege to actual traders for sums amounting in some cases to \$10,000 or \$12,000 a year. The traders occupy relations to the army similar to those the sutlers held during the war, with this exception, that the sutlers were under control of the post commanders, and the soldiers were protected against their rapacity by the power of a council of officers to fix a tariff of prices at which goods should be sold, whereas, the traders are appointed by the Secretary of War, and, having no competition, and being under no control, charge any price they please. The sutlers were abolished at the close of the war, and the Commissary Department was required to furnish the necessary articles formerly kept by the sutlers, and to sell them to the soldiers at cost price. This law the commissaries found irksome, and they have always managed to evade it. Soon after it went into effect, the Adjutant General issued an order allowing any one to trade at a military post who should show fitness to the department commander. This was a good arrangement for the troops, for it gave them the advantage of competition; but it did not suit the traders, who have always sought exclusive privileges. It lasted until the summer of 1870, when, on the recommendation of the Secretary of War, a section was put into the army bill authorizing the Secretary to appoint one or more traders at each military post, "for the convenience of emigrants, freighters, and other citizens." The section was plausibly worded, and passed without objection. Under it the Secretary appoints but one trader at each post and refuses to appoint more, so that this single trader, having a monopoly of all the business, plunders the officers and men by charging them outrageous prices. There is no escape from this rapacity, because the officers have no control over him as they had over the sutler. There is good authority for stating that traders' privileges are systematically farmed out by those who obtain them from the War Department. The Secretary is not charged with being cognizant of these practices, and probably has not been informed of them. One of the most outrageous cases of the kind is described in the following letter from an officer stationed at Fort Sill, Indian Territory:

"I have incidentally learned that you have a desire to know whether a bonus is required from the traders here, for the privilege of trading, and have been urged to write you

the facts in the case. As there seems to be no secret made of the matter, and as, in common with all others here, I feel it to be a great wrong, I think you will readily excuse the presumption which my writing unasked by you might indicate. I have read the contract between J. S. Evans, a Fort Sill trader, and C. P., or C. E. Marsh, of 1867 or 1870, Broadway, New York, office of Herter Brothers, whereby J. S. Evans is required to pay said C. P., or C. E. Marsh the sum of \$12,000 per year, quarterly in advance, for the exclusive privilege of trading on the military reservation. I am correctly informed that said sum has been paid since soon after the new law went in force, and is now paid, to include some time in February next. This is not an isolated case. I am informed by officers who were stationed at Camp Supply that Lee & Reynolds paid \$10,000 outright for the same exclusive privilege there. Other cases are talked of, but not corroborated to me; sufficient to state, the tax here amounts to near \$40 per selling-day, which must necessarily be paid almost entirely by the command, and you can readily see that prices of such goods as we are compelled to buy must be grievously augmented thereby. It not being a revenue for the government, and Mr. Marsh being an entire stranger to every one at the post, it is felt by every one informed of the facts to be, as I said before, a very great wrong.<sup>34</sup>

The publication of this letter in the *New York Tribune*, together with the article preceding it, created considerable gossip in Washington; and other rumors came to the ears of government officials, until it was decided best to investigate them. As a result of these investigations, as previously mentioned, impeachment charges were preferred.

As soon as Belknap was informed that impeachment charges were impending against him he tendered his resignation to President Grant, and it was immediately accepted by him. Friends of the Secretary were greatly surprised at this turn of affairs. General W. T. Sherman later wrote that he was surprised to learn that General Belknap was a dishonest man because he had proven to be a brave officer

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34. The letter quoted here was written by General W. B. Hazen, who, for a part of this period, was stationed at Fort Sill as commander of the Sixth Regiment of Cavalry.

during the period of the Civil War.<sup>35</sup> Notwithstanding the Secretary's resignation, however, the trial started after considerable time had been spent in trying to determine whether or not Congress had jurisdiction in the case. Indeed, the nature of the trial was to determine the jurisdiction of the Senate, rather than impeachment proceedings.

The testimony bearing on the case brought out that under a circular letter of the War Department of August 22, 1867, departmental commanders were authorized to grant unlimited permission to post traders to open their establishments on military reservations for trading purposes in order to accommodate the soldiers, settlers, and Indians who could not readily travel to distant towns for such purposes. In accordance with this regulation John S. Evans secured permission to establish a trading-post at Fort Sill. He met with such a large measure of success in his operations that he made extensive improvements by way of additional housing facilities, a varied stock of goods, etc. Just at the time that he was planning a more comprehensive trading program, he was told that it would be necessary for him to secure a new permit from the Secretary of War since Section 22 of the army appropriation bill for July 15, 1870, had transferred the right of making such appointments from the post commanders to the Secretary of War. In compliance with this advice Evans applied to Secretary Belknap for said right, stating in his application that he had recently spent \$80,000 in making improvements, buying new goods, etc., believing at the time that his tradership was of a permanent character, and that to vacate his position at this time would bring financial ruin on him.<sup>36</sup> Accompanying this letter was an endorsement from all the officers, including a special recommendation from General Grierson, commanding at the post at that time.<sup>37</sup>

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35. *Memoirs of General W. T. Sherman*, II, 454.

36. *Proceedings*, etc. 455.

37. *Ibid.* The names of nineteen officers were affixed to the endorsement, ranging in rank from Second Lieutenant to Brevet Lieutenant-Colonel. This made

Some time before Belknap received this application, Mrs. Belknap had visited in the home of Caleb P. Marsh, a New York merchant, and formed a close friendship with Mrs. Marsh. While here she became ill and was forced to remain in the home of her friend for some time. Feeling under obligations to them, Mrs. Belknap suggested to Marsh that he apply for a post tradership in the West as such positions were quite lucrative. Her host was at first hesitant about accepting such an offer, but when Mrs. Belknap insisted, telling him that it was in the power of her husband to confer such rights, he promised that if she would use her influence with the Secretary he would apply.<sup>38</sup> This she agreed to do, and upon her return to Washington she importuned Secretary Belknap to issue the tradership. This he readily promised, and Marsh was then invited to come to Washington and make his application.

At the time the tradership of the New York merchant was pending the Secretary also had before him the request of Evans for reappointment. It does not appear from the testimony in the case that the Secretary and Marsh attempted to force the trader to pay a bribe for a renewal of his contract, but it was revealed that it was because of the suggestion of the former that the latter approached Evans for the purpose of making some kind of a satisfactory agreement concerning the tradership.<sup>39</sup>

In negotiations with the trader—now thoroughly alarmed over the prospects of losing his concession—Marsh

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the attitude of the Secretary of War all the more suspicious in his dismissal of Evans. This was not the first time, however, that Belknap had dismissed a post trader. Mr. Ward, a post trader at Fort Laramie, was removed shortly before this time, and in this act the Secretary took unto himself authority which belonged to General Sherman. The latter immediately wrote a stinging letter to Belknap in which he informed him in no uncertain terms that he had transgressed on his authority. When the right to appoint traders was transferred to the Secretary, he again dismissed Ward. For details of this affair, see *Memoirs of General W. T. Sherman*, II, 455.

38. *Proceedings*, etc., 769.

39. *Ibid.* The charge of the prosecution was that since the Secretary had been informed by Evans that he had invested \$80,000 in improvements, etc., he deliberately used this leverage on him to extort a bribe.

demanded \$20,000 per year for the vacation of his rights. Evans would not agree to pay this much; so, after considerable debate over terms, his rival agreed to accept \$12,000 annually, with the understanding that such amount was to be paid in equal quarterly installments.<sup>40</sup> As a result of this agreement, Evans was to remain at the post, having all the rights going with that office. Marsh then withdrew his own name as a candidate for appointment, and recommended that the Secretary retain the original trader, which was done a short time later.

Upon the receipt of the first payment from Evans, in accordance with their agreement, Marsh sent to Mrs. Belknap \$1,500, or one-half of it, but in December of the same year, 1870, Mrs. Belknap died and after this time the payments were made to the Secretary of War. Marsh testified before the committee investigating the charges, that these payments were continued for a period of eighteen months or two years and then were reduced to \$6,000 as a result of withdrawal of troops from the fort.<sup>41</sup>

In the trial of the Secretary the Senate finally voted that it had no jurisdiction, and he was allowed to go free. The testimony presented, however, proved beyond a reasonable doubt that had the Secretary not resigned when he did, impeachment proceedings would have debarred him from further holding office. As to what extent he was guilty in connection with the traders' irregular activities at the other posts was not brought out in the Senate trial. He was charged, however, with accepting gifts from many of these.

In conclusion it is not too much to say that the unlawful practices of the traders and agents of the West had much to do with the unsettled relations between the settlers and

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40. The agreement was originally \$15,000 but Evans became alarmed upon rumors that forces at the post were to be reduced, so the final understanding was that the annual sum was to be reduced or raised in proportion to the withdrawal or addition of troops at the post.

41. Secretary Belknap later married Mrs. Bower, sister of his deceased wife.

Indians along the frontier. Encouragement given the red men to depredate on the frontier by such disreputable white men made the Indian problem harder to solve than it would have been had the policy of either the Department of War or Department of Interior been carried out without interference. In his greed for exploitation the dishonest trader closed his eyes to the scenes of horror incident to the Indians' practices of murder and theft along the frontier. Indeed, the trader who encouraged such warfare against the settlers was more responsible for the consequences than the wild savage who only lived up to his barbaric code of morals.